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CITY OF CAPE TOWN

CONSTITUTION OF THE TRANSPORT AND URBAN DEVELOPMENT AUTHORITY FOR CAPE TOWN BY-LAW, 2016

CITY OF CAPE TOWN**CONSTITUTION OF THE TRANSPORT AND URBAN DEVELOPMENT AUTHORITY FOR
CAPE TOWN BY-LAW, 2016**

To amend the Constitution of Transport for Cape Town By-law so as to amend the Preamble; to amend definitions; to insert new definitions; to change the name of the transport authority; and to provide for new functions.

Preamble

WHEREAS section 156(2) of the Constitution provides that a Municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer;

WHEREAS part B of Schedule 4 and part B of Schedule 5 to the Constitution set out the local government matters that a Municipality has the right to administer;

WHEREAS the allocation of responsibility for land transport matters in the City is shared between the City, the Province and the national Department of Transport;

WHEREAS in order to effectively carry out its transport functions, including any such functions that may be assigned to it from time to time, the City established a transport authority within the City as a governance structure by which all such transport functions are to be collated so as to facilitate Integrated Transport for the benefit of the citizens of and visitors to Cape Town and such transport authority is TCT and its functions shall be as set out in this By-law;

WHEREAS pursuant to section 11 of the NLTA, a Municipality may have certain functions assigned to it;

WHEREAS in response to the requirements of the NLTA, the City is required to improve the provision of transport services and to set standards which will change the way in which transport infrastructure, services, operations and systems are implemented and managed;

WHEREAS the City may exercise its powers in terms of sections 12 and 19 respectively of the NLTA, the relevant provisions of the Roads Ordinance, the National Road Traffic Act and the Urban Transport Act, and any other relevant Integrated Transport related legislation and regulations and TCT is the body through which these powers are discharged;

WHEREAS the City wishes to extend the functions of TCT to include Urban Development for the benefit of the citizens of Cape Town;

WHEREAS TCT shall become the transport and urban development authority for the City and shall be known as TDA Cape Town;

WHEREAS the City wishes TDA to develop the City's strategy of together, which is to reverse the effects of apartheid through the social, economic and spatial transformation of the City; and

WHEREAS the City may exercise its Urban Development powers in terms of SPLUMA, LUPA, the Planning By-law, the Housing Act, the National Building Act, the Housing Rental Act, NEMA, the Social Housing Act, NHRA and any other relevant Urban Development related legislation and regulations and TDA shall be the body through which these powers are discharged;

AND NOW THEREFORE, BE IT ENACTED by the Council of the City of Cape Town, as follows:

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GENERAL PROVISIONS

Definitions

1. In this By-law, unless the context indicates otherwise:

"Built Environment Performance Plan" or **"BEPP"** means the annual built environment performance plan for the City as contemplated in the Division of Revenue Act in force at the time in question;

"City" means the municipality established by the City of Cape Town Establishment Notice, No 479 of 22 September 2000, issued in terms of the Structures Act, or any structure or employee of that municipality acting in terms of delegated authority;

"Commissioner" means the person appointed by the Council to be the commissioner of TDA and whose appointment shall be made in terms of section 57 of the Systems Act;

"Committee" means a section 79 Structures Act committee;

"Constitution" means the Constitution of the Republic of South Africa, 1996;

"Contracting Authority" means a Municipality to which the contracting authority function has been assigned in terms of the NLTA, and whose responsibilities are set out in section 4;

"Council" means the municipal council of the City established by Provincial Notice, No 479 of 2000, issued in terms of section 12 of the Structures Act and includes any committee or official carrying out any duty or function, or exercising any power in terms of this By-law;

"Director" means any holder of the post of director (whether full or part time, temporary or permanent) in the City;

"District SDF" means a spatial development framework for a specified geographical area within the City, as contemplated in section 11 of the Planning By-law;

"Enforcement" means the responsibilities set out in section 8;

"Executive Mayor" means the executive mayor of the City elected in terms of section 55 of the Structures Act;

"Financial Year" means 1 July to 30 June (inclusive);

"Function" means any of the following functions to be performed through TDA:

- (a) Transport Planning Authority;
- (b) Contracting Authority;

- (c) Municipal Regulatory Entity;
- (d) TDA Business Management;
- (e) Investment Management;
- (f) Enforcement;
- (g) Liaison, Communication and Stakeholder Management;
- (h) Infrastructure Management;
- (i) Network Operations Management;
- (j) Urban Planning;
- (k) Human Settlements; and
- (l) Urban Sustainability;

"Functional Area" means the area of the City, together with the areas of such other Municipalities with whom the City has a transport planning relationship;

"Housing Act" means the Housing Act, No 107 of 1997;

"Human Settlements" means the facilitation of the provision of habitable, stable, sustainable and integrated residential environments with access to socio-economic opportunities, and the other responsibilities set out in section 11B;

"Human Settlements plans" means the plans to be developed, implemented, managed and reviewed by the Commissioner in terms of subsection 11B(2);

"Infrastructure Management" means the responsibilities set out in section 10;

"Integrated Development Plan" or **"IDP"** means the City's integrated development plan adopted in terms of chapter 5 of the Systems Act;

"Integrated Public Transport Network" or **"IPTN"** means the integrated public transport network for land transport for the City in terms of section 11 of the NLTA;

"Integrated Transport" means the infrastructure, including Stormwater Infrastructure, operations and systems of all land transport modes and their related networks (road based and, where applicable, rail), including public transport, private car, non-motorised transport and freight, together with the systems that enable the connectivity, interoperability and intermodality on and of such land transport modes and their related networks;

"Integrated Transport Plan" or "ITP" means an integrated transport plan for the City as contemplated in section 36 of the NLTA;

"Intermodal Planning Committee" means the intermodal planning committee established in terms of section 15 of the NLTA and which is to have the responsibilities given to it by this By-law;

"Investment Management" means the responsibilities set out in section 7;

"IUDF" means the Integrated Urban Development Framework Implementation Plan prepared by the Department: Cooperative Governance and Traditional Affairs from time to time;

"Land Transport Advisory Board" means the land transport advisory board established in terms of section 16 of the NLTA and which is to have the responsibilities given to it by this By-law;

"Land Use" shall have the meaning given to it in Planning By-law;

"Liaison, Communication and Stakeholder Management" means the responsibilities set out in section 9;

"LUPA" means the Western Cape Land Use Planning Act, No 3 of 2014;

"Mayoral Committee" means the mayoral committee of the City elected in terms of section 60 of the Structures Act;

"Mayoral Committee Member for TDA" means the member of the Mayoral Committee assigned by the Executive Mayor to TDA;

"MEC" means the member of the Executive Council of the Province who is responsible for transport in the Province;

"Minister of Human Settlements" means the Minister responsible for human settlements in the national sphere of government;

"Minister of Transport" means the Minister responsible for transport in the national sphere of government;

"MRE Committee" means the Municipal Regulatory Entity committee referred to in section 5(4);

"Municipal Entity" means a municipal entity as defined in section 1 of the Systems Act;

"Municipal Finance Management Act" means the Local Government: Municipal Finance Management Act, No 56 of 2003;

"Municipality" includes all types of municipalities contemplated in section 155 of the Constitution;

"Municipal Land Transport Fund" means a fund established in terms of section 27 of the NLTA;

"Municipal Planning Tribunal" means the municipal planning tribunal referred to in section 114 of the Planning By-law;

"Municipal Regulatory Entity" means a Municipality to which the operating licence function has been assigned in terms of the NLTA, and whose responsibilities are set out in section 5;

"National Accreditation Framework" means the National Accreditation Framework for Municipalities to Administer National Housing Programmes, as determined from time to time by the Minister of Human Settlements;

"National Development Plan" or **"NDP"** means the National Development Plan 2030;

"National Building Act" means the National Building Regulations and Building Standards Act, No 103 of 1977;

"National Road Traffic Act" means the National Road Traffic Act, No 93 of 1996;

"NEMA" means the National Environmental Management Act, No 107 of 1998;

"Network Operations Management" means the responsibilities set out in section 11;

"NHRA" means the National Heritage Resources Act, No 25 of 1999;

"NLTA" means the National Land Transport Act, No 5 of 2009;

"Non-Member" means any operator operating in the City who is not a member of an Operator Association;

"Operating Licence Administrative System" or **"OLAS"** means the operating licence administrative system and which is to be used to manage the function of the Municipal Regulatory Entity;

"Operating Licence Strategy" or **"OLS"** means the operating licence strategy set out in the ITP and which is to be used to manage the function of the Municipal Regulatory Entity;

"Planning By-law" means the City of Cape Town Municipal Planning By-law, 2015;

"Portfolio Manager" means any holder of the post of portfolio manager (whether full or part time, temporary or permanent) in TDA;

"PRASA" means the Passenger Rail Agency of South Africa established in terms of section 23 of the Legal Succession to the South African Transport Services Act, No 9 of 1989;

"Province" means the Provincial Government of the Western Cape;

"Rental Housing Act" means the Rental Housing Act, No 50 of 1999;

"Roads Ordinance" means the Roads Ordinance, No 19 of 1976;

"SDF" means the spatial development framework for the City as contemplated in section 35 of the Systems Act, and chapter 4 of SPLUMA;

"Social Housing Act" means the Social Housing Act, No 16 of 2008;

"SPLUMA" means the Spatial Planning and Land Use Management Act, No 16 of 2013;

"Stormwater Infrastructure" means those parts of the City's stormwater network and sea walls that are integral to the City's road or rail network;

"strategy of together" means the City's vision and intent to reverse the effects of apartheid through the implementation of TOD in Integrated Transport and Urban Development so as to bring about the social, economic and spatial transformation of the City, to be developed in terms of this By-law;

"Structures Act" means the Local Government: Municipal Structures Act, No 117 of 1998;

"Systems Act" means the Local Government: Municipal Systems Act, No 32 of 2000;

"System of Delegations" means the City's system of delegations developed in terms of section 59 of the Systems Act and as amended from time to time;

"TCT" means Transport for Cape Town, the City's transport authority;

"TDA" means TDA Cape Town, the City's transport and urban development authority;

"TDA Business Management" means the responsibilities set out in section 6;

"TDA Portfolio Committee" means the committee established by the Council in terms of section 79 of the Structures Act to have oversight of the performance of TDA;

"TDA's Carbon Footprint" means the amount of carbon dioxide released into the atmosphere as a result of the activities of TDA;

"TIC" means the City's Transport Information Centre;

"TMC" means the City's Transport Management Centre;

"Transit Oriented Development" or **"TOD"** means changing, developing and stimulating the built form of a city through the development of land, transport and related infrastructure, and the densification and intensification of land use, in such a way that the movement patterns of people and goods are optimised to create urban efficiencies and to drive poverty reduction, social equality and economic growth;

"Transport Planning Authority" means the function of a planning authority (as planning authority is defined in the NLTA), and whose responsibilities are set out in section 3;

"Urban Development" means the social, cultural, environmental, economic and physical development, and management of, a city, including Urban Planning, the development of Human Settlements and the implementation of Urban Sustainability;

"Urban Planning" means the City's process relating to the design, development and management of land within the urban environment so as to address growth and urbanisation efficiently and effectively, and the other responsibilities set out in section 11A;

"Urban Sustainability" means the management of natural resources, the conservation of the City's heritage and the management of the performance of the Functions so as to ensure in each case resource efficiency and the mitigation of climate change, and the other responsibilities set out in section 11C;

"Urban Sustainability Strategy" means the strategy for the provision and management of Urban Sustainability for the City;

"Urban Transport Act" means the Urban Transport Act, No 78 of 1977; and

"Vehicle Operator Association" means any vehicle operator association in relation to any on demand public transport service operating in the City.

Establishment and functions of TDA

2. (1) Subject to subsection (2), the Council hereby establishes a transport and urban development authority, to be known as TDA, within the City, as a governance structure by which all the Functions shall be collated so as to facilitate Integrated Transport and Urban Development for the benefit of the citizens of and visitors to Cape Town.
- (2) TDA shall not be a separate juristic person and in particular shall not be a Municipal Entity and:

- (a) TDA shall remain in all respects part of the City and the City's governance and reporting structures; and
 - (b) the Commissioner shall not acquire any functions or powers except those lawfully granted and delegated to the Commissioner within the System of Delegations.
- (3)
- (a) TDA shall be headed by the Commissioner.
 - (b) The Council may delegate to the Commissioner such powers in relation to the performance of the Functions of TDA to enable the Commissioner to be responsible for the Functions, within the System of Delegations.
 - (c) The exercise of any delegated authority conferred by the Commissioner under this By-law or otherwise is subject to:
 - (i) any restrictions imposed by or in accordance with law;
 - (ii) all other provisions of this By-law; and
 - (iii) all other applicable policies, procedures and by-laws.
 - (d) To the extent permitted or required by law, the Commissioner shall, subject to the required authority and/or delegation being obtained, enter into such memoranda of agreement on behalf of the Council with any or all of the national sphere, including state-owned enterprises, or provincial sphere of government or other Municipalities in order to carry out the Functions performed through TDA.
- (4) The Commissioner shall be responsible for the development and implementation of the City's strategy of together.
- (5) The Commissioner shall be responsible and accountable for:
- (a) the performance of the Functions having regard to the NDP and the IUDF;
 - (b) the setting and implementation of the City's strategy for delivering Integrated Transport and Urban Development; and
 - (c) the implementation of TOD,
- for the benefit of the citizens of and visitors to Cape Town.
- (6) In this By-law, any words preceding "include", "includes" and "including" shall be construed without limitation by the words which follow those words.

SPECIFIC FUNCTIONS OF TDA

Transport Planning Authority

- 3.** (1) The Commissioner shall be responsible for implementing section 14 (Planning authorities), section 15 (Intermodal planning committees), section 16 (Land transport advisory boards), sections 31 to 39 (Transport planning) (inclusive) of the NLTA, together with all other sections of the NLTA relevant to the activities of a planning authority (as defined in the NLTA).
- (2) The Commissioner shall develop, implement, manage and review the ITP for the City and shall ensure that the ITP:
- (a) complies with all law and regulations on the contents, manner and form of the ITP;
 - (b) sets out the functional parameters for each Function as it relates to Integrated Transport and the obligations and standards that each Function is required to meet;
 - (c) requires each Function to report regularly to the TDA Business Management Function on the progress and achievements against such obligations and standards referred to in subsection (2)(b);
 - (d) sets out how the Commissioner shall:
 - (i) administer the awarding and management of contracts to be entered into by the City as the Contracting Authority, subject to the City's Supply Chain Management Policy;
 - (ii) set out in the Operating Licence Strategy how he or she intends to regulate the operating licences to be granted by the City as the Municipal Regulatory Entity (and the Commissioner shall ensure that such Operating Licence Strategy complies with the Constitution, the NLTA, the Municipal Finance Management Act, the Systems Act and the IDP); and
 - (iii) develop and maintain the City's transport infrastructure and related facilities; and
 - (e) is inclusive of the IPTN.
- (3) The standards that each Function is required to meet as referred to in subsection (2)(b) shall, on certain issues, including universal access, specialised services, freight and non-motorised transport, be drawn from the sector plans forming part of the ITP.
- (4) The Commissioner shall ensure that the ITP for the City is aligned to the corresponding IDP for the City.

- (5) The Commissioner shall establish and maintain suitable means to ensure that the Transport Planning Authority Function interfaces with the Municipal Regulatory Entity in relation to all matters relating to the planning of the IPTN and to all relevant obligations under the NLTA, including section 57 of the NLTA in particular.
- (6) The Commissioner shall provide comments and directions based on the ITP to all relevant regulatory bodies in connection with any application for the granting, renewal, amendment or transfer of an operating licence that relates to the City and/or its Functional Area in terms of section 55 and other relevant provisions of the NLTA.
- (7) The Commissioner shall, on behalf of the City as the Transport Planning Authority, respond to all Land Use applications in the City that have a potential transport and traffic impact and in particular the extent to which they are aligned with the ITP, taking into account their related traffic impact, travel demand management and cost, and having regard to the application of the City's Development Charges Policy for Engineering Services.
- (8) The Commissioner shall provide such information, analysis and advice to the Intermodal Planning Committee and the Land Transport Advisory Board as shall be required from time to time.
- (9) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Transport Planning Authority Function to the TDA Business Management Function.

Contracting Authority

4. (1) The Commissioner shall be responsible for implementing section 40 (Integration of bus contract system into larger public transport system), section 41 (Negotiated contracts), section 42 (Subsidised service contracts), section 43 (Commercial service contracts), section 44 (Requirements to qualify as tenderer for commercial or subsidised service contracts), section 45 (Involvement of Municipalities in public transport services) and section 46 (Existing contracting arrangements) of the NLTA, together with all other sections of the NLTA relevant to the activities of a Municipality as a contracting authority (as defined in the NLTA).
- (2) The Commissioner shall:
 - (a) by reference to the ITP (including the IPTN), establish the standards, operational parameters, service specifications (including provision for the repair, maintenance and replacement of transport assets being provided by or on behalf of public transport service providers), (subject to section 7(4)(c)) tariffs, payment regimes and the interface of the operators with the City's transport network for all contracts to be awarded and managed by the City as the Contracting Authority in terms of the NLTA;
 - (b) prepare and maintain the contract documentation for all the contracts referred to in subsection (2)(a) and administer the process of appointing public transport service providers for such contracts, together with such

support service providers, to provide monitoring, information management, facilities management, advertising and automated fare collection services as may be necessary or desirable;

- (c) establish and maintain a system for monitoring the service delivery and performance standards which relate to the contracts referred to in subsection (2)(a); and
 - (d) provide details to the TDA Business Management Function of the performance of all public transport service providers under the contracts referred to in subsection (2)(a).
- (3) The Commissioner shall be responsible for monitoring:
- (a) the maintenance and safety standards of all scheduled public transport vehicles, whether or not such vehicles are owned by the City; and
 - (b) compliance by the operators of such scheduled public transport vehicles in relation to any qualifications, licences and certificates required for the drivers of such vehicles,
- in each case in accordance with all applicable law, regulations and any contracts awarded to such operators of such scheduled public transport vehicles by the Commissioner on behalf of the City.
- (4) The Commissioner shall ensure effective and efficient financial management and provide subsidy management support, including by:
- (a) processing contract claims;
 - (b) entering claims into the subsidy management system;
 - (c) completing financial documents for payments;
 - (d) communicating with operators regarding payment; and
 - (e) providing weekly and monthly expenditure reports.
- (5) The Commissioner shall ensure that the City is at all times compliant with the reporting and other information requirements of the Division of Revenue Act in force at the time in question.
- (6) The Commissioner shall establish and maintain suitable means to ensure that the City's Function as Contracting Authority interfaces with the City's Functions as Transport Planning Authority and Municipal Regulatory Entity respectively in relation to the IPTN and to all relevant obligations under the NLTA.
- (7) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Contracting Authority Function to the TDA Business Management Function.

Municipal Regulatory Entity

5. (1) The Commissioner shall be responsible for implementing sections 17 to 19 (inclusive) and sections 47 to 84 (inclusive) of the NLTA, together with all other sections of the NLTA relevant to the activities of a Municipality as a regulatory entity (in terms of the NLTA).
- (2) The Commissioner shall be responsible for the operating licences for those persons wishing to undertake an intraprovincial service that either takes place in the City or starts in the City and also takes place in the area of another Municipality, as contemplated by section 54(2) of the NLTA.
- (3) The Commissioner shall be responsible for the smooth running of day to day operations in all operational areas, including the existing functions of land transport and rail transport (primarily buses, minibus taxis and railways) and public transport safety and security.
- (4) The MRE Committee shall fulfil the following functions on behalf of the City, as the Municipal Regulatory Entity:
- (a) the granting, transferring, amendment and renewal of operating licences;
 - (b) the amendment of operating licences resulting from the replacement of a vehicle;
 - (c) the temporary replacement of a vehicle on an operating licence;
 - (d) the conversion of permits to operating licences;
 - (e) the duplication of operating licences;
 - (f) the provision of temporary permits for special events;
 - (g) the withdrawal, suspension or amendment of an operating licence; and
 - (h) the enforcement of legal parameters and penalties, including making appropriate inspections of public transport vehicles and their related certification,
- and (subject to subsection (5)) the Commissioner shall, on behalf of the City as the Municipal Regulatory Entity, exercise such functions in accordance with the requirements, comments and directions of the Transport Planning Authority and in particular the Operating Licence Strategy, and not in contravention of any policy of the Council.
- (5) In order to exercise such functions referred to in subsection (4), the Council shall appoint an MRE Committee that shall comprise a minimum of three persons (including the chairperson) with an appropriate range of skillsets.

- (6) The decisions of the MRE Committee in exercising such functions referred to subsection (4) shall be independent of the Council.
- (7) All appeals against or in connection with any decision made by the MRE Committee in exercise of the functions referred to in subsection (4) shall be made to the Transport Appeal Tribunal in terms of section 92 of the NLTA.
- (8) The Commissioner shall ensure that the MRE Committee:
 - (a) follows such procedures in order to carry out its functions as the Council shall specify from time to time;
 - (b) keeps up to date records in the Operating Licence Administrative System of the exercise of such functions referred to in subsection (4);
 - (c) reports to the Council on the exercise of such functions at such intervals as the Council may require; and
 - (d) publishes appropriate details of the exercise of such functions on TDA's website at such intervals as the Council deems fit.
- (9) Subject to any restriction or requirement imposed by law, the Commissioner may, if he or she deems fit, include information on the following in the Operating Licence Administrative System:
 - (a) particulars of Operator Associations and their members;
 - (b) particulars of Non-Members; and
 - (c) where appropriate, particulars of the routes operated by the Operator Associations and Non-Members, the description of which routes are to correlate with those in the ITP.
- (10) The Commissioner shall use the information referred to in subsection (9), together with the ITP and IPTN, to manage the Operator Associations in such manner as he or she deems fit.
- (11) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Municipal Regulatory Entity Function to the TDA Business Management Function.

TDA Business Management

- 6.** (1) The Commissioner shall be responsible for establishing, managing and maintaining a central system for collating information and data from all the Functions and shall support such Functions interfacing with each other.
- (2) The Commissioner shall be responsible for the collation, communication, dissemination, maintenance and replacement of data related to all the Functions and the maintenance, upgrading and replacement of the information systems and technology that in each case support all the Functions.

- (3) The Commissioner shall:
- (a) be responsible for the creation and maintenance of a website for TDA across all the Functions;
 - (b) in accordance with the Council's policy, publish details on such website of the performance of TDA against its targets across all the Functions on a quarterly basis;
 - (c) subject to the prior approval of the Council as to the level of detail and format, publish details of the performance of all public transport service providers under the contracts referred to in section 4(2)(a) at such intervals as the Commissioner deems fit from time to time (and no further approval of the Council shall be required for each such publication of such details of performance, provided that the publication complies with the level of detail and format so approved by the Council); and
 - (d) develop and establish a database of all stakeholders, together with appropriate fora, to enable communication with the Commissioner on all Integrated Transport and Urban Development related matters.
- (4) The Commissioner shall create links to the datasets within other directorates of the City and integrate the data with the Integrated Transport and Urban Development related data in order to discharge his or her obligations under this section 6.
- (5) The Commissioner shall develop community engagement and customer relations processes (which shall be aligned to the City's public participation processes) so as to ensure that TDA's performance is focused on facilitating Integrated Transport and Urban Development for the benefit of the citizens of and visitors to Cape Town.
- (6) (a) The Commissioner shall, as soon as possible after the end of each Financial Year, publish a report for inclusion as a separate chapter in the Council's annual report on the performance of TDA during that Financial Year.
- (b) The report referred to in subsection (6)(a) shall set out details of:
- (i) the contribution made by TDA towards the implementation of the IDP;
 - (ii) the performance of TDA against, amongst others, the ITP, SDF, BEPP, and Human Settlements plans; and
 - (iii) the performance of TDA against its targets across all the Functions and in particular the performance of the Municipal Land Transport Fund during that Financial Year.

