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GENERAL NOTICE—ALGEMENE KENNISGEWING—ISAZISO SIKAWONKE-WONKE

No. 60

1 July 2010

DEPARTMENT OF CO-OPERATIVE GOVERNMENT AND TRADITIONAL AFFAIRS**KWAZULU-NATAL PLANNING AND DEVELOPMENT AMENDMENT BILL, 2010**

1. The KwaZulu-Natal Planning and Development Amendment Bill, 2010, is published for public comment in compliance with the provisions of section 154(2) of the Constitution of the Republic of South Africa, 1996.

2. Organised local government, municipalities and other interested persons are invited to submit comments in writing on the proposed Bill as follows:

(a) by post, to –

The Head of Department
Co-operative Government and Traditional Affairs
Private Bag X9078
PIETERMARITZBURG
3200

(b) delivery by hand to –

Office 108
14th Floor
North Tower
Natalia Building
330 Langalibalele Street
PIETERMARITZBURG;

(c) via facsimile to 033-394 9714; or

(d) via electronic mail to gert.roos@kznlgta.gov.za.

3. All comments must be received by no later than 6 August 2010 and must be marked clearly:

"For Attention: Mr GL Roos".

4. All enquiries and requests for copies of the Bill and the Memorandum on the Objects of the Bill must be addressed to:

Mr G Roos
Tel: (033) 395 2656/ (072) 624 4070
Fax: (033) 394 9714
E-mail: gert.roos@kznlgta.gov.za

**KWAZULU-NATAL
PLANNING AND DEVELOPMENT AMENDMENT BILL**

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments

_____ Words underlined with a solid line indicate insertions in existing enactments

BILL

To amend the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008), so as to expand the long title of the Act; to insert the definitions of "adjacent erven", "consent in terms of a scheme", "Less Formal Township Establishment Act", "MEC"; "municipal road", "proposal" and "Sectional Titles Act"; to delete the expression "responsible Member of the Executive Council"; to expand the objects of the Act to provide for the consent by a municipality in terms of a scheme, to provide for consent by a municipality in terms of a scheme, including the lodging of an application, public consultation, making of a decision, appeal against a decision, effective date of a decision, lapsing of consent and cancellation of consent; to provide that consent by a municipality in terms of a scheme constitutes a real right in land; to provide for exemption from the need to consult the public in certain instances; to rationalise the matters that must be considered for applications; to require a municipality to consider the provisions of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989) when it considers the adoption, repeal or amendment of a scheme; to provide that a municipality may initiate applications relating to land which vests in it or which it is in the process of acquiring; to require that a municipality notifies an applicant whether comments were received in response to an invitation for the public to comment on an application; to make the effective date of a municipality's decision on an application earlier under certain circumstances; to require an application for the development of land by means of sectional title; to require an application for the consolidation of unregistered erven; to provide for the lapsing of approval for the development of land situated outside the area of a scheme; to provide for the registration of conditions of title by the Registrar of Deeds against the remainder of land when land is subdivided; to provide for the alteration, suspension and deletion of conditions of approval for a municipality's consent in terms of a scheme and for the permanent closing of a municipal road or a public place; to confer a right of appeal on a person who objected to an application for the suspension, alteration or deletion of a restriction relating to land; to provide for the updating of records held by the Surveyor General and the Registrar of Deeds; to provide for the endorsement by the Registrar of Deeds of deeds of which conditions of title have been altered, suspended or deleted; to provide for the permanent closure of a municipal road or a public place, including the lodging of an application, public consultation, making of a decision, effective date of a decision, vesting of the land upon the closure of the municipal road or public place, and compensation relating to the permanent closure of a municipal road or a public place; to provide for offences relating to the unlawful use or development of a municipal road or a public place; to provide for the subsequent consideration by a municipality of an application for its consent in terms of a scheme; to provide for the subsequent consideration by a municipality of an application for the permanent closure of a municipal road or a public place; deletion of the requirement that illegal development must stop until it is known if an application to regularise the illegal development has been approved; to clarify that the levying of rates in accordance with the use of a property does not render the use of the property lawful for the purposes of the principal Act; to make it a criminal offence to interfere with the evaluation of an application by a registered planner or issuing of a certificate of compliance by a registered planner; to empower a municipality to delegate a power or duty conferred on it in terms of the principal Act to a committee of the municipality or to a person employed by a municipality, to exercise that power or perform that duty; to empower a municipality to enter into an agency agreement with a district municipality; to clarify the relationship between the principal Act and the Less Formal Township Establishment Act, 1991 (Act No. 113 of 1991) and the Development

Facilitation Act, 1995 (Act No. 67 of 1995); to provide for the validation of applications considered by a municipality under the wrong planning and development law before the commencement of the principal Act; to make it clear that the public has 30 days to respond to a site notice and a notice in the newspaper inviting the public to comment on an application; to require a municipality to give notice of an application by it in a newspaper that it has determined as its newspaper of record, in a language that it has determined as its official language and on a day of the week that it has determined as the day of the week for the publication of notices in terms of the principal Act; to give a municipality 21 days to respond to objections to an application by it; to give a municipality 14 days to decide if it should hold a public hearing on an application by it; to provide for the repeal of sections 211 and 112 of the Local Authorities Ordinance, 1974 (Ordinance No. 25 of 1974); to provide for transitional measures for provisions of schemes adopted in terms of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949), which provides for special consent or the approval of a municipality; to provide for the deletion of certain conditions of title by operation of law; to provide for the lapsing of approval in terms of the Lesa Formal Township Establishment Act, 1991 (Act No. 113 of 1991) and the Development Facilitation Act, 1995 (Act No. 67 of 1995) under certain circumstances; to correct grammatical errors; to substitute certain expressions; to correct wrong cross-references; to delete duplications and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows: –

Amendment of long title of KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008), hereinafter referred to as the principal Act

1. The long title of the principal Act is hereby amended by the substitution for the long title of the following long title:

"To provide for the adoption, replacement and amendment of schemes[,] ; to provide for consent in terms of schemes; to provide for the subdivision and consolidation of land; to provide for the development of land outside schemes; to provide for the phasing or cancellation of approved layout plans for the subdivision or development of land; to provide for the alteration, suspension and deletion of restrictions relating to land; to [establish general principles] provide for the permanent closure of municipal roads or public places; to provide for [the adoption and recognition of schemes,] enforcement measures; to provide for compensation in respect of matters regulated by the Act; to establish the KwaZulu-Natal Planning and Development Appeal Tribunal; to provide for provincial planning and development norms and standards; and to provide for matters connected therewith".

Amendment of section 1 of KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008)

2. Section 1 of the principal Act is hereby amended –

(a) by the insertion before the definition of "Appeal Tribunal" of the following definition:

"adjacent erven" means all erven that borders an erf, and all erven that would have bordered an erf, had they not been separated by a road, a railway line, a servitude, a river or a similar feature;"

(b) by the insertion after the definition of "Appeal Tribunal" of the following definition:

"application" includes a proposal by a municipality to –

(a) amend a scheme;

(b) grant its consent in terms of a scheme;

(c) subdivide or consolidate land;

- (d) develop land situated outside the area of a scheme;
 (e) phase or cancel an approved layout plan for the subdivision or development of land;
 (f) alter, suspend or delete restrictions relating to land; or
 (g) permanently close a municipal road or a public place;;
- (c) by the insertion after the definition of "certificate" of the following definition:
"consent in terms of a scheme" means a municipality's consent in terms of a scheme contemplated in section 5(d)(ii);;
- (d) by the insertion after the definition of "integrated development plan" of the following definition:
"KwaZulu-Natal Traditional Leadership and Governance Act" means the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005);
- (e) by the insertion after the definition of "legally qualified" of the following definition:
"Less Formal Township Establishment Act" means the Less Formal Township Establishment Act, 1991 (Act No. 113 of 1991);;
- (f) by the insertion after the definition of "lodge" of the following definition:
"MEC" means the Member of the Executive Council for the Province of KwaZulu-Natal responsible for co-operative government;
- (g) by the insertion after the definition of "municipal manager" of the following definition:
"municipal road" includes any road, street or thoroughfare, which is owned by a municipality or which vests in a municipality; and
- (h) by the insertion after the definition of "scheme" of the following definition:
"Sectional Titles Act" means the Sectional Titles Act, 1986 (Act No. 95 of 1986);.

Amendment of section 2 of Act 6 of 2008

3. Section 2 of the principal Act is hereby amended by the substitution for paragraph (1) of the following paragraph:

"(1) provide for the adoption, replacement and amendment of [schemes] a scheme and the granting of consent in terms of a scheme;".

Amendment of section 5 of Act 6 of 2008

4. Section 5 of the principal Act is hereby amended –

- (a) by the substitution for subparagraph (ii) of paragraph (d) of the following subparagraph:
"(ii) kinds of land uses and development that may be permitted with the municipality's [permission] consent in terms of the scheme, the criteria that will guide the municipality in deciding whether to grant its [permission] consent, and the [conditions] controls which will apply if the municipality grants its [permission] consent;"; and
- (b) by the substitution for paragraph (e) of the following paragraph:
"(e) specify the extent to which land that was being used lawfully for a purpose that does not conform to the scheme may be continued to be used for that purpose and the extent to which buildings or structures on that land may be altered or extended; [and]"; and
- (c) by the insertion after paragraph (e) of the following paragraph:
"(eA) specify consents in terms of the scheme for which notice in a local newspaper as contemplated in items 6(1)(c) and 15(1)(c) of Schedule 1 is not required; and"; and
- (d) by the substitution for paragraph (f) of the following paragraph:
"(f) specify areas where the [prior approval of the municipality in terms of this Act] giving of public notice as contemplated in items 5 and 14 of Schedule 1 is not required for the subdivision or consolidation of land.".

Amendment of section 6 of Act 6 of 2008

5. Section 6 of the principal Act is hereby amended –

(a) by the substitution for subsection (4) of the following subsection:

"(4) A municipality or any other organ of state may not approve **[a proposal]** an application to subdivide or consolidate land that is in conflict with the provisions of a scheme.";

(b) by the substitution for subsection (4) of the following subsection:

"(5) **[A proposal]** An application to subdivide or consolidate land that is in conflict with the provisions of a scheme is invalid."; and

(c) by the insertion after subsection (10) of the following subsection:

"(11) Consent in terms of a scheme constitutes a real right in property which can be exercised by any person."

Amendment of the heading of Part 2 of Chapter 2 of Act 6 of 2008

6. The heading of Chapter 2 of the principal Act is hereby amended by the substitution for the heading of the following heading:

"Part 2: Adoption, replacement and amendment of scheme and consent in terms of scheme".

Amendment of section 9 of Act 6 of 2008

7. Section 9 of the principal Act is hereby amended by the substitution for section 9 of the following section:

"[Persons who may initiate] Initiation of adoption [,] or replacement of scheme [, o:] or application for the amendment of a scheme or for consent in terms of a scheme

9.(1) A municipality may initiate an adoption of a scheme [,] or replacement of a scheme; or an application for an amendment of a scheme or for consent in terms of a scheme.

(2) An application to a municipality for an amendment of a scheme [,] or for its consent in terms of a scheme, may be lodged by –

(a) the owner of land who is affected by the proposed amendment to the scheme [,] or by the proposed consent in terms of a scheme, including an organ of state; and

(b) a person acting with the written consent of the owner of land who is affected by the proposed amendment of a scheme or by the proposed consent in terms of a scheme.

(3) If land, which is the subject of an application for the amendment of a scheme or for consent in terms of a scheme, is transferred to a new owner, the new owner may continue with the application as the legal successor-in-title of the previous owner."

Amendment of section 10 of Act 6 of 2008

8. Section 10 of the principal Act is hereby amended –

(a) by the substitution for the heading of the following heading:

"Process for adoption, replacement or amendment of scheme or consent in terms of scheme";

(b) by the substitution for subsection (1) of the following subsection:

"(1) The procedures in **[Par] Part 2** of Schedule 1 must be followed for the adoption or replacement of a scheme.";

(c) by the substitution for subsection (2) of the following subsection:

"(2) The procedures contemplated in Schedule 1 must be followed for an application for the amendment of a scheme or for consent in terms of a scheme."; and

(d) by the deletion of subsection (3).

(e) by the substitution for subsection (4) of the following subsection:

"(4) [A proposal] Applications for the amendment of a [municipality's] scheme and for consent in terms of a scheme may be combined, and processed as one application [with a proposal to –

(a) subdivide or consolidate land; and

(b) alter, suspend or delete restrictions relating to land,

and processed as one proposal].";

(f) by the insertion after subsection (4) of the following subsection:

"(5) Applications for the amendment of a scheme and for consent in terms of a scheme may be –

(a) combined with an application –

(i) to subdivide or consolidate land;

(ii) to alter, suspend or delete restrictions relating to land, and

(iii) for the permanent closure of a municipal road or a public place; and

(b) processed as one application."

Amendment of section 11 of Act 6 of 2008

9. Section 11 of the principal Act is hereby amended by the substitution for section 11 of the following section:

"11. Before considering [a proposal to adopt, replace] the adoption or replacement of a scheme or an application to amend a scheme [,] or for its consent in terms of a scheme, a municipality must obtain a –

(a) registered planner's written evaluation and recommendation on the [proposal] proposed adoption or replacement of the scheme or the application for the amendment of the scheme or consent in terms thereof; and

(b) certificate signed by a registered planner –

(i) confirming that the proposal or application complies in all respects with this Act; or

(ii) if the proposal or application does not comply in all respects with this Act, stating that the proposal or application is defective and provide details of the defect."

Amendment of section 12 of Act 6 of 2008

10. Section 12 of the principal Act is hereby amended by the substitution for section 12 of the following section:

"Matters relevant in determining merits of proposed adoption [,] or replacement of scheme or application for amendment of scheme

12. For the purposes of determining the merits of a proposal to adopt [,] or replace a scheme or [amend] an application for the amendment of a scheme, a municipality must take the following matters into account –

(a) the proposal or application contemplated in items 1(2) or 14(1) of Schedule 1;

(b) comments in response to the invitation for public comment on the proposal or application;

(c) the registered planner's –

(i) written evaluation and recommendation on the proposal or application; and

(ii) certificate of compliance of the proposal or application with the Act;

(d) the potential impact of the proposal or application on the environment, socio-economic conditions, and cultural heritage;

(e) the impact of the proposal or application on –

(i) existing or proposed developments or land uses [in the municipality's area, or]; and

(ii) [on existing developmental or] mineral rights;

[(f) the impact of the proposal on the national, provincial and municipal road networks;]

(g) in the event of a proposal for the adoption or replacement of a scheme, the human and financial resources

likely to be available for implementing the [proposal] scheme [, including access to the national, provincial or municipal roads network, engineering services, public transport, municipal services, sewage, water and electricity supply, waste management and removal, policing and security, health and educational facilities, and the fiscal ability of the municipality to pay compensation contemplated in section 95(1)];

(h) [In the event of the adoption of a scheme,] the benefits that will accrue from the adoption [thereof] , replacement or amendment of a scheme compared to the cost of compensation contemplated in section 95(1);

(hA) the provision and standard of engineering services;

(hB) the impact of the proposal or application on the national, provincial and municipal road networks, public transport, municipal services, sewage, water and electricity supply, waste management and removal, policing and security;

(hC) access to health and educational facilities;

(i) the historical effects of past racially discriminatory and segregatory legislation on land ownership, land development and access to engineering services and public facilities, and the need to address the historical imbalances;

(j) the protection or preservation of cultural and natural resources, including agricultural resources, unique areas or features and biodiversity;

(k) the natural and physical qualities of that area;

(l) the general principles for land development as stated in section 3 of the Development Facilitation Act, 1995 (Act No. 67 of 1995), and other national norms and standards, frameworks and policies contemplated in section 146(2)(b) of the Constitution;

(m) the provincial planning and development norms and standards;

(n) the municipality's integrated development plan;

(o) the [municipality's] scheme, in the event of an application to amend a scheme;

(oA) the provisions of section 13 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989) relating to the zoning of land owned by Transnet and other laws which regulate the zoning of land;

(p) any local practice or approach to land use management that is consistent with –

(i) the laws of the Republic;

(ii) the provincial planning and development norms and standards; and

(iii) the municipality's integrated development plan; and

(q) any other relevant information.”.

Insertion of section 12A of Act 6 of 2008

11. The following section is hereby inserted in the principal Act after section 12 –

“Matters relevant in determining merits of an application for consent in terms of a scheme

12A. For the purposes of determining the merits of an application for its consent in terms of a scheme, a municipality must consider the following matters:

(a) the application contemplated in items 1(2) or 14(1) of Schedule 1;

(b) comments in response to the invitation for public comment on the application;

(c) the registered planner's –

(i) written evaluation and recommendations on the application; and

(ii) certificate of compliance of the application with the Act;

(d) the potential impact of the application on the environment, socio-economic conditions, and cultural heritage;

(e) the impact of the application on –

(i) existing or proposed developments or land uses; and

(ii) mineral rights;

(f) the general principles for land development as stated in section 3 of the Development Facilitation Act, 1995 (Act No. 67 of 1995), and other national norms and standards, frameworks and policies contemplated in section 146(2)(b) of the Constitution;

(g) the provincial planning and development norms and standards;

(h) the municipality's integrated development plan;

(i) the municipality's scheme, including the criteria for granting consent to use or develop land specified in the scheme; and

(j) any other relevant information."

Amendment of section 13 of Act 6 of 2008

12. Section 13 of the principal Act is hereby amended –

(a) by the substitution for the heading of the following heading:

"Municipality's decision on proposed adoption [,] or replacement of scheme or application for amendment of scheme or consent in terms of scheme";

(b) by the substitution for subsection (1) of the following subsection:

"(1) A municipality must within the periods contemplated in items 12 [and] or 21 of Schedule 1 [, consider the merits of the proposal to adopt, replace or amend a scheme and decide to] –

(a) decide to –

(i) [approve the adoption,] adopt a scheme;

(ii) [replacement] replace a scheme;

(iii) [or amendment] approve an application for the amendment of a scheme; or

(iv) grant an application for its consent in terms of a scheme,

with or without [alterations] changes; or

(b) decide not to –

(i) [refuse] adopt a scheme [,];

(ii) replace a scheme;

(iii) [or amend the] approve an application for the amendment of a scheme; or

(iv) grant its consent in terms of a scheme."

(c) by the substitution for subsection (2) of the following subsection:

"(2) A municipality may not adopt a scheme, [or] approve an amendment to a scheme, or grant its consent in terms of a scheme [that is] in conflict with –

(a) the provincial planning and development norms and standards; or

(b) the municipality's integrated development plan."

(d) by the substitution for subsection (4) of the following subsection:

"(4) A municipality may approve an application for the amendment of [its] a scheme, or for its consent in terms of a scheme, subject to any conditions that it considers necessary."

(e) by the substitution for subsection (5) of the following subsection:

"(5) In formulating its decision on an application for the amendment to a scheme, or for its consent in terms of a scheme, a municipality must provide reasons –

(a) for approving or refusing the application for the amendment to the scheme or for granting or refusing its consent in terms of the scheme;

(b) why the [alterations] changes were made, if the application for the amendment was approved or its consent in terms of a scheme was granted with [alterations] changes; or

(c) for any condition imposed [to the amendment of a scheme, if the amendment to the scheme has been approved subject to conditions] –

(f) that was not dealt with in the application for the amendment of the scheme or for its consent in terms of the scheme; or

(ii) that differs substantially from a condition proposed in the application.”;

(f) by the insertion after subsection (5) of the following subsection:

“(5A) In formulating its decision on an application for the amendment to a scheme, or for its consent in terms of a scheme, a municipality must inform the applicant whether any comments were received in response to the invitation for the public to comment on the application.”;

(g) by the substitution for subsection (6) of the following subsection:

“(6) A municipality may at any time correct an error in the wording of its decision, as long as the correction does not constitute a change in its decision or an alteration, suspension or deletion of a condition of its approval for [an] the amendment of a scheme or granting of its consent in terms of a scheme.”.

Amendment of section 14 of Act 6 of 2008

13. Section 14 of the principal Act is hereby amended –

(a) by the substitution for the heading of the following heading:

“Persons to be informed of municipality’s decision [for] on proposal for adoption [,] or replacement [or amendment of scheme] of scheme or on application for amendment of scheme or consent in terms of scheme”; and

(b) by the substitution for subsection (1) of the following subsection:

“(1) A municipality must, within 14 days after a decision on the adoption, replacement or amendment of a scheme, or its consent in terms of a scheme, serve notice of its decision on every person who lodged a written comment in terms of Schedule 1.”.

Amendment of section 15 of Act 6 of 2008

14. Section 15 of the principal Act is hereby amended –

(a) by the substitution for the heading of the following heading:

“Appeal against municipality’s decision on proposal for adoption [,] or replacement or application for amendment of scheme [or failure to decide on amendment of scheme] or consent in terms of scheme”;

(b) by the substitution for subsection (1) of the following subsection:

“(1) A person who –

(a) applied for the amendment of a scheme, or for consent in terms of a scheme, or

(b) who has lodged written comments in response to an invitation for public comment on –

(i) [a proposal to adopt, replace or amend] a proposal by a municipality to adopt or replace a scheme by the closing date stated in the invitation, or

(ii) an application for the amendment of a scheme or for consent in terms of a scheme by the closing date stated in the invitation,

who is aggrieved by the decision of the municipality contemplated in section 13(1), may appeal to the Appeal Tribunal.

Amendment of section 16 of Act 6 of 2008

15. Section 16 of the principal Act is hereby amended by the substitution for section 16 of the following section:

“Effective date of municipality’s decision on proposal for adoption [,] or replacement of scheme or application for

amendment of scheme or consent in terms of scheme

16. A decision on a proposal to adopt [,] or replace a scheme or an application to amend a scheme, or to grant consent in terms of a scheme, comes into effect upon –

(aA) the date of the municipality's decision if –

(i) the proposal or application was a proposal or an application by the municipality; and

(ii) no comments were received in response to the invitation for the public to comment on the proposal or the application;

(aB) the date of a written waiver of the right to appeal by the applicant, if no comments were received in response to the invitation for the public to comment on the application;

(a) the expiry of the 28 day period referred to in section 15(2), if no appeal was lodged against the decision of the municipality and no application was made for the late lodging of an appeal; or

(b) the finalisation of the appeal, if an appeal was lodged against the decision of the municipality.”.

Insertion of sections 16A-16C of Act 6 of 2008

16. The principal Act is hereby amended by the insertion after section 16 of the following sections:

Lapsing of consent in terms of scheme

16A.(1) A municipality's consent in terms of a scheme lapses if the applicant fails to commence with the use or development of the land in accordance with the consent within a period of five years from the date on which the consent became effective in terms of section 16.

(2) For the purpose of subsection (1), "development" excludes the erection of a fence or a gate house.”.

Initiation of cancellation by municipality of consent in terms of a scheme, if rights have not been fully exercised

16B.(1) In the event that –

(a) the rights granted by a municipality by consent in terms of a scheme have not been fully exercised within five years from the date on which the municipality's approval became effective in terms of section 16; and

(b) the municipality is of the opinion that the development will not be completed within a reasonable period,

the municipality may serve notice on the owner of the land –

(i) warning the owner that it may initiate the cancellation of the part of the development approved in terms of the scheme for which the rights granted by consent have not been fully exercised; and

(ii) specifying the period in which the rights must be fully exercised.

(2) A municipality may withdraw a notice referred to in subsection (1) at any time before the expiry of the period specified therein.

(3) A notice referred to in subsection (1) is of no force and effect if a municipality fails to act in terms of the said notice within a period of six months after the expiry of the period contemplated in the notice.

(4) Where an owner of land fails to fully exercise a municipality's consent in terms of a scheme within the time frame specified by the municipality in terms of subsection 16B(1)(ii), the municipality may cancel approval for the part of the development for which the owner has not fully exercised the consent.

Cancellation of municipality's consent in terms of scheme

16C. (1) A municipality may initiate the cancellation of its consent in terms of a scheme for –

- (a) land that it owns;
- (b) land that vests in it;
- (c) land that it is in the process of acquiring; or
- (d) land for which rights have not been fully exercised as contemplated in section 16B.

(2) The following persons may apply to a municipality for the cancellation of its consent in terms of a scheme –

- (a) the owner of the land; and
- (b) a person acting with the written consent of the owner of the land.

(3) If land that is the subject of an application to a municipality for the cancellation of its consent in terms of a scheme, is transferred to a new owner, the new owner may continue with the application as the legal successor-in-title to the previous owner.

(4) An application to a municipality for the cancellation of its consent in terms of a scheme must be accompanied by –

- (a) an application form;
- (b) a written motivation in support of the application;
- (c) proof of registered ownership and a copy of the diagram for the property;
- (d) the written consent of the registered owner of that land, if the applicant is not the owner thereof;
- (e) any other plans, diagrams, documents, information or fees that a municipality may require.

(5)(a) Before considering an application for the cancellation of its consent in terms of a scheme, a municipality must obtain a registered planner's written evaluation and recommendation on the application.

(b) A registered planner must evaluate an application to cancel a municipality's consent in terms of a scheme in a manner that is –

- (i) independent;
- (ii) free from interference or influence; and
- (iii) in accordance with the highest standards of integrity, impartiality, objectivity and professional ethics.

(6) For the purposes of determining the merits of an application for the cancellation of its consent in terms of a scheme, a municipality must take the following matters into account –

- (a) the application contemplated in subsections (1) or (5);
- (b) the registered planner's written evaluation and recommendation on the application;
- (c) any prejudice to be caused by the application, to any person, including –
 - (i) an engineering service provider;
 - (ii) a mortgagee;
 - (iii) a holder of a servitude right; or
 - (iv) a lessee in terms of a registered lease; and
- (d) any other relevant information.

(7) A municipality must decide an application for the cancellation of its consent in terms of a scheme within a period of 60 days after receipt thereof.

(8) A municipality must consider an application for the cancellation of its consent in terms of a scheme and decide to –

- (a) approve the application, with or without amendments; or
- (b) refuse the application.

(9) A municipality may approve an application for the cancellation of its consent in terms of a scheme, subject to any

conditions that it may consider necessary.

(10) In formulating its decision, a municipality must provide reasons for approving or refusing an application."

Deletion of sections 17-20 of Act 6 of 2008

17. Sections 17 to 20 of the principal Act, including the heading of Part 3, are hereby deleted.

Amendment of section 21 of Act 6 of 2008

18. Section 21 of the principal Act is hereby amended –

(a) by the substitution for paragraph (g) of subsection (2) of the following paragraph:

"(g) alteration or amendment of a general plan that affects the extent of an erf, as contemplated in section 37 of the Land Survey Act; [or]";

(b) by the substitution for paragraph (h) of subsection (2) of the following paragraph:

"(h) registration of a long term lease contemplated in section 77 of the Deeds Registries Act [1937 (Act No. 47 of 1937)];";

(c) by the insertion of the following paragraph after paragraph (g):

"(gA) approval of a diagram for consolidated title, as contemplated in section 38 of the land Survey Act;" and

(d) by the insertion of the following paragraphs after paragraph (h):

"(i) establishment of a sectional title scheme in terms of section 4(1) of the Sectional Titles Act;

(j) alteration, amendment or substitution of a sectional title scheme in terms of section 14 of the Sectional Titles Act to create additional sections or exclusive use areas; or

(k) alteration, amendment or substitution of a sectional title scheme in terms of section 14 of the Sectional Titles Act to reserve additional sections or exclusive use areas contemplated in section 25 of the Sectional Titles Act."

Amendment of section 22 of Act 6 of 2008

19. Section 22 of the principal Act is hereby amended –

(a) by substitution for the heading of the following heading:

"[Persons who may initiate] **Initiation of application for subdivision or consolidation of land**"; and

(b) by the substitution for subsection (1) of the following subsection:

"(1) A municipality may initiate the subdivision or consolidation of –

(a) land [which] that it owns;

(b) land that vests in it, or

(c) land that it is in the process of acquiring."

Amendment of section 23 of Act 6 of 2008

20. Section 23 of the principal Act is hereby amended –

(a) by the deletion of subsection (2).

(b) by the deletion of, and substitution for, subsection (3), of the following subsection:

"(3) An application for the subdivision or consolidation of land may be –

(a) combined with an application –

(i) to amend a scheme

(ii) for the consent of a municipality in terms of a scheme;

- (iii) to develop land situated outside the area of a scheme;
- (iv) to alter, suspend or delete restrictions relating to land;
- (v) to permanently close a municipal road or a public place; and
- (b) processed as one application.”.

Amendment of section 24 of Act 6 of 2008

21. Section 24 of the principal Act is hereby amended by the substitution for section 24 of the following section:

“24. Before considering [a proposal] an application to subdivide or consolidate land, a municipality must obtain a –

- (a) registered planner’s written evaluation and recommendation on the **[proposal] application**; and
- (b) certificate signed by a registered planner –
 - (i) confirming that the **[proposal] application** complies in all respects with this Act; or
 - (ii) if the **[proposal] application** does not comply in all respects with this Act, stating that the **[proposal] application** is defective and provide details of the defect.”.

Amendment of section 25 of Act 6 of 2008

22. Section 25 of the principal Act is hereby amended by the substitution for section 25 of the following section:

“Matters relevant in determining merits of [proposed] application for subdivision or consolidation of land

25. For the purposes of determining the merits of [a proposal] an application to subdivide or consolidate land, a municipality must take the following matters into account –

- (a) the application contemplated in items 1(2) or 14(1) of Schedule 1;
- (b) comments in response to the invitation for public comment on the **[proposal] application**;
- (c) the registered planner’s –
 - (i) written evaluation and recommendation on the **[proposal] application**; and
 - (ii) certificate of compliance of the **[proposal] application** with the Act;
- (d) the potential impact of the **[proposal] application** on the environment, socio-economic conditions, and cultural heritage;
- (e) the impact of the **[proposal] application** on –
 - (i) existing or proposed developments or land uses **[in the vicinity, or on]; and**
 - (ii) **[existing developmental or]** mineral rights;
- (f) the provision and standard of engineering services;
- (g) the impact of the **[proposal] application** on the national, provincial and municipal road networks, public transport, municipal services, sewage, water and electricity supply, waste management and removal, policing and security;
- (h) access to **[public transport and]** health and educational facilities;
- (i) the historical effects of past racially discriminatory and segregatory legislation on land ownership, land development and access to engineering services and public facilities, and the need to address the historical imbalances;
- (j) the protection or preservation of cultural and natural resources, including agricultural resources, unique areas or features and biodiversity;
- (k) the natural and physical qualities of the land;
- (l) the general principles for land development as stated in section 3 of the Development Facilitation Act, 1995 (Act No. 67 of 1995), and other national norms and standards, frameworks and policies contemplated in section 146(2)(b) of the Constitution;

- (m) the provincial planning and development norms and standards;
- (n) the municipality's integrated development plan;
- (o) the [municipality's] scheme;
- (p) any local practice or approach to land use management that is consistent with –
 - (i) the laws of the Republic;
 - (ii) the provincial planning and development norms and standards;
 - (iii) the municipality's integrated development plan; and
 - (iv) the scheme; and
- (q) any relevant other information.”

Amendment of section 26 of Act 6 of 2008

23. Section 26 of the principal Act is hereby amended –

- (a) by substitution for the heading of the following heading:

“Municipality's decision on [proposed] application for subdivision or consolidation of land”;

- (b) by the substitution for subsection (1) of the following subsection:

“(1) A municipality must within the periods contemplated in items 12 [and] or 21 of Schedule 1 [, consider the merits of the proposal to subdivide or consolidate land and] decide to –

- (a) approve an application for the subdivision or consolidation of [the] land, with or without [alterations] changes; or
- (b) refuse an application for the subdivision or consolidation of [the] land.”;

- (c) by the substitution for subsection (4) of the following subsection:

“(4) If a municipality imposes conditions of approval contemplated in subsection (3), it must specify which conditions must be complied with before the sale of the land, the transfer of the land and the development of the land [or the transfer of the land].”;

- (d) by the substitution of subsection (5) of the following subsection:

“(5) In formulating its decision, a municipality must provide reasons –

- (a) for approving or refusing an application for the subdivision or consolidation of land;
- (b) why the [alterations] changes were made, if [the] an application for the subdivision or consolidation of land was approved with [alterations] changes; or
- (c) for any condition that it imposed for the subdivision or consolidation of land, if the application for the subdivision or consolidation of land has been approved subject to conditions that –
 - (i) have not been dealt with in the application; or
 - (ii) differ substantially from a condition proposed in the application.”; and

- (e) by the insertion after subsection (5) of the following subsection:

“(5A) In formulating its decision on an application for the subdivision or consolidation of land, a municipality must inform the applicant whether any comments were received in response to the invitation for the public to comment on the application.”;

Amendment of section 27 of Act 6 of 2008

24. Section 27 of the principal Act is hereby amended by the substitution for the heading of the following heading:

“Persons to be informed of municipality's decision on [proposed] application for subdivision or consolidation of land”.

Amendment of section 28 of Act 6 of 2008

25. Section 28 of the principal Act is hereby amended –

(a) by the substitution for the heading of the following heading:

"Appeal against municipality's decision on [proposed] application for subdivision or consolidation of land"; and

(b) by the substitution for subsection (1) of the following subsection:

"(1) A person who applied for the subdivision or consolidation of land or who has lodged written comments in response to an invitation for public comment on [a proposal] an application to subdivide or consolidate land by the closing date stated in the invitation, who is aggrieved by the decision of the municipality contemplated in section 26(1), may appeal against the municipality's decision to the Appeal Tribunal."

Amendment of section 29 of Act 6 of 2008

26. Section 29 of the principal Act is hereby amended by the substitution for section 29 of the following section:

"Effective date of municipality's decision on [proposed] application for subdivision or consolidation of land

29. A decision on an application to subdivide or consolidate land comes into effect upon the –

(aA) the date of the municipality's decision if –

(i) the application was an application by the municipality; and

(ii) no comments were received in response to the invitation for the public to comment on the application;

(aB) the date of a written waiver of the right to appeal by the applicant, if no comments were received in response to the invitation for the public to comment on the application;

(a) expiry of the 28 day period referred to section 28(2), if no appeal is lodged against the decision of the municipality; or

(b) finalisation of the appeal, if an appeal was lodged against the decision of the municipality."

Amendment of section 31 of Act 6 of 2008

27. Section 31 of the principal Act is hereby amended by the deletion of subsection (5).

Amendment of section 32 of Act 6 of 2008

28. Section 32 of the principal Act is hereby amended by substitution for the heading of the following heading:

"Lodging of plans and documents with Surveyor-General pursuant to [proposal] application for subdivision or consolidation of land".

Amendment of section 34 of Act 6 of 2008

29. Section 34 of the principal Act is hereby amended –

(a) by substitution for the heading of the following heading:

"Lodging of deeds, plans and documents with Registrar of Deeds pursuant to [proposal] application for subdivision or consolidation of land and certificate of compliance with certain conditions of approval before transfer of land"; and

(b) by the insertion after subsection (2) of the following subsection:

"(3) Where the subdivision or consolidation of land is approved subject to the imposition of a condition of title –
(a) the Registrar of Deeds must endorse the relevant deed, including the deed of any erf retained by the transferor, with the condition of title that relates to that erf; or

(b) the condition of title must be registered against the relevant erf, including an erf retained by the transferor, by notarial deed."

Amendment of section 35 of Act 6 of 2008

30. Section 35 of the principal Act is hereby amended by substitution for section 35 of the following section:

"35. (1) Where land is subdivided or consolidated by a municipality, the municipality must lodge with the Registrar of Deeds –

- (a) the approved diagrams or general plan together with the deeds; and
- (b) other documents that the Registrar of Deeds may require for the registration of the subdivision or consolidation of land, or opening of a township register for the land.

(2) Where the subdivision or consolidation of land is approved subject to the imposition of a condition of title –

- (a) the Registrar of Deeds must endorse the relevant deed, including the deed of any erf retained by the transferor, with the condition of title that relates to that erf; or
- (b) the condition of title must be registered against the relevant erf, including an erf retained by the transferor, by notarial deed."

Amendment of section 37 of Act 6 of 2008

31. Section 37 of the principal Act is hereby amended –

(a) by the substitution for subsection (2) of the following subsection:

"(1) A municipality's approval for the subdivision or consolidation of land lapses if the applicant fails to [register the subdivision or consolidation of the land with the Registrar of Deeds] commence with the use or development of the land in accordance with the approval, within five years from the date on which the municipality's approval became effective in terms of section 29.;"

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

"(2) Where land is subdivided or consolidated by a municipality, its approval for the subdivision or consolidation of land lapses, if it fails to [register the subdivision or consolidation of the land with the Registrar of Deeds] commence with the use or development of the land in accordance with the approval within five years from the date on which its approval became effective in terms of section 29.;"and

(c) by the insertion after subsection (2) of the following subsection:

"(2A) For the purpose of subsections (1) and (2), "development" excludes the erection of a fence, a gate or a guard house."

Amendment of section 38 of Act 6 of 2008

32. Section 38 of the principal Act is hereby amended –

(a) by the substitution for subsection (3) of the following subsection:

"(3) For the purposes of this Chapter development means –

- (a) the carrying out of building, construction, engineering, mining or other operations on, under or over any land [, and];
- (b) a material change to the existing use of any building or land without subdivision;
- (c) the establishment of a sectional title scheme in terms of section 4(1) of the Sectional Titles Act to create sections without subdivision;
- (d) the alteration, amendment or substitution of a sectional title scheme in terms of section 14 of the

Sectional Titles Act to create additional sections or exclusive use areas without subdivision; and
(e) the alteration, amendment or substitution of a sectional title scheme in terms of section 14 of the
Sectional Titles Act to reserve additional sections or exclusive use areas contemplated in section 25 of the
Sectional Titles Act without subdivision [but it does not include –

- (a) the construction or use of the first dwelling and outbuildings or improvements usually associated therewith on a separately registered subdivision, including a secondary self contained residential unit which may be attached or detached but must be clearly associated with the first dwelling house and may not exceed 80m²;**
- (b) the construction or use of any dwelling and outbuildings usually associated therewith for the settlement of a traditional household on land on which a traditional community recognised in terms of section 2(5)(b) of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005), lawfully resides;**
- (c) land used for the cultivation of crops or the rearing of animals;**
- (d) the carrying out of works required for the maintenance or improvement of an existing road within its existing boundaries;**
- (e) the provision of any engineering services in accordance with the municipality's integrated development plan; and**
- (f) the maintenance and repair of engineering services].”.**

(b) by the insertion after subsection (3) of the following subsection:

“(4) For the purposes of this Chapter development does not include –

- (a) the construction or use of the first dwelling and outbuildings or improvements usually associated therewith on a separately registered subdivision, including a secondary self contained residential unit which may be attached or detached but must be within a distance of 20m from the first dwelling house and may not exceed 80m²;**
- (b) the construction or use of any dwelling and outbuildings usually associated therewith for the settlement of a traditional household on land on which a traditional community recognised in terms of section 2(5)(b) of the KwaZulu-Natal Traditional Leadership and Governance Act lawfully resides;**
- (c) land used for the cultivation of crops or the rearing of animals;**
- (d) the carrying out of works required for the maintenance or improvement of an existing road within its existing boundaries;**
- (e) the provision of any engineering services in accordance with the municipality's integrated development plan; or**
- (f) the maintenance and repair of engineering services.”.**

Amendment of section 39 of Act 8 of 2008

33. Section 39 of the principal Act is hereby amended –

(a) by substitution for the heading of the following heading:

“[Persons who may initiate] initiation of application for development of land situated outside area of scheme

(b) by the substitution for subsection (1) of the following subsection:

“(1) A municipality may initiate the development of –

- (a) land [which] that it owns, which is situated outside the area of a scheme;**
- (b) land which vests in it which is situated outside the area of a scheme, or**
- (c) land which it is in the process of acquiring which is situated outside the area of a scheme.”.**

Amendment of section 40 of Act 6 of 2008

34. Section 40 of the principal Act is hereby amended –

(a) by substitution for the heading of the following heading:

"Process for development of land situated outside area of scheme"; and

(b) by the deletion of, and substitution for, subsection (2) of the following subsection:

"(2) An application for the development of land situated outside the area of a scheme may be –

(a) combined with an application –

(i) to subdivide or consolidate land;

(ii) to alter, suspend or delete restrictions relating to land;

(iii) to permanently close a municipal road or a public place; and

(b) processed as one application."

Amendment of section 41 of Act 6 of 2008

35. Section 41 of the principal Act is hereby amended by the substitution for section 41 of the following section:

"41. Before considering an application for the development of land situated outside the area of a scheme, a municipality must obtain a –

(a) registered planner's written evaluation and recommendation on the [proposal] application; and

(b) certificate signed by a registered planner –

(i) confirming that the [proposal] application complies in all respects with this Act; or

(ii) if the [proposal] application does not comply in all respects with this Act, stating that the [proposal] application is defective and provide details of the defect."

Amendment of section 42 of Act 6 of 2008

36. Section 42 of the principal Act is hereby amended by the substitution for section 42 of the following section:

"Matters relevant in determining merits of [proposed] application for development of land situated outside area of a scheme

42. For the purposes of determining the merits of [a proposal] an application to develop land situated outside the area of a scheme, a municipality must take the following matters into account –

(a) the application contemplated in items 1(2) or item 14(1) of Schedule 1;

(b) comments in response to the invitation for public comment on the [proposal] application;

(c) the registered planner's –

(i) written evaluation and recommendation on the [proposal] application; and

(ii) certificate of compliance of the [proposal] application with the Act;

(d) the potential impact of the [proposal] application on the environment, socio-economic conditions, and cultural heritage;

(e) the impact of the [proposal] application on –

(i) existing or proposed developments or land uses [in the vicinity, or on]; and (ii) [existing developmental or] mineral rights;

(f) the provision and standard of engineering services;

(g) the impact of the [proposal] application on the national, provincial and municipal road networks, public transport, municipal services, sewage, water and electricity supply, waste management and removal, policing and security;

(h) access to [public transport and] health and educational facilities;

- (i) the historical effects of past racially discriminatory and segregatory legislation on land ownership, land development and access to engineering services and public facilities, and the need to address the historical imbalances;
- (j) the protection or preservation of cultural and natural resources, including agricultural resources, unique areas or features and biodiversity;
- (k) the natural and physical qualities of the land;
- (l) the general principles for land development as stated in section 3 of the Development Facilitation Act, 1995 (Act No. 67 of 1995), other national norms and standards, frameworks and policies contemplated in section 146(2)(b) of the Constitution;
- (m) the provincial planning and development norms and standards;
- (n) the municipality's integrated development plan;
- (o) the [municipality's] scheme;
- (p) any local practice or approach to land use management that is consistent with –
 - (i) the laws of the Republic;
 - (ii) the provincial planning and development norms and standards;
 - (iii) the municipality's integrated development plan;
 - (iv) the [municipality's] scheme; and
- (q) any other relevant information. ”.

Amendment of section 43 of Act 6 of 2008

37. Section 43 of the principal Act is hereby amended –

- (a) by substitution for the heading of the following heading:

“Municipality's decision on [proposed] application for development of land situated outside the area of a scheme”;

- (b) by the substitution for subsection (1) of the following subsection:

“(1) A municipality must within the periods contemplated in items 12 [and] or 21 of Schedule 1 [consider the merits of the proposal to develop land situated outside the area of a scheme, and] decide to –

- (a) approve an application for the development of the land situated outside the area of a scheme, with or without [alterations] changes; or
- (b) refuse an application for the development of the land situated outside the area of a scheme.”;

- (c) by the deletion of paragraph (e) of subsection (3);

- (d) by the substitution for subsection (4) of the following subsection:

“(4) In formulating its decision, a municipality must clearly state which conditions of approval must be complied with before the sale of the land, transfer of the land and development of the land [or the transfer of the land].”;

- (e) by the substitution subsection (5) of the following subsection:

“(5) In formulating its decision, a municipality must provide reasons –

- (a) for approving or refusing an application for the development of [the] land situated outside the area of a scheme;
- (b) why the [alterations where] changes were made if the application for the development of the land situated outside the area of a scheme has been approved with [alterations] changes; or
- (c) for any condition that it imposed for the development of the land situated outside the area of a scheme if the application [the development] has been approved subject to conditions that –
 - (i) have not been dealt with in the application; or
 - (ii) differ substantially from a condition proposed in the application.”; and

- (f) by the insertion after subsection (5) of the following subsection:

“(5A) In formulating its decision on an application for development of land situated outside the area of a scheme, a

municipality must inform the applicant whether any comments were received in response to the invitation for the public to comment on the application.

Amendment of section 44 of Act 6 of 2008

38. Section 44 of the principal Act is hereby amended by the substitution for the heading of the following heading:

"Persons to be informed of municipality's decision on [proposed] application for development of land situated outside the area of a scheme".

Amendment of section 45 of Act 6 of 2008

39. Section 45 of the principal Act is hereby amended by –

(a) by the substitution for the heading of the following heading:

"Appeal against municipality's decision on [proposed] application for development of land situated outside the area of a scheme"; and

(b) by the substitution for subsection (1) of the following subsection:

"(1) A person who applied for the development of land situated outside the area of a scheme or who has lodged written comments in response to an invitation for public comment on [a proposal] an application to develop the land situated outside the area of a scheme by the closing date stated in the invitation, who is aggrieved by the decision of the municipality contemplated in section 43(1), may appeal against the municipality's decision to the Appeal Tribunal."

Amendment of section 46 of Act 6 of 2008

40. Section 46 of the principal Act is hereby amended by the substitution for section 46 of the following section:

"Effective date of municipality's decision on [proposed] application for development of land situated outside the area of a scheme

46. A decision relating to an application for the development of land situated outside the area of a scheme comes into effect upon –

(aA) the date of the municipality's decision if –

(i) the application was an application by the municipality; and

(ii) no comments were received in response to the invitation for the public to comment on the application;

(aB) the date of a written waiver of the right to appeal by the applicant, if no comments were received in response to the invitation for the public to comment on the application;

(a) the expiry of the 28 day period referred to in section 45(2), if no appeal is lodged against the decision of the municipality; or

(b) the finalisation of the appeal, if an appeal was lodged against the decision of the municipality."

Amendment of section 49 of Act 6 of 2008

41. Section 49 of the principal Act is hereby amended by the insertion before subsection (1) of the following subsections:

"(1A) A municipality's approval for the development of land situated outside the area of a scheme lapses if the applicant fails to commence with the develop of the land within five years from the date on which the municipality's approval became effective in terms of section 46.

(1B) For the purpose of subsection (1A), "development" excludes the erection of a fence, gate or a guard house."

Amendment of section 51 of Act 6 of 2008

42. Section 51 of the principal Act is hereby amended by substitution for the heading of the following heading:

"[Persons who may initiate] Initiation of application for phasing or cancellation of approved layout plan".

Amendment of section 52 of Act 6 of 2008

43. Section 52 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) A municipality must serve written notice of a proposed phasing or cancellation of an approved layout plan on –

(a) **[every member of the public who has lodged a written comment with regard to the subdivision, consolidation, or development of the land, in accordance with Item 5 or 14 of Schedule 1]**

(i) the owners of adjacent erven;

(ii) the chairperson of a body corporate representing the owners of adjacent erven;

(iii) the chairperson of a home owners association representing the owners of adjacent erven;

(iv) the occupants of adjacent houses in respect of land on which a traditional community recognised in terms of section 2(5)(b) of the KwaZulu-Natal Traditional Leadership and Governance Act lawfully resides;

or

(v) the holders of long term leases or permission to occupy certificates for adjacent non-residential land use in respect of land on which a traditional community recognised in terms of section 2(5)(b) of the KwaZulu-Natal Traditional Leadership and Governance Act lawfully resides;

(aA) the municipal councillor of the ward in which the erf is situated;

(b) any other person who, in the opinion of the municipality, is likely to be affected by the proposed phasing or cancellation of the layout plan, including organs of state and providers of engineering services;

(c) the Surveyor General, in the case of [the] an application for the phasing or cancellation of an approved layout plan for the subdivision or consolidation of [the] land; and

(d) the Registrar of Deeds, in the case of an application for the phasing or cancellation of [an approved layout plan] for the subdivision or consolidation of land."

Amendment of section 53 of Act 6 of 2008

44. Section 53 of the principal Act is hereby amended by the substitution for section 53 of the following section:

"53. Before considering an application for the phasing or cancellation of an approved layout plan, a municipality must obtain a –

(a) registered planner's written evaluation and recommendation on the application; and

(b) certificate signed by a registered planner –

(i) confirming that the application complies in all respects with this Act; or

(ii) if the application does not comply in all respects with this Act, stating that the application is defective and provide details of the defect."

Amendment of section 54 of Act 6 of 2008

45. Section 54 of the principal Act is hereby amended by the substitution for section 54 of the following section:

"Matters relevant in determining merits of [proposed] application for phasing or cancellation of approved layout plan

54. For the purposes of determining the merits of [a proposal] an application to divide or cancel a layout plan, a

municipality must take the following matters into account –

- (a) the application contemplated in section 52(1);
- (b) comments in response to the invitation for public comment on the [proposal] an application;
- (c) the registered planner's –
 - (i) written evaluation and recommendation on the [proposal] application; and
 - (ii) certificate of compliance of the [proposal] application with the Act;
- (d) the potential impact of the [proposal] application on the environment, socio-economic conditions, and cultural heritage;
- (dA) the impact of the application on existing or proposed developments or land uses;
- [(e) any prejudice to be caused by the phasing or cancellation of the layout plan to any person, including an engineering services provider, a neighbouring developer, a mortgagee, a holder of a servitude right or a lessee in terms of a registered lease;]**
- (f) the general principles for land development as stated in section 3 of the Development Facilitation Act, 1995 (Act No. 67 of 1995), and other national norms and standards, frameworks and policies contemplated in section 146(2)(b) of the Constitution;
- (g) the provincial planning and development norms and standards;
- (h) the municipality's integrated development plan;
- (i) the municipality's scheme; and
- (j) any relevant other information."

Amendment of section 55 of Act 6 of 2008

46. Section 55 of the principal Act is hereby amended –

- (a) by substitution for the heading of the following heading:

"Municipality's decision on [proposed] application for phasing or cancellation of approved layout plan";
- (b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) approve the phasing or cancellation of the layout plan with [alterations] changes; or";
- (c) by the substitution for subsection (3) of the following subsection:

"(3) In formulating its decision, a municipality must provide reasons for –

 - (a) **[for] approving or refusing the phasing or cancellation of [the] a layout plan;**
 - (b) **[for any condition that it imposed, for the phasing or cancellation of the layout plan, if the phasing or cancellation has been approved subject to conditions that –**
 - (i) have not been dealt with in the application; or**
 - (ii) differ substantially from a condition proposed in the application] its approval in part or for the changes, if the phasing or cancellation of a layout plan has been approved in part or with changes; and**
 - (c) **[If the phasing or cancellation of the layout plan has been approved in part or with changes, the reasons for its approval in part or the changes] any condition that it imposed, for the phasing or cancellation of the layout plan, if the phasing or cancellation has been approved subject to conditions that –**
 - (i) have not been dealt with in the application; or**
 - (ii) differ substantially from a condition proposed in the application.";** and
- (d) by the insertion after subsection (3) of the following subsection:

"(3A) In formulating its decision on an application for the phasing or cancellation of an approved layout plan, a municipality must inform the applicant whether any comments were received in response to the invitation for the public to comment on the application.";

Amendment of section 56 of Act 6 of 2008

47. Section 56 of the principal Act is hereby amended –

(a) by the substitution for the heading of the following heading:

"Persons to be informed of municipality's decision on application for phasing or cancellation of an approved layout plan"; and

(b) by the substitution for subsection (1) of the following subsection:

"(1) A municipality must, within 14 days after a decision to approve or refuse the phasing or cancellation of an approved layout plan, serve notice of its decision on every person who lodged a written comment in terms of [Schedule 1] section 52(4)."

Amendment of section 57 of Act 6 of 2008

48. Section 57 of the principal Act is hereby amended –

(a) by the substitution for the heading of the following heading:

"Appeal against municipality's decision on application for phasing or cancellation of an approved layout plan"; and

(b) by the substitution for subsection (1) of the following subsection:

"(1) A person who applied for the phasing or cancellation of an approved layout plan or who has lodged written comments in response to an invitation for public comment on [a proposal] an application to divide or cancel a layout plan by the closing date stated in the invitation, who is aggrieved by the decision of the municipality contemplated in section 55(1), may appeal against the municipality's decision to the Appeal Tribunal."

Amendment of section 58 of Act 6 of 2008

49. Section 58 of the principal Act is hereby amended by the substitution for section 58 of the following section:

"Effective date of municipality's decision on application for phasing or cancellation of an approved layout plan

58. A decision relating to an application for the phasing or cancellation of an approved layout plan comes into effect upon

–

(aA) the date of the municipality's decision if –

(i) the application was an application by the municipality; and

(ii) no comments were received in response to the invitation for the public to comment on the application;

(aB) the date of a written waiver of the right to appeal by the applicant, if no comments were received in response to the invitation for the public to comment on the application;

(a) expiry of the 28 day period contemplated in section 57(2), if no appeal is lodged against the decision of the municipality; or

(b) finalisation of the appeal, if an appeal was lodged against the decision of the municipality."

Insertion of sections 58A and 58B of Act 6 of 2008

50. The principal Act is hereby amended by the insertion after section 58 of the following sections:

"Lodging of deeds, plans and documents with the Surveyor General for cancellation of subdivision or consolidation of land

58A. An applicant must lodge all diagrams, plans and other documents with the Surveyor-General, that the Surveyor-General may require for the cancellation of the subdivision or consolidation of the land.

Lodging of deeds, plans and documents with the Registrar of Deeds for cancellation of subdivision or consolidation of land

59B. An applicant must lodge all diagrams, plans and other documents with the Registrar of Deeds, that the Registrar of Deeds may require for the cancellation of the subdivision or consolidation of the land.

Amendment of section 60 of Act 6 of 2008

51. Section 60 of the principal Act is hereby amended by the substitution for subsection (1) of the following section:

"(1) An alteration, suspension or deletion of a restriction relating to land may occur only to the extent that it has been approved by the municipality in whose area the land is situated, whether the alteration, suspension or deletion is aimed at an obligation or restriction, which is binding on the owner of the land by virtue of –

(a) a restrictive condition or servitude registered against the land and which relates to –

(i) the subdivision or consolidation of the land;

(ii) the purpose for which the land may be used; or

(iii) requirements that must be complied with relating to the erection of buildings or the use of the land;

(b) a condition of approval for ~~the~~ an amendment to ~~the municipality's~~ a scheme;

~~(bA) a condition of consent in terms of a scheme;~~

(c) a condition of approval for the subdivision or consolidation of land;

(d) a condition of approval for the development of land situated outside the area of a scheme; ~~or~~

(e) a condition of approval for the phasing or cancellation of an approved layout plan[.];

~~(f) a condition of approval for the alteration, suspension or deletion of a restriction relating to land; or~~

~~(g) a condition of approval for the permanent closure of a municipal road or a public place."~~

Amendment of section 61 of Act 6 of 2008

52. Section 61 of the principal Act is hereby amended –

(a) by the substitution for the heading of the following heading:

"[Persons who may initiate] Initiation of application to, alter, suspend or delete restrictions relating to land"; and

(b) by the substitution for subsection (1) of the following subsection:

"(1) A municipality may initiate the alteration, suspension or deletion of a restriction relating to –

~~(a) land [which] that it owns;~~

~~(b) land that vests in it, or~~

~~(c) land that it is in the process of acquiring."~~

Amendment of section 62 of Act 6 of 2008

53. Section 62 of the principal Act is hereby amended by the deletion of, and substitution for, subsection (3) of the following subsection:

"(3) An application for the alteration, suspension or deletion of a restriction relating to land may be –

(a) combined with an application –

(i) to amend a scheme;

(ii) for consent in terms of a scheme;

(iii) to subdivide or consolidate land;

(iv) to develop land situated outside the area of a scheme; and

(v) to permanently close a municipal road or a public place; and

(b) processed as one application."