- (c) The report referred to in subsection (6)(a) shall include such information as the Executive Mayor may from time to time specify in writing with respect to any matter the report is required to deal with by virtue of subsection (6)(b).
 - (d) The Commissioner shall keep a copy of any report made under this subsection (6) available for the appropriate period for inspection by any person on request free of charge at the principal offices of the City at reasonable hours.
 - (e) The "appropriate period" in the case of a report made under this subsection (6) is the period of three years beginning with the date of publication of such report.
- (7) The Commissioner shall establish an electronic centralised best practice database to record all relevant historic Integrated Transport and Urban Development related information and publications in order to achieve a single point of resource.
 - (8) The Commissioner shall establish, maintain, operate and manage a training academy which is to provide comprehensive training services to TDA's own personnel and to relevant external stakeholders in relation to Integrated Transport and Urban Development, in order to ensure continuous improvement across all the Functions.

Investment Management

- 7.** (1) The Commissioner shall be responsible for implementing section 27 (Municipal land transport funds), section 28 (Public transport user charges), section 29 (Minister may provide funds for land transport) and section 30 (MEC may provide funds for land transport) of the NLTA.
- (2) The Commissioner shall (subject always to the Municipal Finance Management Act) be responsible for all finance matters across all the Functions.
- (3) The Commissioner shall be responsible for establishing and maintaining a Municipal Land Transport Fund in terms of sections 27 and 28 of the NLTA.
- (4) The Commissioner shall subject always to the Municipal Finance Management Act:
 - (a) be responsible for operating an integrated financial management system and any other similar improvements that he or she may deem necessary and viable;
 - (b) be responsible for the overall coordination of the budget process for TDA and for making recommendations to the relevant Portfolio Committee or Budget Steering Committee of the City for submission to the Council as part of the Council's overall budgeting process, all of which shall be in accordance with the due process of the Council and the Municipal Finance Management Act;

- (c) propose tariffs and charges in respect of Integrated Transport and Urban Development related matters to the Council for approval, the Commissioner having first assessed the appropriate level of such tariffs and charges by means of a cost benefit analysis by all the relevant Functions within the parameters of the Municipal Land Transport Fund;
 - (d) facilitate such international, national or provincial grants as may be appropriate to support the carrying out of the Functions;
 - (e) be responsible for the facilitation and costing of funding and revenue mechanisms for Integrated Transport and Urban Development and, in particular, for the costing of all major projects and programmes that form part of the ITP, Human Settlement plans, SDF and BEPP, having regard to both the cost of initial investment and the need for long term management.
 - (f) be responsible for all revenue generation activities across all the Functions;
 - (g) be responsible for integrated fare management including:
 - (i) the development and implementation of an integrated ticketing system for public transport, including the Europay, Mastercard and VISA (EMV) card and billing system, as well as for parking, park and ride, dial-a-ride, events management, specialised services and bicycle hire services;
 - (ii) the establishment, roll out and management of the automated fare collection system; and
 - (iii) the establishment and management of the automated public transport management system;
 - (h) be responsible for providing assurance as to probity across all Functions relating to their contracting and procurement activities; and
 - (i) continually strive to improve all areas of interoperability and the effectiveness, efficiency and economic viability of Integrated Transport and related infrastructure for the benefit of the citizens of and visitors to Cape Town.
- (5) The Commissioner shall explore and (where available on reasonable commercial terms) secure funding (whether by means of carbon trading or otherwise) from time to time so as to implement the programmes and projects to reduce TDA's Carbon Footprint as referred to in section 11C(3).
- (6) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Investment Management Function to the TDA Business Management Function.

Enforcement

- 8.** (1) The Commissioner shall be responsible for implementing sections 85 to 91 (inclusive) of the NLTA.
- (2) The Commissioner shall be responsible for the enforcement of the National Road Traffic Act insofar as it relates to public transport enforcement.
- (3) The Commissioner shall be responsible for enforcing safety in relation to the use of the City's public transport (including road and, where applicable, rail) network and related infrastructure and facilities.
- (4) The Commissioner shall make appropriate use of the TMC and TIC and related technology, and shall work with other relevant agencies and stakeholders in order to discharge his or her responsibilities under this section 8.
- (5) The Commissioner shall provide such traffic management and enforcement services in terms of its public transport enforcement and safety plan as the Council shall determine from time to time.
- (6) The Commissioner shall, in relation to Integrated Transport and Urban Development, provide to relevant enforcement agencies intelligence services, as well as such enforcement administrative services and other enforcement related services as the Council shall determine from time to time.
- (7) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Enforcement Function to the TDA Business Management Function.

Liaison, Communication and Stakeholder Management

- 9.** (1) The Commissioner shall establish and maintain procedures and management practices in order to ensure the effective and efficient liaison and communication with all identified stakeholders.
- (2) The Commissioner shall include in the procedures and management practices referred to in subsection (1) appropriate initiatives to enable the successful and sustainable transition and empowerment of the minibus taxi industry according to the parameters identified by the Council from time to time.
- (3) The Commissioner shall be responsible for the internal, external and international communication relating to the Functions to ensure that the citizens of and visitors to Cape Town are well-informed and satisfied with TDA's performance, as measured by a programme of continuous monitoring of customer satisfaction, including by means of readily available public information on performance against targets and service levels published by the TDA Business Management Function.

- (4) The Commissioner shall communicate and interface with the public through all appropriate means of communication and, in relation to public transport operational matters, through the TIC.
- (5) The Commissioner shall assist the Mayoral Committee Member for TDA in connection with any dealings with the media that he or she may require.
- (6) The Commissioner shall, subject to the required authority being obtained, enter into appropriate memoranda of agreement where relevant, on behalf of the City, with stakeholders relating to Integrated Transport and Urban Development.
- (7)
 - (a) The Commissioner shall, by using the website, database and other fora for communication with stakeholders referred to in section 6(3)(d), make available such information as he or she deems fit which:
 - (i) relates to the Integrated Transport and Urban Development services which are being provided for the benefit of the citizens of and visitors to Cape Town;
 - (ii) is needed by members of the general public to assist in deciding how they will make best use of such services; and
 - (iii) informs the general public as to the processes and procedures relating to all the Functions that must be followed in order for the general public to make and pursue applications for licences, permissions, permits, authorisations and other consents that are to be issued by or behalf of TDA.
 - (b) Such information referred to in subsection (7)(a) shall be made available, in accordance with the provisions of the Systems Act, to:
 - (i) the general public; and
 - (ii) such other persons as the Commissioner deems fit.
 - (c) The Commissioner may make such charges in accordance with the approved Council tariffs from time to time for any information which it makes available, but no such charge may be made if the information relates to public passenger transport services provided exclusively by TDA.
- (8) The Commissioner shall:
 - (a) establish, on behalf of the Council, an Intermodal Planning Committee in accordance with section 15 of the NLTA in order to:
 - (i) coordinate public transport between modes, Integrated Transport and Urban Development, and between stakeholders so as to achieve the objects of the NLTA; and

- (ii) enable the participation of appropriate Urban Development stakeholders on such Intermodal Planning Committee on matters relating to Integrated Transport, Urban Development and TOD;
 - (b) chair the Intermodal Planning Committee and ensure that the membership of the Intermodal Planning Committee complies with section 15(1) of the NLTA and includes appropriate Urban Development stakeholders;
 - (c) ensure that the Intermodal Planning Committee reports to and consults regularly with the Land Transport Advisory Board and the Commissioner shall report to the Council as and when the matters being so reported or consulted on relate to the activities of TDA;
 - (d) ensure that the Intermodal Planning Committee coordinates input and direction into the holistic integration of:
 - (i) rail passenger services in the Functional Area with road based public transport services;
 - (ii) scheduled services, minibus taxi-type services and unscheduled services in the Functional Area with each other and with other public transport (including rail) modes;
 - (iii) the ITP so as to ensure that the optimal use of infrastructure and services within the system and optimal utilisation and prioritisation of funds, including freight transport and non-motorised transport, is achieved; and
 - (iv) the roles, responsibilities and interrelationships of all relevant Integrated Transport and Urban Development stakeholders; and
 - (e) ensure that the Intermodal Planning Committee establishes at least such sub committees, which may comprise rail, bus, taxi, land use and land transport enforcement sub committees, as the Intermodal Planning Committee deems fit.
- (9) The Commissioner shall:
- (a) establish, on behalf of the Council, the Land Transport Advisory Board in accordance with section 16 of the NLTA and with representation from government and the private sector to advise the Commissioner in relation to all inter-stakeholder matters relating to Integrated Transport and Urban Development;
 - (b) ensure that the Land Transport Advisory Board complies with any regulations made from time to time by the Minister of Transport in relation to the membership of the Land Transport Advisory Board, the appointment and qualifications for membership, procedures and frequency of meetings, and related matters; and

- (c) require that the Land Transport Advisory Board:
 - (i) receives input from the Intermodal Planning Committee; and
 - (ii) makes strategic policy recommendations to the Council and other relevant decision making bodies in relation to Integrated Transport and Urban Development matters as referred to in subsections (8)(e) and (f),

all of which shall be in the furtherance of Integrated Transport and Urban Development in the city.

- (10) The Mayoral Committee Member for TDA shall chair the Land Transport Advisory Board and the chairperson of the TDA Portfolio Committee shall be the deputy chairperson of the Land Transport Advisory Board.
- (11) The inclusion of stakeholders relating to Urban Development on the Intermodal Planning Committee and Land Transport Advisory Board respectively and the consideration of issues relating to Urban Development by the Intermodal Planning Committee and/or Land Transport Advisory Board as contemplated by this section 9 shall be to the extent permitted by law only.
- (12) The Commissioner shall take all necessary steps to develop and roll out TDA's brand and its supporting logos and architecture to the intent that the brand of TDA fully supports the Functions.
- (13) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Liaison, Communication and Stakeholder Management Function to the TDA Business Management Function.

Infrastructure Management

- 10.** (1) The Commissioner shall be responsible for the planning, design, costing, construction, maintenance, replacement, extension and upgrading of all the City's Integrated Transport and Urban Development infrastructure and related facilities.
- (2) The Commissioner shall be responsible as and shall perform all the functions of the road authority under the Roads Ordinance for all public roads and public paths (as such public roads and public paths are defined in the Roads Ordinance) in the City and shall, to the extent necessary, make such further applications under the Roads Ordinance in order to take up such responsibility.
- (3) The Commissioner shall establish, manage and maintain an asset register of the City's Integrated Transport and Urban Development infrastructure and related facilities, as referred to in subsection (1).
- (4) In particular, the Commissioner shall ensure that the asset register referred to in subsection (3) shall record the following information:

- (a) the location of the assets referred to in subsection (3);
 - (b) the classification and definition of such assets;
 - (c) the age of such assets;
 - (d) the lifecycle costs of maintaining such assets and in particular the costs of deferring the maintenance of such assets; and
 - (e) the quantification of such assets and the financial value of such assets.
- (5) In making decisions as to the maintenance of the assets as referred to in subsection (4), the Commissioner shall reach an appropriate balance between planned and reactive maintenance so as to ensure the long term and cost effective sustainability of such assets, as well as considering appropriate business planning scenarios to support the Commissioner's decisions to invest strategically in such assets as he or she shall consider to be of high importance.
- (6) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Infrastructure Management Function to the TDA Business Management Function.

Network Operations Management

- 11.** (1) The Commissioner shall be responsible for the planning, design, costing, management, operation and oversight of all activities on the Integrated Transport network and related infrastructure and facilities in the City and in particular the IPTN, including the operation of:
- (a) the traffic signalling systems;
 - (b) the bus and minibus taxi (BMT) lanes;
 - (c) the traffic management cameras;
 - (d) parking management;
 - (e) the freeway management system;
 - (f) transport plans in relation to events management;
 - (g) abnormal loads and transport of dangerous goods procedures;
 - (h) the TMC and the TIC;
 - (i) communication systems, the comprehensive databank and TDA's information systems and technology, all of which shall be located at and managed from the TMC;
 - (j) communication facilities at all major public transport facilities, interchanges and on the Integrated Transport network and related infrastructure and facilities;

- (k) the integrated timetabling of all public transport services;
 - (l) road closures;
 - (m) the granting of wayleaves; and
 - (n) the relevant rail infrastructure, network and related facilities.
- (2) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Network Operations Management Function to the TDA Business Management Function.

Urban Planning

- 11A.** (1) The Commissioner shall be responsible for implementing Urban Planning in accordance with SPLUMA, LUPA, the Planning By-law and all other legislation and regulations relevant to Urban Planning.
- (2) Subject to subsection (1) and the Planning By-law, the Commissioner shall develop, implement, manage and review the SDF and such District SDFs as may be required by the City from time to time, in accordance with TOD.
- (3) The Commissioner shall **administratively** support all land development decisions made by the Municipal Planning Tribunal, as well as such land development decisions made under delegated authority, be carried out in accordance with:
- (a) the procedures in and requirements of the Planning Bylaw; and
 - (b) the SDF and District SDFs,
- so as to further the implementation of TOD.
- (4) The Commissioner shall have regard to the comments from all relevant internal and external stakeholders in relation to all Land Use applications, including the Land Use applications referred to in section 3(7).
- (5) The Commissioner shall ensure that all building development permitted by Urban Planning shall be required to comply with the National Building Act.
- (6) The Commissioner shall, in accordance with the Planning By-law and, where relevant, SPLUMA, enforce all **unlawful** Land Uses.
- (7) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Urban Planning Function to the TDA Business Management Function.

Human Settlements

- 11B.** (1) The Commissioner shall be responsible for implementing Human Settlements in accordance with the Housing Act, the Rental Housing Act, the Social Housing Act and all other legislation and regulations relevant to Human Settlements.

- (2) The Commissioner shall develop, implement, manage and review Human Settlements plans for the City and shall ensure that such Human Settlements plans shall:
 - (a) comply with all law, regulations on the contents and structure of such Human Settlements plans;
 - (b) set out the functional parameters for each Function as it relates to Urban Development and Human Settlements and the obligations and standards that each Function is required to meet;
 - (c) ensure that all housing design and materials to be used shall be economically viable, sustainable and efficient;
 - (d) have regard to the SDF and align with the IPTN; and
 - (e) ensure the further implementation of TOD.
- (3) In terms of subsection (2), the Commissioner shall prioritise the provision of Human Settlements as a key element of the performance by TDA of the Functions so as to address efficiently and effectively the demand arising from population growth and urbanisation, including:
 - (a) prioritising all issues relating to security of tenure;
 - (b) implementing all TDA's identified catalytic housing projects, as determined by the Minister of Human Settlements and the BEPP from time to time;
 - (c) prioritising the development of Human Settlements with TDA's identified grant funding and relevant funding from the City;
 - (d) achieving the Level Three Accreditation (Financial Administration) as referred to in the National Accreditation Framework; and
 - (e) facilitating the provision of multiple housing types, densities, designs and related tenures, including social housing, rental stock and inclusionary housing, so as to address the City's housing backlog in accordance with the City's housing waiting list,

in accordance with TOD.
- (4) The Commissioner shall prioritise the implementation of operational and capital investment that addresses and delivers Human Settlements across the City.
- (5) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Human Settlements Function to the TDA Business Management Function.

Urban Sustainability

- 11C.** (1) The Commissioner shall be responsible for implementing Urban Sustainability in accordance with NEMA, the NHRA, and all other legislation and regulations relevant to Urban Sustainability.
- (2) The Commissioner shall develop, implement, manage and review the Urban Sustainability Strategy for the City and shall ensure that such Urban Sustainability Strategy shall:
- (a) comply with all law, regulations and applicable guidance on the contents and structure of such Urban Sustainability Strategy;
 - (b) set out the functional parameters as it relates to Urban Sustainability and the obligations and standards that each Function is required to meet; and
 - (c) determine the parameters, targets, tools and resources to give effect to efficient, effective and economically viable:
 - (i) environmental management;
 - (ii) resource conservation, efficiency and management;
 - (iii) climate change management and mitigation;
 - (iv) biodiversity;
 - (v) management of the City's heritage; and
 - (vi) coastal management; and
 - (d) ensure the further implementation of TOD.
- (3) The Commissioner shall develop, manage and review TDA's Carbon Footprint in relation to all of the Functions, and shall identify and implement such programmes and projects in order to reduce TDA's Carbon Footprint and to improve Integrated Transport and Urban Development for the benefit of citizens of and visitors to Cape Town as he or she thinks fit.
- (4) The Commissioner shall prioritise the implementation of operational and capital investment that addresses and delivers Urban Sustainability across the City.
- (5) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Urban Sustainability Function to the TDA Business Management Function.

MISCELLANEOUS

General functions of TDA

- 12.** (1) The Commissioner may promote and administer the carrying out of any activities which he or she has power to carry out, whether such power is conferred by statute, this By-law or delegated by the Council and, to the extent permitted by law, the Commissioner shall, subject to the required authority being obtained, be entitled to appoint such staff, agents and contractors as he or she thinks fit or is required to appoint by the Council to carry out such activities that the Commissioner has power to carry out.
- (2) The Commissioner may subject to the required authority being obtained enter into and carry out any agreement with any person for the carrying out by that person, whether as agent for the City or otherwise, of any activities which the Commissioner has power to carry out and, in particular, with respect to the provision or financing of any services relating to Integrated Transport and/or Urban Development which the City has power to provide, subject to due process being followed.
- (3) To the extent permitted by law, it shall be within the capacity of the Commissioner, subject to the required authority being obtained, to do such things and enter into such transactions as are calculated to facilitate, or are conducive or incidental to, the discharge of any of the Functions.

Agreements with the Province and adjacent Municipalities

- 13.** Subject to the prior approval of the Council, the Commissioner may enter into such agreements with the Province or adjacent Municipalities in terms of section 12 and 19 of the NLTA.

Short title

- 14.** This By-law is called the City of Cape Town: Constitution of the Transport and Urban Development Authority for Cape Town By-law, 2016."

STAD KAAPSTAD

VERORDENING OP DIE SAMESTELLING VAN DIE VERVOER- EN STEDELIKE- ONTWIKKELINGSOWERHEID VIR KAAPSTAD, 2016

STAD KAAPSTAD**VERORDENING OP DIE SAMESTELLING VAN DIE VERVOER- EN STEDELIKEONTWIKKELINGSOWERHEID VIR KAAPSTAD, 2016**

Om die Verordening op die Samestelling van Vervoer vir Kaapstad te wysig om sodoende die aanhef te wysig; omskrywings te wysig; nuwe omskrywings in te voeg; die naam van die vervoerowerheid te verander; en vir nuwe funksies voorsiening te maak.

Aanhef

AANGESIEN artikel 156(2) van die Grondwet bepaal dat 'n munisipaliteit verordeninge kan uitvaardig en administreer vir die doeltreffende administrasie van die aangeleenthede wat hy die reg het om te administreer;

AANGESIEN deel B van Bylae 4 en deel B van Bylae 5 by die Grondwet die plaaslike regerings-aangeleenthede uiteensit wat 'n munisipaliteit die reg het om te administreer;

AANGESIEN die toewysing van verantwoordelikheid vir landvervoeraangeleenthede in die Stad deur die Stad, die Provinsie en die nasionale Departement van Vervoer gedeel word;

AANGESIEN die Stad, ten einde sy vervoerfunksies, met inbegrip van enige sodanige funksies wat van tyd tot tyd aan hom opgedra kan word, doeltreffend uit te voer, 'n vervoerowerheid binne die Stad as bestuurstruktuur ingestel het waaronder al sodanige funksies saamgevoeg gaan word met die oog daarop om geïntegreerde vervoer tot voordeel van die burgers van en besoekers aan Kaapstad te fasiliteer en sodanige vervoerowerheid TCT is en sy funksies daar sal uitsien soos in hierdie verordening uiteengesit;

AANGESIEN sekere funksies moontlik ingevolge artikel 11 van die NLTA aan 'n munisipaliteit toegewys kan word;

AANGESIEN daar in reaksie op die vereistes van die NLTA van die Stad vereis word om die voorsiening van vervoerdienste te verbeter en om standaarde neer te lê ter verandering van die wyse waarop vervoerinfrastruktuur, -dienste, -bedrywigheede en -stelsels geïmplementeer en bestuur word;

AANGESIEN die Stad sy magte, onderskeidelik opgedra kragtens artikels 12 en 19 van die NLTA, die tersaaklike bepalings van die Ordonnansie op Paaie, die Wet op Nasionale Padverkeer en die Wet op Stedelike Vervoer, en enige ander tersaaklike geïntegreerde vervoer-verwante wetgewing en regulasies mag uitvoer en TCT die liggaam is waardeur hierdie funksies vervul word;

AANGESIEN die Stad die funksies van TCT wil uitbrei om stedelike ontwikkeling tot voordeel van die burgers van Kaapstad in te sluit;

AANGESIEN TCT die vervoer- en stedelikeontwikkelingsowerheid vir die Stad gaan word en as TDA Kaapstad bekend sal staan;

AANGESIEN die Stad wil hê TDA moet die Stad se saamspanstrategie ontwikkel wat die uitwerking van apartheid op die maatskaplike, ekonomiese en ruimtelike transformasie van die Stad moet omkeer;

AANGESIEN die Stad sy stedelikeontwikkelingsmagte ingevolge SPLUMA, LUPA, die Beplanningsverordening, die Wet op Behuising, die Nasionale Bouwet, die Huurbehuisingswet, NEMA, die Wet op Maatskaplike Behuising, NHRA en enige ander tersaaklike stedelikeontwikkelingsverwante wetgewing en regulasies kan uitoefen en TDA die liggaam moet wees waardeur hierdie funksies vervul word; en

WORD DAAR DUS HIERMEE as volg deur die Raad van die Stad Kaapstad VERORDEN:

INHOUDSOPGAWE

ALGEMENE BEPALINGS

1. Omskrywings
2. Instelling en funksies van TDA

SPESIFIEKE FUNKSIES VAN TDA

3. Vervoerbeplanningsowerheid
4. Kontrakterende owerheid
5. Munisipale regulatoriese entiteit
6. TDA-sakebestuur
7. Beleggingsbestuur
8. Toepassing
9. Skakeling, kommunikasie en belanghebbberbestuur
10. Infrastruktuurbestuur
11. Netwerkbedryfbestuur
12. Stedelike beplanning
13. Menslike nedersettings
14. Stedelike volhoubaarheid

ALLERLEI

15. Algemene funksies
16. Ooreenkomste met die Provinsie en aangrensende munisipaliteite

17. Kort titel

ALGEMENE BEPALINGS**Omskrywings**

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken —

"adviesraad oor landvervoer" die adviesraad oor landvervoer wat ingevolge artikel 16 van die NLTA ingestel is en wat die verantwoordelikhede sal hê wat deur hierdie verordening aan hom gegee word;

"bedryfslisensiestrategie" of **"OLS"** bedryfslisensiestrategie wat in die ITP uiteengesit word en wat gebruik word om die funksie van die munisipale regulatoriese entiteit te bestuur;

"Behuisingswet" die Behuisingswet (Wet 107 van 1997);

"beleggingsbestuur" die verantwoordelikhede soos in artikel 7 uiteengesit;

"Beplanningsverordening" die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015;