Amendment of section 63 of Act 6 of 2008

54. Section 63 of the principal Act is hereby amended by the substitution for section 63 of the following section:

"63. Before considering [a proposal] an application for the alteration, suspension or deletion of a restriction relating to land, a municipality must obtain a –

(a) registered planner's written evaluation and recommendation on the [proposal] application; and

(b) certificate signed by a registered planner –

(i) confirming that the [proposal] application complies in all respects with this Act; or

(ii) if the [proposal] application does not comply in all respects with this Act, stating that the [proposal] application is defective and provide details of the defect."

Amendment of section 64 of Act 6 of 2008

55. Section 64 of the principal Act is hereby amended by the substitution for section 64 of the following section:

"Matters relevant in determining merits of [proposed] application for alteration, suspension or deletion of restrictions relating to land

64. For the purposes of determining the merits of a [proposal] application to alter, suspend or delete a restriction relating to land, a municipality must take the following matters into account –

(a) the application contemplated in item 1(2) or 14(1) of Schedule 1;

(b) comments in response to the invitation for public comment on the [proposal] application;

(c) the registered planner's –

(i) written evaluation and recommendation on the [proposal] application; and

(ii) certificate of compliance of the [proposal] application with the Act;

(d) the potential impact of the [proposal] application on the environment, socio-economic conditions, and cultural heritage;

(e) the impact of the [proposal] application on –

(i) existing or proposed developments or land uses [in the vicinity, or on]; and

(ii) [existing developmental or] mineral rights;

[(f) the protection or preservation of cultural and natural resources, including agricultural resources, unique areas or features and biodiversity;

(g) any prejudice to be caused by the proposal, to any person, including an engineering service provider, a mortgagee, a holder of a servitude right, or a lessee in terms of a registered lease;]

(h) the general principles for land development as stated in section 3 of the Development Facilitation Act, 1995 (Act No.

67 of 1995), and other national norms and standards, frameworks and policies contemplated in section 146(2)(b) of the Constitution;

(f) the **[land use] provincial planning** and development norms or standards;

(g) the municipality's integrated development plan;

(h) the **[municipality's]** scheme and the regulation of the same subject matter in the scheme or in a by-law; and

(i) any other relevant information.

Amendment of section 65 of Act 6 of 2008

56. Section 65 of the principal Act is hereby amended –

(a) by substitution for the heading of the following heading:

"Municipality's decision on [proposed] application for alteration, suspension or deletion of restriction relating to land";

(b) by the substitution for subsection (1) of the following subsection:

"(1) A municipality must within the periods contemplated in items 12 [and] or 21 of Schedule 1 [consider the merits of the proposal to alter, suspend or delete a restriction relating to land, and] decide to –

(a) approve an application for the alteration, suspension or deletion of [the] a restriction relating to land, with or without [alterations] changes; or

(b) refuse an application for the alteration, suspension or deletion of [the] a restriction relating to land.";

(c) by the substitution subsection (4) of the following subsection:

"(4) In formulating its decision, a municipality must provide reasons –

(a) for approving or refusing an application for the alteration, suspension or deletion of a restriction relating to land;

(b) why an application for the alteration, suspension or deletion of a restriction relating to land was approved with [alterations] changes; and

(c) for any condition that it imposed for the alteration, suspension or deletion of a restriction relating to land, if it was approved subject to conditions that –

(i) have not been dealt with in the application; or

(ii) differ substantially from a condition proposed in the application."; and

(d) by the insertion after subsection (4) of the following subsection:

"(4A) In formulating its decision on an application for the alteration, suspension or deletion of restrictions relating to land, a municipality must inform the applicant whether any comments were received in response to the invitation for the public to comment on the application."

Amendment of section 66 of Act 6 of 2008

57. Section 66 of the principal Act is hereby amended –

(a) by substitution for the heading of the following heading:

"Persons to be informed of municipality's decision on [proposed] application for alteration, suspension or deletion of restriction relating to land"; and

(b) by the substitution for subsection (3) where it appears for the second time of the following subsection:

"[(3)] (5) A municipality must, within 14 days of a request by the applicant or any other person on whom notice was served in terms of subsection (1), provide the applicant or that person –

(a) with a copy of the municipality's decision and of the reasons for the decision; and

(b) if the application was approved subject to conditions, with a copy of all the conditions imposed by the municipality, together with the reasons for imposing those conditions."

Amendment of section 67 of Act 6 of 2008

58. Section 67 of the principal Act is hereby amended –

(a) by substitution for the heading of the following heading:

"Appeal against municipality's decision on [proposed] application for alteration, suspension or deletion of restriction relating to land"; and

(b) by the substitution for subsection (1) of the following subsection:

"(1) A person who applied for alteration, suspension or deletion of a restriction relating to land, or who has lodged written comments in response to an invitation for public comment on an application for the alteration, suspension or deletion of a restriction relating to land by the closing date stated in the invitation, who is aggrieved by the decision of the municipality contemplated in section 65(1), may appeal against the municipality's decision to the Appeal Tribunal."

Amendment of section 68 of Act 6 of 2008

59. Section 68 of the principal Act is hereby amended by the substitution for section 68 of the following section:

"Effective date of municipality's decision on [proposed] application for alteration, suspension or deletion of restriction relating to land

68. A decision [relating to] on an application for the alteration, suspension or deletion of a restriction relating to land comes into effect upon the –

(aA) the date of the municipality's decision if –

(i) the application was an application by the municipality; and

(ii) no comments were received in response to the invitation for the public to comment on the application;

(aB) the date of a written waiver of the right to appeal by the applicant, if no comments were received in response to the invitation for the public to comment on the application;

(a) expiry of the 28 day period referred to in section 67(2), if no appeal is lodged against the decision of the municipality; or

(b) finalisation of the appeal, if an appeal was lodged against the decision of the municipality."

Amendment of section 69 of Act 6 of 2008

60. Section 69 of the principal Act is hereby amended –

(a) by substitution for the heading of the following heading:

"Lodging of deeds, plans and documents with Registrar of Deeds pursuant to [proposal] an application for alteration, suspension or deletion of restrictions relating to land and certificate of compliance with certain conditions of approval;

(b) by the substitution for subsection (1) of the following subsection:

"(1) The applicant must lodge the deeds and other documents required by the Registrar of Deeds, where the [proposal] municipality approved an application [to alter, suspend or delete] for the alteration, suspension or deletion of a restriction relating to land that was binding on the owner of the land by virtue of a restrictive condition or servitude registered against the land [, in accordance with a municipality's decision contemplated in section 65(1)]."

(c) by the insertion after subsection (2) of the following subsection:

"(3) The Surveyor-General and Registrar of Deeds must, upon receipt of the documents contemplated in subsection (1) and (2), make the necessary entries in, and endorsements on, any relevant register, title deeds, diagram or plan in their respective offices to give effect to the decision of the municipality."

Amendment of section 70 of Act 6 of 2008

61. Section 70 of the principal Act is hereby amended by the substitution for section 70 of the following section:

70.(1) A municipality must lodge the deeds and other documents required by the Registrar of Deeds, where the municipality initiated the alteration, suspension or deletion of a restriction relating to land that was binding on the owner of the land by virtue of a restrictive condition or servitude registered against the land, in accordance with its decision contemplated in section 65(1).

(2) The Surveyor-General and Registrar of Deeds must, upon receipt of the documents contemplated in subsection (1), make the necessary entries in, and endorsements on, any relevant register, title deeds, diagram or plan in their respective offices to give effect to the decision of the municipality."

Amendment of section 71 of Act 6 of 2008

62. Section 71 of the principal Act is hereby amended by the deletion of, and substitution for, section 71 of the following section:

"Initiation of an application for the permanent closure of municipal road or public place

71.(a) A municipality may initiate the permanent closure of a municipal road or a public place.

(b) An application to a municipality for the permanent closure of a municipal road or a public place may be lodged by any person and any person may continue with such an application."

Insertion of section 71A of Act 6 of 2008

63. The principal Act is hereby amended by the insertion after section 71 of the following section:

"Process for permanent closure of municipal road or public place

71A.(1) The procedures contemplated in Schedule 1 must be followed for the permanent closure of a municipal road or a public place.

(2) An application for the permanent closure of a municipal road or a public place may be –

(a) combined with an application –

(i) to amend a scheme;

(ii) for the approval of a municipality in terms of a scheme;

(iii) to subdivide or consolidate land;

(iv) to develop land situated outside the area of a scheme; and

(v) to alter, suspend or delete restrictions relating to land; and

(b) processed as one application."

Amendment of section 72 of Act 6 of 2008

64. Section 72 of the principal Act is hereby amended by the substitution for section 72 of the following section:

72. Before considering ~~the~~ an application for the permanent closure of a municipal road or public place, a municipality must –

(a) obtain a registered planner's written evaluation and recommendation ~~[In connector. with] on the [proposal] application; and~~

(b) certificate signed by a registered planner –

(i) confirming that the application complies in all respects with this Act; or

(ii) if the application does not comply in all respects with this Act, stating that the application is defective and provide details of the defect.”.

Amendment of section 73 of Act 6 of 2008

65. Section 73 of the principal Act is hereby amended by the substitution for section 73 of the following section:

"Matters relevant in determining merits of application for permanent closure of [municipal roads or public places] municipal road or public place

73. For the purposes of determining the merits of ~~[a proposal]~~ an application to permanently close a municipal road or public place, a municipality must, take the following matters into account –

(a) the application contemplated in item 1(2) or 14(1) of Schedule 1;

(b) comments in response to the invitation for public comment on the ~~[proposal]~~ application;

(c) the registered planner's –

(i) written evaluation and recommendation [of a registered planner in connection with the proposal] on the application; and

(ii) certificate of compliance of the application with the Act;

(d) the potential impact of the ~~[proposal]~~ application on the environment, socio-economic conditions, and cultural heritage;

(e) the impact of the ~~[proposal]~~ application on existing or proposed developments or land uses ~~[in the vicinity, or on existing developmental or mineral rights];~~

(f) the protection or preservation of cultural and natural resources, including agricultural resources, unique areas or features and biodiversity;

(g) the general principles for land development as stated in section 3 of the Development Facilitation Act, 1995 (Act No. 67 of 1995), and other national norms and standards, frameworks and policies contemplated in section 146(2)(b) of the Constitution;

~~[(h) any prejudice to be caused by the proposal to any person, including an engineering service provider; and]~~

~~(hA) the provincial planning and development norms and standards;~~

~~(hB) the municipality's integrated development plan;~~

~~(hC) the municipality's scheme; and~~

(i) any other relevant information.”.

Amendment of section 74 of Act 6 of 2008

66. Section 74 of the principal Act is hereby amended by the substitution for section 74 of the following section:

"Municipality's decision on [proposal] application to permanently close municipal road or public place

74.(1) A municipality must within the periods contemplated in item 12 or 21 of Schedule 1 –

- (a) approve an application for the permanent closure of a municipal road or a public place, with or without changes; or**
- (b) refuse an application for the permanent closure of a municipal road or a public place.**

(2) A municipality may not approve [a proposal] an application for the permanent closure of a road or public place –

- (a) if the [proposal] application is irreconcilable with –**
 - (i) the land use and development norms and standards;**
 - (ii) its integrated development plan; or**
 - (iii) a scheme; and**
- (b) unless it is satisfied that the closure is –**
 - (i) in the best interest of the area in which that municipal road or public place is situated; or**
 - (ii) otherwise in the public interest.**

(3) A municipality may approve an application for the permanent closure of a municipal road or a public place subject to any conditions that it considers necessary.

(4) In formulating its decision, a municipality must provide reasons –

- (a) for approving or refusing an application for the permanent closure of a municipal road or a public place;**
- (b) why the changes were made, if an application for the permanent closure of a municipal road or a public place has been approved with changes; or**
- (c) for any condition that it imposed for the permanent closure of a municipal road or a public place, if the application has been approved subject to conditions that –**
 - (i) have not been dealt with in the application; or**
 - (ii) differ substantially from a condition proposed in the application.**

(5) A municipality may at any time correct an error in the wording of its decision as long as the correction does not constitute a change in its decision or an alteration, suspension or deletion of a condition of its decision, to permanently close a municipal road or a public place."

Insertion of sections 74A and 74B of Act 6 of 2008

67. The principal Act is hereby amended by the insertion after section 74 of the following sections:

"Persons to be informed of Municipality's decision on permanent closure of municipal road or public place

74A.(1) A municipality must serve notice of its decision on every person who lodged a written comment in terms of Schedule 1, within 14 days after a decision to approve or refuse an application to permanently close a municipal road or a public place.

(2) Notice to anyone who is a signatory to a joint petition or group representation, may be given to the –

- (a) authorised representative of the signatories if the petition or representation is lodged by a person claiming to be the authorised representative; or**
- (b) person whose name appears first on the document, if no person claims to be the authorised representative of the signatories.**

(3) Notice to a signatory to a joint petition or group representation contemplated in subsection (2) constitutes notice to each person named in the joint petition or group representation.

(4) If the land of a person who lodged comments in terms of Schedule 1 is transferred to a new owner, such comments will be considered as having been lodged by the new owner.

(5) A municipality must, within 14 days of a request by the applicant or any other person on whom notice was served in terms of subsection (1), provide that person with –

(a) a copy of the municipality's decision;

(b) the reasons for the decision; and

(c) a copy of all the conditions imposed by the municipality, together with the reasons for imposing those conditions, in the event that the application was approved subject to conditions.

Effective date of municipality's decision on application for permanent closure of municipal road or public place

74B. The effective date of a municipality's decision on an application for the permanent closure of a municipal road or a public place is the date of the municipality's decision.

Vesting of land after closure of municipal road or public place

74C. Land that formed part of a municipal road or a public place, will, upon the closure of the said municipal road or public place, vest in the municipality in which the land is located.

Amendment of section 75 of Act 6 of 2008

68. Section 75 of the principal Act is hereby amended –

(a) by substitution for the heading of the following heading:

"Offences and penalties in relation to municipality's scheme, subdivision or consolidation of land [contemplated in Chapter 3], development of land situated outside the area of a scheme [contemplated in Chapter 4], phasing or cancellation of an approved layout plan [contemplated in Chapter 5 and]; alteration, suspension or deletion of restrictions in relation to land [contemplated in Chapter 6] and use or development of a municipal road or a public place";

(b) by the deletion of, and substitution for, subsection (1) of the following subsection:

"(1) Any person who –

(a) uses, develops, subdivides or consolidates land contrary to a provision of a scheme;

(b) subdivides or consolidates land without prior approval in terms of this Act;

(c) develops land outside the area of a scheme without prior approval in terms of this Act;

(d) divides or cancels a layout plan without prior approval in terms of this Act;

(e) uses, develops, subdivides or consolidates land contrary to a restriction or obligation contemplated in section 60(1);

(eA) uses or develops a municipal road or a public place for a purpose that is not reconcilable with a municipal road or a public place;

(f) uses, develops, subdivides or consolidates land contrary to a condition imposed in terms of this Act, including a condition of approval –

(i) for the amendment to a municipality's scheme;

(ii) for the subdivision or consolidation of land;

(iii) for the development of land;

- (iv) for the phasing or cancellation of an approved layout plan ;
- (v) for the alteration, suspension or deletion of a restriction in relation to land;
- (vi) for the permanent closure of a municipal road or a public place; or
- (vii) that must be complied with before the erection of a structure or building or the transfer of land,
- (g) erects a structure or building in contravention of section 31(1) or 48(1), or causes it to be so erected;
- (h) enters into an agreement or grants an option contemplated in sections 31(1) or 48(1), before a municipality has issued a certificate that all the conditions that must be complied with before land may be sold have been complied with; or
- (i) fails to comply with a prohibition order or an urgent prevention order,

is guilty of an offence."

(c) by the insertion after subsection (2) of the following subsection:

"(3) The levying of rates in accordance with the use of a property as contemplated in section 8(1) of the Local government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) does not render the use of the property lawful for the purposes of this Act."

Amendment of heading of Part 4 of Chapter 8

69. The principal Act is hereby amended by the substitution for the heading of Part 4 of Chapter 8 of the following heading:

"Part 4: Offence and misconduct by registered planner advising municipality and person interfering with registered planner's written evaluation and recommendation or certificate of compliance".

Amendment of section 88 of Act 6 of 2008

70. Section 88 of the principal Act is hereby amended by substitution for subsection (1) of the following subsection:

"(1) A registered planner who issues a certificate that a proposal or an application complies in all respects with this Act, whilst aware that a proposal or an application [to] –

- (a) to adopt, replace or amend a scheme;
- (aA) for consent in terms of a scheme;
- (b) to subdivide or consolidate land;
- (c) to develop land situated outside the area of a scheme;
- (d) to divide or cancel a layout plan; [or]
- (e) to alter, suspend or delete a restriction relating to land; or
- (f) to permanently close a municipal road or a public place,

is defective, is guilty of an offence, and an act of misconduct contemplated in section 18(4)(c) of the Planning Profession Act."

Amendment of section 89 of Act 5 of 2008

71. Section 89 of the principal Act is hereby amended –

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

"(1) A person may make an application to the municipality for the purpose of –

- (a) obtaining approval for the amendment of a scheme;
- (b) [the development of land, whether situated inside or outside the] obtaining consent in terms of a scheme;
- (c) obtaining approval for the subdivision or consolidation of land;
- (cA) obtaining approval for the development of land situated outside the area of a scheme;

(d) obtaining approval for the phasing or cancellation of an approved layout plan for the subdivision or development of land; [or]

(e) obtaining approval for the alteration, suspension or deletion of a restriction relating to land; or

(f) obtaining approval for the permanent closure of a municipal road or a public place,

despite the application being made after having commenced with the activity concerned without prior approval, or the person having been served with a contravention notice, prohibition order or urgent prevention order in respect of the activity concerned.”; and

(b) by the deletion of subsection (2).

Insertion of section 88A of Act 6 of 2008

72. The principal Act is hereby amended by the insertion after section 88 of the following section:

“Offence by person interfering with registered planner’s written evaluation and recommendation or certificate of compliance

88A. (1) A registered planner must evaluate –

(a) a proposal to adopt or replace a scheme;

(b) an application for the amendment of a scheme;

(c) an application for consent in terms of a scheme;

(d) an application to subdivide or consolidate land;

(e) an application for the development of land situated outside the area of a scheme;

(f) an application for the phasing or cancellation of an approved layout plan;

(g) an application for the alteration, suspension or deletion of a restriction relating to land; or

(h) an application for the permanent closure of a municipal road or public place,

in a manner that is –

(i) independent;

(ii) free from interference or influence; and

(iii) in accordance with the highest standards of integrity, impartiality, objectivity and professional ethics.

(2) A person who interferes with a registered planner’s written evaluation and recommendation or certificate of compliance relating to a proposal or application contemplated in sections 11, 24, 41, 53 and 63 is guilty of an offence and may be sentenced to a fine or imprisonment for a period not exceeding two years, or to both such fine and such period of imprisonment.”.

Amendment of section 97 of Act 6 of 2008

73. Section 97 of the principal Act is hereby amended by the substitution for the heading of section 97 of the following heading:

“Compensation arising from alteration, suspension or [removal] deletion of restrictions relating to land”.

Insertion of sections 97A of Act 6 of 2008

74. The principal Act is hereby amended by the insertion after section 97 of the following section:

"Compensation arising from closure of road or public place by the Municipality

97A. (1) Any owner of land, who has suffered any loss or damage due to the closure of a municipal road or a public place, may claim compensation from the municipality.

(2) A claim for compensation in terms of this section –

(a) is limited to the extent to which the claimant has not already received compensation; and

(b) must be instituted within a period of three years after the date of the closure of the municipal road or public place."

Amendment of section 131 of Act 6 of 2008

75. Section 131 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) Witness [fees] fees may not be paid to a person who is holding a post in an organ of state on a full-time basis."

Amendment of section 147 of Act 6 of 2008

76. Section 147 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) A member of the [Appeal Tribunal] steering committee who is not employed by an organ of state or a municipality on a full-time basis must –

(a) be remunerated and reimbursed from funds appropriated for that purpose by the responsible [Member of the Executive Council] MEC;

(b) be remunerated at a daily rate, as determined by the [responsible Member of the Executive Council] MEC in consultation with the member of the Executive Council responsible for the Provincial Treasury by notice in the Provincial Gazette; and

(c) be reimbursed for travelling and subsistence expenses reasonably incurred."

Amendment of section 153 of Act 6 of 2008

77. Section 153 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph –

"(a) approve the withdrawal of the provincial planning and development norms and standards [and repeal any corresponding regulations]; or"

Amendment of section 156 of Act 6 of 2008

78. Section 156 of the principal Act is hereby amended –

(a) by the deletion of, and substitution for, subsection (1) of the following subsection:

"(1) A municipality may delegate any power or duty conferred on it in terms this Act, except the power to adopt or replace a scheme contemplated in section 13, to –

(a) a committee of the municipality;

(b) any official employed by it or another municipality, including a district municipality; or

(c) any person employed by the municipality for the purpose of performing the power."

(b) by the insertion of the following subsection after subsection (1):

"(1A) A municipality may delegate the power to decide an application –

- (a) to amend a municipality's scheme;
- (b) for its consent in terms of a scheme;
- (c) to subdivide or consolidate land ;
- (d) to develop land situated outside the area of a scheme;
- (e) for the phasing or cancellation of an approved layout plan;
- (f) to alter, suspend or delete restrictions in relation to land, or
- (g) to permanently close a municipal road or a public place,

to the registered planner responsible for evaluating the application, in which event the registered planner does not have to make a recommendation on the application to the municipality, as contemplated in sections 11(1)(a), 24(1)(a), 41(1)(a), 53(1)(a), 63(1)(a) and 72(1)(a)."

(c) by the substitution for subsection (5) of the following subsection:

"(5) An act performed by a delegated authority has the same force as if it had been done by the [responsible Member of the Executive Council] municipality."

Amendment of section 157 of Act 6 of 2008

79. Section 157 of the principal Act is hereby amended by the insertion after subsection (3) of the following subsection:

"(4) For the purposes of this section "municipality" includes a district municipality as defined in section 1."

Amendment of section 160 of Act 6 of 2008

80. Section 160 of the principal Act is hereby amended –

(a) by the substitution for paragraph (a) of the following paragraph:

"(a) records relating to the adoption, replacement or amendment of a scheme or consent in terms of a scheme, including –

- (i) a proposal to adopt a scheme [.] or to replace a scheme or an application for the amendment of a scheme or for consent in terms of a scheme contemplated in section 9(1) and (2);**
- (ii) comments received by a municipality in response to an invitation for comment on the adoption, replacement or amendment of a scheme or consent in terms of a scheme contemplated in item 5 or 14 of Schedule 1;**
- (iii) a registered planner's written evaluation and recommendation on the adoption, replacement or amendment of a scheme or consent in terms of a scheme contemplated in section 11(a);**
- (iv) a certificate by a registered planner on compliance of a proposal to adopt [.] or replace a scheme or an application to amend a scheme or for consent in terms of a scheme, with the Act, contemplated in section 11(b);**
- (v) a municipality's decision on a proposal to adopt [.] or replace a scheme or an application to amend a scheme or for consent in terms of a scheme contemplated in section 13(1);"**

(b) by the substitution for paragraph (b) of the following paragraph:

"(b) records relating to [a proposal] an application to subdivide or consolidate land, including –

- (i) [a proposal] an application to subdivide or consolidate land contemplated in section 22(1) and (2);**
- (ii) comments received by a municipality in response to an invitation for comment on [a proposal] an application to subdivide or consolidate land contemplated in item 5 or 14 of Schedule 1;**
- (iii) a registered planner's written evaluation and recommendation on the proposed subdivision or consolidation of land contemplated in section 24(a);**
- (iv) a certificate by a registered planner on compliance of [a proposal] an application to subdivide or**

consolidate land with the Act contemplated in section 24(b);

(v) a municipality's decision on **[a proposal]** an application to subdivide or consolidate land contemplated in section 26(1); and

(vi) a notice warning a land owner that the municipality may initiate the division of the layout plan and cancellation of the part of the layout plan for which the rights have not been fully exercised contemplated in section 37(3)(a);";

(c) by the substitution for paragraph (c) of the following paragraph:

"(c) records relating to **[a proposal]** an application to develop land contemplated in Chapter 4, including –

(i) **[a proposal]** an application to develop land contemplated in section 39(1) and (2);

(ii) comments received by a municipality in response to an invitation for comment on **[a proposal]** an application to develop land contemplated in item 5 or 14 of Schedule 1;

(iii) a registered planner's written evaluation and recommendation on **[the proposal]** an application to develop land contemplated in section 41(a);

(iv) a certificate by a registered planner on compliance of **[a proposal]** an application to develop land with the Act contemplated in section 41(b);

(v) a municipality's decision on **[a proposal]** an application to develop land contemplated in section 43(1); and

(vi) a notice warning a land owner that the municipality may initiate the division of the layout plan and cancellation of the part of the layout plan for which the rights have not been fully exercised contemplated in section 49(1);";

(d) by the substitution for paragraph (d) of the following paragraph:

"(d) records relating to **[a proposal]** an application to divide or cancel a layout plan, including –

(i) **[a proposal]** an application to divide or cancel a layout plan contemplated in section 51(1) and (2);

(ii) comments received by a municipality in response to an invitation for comment on **[a proposal]** an application to divide or cancel a layout plan contemplated section 52(2);

(iii) a registered planner's written evaluation and recommendation on **[the proposal]** an application to divide or cancel a layout contemplated in section 53(a);

(iv) a certificate by a registered planner on compliance of **[a proposal]** an application to divide or cancel a layout plan with the Act contemplated in section 53(b); and

(v) a municipality's decision on **[a proposal]** an application to divide or cancel a layout plan contemplated in section 55(1);";

(e) by the substitution for paragraph (e) of the following paragraph:

"(e) records relating to **[a proposal]** an application to alter, suspend or delete a restriction relating to land, including –

(i) **[a proposal]** an application to alter, suspend or delete a restriction relating to land contemplated in section 61(1) and (2);

(ii) comments received by a municipality in response to an invitation for comment on **[a proposal]** an application to alter, suspend or delete a restriction relating to land contemplated in item 5 or 14 of Schedule 1;

(iii) a registered planner's written evaluation and recommendation on **[the proposal]** an application to alter, suspend or delete a restriction relating to land contemplated in section 63(a);

(iv) a certificate by a registered planner on compliance of **[a proposal]** an application to alter, suspend or delete a restriction relating to land with the Act contemplated in section 63(b); and

(v) a municipality's decision on **[a proposal]** an application to alter, suspend or delete a restriction relating to land contemplated in section 65(1);"; and

(f) by the substitution for paragraph (e) of the following paragraph:

- "(f) records relating to **[a proposal]** an application to permanently close a municipal road or public place, including –
- (i) **[a proposal]** an application to permanently close a municipal road or public place contemplated in section 71(1);
 - (ii) comments received by a municipality in response to an invitation for comment on **[a proposal]** an application to permanently close a municipal road or public place contemplated section 71(2)(b);
 - (iii) a registered planner's written evaluation and recommendation on **[the proposal]** an application to permanently close a municipal road or public place contemplated in section 72; and
 - (iv) a municipality's decision on **[a proposal]** an application to permanently close a municipal road or public place contemplated in section 74;"

Amendment of section 161 of Act 6 of 2008

81. Section 161 of the principal Act is hereby amended by the substitution for section 161 of the following section:

"161.(1) This Act prevails over the Development Facilitation Act, except in so far as the Development Facilitation Act deals with a matter contemplated in section 146(2)(a), (b) or (c) of the Constitution.

(2) [This Act applies to the Province] A land development applicant defined in section 1 of the Development Facilitation Act may not lodge a land development application similarly defined in section 1 of the Development Facilitation Act to the KwaZulu-Natal Development Tribunal established in terms of 15(1) of the Development Facilitation Act, for the purpose of

–

- (a) amending a scheme;
- (b) granting consent in terms of a scheme;
- (c) subdividing or consolidating land;
- (d) developing land situated outside the area of a scheme;
- (e) phasing or cancelling an approved layout plan for the subdivision or development of land;
- (f) altering, suspending or deleting restrictions relating to land; or
- (g) permanently closing a municipal road or public place.

(3) The KwaZulu-Natal Development Tribunal, established in terms of 15(1) of the Development Facilitation Act, may not suspend the application of this Act as contemplated in section 33(i)(ii), (iv), (v) and (vi) and section 51(2)(d)(i), (ii) and (v) of the Development Facilitation Act, in respect of a land development application as defined in section 1 of the Development Facilitation Act, which was received after the commencement of this subsection, without the express, prior written approval of the MEC.

(4) This Act prevails over the Less Formal Township Establishment Act, except insofar as the said Act deals with a matter contemplated in section 146(2)(a), (b) or (c) of the Constitution.

(5) The Administrator may not designate land for less formal settlement as contemplated in section 3(1) of the Less Formal Township Establishment Act, unless the Administrator is satisfied that persons have an urgent need to obtain land on which to settle in a less formal manner in that area.

(6) The Administrator must declare the provisions of this Act applicable to land designated as land for less formal settlement as contemplated in section 3(6)(a) of the Less Formal Township Establishment Act.

(7) The Administrator may not grant permission in terms of section 10(1) of the Less Formal Township Establishment Act to a person for the purpose of –

- (a) amending a scheme;
- (b) granting consent in terms of a scheme;
- (c) subdividing or consolidating land;
- (d) developing land situated outside the area of a scheme;
- (e) phasing or cancelling an approved layout for the subdivision or development of land;
- (f) altering, suspending or deleting restrictions relating to land; or
- (g) permanently closing a municipal road or public place.

(8) The Administrator may not suspend the application of this Act as contemplated in section 12(1)(a) or 19(5)(a) of the Less Formal Township Establishment Act, in respect of an application for less formal township establishment, in terms of section 11(1) or 19(1) of the Less Formal Township Establishment Act, which was received after the commencement of this subsection.

(9) The responsible MEC may by notice in the Gazette exempt a municipality from the procedure for consent in terms of a scheme, if he or she is satisfied that the municipality has adopted a by-law for the granting of consent in terms of a scheme that provides for –

- (a) public participation as required in terms of the Regulations on Fair Administrative Procedures, 2002 (Government Notice No R.614 of 2002);
- (b) the evaluation of an application for a municipality's consent in terms of a scheme;
- (c) matters relevant in determining the merits of an application for a municipality's consent in terms of a scheme;
- (d) a decision on an application for a municipality's consent in terms of a scheme to be taken within a specified time; and
- (e) a right of appeal to the Appeal Tribunal by a person who –
 - (i) applied for the municipality's consent in terms of a scheme; or
 - (ii) has lodged written comments in response to an invitation for public comment on an application for a municipality's consent in terms of a scheme."

(10) The MEC may by notice in the Gazette exempt a municipality from the provisions of Chapter 7 of the Act, if he or she is satisfied that the municipality has adopted a by-law for the permanent closure of a municipal road or a public place that provides for –

- (a) public participation as required in terms of the Regulations on Fair Administrative Procedures, 2002 (Government Notice No R.614 of 2002);
- (b) the evaluation of an application for the permanent closure of a municipal road or a public place by a registered planner;
- (c) matters relevant in determining the merits of an application for the permanent closure of a municipal road or a public place;
- (d) a decision on an application the permanent closure of a municipal road or a public place to be taken within a specified time;
- (e) ownership of a municipal road or a public place following the permanent closure thereof; and
- (f) compensation for persons who have suffered a loss or damage as a result of the permanent closure of a municipal road or a public place."

Amendment of section 163 of Act 6 of 2008

82. Section 163 of the principal Act is hereby amended –

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

"(1) Any act purported to have been done in terms of a law repealed by this Act by the Premier, a member of the

Executive Council of the Province, or any employee of the provincial administration before the commencement of this Act, and which could have been done in terms of the repealed law, were it not that the repealed law was not applicable to the area concerned at the time, must be [treated] regarded as having been done lawfully in accordance with the repealed law.”;

(b) by the insertion after subsection (1) of the following subsection:

“(1B) Any act purported to have been done in terms of a law repealed by this Act by a municipality or any employee of a municipality before the commencement of this Act, and which could have been done in terms of the repealed law, were it not that the repealed law was not applicable to the area concerned at the time, must be regarded as having been done lawfully in accordance with the repealed law.”; and

(c) by the substitution for subsection (2) of the following subsection:

“(2) Schedules [3 to 6] 3 to 8 apply to the transition from the old legislative order to the new legislative order.”.

Amendment of Item 1 of Schedule 1 to Act 6 of 2008

83. Item 1 of Schedule 1 to the principal Act is hereby amended –

(a) by the substitution for the heading of item 1 of the following heading:

“Lodging of applications for amendment of [municipality’s] a scheme, consent in terms of a scheme, subdivision or consolidation of land, development of land situated outside the area of a scheme, [and] alteration, suspension or deletion of restrictions relating to land, and permanent closure of municipal road or public place”;

(b) by the substitution for subitem (1) of the following subitem:

“(1) An application must be lodged with a municipality in whose area that land is situated for –

(a) the amendment of [municipality’s] a scheme;

(aA) consent in terms of a scheme;

(b) the subdivision or consolidation of land ;

(c) the development of land situated outside the area of a scheme;

[(d) the phasing or cancellation of approved layout plan; or]

(e) the alteration, suspension or deletion of restrictions in relation to land; or

(f) the permanent closing of a municipal road or a public place.”; and

(c) by the substitution for paragraph (c) of subitem (2) of the following paragraph:

“(c) proof of registered ownership and a copy of the property diagram, unless the application relates to a general amendment of the municipality’s scheme;”.

Amendment of Item 3 of Schedule 1 to Act 6 of 2008

84. Item 3 of Schedule 1 to the principal Act is hereby amended by the substitution for subitem (3) of the following subitem:

“(3) A municipality may decide to refuse an application on the ground that the information which was not provided after the municipality requested it was necessary in order to make an informed decision as contemplated in section 6(2)(e)(iii) of the Promotion of Administrative Justice Act.”.

Amendment of Item 5 of Schedule 1 to Act 6 of 2008

85. Item 5 of Schedule 1 to the principal Act is hereby amended –

(a) by the insertion after subitem (1) of the following subitems –

(1A) Public notice is not required for an application for the amendment to a scheme to –

(a) rectify a spelling error;

(b) reflect the correct designation of an erf by the Surveyor General; or

- (c) update a reference to a law, person, functionary, organ of state, an institution; or
- (d) update a reference to a street or place name.

(1B) Public notice is not required for an application for the subdivision or consolidation of land –

- (a) that arises from an encroachment or boundary adjustment that has been resolved by way of an agreement in writing or an order of court; or
- (b) in an area specified in a scheme where the giving of public notice for the subdivision or consolidation of land in accordance with the provisions of the scheme is not required as contemplated in section 5(f).

(1C) Public notice is not required for –

- (a) the establishment of a sectional title scheme in terms of section 4(1) of the Sectional Titles Act to create sections without subdivision that will not result in the erection of any new buildings;
- (b) the alteration, amendment or substitution of a sectional title scheme in terms of section 14 of the Sectional Titles Act to create additional sections or exclusive use areas without subdivision that will not result in the erection of any new buildings; or
- (c) the alteration, and the amendment or substitution of a sectional title scheme in terms of section 14 of the Sectional Titles Act to reserve additional sections or exclusive use areas contemplated in section 25 of the Sectional Titles Act without subdivision that will not result in the erection of any new buildings.

(1D) Public notice is not required for an application for the alteration, suspension or deletion of a restriction relating to land –

- (a) that is in favour of a specified person or an entity, if that person or entity has consented in writing to the alteration, suspension or deletion of the restriction relating to land; or
- (b) to –
 - (i) rectify a spelling error;
 - (ii) reflect the correct designation of an erf by the Surveyor General;
 - (iii) update a reference to a law, person, functionary, or an entity; or
 - (iv) change the name of a subdivision or development."

(1E) Notice in a local newspaper is not required for applications for consent in terms of a scheme that has been exempted in a scheme from notice in the newspaper as contemplated in section 5(eA)."; and

(b) by the substitution for subitem (3) of the following subitem:

"(3) The date stated in the notice for the lodging of comments may not be earlier than 30 days after the date on which the notice was served, displayed or published."

Amendment of Item 6 of Schedule 1 to Act 6 of 2008

86. Item 6 of Schedule 1 to the principal Act is hereby amended –

(a) by the substitution for paragraph (b) of subitem (1) of the following paragraph:

"(b) serve a notice as contemplated in item 5(1) on all parties who in the opinion of the municipality **[may]** have an interest in the matter, including –

- (i)(aa) the owners of [land within 100m from the boundary of the erf] adjacent erven[.]; [or]
- (bb) the chairperson of a body corporate representing the owners of [land within 100m from the boundary of the erf] adjacent erven[.]; [or]
- (cc) the chairperson of a home owners association representing the owners of [land within 100m from the boundary of the erf] adjacent erven;

(dd) the occupants of adjacent houses in respect of land on which a traditional community recognised in terms of section 2(5)(b) of the KwaZulu-Natal Traditional Leadership and Governance Act lawfully resides; or

(ee) the holders of long term leases or permission to occupy certificates for adjacent non-residential land use in respect of land on which a traditional community recognised in terms of section 2(5)(b) of the KwaZulu-Natal Traditional Leadership and Governance Act lawfully resides;

(ii) the municipal councillor of the ward in which erf is situated; and

(iii) organs of state with jurisdiction in the matter; and”;

(b) by the insertion after subsection (1) of the following subsections:

“(1A) A municipality must convene a meeting to inform the public of an application instead of personal notice –

(a) if an application is an application for a general amendment of a scheme and it is impractical to –

(i) display notices on all the properties that are affected; or

(ii) serve notice on all the parties who in the opinion of a municipality may have an interest in the matter;
or

(b) if due to the size or shape of a property, or the nature of a condition of title registered against a property, personal notice must be given to more than 100 persons.

(1B) It is not necessary for a municipality to give notice to owners of adjacent erven –

(a) who are not affected by an application for the municipality's consent in terms of a scheme for the relaxation of a building line, side space, or rear space; or

(b) who are not affected by an application for the alteration, suspension or deletion of a condition that imposes a building line, side space, or rear space;

(c) if an application is an application for the alteration, suspension or deletion of a condition that imposes a servitude in favour of an organ of State for the provision of storm-water drainage, water supply, sewerage, electricity, gas or fuel supply, telecommunications, or radio and television services, along any boundary of an erf; or

(d) if an application is an application for the alteration, suspension or deletion of a condition that imposes a servitude for the provision of storm-water drainage, water supply, sewerage, electricity, gas or fuel supply, telecommunications, or radio and television services, along any boundary of an erf, that is not in favour of a specified person or entity.

(1C) It is not necessary for a municipality to give notice in a local newspaper of an application –

(a) for its consent in terms of a scheme to relax a building line, side space, or rear space;

(b) for the alteration, suspension or deletion of a restriction relating to land that imposes a building line, side space, or rear space;

(c) for the alteration, suspension or deletion of a condition that imposes a servitude in favour of an organ of State for the provision of storm-water drainage, water supply, sewerage, electricity, gas or fuel supply, telecommunications, or radio and television services, along any boundary of an erf; or

(d) for the alteration, suspension or deletion of a condition that imposes a servitude for the provision of storm-water drainage, water supply, sewerage, electricity, gas or fuel supply, telecommunications, or radio and television services, along any boundary of an erf, that is not in favour of a specified person or entity.”;

and

(c) by the deletion of subitem (4).

Amendment of Item 9 of Schedule 1 to Act 6 of 2008

87. Item 9 of Schedule 1 to the principal Act is hereby amended –

(a) by the substitution for subitem (1) of the following subitem:

"(1) Copies of all comments lodged with a municipality must be served by the municipality on the applicant within 7 days after the closing date for public comment, together with a notice informing the applicant of its rights in terms of this item"; and

(b) by the substitution for subitem (2) of the following subitem:

"(2) ~~[The]~~ An applicant may, within a period of 21 days from the date of service of the comments ~~[upon it]~~ received by the municipality, lodge a written reply ~~[thereto]~~ to the comments with the municipality and serve a copy ~~[thereof]~~ of the reply on ~~[the]~~ every person who made comments."

Amendment of Item 10 of Schedule 1 to Act 6 of 2008

88. Item 10 of Schedule 1 to the principal Act is hereby amended by the substitution for subitem (1) of the following subitem:

"(1) A municipality must decide whether to conduct a site inspection, within 14 days of –

(a) ~~[receipt of the reply or waiver referred to in Items 9(2) and (3)]~~ expiry of the 30 days for lodging comments referred to in item 5(3), if no comments were received; [or]

(b) ~~expiry of the [period for lodging comments] 21 days referred to in item 9(2) for the applicant to reply to the comments, if the applicant did not reply;~~

~~(c) receipt of the applicant's reply referred to in item 9(2); or~~

~~(d) receipt of the waiver of the right to reply by the applicant referred to in item 9(2)."~~

Amendment of Item 11 of Schedule 1 to Act 6 of 2008

89. Item 11 of Schedule 1 to the principal Act is hereby amended by the substitution for subitem (1) of the following subitem:

"(1) A municipality must decide whether to conduct a hearing, within 14 days of –

(a) ~~[receipt of the reply or waiver referred to in Items 9(2) and (3)]~~ expiry of the 30 days for lodging comments referred to in item 5(3), if no comments were received; [or]

(b) ~~expiry of the [period for lodging comments] 21 days referred to in item 9(2) for the applicant to reply to the comments, if the applicant did not reply;~~

~~(c) receipt of the applicant's reply referred to in item 9(2); or~~

~~(d) receipt of the waiver of the right to reply by the applicant referred to in item 9(2)."~~

Amendment of Item 12 of Schedule 1 to Act 6 of 2008

90. Item 12 of Schedule 1 to the principal Act is hereby amended by the substitution for item 12 of the following item:

"12. A municipality must decide an application within –

~~(a) 60 days after it has received a complete application, if it was not required to give public notice in terms of the Act;~~

(a) 60 days of the closing date for representations, if the municipality did not hold a hearing;

(b) 30 days of the conclusion of the hearing, if the municipality did hold a hearing; or

(c) such further period as may be agreed to by the applicant, which period may not be more than –

(i) 90 days after the closing date for representations, if the municipality did not hold a hearing and accompanying inspection; or

(ii) 90 days after the conclusion of the hearing and accompanying inspection."

Amendment of Item 14 of Schedule 1 to Act 6 of 2008

91. Item 14 of Schedule 1 to the principal Act is hereby amended –

(a) by the substitution for subitem (1) of the following subitem:

- "(1) [The]A municipality must give public notice of [the proposal] –**
 (a) a proposal to adopt or amend a scheme;
 (aA) an application for consent in terms of a scheme;
 (b) an application to subdivide or consolidate land;
 (c) an application to develop land outside the area of a scheme as contemplated in Chapter 4;
[(d) for the phasing or cancellation of an approved layout plan contemplated in Chapter 5; or]
 (e) an application for the alteration, suspension or deletion of restrictions in relation to land; or
 (f) an application for the permanent closure of a municipal road or a public place.";

(b) by the insertion after subitem (1) of item 14 of the following subitems:

"(1A) Public notice is not required for an application for the amendment to a scheme to –

- (a) rectify a spelling error;
 (b) reflect the correct designation of an erf by the Surveyor General; or
 (c) update a reference to a law, person, functionary, organ of state, an institution; or
 (d) update a reference to a street or place name.

(1B) Public notice is not required for an application for the subdivision or consolidation of land –

- (a) that arises from an encroachment or boundary adjustment that has been resolved by way of an agreement in writing or an order of court; or
 (b) in an area specified in a scheme where the giving of public notice for the subdivision or consolidation of land in accordance with the provisions of the scheme is not required as contemplated in section 5(f).

(1C) Public notice is not required for –

- (a) the establishment of a sectional title scheme in terms of section 4(1) of the Sectional Titles Act to create sections without subdivision that will not result in the erection of any new buildings;
 (b) the alteration, amendment or substitution of a sectional title scheme in terms of section 14 of the Sectional Titles Act to create additional sections or exclusive use areas without subdivision that will not result in the erection of any new buildings; or
 (c) the alteration, and the amendment or substitution of a sectional title scheme in terms of section 14 of the Sectional Titles Act to reserve additional sections or exclusive use areas contemplated in section 25 of the Sectional Titles Act without subdivision that will not result in the erection of any new buildings.

(1D) Public notice is not required for an application for the alteration, suspension or deletion of a restriction relating to land –

- (a) that is in favour of a specified person or an entity, if that person or entity has consented in writing to the alteration, suspension or deletion of the restriction relating to land; or
 (b) to –
 (i) rectify a spelling error;
 (ii) reflect the correct designation of an erf by the Surveyor General;
 (iii) update a reference to a law, person, functionary, or an entity; or
 (iv) change the name of a subdivision or development."

(1E) Notice in a local newspaper is not required for applications for consent in terms of a scheme that has been exempted in a scheme from notice in the newspaper as contemplated in section 5(eA)."

(c) by the substitution for paragraph (a) of subitem (2) of the following paragraph:

"(a) identify the land to which the [proposal] application relates, and if that land is an erf –

(i) state the physical address of the erf, or, if the erf has no physical address, provide a locality map of the erf; and

(ii) give the property description of the erf;"; and

(d) by the substitution for subitem (3) of the following subitem:

"(3) The date stated in the notice for the lodging of comments may not be earlier than 30 days after the date on which the notice was served, displayed or published."

Amendment of Item 15 of Schedule 1 to Act 6 of 2008

92. Item 15 of Schedule 1 to the principal Act is hereby amended by –

(a) by the substitution for paragraph (b) of subitem (1) of the following paragraph:

"(b) serve a notice as contemplated in item 5(1) on all parties who in the opinion of the municipality [may] have an interest in the matter, including –

(i)(aa) the owners of [land within 100m from the boundary of the erf] adjacent erven[.]; [or]

(bb) the chairperson of a body corporate representing the owners of [land within 100m from the boundary of the erf] adjacent erven[.]; [or]

(cc) the chairperson of a home owners association representing the owners of [land within 100m from the boundary of the erf] adjacent erven;

(dd) the occupants of adjacent houses in respect of land on which a traditional community recognised in terms of section 2(5)(b) of the KwaZulu-Natal Traditional Leadership and Governance Act lawfully resides; or

(ee) the holders of long term leases or permission to occupy certificates for adjacent non-residential land use in respect of land on which a traditional community recognised in terms of section 2(5)(b) of the KwaZulu-Natal Traditional Leadership and Governance Act lawfully resides;

(ii) the municipal councillor of the ward in which erf is situated; and

(iii) organs of state with jurisdiction in the matter; and";

(b) by the substitution for paragraph (c) of subitem (1) of the following paragraph:

"(c) give public notice of the proposed action in a local newspaper which [is distributed in the area concerned] it has determined as its newspaper of record contemplated in section 21(1)(b) of the Municipal Systems Act, on a day of the week that the municipality has determined as its day of the week for the publication of notices in terms of this Act, and in a language which it has determined in terms of section 21(2) of the Municipal Systems Act as its official language.";

(c) by the insertion after subitem (1) of the following subitems:

"(1A) A municipality must convene a meeting to inform the public of an application instead of personal notice –

(a) if an application is an application for a general amendment of a scheme and it is impractical to –

(i) display notices on all the properties that are affected; or

(ii) serve notice on all the parties who in the opinion of a municipality may have an interest in the matter;

or

(b) if due to the size or shape of a property, or the nature of a condition of title registered against a property, personal notice must be given to more than 100 persons.

(1B) It is not necessary for a municipality to give notice to owners of adjacent erven –

(a) who are not affected by an application for the municipality's consent in terms of a scheme for the relaxation of a building line, side space, or rear space; or

(b) who are not affected by an application for the alteration, suspension or deletion of a condition that imposes a building line, side space, or rear space;

(c) if an application is an application for the alteration, suspension or deletion of a condition that imposes a servitude in favour of an organ of State for the provision of storm-water drainage, water supply, sewerage, electricity, gas or fuel supply, telecommunications, or radio and television services, along any boundary of an erf; or

(d) if an application is an application for the alteration, suspension or deletion of a condition that imposes a servitude for the provision of storm-water drainage, water supply, sewerage, electricity, gas or fuel supply, telecommunications, or radio and television services, along any boundary of an erf, that is not in favour of a specified person or entity.

(1C) It is not necessary for a municipality to give notice in a local newspaper of an application –

(a) for its consent in terms of a scheme to relax a building line, side space, or rear space;

(b) for the alteration, suspension or deletion of a restriction relating to land that imposes a building line, side space, or rear space;

(c) for the alteration, suspension or deletion of a condition that imposes a servitude in favour of an organ of State for the provision of storm-water drainage, water supply, sewerage, electricity, gas or fuel supply, telecommunications, or radio and television services, along any boundary of an erf; or

(d) for the alteration, suspension or deletion of a condition that imposes a servitude for the provision of storm-water drainage, water supply, sewerage, electricity, gas or fuel supply, telecommunications, or radio and television services, along any boundary of an erf, that is not in favour of a specified person or entity.”;

and

(d) by the deletion of subitem (2).

Amendment of Item 17 of Schedule 1 to Act 6 of 2008

93. Item 17 of Schedule 1 to the principal Act is hereby amended by the substitution for item 17 of the following item:

“Amendments to proposal or application prior to approval

17.(1) The municipality may amend [Its] a proposal or an application at any time after notice has been given thereof, but prior to the approval thereof.

(2) The municipality must give notice of the amendment to all persons who commented on the proposal or an application and give those persons no less than 14 days to provide additional comment.

(3) The municipality must again give public notice of [the] a proposal or an application if the amendment contemplated in this item is material.”.

Amendment of Item 18 of Schedule 1 to Act 6 of 2008

94. Item 18 of Schedule 1 to the principal Act is hereby amended by the substitution for item 18 of the following item:

“18. [The]A municipality may, within a period of [28] 21 days from the closing date for public comment, lodge a written reply [thereto with the person who made comments] to every person who submitted written comments on a proposal or an application.”.

Amendment of Item 19 of Schedule 1 to Act 6 of 2008

95. Item 19 of Schedule 1 to the principal Act is hereby amended by the substitution for subitem (1) of the following subitem:

“(1) A municipality may, during normal business hours or at any other reasonable hour, enter upon land or enter a building

relevant to a proposal or an application before it with a view of deciding the proposal or application."

Amendment of Item 20 of Schedule 1 to Act 6 of 2008

96. Item 20 of Schedule 1 to the principal Act is hereby amended –

(a) by the substitution for the heading of item 20 of Schedule 1 of the following heading:

"Public hearing [and accompanying site inspection]";

(b) by the substitution for subitem (1) of the following subitem:

"(1) [The] A municipality must decide whether to conduct a hearing, within [21] 14 days of expiry of the period for lodging comments."; and

(c) by the substitution for subitem (2) of the following subitem:

"(2) The date of the hearing must be determined within 60 days from the commencement of the [21] 14 day period referred to in this item."

Amendment of Item 21 of Schedule 1 to Act 6 of 2008

97. Item 21 of Schedule 1 to the principal Act is hereby amended by the substitution for item 21 of the following item –

"21. [The] A municipality must [come to a decision] decide [on the] a proposal or application within [90 days of the] –

(aA) 60 days after it resolved to initiate an application, if it was not required to give public notice in terms of the Act;

(a) 60 days after the closing date for representations, if [the municipality] it did not hold a hearing and accompanying inspection; or

(b) 30 days after the conclusion of the hearing and accompanying inspection, if [the municipality] it did hold a hearing."

Amendment of the Schedule 2 to Act 6 of 2008

98. Schedule 2 to the principal Act is hereby amended by the insertion of the following item:

No. 25 of 1974	The Local Authorities Ordinance, 1974	Sections 211 and 212
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Amendment of the heading of Schedule 3 to Act 6 of 2008

99. The heading of Schedule 3 to the principal Act is hereby amended by the substitution for the heading of the following heading:

"SCHEDULE 3

TRANSITIONAL MEASURES FOR THE PIETERMARITZBURG EXTENDED POWERS

ORDINANCE, 1936

(Section [171(2)]163(2))"

Amendment of Item 1 of Schedule 3 of Act 6 of 2008

100. Item 1 of Schedule 3 of the principal Act is hereby amended by the substitution for item 1 of the following item:

"1.(1) A subdivision or layout plan of land approved in terms of section 18(1)(a) of the Pietermaritzburg Extended Powers Ordinance, 1936 (Ordinance No. 14 of 1936), must be [treated] regarded as an approved subdivision of land in terms of section 26(1)(a) of this Act.

(2) For the purposes of section 49(1A) of the Act, the effective date of approval of a subdivision of land approved in terms of section 18(1)(a) of the Pietermaritzburg Extended Powers Ordinance, 1936 (Ordinance No. 14 of 1936) is the date of approval thereof."

Amendment of the heading of Schedule 4 to Act 6 of 2008

101. The heading of Schedule 4 to the principal Act is hereby amended by the substitution for the heading of the following heading:

"SCHEDULE 4

TRANSITIONAL MEASURES FOR ORDINANCE

(Section [171(2)]163(2))"

Amendment of item 1 of Schedule 4 to Act 6 of 2008

102. Item 1 of Schedule 4 of the of principal Act is hereby amended by the substitution for item 1 of the following item:

"1. (1) A development approved in terms of section 11(4) of the Ordinance must be **[treated] regarded** as a development approved in terms of section 43(1)(a) of this Act.

(2) For the purposes of section 49(1A) of the Act, the effective date of approval of a development approved in terms of section 11(4) of the Ordinance is the date of approval thereof."

Amendment of item 3 of Schedule 4 to Act 6 of 2008

103. Item 3 of Schedule 4 to the principal Act is hereby amended –

(a) by the substitution for subitem 3(1) of the following subitem:

"(1) A township approved in terms of section 23 or 33(4) of the Ordinance must be **[treated] regarded** as **[an approved] a subdivision of land approved** in terms of section 26(1)(a) of this Act."; and

(b) by the insertion after subitem (1) of the following subitem:

"(1A) For the purposes of section 37(1) and (2) of the Act, the effective date of approval of a township approved in terms of section 23 or 33(4) of the Ordinance is the date of approval thereof."

Amendment of item 4 of Schedule 4 to Act 6 of 2008

104. Item 4 of Schedule 4 to the principal Act is hereby amended by the substitution for item 4 of the following item:

"4.(1) The provisions of a town planning scheme adopted, rescinded, altered or amended in terms of section 47bis(4)(a) or section 47bisA(4) of the Ordinance must be **[treated] regarded** as a scheme adopted in terms of section 13(1)(a) of this Act.

(2) A provision of a town planning scheme adopted in terms of section 47bis(4)(a) or section 47bisA(4) of the Ordinance, which provides for –

(a) the consent of a municipality in terms of section 47(2)(a) of the Ordinance;

(b) the special consent of a municipality in terms of section 67bis of the Ordinance; or

(c) the approval of a municipality,

must be regarded as a provision of the scheme that provides for the consent of a municipality in terms of a scheme contemplated in section 5(d)(ii) of this Act.

(3) Any provision in a town planning scheme adopted in terms of section 47bis(4)(a) or section 47bisA(4) of the

Ordinance, which requires the approval of a municipality must be regarded as a provision of the scheme requiring the consent of a municipality in terms of a scheme contemplated in section 5(d)(ii) of this Act."

Amendment of item 7 of Schedule 4 to Act 6 of 2008

105. Item 7 of Schedule 4 to the principal Act is hereby amended by the substitution for item 7 of the following item:

"7. (1) An approval for special consent in terms of section 67bis of the Ordinance must be [treated] regarded as [a permission] consent by a municipality to develop land in terms of the provisions of a scheme.

(2) For the purposes of section 16A(1) of the Act, the effective date of a municipality's special consent contemplated in section 67bis of the Ordinance is –

(a) the date of expiry of the 28 day period referred to section 67ter of the Ordinance, if no appeal was lodged against the decision of the municipality; or

(b) the date that the appeal was resolved, if an appeal was lodged against the decision of the municipality in terms of section 67ter of the Ordinance."