"burgemeesterskomitee" die burgemeesterskomitee van die Stad wat ingevolge artikel 60 van die Strukturewet verkies is;

"burgemeesterskomiteelid vir TDA" die lid van die burgemeesterskomitee wat deur die uitvoerende burgemeester aan TDA toegewys is;

"delegasiestelsel" die Stad se delegasiestelsel wat ingevolge artikel 59 van die Stelselswet ontwikkel is en soos van tyd tot tyd gewysig;

"Direkteur" 'n bekleër van die amp van direkteur (hetsy voltyds of deelyds, tydelik of permanent) in die Stad;

"Distrik-ROR" 'n raamwerk vir ruimtelike ontwikkeling vir 'n gespesifiseerde geografiese gebied binne die Stad, soos beoog in artikel 11 van die Beplanningsverordening;

"finansiële jaar" 1 Julie tot en met 30 Junie;

"funksie" enige van die volgende funksies wat deur TDA verrig moet word:

- (a) Vervoerbeplanningsowerheid;
- (b) Kontrakterende owerheid;
- (c) Munisipale regulatoriese entiteit;
- (d) TDA-sakebestuur;
- (e) Beleggingsbestuur;
- (f) Toepassing;

- (g) Skakeling, kommunikasie en belanghebbestuur;
- (h) Infrastrukturbestuur;
- (i) Netwerkbedryfbestuur;
- (j) Stedelike beplanning;
- (k) Menslike nedersettings; en
- (l) Stedelike volhoubaarheid;

"funksionele gebied" die gebied van die Stad, tesame met die gebiede van sodanige ander munisipaliteite met wie die Stad 'n verhouding ten opsigte van vervoerbeplanning het;

"geïntegreerde ontwikkelingsplan" of **"GOP"** die Stad se geïntegreerde ontwikkelingsplan wat ingevolge hoofstuk 5 van die Stelselwet goedgekeur is;

"geïntegreerde openbare vervoernetwerk" of **"IPTN"** die geïntegreerde openbare vervoernetwerk vir landvervoer vir die Stad ingevolge artikel 11 van die NLTA;

"geïntegreerde vervoer" die infrastruktuur, met inbegrip van stormwaterinfrastruktuur, bedryf en stelsels van alle landvervoermodusse en hulle verwante netwerke (padgebaseer en, waar van toepassing, spoor), met inbegrip van openbare vervoer, privaat motor, niegemotoriseerde vervoer en vrag, tesame met die stelsels wat die konektiwiteit, interbedryfbaarheid en intermodaliteit op en van sulke landvervoermodusse en hulle verwante netwerke moontlik maak;

"geïntegreerde vervoerplan" of **"ITP"** 'n geïntegreerde vervoerplan vir die Stad soos beoog in artikel 36 van die NLTA;

"grondgebruik" die betekenis wat in die Beplanningsverordening daaraan gegee is;

"Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1996;

"GSOR" die implementeringsplan vir die geïntegreerde stedelikeontwikkelingsraamwerk van tyd tot tyd deur die departement: samewerkende regering en tradisionele sake opgestel;

"infrastrukturbestuur" die verantwoordelikhede soos in artikel 10 uiteengesit;

"intermodale beplanningskomitee" die intermodale beplanningskomitee wat kragtens artikel 15 van die NLTA ingestel is en wat die verantwoordelikhede het wat deur hierdie verordening aan hom gegee word;

"komitee" 'n artikel 79-Strukturewetkomitee;

"Kommissaris" die persoon wat deur die Raad aangestel is om as kommissaris van die TDA te dien en wie se aanstelling ingevolge artikel 57 van die Stelselwet moet geskied;

"kontrakterende owerheid" 'n munisipaliteit aan wie die funksie van kontrakterende owerheid kragtens die NLTA toegewys is en wie se verantwoordelikhede in artikel 4 uiteengesit word;

"LUPA" die Wes-Kaapse Wet op Grondgebruikbeplanning (Wet 3 van 2014);

"LUR" die lid van die uitvoerende raad van die Provinsie wat vir vervoer in die Provinsie verantwoordelik is;

"menslikenederssettingsplanne" die planne wat ingevolge subartikel 11B(2) deur die kommissaris ontwikkel, geïmplementeer, bestuur en hersien moet word;

"menslike nedersettings" die fasilitering van die voorsiening van bewoonbare, stabiele, volhoubare en geïntegreerde residensiële omgewings met toegang tot sosio-ekonomiese geleenthede, en die ander verantwoordelikhede wat in artikel 11B uiteengesit word;

"minister van menslike nedersettings" die minister verantwoordelik vir menslike nedersettings in die nasionale regeringsfeer;

"minister van vervoer" die minister verantwoordelik vir vervoer in die nasionale regeringsfeer;

"MRE-komitee" die munisipale regulatoriese entiteitskomitee waarna in artikel 5(4) verwys word;

"munisipale beplanningstribunaal" die munisipale beplanningstribunaal waarna in artikel 114 van die Beplanningsverordening verwys word;

"munisipale entiteit" 'n munisipale entiteit soos in artikel 1 van die Stelselwet omskryf;

"munisipale landvervoerfonds" 'n fonds wat ingevolge artikel 27 van die NLTA ingestel is;

(1) **"munisipale regulatoriese entiteit"** 'n munisipaliteit aan wie die bedryfslisensie-funksie ingevolge die NLTA opgedra is en wie se verantwoordelikhede in artikel 5 uiteengesit word;

"munisipaliteit" alle tipes munisipaliteite wat in artikel 155 van die Grondwet beoog word;

"Nasionale Akkrediteringsraamwerk" die nasionale akkrediteringsraamwerk vir munisipaliteite om nasionale behuisingsprogramme te administreer, soos van tyd tot tyd deur die minister van menslike nedersettings bepaal;

"Nasionale Bouwet" die Wet op Nasionale Bouregulasies en Boustandaarde (Wet 103 van 1977);

"Nasionale Ontwikkelingsplan" of **"NOP"** die Nasionale Ontwikkelingsplan 2030;

"NEMA" die Wet op Nasionale Omgewingsbestuur (Wet 107 van 1998);

"netwerkbedryfsbestuur" die verantwoordelikhede soos in artikel 11 uiteengesit;

"NHRA" die Wet op Nasionale Erfenishulpbronne (Wet 25 van 1999);

"nie-lid" 'n operateur wat in die Stad werksaam is wat nie 'n lid van 'n operateursvereniging is nie;

"NLTA" die Wet op Nasionale Landvervoer (Wet 5 van 2009);

"Ordonnansie op Paaie" die Ordonnansie op Paaie, no. 19 van 1976;

"portefeuljebestuurder" 'n bekleër van die amp van portefeuljebestuurder (hetsy voltyds of deelyds, tydelik of permanent) in TDA;

"PRASA" die Passasierspooragentskap van Suid-Afrika ingestel ingevolge artikel 23 van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste (Wet 9 van 1989);

"prestasieplan vir beboude omgewing" of **"BEPP"** die jaarlikse prestasieplan vir beboude omgewing vir die Stad soos beoog in die Wet op die Verdeling van Inkomste van krag op die betrokke tydstop;

"Provinsie" die provinsiale regering van die Wes-Kaap;

"Raad" die munisipale raad van die Stad ingestel deur Provinsiale Kennisgewing no. 479 van 2000, uitgereik ingevolge artikel 12 van die Strukturewet, en sluit in enige komitee of amptenaar wat enige plig of funksie vervul of enige bevoegdheid ingevolge hierdie verordening uitoefen;

"ROR" die raamwerk vir ruimtelike ontwikkeling vir die Stad soos beoog in artikel 35 van die Stelselwet en hoofstuk 4 van SPLUMA;

"saamspanstrategie" die Stad se visie en voorneme wat ingevolge hierdie verordening ontwikkel gaan word om die uitwerking van apartheid om te keer deur die TOD in geïntegreerde vervoer en stedelike ontwikkeling te implementeer om die maatskaplike, ekonomiese en ruimtelike transformasie van die Stad teweeg te bring;

"skakeling, kommunikasie- en belanghebbestuur" die verantwoordelikhede soos in artikel 9 uiteengesit;

"SPLUMA" die Wet op Ruimtelike Beplanning en Grondgebruikbestuur (Wet 16 van 2013);

"Stad" die munisipaliteit ingestel deur die Stad Kaapstad Stigtingskennisgewing no. 479 van 22 September 2000, uitgereik ingevolge die Strukturewet, of enige struktuur of werknemer van die munisipaliteit wat kragtens gedelegeerde gesag optree;

"stedelike beplanning" die Stad se proses met betrekking tot die ontwerp, ontwikkeling en bestuur van grond binne die stedelike omgewing om die groei en verstedeliking doeltreffend en effektief te hanteer, en die ander verantwoordelikhede in artikel 11A uiteengesit;

"stedelike ontwikkeling" die maatskaplike, kulturele, omgewings-, ekonomiese en fisiese ontwikkeling en bestuur van 'n stad, met inbegrip van stedelike beplanning, die ontwikkeling van menslike nedersettings en die implementering van stedelike volhoubaarheid;

"stedelike volhoubaarheid" die bestuur van natuurlike hulpbronne, die bewaring van die Stad se erfenis en die bestuur van die prestasie van die funksies om in elke geval hulpbrondoeltreffendheid en versagting van klimaatsverandering te verseker, en die ander verantwoordelikhede in artikel 11C uiteengesit;

"stedelike volhoubaarheidsstrategie" die strategie vir die voorsiening en bestuur van stedelike volhoubaarheid vir die Stad;

"stelsel vir die administrasie van bedryfslisensies" of **"OLAS"** die administratiewe stelsel vir bedryfslisensies en wat gebruik word om die funksie van die munisipale regulatoriese entiteit te bestuur;

"Stelselwet" die Plaaslike Regering: Wet op Munisipale Stelsels (32 van 2000);

"stormwaterinfrastruktuur" daardie dele van die Stad se stormwaternetwerk en seewerings wat 'n integrale deel van die Stad se pad- of spoornetwerk uitmaak;

"Strukturewet" die Plaaslike Regering: Wet op Munisipale Strukture (Wet 117 van 1998);

"TCT" Vervoer vir Kaapstad, die Stad se vervoerowerheid;

"TDA" TDA Kaapstad, die Stad se vervoer- en stedelikeontwikkelingsowerheid;

"TDA-portefeuljekomitee" die komitee wat deur die Raad ingevolge artikel 79 van die Strukturewet ingestel is om oor die prestasie van die TDA toesig te hou;

"TDA-sakebestuur" die verantwoordelikhede in artikel 6 uiteengesit;

"TDA se koolstofvoetspoor" die hoeveelheid koolstofdiksied wat as gevolg van die TDA se aktiwiteite in die atmosfeer vrygestel word;

"TIC" die Stad se vervoerinligtingsentrum;

"TMC" die Stad se vervoerbestuursentrum;

"toepassing" die verantwoordelikhede wat in artikel 8 uiteengesit word;

"uitvoerende burgemeester" die uitvoerende burgemeester van die Stad wat ingevolge artikel 55 van die Strukturewet verkies is;

"vervoerbeplanningsowerheid" die funksie van 'n beplanningsowerheid (soos beplanningsowerheid in die NLTA omskryf is) en wie se verantwoordelikhede in artikel 3 uiteengesit word;

"vervoergeoriënteerde ontwikkeling" of **"TOD"** verandering, ontwikkeling en stimulering van die bouvorm van 'n stad deur die ontwikkeling van grond, vervoer en verwante infrastruktuur, en die verdigting en intensifisering van grondgebruik, op so 'n manier dat die bewegingspatrone van mense en goedere geoptimaliseer word met die oog op stedelike doeltreffendheid en om stukrag aan armoedevermindering, maatskaplike gelykheid en ekonomiese groei te gee;

"voertuigoperateursvereniging" enige voertuigoperateursvereniging wat in verband staan met enige openbare vervoerdiens wat op aanvraag in die Stad bedryf word;

"Wet op Huurbehuising" die Wet op Huurbehuising (Wet 50 van 1999);

"Wet op Maatskaplike Behuising" die Wet op Maatskaplike Behuising (Wet 16 van 2008);

"Wet op Munisipale Finansiële Bestuur" die Plaaslike Regering: Wet op Munisipale Finansiële Bestuur (Wet 56 van 2003);

"Wet op Nasionale Padverkeer" die Wet op Nasionale Padverkeer (Wet 93 van 1996); en

"Wet op Stedelike Vervoer" die Wet op Stedelike Vervoer (Wet 78 van 1977).

Instelling en funksies van TDA

2. (1) Onderworpe aan subartikel (2), stig die Raad hiermee 'n owerheid vir vervoer en stedelike ontwikkeling, wat as TDA bekend sal staan, binne die Stad as 'n regeringsbestuurstruktuur waaronder al die funksies saamgevoeg moet word ten einde geïntegreerde vervoer en stedelike ontwikkeling tot voordeel van die burgers van en besoekers aan Kaapstad te fasiliteer.
- (2) TDA moet nie 'n afsonderlike regspersoon wees nie en moet veral nie 'n munisipale entiteit wees nie en –
 - (a) TDA bly in alle opsigte deel van die Stad se bestuur- en verslagdoeningstrukture; en
 - (b) die kommissaris bekom nie enige funksies of magte behalwe dié wat regmatig binne die delegasiestelsel aan die kommissaris gegee en gedelegeer word nie.
- (3) (a) Die kommissaris staan aan die hoof van TDA.

- (b) Die Raad kan sodanige magte vir die verrigting van die funksies van TDA delegeer soos wat nodig geag word om die kommissaris in staat te stel om verantwoordelik vir die funksies te wees, binne die delegasiestelsel.
 - (c) Die uitoefening van enige gedelegeerde gesag wat die kommissaris kragtens hierdie verordening of andersins opdra, is onderworpe aan –
 - (i) alle ander beperkings wat deur of in ooreenstemming met wetgewing opgelê word;
 - (ii) alle ander bepalings van hierdie verordening; en
 - (iii) alle ander toepaslike beleide, prosedures en verordeninge.
 - (d) Tot die mate waartoe regtens toegelaat of vereis word, moet die kommissaris, onderworpe daaraan dat die nodige magtiging en/of delegasie verleen word, sodanige aktes van ooreenkoms namens die Raad met enige of alle nasionale sferes, met inbegrip van ondernemings wat aan die staat behoort, of provinsialeregeringsfere of ander munisipaliteite aangaan ten einde die funksies te verrig wat deur TDA uitgevoer word.
- (4) Die kommissaris is verantwoordelik vir die ontwikkeling en implementering van die Stad se saamspanstrategie.
- (5) Die kommissaris is verantwoordelik en verantwoordbaar vir –
- (a) die verrigting van die funksies met inagneming van die NOP en die GSOR;
 - (b) die vasstelling en implementering van die Stad se strategie vir die lewer van geïntegreerde vervoer en stedelike ontwikkeling; en
 - (c) die implementering van TOD,
- tot voordeel van die burgers van en besoekers aan Kaapstad.
- (6) In hierdie verordening moet enige woorde wat “insluit”, “sluit in”, “insluitende” en “met inbegrip van” voorafgaan, vertolk word sonder beperking deur die woorde wat op hierdie woorde volg.

SPESIFIEKE FUNKSIES VAN TDA

Vervoerbeplanningsowerheid

3. (1) Die kommissaris is verantwoordelik vir die implementering van artikel 14 (beplanningsowerhede), artikel 15 (intermodale beplanningskomitees), artikel 16 (adviesrade vir landvervoer) en artikels 31 tot 39 (vervoerbeplanning) (inklusief) van die NLTA, tesame met alle ander afdelings van die NLTA wat betrekking het op die aktiwiteite van 'n beplanningsowerheid (soos omskryf in die NLTA).

- (2) Die kommissaris moet die ITP vir die Stad ontwikkel, bestuur en hersien en moet verseker dat die ITP –
 - (a) aan alle wette en regulasies oor die inhoud, aard en vorm van die ITP voldoen;
 - (b) die funksionele parameters vir elke funksie soos wat dit met geïntegreerde vervoer verband hou, uiteensit sowel as die verpligtinge en standarde waaraan elke funksie na verwagting moet voldoen;
 - (c) van elke funksie vereis om gereeld aan die TDA-sakebestuursfunksie verslag te doen oor vordering en prestasies teen sodanige verpligtinge en standarde as waarna in subartikel (2)(b) verwys word;
 - (d) uiteensit hoe die kommissaris –
 - (i) die toekenning en bestuur van kontrakte wat deur die Stad as die kontrakterende owerheid aangegaan word, moet administreer, onderworpe aan die Stad se beleid oor voorsieningskanaalbestuur;
 - (ii) in die bedryfslisensiestrategie moet uiteensit hoe hy of sy van voorneme is om die bedryfslisensies wat deur die Stad as die munisipale regulatoriese entiteit toegestaan moet word, te reguleer (en die kommissaris moet verseker dat sodanige bedryfslisensiestrategie aan die Grondwet, die NLTA, die Wet op Munisipale Finansiële Bestuur, die Stelselwet en die GOP voldoen); en
 - (iii) die Stad se vervoerinfrastruktuur en verwante fasiliteite moet ontwikkel en in stand hou; en
 - (e) die IPTN insluit.
- (3) Die standarde waaraan elke funksie moet voldoen, soos na verwys in subartikel (2)(b), moet, vir sekere kwessies, met inbegrip van universele toegang, gespesialiseerde dienste, vrag en niegemotoriseerde vervoer, gelig word uit die sektorplanne wat deel van die ITP uitmaak.
- (4) Die kommissaris moet verseker dat die ITP vir die Stad ooreenkom met die ooreenstemmende GOP vir die Stad.
- (5) Die kommissaris moet gepaste middele daarstel en handhaaf om koppelvlakke tussen die vervoerbeplanningsoverheidfunksie en die munisipale regulatoriese entiteit te verseker ten opsigte van alle aangeleenthede wat verband hou met die beplanning van die IPTN en met alle tersaaklike verpligtinge wat onder die NLTA ressorteer, met insluiting van artikel 57 van die NLTA in die besonder.
- (6) Die kommissaris moet alle tersaaklike regulatoriese liggame van kommentaar en aanwysings gebaseer op die ITP voorsien ten opsigte van enige aansoek om die toestaan, hernuwing, wysiging of oordrag van 'n bedryfslisensie wat met die Stad

en/of sy funksionele gebied ingevolge artikel 55 en ander tersaaklike bepalings van die NLTA verband hou.

- (7) Die kommissaris moet, namens die Stad as vervoerbeplanningsowerheid, reageer op alle grondgebruikaansoeke in die Stad wat potensieel 'n impak op vervoer en verkeer kan hê en in die besonder die mate waartoe hulle in ooreenstemming met die ITP is deur ag te slaan op hulle verbandhoudende impak op die verkeer en die bestuur van vervoeraanvraag en -koste sowel as deur te let op die toepassing van die Stad se beleid oor ontwikkelingsheffings vir ingenieursdienste.
- (8) Die kommissaris moet die intermodale beplanningskomitee en die adviesraad oor landvervoer van sodanige inligting, ontledings en advies voorsien as wat van tyd tot tyd benodig word.
- (9) Die kommissaris moet op 'n maandelikse grondslag gepaste data met betrekking tot sy aktiwiteite kragtens hierdie vervoerbeplanningsfunksie aan die TDA-sakebestuursfunksie voorsien.

Kontrakterende owerheid

4. (1) Die kommissaris is verantwoordelik vir die implementering van artikel 40 (integrasie van buskontrakstelsel by groter openbarevervoerstelsel), artikel 41 (onderhandelde kontrakte), artikel 42 (gesubsidieerde dienskontrakte), artikel 43 (kommersiële dienskontrakte), artikel 44 (vereistes om as tenderaar vir kommersiële of gesubsidieerde dienskontrakte te kwalifiseer), artikel 45 (betrokkenheid van munisipaliteite by openbarevervoerdienste) en artikel 46 (bestaande kontrakteringsreëlings) van die NLTA, tesame met alle ander artikels van die NLTA wat betrekking het op die aktiwiteite van 'n munisipaliteit as 'n kontrakterende owerheid (soos omskryf in die NLTA).
- (2) Die kommissaris moet –
 - (a) met verwysing na die ITP (met inbegrip van die IPTN), die standarde, bedryfsparameters, diensspesifikasies (met inbegrip van voorsiening vir die herstel, instandhouding en vervanging van vervoerbates wat deur of namens verskaffers van openbarevervoerdienste voorsien word), onderworpe aan artikel 7(4)(c) tariewe, betalingstelsels en die koppelvlak tussen die operateurs en die Stad se vervoernetwerk daarstel vir alle kontrakte wat deur die Stad as die kontrakterende owerheid ingevolge die NLTA toegeken en bestuur gaan word;
 - (b) die kontrakdokumentasie vir alle kontrakte waarna in subartikel (2)(a) verwys word, voorberei en in stand hou en die proses administreer om verskaffers van openbarevervoerdienste, tesame met sodanige ondersteunende diensverskaffers, vir sodanige kontrakte aan te stel ten einde dienste soos nodig of wenslik ten opsigte van monitering, inligtingsbestuur, fasiliteitebestuur, reklame en die geoutomatiseerde invordering van reisgeld te verskaf;

- (c) 'n stelsel vir die monitering van dienslewering en prestasiestandaarde wat verband hou met die kontrakte waarna in subartikel (2)(a) verwys word, daarstel en in stand hou; en
 - (d) besonderhede oor die prestasie van alle verskaffers van openbarevervoerdienste onder die kontrakte waarna in subartikel (2)(a) verwys word aan die TDA-sakebestuursfunksie verskaf.
- (3) Die kommissaris is verantwoordelik vir die monitering van –
- (a) die instandhouding en veiligheidstandaarde van alle geskeduleerde openbarevervoervoertuie ongeag of sodanige voertuie deur die Stad besit word of nie; en
 - (b) nakoming deur die operateurs van sodanige geskeduleerde openbarevervoervoertuie ten opsigte van enige kwalifikasies, lisensies en sertifikate wat vir die bestuurders van sulke voertuie vereis word,
- in elke geval ooreenkomstig alle toepaslike wette, regulasies en enige kontrakte toegeken deur die kommissaris namens die Stad aan sodanige operateurs van sodanige geskeduleerde openbarevervoervoertuie.
- (4) Die kommissaris moet doeltreffende en doelmatige finansiële bestuur verseker en ondersteuning met die bestuur van subsidies verskaf, insluitend deur –
- (a) kontrakeise te verwerk;
 - (b) eise op die subsidiebestuurstelsel in te voer;
 - (c) finansiële dokumente vir betalings te voltooi;
 - (d) met operateurs oor betaling te kommunikeer; en
 - (e) weeklikse en maandelikse bestedingsverslae te verskaf.
- (5) Die kommissaris moet verseker dat die Stad te alle tye voldoen aan die verslagdoenings- en ander inligtingsvereistes van die Wet op die Verdeling van Inkomste wat op die betrokke tydstip van krag is.
- (6) Die kommissaris moet gepaste middele daarstel en in stand hou om 'n koppelvlak tussen onderskeidelik die Stad se funksie as kontrakterende owerheid en die Stad se funksies as vervoerbeplanningsowerheid en munisipale regulatoriese entiteit ten opsigte van die IPTN en alle tersaaklike verpligtinge onder die NLTA te verseker.
- (7) Die kommissaris moet op 'n maandelikse grondslag gepaste data wat met sy aktiwiteite kragtens hierdie kontrakterende-owerheidsfunksie in verband staan, aan die TDA-sakebestuursfunksie voorsien.