Amendment of the heading of Schedule 5 to Act 6 of 2008

106. The heading of Schedule 5 to the principal Act is hereby amended by the substitution for the heading of the following heading:

"SCHEDULE 5

TRANSITIONAL MEASURES FOR REMOVAL OF RESTRICTIONS ACT AND DELETION OF CERTAIN RESTRICTIONS IN RESPECT OF LAND BY OPERATION OF LAW

ORDINANCE, 1936

(Section [171(2)]163(2))"

Amendment of item 1 of Schedule 5 to Act 6 of 2008

107. Item 1 of Schedule 5 to the principal Act is hereby amended by the substitution for item 1 of the following item:

"1. An application for the alteration, suspension or removal of a restriction in respect of land approved in terms of section 4(2) of the Removal of Restrictions Act must be [treated] regarded as the alteration, suspension or deletion of a restriction relating to land, approved in terms of section [72(1)(a)] 65(1)(a) of this Act.

Amendment of item 3 of Schedule 5 to Act 6 of 2008

108. Item 3 of Schedule 5 to the principal Act is hereby amended by the substitution for item 3 of the following item:

"3.(1) A condition registered against a deed registered in the deeds registry, which is in favour of the Minister of Lands, the Minister of Bantu Administration and Development, the Minister of Co-operation and Development, the Minister of Development Aid, the KwaZulu Minister of Interior, the Minister of Land Affairs, the Administrator, [In favour of] the Premier, [In favour of] the responsible member of the KwaZulu-Natal Executive Council contemplated in section 1 of the Ordinance, a local authority, a municipality, [In favour of] the general public or not in favour of a specified person or entity, and that –

(a) prohibits the subdivision of [the] a property;

(b) restricts the use of [the] a property to [a] the erection of not more than one dwelling house [or residential purposes];

(bA) restricts the use of a property to residential purposes;

(c) prohibits the erection of a row of tenement houses, a boarding house, a hotel or a block of residential flats on ~~the~~ a property;

~~(cA) prohibits the use of a property for trading or business purposes;~~

(d) requires the walls of buildings to be constructed of burned brick, stone, concrete or other permanent and fireproof material;

(e) prohibits the construction of buildings of iron or asbestos sheeting or similar material fixed to a framework of wood or metal;

(f) prohibits the construction of a roof of corrugated iron or other type of iron; or

(g) requires the submission of building plans,

is deleted with effect from the commencement of this Act.

(2) A condition of approval for an application for development in terms of section 11(4) of the Ordinance for an application for the Administrator's decision that a proposed private township is necessary for development purposes and desirable in the public interests in terms of section 11bis(3)(a) of the Ordinance or application for private township establishment in terms of section 16 of the Ordinance that requires the applicant to register a condition against the land that –

(a) prohibits the subdivision of ~~the~~ a property;

(b) restricts the use of ~~the~~ a property to ~~a~~ the erection of not more than one dwelling house ~~for residential purposes~~;

~~(bA) restricts the use of a property to residential purposes;~~

(c) prohibits the erection of a row of tenement houses, a boarding house, a hotel or a block of residential flats on ~~the~~ a property;

~~(cA) prohibits the use of a property for trading or business purposes;~~

(d) requires the walls of buildings to be constructed of burned brick, stone, concrete or other permanent and fireproof material;

(e) prohibits the construction of buildings of iron or asbestos sheeting or similar material fixed to a framework of wood or metal;

(f) prohibits the construction of a roof of corrugated iron or other type of iron; or

(g) requires the submission of building plans,

is deleted with effect from the commencement of this Act.

(3) A condition imposed in terms of regulation 9(2) of the Regulations for the Administration and Control of Townships in Black Areas, 1962 (Regulation R293 of 1962) promulgated in terms of sections 6(2) and 25(1) of the Black Administration Act, 1927 (Act No. 38 of 1927) that –

~~(a) prohibits the subdivision of a property;~~

~~(b) restricts the use of a property to the erection of not more than one dwelling house;~~

~~(c) restricts the use of a property to residential purposes;~~

~~(d) prohibits the erection of a row of tenement houses, a boarding house, a hotel or a block of residential flats on a property;~~

~~(e) prohibits the use of a property for trading or business purposes;~~

~~(f) requires the walls of buildings to be constructed of burned brick, stone, concrete or other permanent and fireproof material;~~

~~(g) prohibits the construction of buildings of iron or asbestos sheeting or similar material fixed to a framework of wood or metal;~~

~~(h) prohibits the construction of a roof of corrugated iron or other type of iron; or~~

~~(i) requires the submission of building plans.~~

is deleted with effect from the commencement of this Act."

Amendment of the heading of Schedule 6 to Act 6 of 2008

109. The heading of Schedule 6 to the principal Act is hereby amended by the substitution for the heading of the following heading:

"SCHEDULE 6

TRANSITIONAL MEASURES FOR DURBAN EXTENDED POWERS CONSOLIDATED
ORDINANCE, 1976

(Section [171(2)]163(2))"

Amendment of Item 1 of Schedule 6 of Act 6 of 2008

110. Item 1 of Schedule 6 of the principal Act is hereby amended by the substitution for item 1 of the following item:

"1.(1) A consolidation of land approved in terms of section 143(1) of the Durban Extended Powers Consolidated Ordinance, 1976, (Ordinance No. 18 of 1976), must be [treated] regarded as an approved consolidation of land in terms of section 26(1)(a) of this Act.

(2) For the purposes of section 49(1A) of the Act, the effective date of approval of a consolidation of land approved in terms of section 143(1) of the Durban Extended Powers Consolidated, 1976, is the date of approval thereof."

Amendment of Item 2 of Schedule 6 of Act 6 of 2008

111. Item 2 of Schedule 6 of the principal Act is hereby amended by the substitution for item 2 of the following item:

1.(1) A subdivision of land approved in terms of section 144(1) of the Durban Extended Powers Consolidated Ordinance, 1976, (Ordinance No. 18 of 1976), must be [treated] regarded as an approved subdivision of land in terms of section 26(1)(a) of this Act.

(2) For the purposes of section 49(1A) of the Act, the effective date of approval of a subdivision of land approved in terms of section 144(1) of the Durban Extended Powers Consolidated, 1976, is the date of approval thereof."

Insertion of Schedules 7 and 8

112. The principal Act is hereby amended by the insertion of the following Schedules after Schedule 6:

"SCHEDULE 7

TRANSITIONAL MEASURES FOR LESS FORMAL TOWNSHIP ESTABLISHMENT ACT

(Section 163(2))

Lapsing of approval for less formal settlement or less formal township

1.(1) The Administrator's approval for the designation of land for less formal settlement as contemplated in section 3(1) of the Less Formal Township Establishment Act or approval to establish a less formal township as contemplated in section 14(1)(a) and 19(1) Less Formal Township Establishment Act lapses if the township register for the less formal settlement or less formal township is not opened by the Registrar of Deeds by 1 March 2015.

(2) If the rights granted by the Administrator in terms of sections 3(1), 14(1)(a) or 19(1) of the Less Formal Township Establishment Act have not been fully exercised by 1 March 2015, and the municipality is of the opinion that the

development will not be completed within a reasonable period, it may serve a notice on the owner of the land –

(a) warning the owner that it may initiate the cancellation of the part of the approved layout plan for which the rights have not been fully exercised; and

(b) specifying the period in which the rights must be fully exercised.

(3) The municipality may withdraw a notice contemplated in subsection (3) at any time before the expiry of the period specified therein.

(4) A notice referred to in subsection (3) is of no force and effect if the municipality fails to initiate the cancellation of the part of the approved layout plan for which the rights have not been fully exercised, within a period of six months after the expiry of the period contemplated in the notice.

SCHEDULE 8

TRANSITIONAL MEASURES FOR DEVELOPMENT FACILITATION ACT

(Section 163(2))

Lapsing of approval of land development application

1.(1) The approval of a land development application by the Development Tribunal in terms of section 33(1) or 51(1) of the Development Facilitation Act lapses if the applicant fails to commence with the development of land by 1 March 2015.

(2) If the rights granted by the Development Tribunal in terms of section 33(1) or 51(1) of the Development Facilitation Act have not been fully exercised by 1 March 2015, and the municipality is of the opinion that the development will not be completed within a reasonable period, it may serve a notice on the owner of the land –

(a) warning the owner that it may initiate the cancellation of the part of the approved layout plan for which the rights have not been fully exercised; and

(b) specifying the period in which the rights must be fully exercised.

(3) The municipality may withdraw a notice contemplated in subsection (3) at any time before the expiry of the period specified therein.

(4) A notice referred to in subsection (3) is of no force and effect if the municipality fails to initiate the cancellation of the part of the approved layout plan for which the rights have not been fully exercised, within a period of six months after the expiry of the period contemplated in the notice."

Substitution of certain expressions of Act 6 of 2008

113. The principal Act is hereby amended –

- (a) by the substitution for the expression "must be treated as", wherever it occurs, of the expression "must be regarded as"; and
- (b) by the substitution for the expression "responsible Member of the Executive Council", wherever it occurs, of the expression "MEC".

Short title and commencement

114. This Act is called the KwaZulu-Natal Planning and Development Amendment Act, 2010.

MEMORANDUM ON THE OBJECTS OF THE KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT AMENDMENT BILL**1. BACKGROUND**

The object of the KwaZulu-Natal Planning and Development Amendment Bill (hereinafter referred to as the Bill) is to amend the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008) (hereinafter referred to as the principal Act).

The amendments can be summarised as following:

- (a) Amendments to the principal Act to provide for the granting of consent in terms of a scheme. Amendments include the procedure that must be followed when applying for the granting of consent in terms of a scheme, a right of appeal by an aggrieved person against a decision by a municipality on an application for its consent in terms of a scheme, the lapsing of consent in terms of a scheme, the nature of a municipality's consent in terms of a scheme, and transitional measures for a municipality's special consent in terms of a scheme contemplated in the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949);
- (b) Amendments to the principal Act to provide for the closing of municipal roads and public places. Amendments include the procedure that must be followed when applying for the closing of a municipal road or a public place, the vesting of the land after a municipal road or a public place has been closed and compensation for the closing of a municipal road or a public place;
- (c) Amendments to the Act to rationalise the matters that a municipality must consider when it considers an application in terms of the Act;
- (d) Amendments to the principal Act to require an application when land is developed by means of sectional title. Previously, it was possible to use the Sectional Titles Act, 1986 (Act No. 95 of 1986) to circumvent planning and development approval, including the impact of a development on the surrounding area and on the provision of services;
- (e) An Amendment to the principal Act to require an application for the consolidation of unregistered erven.
- (f) Amendments to the principal Act to reduce the burden of public consultation by a municipality. Amendments include personal notice to the owners of adjacent erven instead of to owners within 100m of a property and the elimination of unnecessary public consultation (for example, notice in a newspaper will no longer be required for the relocation of a building line).
- (g) Amendments to the principal Act to require a municipality to inform an applicant whether comments were received in response to an invitation for the public to comment on an application;
- (h) Amendments to the principal Act to make the effective date of a municipality's decision on an application earlier, depending on if any comments were received from the public in response to an application and if the applicant waived his or her right to appeal against the decision of the municipality;
- (i) Amendments to the principal Act to provide for the subsequent granting of consent in terms of a scheme;
- (j) Amendments to the principal Act to provide for the subsequent approval for the permanent closure of a municipal road or a public place;
- (k) The deletion of the requirement that illegal development must stop until it is known if an application to regularise the illegal development has been approved;
- (l) Amendments to the principal Act to enable a municipality to deal with the development, subdivision and consolidation of land which it is in the process of acquiring;
- (m) Amendments to the principal Act to clarify the relationship between the principal Act and the Less Formal Township Establishment Act, 1991 (Act No. 113 of 1991) and the Development Facilitation Act, 1995 (Act No. 67 of 1995). All development must be approved in terms of the principal Act;
- (n) Amendments to the principal Act to provide for the lapsing of a planning approval, if the approval is not exercised with a period of five years;
- (o) Amendments to the principal Act to ensure that a registered planner will not be prejudiced when advising a municipality;
- (p) Amendments to the principal Act to give a municipality more options when delegating its powers in terms of the principal Act, including the delegation of its powers in terms of the principal Act to a committee of the municipality, to a district municipality or to a person employed by the municipality for exercising the power conferred on the municipality;

- (g) Amendments to the principal Act to provide for the updating of records held by the Surveyor General and the Registrar of Deeds;
- (r) Amendments to the principal Act to provide for the alteration, suspension and deletion of conditions of approval for a municipality's consent in terms of a scheme and for the permanent closing of a municipal road or a public place;
- (s) Amendments to the principal Act to provide for the registration of conditions of title by the Registrar of Deeds against the remainder of land when land is subdivided;
- (t) Amendments to the principal Act to provide for the endorsement by the Registrar of Deeds of deeds of which conditions of title have been altered, suspended or deleted;
- (u) An Amendment to the principal Act to provide for the validation of applications approved by a municipality under the wrong planning and development law before the commencement of the principal Act;
- (v) Amendments to the principal Act to synchronise the time frames for the consideration of an application lodged by a private person or organ of State and the consideration of a proposal or an application lodged by a municipality in respect of land which it owns, or is in the process of acquiring;
- (w) An amendment to the principal Act to make it clear that the public has 30 days to respond to a site notice and a notice in the newspaper inviting the public to comment on an application; to require a municipality to give notice of an application by it in a newspaper that it has determined as its newspaper of record, in a language that it has determined as its official language and on a day of the week that it has determined as the day of the week for the publication of notices in terms of the principal Act;
- (x) Amendments to the principal Act to provide for the deletion of certain conditions of title by operation of law (in addition to the conditions of title that have already been deleted in terms of the principal Act by operation of law);
- (y) An amendment to the principal Act to require a municipality to consider the provisions of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989) when it considers the adoption, repeal or amendment of a scheme;
- (z) An amendment to the principal Act to clarify that the levying of rates in accordance with the use of a property does not render the use of the property lawful for the purposes of the principal Act;
- (AA) An amendment to the principal Act to provide for the repeal of sections 211 and 112 of the Local Authorities Ordinance, 1974 (Ordinance No. 25 of 1974). The provisions provide for the closing of municipal roads and public places which will in future be regulated by the principal Act;
- (AB) Amendments to the principal Act to insert the expression "displayed or published" to make it clear that the 30 days notice for public comment also applies to the site notice and to the notice in the newspaper;
- (AC) Amendments to the principal Act to substitute the expression "must be treated as" for the expression "must be regarded as", to substitute the expression "responsible Member of the Executive Council" for the expression "MEC responsible for co-operative government", to substitute the expression "without alterations" for the expression "without changes", to substitute the expression "proposal" for the expression "application"; and
- (AD) Amendments to the principal Act to correct grammatical errors and wrong cross-references.

2. ANALYSIS OF THE BILL

Clause 1

Clause 1 substitutes the long title of the principal Act to include references to consent in terms of a scheme and enforcement.

Clause 2

Clause 2 inserts the definitions for "adjacent erven", "application"; "consent in terms of a scheme", "Less Formal Township Establishment Act", "municipal road", "proposal" and "Sectional Titles Act" in section 1 of the principal Act.

Clause 3

Clause 3 substitutes the objects of the principal Act in section 2 of the principal Act to include a reference to consent in terms of a scheme.

Clause 4

Clause 4 amends section 5 of the principal Act –

(a) by requiring that a scheme must provide for land uses and development that requires a municipality's "consent in terms of a scheme", instead of a municipality's "permission"; and

(b) by making provision for exemption from the giving of public notice for consent in terms of a scheme and the subdivision of land in accordance with a scheme.

Clause 5

Clause 5 amends section 6 of the principal Act –

(a) by the insertion of subsection (11) to make it clear that consent granted in terms of a scheme are real rights (do not lapse when the ownership of land changes); and

(b) by substituting the expression "a proposal" for the expression "an application".

Clause 6

Clause 6 amends the heading of Part 2 of Chapter 2 of the principal Act to include a reference to "consent in terms of a scheme".

Clause 7

Clause 7 amends section 9 of the principal Act to include references to "consent in terms of a scheme".

Clause 8

Clause 8 amends section 10 of the principal Act –

(a) by the inclusion of references to "consent in terms of a scheme";

(b) by the substitution of the expression "Part 2" for the expression "Par 2" (error);

(c) by providing for the combining of applications; and

(d) by the substitution of the expression "proposal" for the expression "application".

Clause 9

Clause 9 amends section 11 of the principal Act –

- (a) by the inclusion of references to "consent in terms of a scheme"; and
- (b) by the substitution of the expression "proposal" with the expression "application".

Clause 10

Clause 10 amends section 12 of the principal Act –

- (a) by the addition of a reference to section 14(1) of Schedule 1;
- (b) by the rationalisation of the matters that must be considered by a municipality when making a decision to facilitate the lodgement of combined applications;
- (c) by requiring a municipality to consider the scheme when it considers a proposal to amend a scheme or a proposal for consent in terms of a scheme;
- (d) by requiring a municipality to consider the provisions of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989) when it considers the adoption, repeal or amendment of a scheme or the granting of its consent in terms of a scheme. The Legal Succession to the South African Transport Services Act, 1989 provides for standard building and land use controls that apply to all land owned by Transnet; and
- (e) by substituting the expression "proposal" for the expression "application".

Clause 11

Clause 11 inserts section 12A in the principal Act which requires a municipality to consider all relevant considerations when it considers an application for its consent in terms of a scheme.

Clause 12

Clause 12 amends section 13 of the principal Act to determine how a municipality must decide whether to grant its consent in terms of a scheme. The clause also lists certain prohibitions and requires a municipality to give reasons for its decision and to inform the applicant if there were comments by the public in response to the invitation to comment on the application.

Clause 13

Clause 13 amends section 14 of the principal Act to identify persons who must be informed of municipality's decision relating to an application for its consent in terms of a scheme.

Clause 14

Clause 14 amends section 15 of the principal Act by –

- (a) specifying that a person who lodges comment on an application after the closing date for public comment will not have a right of appeal; and
- (b) conferring a right of appeal on certain persons against a municipality's decision on the granting of its consent in terms of a scheme.

Clause 15

Clause 15 amends section 16 of the principal Act to determine the effective date of a municipality's decision on the adoption or replacement of a scheme and an application for the amendment of a scheme or for its consent in terms of a scheme.

Clause 16

Clause 16 inserts sections 16A, 16B, and 16C in the principal Act which provide for the lapsing and cancellation of a municipality's consent in terms of a scheme.

Clause 17

Clause 17 deletes sections 17-20 of the principal Act. The sections are no longer necessary, as the principal Act now provides for a municipality's consent in terms of a scheme. Previously, a municipality had to adopt a by-law for that purpose.

Clause 18

Clause 18 amends section 21 of the principal Act to require an application for the subdivision of land when land is alienated by means of a sectional title scheme and for the consolidation of unregistered erven.

Clause 19

Clause 19 amends section 22 of the principal Act to provide that a municipality may initiate the subdivision or consolidation of land that vests in it or of land that it is in the process of acquiring.

Clause 20

Clause 20 amends section 23 of the principal Act –

- (a) by the deletion of the exemption from the need to make application for the subdivision and consolidation of land in the event of an encroachment that was resolved by agreement or by a court (now addressed in items 5(1B) and 14(1B) of Schedule 1); and
- (b) by providing for the combining of applications.

Clause 21

Clause 21 substitutes the expression "proposal" for the expression "application".

Clause 22

Clause 22 amends section 25 of the principal Act –

- (a) by the addition of a reference to section 14(1) of Schedule 1;
- (b) by the substitution of the expression "proposal" for the expression "application"; and
- (c) by rationalising the matters that must be considered by a municipality when making a decision to facilitate the lodgement of combined applications.

Clause 23

Clause 23 amends section 26 of the principal Act –

- (a) by substituting the expression "items 12 and 21" for the expression "items 12 or 21", the expression "without alterations" for the expression "without changes" and the expression "proposal" for the expression "application";
- (b) by aligning the conditions of approval with the most common order in which land transactions are concluded i.e. sale, transfer and development; and
- (c) by requiring a municipality to inform the applicant if there were comments by the public in response to the invitation to comment on the application.

Clause 24

Clause 24 amends section 27 of the principal Act by substituting the expression "proposed" with the expression "application for".

Clause 25

Clause 25 amends section 28 of the principal Act by –

- (a) specifying that a person who lodges comment on an application after the closing date for public comment will not have a right of appeal; and
- (b) substituting the expression "proposed" with the expression "application for" and the expression "a proposal" with the expression "an application".

Clause 26

Clause 26 amends section 29 of the principal Act –

- (a) by substituting the expression "a proposed" with the expression "application for"; and
- (b) by determining the effective date of a municipality's decision on the subdivision or consolidation of land.

Clause 27

Clause 27 amends section 31 of the principal Act by the deletion of subsection (5). The same prohibition on the registration of land where the conditions that must be complied with before registration have not been complied with also appears under section 34(2). The deletion removes the duplication.

Clause 28

Clause 28 amends section 32 of the principal Act by the substitution of the expression "proposal" for the expression "application" in the heading of section 32.

Clause 29

Clause 29 amends section 34 of the principal Act –

- (a) by substituting the expression "proposal" for the expression "application" in the heading of section 34; and
- (b) by providing for the endorsement of the conditions of title relating to the remainder of a property against that remainder.

Clause 30

Clause 30 amends section 35 of the principal Act by providing for the endorsement of the conditions of title relating to the remainder of a property against that remainder.

Clause 31

Clause 31 amends section 37 of the principal Act to provide for the lapsing of approval for the subdivision or consolidation of land, if the development of the land does not commence within a period of five years, instead of if the subdivision or consolidation of land is not registered with the Registrar of Deeds within five years.

Clause 32

Clause 32 amends section 38 of the principal Act –

- (a) by requiring an application for the development of land situated outside the area of a scheme if developed by means of a sectional title scheme; and
- (b) by restructuring the section to distinguish clearly between those developments situated outside the area that do require approval in terms of the Act, and those that don't.

Clause 33

Clause 33 amends section 39 of the principal Act to provide that a municipality may initiate the development of land that vests in it or that it is in the process of acquiring if the land is situated outside the area of a scheme.

Clause 34

Clause 34 amends section 40 of the principal Act by providing for the combining of applications.

Clause 35

Clause 35 amends section 41 of the principal Act to substitute the expression "proposal" for the expression "application".

Clause 36

Clause 36 amends section 42 of the principal Act –

- (a) by substituting the expression "proposal" for the expression "application";
- (b) by adding a reference to section 14(1) of Schedule 1; and
- (c) by rationalising the matters that must be considered by a municipality when making a decision to facilitate the lodgement of combined applications.

Clause 37

Clause 37 amends section 43 of the principal Act –

- (a) by substituting the expression "items 12 and 21" with the expression "items 12 or 21", the expression "without alterations" with the expression "without changes" and the expression "proposal" for the expression "application"; and
- (b) by aligning conditions of approval with the most common order in which land transactions are concluded i.e. sale, transfer and development;
- (c) by deleting the reference of conditions relating to an amendment of the scheme since the Chapter deals with development situated outside the area of a scheme; and
- (d) by requiring a municipality to inform the applicant if there were comments by the public in response to the invitation to comment on the application.

Clause 38

Clause 38 amends section 44 of the principal Act by substituting the expression "proposed" with the expression "application for".

Clause 39

Clause 39 amends section 45 of the principal Act by –

- (a) specifying that a person who lodges comment on an application after the closing date for public comment will not have a right of appeal; and
- (b) substituting the expression "proposed" with the expression "application for" and the expression "a proposal" with the expression "an application".

Clause 40

Clause 40 amends section 46 of the principal Act –

- (a) by substituting the expression "proposed" with the expression "application for"; and
- (b) by determining the effective date of a municipality's decision on the development of land situated outside the area of a scheme.

Clause 41

Clause 41 amends section 49 of the principal Act by providing for the lapsing of approval for the development of land situated outside the area of the scheme, if development has not commenced within five years after it was approved by a municipality.

Clause 42

Clause 42 amends section 51 of the principal Act by substituting the expression "Persons who may initiate" in the heading of section 51 for the expression "Initiation of application".

Clause 43

Clause 43 amends section 52 of the principal Act to improve public consultation for applications for the phasing or cancellation of an approved layout plan.

Clause 44

Clause 44 amends section 53 of the principal Act by substituting the expression "a proposal" for the expression "an application".

Clause 45

Clause 45 amends section 54 of the principal Act –

- (a) by substituting the cross-reference to "item 1(2) of Schedule 1" for the cross-reference to "section 52(1)", since Schedule 1 does not apply to the phasing or cancellation of an approved layout plan;
- (b) by substituting expression "a proposal" for the expression "an application"; and
- (c) by rationalising the matters that must be considered by a municipality when making a decision to facilitate the lodgement of combined applications.

Clause 46

Clause 46 amends section 55 of the principal Act –

- (a) by substituting the expression "alterations" with the expression "changes" and the expression "proposal" for the expression "application";
- (b) by changing the order in which two of the paragraphs appear, to be the same order as similar paragraphs elsewhere in the Act; and
- (c) by requiring a municipality to inform the applicant if there were comments by the public in response to the invitation to comment on the application.

Clause 47

Clause 47 amends section 56 of the principal Act –

- (a) by substituting the expression "proposed" with the expression "application for"; and
- (b) by substituting the cross-reference to "Schedule 1" for a cross-reference to "section 52(4)", since Schedule 1 does not apply to the phasing or cancellation of an approved layout plan.

Clause 48

Clause 48 amends section 57 of the principal Act by –

- (a) specifying that a person who lodges comment on an application after the closing date for public comment will not have a right of appeal; and
- (b) substituting the expression "proposed" with the expression "application for" and the expression "a proposal" for the expression "an application".

Clause 49

Clause 49 amends section 58 of the principal Act –

- (a) by substituting the expression "a proposed" with the expression "application for"; and
- (b) by determining the effective date of a municipality's decision on an application for the phasing or cancellation of an approved layout.

Clause 50

Clause 50 inserts sections 58A and 58B in the principal Act to require the submission of plans and documents to the Surveyor General and the Registrar of Deeds to ensure that the records in their respective offices are updated to reflect the phasing or cancellation of an approved layout plan.

Clause 51

Clause 51 amends section 60 of the principal Act by also providing for the alteration, suspension and deletion of restrictions relating to land that have been imposed when an application for a municipality's consent in terms of a scheme,

an application for the alteration, suspension and deletion of restrictions relating to land or an application for the permanent closure of a municipal road or a public place was approved.

Clause 52

Clause 52 amends section 61 of the principal Act by providing that a municipality may initiate the alteration, suspension or deletion of a restriction in respect of land that vests in it or that it is in the process of acquiring.

Clause 53

Clause 53 amends section 62 of the principal Act by providing for the combining of applications.

Clause 54

Clause 54 amends section 63 of the principal Act by substituting the expression "a proposal" for the expression "an application".

Clause 55

Clause 55 amends section 64 of the principal Act –

- (a) by the addition of a reference to section 14(1) of Schedule 1;
- (b) by substituting expression "proposal" for the expression "application"; and
- (c) by rationalising the matters that must be considered by a municipality when making a decision to facilitate the lodgement of combined applications.

Clause 56

Clause 56 amends section 65 of the principal Act –

- (a) by substituting the expression "items 12 and 21" for the expression "items 12 or 21", the expression "without alterations" for the expression "without changes" and the expression "proposal" for the expression "application"; and
- (b) by requiring a municipality to inform the applicant if there were comments by the public in response to the invitation to comment on the application.

Clause 57

Clause 57 amends section 66 of the principal Act –

- (a) by substituting the expression "proposed" with the expression "application for"; and
- (b) by correcting the numbering of the subsections by the renumbering of the second subsection (3) to subsection (5).

Clause 58

Clause 58 amends section 67 of the principal Act by –

- (a) providing a right of appeal for a person who objected to an application for the alteration, suspension or deletion of a restriction relating to; and
- (b) by substituting the expression "proposed" with the expression "application for".