Munisipale regulatoriese entiteit

5. (1) Die kommissaris is verantwoordelik vir die implementering van artikel 17 tot 19 (inklusief) en artikel 47 tot 84 (inklusief) van die NLTA, tesame met alle ander artikels van die NLTA wat betrekking het op die aktiwiteite van 'n munisipaliteit as 'n regulatoriese entiteit (ingevolge die NLTA).
- (2) Die kommissaris is verantwoordelik vir die bedryfslisensies vir dié persone wat 'n intraprovinsiale diens wil onderneem wat óf in die stad plaasvind óf die stad as vertrekpunt het en ook in die gebied van 'n ander munisipaliteit plaasvind, soos in artikel 54(2) van die NLTA beoog.
- (3) Die kommissaris is verantwoordelik vir die gladde verloop van daaglikse bedrywighede op alle bedryfsgebiede, met inbegrip van die bestaande funksies van landvervoer en spoorvervoer (hoofsaaklik busse, minibustaxi's en treine) en die veiligheid en sekuriteit van openbare vervoer.
- (4) Die MRE-komitee moet die volgende funksies namens die Stad, as die munisipale regulatoriese entiteit, vervul:
- (a) die toestaan, oordrag, wysiging en hernuwing van bedryfslisensies;
 - (b) die wysiging van bedryfslisensies wat uit die vervanging van 'n voertuig voortspruit;
 - (c) die tydelike vervanging van 'n voertuig op 'n bedryfslisensie;
 - (d) die omskakeling van permitte na bedryfslisensies;
 - (e) die duplisering van bedryfslisensies;
 - (f) die voorsiening van tydelike permitte vir spesiale geleenthede;
 - (g) die terugtrekking, opskorting of wysiging van 'n bedryfslisensie; en
 - (h) die toepassing van regsparameters en strawwe, insluitend die toepaslike inspektering van openbarevervoervoertuie en verwante sertifisering daarvan,
- en (onderworpe aan subartikel [5]), moet die kommissaris namens die Stad, as munisipale regulatoriese owerheid, sodanige funksies ooreenkomstig die vereistes, opmerkings en aanwysings van die vervoerbeplanningsowerheid en, in die besonder die bedryfslisensiestrategie, en nie strydig met enige beleid van die Raad nie, verrig.
- (5) Ten einde sodanige funksies waarna in subartikel (4) verwys word, uit te oefen, moet die Raad 'n MRE-komitee aanstel wat bestaan uit 'n minimum van drie persone (insluitende die voorsitter) met 'n gepaste stel vaardighede.
- (6) Die besluite van die MRE-komitee met die uitoefening van sodanige funksies waarna in subartikel (4) verwys word, moet onafhanklik van die Raad wees.

- (7) Alle appèlle teen of in verband met enige besluit wat deur die MRE-komitee geneem is in die uitoefening van die funksies waarna in subartikel (4) verwys word, moet ingevolge artikel 92 van die NLTA aan die vervoerappèltribunaal gerig word.
- (8) Die kommissaris moet verseker dat die MRE-komitee –
- (a) sodanige prosedures as wat die Raad van tyd tot tyd spesifiseer, volg ten einde sy funksies uit te oefen;
 - (b) rekords van die uitoefening van sodanige funksies waarna in subartikel (4) verwys word, op die stelsel vir die administrasie van bedryfslisensies bygewerk hou;
 - (c) aan die Raad verslag doen oor die uitoefening van sodanige funksies met sodanige tussenpose as wat die Raad kan vereis; en
 - (d) met tussenpose, soos die Raad nodig ag, gepaste besonderhede oor die uitoefening van sodanige funksies op TDA se webwerf publiseer.
- (9) Onderworpe aan enige beperking of vereiste wat regtens opgelê of gestel word, kan die kommissaris, indien hy of sy dit nodig ag, inligting oor die volgende op die stelsel vir die administrasie van bedryfslisensies insluit:
- (a) besonderhede van operateursverenigings en hulle lede;
 - (b) besonderhede van nie-lede; en
 - (c) waar gepas, besonderhede van die roetes wat deur operateursverenigings en nie-lede bedryf word en die beskrywing van watter roetes met dié in die ITP moet ooreenstem.
- (10) Die kommissaris moet die inligting waarna in subartikel (9) verwys word, tesame met die ITP en IPTN, gebruik om die operateursverenigings te bestuur op 'n wyse wat deur hom of haar gepas geag word.
- (11) Die kommissaris moet op 'n maandelikse grondslag gepaste data wat met sy aktiwiteite kragtens hierdie funksie as munisipale regulatoriese entiteit in verband staan, aan die TDA-sakebestuursfunksie voorsien.

TDA-sakebestuur

6. (1) Die kommissaris is verantwoordelik vir die daarstelling, bestuur en instandhouding van 'n sentrale stelsel vir die samevoeging van inligting en data vanaf al die funksies en moet koppelvlakke tussen sodanige funksies ondersteun.
- (2) Die kommissaris is verantwoordelik vir die samevoeging, kommunikasie, disseminasie, instandhouding en vervanging van data met betrekking tot alle funksies en die instandhouding, opgradering en vervanging van die inligtingstelsels en -tegnologie wat in elke geval al die funksies ondersteun.

- (3) Die kommissaris –
- (a) is verantwoordelik vir die skep en instandhouding van 'n webwerf vir TDA wat al die funksies omvat;
 - (b) moet, in ooreenstemming met die Raad se beleid, op 'n kwartaallikse grondslag besonderhede oor die prestasie van TDA teen sy teikens oor alle funksies heen op sodanige webwerf publiseer;
 - (c) moet, onderworpe aan vooraf goedkeuring deur die Raad ten opsigte van die vlak en formaat van besonderhede, besonderhede oor die prestasie van alle verskaffers van openbarevervoerdienste kragtens die kontrakte waarna in artikel 4(2)(a) verwys word, publiseer met sodanige tussenpose as wat die kommissaris van tyd tot tyd nodig ag (en geen verdere goedkeuring van die Raad word vereis vir elke sodanige publikasie van sodanige besonderhede oor prestasie nie, met dien verstande dat die publikasie voldoen aan die vlak en formaat van besonderhede soos deur die Raad goedgekeur); en
 - (d) moet 'n databasis van alle belanghebbers, tesame met gepaste fora, ontwikkel en daarstel ten einde kommunikasie met die kommissaris oor alle aangeleenthede wat met geïntegreerde vervoer en stedelike ontwikkeling verband hou, moontlik te maak.
- (4) Die kommissaris moet skakels met datastelle binne ander direktorate van die Stad skep en die data met die data wat met geïntegreerde vervoer en stedelike ontwikkeling verband hou, integreer ten einde te voldoen aan sy of haar verpligtinge wat kragtens hierdie artikel 6 opgelê is.
- (5) Die kommissaris moet gemeenskapsbetrokkenheid- en kliënteverhoudingsprosesse (wat in ooreenstemming met die Stad se openbaredeelnameprosesse gebring moet word) ontwikkel om te verseker dat TDA se prestasie toegespits is op die fasilitering van geïntegreerde vervoer en stedelike ontwikkeling tot voordeel van die burgers van en besoekers aan Kaapstad.
- (6) (a) Die kommissaris moet so gou moontlik ná afloop van elke finansiële jaar 'n verslag oor die prestasie van TDA gedurende daardie finansiële jaar publiseer vir insluiting as 'n afsonderlike hoofstuk in die Raad se jaarverslag.
- (b) Die verslag waarna in subartikel (6)(a) verwys word, moet besonderhede rakende die volgende uiteensit:
- (i) die bydrae wat TDA ten opsigte van die implementering van die GOP gemaak het;
 - (ii) die prestasie van TDA teen onder meer die ITP, ROR, BEPP en menslikenedersettingsplanne; en
 - (iii) die prestasie van TDA teen sy teikens oor alle funksies heen en, in die besonder, die prestasie van die munisipale landvervoerfonds gedurende daardie finansiële jaar

- (c) Die verslag waarna in subartikel (6)(a) verwys word, moet sodanige inligting insluit as wat van tyd tot tyd skriftelik deur die uitvoerende burgemeester gespesifiseer kan word ten opsigte van enige aangeleentheid waaroor die verslag uit hoofde van subartikel (6)(b) moet handel.
 - (d) Die kommissaris moet sorg dat 'n afskrif van enige verslag wat kragtens hierdie subartikel (6) voorgelê word vir 'n gepaste tydperk binne redelike ure by die Stad se vernaamste kantore ter insae van enige persoon lê.
 - (e) Die "gepaste tydperk" in die geval van 'n verslag wat kragtens hierdie subartikel (6) voorgelê word, is die tydperk van drie jaar vanaf die datum van publikasie van sodanige verslag.
- (7) Die kommissaris moet 'n elektroniese, gesentraliseerde besteparktykdatabasis daarstel ten einde rekord te hou van alle tersaaklike historiese inligting en publikasies wat op geïntegreerde vervoer en stedelike ontwikkeling betrekking het met die oog op die daarstelling van 'n enkele verwysingspunt.
 - (8) Die kommissaris moet 'n opleidingsakademie daarstel, in stand hou, bedryf en bestuur wat omvattende opleidingsdienste verskaf aan TDA se eie personeel en tersaaklike eksterne belanghebbers wat met geïntegreerde vervoer en stedelike ontwikkeling verband hou, ten einde deurlopende verbetering oor al die funksies heen te verseker.

Investeringsbestuur

- 7. (1) Die kommissaris is verantwoordelik vir die implementering van artikel 27 (munisipale landvervoerfonds), artikel 28 (openbarevervoer-gebruikerheffings), artikel 29 (minister mag fondse vir landvervoer voorsien) en artikel 30 (LUR mag fondse vir landvervoer voorsien) van die NLTA.
- (2) Die kommissaris is (altd onderworpe aan die Wet op Munisipale Finansiële Bestuur) verantwoordelik vir alle finansiële aangeleenthede oor al die funksies heen.
- (3) Die kommissaris is verantwoordelik vir die instelling en instandhouding van 'n munisipale landvervoerfonds ingevolge artikel 27 en 28 van die NLTA.
- (4) Altd onderworpe aan die Wet op Munisipale Finansiële Bestuur, is die kommissaris:
 - (a) verantwoordelik vir die bedryf van 'n geïntegreerde finansiëlebestuurstelsel en enige ander soortgelyke verbeterings wat hy of sy nodig en haalbaar kan ag;
 - (b) verantwoordelik vir die oorhoofse koördinerings van die begrotingsproses vir TDA en om aanbevelings aan die tersaaklike portefeuljekomitee of begrotingsbeheerkomitee te doen vir voorlegging aan die Raad as deel van die Raad se oorhoofse begrotingsproses, wat almal ooreenkomstig die Raad se voorgeskrewe prosedures en die Wet op Munisipale Finansiële Bestuur moet wees;

- (c) daarvoor verantwoordelik om tariewe en heffings ten opsigte van aangeleenthede wat met geïntegreerde vervoer en stedelike ontwikkeling verband hou aan die Raad vir goedkeuring voor te stel, nadat die kommissaris eers die gepaste vlak van sodanige tariewe en heffings geëvalueer het aan die hand van 'n kostevoordeelontleding deur al die tersaaklike funksies binne die parameters van die munisipale landvervoerfonds;
- (d) daarvoor verantwoordelik om sodanige internasionale, nasionale of provinsiale toekennings te fasiliteer as wat gepas kan wees om die uitvoering van die funksies te ondersteun;
- (e) verantwoordelik vir die fasilitering en kosteberekening van befondsing en inkomstemeganismes vir geïntegreerde vervoer en stedelike ontwikkeling en, in die besonder, vir die kosteberekening van alle groot projekte en programme wat deel uitmaak van die ITP, menslikenederssettingsplanne, ROR en BEPP, deur na behore ag te slaan op beide die koste van aanvanklike investering en die behoefte aan langtermynbestuur;
- (f) verantwoordelik vir alle inkomstegenererende aktiwiteite oor al die funksies heen;
- (g) verantwoordelik vir geïntegreerde reisgeldbestuur, met inbegrip van –
 - (i) die ontwikkeling en implementering van 'n geïntegreerde kaartjie-uitreikingstelsel vir openbare vervoer, met inbegrip van die Europay-, Mastercard- en VISA-(EMV-)kaart- en faktureringsstelsel, sowel as vir parkering, parkeer-en-ry, “dial-a-ride”, geleentheidsbestuur, gespesialiseerde dienste en fietsverhuringdienste;
 - (ii) die daarstelling, ontplooiing en bestuur van die geoutomatiseerde stelsel vir die invordering van reisgeld; en
 - (iii) die daarstelling en bestuur van die geoutomatiseerde openbarevervoerbestuurstelsel;
- (h) daarvoor verantwoordelik om oor alle funksies heen eerlikheid ten opsigte van hulle kontrakterende en verkrygingsaktiwiteite te waarborg; en
- (i) daarvoor verantwoordelik om voortdurend daarna te streef om alle terreine van interbedryfbaarheid en die doeltreffendheid, doelmatigheid en ekonomiese haalbaarheid van geïntegreerde vervoer en verwante infrastruktuur te verbeter tot voordeel van die burgers van en besoekers aan Kaapstad.

- (5) Die kommissaris moet van tyd tot tyd veilige befondsing ondersoek en (waar beskikbaar op redelike kommersiële terme) bekom (hetsy by wyse van koolstofverhandeling of andersins) ten einde die programme en projekte te implementeer om TDA se koolstofvoetspoor te verminder soos waarna verwys word in artikel 11C(3).
- (6) Die kommissaris moet op 'n maandelikse grondslag gepaste data wat met sy aktiwiteite kragtens hierdie investeringsbestuursfunksie in verband staan, aan die TDA-sakebestuursfunksie voorsien.

Toepassing

8. (1) Die kommissaris is verantwoordelik vir die implementering van artikel 85 tot 91 (inklusief) van die NLTA.
- (2) Die kommissaris is daarvoor verantwoordelik om die Wet op Nasionale Padvervoer toe te pas in soverre dit met die toepassing van openbare vervoer verband hou.
- (3) Die kommissaris is daarvoor verantwoordelik om veiligheid ten opsigte van die gebruik van die stad se openbarevervoernetwerk (met inbegrip van die pad- en, waar van toepassing, die spoornetwerk) en verwante infrastruktuur en fasiliteite toe te pas.
- (4) Die kommissaris moet gepas gebruik maak van die TMC en TIC en verwante tegnologie, en moet saam met ander tersaaklike agentskappe en belanghebbers werk ten einde sy of haar verantwoordelikhede kragtens hierdie artikel 8 na te kom.
- (5) Die kommissaris moet sodanige verkeersbestuurs- en toepassingsdienste ingevolge sy openbarevervoertoepassings- en veiligheidsplan voorsien as wat die Raad van tyd tot tyd bepaal.
- (6) Die kommissaris moet, wat geïntegreerde vervoer en stedelike ontwikkeling betref, tersaaklike toepassingsagentskappe en intelligensiedienste asook sodanige administratiewe toepassingsdienste en ander toepassingsverwante dienste as wat die Raad van tyd tot tyd bepaal, voorsien.
- (7) Die kommissaris moet op 'n maandelikse grondslag gepaste data wat met sy aktiwiteite kragtens hierdie toepassingsfunksie verband hou, aan die TDA-sakebestuursfunksie voorsien.

Skakeling, kommunikasie en belanghebbestuur

9. (1) Die kommissaris moet prosedures en bestuurspraktyke daarstel en in stand hou ten einde doeltreffende en doelmatige kommunikasie met alle geïdentifiseerde belanghebbers te verseker.

- (2) Die kommissaris moet gepaste inisiatiewe by die prosedures en bestuurspraktyke waarna in subartikel (1) verwys word, insluit om die suksesvolle en volhoubare oorgang en bemagtiging van die minibustaxibedryf te verseker ooreenkomstig die parameters wat van tyd tot tyd deur die Raad geïdentifiseer word.
- (3) Die kommissaris is verantwoordelik vir die interne, eksterne en internasionale kommunikasie wat met die funksies verband hou ten einde te verseker dat die burgers van en besoekers aan Kaapstad goed ingelig en tevrede is met TDA se prestasie, soos gemeet deur 'n program van deurlopende monitering van kliëntetevredenheid, met inbegrip van geredelik beskikbare openbare inligting oor prestasie teen teikens en diensvlakke wat deur die TDA-sakebestuursfunksie gepubliseer is.
- (4) Die kommissaris moet deur alle gepaste kommunikasiemiddele en, ten opsigte van openbarevervoerbedryfsaangeleenthede deur die TIC, met die publiek kommunikeer en skakel.
- (5) Die kommissaris moet die burgemeesterskomiteelid vir TDA, na gelang van sy of haar behoefte, van hulp wees ten opsigte van enige skakeling met die media.
- (6) Die kommissaris moet namens die Stad gepaste memorandumms van ooreenkoms, waar van toepassing, met belanghebbers aangaan ten opsigte van geïntegreerde vervoer en stedelike ontwikkeling, onderworpe aan die verkryging van die nodige magtiging.
- (7) (a) Die kommissaris moet, deur gebruik te maak van die webwerf, databasis en ander fora vir kommunikasie met belanghebbers waarna in subartikel 6(3)(d) verwys word, sodanige inligting as wat hy of sy nodig ag, beskikbaar stel wat—
 - (i) verband hou met die geïntegreerde vervoer- en stedelikeontwikkelingsdienste wat tot voordeel van die burgers van en besoekers aan Kaapstad voorsien word;
 - (ii) deur lede van die algemene publiek benodig word sodat hulle kan besluit hoe hulle die beste gebruik van sodanige dienste kan maak; en
 - (iii) die algemene publiek inlig oor die prosesse en prosedures wat verband hou met al die funksies wat gevolg moet word vir die algemene publiek om aansoeke om lisensies, toestemmings, permitte, magtigings en ander vergunnings wat deur of namens TDA uitgereik gaan word, te doen en op te volg.
- (b) Sodanige inligting as waarna in subartikel (7)(a) verwys word, moet ooreenkomstig die bepalings van die Stelselwet beskikbaar gestel word aan—
 - (i) die algemene publiek; en
 - (ii) sodanige ander persone as wat die kommissaris nodig ag.

- (c) Die kommissaris kan ooreenkomstig die Raad se goedgekeurde tariewe van tyd tot tyd sodanige heffings oplê vir enige inligting wat hy of sy beskikbaar stel, maar geen sodanige heffings mag opgelê word indien die inligting met openbare passasiersvervoerdienste verband hou wat eksklusief deur TDA voorsien word nie.
- (8) Die kommissaris moet –
- (a) namens die Raad 'n intermodale beplanningskomitee instel ooreenkomstig artikel 15 van die NLTA ten einde –
- (i) openbare vervoer tussen modusse, geïntegreerde vervoer en stedelike ontwikkeling en tussen belanghebbers te koördineer met die oog daarop om die doelwitte van die NLTA te behaal; en
- (ii) die deelname van gepaste stedelike ontwikkelingsbelanghebbers aan sodanige intermodale beplanningskomitee oor aangeleenthede wat met geïntegreerde vervoer, stedelike ontwikkeling en TOD verband hou, moontlik maak;
- (b) as voorsitter van die intermodale beplanningskomitee optree en verseker dat die lidmaatskap van die intermodale beplanningskomitee aan artikel 15(1) van die NLTA voldoen en gepaste stedelike ontwikkelingsbelanghebbers insluit;
- (c) verseker dat die intermodale beplanningskomitee gereeld verslag doen aan en oorleg pleeg met die adviesraad oor landvervoer, en die kommissaris moet aan die Raad verslag doen mits en indien die aangeleenthede waarvoor op hierdie manier verslag gedoen word met die aktiwiteite van TDA verband hou;
- (d) verseker dat die intermodale beplanningskomitee insette en leiding koördineer in soverre dit die holistiese integrasie betref van –
- (i) passasierspoordienste in die funksionele gebied met padgebaseerde openbare vervoerdienste;
- (ii) geskeduleerde dienste, minibustaxi-tipe dienste en ongeskeduleerde dienste in die funksionele gebied met mekaar en met ander openbare vervoermodusse (insluitende spoormodusse);
- (iii) die ITP ten einde te verseker dat die optimale gebruik van infrastruktuur en dienste binne die stelsel en optimale benutting en prioritisering van fondse, met inbegrip van vragvervoer en niegemotoriseerde vervoer, behaal word; en
- (iv) die rolle, verantwoordelikhede en interverhoudings van alle tersaaklike geïntegreerde vervoer- en stedelike ontwikkelingsbelanghebbers; en

- (e) verseker dat die intermodale beplanningskomitee ten minste sodanige subkomitees instel, wat uit toepassingssubkomitees vir spoor-, bus-, taxi-, grondgebruik- en landvervoersubkomitees kan bestaan, as wat die intermodale beplanningskomitee nodig ag.
- (9) Die kommissaris moet –
- (a) namens die Raad die adviesraad oor landvervoer instel ooreenkomstig artikel 16 van die NLTA met verteenwoordiging deur die staat- en privaat sektor om die kommissaris van advies te bedien oor alle interbelanghebbere-aangeleenthede wat met geïntegreerde vervoer en stedelike ontwikkeling verband hou;
 - (b) verseker dat die adviesraad oor landvervoer voldoen aan enige regulasies wat van tyd tot tyd deur die minister van vervoer ten opsigte van lidmaatskap van die adviesraad oor landvervoer, die aanstelling en kwalifikasies van lede, prosedures en frekwensie van vergaderings, en verwante aangeleenthede uitgevaardig word; en
 - (c) vereis dat die adviesraad oor landvervoer –
 - (i) insette vanaf die intermodale beplanningskomitee ontvang; en
 - (ii) strategiese beleidsaanbevelings aan die Raad en ander tersaaklike besluitnemingsliggame doen ten opsigte van aangeleenthede verwant aan geïntegreerde vervoer en stedelike ontwikkeling soos waarna in subartikel (8)(e) en (f) verwys word,waarvan almal ter bevordering van geïntegreerde vervoer en stedelike ontwikkeling in die stad moet wees.
- (10) Die burgemeesterskomiteelid vir TDA moet as voorsitter vir die adviesraad oor landvervoer dien en die voorsitter van die TDA-portefeuljekomitee moet as ondervoorsitter vir die adviesraad oor landvervoer dien.
- (11) Die insluiting van belanghebbers ten opsigte van stedelike ontwikkeling in onderskeidelik die intermodale beplanningskomitee en adviesraad oor landvervoer en die oorweging van kwessies wat met stedelike ontwikkeling verband hou deur die intermodale beplanningskomitee en/of adviesraad oor landvervoer soos beoog in hierdie artikel 9, is slegs tot die mate wat regtens toegelaat word.
- (12) Die kommissaris moet alle nodige stappe doen om TDA se handelsmerk en sy ondersteunende logo's en argitektuur te ontwikkel en te ontplooi met die bedoeling dat TDA die funksies ten volle ondersteun.

- (13) Die kommissaris moet op 'n maandelikse grondslag gepaste data wat met sy aktiwiteite kragtens hierdie skakelings-, kommunikasie- en belanghebbendheidsfunksie verband hou, aan die TDA-sakebestuursfunksie voorsien.