Clause 59

Clause 59 amends section 68 of the principal Act –

- (a) by substituting the expression "a proposed" with the expression "application for"; and
- (b) by determining the effective date of a municipality's decision on the alteration, suspension or deletion of a restriction relating to land.

Clause 60

Clause 60 amends section 69 of the principal Act –

- (a) by substituting the expression "a proposed" with the expression "application for" and the expression "proposal" for the expression "application"; and
- (b) by empowering the Registrar of Deeds to endorse the relevant deeds if a condition of title has been altered, suspended or deleted.

Clause 61

Clause 61 amends section 70 of the principal Act –

- (a) by the insertion of subsection (3) that requires an applicant to submit plans and documents relating to an application by a municipality to the Surveyor General and the Registrar of Deeds to ensure that the records in their respective offices are updated to reflect the alteration, suspension or deletion of a restriction relating to land; and
- (b) by substituting the expression "proposal" for the expression "application".

Clause 62

Clause 62 amends section 71 of the principal Act to determine who may initiate an application for the permanent closure of a municipal road or a public place. Previously, a municipality had to adopt a by-law for the permanent closure of a municipal road or a public place.

Clause 63

Clause 63 inserts section 71A in the principal Act which determines the process that must be followed for the permanent closure of a municipal road or a public place.

Clause 64

Clause 64 amends section 72 of the principal Act –

- (a) by the insertion of subsection (2) to provide that a registered planner must evaluate a proposal for the permanent closure of a municipal road or a public place and certify that the municipality followed the procedures of the Act; and
- (b) by substituting the expression "proposal" for the expression "application".

Clause 65

Clause 65 amends section 73 of the principal Act –

- (a) by the addition of a reference to section 14(1) of Schedule 1;
- (b) by substituting expression "proposal" for the expression "application"; and
- (c) by rationalising the matters that must be considered by a municipality when making a decision to facilitate the lodgement of combined applications.

Clause 66

Clause 66 amends section 74 of the principal Act to provide how a municipality must decide an application for the permanent closure of a municipal road or a public place.

Clause 67

Clause 67 inserts sections 74A, 74B and 74C in the principal Act that identifies persons who must be informed of municipality's decision relating to the permanent closure of a municipal road or a public place, provides for the effective date of the municipality's decision on an application to permanently close a municipal road or a public place, and provides for the vesting of land after the permanent closure of a municipal road or a public place.

Clause 68

Clause 68 amends section 75 of the principal Act –

- (a) by empowering a municipality to take action against a person who unlawfully use or develop land which is part of a municipal road or a public place; and
- (b) by making it clear that the levying of rates in accordance with the actual use of a property does not imply that the use of the property is lawful for purposes of the Act to enable a municipality to take steps against illegal development, even if it levied the rates on the property in accordance with an illegal use.

Clause 69

Clause 69 amends the heading of Part 4 of Chapter 8 of the principal Act to include a reference that interference with a registered planner's evaluation of a proposal or certificate that a proposal complies with the provisions of the Act.

Clause 70

Clause 70 amends section 88 of the principal Act –

- (a) by substituting the expression "a proposal" for the expression "an application"; and
- (b) by also making it an offence for a registered planner to certify that an application for consent in terms of a scheme or an application for the permanent closure of a municipal road or a public place has followed due procedure, when it did not.

Clause 71

Clause 71 amends section 89 of the principal Act –

- (a) by also providing for the subsequent granting of consent in terms of a scheme and the approval for the permanent closure of a municipal road or a public place; and
- (b) by the deletion of the requirement that unlawful development must stop until development approval has been obtained (a municipality may still serve an urgent prevention order if the development will cause irreparable harm).

Clause 72

Clause 72 inserts section 88A in the principal Act that makes it a criminal offence to interfere with a registered planner's evaluation of a proposal or certificate that a proposal complies with the provisions of the Act.

Clause 73

Clause 73 amends section 97 of the principal Act by inserting the expression "alter", substituting the expression "removal" with the expression "deletion" and inserting the expression "relating to land".

Clause 74

Clause 74 inserts section 97A in the principal Act that provides for compensation for loss or damage due to the permanent closure of a municipal road or a public place.

Clause 75

Clause 75 amends section 131 of the principal Act to substitute the expression "fess" for the expression "fees" (error).

Clause 76

Clause 76 amends section 147 of the principal Act to substitute the expression "Appeal Tribunal" for the expression "steering committee" (error).

Clause 77

Clause 77 amends section 153 of the principal Act by the deletion of the words "and repeal any corresponding regulations".

Clause 78

Clause 78 amends section 156 of the principal Act –

- (a) by creating more options for a municipality when delegating a power or duty in terms of the Act; including delegation to a committee of the municipality or to a person from the private sector employed for the purpose of performing the duty; and
- (b) by substituting the expression "responsible member of the Executive Council" for the expression "municipality" (error).

Clause 79

Clause 79 amends section 157 of the principal Act to empower a municipality to enter into an agency agreement with a district municipality.

Clause 80

Clause 80 amends section 160 of the principal Act to provide access to records relating to consent in terms of a scheme and to substitute the expression "a proposal" for the expression "an application".

Clause 81

Clause 81 amends section 161 to clarify the relationship between the Act, the Less Formal Township Establishment Act, 1991 (Act No. 113 of 1991) and the Development Facilitation Act, 1995 (Act No. 67 of 1995). After the commencement of section 161 of the principal Act an amendment to a scheme; subdivision or consolidation of land; development of land outside the area of a scheme; phasing or cancellation of an approved layout plan; alteration, suspension or deletion of a restriction relating to land and the permanent closure of a municipal road or public place must be done in terms of the Act. The clause also provides for exemption from the procedure for a municipality's consent in terms of a scheme and Chapter 7 of the principal Act (permanent closure of municipal roads and public places), if a municipality has adopted by-laws for that purpose in accordance with the minimum requirements of the Act.

Clause 82

Clause 82 amends section 163 of the principal Act by substituting the reference to "Schedules 3 to 6" for the reference to "Schedules 3 to 8" due to the insertion of two additional schedules.

Clause 83

Clause 83 amends item 1 of Schedule 1 of the principal Act by the deletion of a reference to the phasing or cancellation of an approved layout plan from Schedule 1. Schedule 1 of the principal Act does not apply to the phasing or cancellation of an approved layout. Provision is also made for the process that must be followed for applications for consent in terms of a scheme and applications for the permanent closure of a municipal road or a public place.

Clause 84

Clause 84 amends subitem (3) of item 3 of Schedule 1 of the principal Act by updating the cross-reference to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

Clause 85

Clause 85 amends item 5 of Schedule 1 of the principal Act –

- (a) by providing for instances when public notice is not required of an application in terms of the Act; and
- (b) by inserting the expression ", displayed or published".

Clause 86

Clause 86 amends item 6 of Schedule 1 of the principal Act by –

- (a) substituting the requirement that notice must be served to all owners within 100m of an erf with the requirement that notice must be served on all owners of adjacent erven;
- (b) making provision for instances when public notice in a newspaper is of an application is not required of an application in terms of the Act; and
- (c) making provision for instances when notice to all owners of adjacent properties is not required for an application in terms of the Act.

Clause 87

Clause 87 amends item 9 of Schedule 1 of the principal Act by improving the wording thereof.

Clause 88

Clause 88 amends item 10 of Schedule 1 of the principal Act by improving the wording thereof.

Clause 89

Clause 89 amends item 11 of Schedule 1 of the principal Act by improving the wording thereof.

Clause 90

Clause 90 amends item 12 of Schedule 1 of the principal Act by introducing a time frame for the consideration of applications which do not require the giving of notice in terms of the Act.

Clause 91

Clause 91 amends item 14 of Schedule 1 of the principal Act –

- (a) by inserting the expression "adopt or" (omission);
- (b) by providing for the giving of public notice for consent in terms of a scheme and for the permanent closure of a municipal road or a public place; and
- (c) by providing for instances when public notice is not required of an application in terms of the Act; and
- (d) by inserting the expression ", displayed or published".

Clause 92

Clause 92 amends item 15 of Schedule 1 of the principal Act by –

- (a) substituting the requirement that notice must be served to all owners within 100m of an erf with the requirement that notice must be served on all owners of adjacent erven;
- (b) making provision for instances when public notice in a newspaper of an application is not required of an application in terms of the Act; and
- (c) making provision for instances when notice to all owners of adjacent properties is not required for an application in terms of the Act.

Clause 93

Clause 93 amends item 17 of Schedule 1 of the principal Act to substitute the expression "a proposal" for the expression "an application".

Clause 94

Clause 94 amends item 18 of Schedule 1 of the principal Act by giving a municipality the same amount of time (21 days) to respond to comments received after a proposal by it was advertised for comment, as for an application by an applicant.

Clause 95

Clause 95 amends item 19 of Schedule 1 of the principal Act by inserting the expression "or application".

Clause 96

Clause 96 amends item 20 of Schedule 1 of the principal Act by giving a municipality 14 days to decide if it is necessary to have a public hearing on a proposal by it, which is the same amount of time that it has to make a similar decision on an application by an applicant.

Clause 97

Clause 97 amends item 20 of Schedule 1 of the principal Act by –

- (a) the deletion of the words "and accompanying site inspection" from the heading;
- (b) introducing a time frame for the consideration of applications that do not require the giving of notice in terms of the principal Act; and
- (c) giving a municipality the same amount of time to consider a proposal in terms of the principal Act as for an application in terms of the Act.

Clause 98

Clause 98 amends Schedule 2 of the principal Act to repeal the provisions of the Local Authorities Ordinance, 1974 (Ordinance No. 25 of 1974) which provided for the permanent closure of municipal roads and public places.

Clause 99

Clause 99 amends the heading of Schedule 3 of the principal Act by substituting the cross-reference to "section 171(2)" for a cross-reference to "section 163(2)" (error).

Clause 100

Clause 100 amends item 1 of Schedule 3 of the principal Act to provide for the effective date of historic approvals for the subdivision of land in order to determine the date upon which approval lapses, if the development of the land has not commenced.

Clause 101

Clause 101 amends the heading of Schedule 4 of the principal Act by substituting the cross-reference to "section 171(2)" for a cross-reference to "section 163(2)" (error).

Clause 102

Clause 102 amends item 1 of Schedule 4 of the principal Act by providing for the effective date of historic approvals for the development of land in order to determine the date upon which approval lapses, if the development of the land has not commenced.

Clause 103

Clause 103 amends item 3 of Schedule 4 of the principal Act by providing for the effective date of historic approvals for the subdivision of land in order to determine the date upon which approval lapses, if the development of the land has not commenced.

Clause 104

Clause 104 amends item 4 of Schedule 4 of the principal Act by providing for transitional measures for provisions of schemes adopted in terms of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949), which provides for special consent or for the approval of a municipality.

Clause 105

Clause 105 amends item 7 of Schedule 4 of the principal Act by providing for the effective date of historic approvals for special consent in order to determine the date upon which approval lapses, if the development of the land has not commenced.

Clause 106

Clause 106 amends the heading of Schedule 5 of the principal Act by substituting the cross-reference to "section 171(2)" for a cross-reference to "section 163(2)" (error).

Clause 107

Clause 107 amends item 1 of Schedule 5 of the principal Act by substituting the cross-reference to "section 72(1)(a)" for a cross-reference to "section 65(1)(a)" (error).

Clause 108

Clause 108 amends item 3 of Schedule 5 of the principal Act by providing for the deletion by operation of law of certain conditions of title in favour of a local authority or a municipality. The wording of item 3 of Schedule 5 of the principal Act is also improved in accordance with a directive from the Registrar of Deeds.

Clause 109

Clause 109 amends the heading of Schedule 6 of the principal Act by substituting the cross-reference to "section 171(2)" for a cross-reference to "section 163(2)" (error).

Clause 110

Clause 110 amends item 1 of Schedule 6 of the principal Act by providing for the effective date of historic approvals for the consolidation of land in order to determine the date upon which approval lapses, if the development of the land has not commenced.

Clause 111

Clause 111 amends item 2 of Schedule 6 of the principal Act by providing for the effective date of historic approvals for the subdivision of land in order to determine the date upon which approval lapses, if the development of the land has not commenced.

Clause 112

Clause 112 inserts Schedule 7 and 8 in the Act, which provides for the lapsing of approvals in terms of the Less Formal Township Establishment Act, 1991 (Act No. 113 of 1991) and the lapsing of approvals in terms of the Development Facilitation Act, 1995 (Act No. 67 of 1995).

Clause 113

Clause 113 substitutes the expression "must be treated as", wherever it occurs for the expression "must be regarded as" and the expression "responsible Member of the Executive Council", wherever it occurs for the expression "MEC".

Clause 114

Clause 114 provides for the short title of the Amendment Act.

3. IMPLICATIONS FOR MUNICIPALITIES

The amendments to the Act will make it easier for municipalities to exercise their powers in terms of the Act.

4. FINANCIAL IMPLICATIONS

The Department of Co-Operative Government and Traditional Affairs' municipal capacity building programme to empower municipalities to exercise their powers and perform their functions and duties in terms of the Act is in an advanced stage.

5. LEGISLATIVE PROCEDURE

The Chief State Law Advisor and the Department of Co-Operative Government and Traditional Affairs are of the opinion that the Bill falls within the ambit of section 154(2) of the Constitution of the Republic of South Africa, 1996, as it affects the powers and functions of local government, and must consequently be published in a manner that allows organised local government, municipalities and other interested persons an opportunity to make representations regarding the Bill.

6. DEPARTMENTS AND BODIES TO BE CONSULTED

The following departments and bodies will be consulted during the period that the Bill is published for comment –

- (a) all municipal managers; and
- (b) the Heads of Department of all provincial departments.

7. CONTACT PERSON

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DEPARTEMENT VAN KOÖPERATIEWE REGERING EN TRADISIONELE SAKE**KWAZULU-NATAL WYSIGINGSWETSONTWERP OP BEPLANNING EN ONTWIKKELING, 2010**

1. In ooreenstemming met die bepalings van artikel 154(2) van die Grondwet van die Republiek van Suid-Afrika, 1996, word die KwaZulu-Natal Wysigingswetsontwerp op Beplanning en Ontwikkeling, 2010 hiermee vir openbare kommentaar gepubliseer.

2. Georganiseerde plaaslike regering, munisipaliteite en ander belanghebbende persone word uitgenooi om skriftelike kommentaar op die voorgestelde Wetsontwerp soos volg in te dien:

(a) per pos aan –

Die Hoof van die Departement
Koöperatiewe Regering en Tradisionele Sake
Privaatsak X9078
PIETERMARITZBURG
3200

(b) aflewering per hand aan –

Kantoor 108
14de Vloer
Noord-toring
Natalia Gebou
Langalibalelestraat 330
PIETERMARITZBURG

(c) per faks aan 033-3949714; of

(d) per elektroniese pos aan geroos@kznlgta.gov.za.

3. Alle kommentaar moet ontvang word teen nie later nie as 6 Augustus 2010 en moet duidelik gemerk word: “Vir aandag: Mnr GL Roos”.

4. Alle navrae en versoeke om afskrifte van die Wetsontwerp en die memorandum oor die oogmerke van die Wetsontwerp moet gerig word aan:

Mnr G Roos
Telefoon: (033) 395 2656/ (072) 624 4070
Faks: (033) 394 9714
e-pos: geroos@kznlgta.gov.za

KWAZULU-NATAL WYSIGINGSETSONTWERP OP BEPLANNING EN ONTWIKKELING

ALGEMEEN VERDUIDELIKENDE NOTA:

[] Woorde in vetdruk binne vierkantige hakies dui weglatings uit bestaande bepalings aan
 _____ Woorde onderstreep met 'n soliede lyn dui byvoegings in bestaande bepalings aan

WETSONTWERP

Om die KwaZulu-Natal Wet op Beplanning en Ontwikkeling, 2008 (Wet No. 6 van 2008) te wysig om sodoende die lang titel van die Wet uit te brei; om die omskrywings van "aangrensende erwe", "toestemming ingevolge 'n skema", "Wet op Minder Formele Dorpstigting", "LUR"; "munisipale pad", "voorstel" en "Wet op Deeltitels" in te voeg; om die uitdrukking "verantwoordelike lid van die Uitvoerende Raad" te skrap; om die oogmerke van die Wet uit te brei om voorsiening te maak vir die toestemming deur 'n munisipaliteit ingevolge 'n skema, om voorsiening te maak vir toestemming deur 'n munisipaliteit ingevolge 'n skema, insluitend die indien van 'n aansoek, openbare konsultasie, neem van 'n besluit, appelleer teen 'n besluit, inwerkingtreedingsdatum van 'n besluit, verstryking van toestemming en kansellering van toestemming; om te bepaal dat toestemming deur 'n munisipaliteit ingevolge 'n skema 'n werklike reg in grond uitmaak; om voorsiening te maak vir kwytstelling van die behoefte om die publiek in sekere gevalle te raadpleeg; om die aangeleenthede wat in ag geneem moet word vir aansoeke te rasionaliseer; om van 'n munisipaliteit te vereis om die bepalings van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989 (Wet No. 9 van 1989) in ag te neem by oorweging van die aanvaarding, herroeping of wysiging van 'n skema; om te bepaal dat 'n munisipaliteit aansoeke met betrekking tot grond wat hy besit of in die proses is om te verkry, ken inisier; om te vereis dat 'n munisipaliteit 'n aansoeker in kennis stel of kommentaar ontvang is in reaksie op 'n uitnodiging aan die publiek om kommentaar oor 'n aansoek te lewer; om die inwerkingtreedingsdatum van 'n munisipaliteit se besluit oor 'n aansoek onder sekere omstandighede te vervroeg; om 'n aansoek om die ontwikkeling van grond deur middel van deeltitel ingevolge die Hoofwet te vereis; om 'n aansoek te vereis vir die konsolidering van ongeregistreerde erwe; om voorsiening te maak vir die verstryking van goedkeuring vir die ontwikkeling van grond geleë buite die gebied van 'n skema; om voorsiening te maak vir die registrasie van titelvoorwaardes deur die registrateur van aktes teen die restant van die grond wanneer grond onderverdeel is; om voorsiening te maak vir die verstelling, opskorting en skraping van goedkeuringsvoorwaardes vir 'n munisipaliteit se toestemming ingevolge 'n skema en vir die permanente sluiting van 'n munisipale pad of openbare plek; om 'n reg tot appèl aan 'n persoon te verleen wat beswaar aangeteken het teen 'n aansoek om die opskorting, verstelling of skraping van 'n beperking met betrekking tot grond; om voorsiening te maak vir die opdatering van rekords gehou deur die landmeter-generaal en die registrateur van aktes; om voorsiening te maak deur die registrateur van aktes vir die endossement van aktes waarvan titelvoorwaardes verstel, opgeskort of geskrap is; om voorsiening te maak vir die permanente sluiting van 'n munisipale pad of 'n openbare plek, insluitend die indien van 'n aansoek, openbare konsultasie, neem van 'n besluit, inwerkingtreedingsdatum van 'n besluit, beskikking oor grond deur die sluiting van die munisipale pad of openbare plek, en kompensasie met betrekking tot die permanente sluiting van 'n munisipale pad of 'n openbare plek; om voorsiening te maak vir misdrywe met betrekking tot die onwettige gebruik of ontwikkeling van 'n munisipale pad of 'n openbare plek; om voorsiening te maak vir die later oorweging van 'n aansoek deur 'n munisipaliteit om sy toestemming ingevolge 'n skema; om voorsiening te maak vir die later oorweging van 'n aansoek deur 'n munisipaliteit om die permanente sluiting van 'n munisipale pad of openbare plek; skraping van die vereiste dat onwettige ontwikkeling gestaak moet word totdat dit bekend is of 'n aansoek om die onwettige ontwikkeling wettig te maak, goedgekeur is; om te verduidelik dat die heffing van elendomsbelasting ooreenkomstig die gebruik van 'n eiendom nie die gebruik van die eiendom wettig maak vir die doeleindes van die Hoofwet nie; om dit 'n kriminele oortreding te maak om in te meng met die evaluasie van 'n aansoek deur 'n geregistreerde beplanner of

uitreiking van 'n sertifikaat van voldoening deur 'n geregistreerde beplanner; om 'n munisipaliteit te bemagtig om 'n bevoegdheid of plig, wat Ingevolge die Hoofwet aan hom verleen is, aan 'n komitee van die munisipaliteit of aan 'n persoon in diens van 'n munisipaliteit te deleger ten einde daardie bevoegdheid uit te oefen of daardie plig uit te voer; om 'n munisipaliteit te bemagtig om 'n agentskapooreenkoms met 'n distriksmunisipaliteit aan te gaan; om die verhouding tussen die Hoofwet en die Wet op Minder Formele Dorpstigting, 1991 (Wet No. 113 van 1991) en die Wet op Ontwikkelingsfasilitering, 1995 (Wet No. 67 van 1995) te verduidelik; om voorsiening te maak vir die validasie van aansoeke wat deur 'n munisipaliteit oorweeg is kragtens die verkeerde wet op beplanning en ontwikkeling voor die Inwerkingtreding van die Hoofwet; om dit duidelik te maak dat die publiek 30 dae het om te reageer op 'n perseelkenningsgewing en 'n kenningsgewing in die koerant wat die publiek uitnooi om kommentaar op 'n aansoek te lewer; om van 'n munisipaliteit te vereis om kennis van 'n aansoek deur hom te gee in 'n koerant wat hy as sy koerant van rekord bepaal het, in 'n taal wat hy as sy amptelike taal bepaal het en op 'n dag van die week wat hy as die dag van die week vir die publikasie van kenningsgewings Ingevolge die Hoofwet bepaal het; om 'n munisipaliteit 21 dae te gee om te reageer op besware oor 'n aansoek deur hom; om 'n munisipaliteit 14 dae te gee om te besluit of hy 'n openbare verhoor oor 'n aansoek deur hom moet hou; om voorsiening te maak vir die herroeping van artikels 211 en 112 van die Ordonnansie op Plaaslike Owerhede, 1974 (Ordonnansie No. 25 van 1974); om voorsiening te maak vir oorgangsmatreëls vir bepalinge van skemas aanvaar Ingevolge die Dorpbepanningsordonnansie, 1949 (Ordonnansie No. 27 van 1949), wat voorsiening maak vir spesiale toestemming of die goedkeuring van 'n munisipaliteit; om voorsiening te maak vir die skraping van sekere titelvoorwaardes deur regswerking; om voorsiening te maak vir die verstryking van goedkeuring Ingevolge die Wet op Minder Formele Dorpstigting, 1991 (Wet No. 113 van 1991) en die Wet op Ontwikkelingsfasilitering, 1995 (Wet No. 67 van 1995) onder sekere omstandighede; om grammatikale foute reg te maak; om sekere uitdrukkings te vervang; om verkeerde kruisverwysings te korrigeer; om duplikasies te skrap en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

WORD DAAR deur die Provinsiale Wetgewer van die provinsie KwaZulu-Natal soos volg bepaal:–

Wysiging van lang titel van KwaZulu-Natal Wet op Beplanning en Ontwikkeling, 2008 (Wet No. 6 van 2008), hierna na verwys as die Hoofwet

1. Die lang titel van die Hoofwet word hiermee gewysig deur die vervanging van die lang titel deur die volgende lang titel:

"Om voorsiening te maak vir die aanvaarding, vervanging en wysiging van skemas[.]; om voorsiening te maak vir toestemming Ingevolge skemas; om voorsiening te maak vir die onderverdeling en konsolidering van grond; om voorsiening te maak vir die ontwikkeling van grond buite skemas; om voorsiening te maak vir die fasering of kansellasie van goedgekeurde uitlegplanne vir die onderverdeling of ontwikkeling van grond; om voorsiening te maak vir die verstelling, opskorting en skraping van beperkings met betrekking tot grond; om [algemene beginsels in te stel] voorsiening te maak vir die permanente sluiting van munisipale paale of openbare plekke; om voorsiening te maak vir [die aanvaarding en erkenning van skemas,] toepassingsmaatreëls; om voorsiening te maak vir kompensasie ten opsigte van aangeleenthede gereguleer deur die Wet; om die KwaZulu-Natal Beplannings- en Ontwikkelingsappèltribunaal in te stel; om voorsiening te maak vir provinsiale beplannings- en ontwikkelingsnorme en -standaarde; en om voorsiening te maak vir verwante aangeleenthede".

Wysiging van artikel 1 van die KwaZulu-Natal Wet op Beplanning en Ontwikkeling, 2008 (Wet No. 6 van 2008)

2. Artikel 1 van die Hoofwet word hiermee gewysig –

- (a) deur die invoeging van die volgende omskrywing voor die omskrywing van "aansoek om laat aanteken van appèl":
"aangrensende erwe" alle erwe wat aan 'n erf grens, en alle erwe wat aan 'n erf sou grens indien dit nie geskei was deur 'n pad, 'n spoorweglyn, 'n serwituut, 'n rivier of soortgelyke verskynsel nie;
- (b) deur die invoeging van die volgende omskrywing voor die omskrywing van "aansoek om laat aanteken van appèl":
"aansoek" dat dit 'n voorstel deur 'n munisipaliteit insluit om –
 (a) die wysiging van 'n skema;
 (b) sy toestemming ingevolge 'n skema te verleen;
 (c) grond te onderverdeel of te konsolideer;
 (d) grond geleë buite die gebied van 'n skema te ontwikkel;
 (e) 'n goedgekeurde uitlegplan vir die onderverdeling of ontwikkeling van grond te faseer of te kanselleer;
 (f) beperkings met betrekking tot grond te verstel, op te skort of te skrap; of
 (g) 'n munisipale pad of 'n openbare plek permanent te sluit;"
- (c) deur die invoeging van die volgende omskrywing na "staatsorgaan":
"toestemming ingevolge 'n skema" 'n munisipaliteit se toestemming ingevolge 'n skema bedoel in artikel 5(d)(ii);"
- (d) deur die invoeging van die volgende omskrywing na "konsultasiedokument":
"KwaZulu-Natal Wet op Tradisionele Leierskap en Regering" die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering, 2005 (Wet No. 5 van 2005);
- (e) deur die invoeging van die volgende omskrywing na "Wet op die Beplanningsprofessie":
"Wet op Minder Formele Dorpstigting" die Wet op Minder Formele Dorpstigting, 1991 (Wet No. 113 van 1991);"
- (f) deur die invoeging van die volgende omskrywing na "later aansoek":
"LUR" die lid van die Uitvoerende Raad vir die provinsie KwaZulu-Natal verantwoordelik vir koöperatiewe regering;
- (g) deur die invoeging van die volgende omskrywing na "munisipale bestuurder":
"munisipale pad" dat dit enige pad, straat of deurgang, wat deur 'n munisipaliteit besit word of wat onder 'n munisipaliteit se berusting is, insluit;"; en
- (h) deur die invoeging van die volgende omskrywing na "wetlik gekwalifiseerd":
"Wet op Deelftels" die Wet op Deelftels, 1986 (Wet No. 95 van 1986);"

Wysiging van artikel 2 van Wet 6 van 2008

3. Artikel 2 van die Hoofwet word hiermee gewysig deur die vervanging van paragraaf (1) deur die volgende paragraaf:

"(1) voorsiening te maak vir die aanvaarding, vervanging en wysiging van [skemas] 'n skema en die verleen van toestemming ingevolge 'n skema;"

Wysiging van artikel 5 van Wet 6 van 2008

4. Artikel 5 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subparagraaf (ii) van paragraaf (d) deur die volgende subparagraaf:

"(ii) soorte grondgebruik en ontwikkeling wat toelaatbaar is met die munisipaliteit se toestemming ingevolge die skema, die kriteria wat die munisipaliteit lei in die besluit om sy toestemming te verleen of nie, en die [voorwaardes] kontroles [behoudens waarvan 'n grondgebruik of ontwikkeling wat andersins nie toelaatbaar sou wees nie, toegelaat kan word indien] wat van toepassing is indien die munisipaliteit sy toestemming gee;"; en

(b) deur die vervanging van paragraaf (e) deur die volgende paragraaf:

"(e) die omvang spesifiseer waartoe grond wat wettig gebruik is vir 'n doel wat nie aan die skema voldoen nie, steeds vir daardie doel gebruik kan word en die omvang waartoe geboue of strukture op daardie grond verander of uitgebrei kan word; [en]"; en

(c) deur die invoeging van die volgende paragraaf na paragraaf (e):

"(eA) toestemming ingevolge die skema spesifiseer waarvoor kennisgewing in 'n plaaslike koerant soos bedoel in items 6(1)(c) en 15(1)(c) van bylae 1 nie vereis word nie; en"; en

(d) deur die vervanging van paragraaf (f) deur die volgende paragraaf:

"(f) die gebiede spesifiseer waar die [voorafgekreeë toestemming van die munisipaliteit ingevolge hierdie Wet] gee van openbare kennis soos bedoel in items 5 en 14 van bylae 1 nie vir onderverdeling of konsolidering vereis word nie."