Infrastruktuursbestuur

10. (1) Die kommissaris is verantwoordelik vir die beplanning, ontwerp, kosteberekening, konstruksie, instandhouding, vervanging, uitbreiding en opgradering van die Stad se hele geïntegreerde vervoer- en stedelikeontwikkelingsinfrastruktuur en verwante fasiliteite.
- (2) Die kommissaris is verantwoordelik vir en moet al die funksies van die padowerheid kragtens die Ordonnansie op Paaie vir alle openbare paaie en openbare voetpaaie in die stad (openbare paaie en openbare voetpaaie as sulks word in die Ordonnansie op Paaie omskryf) uitvoer en moet, tot die mate wat nodig is, sodanige verdere aansoeke kragtens die Ordonnansie op Paaie doen om sodanige verantwoordelikheid op te neem.
- (3) Die kommissaris moet 'n bateregister van die Stad se geïntegreerde vervoer- en stedelikeontwikkelingsinfrastruktuur en verwante fasiliteite waarna in subartikel (1) verwys word, daarstel, bestuur en in stand hou.
- (4) In die besonder moet die kommissaris verseker dat die bateregister waarna daar in subartikel (3) verwys word, die volgende inligting aanteken:
- (a) die ligging van die bates waarna in subartikel (3) verwys word;
 - (b) die klassifikasie en omskrywing van sodanige bates;
 - (c) die ouderdom van sodanige bates;
 - (d) die lewensikluskoste van die instandhouding van sodanige bates en in die besonder die koste daarvan om die instandhouding van sodanige bates uit te stel; en
 - (e) die kwantifisering van sodanige bates en die finansiële waarde van sodanige bates.
- (5) Wanneer besluite geneem word met betrekking tot die instandhouding van bates waarna in subartikel (4) verwys word, moet die kommissaris 'n gepaste balans tussen beplande en reaktiewe instandhouding bereik ten einde die langtermyn- en kostedoeltreffende volhoubaarheid van sodanige bates te verseker en ook gepaste sakebeplanningsscenario's te oorweeg om die kommissaris se besluite om strategies in sodanige bates te investeer as wat hy of sy van groot belang ag, te ondersteun.

- (6) Die kommissaris moet op 'n maandelikse grondslag gepaste data wat met sy aktiwiteite kragtens hierdie infrastruktuursbestuursfunksie in verband staan, aan die TDA-sakebestuursfunksie voorsien.

Netwerkbedryfbestuur

11. (1) Die kommissaris is verantwoordelik vir die beplanning, ontwerp, kosteberekening en bedryf van asook toesig oor alle aktiwiteite op die geïntegreerde vervoernetwerk en verwante infrastruktuur en fasiliteite in die Stad en in die besonder die IPTN, met inbegrip van die bedryf van –
- (a) die verkeerligstelsels;
 - (b) die bus- en minibustaxibane;
 - (c) die verkeersbestuurkameras;
 - (d) parkeerbestuur;
 - (e) die snelwegbestuurstelsel;
 - (f) vervoerplanne ten opsigte van geleentheidsbestuur;
 - (g) prosedures vir abnormale vragte en die vervoer van gevaarlike goedere;
 - (h) die TMC en die TIC;
 - (i) kommunikasiestelsels, die omvattende databank en TDA se inligtingstelsels en -tegnologie, wat alles by die TMC gehuisves en bestuur moet word;
 - (j) kommunikasiefasiliteite by alle groot openbarevervoerfasiliteite, wisselaars en op die geïntegreerde vervoernetwerk en verwant aan infrastruktuur en fasiliteite;
 - (k) die geïntegreerde tydrooster vir alle openbarevervoerdienste;
 - (l) padsluitings;
 - (m) die vergunning van deurgangsregte; en
 - (n) die tersaaklike spoorinfrastruktuur, -netwerk en verwante fasiliteite.
- (2) Die kommissaris moet op 'n maandelikse grondslag gepaste data wat met sy aktiwiteite kragtens hierdie netwerkbedryfsbestuur in verband staan, aan die TDA-sakebestuursfunksie voorsien.

Stedelike beplanning

- 11A.** (1) Die kommissaris is verantwoordelik vir die implementering van stedelike beplanning ooreenkomstig SPLUMA, LUPA, die Beplanningsverordening en alle ander wetgewing en regulasies wat met stedelike beplanning verband hou.
- (2) Onderworpe aan subartikel (1) en die Beplanningsverordening, moet die kommissaris die ROR en sodanige distrik-ROR'e as wat van tyd tot tyd deur die Stad benodig word, ooreenkomstig TOD ontwikkel, implementeer, bestuur en hersien.
- (3) Die kommissaris moet administratiewe steun verleen ten opsigte van alle grondontwikkelingsbesluite wat deur die munisipale beplanningstribunaal geneem word, asook die uitvoering van sodanige grondontwikkelingsbesluite wat kragtens gedelegeerde gesag geneem word, ooreenkomstig –
- (a) die prosedures in en vereistes van die Beplanningsverordening; en
- (b) die ROR en distrik-ROR'e,
- ten einde die implementering van TOD te bevorder.
- (4) Die kommissaris moet ag slaan op die kommentaar van alle tersaaklike interne en eksterne belanghebbers met betrekking tot alle grondgebruikaansoeke, met inbegrip van grondgebruikaansoeke waarna daar in artikel 3(7) verwys word.
- (5) Die kommissaris moet verseker dat daar vereis word dat alle bou-ontwikkeling wat deur stedelike beplanning toegelaat word aan die Nasionale Bouwet voldoen.
- (6) Die kommissaris moet alle grondgebruike ooreenkomstig die Beplanningsverordening en, waar tersaaklik, SPLUMA, toepas.
- (7) Die kommissaris moet op 'n maandelikse grondslag gepaste data wat met sy aktiwiteite kragtens hierdie stedelikebeplanningsfunksie in verband staan, aan die TDA-sakebestuursfunksie voorsien.

Menslike nedersettings

- 11B.** (1) Die kommissaris is verantwoordelik vir die implementering van menslike nedersettings ooreenkomstig die Behuisingswet, die Huurbehuisingswet, die Wet op Maatskaplike Behuising en alle ander wetgewing en regulasies wat met menslike nedersettings verband hou.
- (2) Die kommissaris moet menslikenedersettingsplanne vir die Stad ontwikkel, bestuur en hersien en moet verseker dat sodanige menslikenedersettingsplanne –
- (a) aan alle wette, regulasies oor die inhoud en struktuur van sodanige menslikenedersettingsplanne voldoen;

- (b) die funksionele parameters vir elke funksie soos dit verband hou met stedelike ontwikkeling en menslike nedersettings en die verpligtinge en standarde waaraan elke funksie moet voldoen, uiteensit;
 - (c) verseker dat alle behuisingsontwerp en materiale wat gebruik gaan word ekonomies haalbaar, volhoubaar en doelmatig is;
 - (d) ag slaan op die ROR en met die IPTN ooreenstem; en
 - (e) die verdere implementering van TOD verseker.
- (3) Die kommissaris moet, ingevolge subartikel (2), die voorsiening van menslike nedersettings as 'n sleutelement van die prestasie van die funksies deur TDA prioritiseer ten einde die vraag wat uit bevolkingsgroei en verstedeliking ontstaan doeltreffend en doelmatig te hanteer, met inbegrip van –
- (a) prioritisering van alle kwessies wat met verblyfsekerheid verband hou;
 - (b) implementering van al TDA se geïdentifiseerde behuisingsprojekte, soos van tyd tot tyd deur die minister van menslike nedersettings en die BEPP bepaal;
 - (c) prioritisering van die ontwikkeling van menslike nedersettings met TDA se geïdentifiseerde toekenningsbefondsing en tersaaklike befondsing van die Stad;
 - (d) behaling van vlak drie-akkreditasie (finansiële administrasie) soos waarna daar in die Nasionale Akkreditasieraamwerk verwys word; en
 - (e) fasilitering van die voorsiening van meervoudige behuisingstipes, digthede, ontwerpe en verwante besitregte, met inbegrip van maatskaplike behuising, huurvoorraad en inklusiewe behuising, ten einde die Stad se behuisings-agterstand ooreenkomstig die Stad se behuisingswaglys te hanteer, ooreenkomstig TOD.
- (4) Die kommissaris moet die implementering van bedryfs- en kapitaalinvesterings wat menslike nedersettings oor die Stad heen hanteer en lewer, prioritiseer.
- (5) Die kommissaris moet op 'n maandelikse grondslag gepaste data wat met sy aktiwiteite kragtens hierdie menslikenedersettingsfunksie verband hou, aan die TDA-sakebestuursfunksie voorsien.

Stedelike volhoubaarheid

- 11C.** (1) Die kommissaris is verantwoordelik vir die implementering van stedelike volhoubaarheid ooreenkomstig NEMA, die NHRA en alle ander wetgewing en regulasies wat op stedelike volhoubaarheid betrekking het.

- (2) Die kommissaris moet die stedelikevolhoubaarheidstrategie vir die Stad ontwikkel, implementeer, bestuur en hersien en moet verseker dat sodanige stedelikevolhoubaarheidstrategie –
- (a) aan alle wette, regulasies en toepaslike rigsnoere oor die inhoud en struktuur van sodanige stedelikevolhoubaarheidstrategie voldoen;
 - (b) die funksionele parameters soos dit verband hou met stedelike volhoubaarheid en die verpligtinge en standaarde waaraan elke funksie moet voldoen, uiteensit; en
 - (c) die parameters, teikens, werktuie en hulpbronne bepaal om die volgende doeltreffend, doelmatig en ekonomies haalbaar uit te voer:
 - omgewingsbestuur;
 - hulpbronbewaring, doeltreffendheid en bestuur;
 - klimaatveranderingsbestuur en -versagting;
 - biodiversiteit;
 - bestuur van die Stad se erfenis; en
 - kusbestuur; en
 - (d) die verdere implementering van TOD verseker.
- (3) Die kommissaris moet TDA se koolstofvoetspoor soos dit met al die funksies verband hou, ontwikkel, bestuur en hersien, en sodanige programme en projekte identifiseer en implementeer ten einde die TDA se koolstofvoetspoor te verminder en geïntegreerde vervoer en stedelike ontwikkeling tot voordeel van die burgers van en besoekers aan Kaapstad te verbeter na gelang hy of sy dit goed ag.
- (4) Die kommissaris moet die implementering van bedryfs- en kapitaalinvestering wat stedelike volhoubaarheid oor die Stad heen hanteer en lewer, prioritiseer.
- (5) Die Kommissaris moet op 'n maandelikse grondslag gepaste data wat met sy aktiwiteite kragtens hierdie stedelikevolhoubaarheidsfunksie in verband staan, aan die TDA-sakebestuursfunksie voorsien.

ALLERLEI

Algemene funksies van TDA

12. (1) Die kommissaris kan die uitvoering van enige aktiwiteite wat hy of sy gemagtig is om uit te voer, bevorder en administreer, ongeag of sodanige magtiging statutêr of deur hierdie verordening verleen of deur die Raad gedelegeer is en, tot die mate regtens toegelaat, is die kommissaris daarop geregtig om, onderworpe aan die verkryging van die nodige magtiging, sodanige personeel, agente en kontrakteurs aan te stel as wat hy of sy nodig ag of deur die Raad verwag word om aan te stel ten einde sodanige aktiwiteite uit te voer as wat die kommissaris gemagtig is om uit te voer.
- (2) Die kommissaris kan, onderworpe aan die verkryging van die nodige magtiging, enige ooreenkoms met enige persoon aangaan en uitvoer vir uitvoering deur daardie persoon, hetsy as agent vir die Stad of andersins, van enige aktiwiteite wat die kommissaris gemagtig is om uit te voer en, in die besonder, ten opsigte van die voorsiening of finansiering van enige dienste wat verband hou met geïntegreerde vervoer en/of stedelike ontwikkeling wat die Stad gemagtig is om te verskaf, onderworpe daaraan dat die voorgeskrewe prosesse gevolg word.
- (3) Tot die mate waartoe dit regtens toegelaat word, is dit binne die vermoë van die kommissaris om sodanige dinge te doen en sodanige transaksies aan te gaan as wat na raming die vervulling van enige van die funksies sal fasiliteer, of bevorderlik daarvoor sal wees of daarmee gepaard gaan.

Ooreenkomste met die Provinsie en aangrensende munisipaliteite

13. Onderworpe aan vooraf goedkeuring deur die Raad, kan die kommissaris enige ooreenkomste met die Provinsie of aangrensende munisipaliteite aangaan kragtens artikel 12 en 19 van die NLTA.

Kort titel

14. Hierdie verordening staan bekend as die Stad Kaapstad: Verordening op die Samestelling van die Vervoer- en Stedelikeontwikkelingsowerheid vir Kaapstad, 2016.

ISIXEKO SASEKAPA

UMTHETHO KAMASIPALA WESIXEKO
SASEKAPA WOSEKO LWEZOTHUTHO
NOLOGUNYAZIWE WOPHUHLISO
LWEENDAWO EZISEZIDOLOPHINI
EKAPA, 2016

ISIXEKO SASEKAPA

UMTHETHO KAMASIPALA WESIXEKO SASEKAPA WOSEKO LWEZOTHUTHO NOGUNYAZIWE WOPHUHLISO LWEENDAWO EZISEZIDOLOPHINI EKAPA, 2016

ukuba kulungiswe uMthetho kaMasipala waseKapa ongoSeko lwezoThutho ukuze ke joko kulungiswe iMbulambethe; ukuba kulungiswe iinkcazelo; ukuba kufakelwe iinkcazelo ezintsha; ukuba kutshintshwe igama logunyaziwe wezothutho; kwaye ibonelelwe ngemisebenzi yakhe emitsha.

ibulambethe

JENGOKUBA icandelo 156(2) loMgaqo-siseko limisela ukuba uMasipala unakho ukumisela kulawula imithetho kamasipala kulungiselelwa ulawulo lwemicimbi enelungelo lokuyilawula;

JENGOKUBA icandelo B leShedyuli 4 necandelo B leShedyuli 5 yoMgaqosiseko lichaza imicimbi rhulumente wemimandla uMasipala anelungelo lokuyilawula;

JENGOKUBA ukwabelwa koxanduva lwemicimbi yezithuthi ezihamba emhlabeni kwisiXeko sabelwana ngalo phakathi kwesiXeko, iPhondo neSebe lesizwe lezoThutho;

JENGOKUBA ukuze kuqhutywe imisebenzi yakhe yezothutho ngempumelelo, kuqakwa nayiphi ninye imisebenzi enokwabelwa kuye amaxesha ngamaxesha, iSixeko simisele ugunyaziwe zothutho kwisiXeko njengeqela elilawulayo nalapho yonke imisebenzi yezothutho iya kuthi anganise ngenjongo yokuququzelela inkqubo ukuzuzisa abahlali neendwendwe ezize eKapa ye loo gunyaziwe wezothutho yiTCT yaye imisebenzi yayo iza kuchazwa kulo Mthetho Masipala;

JENGOKUBA, xa kulandelwa icandelo 11 leNLTA, uMasipala enokwabelwa imisebenzi ethile;

JENGOKUBA ngokuphendula kwiimfuno ze-NLTA, kuyimfuneko ukuba isiXeko siphucule onelelo lweenkonzo zothutho kunye nokumisela imigangatho eya kutshintsha indlela iziseko phuhliso zothutho, iinkonzo, imisebenzi neenkqubo ezimisela nezilawulwa ngayo;

JENGOKUBA isiXeko sinokusebenzisa amagunya aso ngokwemigaqo yecandelo le-12 nele-19 okulandelelana kwayo ye-NLTA, imiqathango efanelekileyo yoMmiselo wezeNdlela, uMthetho wula iZithuthi zeNdlela kuZwelonke kunye noMthetho weZothutho eziDolophini, nayo nayiphi ninye imithetho yeZothutho eHlanganisiweyo efanelekileyo kunye nemigaqo neTCT sisigqeba iza kusebenzisa la magunya;

JENGOKUBA iSixeko sifuna ukongeza imisebenzi yeTCT ukuze ibandakanye uPhuhliso eDolophu ukuze kuzuze abahlali baseKapa;

JENGOKUBA iTCT iza kuba nguGunyaziwe wezothutho nophuhliso lweendawo ezisezidolophini Sixeko neyakwaziwa njengokuba yiTDA Cape Town;

JENGOKUBA iSixeko siqwenela ukuba iTDA yenze isicwangciso esiya kwaziwa ngokuba City's Strategy of Together, esiza kuguqula iimeko ezadalwa lugalulo ngokuthi kwenziwe inguqu zezentlalo, ezoqoqosho nemihlaba yeSixeko;

NJENGOKUBA iSixeko sisenokusebenzisa amagunya aso oPhuhliso lweDolophu silandela iSPLUMA, LUPA, uMthetho kaMasipala woCwangciso, iHousing Act, iNational Building Act, iHousing Rental Act, iNEMA, iSocial Housing Act, iNHRA kunye nawo nawuphi omnye umthetho onento yokwenza noPhuhliso lweDolophu yaye iTDA iya kuba kuphela kweziko lokuphumeza la magunya;

MAWUPHUNYEZWE NGOKU liBhunga leSixeko saseKapa, ngolu hlobo lulandelayo:

ULUHLU LWEZIQULATHO

IMIQATHANGO NGOKUBANZI

1. Iinkcazelo
2. Ukumiselwa neMisebenzi yeTDA

IMISEBENZI ENGQALILEYO YE-TDA

3. UGunyaziwe woCwangciso lweZothutho
4. UGunyaziwe onikeza ngeeKhontrakti
5. IQumrhu eliLawulayo likaMasipala
6. Ulawulo lweMicimbi yeTDA
7. Ulawulo loTyalomali
8. Unyanzeliso-mthetho
9. Intsebenziswano, uNxibelelwano noLawulo lwaBachaphazelekayo
10. Ulawulo lweZiseko zoPhuhliso
11. Ulawulo loThungelwano lweMisebenzi
12. Ucwangiso lweDolophu
13. Ukuhlaliswa koLuntu
14. Uzinziso lweNdawo eziseZidolophini

EMINYE IMIQATHANGO

15. Imisebenzi ngokubanzi
16. Izivumelwano nePhondo kunye nooMasipala abakufuphi
17. Isihloko esifutshane

IMIQATHANGO NGOKUBANZI

Iinkcazelo

1. Kulo Mthetho kaMasipala, ngaphandle kokuba umxholo uthetha enye into:

"ISicwangciso sokuSebenza kweZakhiwo" okanye i**"BEPP"** sithetha isicwangciso sokusebenza kwezakhiwo seSixeko esichazwe kwiDivision of Revenue Act esisebenzayo ngelo xesha;

"ISixeko" sithetha umasipala omiselwe ngokweSaziso sePhondo seSixeko saseKapa, esinguNomb 479 ka-2000, esikhutshwe ngokwecandelo 12 leStructures Act, okanye nasiphi isigqeba okanye umsebenzi kamasipala owenza umsebenzi ngokokugunyaziswa ngumasipala;

"UMkomishinala" kubhekiselelwe kumntu owonyulwe liBhunga ukuba abe ngumkomishinala weTDA yaye ukonyulwa kwakhe kulandelwa icandelo lama-57 loMthetho olawula iInkqubo zikaMasipala;

"IKomiti" ithetha ikomiti yecandelo 79 leStructures Act;

"UMgaqosiseko" kubhekiselelwe kuMgaqosiseko weRiphabhliki yoMzantsi Afrika, 1996;

"UGunyaziwe onikezela imisebenzi yeKontraka" kubhekiselelwe kuMasipala onikezelwe igunya lokwabela imisebenzi yekontra ngokungqinelana ne-NLTA, noxanduva lwakhe luchazwe kwicandelo le-4;

"IBhunga" libhekiselele kwibhunga likamasipala leSixeko elimiselwe ngokweSaziso sePhondo, esinguNomb 479 ka-2000, esikhutshwe ngokwecandelo 12 leStructures Act yaye libandakanya nayiphi na ikomiti okanye igosa elenza umsebenzi walo okanye elisebenzisa amagunya alo ngokwalo Mthetho kaMasipala;

"Umlawuli" kubhekiselelwe kuye nabani okwisikhundla sokuba ngumlawuli (nokuba usebenza oko okanye ngamaxesha athile, okwethutyana okanye ngokusigxina) kwiSixeko;

"I-SDF yeSithili" ithetha isikhokelo sophuhliso lwemihlaba sommandla othile okwiSixeko, njengoko sixeliwe kwicandelo 11 loMthetho kaMasipala woPhuhliso;

"Unyanzeliso" lubhekisa kuxanduva oluchazwe kwicandelo 8;

"USodolophu oLawulayo" kubhekiselelwe kusodolophu wesigqeba weSixeko owonyulwe ngokwemigaqo yecandelo lama-55 loMthetho weZikhundla zikamasipala;

"Unyakamali" ubhekisa kwimihla eqala ngowe-1 Julayi ukuya kowe-30 Juni (yonke);

"Umsebenzi" ubhekisele kuyo nayiphi kule misebenzi ilandelayo eyenziwa kwiTDA:

- (a) UGunyaziwe woCwangciso weZothutho;
- (b) UGunyaziwe onikezela imisebenzi yeKontraka;
- (c) IQumrhu eliLawulayo likaMasipala;
- (d) Ulawulo lweMicimbi yeTDA;
- (e) Ulawulo loTyalomali;
- (f) Unyanzeliso-mthetho;
- (g) INTsebenziswano, uNxibelelwano noLawulo lwabaChaphazelekayo;
- (h) ULawulo lweZiseko zoPhuhliso;
- (i) ULawulo loThungelwano lweMisebenzi;
- (j) Ucwangciso lweNdawo eziseDolophini;
- (k) Ukuhlaliswa koLuntu; kunye
- (l) Nozinziso lweDolophu;

"INDawo ekuSetyenzwa kuyo" kubhekiselelwe kummandla wesiXeko ndawonye neminye imimandla ekwabanye ooMasipala nalapho isiXeko sinobudlelwane bokucwangcisa izithuthi nabo;

"iHousing Act" ithetha iHousing Act, Nomb 107 ka-1997;

"Ukuhlaliswa koLuntu" kubhekisa kulungiselelo lobonelelo ngendawo abantu abanokukwazi ukuhlala kuyo, ezinzileyo nehlanganiswe neendawo zentlalo noqoqosho kunye nolunye uxanduva oluchazwe kwicandelo 11B;

"Izicwangciso zokuHlaliswa koLuntu" zibhekisa kwizicwangciso ekufuneka zenziwe, zimiselwe, zilawulwe ze ziphononongwe nguMkomishinala elandela icandelwana 11B(2);

"ULawulo lweZiseko zoPhuhliso" lubhekisa kwimisebenzi emiselwe kwicandelo 10;

"ISicwangciso esiHlangeneyo soPhuhliso" okanye i**"IDP"** kubhekiselelwe kwisicwangciso esihlangeneyo sophuhliso seSixeko esamiselwa ngokungqinelana nesahluko se-5 soMthetho iSystems Act;

"UThungelwano oluHlangeneyo lweZithuthi zoLuntu" okanye i**"IPTN"** kubhekiselelwe kuthungelwano oluhlangeneyo lwezithuthi zoluntu ezihamba emhlabeni lweSixeko ngokwecandelo 11 leNLTA;

"UThutho oluHlanganisiweyo" lubhekisa kwizibonelelo ezifana nezo zaManzi eziPhango, okwenziwayo kunye neenkqubo zazo zonke iintlobo zezithuthi ezihamba emhlabeni nothungelwano oluhambelana nazo (lwasezindleleni, nakwiziporo xa imeko isitsho), kubandakanywa izithuthi zikawonkewonke, iimoto, ezinye izithuthi nemithwalo kunye neenkqubo zozhagamshelwano lwezithuthi, intsebenziswano nokuhamba kwezo zithuthi zihamba emhlabeni nothungelwano oluhambelana nazo;

"Isicwangciso seZothutho esiHlanganisiweyo" okanye i"ITP" ithetha isicwangciso sezothutho esihlanganisiweyo seSixeko esixelwe kwicandelo 36 leNLTA;

"IKomiti yoCwangciso lweendlela zokuhamba ezohlukeneyo" kubhekiselelwe kwikomiti ejongene neendlela zothutho ezohlukeneyo yocwangciso eyasekwa ngokwemigaqo yecandelo le-15 le-NLTA; nenemisebenzi eza kuyinikwa ngulo Mthetho kaMasipala;

"Ulawulo lotyalomali" lubhekisa kwimisebenzi echazwe kwicandelo 7;

"i-IUDF" ibhekisa kwiSicwangciso soMiselo soPhuhliso lweeDolophu esiHlanganisiweyo esenziwe liSebe: leCooperative Governance and Traditional Affairs amaxesha ngamaxesha;

"IBhodi enika iingcebiso ngezithuthi ezihamba emhlabeni" kubhekiselelwe kwibhodi enika iingcebiso ngezithuthi ezihamba emhlabeni eyasekwa ngokwemigaqo yecandelo le-16 le-NLTA; nenemisebenzi eza kuyinikwa ngulo Mthetho kaMasipala;

"Usetyenziso-Mhlaba" luya kuba nentsingiselo enikwe kulo kuMthetho kaMasipala ongezoCwangciso;

"INTsebenziswano, uNxibelelwano noLawulo lwaBachaphazelekayo" ibhekiselelwe kwimisebenzi emiselwe kwicandelo 9;

"iLUPA" ithetha iLand Use Planning Act yaseNtshona Koloni, Nomb 3 ka-2014;

"IKomiti yesiGqeba sikaSodolophu" ibhekisa kwikomiti yesigqeba sikaSodolophu yeSixeko eyonyulwa ngokwemigaqo yecandelo lama-60 loMthetho iStructures Act;

"Ilungu leKomiti kaSodolophu yeTDA" libhekisa kwilungu leKomiti kaSodolophu elibekwe nguSodolophu oLawulayo kwiTDA;

"UMphathiswa wePhondo (MEC)" kubhekiselelwe kwilungu leBhunga lesiGqeba sePhondo elinoxanduva lezothutho kwiPhondo;

"UMphathiswa wokuHlaliswa koLuntu" uthetha uMphathiswa wokuhlaliswa koluntu okurhulumente wesizwe;

"UMphathiswa wezoThutho" uthetha uMphathiswa onoxanduva lwezothutho kwinqanaba lesizwe likarhulumente;

"IKomiti ye-MRE" kubhekiselelwe kwikomiti yeQumrhu eliLawulayo likaMasipala echazwe kwicandelo 5(4);

"Iziko likaMasipala" lithetha iziko likaMasipala elichazwe kwicandelo 1 leSystems Act;

"iMunicipal Finance Management Act" ibhekisa kumthetho iLocal Government: Municipal Finance Management Act, Nomb 56 ka-2003;

"UMasipala" kuqukwa zonke iintlobo zoomasipala ezichazwe kwicandelo le-155 loMgaqosiseko;

"INGxowamali yeZithuthi eziHamba eMhlabeni kaMasipala " ithetha ingxowamali emiselwe kulandelwa icandelo 27 leNLTA;

"Isigqeba soCwangciso sikaMasipala" sithetha isigqeba socwangciso sikamasipala ekubhekiswe kuso kwicandelo 114 loMthetho woCwangciso kaMasipala;

"IQumrhu eliLawulayo likaMasipala" kubhekiselelwe kuMasipala onegunya lokunikezela ngelayisenisi zokusebenza ngokungqinelana ne-NLTA, yaye uxanduva lwakhe luchazwe kwicandelo le-5;

"Isikhokelo soQinisekiso seSizwe" sithetha iSikhokelo soQinisekiso seSizwe sooMasipala sokuLawula iNkqubo zoBonelelo ngeZindlu zeSizwe, njengoko sigqitywe amaxesha ngamaxesha nguMphathiswa wokuHlaliswa koLuntu;

"Isicwangciso soPhuhliso seSizwe" okanye i"**NDP**" sithetha iNational Development Plan 2030;

"iNational Building Act" ithetha iNational Building Regulations and Building Standards Act, Nomb 103 ka-1977;

"iNational Road Traffic Act" ithetha iNational Road Traffic Act, Nomb 93 ka-1996;

"NEMA" ithetha iNational Environmental Management Act, Nomb 107 ka-1998;

"Ulawulo lokuSebenza koThungelwano" luthetha uxanduva oluchazwe kwicandelo 11;

"iNHRA" ithetha iNational Heritage Resources Act, Nomb 25 ka-1999;

"iNLTA" ithetha iNational Land Transport Act, Nomb 5 ka-2009;

"Umntu ongeloLungu" kubhekiselelwe kumnini wesithuthi osebenza kwiSixeko ongelilo ilungu loMbutho wabaNini bezithuthi;

"iNkqubo yokulawula iiLayisenisi zokuSebenza" okanye **"iOLAS"** ithetha inkqubo yokulawula iilayisenisi zokusebenza neza kusetyenziselwa ukulawula umsebenzi weQumrhu eliLawulayo likaMasipala;

"iSicwangciso-buchule seeLayisenisi zokuSebenza" okanye **"iOLS"** kubhekiselelwe kwisicwangciso-buchule seelayisenisi zokusebenza esichazwe kwiSicwangciso esiHlangeneyo sezoThutho nesiza kusetyenziselwa ukulawula umsebenzi weQumrhu eliLawulayo likaMasipala;

"iUmthetho kaMasipala woCwangciso" uthetha uMthetho kaMasipala woCwangciso woMasipala weSixeko saseKapa, wango-2015;

"iUmanejala wePotifoliyo" uthetha nabani na okwisikhunda semanejala yepotifoliyo (nokuba uqeshwe isigxina okanye usebenza ngamaxesha athile okanye uqeshwe okwexeshana) kwiTDA;

"iPRASA" kubhekiselelwe kwi-Arhente yooLoliwe abathutha aBantu yoMzantsi Afrika eyasekwa ngokwemigaqo yecandelo lama-23 loMthetho wokuNgena ngokuseMthethweni kwiiNkonzo zoThutho eMzantsi Afrika, Nomb. 9 ka-1989;

"iPhondo" kubhekiselelwe kuRhulumente wePhondo leNtshona Koloni;

"iRental Housing Act" ithetha iRental Housing Act, Nomb 50 ka-1999;

"iUMmiselo weeNdlela" kubhekiselelwe kuMmiselo weeNdlela, Nomb. 19 ka-1976;

"iSDF" ithetha isikhokelo sophuhliso lwemihlaba seSixeko esixelwe kwicandelo 35 leSystems Act, nesahluko 4 seSPLUMA;

"iSocial Housing Act" ithetha iSocial Housing Act, Nomb 16 ka-2008;

"iSPLUMA" ithetha iSpatial Planning and Land Use Management Act, Nomb 16 ka-2013;

"iZibonelelo zaManzi eSiphango" zithetha ezo nxalenye zothungelwano lweSixeko lwamanzi esiphango namanxweme, eziyinxalenye ebalulekileyo kuthungelwano lweendlela okanye iziporo zeSixeko;

"Isicwangciso sokusebenza kunye" esiza kuguqula iimeko ezadalwa lugalulo ngokuthi kumiselwe iTOD kuThutho oluHlanganisiweyo noPhuhiso lweDolophu ukuze kwenziwe inguqu kwezentlalo, ezoqoqosho nemihlaba yeSixeko, kusetyenziswa lo Mthetho kaMasipala;

"iStructures Act" ibhekisa kumthetho iLocal Government: Municipal Structures Act, Nomb 117 ka-1998;

"iSystems Act" ibhekisa kumthetho iLocal Government: Municipal Systems Act, Nomb 32 ka-2000;

"Inkqubo yoDluliselo-Magunya" ithetha inkqubo yeSixeko eyenziwe kulandelwa icandelo 59 leSystems Act njengoko limane lisenziwa izilungiso amaxesha ngamaxesha;

"iTCT" kubhekiselelwe kwezoThutho eKapa, ugunyaziwe wezothutho kwiSixeko;

"iTDA" ithetha iTDA eKapa, uthutho lweSixeko nogunyaziwe wophuhliso lweedolophu;

"Ulawulo lweMicimbi yeTDA" luthetha imisebenzi echazwe kwicandelo 6;

"IKomiti yeSebe yeTDA" ithetha ikomiti emiselwe liBhunga ngokwecandelo 79 leStructures Act ukuba ibeke iliso kwindlela yokusebenza yeTDA;

"IKhabhoni ekhutshwa yiTDA" ithetha ubungakanani bekhabhondayioksayidi ephumela emoyeni ngenxa yemisebenzi yeTDA;

"iTIC" ibhekiselele kwiZiko leeNkcukacha ngezoThutho kwisiXeko;

"iTMC" liZiko loLawulo lweZothutho leSixeko;

"Uphuhliso oluNcedisa ezoHambo" okanye **"iTOD"** luthetha ukutshintsha, ukuphuhlisa nokukhulisa izinto ezakhiweyo kwisixeko ngokuthi kuphuhliswe imihlaba, ezothutho kunye nezibonelelo ezihambelana nazo, kunye nengxinaniso nkusetyenziswa ngamandla komhlaba, ngendlela yokuba ukuhamba kwabantu neempahla kwenzeke kangangoko kunakho ukwenzeka ukuze iidolophu zibe nempumelelo yaye kucuthwe intlupheko, ukungalingani ngokwentlalo yaye kukhuliswe noqoqosho;

"UGunyaziwe woCwangciso lwezoThutho" uthetha umsebenzi kagunyaziwe wocwangciso (njengokuba ugunyaziwe wocwangciso echaziwe kwiNLTA), nonemisebenzi echazwe kwicandelo 3;

"Uphuhliso lweeDolophu" luthetha uphuhliso lwentlalo, lwenkcubeko, lokusingqongileyo, loqoqosho nowezinto ezibonakalayo nlawulo lwesixeko kubandakanywa uCwangciso lweeDolophu, uLwaxhiwo lweZindlu kunye nomiselo loZinziso lweMimandla eseziDolophini;

"Ucwangciso lweMimandla eseZidolophini" luthetha inkqubo yeSixeko emalunga nokuyilwa, uphuhliso nolawulo lomhlaba osezidolophini ukuze kujongwane nokukhula kunye nokukhlala ezidolophini ngempumelelo nangemfezeko, neminye imisebenzi echazwe kwicandelo 11A;

"Uzinziso lweeDolophu" luthetha ulawulo lwemithobo yendalo, ulondolozo lwemveli yeSixeko nolawulo lokwenziwa kwemisebenzi ukuqinisekisa ukuba kwimeko nganye kongiwa imithombo yaye kwenziwa izinto ezingachaphazeli kakubi imozulu, neminye imisebenzi echazwe kwicandelo 11C;

"Isicwangciso soZinziso lweMimandla eseZidolophini" sithetha isicwangciso sokubonelela nolawulo loZinziso lweeDolophu esilungiselelwe iSixeko;

"iUrban Transport Act" ithetha iUrban Transport Act, Nomb 78 ka-1977; yaye

"Umbutho waBanini-zithuthi" uthetha nawuphi umbutho wabanini-zithuthi onento yokwenza neenkonziso zothutho zoluntu okhoyo nosebenza kwiSixeko.

Umiselo nemisebenzi yeTDA

2. (1) Kulandelwa icandelwana (2), iBhunga ke ngoko limisela ugunyaziwe ongezothutho nophuhliso lwedolophu, apho uyakwaziwa ngokuba yi-TDA, kwiSixeko, njengesigqeba solawulo esiza kuhlenganisa yonke imisebenzi ngenjongo yokuququzelela uThutho oluhlenganiswe namanye amacandelo noPhuhliso lweeDolophu ukulungiselela abahlali neendwendwe zaseKapa.
- (2) I-TDA ayisayi kuba liziko elinokutshutshiswa elizimele lodwa yaye ayisayi kuba yinxalenye yeZiko likaMasipala yaye:
 - (a) I-TDA iya kuhlala iyinxalenye yesiXeko kunye nolawulo lwesixeko yaye iya kuba liqela ekungeniswa kulo ingxelo; yaye
 - (b) UMkomishinala akasayi kufuna eminye imisebenzi okanye amagunya ngaphandle kwalawo anikezelwe ngokusemthethweni nagunyaziselwe uMkomishinala, kwiNkqubo yokuNikezwa kwaMagunya.
- (3) (a) Intloko yeTDA iya kuba nguMkomishinala.

- (b) IBhunga linokunikezela kuMkomishinala amagunya aphantsi nendlela yokusebenza kwamacandelo e-TDA ukulungiselela ukuba uMkomishinala abe noxanduva lwala macandelo emisebenzi, kwiNkqubo engeZigunyaziso.
 - (c) Ukusetyenziswa kwawo nawaphi amagunya anikezelweyo akhutshwe nguMkomishinala phantsi kwalo Mthetho kaMasipala okanye omnye ngokuxhomekeke:
 - (i) kuzo naziphi izithintelo ezimiseliweyo ngokoMthetho okanye ngokungqinelana nomthetho;
 - (ii) yonke eminye imiqathango yalo Mthetho kaMasipala; kunye
 - (iii) nayo yonke eminye imigaqo-nkqubo efanelekileyo, iinkqubo nemithetho kamasipala.
 - (d) Kangangoko kuvunyelweyo okanye kufuneka kumthetho kamasipala, kunye/okanye kunikezo-magunya olufunyenweyo, uMkomishinala uya kungena kwisivumelwano egameni leBhunga nawo onke amaCandelo kaZwelonke okanye ePhondo kurhulumente, kubandakanywa amaqumrhu karhulumente, okanye abanye ooMasipala ngenjongo yokuqhuba imisebenzi yamaCandelo eyenziwa kwi-TDA.
- (4) UMkomishinala uya kuba noxanduva lophuhliso nokumiselwa kwesicwangciso-buchule seSixeko sokuba kunye.
- (5) UMkomishinala uya kuba noxanduva yaye anike inkcaza ngezi zinto zilandelayo:
- (a) ukwenziwa kwemisebenzi ethathela ingqalelo iNDP neIUDF;
 - (b) ukusetwa nokumiselwa kwesicwangciso seSixeko sokwenza iinkonzo zoThutho eziHlanganisiweyo noPhuhliso lweeDolophu; kunye
 - (c) nomiselo lweTOD,
- khon'ukuze kuzuze abahlali neendwendwe zaseKapa.
- (6) Kulo Mthetho kaMasipala, nawaphi amagama aphambi ko "ibandakanya", kunye no-"kubandakanywa" aya kuthathwa njengento yokuba akatshintshi into ethethwe phambi kwaloo magama."

IMISEBENZI EKHETHEKILEYO YE-TDA

UGunyaziwe woCwangciso lwezoThutho

3. (1) UMkomishinala uya kuba noxanduva lokumisela imiqathango yecandelo le-14 (ugunyaziwe woCwangciso), icandelo le-15 (iikomiti yocwangciso ejongene neendlela zothutho ezohlukeneyo), icandelo le-16 (iibhodi ezinika iingcebiso ngezithuthi ezihamba emhlabeni), icandelo lama-31 ukuya kwelama-39 (uCwangciso lwezoThutho)

(ebandakanyiwe) e-NLTA, ndawonye nawo onke amanye amacandelo e-NLTA afanelekileyo kwimisebenzi yogunyaziwe wocwangciso (njengoko kuchaziwe kwi-NLTA).

- (2) uya kuqulunqa, amisele, alawule ze aphengulule i-ITP esenzela isiXeko yaye uya kuqinisekisa ukuba i-ITP:
 - (a) ithobela yonke imithetho, kunye nemigaqo ngokuphathelene nomxholo, indlela nohlobo lwe-ITP;
 - (b) ichaza imigaqo yokusebenza yecandelo ngalinye anento yokwenza oThutho oluHlanganiswe naManye aMacandelo kunye nezinyanzeliso nemigangatho ekuyimfuneko ukuba iCandelo ngalinye liyithobele;
 - (c) ifuna ukuba iCandelo ngalinye linike ingxelo rhoqo kwiCandelo loLawulo lweMicimbi yeTDA neNdllela yokuSebenza malunga nenkqubela-phambili nemisebenzi eyimpumelelo ngokuchasene nezo zinyanzeliso nemigangatho echazwe kwicandelwana (2)(b);
 - (d) imisela indlela UMKomishinala aza:
 - (i) kulawula ngayo ukunikezelwa nokulawulwa kwezivumelwano zekontraka ekuza kungenwa kuzo sisiXeko njengoGunyaziwe olawula iiKontraka, ngokuxhomekeke kuLawulo lweMisebenzi enikezelwa liCandelo eliKhupha iMisebenzi emayenziwe;
 - (ii) kuqulunqa kwiSicwangciso-buchule seeLayisenisi zokuSebenza ukuba sizimisele ukulawula njani iilayisenisi zokusebenza eziza kunikezelwa sisiXeko njengeQumrhu eliLawulayo likaMasipala (kunye oMKomishinala baya kuqinisekisa ukuba iSicwangcisobuchule seeLayisenisi zokuSebenza sithobela uMgaqosiseko, i-NLTA, uMthetho woLawulo lweZimali zikaMasipala, uMthetho weeNkqubo zikaMasipala kunye neSicwangciso esiHlangeneyo soPhuhliso); yaye
 - (iii) kuqulunqa aze agcine iziseko zophuhliso zezothutho zesiXeko kunye namaziko anxulumene noku;
 - (e) iyinxalenye ye-IPTN;
- (3) Imigangatho ekufuneka ukuba iCandelo ngalinye lihlangabezane nayo njengoko kuchaziwe kwicandelwana (2)(b) iya kuthi, kweminye imicimbi kuqukwa ifikelele ngokufanayo, kwiinkonzo ezikhethekileyo, kwizithuthi zemithwalo nezo zingenanjini, iya kuqulunqwa kwizicwangciso zecandelo eziyinxalenye ye-ITP.
- (4) UMKomishinala uya kuqulunqa i-ITP yesigaba ngasinye seminyaka emihlanu yaye uya kuqinisekisa ukuba i-ITP nganye iyangqinelana neSicwangciso esiHlangeneyo soPhuhliso kweSixeko.

- (5) UMkomishinala uya kumisela agcine iinkqubo ezifanelekileyo ukuqinisekisa ukuba iCandelo loGunyaziwe woCwangciso lweZothutho liyasebenzisana neQumrhu eliLawulayo likaMasipala ngokuphathelene nayo yonke imicimbi ephathelene nocwangciso lwe-IPTN kunye nakuyo yonke imisebenzi efanelekileyo ephantsi kwe-NLTA, kuqkwa necandelo lama-57 le-NLTA ngokukodwa.
- (6) UMkomishinala uya kunika izimvo nezikhokelo ngokusekelwe kwi-ITP kuwo onke amaqumrhu omthetho afanelekileyo ngokuphathelene naso nasiphi isicelo sokunikezelwa, ukuvuselelwa, ukulungiswa okanye ukudluliswa kwelayisenisi yokusebenza enxulumene nesiXeko kunye/okanye amaCandelo aso eMisebenzi ngokwecandelo 55 neminye imigaqo efanelekileyo yeNLTA.
- (7) UMkomishinala uya kuthi, egameni leSixeko njengoGunyaziwe woCwangciso leZothutho, aphenidule kuzo zonke izicelo zoSetyenziso-Mhlaba kwiSixeko ezinempembelelo yezothutho kunye/okanye yothutho yaye ngokukodwa ubungakanani ezinxulumene ngabo ne-ITP, kuthathelwa ingqalelo impembelelo yazo kwezothutho, ulawulo lwemfuneko yokuhamba neendleko zako nokuthathela ingqalelo uMgaqonkqubo weSixeko weeNdleko zoPhuhliso lweeNkonzo zoBunjinieli.
- (8) UMkomishinala uya kunikezela ngezo nkukacha, uphicotho nengcebiso kwiKomiti yoCwangciso lweendlela ezohlukeneyo zothutho kunye neBhodi enika iiNgecebiso ngeziThuthi zeNdlela njengoko kuya kufunika ngokuhamba kwexesha.
- (9) UMkomishinala uya kuthi, rhoqo ngenyanga, abonelele ngeenkukacha ezifanelekileyo eziphathelene nemisebenzi ephantsi kweCandelo loLawulo loCwangciso lweZothutho kwiCandelo loKusebenza leTDA.

Ugunyaziwe oNika iiKontraka

4. (1) UMkomishinala uya kuba noxanduva lokumisela imiqathango yecandelo 40 (ukuhlanganiswa kwenkqubo yeebhasi zekontra kwinkqubo enkulu yezithuthi zoluntu), icandelo lama-41 (iikontraka ekuboniswene ngazo), icandelo lama-42 (iikontraka zenkonzo exhaswa ngurhulumente), icandelo lama-43 (iikontraka zenkonzo yorhwebo), icandelo lama-44 (iimfuno zokwenza ubani abe nelungelo lokufaka isicelo sethenda yeekontraka zenkonzo yorhwebo okanye exhaswa ngurhulumente), icandelo lama-45 (ukuBandakanyeka kooMasipala kwiinkonzo zezithuthi zoluntu) kunye necandelo lama-46 (izicwangciso zeekontraka ezikhoyo) e-NLTA, ndawonye nawo onke amanye amacandelo e-NLTA anxulumene nemisebenzi yoMasipala njengogunyaziwe onika imisebenzi yekontraka (njengoko kuchaziwe kwi-NLTA).

(2) UMkomishinala uya:

- (a) ngokukhangela kwi-ITP (kuqukwa ne-IPTN), amise imigangatho, imida yokusebenza, iinkcazelo zenkonzo (kuqukwa nokubonelela ngenkonzo yokulungisa, ukulondoloza nokutshintsha izixhobo zezithuthi ezibonelelwa egameni lababoneleli ngenkonzo yezithuthi zoluntu), imirhumo, ngokuxhomekeke kwimiqathango yecandelo le-7(4)(c), iinkqubo zentlawulo nokusebenzisana kwabanini bezithuthi nothungelwano lwezothutho kwisiXeko kuyo yonke imisebenzi yekontra eza kunikezelwa ilawulwe sisiXeko njengoGunyaziwe onika imisebenzi yeKontra ngokwe-NLTA;
- (b) aqulunqe ze agcine amaxwebhu ezivumelwano zekontra esenzela zonke iikontra ezichazwe kwicandelwana (2)(a) yaye alawule inkqubo yokuqeshwa kwababoneleli ngenkonzo yezithuthi zoluntu kwezo kontra, ndawonye nababoneleli ngenkonzo yenkxaso ukubek'esweni, ulawulo leenkukacha, ulawulo lwamaziko, izibhengezo-ntengiso neenkonzo zokuqokelelwa kwemali yokukhwela esebenza ngomatshini xa kuyimfuneko okanye xa ifunwa;
- (c) ukuqulunqa nokugcina inkqubo yokubek'esweni ukuhanjiswa kwenkonzo nemigangatho yokusebenza okunxulumene neekontra ezichazwe kwicandelwana (2)(a); yaye
- (d) abonelele ngeenkukacha kwicandelo loLawulo lweMicimbi yeTDA kwabo bonke ababoneleli ngenkonzo yezithuthi zoluntu abaphantsi kweekontra eziqokelelwa kwicandelwana (2)(a).