Wysiging van artikel 6 van Wet 6 van 2008

5. Artikel 6 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (4) deur die volgende subartikel:

"(4) 'n Munisipaliteit of enige staatsorgaan mag nie [n voorstel] n aansoek om onderverdeling of konsolidering van grond goedkeur wat teenstrydig met die bepalings van 'n skema is nie.";

(b) deur die vervanging van subartikel (5) deur die volgende subartikel:

"(5) [n Voorstel] n Aansoek om onderverdeling of konsolidering van grond wat teenstrydig is met die bepalings van 'n skema is ongeldig."; en

(c) deur die invoeging van die volgende subartikel na subartikel (10):

"(11) Toestemming ingevolge 'n skema konstitueer 'n werklike reg in eiendom wat deur enige persoon uitgeoefen kan word."

Wysiging van die opskrif van deel 2 van hoofstuk 2 van Wet 6 van 2008

6. Die opskrif van hoofstuk 2 van die Hoofwet word hiermee gewysig deur die vervanging van die opskrif deur die volgende opskrif:

"Deel 2: Aanvaarding, vervanging en wysiging van skema en toestemming ingevolge skema".

Wysiging van artikel 9 van Wet 6 van 2008

7. Artikel 9 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 9 deur die volgende artikel:

"[Persone wat] Inisiering van aanvaarding[,] of vervanging van skema[,] of aansoek om die wysiging van 'n skema [kan inisieer] of om toestemming ingevolge 'n skema

9.(1) 'n Munisipaliteit kan 'n aanvaarding van 'n skema[,] of vervanging van 'n skema of 'n aansoek om 'n wysiging aan 'n skema of om toestemming ingevolge 'n skema [wat deur hom aanvaar of vervang is,] inisieer.

(2) 'n Aansoek tot 'n munisipaliteit vir 'n wysiging aan 'n skema[,] of vir sy toestemming ingevolge 'n skema, kan ingedien word deur –

(a) die eienaar van grond wat deur die voorgestelde wysiging aan die skema[,] of deur die voorgestelde toestemming ingevolge 'n skema, insluitend 'n staatsorgaan, beïnvloed word; en

(b) 'n persoon wat optree met skriftelike toestemming van die eienaar van grond, wat deur die voorgestelde wysiging aan 'n skema of deur die voorgestelde toestemming ingevolge 'n skema beïnvloed word

(3) Indien grond, wat die onderwerp is van 'n aansoek om die wysiging van 'n skema, of vir toestemming ingevolge 'n

skema, oorgedra word na h nuwe eienaar, kan die nuwe eienaar met die aansoek voortgaan as die wettige regsopvolger van die vorige eienaar.”

Wysiging van artikel 10 van Wet 6 van 2008

8. Artikel 10 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die opskrif deur die volgende opskrif:

“Proses vir aanvaarding, vervanging of wysiging van skema of toestemming ingevolge skema”;

(b) deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) Die prosedures in [paragraaf] deel 2 van bylae 1 moet gevolg word vir die aanvaarding of vervanging van h skema.”;

(c) deur die vervanging van subartikel (2) deur die volgende subartikel:

“(2) Die prosedures bedoel in bylae 1 moet gevolg word vir h aansoek om die wysiging van h skema of vir toestemming ingevolge h skema.”; en

(d) deur die skraping van subartikel (3).

(e) deur die vervanging van subartikel (4) deur die volgende subartikel:

“(4) [n Voorstel] Aansoeke vir die wysiging van h [munisipaliteit se] skema en om toestemming ingevolge h skema mag [met h voorstel] gekombineer word, en as een aansoek verwerk word [om –

(a) grond te onderverdeel of te konsolideer;

(b) die beperkings met betrekking tot grond te verander, op te skort of te skrap;

en as een voorstel te prosesseer].”;

(f) deur die invoeging van die volgende subartikel na subartikel (4):

“(5) Aansoeke om die wysiging van h skema en om toestemming ingevolge h skema f t e g –

(a) gekombineer word met h aansoek –

(i) om grond te onderverdeel of te konsolideer;

(ii) om beperkings met betrekking tot grond te verstel, op te skort of te skrap, en

(iii) om die permanente sluiting van h munisipale pad of h openbare plek; en

(b) as een aansoek verwerk word.”.

Wysiging van artikel 11 van Wet 6 van 2008

9. Artikel 11 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 11 deur die volgende artikel:

“11. Voor oorweging van [n voorstel om] die aanvaarding of vervanging van h skema [te aanvaar, te vervang] of h aansoek om h skema te wysig[,] of vir sy toestemming ingevolge h skema, moet die munisipaliteit –

(a) h geregistreerde beplanner se skriftelike evaluasie en aanbeveling oor die [voorstel] voorgestelde aanvaarding of vervanging van die skema of die aansoek om die wysiging van die skema of toestemming ingevolge daarvan inwin; en

(b) h sertifikaat wat deur h geregistreerde beplanner geteken is, bekom –

(i) wat bevestig dat die voorstel of aansoek in alle opsigte aan hierdie Wet voldoen; of

(ii) indien die voorstel of aansoek nie in alle opsigte aan hierdie Wet voldoen nie, meld dat die voorstel of aansoek gebrekkig is en besonderhede van die tekortkoming verskaf.”.

Wysiging van artikel 12 van Wet 6 van 2008

10. Artikel 12 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 12 deur die volgende artikel:

“Aangeleenthede tersaaklik by merietebeplanning van voorgestelde aanvaarding[,] of vervanging van skema of aansoek om wysiging van skema

12. h Munisipaliteit moet die volgende aangeleenthede in ag neem vir die doeleindes van merietebeplanning van h voorgestelde aanvaarding[,] of vervanging van h skema of [wysiging aan] h aansoek om die wysiging van h skema –

(a) die voorstel of aansoek bedoel in item 1(2) of 14(1) van bylae 1;

(b) kommentaar in reaksie op die uitnodiging vir openbare kommentaar oor die voorstel of aansoek;

(c) die geregistreerde beplanner se –

(i) skriftelike evaluasie en aanbeveling oor die voorstel of aansoek; en

(ii) sertifikaat van die voorstel of aansoek se voldoening aan die Wet;

(d) die potensiële impak van die voorstel of aansoek op die omgewing, sosio-ekonomiese toestande en kulturele erfenis;

(e) die impak van die voorstel of aansoek op –

(i) bestaande of voorgestelde ontwikkelings of grondgebruike [In die gebied, of]; en

(ii) [op bestaande ontwikkelings- of] mineraalregte;

[(f) die impak van die voorstel of aansoek op die nasionale, provinsiale en munisipale padnetwerke;]

(g) in die geval van h voorstel vir die aanvaarding of vervanging van h skema, die menslike en finansiële hulpbronne wat waarskynlik beskikbaar sal wees vir implementering van die [voorstel] skema [, insluitend toegang tot die nasionale, provinsiale of munisipale padnetwerk, ingenieursdienste, openbare vervoer, munisipale dienste, riool, water- en elektrisiteitsvoorsiening, afvalbestuur en -verwydering, polisiëring en sekuriteit, gesondheids- en opvoedkundige fasiliteite, en die munisipaliteit se fiskale vermoë om kompensasie te betaal soos bedoel in artikel 95(1)];

(h) [In die geval van aanvaarding van h skema,] die voordele wat ooploop van die aanvaarding [daarvan], vervanging of wysiging van h skema vergelyk met die kompensasieloste bedoel in artikel 95(1);

(hA) die verskaffing en standaard van ingenieursdienste;

(hB) die impak van die voorstel of aansoek op die nasionale, provinsiale en munisipale padnetwerke, openbare vervoer, munisipale dienste, riool, water- en elektrisiteitsvoorsiening, afvalbestuur en -verwydering, polisiëring en sekuriteit;

(hC) toegang tot gesondheid en opvoedkundige fasiliteite;

(i) die historiese gevolge van voormalige rasdiskriminerende en segregerende wetgewing op grond van grondeienaarskap, grondontwikkeling en toegang tot ingenieursdienste en openbare fasiliteite, en die behoefte om die historiese ongelykhede aan te spreek;

(j) die beskerming of bewaring van kulturele en natuurlike hulpbronne, insluitend die landbouhulpbronne, of uleke gebiede of eienskappe en biodiversiteit;

(k) die natuurlike en fisiese kwaliteite van daardie gebied;

(l) die algemene beginsels vir grondontwikkeling soos vermeld in artikel 3 van die Wet op Ontwikkelingsfasilitering, 1995 (Wet No. 67 van 1995), en ander nasionale norme en standaarde, raamwerke en beleid bedoel in artikel 146(2)(b) van die Grondwet;

(m) die provinsiale beplannings- en ontwikkelingsnorme en -standaarde;

(n) die munisipaliteit se geïntegreerde ontwikkelingsplan;

(o) die [munisipaliteit se] skema, in die geval van h aansoek om h skema te wysig;

(oA) die bepalinge van artikel 13 van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989 (Wet No. 9 van 1989) met betrekking tot die sonering van grond besit deur Transnet en ander wette wat die sonering van grond reguleer;

(p) enige plaaslike praktyk of benadering tot grondgebruiksbestuur wat in ooreenstemming is met –

(i) die wette van die Republiek;

(ii) die provinsiale beplannings- en ontwikkelingsnorme en -standaarde;

(iii) die munisipaliteit se geïntegreerde ontwikkelingsplan; en

(q) enige ander tersaaklike inligting.

Invoeging van artikel 12A van Wet 6 van 2008

11. Die volgende artikel word hiermee by die Hoofwet ingevoeg na artikel 12 –

"Aangeleenthede tersaaklik by merletebepaling van 'n aansoek om toestemming ingevolge 'n skema

12A. Vir die doeleindes van merletebepaling van 'n aansoek om 'n munisipaliteit se toestemming ingevolge 'n skema, moet hy die volgende aangeleenthede in ag neem:

- (a) die aansoek bedoel in item 1(2) of 14(1) van bylae 1;
- (b) kommentaar in reaksie op die uitnodiging vir kommentaar op die aansoek;
- (c) die geregistreerde beplanner se –
 - (i) skriftelike evaluasie en aanbevelings oor die aansoek; en
 - (ii) sertifikaat van die aansoek se voldoening aan die Wet;
- (d) die impak van die aansoek op bestaande –
 - (i) of voorgestelde ontwikkelings of grondgebruike in die omgewing; of
 - (ii) ontwikkelings- of mineraalregte;
- (e) impak van die aansoek op –
 - (i) bestaande of voorgestelde ontwikkelings of grondgebruike; en
 - (ii) mineraalregte;
- (f) die algemene beginsels van grondontwikkeling soos gemeld in artikel 3 van die Wet op Ontwikkelingsfasilitering, 1995 (Wet No. 67 van 1995), en ander nasionale norme en standaarde, raamwerke en beleid bedoel in artikel 146(2)(b) van die Grondwet;
- (g) die provinsiale beplannings- en ontwikkelingsnorme en –standaarde;
- (h) die munisipaliteit se geïntegreerde ontwikkelingsplan;
- (i) die munisipaliteit se skema, insluitend die kriteria vir die verleen van toestemming om grond te gebruik of te ontwikkel vermeld in die skema; en
- (j) enige ander tersaaklike inligting."

Wysiging van artikel 13 van Wet 6 van 2008

12. Artikel 13 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die opskrif deur die volgende opskrif:

"Munisipaliteit se besluit aangaande voorgestelde aanvaarding[,] of vervanging van skema of aansoek om wysiging van skema of toestemming ingevolge skema";

(b) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) Die munisipaliteit moet binne die periode bedoel in [klousule] item 12 [en] of 21 van bylae 1[, die merlete van die voorstel om die skema te aanvaar, te vervang of te wysig, oorweeg en] –

(a) besluit om –

- (i) [die aanvaarding,] die skema te aanvaar;**
- (ii) [vervanging] die skema te vervang;**
- (iii) [of wysiging goed te keur] 'n aansoek om die wysiging van die skema goed te keur; of**
- (iv) 'n aansoek om sy toestemming ingevolge die skema goed te keur,**

met of sonder [verstellings] veranderings; of

(b) besluit om nie –

- (i) [weler om] die skema te aanvaar[.];**
- (ii) die skema te vervang;**
- (iii) [of te wysig] 'n aansoek om die wysiging van die skema goed te keur; of**
- (iv) sy toestemming ingevolge 'n skema verleen nie.;"**

(c) deur die vervanging van subartikel (2) deur die volgende subartikel:

"(2) h Munisipaliteit mag nie h skema aanvaar [of], h wysiging aan h skema goedkeur of sy toestemming ingevolge h skema verleen [wat] teenstrydig [is] met –

- (a) die provinsiale beplannings- en ontwikkelingsnorme en -standaarde; of
- (b) die munisipaliteit se geïntegreerde ontwikkelingsplan nie.”;

(d) deur die vervanging van subartikel (5) deur die volgende subartikel:

“(4) h Munisipaliteit kan h aansoek om die wysiging van [sy] h skema, of om sy toestemming ingevolge h skema, goedkeur onderhewig aan enige voorwaardes wat [dit] hy nodig ag.”;

(e) deur die vervanging van subartikel (6) deur die volgende subartikel:

“(5) By formulering van sy besluit oor h aansoek om die wysiging aan h skema, of vir sy toestemming ingevolge h skema, moet h munisipaliteit redes verskaf –

- (a) vir goedkeuring of weiering van die aansoek om die wysiging aan die skema of vir goedkeuring of weiering van sy toestemming ingevolge die skema;
- (b) indien die aansoek om die wysiging goedgekeur is of sy toestemming ingevolge h skema verleen is met [verstellings] veranderings, die redes waarom die [verstellings] veranderings gemaak is; of
- (c) [Indien die wysiging aan die skema goedgekeur is onderhewig aan voorwaardes] vir enige voorwaarde wat hy opleë –

- (i) wat nie in die aansoek om die wysiging van die skema of vir sy toestemming ingevolge die skema hanteer is nie; of
- (ii) wat wesenlik verskil van h voorwaarde wat in die aansoek voorgestel is.”;

(f) deur die invoeging van die volgende subartikel na subartikel 5:

“(5A) By formulering van sy besluit oor h aansoek om die wysiging van h skema, of vir sy toestemming ingevolge h skema, moet h munisipaliteit die aansoeker inlig of enige kommentaar ontvang is in reaksie op die uitnodiging aan die publiek om kommentaar oor die aansoek te lewer.”;

(g) deur die vervanging van subartikel (6) deur die volgende subartikel:

“(6) h Munisipaliteit kan te eniger tyd h fout in die bewoording van sy besluit korrigeer solank die korreksie nie neerkom op h verandering in sy besluit of h verstelling, opskorting of skraping van h voorwaarde van sy goedkeuring vir [n] die wysiging van h skema of die verleen van sy toestemming ingevolge h skema is nie.”.

Wysiging van artikel 14 van Wet 6 van 2008

13. Artikel 14 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die opskrif deur die volgende opskrif:

“Inlig van persone oor munisipaliteit se besluit oor voorstel vir aanvaarding [,] of vervanging [of wysiging van skema] van skema of oor aansoek om wysiging van skema of toestemming ingevolge skema”; en

(b) deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) h Munisipaliteit moet, binne 14 dae na h besluit oor die aanvaarding, vervanging of wysiging aan h skema, of sy toestemming ingevolge h skema, kennis van sy besluit beteken op elke persoon wat h skriftelike kommentaar ingedien het ingevolge bylae 1.”.

Wysiging van artikel 15 van Wet 6 van 2008

14. Artikel 15 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die opskrif deur die volgende opskrif:

“Appel teen munisipaliteit se besluit oor voorstel vir aanvaarding [,] of vervanging of aansoek om wysiging van skema [of versulm om te besluit oor aanvaarding, vervanging of wysiging van skema] of toestemming ingevolge skema”;

(b) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) 'n Persoon wat –

- (a) aansoek gedoen het om die wysiging van 'n skema, of vir toestemming ingevolge 'n skema, of
- (b) wat skriftelike kommentaar ingedien het in reaksie op 'n uitnodiging vir openbare kommentaar op –
 - (i) ['n voorstel om 'n skema te aanvaar, te vervang of te wysig] 'n voorstel deur 'n munisipaliteit om 'n skema teen die sluitingsdatum vermeld in die uitnodiging te aanvaar of te vervang, of
 - (ii) 'n aansoek om die wysiging van 'n skema of vir toestemming ingevolge 'n skema teen die sluitingsdatum vermeld in die uitnodiging,

en wat deur die munisipaliteit se besluit bedoel in artikel 13(1) benadeel is, kan teen die munisipaliteit se besluit tot die Appèltribunaal appelleer.

Wysiging van artikel 16 van Wet 6 van 2008

15. Artikel 16 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 16 deur die volgende artikel:

"Datum wanneer munisipaliteit se besluit oor voorstel vir aanvaarding [,] of vervanging van skema of aansoek om wysiging van skema of toestemming ingevolge skema van krag word

16. 'n Besluit oor 'n voorstel om 'n skema te aanvaar [,] of te vervang of 'n aansoek om 'n skema te wysig, of om toestemming ingevolge 'n skema te verleen, tree in werking teen –

(aA) die datum van die munisipaliteit se besluit indien –

- (i) die voorstel of aansoek 'n voorstel of aansoek deur die munisipaliteit was; en
- (ii) geen kommentaar ontvang is in reaksie op die uitnodiging aan die publiek om kommentaar oor die voorstel of aansoek te lewer nie;

(aB) die datum van 'n skriftelike afstanddoening van die reg tot appèl deur die aansoeker indien geen kommentaar ontvang is in reaksie op die uitnodiging aan die publiek om kommentaar oor die aansoek te lewer nie;

(a) die verstryking van die 28 dae-tydperk bedoel in artikel 15(2), indien geen appèl teen die munisipaliteit se besluit aangeteken is nie en geen aansoek gedoen is om die appèl laat in te dien nie; of

(b) die finalisering van die appèl, indien appèl teen die munisipaliteit se besluit aangeteken is."

Invoeging van artikels 16A-16C van Wet 6 van 2008

16. Die Hoofwet word hiermee gewysig deur die invoeging van die volgende artikels na artikel 16:

"Verstryking van toestemming ingevolge skema

16A.(1) 'n Munisipaliteit se toestemming ingevolge 'n skema verstryk indien die aansoeker versuim om, ooreenkomstig die toestemming binne 'n tydperk van vyf jaar na die datum waarop die toestemming ingevolge artikel 16 van krag geword het, met die gebruik of ontwikkeling van die grond te begin.

(2) Vir die doel van subartikel (1) sluit "ontwikkeling" die oprigting van 'n heining of 'n hekhuisie uit."

Inisiering van kansellasie van toestemming deur munisipaliteit ingevolge 'n skema, indien regte nie ten volle uitgeoefen is nie

16B.(1) In die geval wanneer –

- (a) die regte verleen deur 'n munisipaliteit deur toestemming ingevolge 'n skema nie ten volle uitgeoefen is binne vyf jaar na die datum waarop die munisipaliteit se goedkeuring in werking getree het in gevolge artikel 16 nie; en
- (b) die munisipaliteit van mening is dat die ontwikkeling nie binne 'n redelike tydperk voltooi sal wees nie, kan die munisipaliteit kennis op die eienaar van die grond beteken –

(i) wat die eienaar waarsku dat hy die kansellasie kan inisier van die deel van die ontwikkeling goedgekeur ingevolge die skema waarvoor die regte wat deur toestemming verleen is, nie ten volle uitgeoefen is nie; en

(ii) wat die tydperk waarin die regte ten volle uitgeoefen moet word, spesifiseer.

(2) h Munisipaliteit kan h kennisgewing vermeld in subartikel (1) enige tyd voor die verstryking van die tydperk wat daarin vermeld word, onttrek.

(3) h Kennisgewing vermeld in subartikel (1) is van nul en gener waarde indien h munisipaliteit versuim om binne h tydperk van ses maande na die verstryking van die tydperk bedoel in die kennisgewing ingevolge die vermelde kennisgewing op te tree.

(4) Waar h grondeienaar versuim om h munisipaliteit se toestemming ingevolge h skema ten volle binne die tydperk vermeld deur die munisipaliteit ingevolge subartikel 16B(1)(ii) uit te oefen, kan die munisipaliteit goedkeuring kanselleer vir die deel van die ontwikkeling waarvoor die eienaar nie die toestemming ten volle uitgeoefen het nie.

Kansellasie van munisipaliteit se toestemming ingevolge skema

16C. (1) h Munisipaliteit kan die kansellasie van sy toestemming ingevolge h skema inisier vir --

(a) grond wat hy besit;

(b) grond wat onder sy berusting is;

(c) grond wat hy in die proses is om te verkry; of

(d) grond waarvoor regte nie ten volle uitgeoefen is nie soos bedoel in artikel 16B.

(2) Die volgende persone kan by h munisipaliteit aansoek doen om die kansellasie van sy toestemming ingevolge h skema --

(a) die eienaar van die grond; en

(b) h persoon wat met die skriftelike toestemming van die eienaar van die grond optree.

(3) Indien grond wat die onderwerp is van h aansoek aan h munisipaliteit vir die kansellasie van sy toestemming ingevolge h skema, na h nuwe eienaar oorgedra word, kan die nuwe eienaar met die aansoek voortgaan as die wettige regsopvolger van die vorige eienaar.

(4) h Aansoek aan h munisipaliteit vir die kansellasie van sy toestemming ingevolge h skema moet vergesel gaan van --

(a) h aansoekvorm;

(b) h skriftelike motivering ter ondersteuning van die aansoek;

(c) bewys van geregistreerde eienaarskap en h afskrif van die diagram vir die eiendom;

(d) die skriftelike toestemming van die geregistreerde eienaar van daardie grond, indien die aansoeker nie die eienaar daarvan is nie;

(e) enige ander planne, diagramme, dokumente, inligting of gelde wat h munisipaliteit mag vereis.

(5) (a) Voor oorweging van h aansoek om die kansellasie van sy toestemming ingevolge h skema, moet h munisipaliteit h geregistreerde beplanner se skriftelike evaluasie en aanbeveling oor die aansoek bekom.

(b) h Geregistreerde beplanner moet h aansoek om h munisipaliteit se toestemming ingevolge h skema te kanselleer, evalueer op h wyse wat --

(i) onafhanklik is;

(ii) vry is van inmenging of beïnvloeding; en

(iii) ooreenkomstig die hoogste standaard van integriteit, onpartydigheid, objektiwiteit en professionele etiek is.

(6) Vir die doeleindes van merietebeoordeling van 'n aansoek om die kansellering van sy toestemming ingevolge 'n skema, moet 'n munisipaliteit die volgende aangeleenthede in ag neem –

(a) die aansoek bedoel in subartikel (1) of (5);

(b) die geregistreerde beplanner se skriftelike evaluasie en aanbeveling oor die aansoek;

(c) benadeling van enige persoon, wat deur die aansoek veroorsaak word, insluitend –

(i) 'n ingenieursdiensverskaffer;

(ii) 'n verbandhouer;

(iii) 'n houder van 'n serwituuereg; of

(iv) 'n huurder ingevolge 'n geregistreerde huurkontrak; en

(d) enige ander tersaaklike inligting.

(7) 'n Munisipaliteit moet besluit oor 'n aansoek om die kansellering van sy toestemming ingevolge 'n skema binne 'n tydperk van 60 dae na ontvangs daarvan.

(8) 'n Munisipaliteit moet 'n aansoek om die kansellering van sy toestemming ingevolge 'n skema oorweeg en besluit om –

(a) die aansoek, met of sonder wysigings, goed te keur; of

(b) die aansoek te weier.

(9) 'n Munisipaliteit kan 'n aansoek om die kansellering van sy toestemming ingevolge 'n skema goedkeur, onderhewig aan enige voorwaardes wat hy nodig ag.

(10) By formulering van sy besluit, moet 'n munisipaliteit redes verskaf vir die goedkeuring of vering van 'n aansoek.'

Skrapping van artikels 17-20 van Wet 6 van 2008

17. Artikels 17 tot 20 van die Hoofwet, insluitend die opskrif van deel 3, word hiermee geskrap.

Wysiging van artikel 21 van Wet 6 van 2008

18. Artikel 21 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van paragraaf (g) van subartikel (1) deur die volgende paragraaf:

"(g) die verstelling of wysiging van 'n algemene plan wat die grootte van 'n erf beïnvloed, soos bedoel in artikel 37 van die Opmetingswet; [of];"

(b) deur die vervanging van paragraaf (h) van subartikel (1) deur die volgende paragraaf:

"(h) die registrasie van 'n langtermyn huurkontrak bedoel in artikel 77 van die Wet op die Registrasie van Aktes [, 1937 (Wet No. 47 van 1937)];";

(c) deur die invoeging van die volgende paragraaf na paragraaf (g):

"(gA) goedkeuring van 'n diagram vir gekonsolideerde titel, soos bedoel in artikel 38 van die Opmetingswet;" en

(d) deur die invoeging van die volgende paragraaf na paragraaf (h):

"(i) instelling van 'n deeltitelskema ingevolge artikel 4(1) van die Wet op Deeltitels;

(j) verstelling, wysiging of vervanging van 'n deeltitelskema ingevolge artikel 14 van die Wet op Deeltitels om bykomende dele of eksklusiewe gebruik-gebiede te skep; of

(k) verstelling, wysiging of vervanging van 'n deeltitelskema ingevolge artikel 14 van die Wet op Deeltitels om bykomende dele of eksklusiewe gebruik-gebiede bedoel in artikel 25 van die Wet op Deeltitels te reserveer."

Wysiging van artikel 22 van Wet 6 van 2008

19. Artikel 22 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die opskrif deur die volgende opskrif:

"[Persone wat die onderverdeling of konsolidering van grond kan inisieer] Inisiëring van aansoek om onderverdeling of konsolidering van grond"; en

(b) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) 'n Munisipaliteit kan die onderverdeling of konsolidering van –

(a) grond in sy besit;

(b) grond wat onder sy berusting is; of

(c) grond wat hy in die proses is om te verkry,

iniseer."

Wysiging van artikel 23 van Wet 6 van 2008

20. Artikel 23 van die Hoofwet word hiermee gewysig –

(a) deur die skapping van subartikel (2).

(b) deur die skapping en vervanging van subartikel (3) deur die volgende subartikel:

"(3) 'n Aansoek om die onderverdeling of konsolidering van grond kan –

(a) gekombineer word met 'n aansoek –

(i) om 'n skema te wysig;

(ii) vir die toestemming van 'n munisipaliteit ingevolge 'n skema;

(iii) om grond geleë buite die gebied van 'n skema te ontwikkel;

(iv) om beperkings met betrekking tot grond te verstel, op te skort of te skrap;

(v) om 'n munisipale pad of 'n openbare plek permanent te sluit; en

(b) as een aansoek verwerk word."

Wysiging van artikel 24 van Wet 6 van 2008

21. Artikel 24 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 24 deur die volgende artikel:

"24. Voor oorweging van [n voorstel] n aansoek om grond te onderverdeel of te konsolideer, moet die munisipaliteit –

(a) 'n geregistreerde beplanner se skriftelike evaluasie of aanbeveling oor die [voorstel] aansoek bekom; en

(b) 'n sertifikaat wat deur 'n geregistreerde beplanner geteken is, bekom –

(i) wat bevestig dat die [voorstel] aansoek in alle opsigte aan hierdie Wet voldoen; of

(ii) indien die [voorstel] aansoek nie in alle opsigte aan hierdie Wet voldoen nie, meld dat die [voorstel] aansoek gebrekkig is en besonderhede van die tekortkoming verskaf."