(3) UMkomishinala uya kuba noxanduva lokubek'esweni:

- (a) imigangatho yolondolozo nokhuseleko lwazo zonke izithuthi zoluntu ezishedyuliweyo, nokuba ezo zithuthi zezesiXeko okanye akunjalo; yaye
- (b) ukuthotyelwa ngabanini bezithuthi bezo zithuthi zoluntu ezicwangcisiweyo ngokunxulumene nezinisekiso, iilayisenisi neziqinisekiso ezifunwayo kubaqhubi bezo zithuthi,

kwimeko nganye ngokungqinelana nemithetho efanelekileyo nazo naziphi iikontra ezinikezelwe kabo banini bezithuthi banezithuthi zoluntu ezicwangciselwe imisebenzi ethile nguMkomishinala egameni lesiXeko.

(4) UMkomishinala uya kuqinisekisa ulawulo olufanelekileyo nolusebenzayo lwemali nokubonelela ngenkxaso yolawulo lwenkxaso karhulumente, kuqukwa:

- (a) ngenkqubo yokucwangcisa amabango emisebenzi yekontra;

- (b) ukufaka amabango kwinkqubo yolawulo lwenkxaso karhulumente;
 - (c) ukugcwaliswa kwamaxwebhu emali kusenzelwa iintlawulo;
 - (d) ukunxibelelana nabanini bezithuthi ngokuphathelene neentlawulo; kunye
 - (e) nokubonelela ngeengxelo zenkcitho-mali yarhoqo ngeveki neyenyanga.
- (5) UMkomishinala uya kuqinisekisa ukuba isiXeko ngawo onke amaxesha sithobela neemfuno zokunikwa kwengxelo nezeenkukacha zoMthetho iDivision of Revenue Act esebenzayo ngeloo xesha.
- (6) UMkomishinala uya kumisela agcine iinkqubo ezifanelekileyo ukuqinisekisa ukuba umsebenzi weSixeko njengoGunyaziwe onika iiKontraka ungqinelana nomsebenzi wesiXeko njengoGunyaziwe woCwangciso neQumrhu eliLawulayo likaMasipala ngokulandelelana kwawo ngokuphathelene ne-IPTN nakuyo yonke imisebenzi enyanzelekileyo phantsi kwe-NLTA.
- (7) UMkomishinala uya kuthi, qho ngenyanga anikezele ngovimba weenkukacha ezifanelekileyo eziphathelene nemisebenzi ephantsi kweli Candelo loGunyaziwe loLawulo lweMicimbi yeTDA onika imisebenzi yeKontraka.

IQumrhu eliLawulayo likaMasipala

- 5.** (1) UMkomishinala uya kuba noxanduva lokumisela imiqathango yamacandelo 17 ukuya kwele-19 (ebandakanyiwe nawo) namacandelo 47 ukuya kwelama-84 (ebandakanyiwe nawo) e-NLTA, ndawonye nawo onke amanye amacandelo e-NLTA afanelekileyo kwimisebenzi kaMasipala njengequmrhu elilawulayo ngokwemiqathango yeNLTA).
- (2) UMkomishinala uya kuba noxanduva leelayisenisi zokusebenza zabo bantu abanqwenela ukwenza inkonzo yephondo eqhutywa kwisiXeko okanye eqala kwisiXeko kananjalo iqhutywa kwimimandla yabanye ooMasipala, njengoko kuchaziwe kwicandelo lama-54(2) le-NLTA.
- (3) UMkomishinala uya kuba noxanduva lokuqhuba kakuhle umsebenzi wemihla ngemihla kuzo zonke iindawo ekusetyenzwa kuzo, kuquka imisebenzi ekhoyo yezithuthi ezihamba emhlabeni kunye nezithuthi ezihamba kwimizila yoololiwe (ngokukodwa iibhasi, iitekisi noololiwe) kunye nokhuselo nokhuseleko lwezithuthi zoluntu.
- (4) IKomiti yeMRE iya kufezekisa le misebenzi ilandelayo egameni likaMasipala, njengeQumrhu eliLawulayo likaMasipala:
- (a) ukunikezelwa, ukudluliswa, ukulungiswa nokuhlaziywa kweelayisenisi zokusebenza;
 - (b) ukulungiswa kweelayisenisi zokusebenza ngenxa yokutshintshwa kwezithuthi;

- (c) ukutshintshwa okwethutyana kwesithuthi kwilayisenisi yokusebenza;
- (d) ukuguqulwa kweempepha-mvume zibe ziilayisenisi zokusebenza;
- (e) ukuphinda-phindwa kweelayisenisi zokusebenza;
- (f) ubonelelo ngeempepha-mvume zethutyana zeziganeko ezikhethekileyo;
- (g) ukurhoxiswa, ukumiswa okanye ukulungiswa kwelayisenisi yokusebenza; kunye
- (h) nonyanzeliso-mthetho nemidliwo, kuqukwa nokwenza uhlobo olufanelekileyo lwezithuthi zoluntu neziqinisekiso zazo ezifanelekileyo,

kunye (ngokuxhomekeke kwimiqathango yecandelwana (5) uMkomishinala egameni likaMasipala, njengeQumrhu eliLawulayo likaMasipala, uya kusebenzisa loo macandelo ngokungqinelana neemfuno, izimvo nezikhokelo zoGunyaziwe woCwangciso kunye ngokukodwa neSicwangciso-buchule seeLayisenisi zokuSebenza, zingachasani nawo nawuphi umgaqo-nkqubo weBhunga.

- (5) Ngenjongo yokwenza imisebenzi echazwe kwicandelwana (4), iBhunga liya konyula iKomiti ye-MRE eya kuquka ubuncinane abantu abathathu (kuqukwa nosihlalo) kukho izakhono ezifanelekileyo kulo komiti.
- (6) Izigqibo zeKomiti ye-MRE zokuqhuba imisebenzi echazwe kwicandelwana (4) ziya kuzimela kwezo zeBhunga.
- (7) Zonke izibheni ezichasene okanye ezinxulumene naso nasiphi isigqibo esenziwa yiKomiti ye-MRE ekuqhubeni imisebenzi echazwe kwicandelwana (4) ziya kwenziwa kwiNkundla yeZibheni zoThutho ngokwecandelo lama-92 le-NLTA.
- (8) UMkomishinala uya kuqinisekisa ukuba iKomiti ye-MRE:
 - (a) ilandela ezi nkqubo ngenjongo yokwenza imisebenzi eya kumiselwa liBhunga ngokuhamba kwexesha;
 - (b) igcine iinkcukacha zihlaziyiwe kwiNkubo eLawula iiLayisenisi zokuSebenza zemisebenzi echazwe kwicandelwana (4);
 - (c) inike ingxelo kwiBhunga ngokwenziwa kwemisebenzi ngalo maxesha aya kufunwa liBhunga; yaye
 - (d) ipapashe iinkcukacha ezifanelekileyo zokwenziwa kwemisebenzi kwiwebhusayithi ye-TDA ngalo maxesha aya kubonwa efanelekile liBhunga.
- (9) Kuxhomekeke kuzo naziphi izithintelo okanye imfuneko emiswe ngokomthetho, uMkomishinala unakho, xa ebona kufanelekile, kuqukwa iinkcukacha ngoku kulandelayo kwiNkqubo yoLawulo lweeLayisenisi zokuSebenza:

- (a) iinkcukacha zeMibutho yaBanini zithuthi namalungu awo;
 - (b) iinkcukacha zabo bangengoMalungu; kunye
 - (c) xa kufanelekile, neenkukacha zeendlela ekusebenza kuzo izithuthi zabo bakwiMibutho yaBanini bezithuthi nabo bangengoMalungu, inkcazelo yeendlela ezinxulumana nezo zikwi-ITP.
- (10) UMkomishinala uya kusebenzisa iinkcukacha ezichazwe kwicandelwana (9), ndawonye ne-ITP ne-IPTN, ukulawula iMibutho yabaNini bezithuthi ngendlela abona ifanelekile.
- (11) UMkomishinala, rhoqo ngenyanga, uya kubonelela ngeenkukacha ezifanelekileyo ngokunxulumene nemisebenzi yayo phantsi kweli Candelo leQumrhu liLawulayo likaMasipala ukuya kwiCandelo loLawulo lweMicimbi yeTDA.

Ulawulo lweMicimbi yeTDA

- 6.** (1) UMkomishinala uya kuba noxanduva lokumisela, ukulawula nokulondoloza inkqubo yabo bonke kulungiselelwa ukudibanisa iinkcukacha novimba wolwazi wawo onke amaCandelo yaye uya kuxhasa lo macandelo emisebenzi asebenzisanayo.
- (2) UMkomishinala uya kuba noxanduva lokudibanisa, unxibelelwano, ukuhambisa, ukumenteyina nokugcina iinkcukacha ezinento yokwenza nayo yonke iMisebenzi kunye nokugcina, ukuphucula nokutshintsha iinkqubo zolwazi nobuchwepheshe exhasa onke amaCandelo.
- (3) UMkomishinala uya:
- (a) kuba noxanduva lokusungula nokulondoloza iwebhusayithi ye-TDA yawo onke amaCandelo emisebenzi;
 - (b) ngokuhambelana nemiqathango yemigaqonkqubo yeBhunga, kupapasha iinkcukacha kuloo webhusayithi ngendlela yokusebenza kweTDA ngakwimisebenzi ejongise kuwo onke amacandelo eMisebenzi rhoqo ngekota;
 - (c) ngokuxhomekeke ekuphunyezweni kwangaphambili liBhunga ngokomgangatho weenkukacha, iinkcukacha ezipapashiweyo zomsebenzi wabo bonke ababoneleli ngenkonzo yezithuthi zoluntu phantsi kweekontraka njengoko kuchaziwe kwicandelo 4(2)(a) ngalo mathuba aya kubonwa efanelekile nguMkomishinala ngokuhamba kwexesha (yaye akuyi kufunwa esinye isiphumezo kwiBhunga ngopapasho ngalunye lweenkcukacha zokusebenza, ukuba olo papasho luthobela umgangatho weenkukacha nohlobo lwalo oluphunyezwe liBhunga); yaye

- (d) uya kuphuhlisa ze amisele uvimba weenkukacha zabo bonke abachaphazekayo, ndawonye namaqumrhu afanelekileyo kulungiselelwa ukunxibelelana noMkhomishinalamngemicimbi ephathelene uThutho oluhlanganiswe namanye amacandelo kunye okanye noPhuhliso lweeDolophu.
- (4) UMkomishinala uya kuvula unxulumano neentlobo zeenkukacha ezikwamanye amacandelo olawulo esiXeko yaye uya kuhlangukisa zonke iinkukacha zoThutho oluhlanganiswe namanye amacandelo kunye okanye noPhuhliso lweeDolophu ngenjongo yokwenza imisebenzi echazwe phantsi kweli candelo 6.
- (5) UMkomishinala uza kwenza iinkqubo zokubonisana noluntu nokwakha ubudlelwane neekhastoma (eziya kuhambelana neenkqubo zentatho-nxaxheba yoluntu yeSixeko) ukuqinisekisa ukuba ukusebenza kweTDA kujoliswe ekuququzeleleni uThutho oluhlanganiswe namanye amacandelo kunye noPhuhliso lweeDolophu ukuze kuzuze abahlali neendwendwe zaseKapa.
- (6) (a) UMkomishinala uya, ngokukhawuleza emva kokuphela konyakamali ngamnye, kupapasha ingxelo eza kubandakanywa njengesahluko esisodwa kwingxelo yonyaka yeBhunga ngendlela yokusebenza kwe-TCT kulo nyakamali.
- (b) Ingxelo ekubhekiswe kuyo kwicandelwana (6)(a) iya kuchaza iinkukacha:
- (i) igalelo elenziwe yiTDA kumiselo lweIDP;
- (ii) ukusebenza kweTDA, phakathi kwezinye izinto, ngakwi-ITP, SDF, BEPP nezicwangciso ezingokuHlaliswa koLuntu; kwakhona
- (iii) ukusebenza kweTDA ngakwimisebenzi ejolise kuyo kuwo onke amaCandelo emisebenzi ngokukodwa indlela yokusebenza kweNgxowa-mali yeziThuthi ezihamba eMhlabeni kaMasipala kuloo nyaka-mali.
- (c) Ingxelo ekubhekiswe kuyo kwicandelwana (6)(a) iya kuquka iinkukacha ezinokumiselwa ngokubhaliweyo nguMphathi kaMasipala ngokuhamba kwexesha ngokuphathelene nawo nawuphi umcimbi ekufuneka ukuba ingxelo leyo ijongane nawo ngokungqinelana necandelwana (6)(b).
- (d) UMkomishinala uya kugcina ikopi yayo nayiphi ingxelo eyenziwe phantsi kweli candelwana (6) efumanekayo kwixesha elifanelekileyo lokuhlolwa nguye nabani xa kuceliwe simahla kwiiofisi ezinkulu zikaMasipala ngamaxesha omsebenzi.
- (e) "Ixesha elifanelekileyo" kwimeko yengxelo eyenziwe phantsi kweli candelwana (6) lixesha leminyaka emithathu ukuqala ngomhla wokupapashwa kwalo ngxelo.

- (7) UMkomishinala uya kumisela uvimba weenkqubo ezisebenza kakuhle ukurekhoda lonke ulwazi ngezoThutho oluhlanganiswe namanye amacandelo kunye noPhuhliso lweeDolophu kunye nezipapashiweyo ngazo ukuze kube nomthombo omnye weenkukacha.
- (8) UMkomishinala uya kumisela, amenteyine, asebenzise, alawule iakhademi yoqeqesho eza kubonelela ngeenkonzo zoqeqesho olunzulu kubasebenzi beeTDA's nakubantu bangaphandle abachaphazelekayo kwimiba yoThutho oluhlanganiswe namanye amacandelo kunye noPhuhliso lweeDolophu, ukuqinisekisa ukuba kuhlale kukho impucuko eqhubekayo kuyo yonke iMisebenzi.

Ulawulo lotyalomali

7. (1) UMkomishinala uya kuba noxanduva lokumisela imiqathango yecandelo lama-27 (ingxowa-mali yezithuthi ezihamba emhlabeni kamasipala), icandelo lama-28 (imirhumo yabasebenzisi bezithuthi zoluntu), icandelo lama-29 (uMphathiswa unakho ukukhupha inkxaso-mali yezithuthi ezihamba emhlabeni) kunye necandelo lama-30 (uMphathiswa wePhondo unakho ukukhupha inkxaso-mali yezithuthi ezihamba emhlabeni) ye-NLTA.
- (2) UMkomishinala uya (elandela ngalo lonke ixesha iMunicipal Finance Management Act) kuba noxanduva lwayo yonke imiba yezemali kuyo yonke iMisebenzi.
- (3) UMkomishinala uya kuba noxanduva lokumisela nokumenteyina iNgxowamali yoMhlaba kaMasipala noThutho kuMasipala ngokwamacandelo 27 no-28 eNLTA.
- (4) UMkomishinala elandela ngalo lonke ixesha iMunicipal Finance Management Act uya:
 - (a) kuba noxanduva lokusebenza kwinkqubo ehlangeneyo yolawulo lwezimali nayo nayiphi imisebenzi yophuculo efana nayo anokuyibona ifanelekile yaye inokwenzeka;
 - (b) kuba noxanduva lwawo wonke umsebenzi wokuququzelela inkqubo yohlahlo-lwabiwo-mali lwe-TDA nokwenza izindululo kwiKomiti efanelekileyo yeMicimbi yeSebe okanye iKomiti eLawula uHlahlo lwabiwo-mali ukuze ingeniswe kwiBhunga njengenxalenye yenkqubo enkulu yokuqulunqa uhlahlo-lwabiwo-mali yeBhunga, wonke lo msebenzi uya kwenziwa ngokungqinelana nenkqubo efanelekileyo yeBhunga kunye noMthetho oLawula iZimali zikaMasipala;
 - (c) kuphakamisa imirhumo neendleko eziphathelelene noThutho oluhlanganiswe namanye amacandelo kunye noPhuhliso lweeDolophu zeBhunga ukuze iphunyezwe, uMkomishinala eya kuqala ahlole umgangatho ofanelekileyo walo mirhumo nezo ndleko esebenzisa uphicotho lwenzuzo neendleko ngawo onke amaCandelo emisebenzi ephantsi kweNgxowa-mali yeziThuthi ezihamba eMhlabeni kaMasipala;

- (d) kuququzelela izibonelelo-zoncedo zamazwe ngamazwe, zikazwelonke okanye zephondo ezinokubonwa zifanelekile ukuxhasa ukuqhutywa kweMisebenzi;
 - (e) kuba noxanduva lokuququzelela nendleko zenkxasomali neendlela ezithile ezingengeniso lwezoThutho oluhlanganiswe noPhuhliso lweDolophu kwakhona ngokukodwa, nokujonga iindleko zazo zonke iiprojekthi eziphambili neenkqubo eziyinxalenye ye-ITP, izicwangciso zezokuHlaliswa koLuntu, ze-SDF ne-BEPP, kuthathelwa ingqalelo iindleko zotyalo-mali lokuqala nemfuneko yolawulo lwexesha elide;
 - (f) kuba noxanduva lwayo yonke imisebenzi eyenza ingeniso kuwo onke amaCandelo emisebenzi;
 - (g) kuba noxanduva lolawulo lweemali oluhlanganisiweyo kubandakanywa:
 - (i) lokuqulunqwa nokumiselwa kwenkqubo ehlangeneyo yamatikiti ezithuthi zoluntu, kuqukwa inkqubo yamakhadi nentlawulo eyi-Europay, Mastercard ne-VISA (EMV), ngokunjalo nendawo yokupaka, ukupaka inqwelo yakho ze ukhwele isithuthi soluntu, ulawulo lwamatheko, iinkonzo ezikhethekileyo kunye neenkonzo zokuqesha ibhayisikile
 - (ii) nokusekwa, ukukhutshwa nokulawulwa kwenkqubo esebenza ngomatshini yokuqokelela imali yokukhwela; kunye
 - (iii) nokumiselwa kunye nolawulo lwenkqubo esebenza ngoomatshini yezothutho yoluntu;
 - (h) kuba noxanduva lokubonelela ngesiqinisekiso ngokobulungisa kuwo onke amaCandelo emisebenzi ngokuphathelene nemisebenzi yabo yekontraka neyokuthenga nokuthengisa; yaye
 - (i) kusoloko ezama ukuphucula zonke iinkalo zokusebenzisana nokusebenza ngokufanelekileyo, ngokukuko nokubakho kwemali yeziseko zophuhliso zoThutho oluhlanganisiweyo nezibonelelo ezihambalana nazo kusenzelwa abahlali neendwendwe ezindwendwele iKapa.
- (5) UMkomishinala uya kuthi akhangele (xa ifumaneka elandela imiqathango yezemali) inkxasomali efanelekileyo (nokuba ukwenze oko ngokurhweba ngekhakhoni okanye ngezinye iindlela) amaxesha ngamaxesha ukuze amisele iinkqubo neeprojekthi zokucutha iKhabhoni yeTDA's ekubhekiswe kuyo kwicandelo 11C(3).
- (6) UMkomishinala uya, rhoqo ngenyanga, abonelele ngeenkukacha ezifanelekileyo ngokuphathelene nemisebenzi ephantsi kweli Candelo loLawulo loTyalomali kuMsebenzi woLawulo lweMicimbi yeTDA.

Unyanzeliso-mthetho

8. (1) UMkomishinala uya kuba noxanduva lokumisela imiqathango yecandelo lama-85 ukuya kuma-91 (ebandakanyiwe) ye-NLTA.
- (2) UMkomishinala uya kuba noxanduva lokunyanzelisa iNational Road Traffic Act kwiindawo apho ibhekisa kunyanzeliso-mthetho lwezithuthi zoluntu.
- (3) UMkomishinala uya kuba noxanduva lokunyanzelisa uMthetho weziThuthi zeNdlela kuZwelonke kangangoko unxulumene nothungelwano lwezothutho (kubandakanywa iindlela neziporo xa zikhona) nezibonelelo ezihambelana nazo.
- (4) UMkomishinala uya kusebenzisa ngokufanelekileyo i-TMC ne-TIC nobuchwepheshe obufanelekileyo, yaye uya kusebenzisana nezinye ii-arhente ezifanelekileyo nabachaphazelekayo ngeenjongo zokunikezela uxanduva lwakhe phantsi kwecandelo le-8.
- (5) UMkomishinala uya kubonelela ngeenkonzolo zolawulo lwezothutho elandela uthutho loluntu nesicwangciso sokhuseleko loluntu ngendlela eya kumiselwa liBhunga ngokuhamba kwexesha.
- (6) UMkomishinala uya kuthi, ngokumalunga noThutho oluhlanganiswe namanye amacandelo kunye noPhuhliso lweDolophu, abonelele ngeearhente ezifanelekileyo zonyanzeliso-mthetho neenkonzolo zobuntlola, kunye neenkonzolo zeofisi zokuncedisa elo candelo lonyanzeliso-mthetho nezinye iinkonzolo zomthetho ezidingekayo ngokokubona kweBhuga kumaxesha ngamaxesha.
- (7) UMkomishinala uya kuthi, rhoqo ngenyanga abonelele ngeenkukacha ezifanelekileyo eziphathelene nemisebenzi yezo nkukacha phantsi zisiwe kuMsebenzi woLawulo lweMicimbi yeTDA.

INTsebenziswano, uNxibelelwano noLawulo lwaBachaphazelekayo

9. (1) UMkomishinala uya kumisela agcine iinkqubo nemisebenzi yolawulo ngenjongo yokuqinisekisa intsebenziswano nonxibelelwano olufanelekileyo nabo bonke abachaphazelekayo abachongiweyo.
- (2) UMkomishinala uya kubandakanya kwiinkqubo nakwimisebenzi yolawulo ekhankankanywe kwicandelwana (1) amaphulo afanelekileyo ukwenza inguqu eyimpumelelo nezinzileyo nokuxhotyiswa kweshishini leeteksi ngokwemigaqo echongwe liBhunga amaxesha ngamaxesha.
- (3) UMkomishinala uya kuba noxanduva lonxibelelwano lwegaphakathi, lwegaphandle nolwehlabathi lonke olumalunga neMisebenzi ukuqinisekisa ukuba abahlali neendwendwe ezize eKapa zaziswa kakuhle yaye zanelisekile yindlela esebenza ngayo iTDA, njengoko kulinganiswa yinkqubo yokubek'esweni ngokuqhubekayo kokwaneliseka kwabaxumi, kubandakanywa nokusetyenziswa

kweenkcukacha zoluntu ezifumanekayo ngokusebenza kujoliswe kwiithagethi namazinga enkonzo apapashwe kuMsebenzi woLawulo lweMicimbi yeTDA.

- (4) UMkomishinala uya kunxibelelana asebenzisane noluntu ngazo zonke iindlela ezifanelekileyo zonxibelelwano kunye, ngokuphathelene nemicimbi yokusebenza kwezithuthi zoluntu, esebenzisa i-TIC.
- (5) UMkomishinala uya kuncedisa iLungu leKomiti yeSigqeba sikasodolophu kwiTDA ngokunxulumene nayo nayiphi intsebenziswano namajelo eendaba anokuyifuna.
- (6) UMkomishinala uya kungena kwimemorandam yesivumelwano, apho kuyimfuneko, egameni leSixeko nabachaphazelekayo kwezothutho kuThutho oluhlanganiswe namanye amacandelo noPhuhliso lweeDolophu.
- (7)
 - (a) UMkomishinala uya kuthi, esebenzisa uvimba weenkukacha nezinye iindlela zonxibelelwano nabachaphazelekayo abachazwe kwicandelo 6(3)(d), enze kufumaneke ezo nkukacha abona zifanelekile ezithi:
 - (i) ziphathelane neenkonzo zoThutho oluhlanganiswe namanye amacandelo kunye noPhuhliso lweeDolophu ezithi zibonelelwe abahlali neendwendwe ezindwendwele iKapa;
 - (ii) zidingwe luluntu ngokubanzi ukuncedisa ekwenzeni izigqibo zokuba ziza kusetyenziswa njani ngokupheleleyo ezo nkonzo; yaye
 - (iii) zazise uluntu ngeenkqubo neendlela zokwenza izinto ezimalunga neMisebenzi ekufunake zilandelwe ukuze uuntu ngokubanzi lenze yaye lilandelele izecelo zeelayisenisi, iimvume, iipemithi, ugunyaziso nezinye iimpepha ekufuneka zikhutshwe yiTDA okanye egameni layo.
 - (b) Ezo nkukacha zichazwe kwicandelwana (7)(a) ziya kwenziwa zifumaneke, ngokungqinelana nemiqathango yoMthetho weeNkqubo zikaMasipala:
 - (i) kuluntu ngokubanzi; kunye
 - (ii) nakwabanye abantu abona befanelekile uMkomishinala.
 - (c) UMkomishinala unakho ukufuna ezo ndleko ngokungqinelana neMirhumo ephunyeziweyo amaxesha ngamaxesha yeBhunga ngazo naziphi iinkukacha ezifumanekayo, kodwa akukho zindleko zinokuhlawulwa xa ezo nkukacha ziphathelene neenkonzo zezithuthi ezikhwelisa uluntu yi-TDA.
- (8) UMkomishinala uya:
 - (a) kumisela, egameni leBhunga, iKomiti yoCwangciso yeeNtlobo-ntlobo zezoThutho ngokuhambelana necandelwana 15 leNLTA ukuze:

- (i) nokuququzelela izithuthi zoluntu ezizintlobo ezahlukileyo, uThutho oluhlanganiswe namanye amacandelo kunye noPhuhliso lweeDolophu, nabantu abachaphazelekayo ukuze kuphunyezwe iinjongo zeNLTA; yaye
 - (ii) kulungiselela intatho-nxaxheba yabantu abachaphazelekayo abanento yokwenza noPhuhliso lweeDolophu kwiKomiti yoCwangciso yeeNtlobo-ntlobo zezoThutho kwimiba emalunga noThutho oluHlanganisiweyo, uPhuhliso lweeDolophu ne-TOD;
- (b) ukuchophela iKomiti yoCwangciso yeeNtlobo-ntlobo zezoThutho nokuqinisekisa ukuba ubulungu beKomiti yoCwangciso yeeNtlobo-ntlobo zezoThutho buthobela icandelo 15(1) leNLTA yaye kuloo malungu kukho abantu abafanelekileyo abajongene noPhuhliso lweeDolophu;
- (c) ukuqinisekisa ukuba iKomiti yoCwangciso yeeNtlobo-ntlobo zezoThutho inika ingxelo yaye ibonisa qho neBhodi yeeNgcebiso yeZithuthi eziHamba eMhlabeni yaye noMkomishinala uya kunika ingxelo kwiBhunga xa imiba leyo kunikwa ingxelo ngayo okanye ekuboniswene ngayo inento yokwenza neTDA;
- (d) aqinisekise ukuba iKomiti yoCwangciso yeeNtlobo-ntlobo zezoThutho ihlanganisa izimvo nezigqibo zamacandelo onke:
- (i) eenkonzo zabakhweli boololiwe kwiNkalo yeCandelo elijongene neenkonzo zezithuthi zoluntu ezihamba ezindleleni;
 - (ii) iinkonzo ezicwangcisiweyo, iinkonzo zeeteksi kunye neenkonzo ezingacwangcisiwanga kwiNkalo yeCandelo enye nenye nezinye iintlobo zezithuthi zoluntu kubandakanywa neezololiwe;
 - (iii) iinkalo ze-ITP ngenjongo yokuqinisekisa ukuba kuphunyezwa ukusetyenziswa ngokukuko kweziseko zophuhliso neenkonzo kwinkqubo nokusetyenziswa ngokufanelekileyo nokubekwa phambili kwenkxaso-mali, kuqukwa izithuthi zomthwalo nezithuthi ezingenanjini; kwakhona
 - (iv) imisebenzi, uxanduva nentsebenziswano yabo bonke abachaphazelekayo kuThutho oluhlanganiswe namanye amacandelo kunye noPhuhliso; kwakhona
- (e) kuqinisekisa ukuba iKomiti yoCwangciso yeeNtlobo-ntlobo zezoThutho imisela ubuncinane ezo komitana, ezinokubandakanya iikomitana zoololiwe, iibhasi, iiteksi, usetyenziso-mhlaba nonyanzeliso-mthetho kuthutho lwezithuthi ezihamba emhlabeni, ngokokubona kweKomiti yoCwangciso yeeNtlobo-ntlobo zezoThutho.

- (9) UMkomishinala uya:
- (a) kumisela, egameni leBhunga, iBhodi enika iiNgcebiso ngeziThuthi ezihamba eMhlabeni ngokungqinelana nemiqathango yecandelo le-16 ye-NLTA nangabameli bakarhulumente nabamacandelo abucala ukuze banike iingcebiso kuMkomishinala ngokuphathelene nemiba yabo bonke abachaphazelekayo kuThutho oluhlanganiswe namanye amacandelo kunye noPhuhliso lweeDolophu;
 - (b) ukuqinisekisa ukuba iBhodi enika iiNgcebiso ngeziThuthi ezihamba eMhlabeni iyayithobela imiqathango eyenziwa ngokuhamba kwexesha nguMphathiswa weZothutho ngokuphathelene nobulungu kwiBhodi enika iiNgcebiso ngeziThuthi ezihamba eMhlabeni, ukonyulwa neziqinisekiso zobulungu, iinkqubo namaxesha okuchotshelwa kweentlanganiso, nemicimbi enxulumene nayo; kunye
- (c) nokufuna ukuba iBhodi enika iiNgcebiso ngeziThuthi ezihamba eMhlabeni:
- (i) ifumana izimvo kwiKomiti yoCwangciso lweendlela ezohlukeneyo zothutho; yaye
 - (ii) yenza izindululo ngocwangciso lomgaqo-nkqubo kwiBhunga nakwemnye imibutho efanelekileyo eyenza izigqibo malunga nemiba yoThutho oluhlanganiswe namanye amacandelo kunye noPhuhliso lweeDolophu njengoko kuchaziwe kumacandelwana (8)(e) no-f),
- zonke ziya kuxhasa inkqubo yeZithuthi eziHlangeneyo noPhuhliso lweDolophu kwiSixeko.
- (10) ILungu leKomiti yesiGqeba sikasodolophu kwi-TDA liya kuchophela iBhodi enika iiNgcebiso ngeziThuthi ezihamba eMhlabeni yaye usihlalo weKomiti yeMicimbi yeSebe le-TDA uya kuba ngusekela sihlalo weBhodi enika iiNgcebiso ngeziThuthi ezihamba eMhlabeni.
- (11) Ukubandakanywa kwabantu abachaphazelekayo kuPhuhliso lweeDolophu kwiKomiti yoCwangciso yeeNtlobo-ntlobo zezoThutho neBhodi enika iiNgcebiso ngeziThuthi eziHamba eMhlabeni ngokulandelelana nokuqwalaselwa kwemiba emalunga noPhuhliso lweeDolophu yiKomiti yoCwangciso yeeNtlobo-ntlobo zezoThutho kunye/okanye neBhodi enika iiNgcebiso ngeziThuthi eziHamba eMhlabeni njengoko kuchazwe kwicandelo 9 kuya kwenziwa ngokwendlela evunyelwe ngumthetho kuphela.
- (12) UMkomishinala uya kuthatha onke amanyathelo afanelekileyo ukuqulunqa nokukhupha uphawu neemveliso ze- kunye nemiqondiso exhasayo kunye noyilo lokwakha ngenjongo yokuba olo phawu lwe-TDA luxhase ngokupheleleyo yonke iMisebenzi.

- (13) UMkomishinala uya kuthi, qho ngenyanga anikeze ngovimba wezinto azenzayo phantsi koMsebenzi weNtsebenziswano, woQhagamshelwano noLawulo lwabachaphazelekayo kwiCandelo loLawulo lweMicimbi yeTDA.

Ulawulo lweZiseko zoPhuhliso

- 10.** (1) UMkomishinala uya kuba noxanduva lokucwangcisa, ukuyila, iindleko, umsebenzi wokwakha, ulondolozo, ukutshintshwa, ukwandiswa nokuphuculwa kothungelwano lwezibonelelo zoThutho oluhlanganiswe namanye amacandelo kunye noPhuhliso lweeDolophu nezibonelelo ezihambelana nazo.
- (2) UMkomishinala uya kuba noxanduva yaye uya kwenza yonke imisebenzi yogunyaziwe wezendlela phantsi koMmiselo weeNdlela kulungiselelwa zonke iindlela neendledlana zoluntu (ezifana neendlela neendledlana zoluntu njengoko kuchaziwe kuMmiselo weeNdlela) kwisiXeko yaye uya, kangangoko kufuneka, kwenza ezinye izicelo phantsi koMmiselo weeNdlela ukwenza lo msebenzi.
- (3) UMkomishinala uya kumisela, alawule ze amenteyine irejista yeeasethi zeSixeko nezibonelelo zoThutho oluhlanganiswe namanye amacandelo kunye noPhuhliso lweeDolophu namaziko anxulumene noku, ekubhekiswe kuzo kwicandelwana (1).
- (4) Ngokukodwa, uMkomishinala uya kuqinisekisa ukuba incwadi yeenkcukacha zempahla ekhankanywe kwicandelwana (3) iya kugcina ezi nkcukacha zilandelayo:
- (a) indawo ezikuyo iimpahla ezichazwe kwicandelwana (3);
 - (b) ukwahlulwa ngokweendidi nenkcazelo yezo mpahla;
 - (c) ubudala bezo mpahla;
 - (d) iindleko zomjikelo wokulondolozwa ezo mpahla yaye ngokukodwa iindleko zokuqhuba nokulondolozwa ezo mpahla; kunye
 - (e) nokufunyanwa kwezo mpahla nexabiso lazo lemali.
- (5) Xa kusenziwa izigqibo ngokulondolozwa kwezo mpahla ezichazwe kwicandelwana (4), uMkomishinala uya kufikelela kulinganiso olufanelekileyo phakathi kolondolozo olucwangcisiweyo nolo lwenziwa kuba kukho ingxaki ngenjongo yokuqinisekisa uzinzo lwexesha elide nokongiwa kweendleko kwezo mpahla, ngokunjalo nokuqwalasela iindlela zokucwangcisa ushishino ukuxhasa izigqibo zikaMkomishinala zokutyala imali ngokucwangcisiweyo kwezo mpahla aya kubona zibaluleke kakhulu.
- (6) UMkomishinala uya kuthi, rhoqo ngenyanga, abonelele ngeenkcukacha ezifanelekileyo ngokuphathelele nemisebenzi yayo phantsi kweCandelo loLawulo lweZiseko zoPhuhliso zisiwe kuMsebenzi woLawulo lweMicimbi yeTDA.

Ulawulo lokuSebenza koThungelwano

- 11.** (1) UMkomishinala uya kuba noxanduva lokucwangcisa, ukuyika, iindleko, ulawulo, ukusebenza nokongamela yonke imisebenzi ekuthungelwano neziseko zophuhliso zoThungelwano loThutho oluHlanganisiweyo namaziko anxulumene nazo kwiSixeko ngokukodwa ne-IPTN, kuqukwa ukusebenza:
- (a) kweenkqubo zemiqondiso yezithuthi;
 - (b) imizila yeebhasi neyeeteksi (BMT);
 - (c) iikhamera ezilawula izithuthi;
 - (d) ulawulo lwendawo yokupaka;
 - (e) inkqubo yokulawula oohola beendlela;
 - (f) izicwangciso zezithuthi ngokuphathelene nolawulo lwamatheko;
 - (g) iinkqubo zokukhweliswa kwemithwalo engaqhelekanga nokuthuthwa kwempahla enobungozi;
 - (h) I-TMC neTIC;
 - (i) iinkqubo zonxibelelwano, uvimba weenkukacha odityanisiweyo kunye neenkqubo zolwazi nobuchwepheshe beTDA's zonke ziya kubekwa zilawulwe kwi-TMC;
 - (j) amaziko onxibelelwano kuwo onke amaziko abalulekileyo ezithuthi zoluntu, iindawo zokutshintsha izithuthi; nakuthungelwano lwezithuthi ezihlangeneyo neziseko zophuhliso ezinxulumene nezi;
 - (k) ukucwangciswa kwamaxesha ngokuhlangeneyo azo zonke iinkonzo zezithuthi zoluntu;
 - (l) ukuvalwa kweendlela;
 - (m) nokunikezelwa kweemvume zokusebenza; kunye
 - (n) nezibonelelo zokusebenza koololiwe, uthungelwano nezibonelelo ezihambelana nazo.
- (2) UMkomishinala uya kuthi, rhoqo ngenyanga, abonelele ngeenkukacha ezifanelekileyo eziphathelene nemisebenzi yakhe phantsi kweli Candelo loLawulo loThungelwano lweMisebenzi zisiwe kuMisebenzi woLawulo lweMicimbi yeTDA.

UCwangciso lweeDolophu

- 11A.** (1) UMkomishinala uya kuba noxanduva lokumisela uCwangciso lweeDolophu ngokweSPLUMA, iLUPA, uMthetho kaMasipala woCwangciso nayo yonke eminye imithetho nemigaqo enento yokwenza noCwangciso lweeDolophu.
- (2) Kulandelwa icandelwana (1) noMthetho kaMasipala woCwangciso, UMkomishinala uya kwenza, amisele ze aphonononge iSDF neeSDFs zeZithili njengoko ziyakuthi zifuneke kwiSixeko ngokwamaxesha ngamaxesha, ngokungqinelana ne-TOD.
- (3) UMkomishinala ngokwezolawulo, uya kuxhasa zonke izigqibo zophuhliso lomhlaba ezenziwe siSigqeba soCwangciso sikaMasipala, kunye nezigqibo zophuhliso lomhlaba ezenziwe ngokwegunya elinikeziweyo, ziyafezekiswa, kulandelwa:
- (a) iinkqubo neemfuno zoMthetho kaMasipala woCwangciso; kunye
- (b) iSDF neeSDFs zeZithili,
- Ukuze kuqhutyekwe nomiselo lwe-TOD.
- (4) UMkomishinala uya kuthathela ingqalelo zonke izimvo zabo bonke abathathi-nxaxheba bangaphakathi nabangaphandle kwizinto ezichaphazela uSetyenziso-Mhlaba, kubandakanywa uSetyenziso-Mhlaba ekubhekiswe kulo kwicandelo 3(7).
- (5) UMkomishinala uya kuqinisekisa ukuba lonke uphuhliso lwezakhiwo oluvunyelwe luCwangciso lweeDolophu luthobela iNational Building Act.
- (6) UMkomishinala uya kuthi, elandela uMthetho kaMasipala woCwangciso, apho kuyimfuneko, iSPLUMA, anyanzelise yonke imiqathango yoSetyenziso-Mhlaba.
- (7) UMkomishinala uya kuthi, qho ngenyanga anikeze ngovimba wezinto azenzayo phantsi koMsebenzi woCwangciso lweeDolophu kwiCandelo loLawulo lweMicimbi yeTDA.

Ukuhlaliswa koLuntu

- 11B.** (1) UMkomishinala uya kuba noxanduva lokumisela umsebenzi wokuHlaliswa koLuntu elandela iHousing Act, iRental Housing Act, iSocial Housing Act nayo yonke eminye imithetho enento yokwenza noKuhlaliswa koLuntu.
- (2) UMkomishinala uya kwenza, amisele ze aphonononge i-IHSF eyenzela iSixeko ze aqinisekise ukuba loo IHSF iya:
- (a) kuthobela yonke imithetho nemigaqo kwiziquqatho nobume bezo zicwangciso zezokuHlaliswa koLuntu;
- (b) kubeka imida yokusebenza yoMsebenzi ngamnye woPhuhliso lweeDolophu nokuHlaliswa koLuntu nezinyanzeliso kunye nemigangatho ekufuneka ithotyelwe nguMsebenzi ngamnye;

- (c) kuqinisekisa ukuba lonke uyilo lwezindlu neemathiriyeli eza kusetyenziswa ayizi kubiza imali egqithisileyo, yaye iza kuhlala ixesha elide yaye isebenze ngempumelelo;
 - (d) kuthathela ingqalelo iSDF ze ilungelelane ne IPTN; kwakhona
 - (e) kuqinisekisa olunye umiselo lwe-TOD.
- (3) Ngokwecandelwana (2), UMkomishinala uya kubeka phambili uBonelelo ngeZindlu njengomba ophambili wokusebenza weTDA weMisebenzi ukuze kujongwane ngempumelelo nangemfezeko isidingo esimandla sezindlu ngenxa yokukhula kwamanani abantu kunye nabo abafudukela ezidolophini, kubandakanywa:
- (a) ukubeka phambili yonke imiba yokuhlala komntu kwindawo ayirentayo;
 - (b) ukumisela zonke iiprojekthi zezindlu zeTDA, ezigqitywe nguMphathiswa wokuHlaliswa koLuntu neBEPP amaxesha ngamaxesha;
 - (c) ukubeka phambi ukuHlaliswa koLuntu kusetyenziswa iNkxasomali echongiweyo yeTDA's kunye nenye inkxasomali esuka kwiSixeko;
 - (d) ukuphumeza uMgangatho weSithathu weSiqinisekiso (Financial Administration) ekubhekiswe kuwo kwiSikhokelo seZiqinisekiso seSizwe; kunye
 - (e) nokuququzelela ubonelelo lwezindlu ezihlala abantu abaninzi, ezixineneyo needizayini ezibunjalo ezibandakanya izindlu ekuhlala kuzo abantu abaliqela, ezirentwayo nezobandakanyo ukuze kukhawulezise kuhooywe ingxaki yabantu eudala belinde izindlu abakuluhlu lweSixeko lwabantu abalinde izindlu,
- ngokweTOD.
- (4) UMkomishinala uya kubeka phambili umiselo lotyalomali lokusebenza nolwemali lokujongana nokwakhela abantu izindlu kwiSixeko sonke.
- (5) UMkomishinala uya kuthi, qho ngenyanga anikeze ngovimba wezinto azenzayo phantsi koMsebenzi wokuHlaliswa kwiCandelo loLawulo lweMicimbi yeTDA."

Uzinziso lweeNdawo eziseZidolophini

- 11C.** (1) UMkomishinala uya kuba noxanduva lokumisela uZinziso lweeNdawo eziseZidolophini ngokweNEMA, iNHRA, nayo yonke eminye imithetho nemigaqo yoZinziso lweeNdawo eziseZidolophini.
- (2) UMkomishinala uya kwenza, amisele ze aphonononge iSicwangciso soZinziso lweeNdawo eziseZidolophini elungiselela iSixeko yaye uya kuqinisekisa ukuba eso Sicwangciso solo Zinziso lweeNdawo eziseZidolophini siya:

- (a) kuthobela yonke yonke imithetho nemigaqo nezikhokelo ezichaphazelekayo kwiziququlatho nobume beSicwangciso soZinziso lweeNdawo eziseZidolophini;
 - (b) kubeka imida yokusebenza emalunga noZinziso lweeNdawo eziseZidolophini nezinyanzeliso kunye nemigangatho ekufuneka ithotyelwe nguMsebenzi ngamnye; yaye
 - (c) siya kubeka imida, iithagethi, izixhobo nemithombo eya kwenza ukuba oko kwenziwe ngempumelelo kungachithwanga mali igqithisileyo:
 - (i) ulawulo lokusingqongileyo;
 - (ii) ulondolozo lwemithombo, imfezeko nolawulo;
 - (iii) ulawulo lokutshintsha kwemozulu nezinto zokwenziwa xa imozulu xa itshintshile;
 - (iv) izityalo nezinambuzane;
 - (v) ulawulo lwelifa lemveli leSixeko; kunye
 - (vi) nolawulo lwamanxweme; kunye
 - (d) ukuqinisekisa ukuba kuqhutyekwa nomiselo lweTOD.
- (3) UMkomishinala uya kwenza, amisele ze aphonononge ubungakanani beKhabhoni yeTDA's xa ithelekiswa nayo yonke iMisebenzi, yaye uya kuchonga ze amisele iinkqubo neeprojekthi zokucutha iKhabhoni yeTDA's nokuphucula uThutho oluhlanganiswe namanye amacandelo kunye noPhuhliso lweeDolophu ukuze kuzuze abahlali neendwendwe zaseKapa ngokokubona kwakhe.
- (4) UMkomishinala uya kubeka phambili umiselo lotyalomali lokusebenza nolwemali lokujongana noZinziso lweeNdawo eziseZidolophini ezikwiSixeko sonke.
- (5) UMkomishinala uya kuthi, qho ngenyanga anikeze ngovimba wezinto azenzayo phantsi koMsebenzi woZinziso lweeNdawo eziseZidolophini kwiCandelo loLawulo lweMicimbi yeTDA.

EMINYE IMIQATHANGO

Imisebenzi ngokubanzi yeTDA

- 12.** (1) UMkomishinala unakho ukuxhasa nokulawula ukwenziwa kwayo nayiphi imisebenzi anegunya lokuyenza, nokuba lo magunya anikezelwe kuye ngokomthetho, lo Mthetho kaMasipala okanye anikezelwe kuye liBhunga yaye kangangoko umthetho umvumela, uMkomishinala, ngokuxhomekeke ekufumanekeni kwegunya elifunekayo, uya kuba nelungelo lokuqesha abasebenzi, ii-arhente nonokontra-kinga ukuba bakulungele okanye njengoko kufunwa liBhunga ukuze benze lo msebenzi uMkomishinala anamagunya okuwenza.
- (2) UMkomishinala, ngokuxhomekeke ekufumanekeni kwegunya elifunekayo, unakho ukungena yaye enze isivumelwano naye nabani na ngeenjongo zokwenza lo msebenzi, nokuba usebenza njenge-arhente yeSixeko okanye ngolunye uhlobo, kuyo nayiphi imisebenzi uMkomishinala anegunya lokuyenza yaye, ngokukodwa, ngokuphathelene nobonelelo ngezimali kwiinkonzo zezithuthi ezikhwelisa uluntu nalapho i-TCT inegunya lokubonelela emalunga noThutho oluhlanganiswe namanye amacandelo kunye/okanye noPhuhliso lweeDolophu iSixeko esinegunya lokulubonelela), ngokuxhomekeke ekulandelweni kwenkqubo efanelekileyo.
- (3) Kangangoko uvuma umthetho, kuya kuba ngokwamandla oMkomishinala, ngokuxhomekeke ekufunyanweni kwegunya elifunekayo, to do such things and ukwenza ezo zinto nokungena kolo naniselwano lubaliweyo to ukuze kuququzelelwe, izinto ezilungele okanye ezinxulumene, nokwenziwa kwayo nayiphi iMisebenzi.

Izivumelwano nePhondo nooMasipala abakufuphi

- 13.** Ngokuxhomekeke ekuphunyezweni kwangaphambili liBhunga, uMkomishinala unakho ukungena kwizivumelwano nePhondo okanye nooMasipala abakufuphi ngokwemigaqo yecandelo le-12 nele-19 le-NLTA.

Isihloko esifutshane

- 14.** Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala weSixeko saseKapa: Woseko lweZothutho noloGunyaziwe woPhuhliso lweeNdawo eziseZidolophini eKapa, ka-2016.