Wysiging van artikel 25 van Wet 6 van 2008

22. Artikel 25 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 25 deur die volgende artikel:

"Aangeleenthede tersaaklik by merietebeplanning van [voorgestelde] aansoek om onderverdeling of konsolidering van grond

25. Die munisipaliteit moet die volgende aangeleenthede in ag neem vir die doeleindes van merietebeplanning van 'n

[voorstel] aansoek om grond te onderverdeel of te konsolideer –

- (a) die aansoek bedoel in item 1(2) of 14(1) van bylae 1;
- (b) kommentaar in reaksie op die uitnodiging vir openbare kommentaar oor die **[voorstel] aansoek**;
- (c) die geregistreerde beplanner se –
 - (i) skriftelike evaluasie en aanbeveling oor die [voorstel] aansoek; en
 - (ii) sertifikaat van die [voorstel] aansoek se voldoening aan die Wet;
- (d) die potensiële impak van die **[voorstel] aansoek** op die omgewing, sosio-ekonomiese toestande en kulturele erfenis;
- (e) die impak van die **[voorstel] aansoek** op –
 - (i) bestaande of voorgestelde ontwikkelings of grondgebruike [in die gebied, of op]; en
 - (ii) [bestaande ontwikkelings- of] mineraalregte;
- (f) die verskaffing en standaard van ingenieursdienste;
- (g) die impak van die **[voorstel] aansoek** op die nasionale, provinsiale en munisipale padnetwerke, openbare vervoer, munisipale dienste, riool, water- en elektrisiteitsvoorsiening, afvalbestuur en -verwydering, polisiëring en sekuriteit;
- (h) toegang tot **[openbare vervoer en]** gesondheids- of opvoedkundige fasiliteite;
- (i) die historiese gevolge van voormalige rasdiskriminerende en segregerende wetgewing op grond van grondeienaarskap, grondontwikkeling en toegang tot ingenieursdienste en openbare fasiliteite, en die behoefte om die historiese ongelykhede aan te spreek;
- (j) die beskerming of bewaring van kulturele en natuurlike hulpbronne, insluitend landbouhulpbronne, unieke gebiede of eienskappe en biodiversiteit;
- (k) die natuurlike en fisiese kwaliteite van die grond;
- (l) die algemene beginsels vir grondontwikkeling soos vermeld in artikel 3 van die Wet op Ontwikkelingsfasilitering, 1995 (Wet No. 67 van 1995), en ander nasionale norme en standaarde, raamwerke en beleid bedoel in artikel 146(2)(b) van die Grondwet;
- (m) die provinsiale beplannings- en ontwikkelingsnorme en -standaarde;
- (n) die munisipaliteit se geïntegreerde ontwikkelingsplan;
- (o) die munisipaliteit se skema;
- (p) enige plaaslike praktyk of benadering tot grondgebruiksbestuur wat in ooreenstemming is met –
 - (i) die wette van die Republiek;
 - (ii) die provinsiale beplannings- en ontwikkelingsnorme en -standaarde;
 - (iii) die munisipaliteit se geïntegreerde ontwikkelingsplan;
 - (iv) die skema; en
- (q) enige ander tersaaklike inligting."

Wysiging van artikel 26 van Wet 6 van 2008

23. Artikel 26 van die Hoofwet word hiermee gewysig –

- (a) deur die vervanging van die opskrif deur die volgende opskrif:

"Munisipaliteit se besluit aangaande [voorgestelde] aansoek om onderverdeling of konsolidering van grond";
- (b) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) 'n Munisipaliteit moet binne die tydperke bedoel in item[s] 12 [en] of 21 van bylae 1¹, **die meriete oorweeg van die voorstel om grond te onderverdeel of te konsolideer en]** besluit om –

 - (a) 'n aansoek om die onderverdeling of konsolidering van **[die]** grond goed te keur, met of sonder veranderings; of

- (b) h aansoek om die onderverdeling of konsolidering van [die] grond te weier.”;
- (c) deur die vervanging van subartikel (4) deur die volgende subartikel:
 “(4) Indien h munisipaliteit goedkeuringsvoorwaardes bedoel in subartikel (3) optê, moet hy die besonderhede voorsien van enige voorwaardes waaraan voldoen moet word voor die verkoop, die oordrag van die grond en die [of] ontwikkeling van die grond [of die oordrag van die grond].”;
- (d) deur die vervanging van subartikel (5) deur die volgende subartikel:
 “(5) By formulering van sy besluit, moet h munisipaliteit redes verskaf –
 (a) vir goedkeuring of weiering van h aansoek om die onderverdeling of konsolidering van grond;
 (b) indien [die] h aansoek om die onderverdeling of konsolidering van grond goedgekeur is met veranderings, die redes waarom die veranderings gemaak is; of
 (c) indien die aansoek om die onderverdeling of konsolidering van grond goedgekeur is onderhewig aan voorwaardes, vir enige voorwaarde wat dit optê –
 (i) wat nie in die aansoek hanteer is nie; of
 (ii) wat wesenlik verskil van h voorwaarde wat in die aansoek voorgestel is.”; en
- (e) deur die invoeging van die volgende subartikel na subartikel (5):
 “(5A) By formulering van sy besluit oor h aansoek om die onderverdeling of konsolidering van grond, moet h munisipaliteit die aansoeker inlig of enige kommentaar ontvang is in reaksie op die uitnodiging aan die publiek om kommentaar oor die aansoek te lewer.”;

Wysiging van artikel 27 van Wet 6 van 2008

24. Artikel 27 van die Hoofwet word hiermee gewysig deur die vervanging van die opskrif deur die volgende opskrif:

“Inlig van persone oor munisipaliteit se besluit aangaande [voorgestelde] aansoek om onderverdeling of konsolidering van grond”.

Wysiging van artikel 28 van Wet 6 van 2008

25. Artikel 28 van die Hoofwet word hiermee gewysig –

- (a) deur die vervanging van die opskrif deur die volgende opskrif:
“Appel teen munisipaliteit se besluit aangaande [voorgestelde] aansoek om onderverdeling of konsolidering van grond”; en
- (b) deur die vervanging van subartikel (1) deur die volgende subartikel:
 “(1) h Persoon wat aansoek gedoen het om die onderverdeling of konsolidering van grond of wat skriftelike kommentaar ingedien het in reaksie op h uitnodiging vir openbare kommentaar oor h [voorstel] aansoek om grond teen die sluitingsdatum gemeld in die uitnodiging te onderverdeel of te konsolideer, wat benadeel is deur die munisipaliteit se besluit bedoel in artikel 26(1), kan teen die munisipaliteit se besluit tot die Appèltribunaal appelleer.”.

Wysiging van artikel 29 van Wet 6 van 2008

26. Artikel 29 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 29 deur die volgende artikel:

“Datum wanneer munisipaliteit se besluit aangaande [voorgestelde] aansoek om onderverdeling of konsolidering van grond van krag word

29. h Besluit ten opsigte van h aansoek om die onderverdeling of konsolidering van grond tree in werking teen –

(aA) die datum van die munisipaliteit se besluit indien –

- (i) die aansoek h aansoek deur die munisipaliteit was; en

(ii) geen kommentaar ontvang is in reaksie op die uitnodiging aan die publiek om kommentaar oor die aansoek te lewer nie;

(aB) die datum van 'n skriftelike afstanddoening van die reg tot appèl deur die aansoeker indien geen kommentaar ontvang is in reaksie op die uitnodiging aan die publiek om kommentaar oor die aansoek te lewer nie;

(a) verstryking van die 28 dae-tydperk vermeld in artikel 28(2), indien geen appèl teen die munisipaliteit se besluit aangeteken is nie; of

(b) die finallsëring van die appèl, indien appèl teen die munisipaliteit se besluit aangeteken is.”.

Wysiging van artikel 31 van Wet 6 van 2008

27. Artikel 31 van die Hoofwet word hiermee gewysig deur die skraping van subartikel (5).

Wysiging van artikel 32 van Wet 6 van 2008

28. Artikel 32 van die Hoofwet word hiermee gewysig deur die vervanging van die opskrif deur die volgende opskrif:

"Indien van planne en dokumente by landmeter-generaal ooreenkomstig [voorstel] aansoek om die onderverdeling of konsolidering van grond".

Wysiging van artikel 34 van Wet 6 van 2008

29. Artikel 34 van die Engelse weergawe van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die opskrif deur die volgende opskrif:

"Lodging of deeds, plans and documents with Registrar of Deeds pursuant to [proposal] application for subdivision or consolidation of land and certificate of compliance with certain conditions of approval before transfer of land"; en

(b) deur die invoeging van die volgende subartikel na subartikel (2):

"(3) Waar die onderverdeling of konsolidering van grond goedgekeur is onderhewig aan die instelling van 'n titelvoorwaarde –

(a) moet die registrateur van aktes die betrokke akte endosseer, insluitend die akte van enige erf wat deur die transportgewer behou word, met die titelvoorwaarde wat op daardie erf betrekking het; of

(b) moet die titelvoorwaarde teen die betrokke erf geregistreer word, insluitend 'n erf wat deur die transportgewer behou word, deur middel van notariële akte."

Wysiging van artikel 35 van Wet 6 van 2008

30. Artikel 35 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 35 deur die volgende artikel:

"35. (1) Waar grond deur 'n munisipaliteit onderverdeel of gekonsolideer is, moet die munisipaliteit –

(a) die goedgekeurde diagramme of algemene plan saam met die aktes; en

(b) ander dokumente wat die registrateur van aktes mag vereis vir die registrasie van die onderverdeling of konsolidering van die grond, of oopmaak van die dorpsregister vir die grond, by die registrateur van aktes indien.

(2) Waar die onderverdeling of konsolidering van grond goedgekeur is onderhewig aan die instelling van 'n titelvoorwaarde –

(a) moet die registrateur van aktes die betrokke akte endosseer, insluitend die akte van enige erf wat deur die transportgewer behou word, met die titelvoorwaarde wat op daardie erf betrekking het; of

(b) moet die titelvoorwaarde teen die betrokke erf geregistreer word, insluitend h erf wat deur die transportgewer behou word, deur middel van notariële akte.”.

Wysiging van artikel 37 van Wet 6 van 2008

31. Artikel 37 van die Hoofwet word hiermee gewysig –

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

“(1) Die munisipaliteit se goedkeuring vir die onderverdeling of konsolidering van grond verstryk indien die eansoeker versuim om [die onderverdeling of konsolidering van die grond by die registrateur van aktes te registreer] te begin met die gebruik of ontwikkeling van die grond ooreenkomstig die goedkeuring, binne vyf jaar vanaf die datum waarop die munisipaliteit se goedkeuring van krag word ingevolge artikel 29.”;

(b) deur die vervanging van subartikel (2) deur die volgende subartikel:

“(2) Waar grond deur h munisipaliteit onderverdeel of gekonsolideer is, sal sy goedkeuring vir die onderverdeling of konsolidering van grond verstryk, indien hy versuim om [die onderverdeling of konsolidering van die grond by die registrateur van aktes te registreer], binne vyf jaar vanaf die datum waarop die goedkeuring van krag word ingevolge artikel 29, te begin met die gebruik of ontwikkeling van die grond ooreenkomstig die goedkeuring.”;

en

(c) deur die invoeging van die volgende subartikel na subartikel (2):

“(2A) Vir die doel van subartikels (1) en (2) sluit “ontwikkeling” die oprigting van h heining, h hek of h waghuisie uit.”.

Wysiging van artikel 38 van Wet 6 van 2008

32. Artikel 38 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (3) deur die volgende subartikel:

“(3) Vir die doeleindes van hierdie hoofstuk beteken ontwikkeling –

(a) die uitvoering van bou-, konstruksie, masjienbou-, of mynbouwerk of ander bedrywe bogrond, ondergronds of oor enige grond[, en];

(b) h wesentlike verandering aan die bestaande gebruik van enige gebou of grond sonder onderverdeling;

(c) die instelling van h deeltitelskema ingevolge artikel 4(1) van die Wet op Deeltitels om dele sonder onderverdeling te skep;

(d) die verstelling, wysiging of vervanging van h deeltitelskema ingevolge artikel 14 van die Wet op Deeltitels om bykomende dele of eksklusiewe gebruik-gebiede sonder onderverdeling te skep; en

(e) die verstelling, wysiging of vervanging van h deeltitelskema ingevolge artikel 14 van die Wet op Deeltitels om bykomende dele of eksklusiewe gebruik-gebiede bedoel in artikel 25 van die Wet op Deeltitels sonder onderverdeling te reserveer [maar uitsluitend –

(a) die konstruksie of gebruik van die eerste woning en bultegeboue of verbeterings wat gewoonlik daarmee geassosieer word op h afsonderlik geregistreerde onderverdeling, insluitend h sekondêre selfstandige wooneenheid wat aan die huls vas mag wees of nie maar wat duidelik mst die eerste woonhuis geassosieer word en wat nie 80 m² meg oorskry nie;

(b) die konstruksie of gebruik van enige woning en bultegeboue wat gewoonlik daarmee verband hou vir die vestiging van h tradisionele huishouding op grond waarop h tradisionele gemeenskap erken ingevolge artikel 2(5)(b) van die KwaZulu-Natal Wet op Tradisionele Lerskap en Regering, 2005 (Wet No. 5 van 2005), wetlik woon;

(c) grond gebruik vir die kweek van gewasse of die teel van diere;

(d) die uitvoer van werke wat verels word vir die onderhoud of verbetering van h bestaande pad

binne sy bestaande grense;

(e) die verskaffing van enige Ingenieursdienste ooreenkomstig die munisipaliteit se geïntegreerde ontwikkelingsplan; en

(f) die onderhoud en herstel van Ingenieursdienste].”.

(b) deur die invoeging van die volgende subartikel na subartikel (3):

“(4) Vir die doeleindes van hierdie hoofstuk sluit ontwikkeling nie –

(a) die konstruksie of gebruik van die eerste woning en buitegeboue of verbeterings wat gewoonlik daarmee geassosieer word op ’n afsonderlik geregistreerde onderverdeling, insluitend ’n sekondêre selfstandige wooneenheid wat aan die huis vas mag wees of nie maar binne ’n afstand van 20 m vanaf die eerste woonhuis moet wees en nie 80 m² mag oorskry nie;

(b) die konstruksie of gebruik van enige woning en buitegeboue wat gewoonlik daarmee geassosieer word vir die vestiging van ’n tradisionele huishouding op grond waarop ’n tradisionele gemeenskap erken ingevolge artikel 2(5)(b) van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering wetlik woon;

(c) grond gebruik vir die kweek van gewasse of die teel van diere;

(d) die uitvoer van werke wat vereis word vir die onderhoud of verbetering van ’n bestaande pad binne sy bestaande grense;

(e) die verskaffing van enige Ingenieursdienste ooreenkomstig die munisipaliteit se geïntegreerde ontwikkelingsplan; of

(f) die onderhoud en herstel van ingenieursdienste,

in nie.”.

Wysiging van artikel 39 van Wet 6 van 2008

33. Artikel 39 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die opskrif deur die volgende opskrif:

“[Persone wat die ontwikkeling van grond kan inisieer] Inisiering van aansoek om ontwikkeling van grond geleë buite gebied van skema

(b) deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) Die munisipaliteit kan die ontwikkeling van –

(a) grond in sy besit; geleë buite die gebied van ’n skema;

(b) grond wat onder sy berusting is, geleë buite die gebied van ’n skema, of

(c) grond wat hy in die proses is om te verkry, geleë buite die gebied van ’n skema,

inisieer.”.

Wysiging van artikel 40 van Wet 6 van 2008

34. Artikel 40 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die opskrif deur die volgende opskrif:

“Proses vir ontwikkeling van grond geleë buite gebied van skema”; en

(b) deur die skraping en vervanging van subartikel (2) deur die volgende subartikel:

“(2) ’n Aansoek om die ontwikkeling van grond geleë buite die gebied van ’n skema, mag –

(a) gekombineer word met ’n aansoek –

(i) om grond te onderverdeel of te konsolideer;

(ii) om beperkings met betrekking tot grond te verstel, op te skort of te skrap;

(iii) om ’n munisipale pad of ’n openbare plek permanent te sluit; en

(b) as een aansoek verwerk word."

Wysiging van artikel 41 van Wet 6 van 2008

35. Artikel 41 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 41 deur die volgende artikel:

"41. Voor oorweging van 'n aansoek om die ontwikkeling van grond geleë buite die gebied van 'n skema moet die munisipaliteit –

- (a) 'n geregistreerde beplanner se skriftelike evaluasie en aanbeveling oor die [voorstel] aansoek bekom; en
- (b) 'n sertifikaat wat deur 'n geregistreerde beplanner geteken is, bekom –
 - (i) wat bevestig dat die [voorstel] aansoek in alle opsigte aan hierdie Wet voldoen; of
 - (ii) indien die [voorstel] aansoek nie in alle opsigte aan hierdie Wet voldoen nie, meld dat die [voorstel] aansoek gebrekkig is en besonderhede van die tekortkoming verskaf."

Wysiging van artikel 42 van Wet 6 van 2008

36. Artikel 42 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 42 deur die volgende artikel:

"Aangeleenthede tersaaklik by merietebeplanning van [voorgestelde] aansoek om ontwikkeling van grond geleë buite gebied van skema

42. Die munisipaliteit moet die volgende aangeleenthede in ag neem vir die doeleindes van merietebeplanning van 'n [voorstel] aansoek om grond geleë buite die gebied van 'n skema te ontwikkel –

- (a) die aansoek bedoel in item 1(2) of item 14(1) van bylae 1;
- (b) kommentaar in reaksie op die uitnodiging vir openbare kommentaar oor die [voorstel] aansoek;
- (c) die geregistreerde beplanner se –
 - (i) skriftelike evaluasie en aanbeveling oor die [voorstel] aansoek; en
 - (ii) sertifikaat van die [voorstel] aansoek se voldoening aan die Wet;
- (d) die potensiële impak van die [voorstel] aansoek op die omgewing, sosio-ekonomiese toestande en kulturele erfenis;
- (e) die impak van die [voorstel] aansoek op –
 - (i) bestaande of voorgestelde ontwikkelings of grondgebruike [in die gebied, of op]; en
 - (ii) [bestaande ontwikkelings- of] mineraalregte;
- (f) die verskaffing en standaard van ingenieursdienste;
- (g) die impak van die [voorstel] aansoek op die nasionale, provinsiale en munisipale padnetwerke, openbare vervoer, munisipale dienste, riool, water- en elektrisiteitsvoorsiening, afvalbestuur en -verwydering, polisiëring en sekuriteit;
- (h) toegang tot [openbare vervoer en] gesondheids- of opvoedkundige fasiliteite;
- (i) die historiese gevolge van voormalige rasdiskriminerende en segregerende wetgewing op grond van grondeienaarskap, grondontwikkeling en toegang tot ingenieursdienste en openbare fasiliteite, en die behoefte om die historiese ongelikhede aan te spreek;
- (j) die beskerming of bewaring van kulturele en natuurlike hulpbronne, insluitend landbouhulpbronne, unieke gebiede of eienskappe en biodiversiteit;
- (k) die natuurlike en fisiese kwaliteite van die grond;
- (l) die algemene beginsels vir grondontwikkeling soos vermeld in artikel 3 van die Wet op Ontwikkelingsfasilitering, 1995 (Wet No. 67 van 1995), ander nasionale norme en standaarde, raamwerke en beleid bedoel in artikel 146(2)(b) van die Grondwet;
- (m) die provinsiale beplannings- en ontwikkelingsnorme en -standaarde;
- (n) die munisipaliteit se geïntegreerde ontwikkelingsplan;

- (o) die [munisipaliteit se] skema;
- (p) enige plaaslike praktyk of benadering tot grondgebruiksbestuur wat in ooreenstemming is met –
 - (i) die wette van die Republiek;
 - (ii) die provinsiale beplannings- en ontwikkelingsnorme en -standaarde;
 - (iii) die munisipaliteit se geïntegreerde ontwikkelingsplan;
 - (iv) die [munisipaliteit se] skema; en
- (q) enige ander tersaaklike inligting. ”.

Wysiging van artikel 43 van Wet 6 van 2008

37. Artikel 43 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die opskrif deur die volgende opskrif:

“Munisipaliteit se besluit aangaande [voorgesteide] aansoek om ontwikkeling van grond geleë buite gebied van skema”;

(b) deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) ’n Munisipaliteit moet binne die tydperke bedoel in item[s] 12 [en] of 21 van bylae 1 [die meriete van die voorstel om grond geleë buite die gebied van ’n skema te ontwikkel, oorweeg, en] besluit om –

- (a) ’n aansoek om die ontwikkeling van die grond geleë buite die gebied van ’n skema, goed te keur, met of sonder veranderings; of
- (b) ’n aansoek om die ontwikkeling van die grond geleë buite die gebied van ’n skema, te weier.”;

(c) deur die skraping van paragraaf (e) van subartikel (3);

(d) deur die vervanging van subartikel (4) deur die volgende subartikel:

“(4) By formulering van sy besluit, moet die munisipaliteit duidelik meld aan watter voorwaardes van goedkeuring voldoen moet word voor die verkoop van die grond, oordrag van die grond en ontwikkeling van die grond [of die oordrag van die grond].”;

(e) deur die vervanging subartikel (5) deur die volgende subartikel:

“(5) By formulering van sy besluit moet die munisipaliteit redes verskaf –

- (a) vir goedkeuring of weiering van ’n aansoek om die ontwikkeling van [die] grond geleë buite die gebied van ’n skema;
- (b) indien die aansoek om die ontwikkeling van die grond geleë buite die gebied van ’n skema goedgekeur is met veranderings, die redes vir die veranderings; of
- (c) indien die aansoek [die ontwikkeling] goedgekeur is onderhewig aan voorwaardes, vir enige voorwaarde wat dit opleë vir die ontwikkeling van die grond geleë buite die gebied van ’n skema –
 - (i) wat nie in die aansoek hanteer is nie; of
 - (ii) wat wesenlik verskil van ’n voorwaarde wat in die aansoek voorgeste is.”; en

(f) deur die invoeging van die volgende subartikel na subartikel (5):

“(5A) By formulering van sy besluit oor ’n aansoek om die ontwikkeling van grond geleë buite die gebied van ’n skema, moet ’n munisipaliteit die aansoeker inlig of enige kommentaar ontvang is in reaksie op die uitnodiging aan die publiek om kommentaar oor die aansoek te lewer.”;

Wysiging van artikel 44 van Wet 6 van 2008

38. Artikel 44 van die Hoofwet word hiermee gewysig deur die vervanging van die opskrif deur die volgende opskrif:

"Inlig van persone oor munisipaliteit se besluit aangaande [voorgestelde] aansoek om ontwikkeling van grond geleë buite gebied van skema".

Wysiging van artikel 45 van Wet 6 van 2008

39. Artikel 45 van die Hoofwet word hiermee gewysig deur –

(a) die vervanging van die opskrif (1) deur die volgende opskrif:

"Appèl teen munisipaliteit se besluit aangaande [voorgestelde] aansoek om ontwikkeling van grond geleë buite gebied van skema"; en

(b) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) 'n Persoon wat aansoek gedoen het om die ontwikkeling van grond of wat skriftelike kommentaar ingedien het in reaksie op 'n uitnodiging vir openbare kommentaar op 'n [voorstel] aansoek om grond geleë buite die gebied van 'n skema teen die sluitingsdatum in die uitnodiging vermeld te ontwikkel, wat benadeel is deur die munisipaliteit se besluit bedoel in artikel 43(1), kan teen die munisipaliteit se besluit tot die Appèltribunaal appelleer."

Wysiging van artikel 46 van Wet 6 van 2008

40. Artikel 46 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 46 deur die volgende artikel:

"Datum wanneer munisipaliteit se besluit aangaande [voorgestelde] aansoek om ontwikkeling van grond geleë buite gebied van skema, van krag word

46. 'n Besluit ten opsigte van 'n aansoek om die ontwikkeling van grond geleë buite gebied van skema, tree in werking teen –

(aA) die datum van die munisipaliteit se besluit indien –

(i) die aansoek 'n aansoek deur die munisipaliteit was; en

(ii) geen kommentaar ontvang is in reaksie op die uitnodiging aan die publiek om kommentaar oor die aansoek te lewer nie;

(aB) die datum van 'n skriftelike afstanddoening van die reg tot appèl deur die aansoeker indien geen kommentaar ontvang is in reaksie op die uitnodiging aan die publiek om kommentaar oor die aansoek te lewer nie;

(a) die verstryking van die 28 dae-tydperk vermeld in artikel 45(2), indien geen appèl teen die munisipaliteit se besluit aangeteken is nie; of

(b) die finalisering van die appèl, indien appèl teen die munisipaliteit se besluit aangeteken is."

Wysiging van artikel 49 van Wet 6 van 2008

41. Artikel 49 van die Hoofwet word hiermee gewysig deur die invoeging van die volgende subartikels voor subartikel (1):

"(1A) 'n Munisipaliteit se goedkeuring vir die ontwikkeling van grond geleë buite die gebied van 'n skema verstryk indien die aansoeker versuim om met die ontwikkeling van die grond te begin binne vyf jaar vanaf die datum waarop die munisipaliteit se goedkeuring van krag geword het ingevolge artikel 46.

(1B) Vir die doel van subartikel (1A) sluit "ontwikkeling" die oprigting van 'n heining, hek of 'n waghuisie uit."

Wysiging van artikel 51 van Wet 6 van 2008

42. Artikel 51 van die Hoofwet word hiermee gewysig deur die vervanging van die opskrif deur die volgende opskrif:

"[Persone wat fasering of kansellasië van 'n goedgekeurde uitlegplan kan inisieer] Inisiering van aansoek om fasering of kansellasië van goedgekeurde uitlegplan".

Wysiging van artikel 52 van Wet 6 van 2008

43. Artikel 52 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (2) deur die volgende subartikel:

"(2) Die munisipaliteit moet skriftelike kennis gee van 'n voorgestelde fasering of kansellasië van 'n goedgekeurde uitlegplan aan –

(a) [elke lid van die publiek wat skriftelike kommentaar ingedien het met betrekking tot die onderverdeling of konsolidering, of ontwikkeling van die grond, ooreenkomstig item 5 of 14 van bylae 1]

(i) die eienaars van aangrensende erwe;

(ii) die voorsitter van 'n beheerliggaam wat die eienaars van aangrensende erwe verteenwoordig;

(iii) die voorsitter van 'n huiseienaarsvereniging verteenwoordig die eienaars van aangrensende erwe;

(iv) die okkuppeerders van aangrensende huise met betrekking tot grond waarop 'n tradisionele gemeenskap erken ingevolge artikel 2(5)(b) van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering wetlik woon; of

(v) die houers van langtermyn huurkontrakte of toestemming-om-te-okkuper sertifikate vir aangrensende nie-residensiële grondgebruik met betrekking tot grond waarop 'n tradisionele gemeenskap erken ingevolge artikel 2(5)(b) van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering wetlik woon;

(aA) Die munisipale raadslid van die wyk waarin die erf geleë is;

(b) enige ander persoon wat na die munisipaliteit se mening geraak kan word deur die voorgestelde fasering of kansellasië van die uitlegplan, insluitend staatsorgane en verskaffers van ingenieursdienste;

(c) die landmeter-generaal, in die geval van [die] 'n aansoek om die fasering of kansellasië van 'n goedgekeurde uitlegplan vir die onderverdeling of konsolidering van [die] grond; en

(d) die registrateur van aktes, in die geval van 'n aansoek om die fasering of kansellasië van 'n goedgekeurde uitlegplan vir die onderverdeling of konsolidering van grond."

Wysiging van artikel 53 van Wet 6 van 2008

44. Artikel 53 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 53 deur die volgende artikel:

"53. Voor oorweging van 'n aansoek om die fasering of kansellasië van 'n goedgekeurde uitlegplan, moet 'n munisipaliteit –

(a) 'n geregistreerde beplanner se skriftelike evaluasie en aanbeveling oor die [voorstel] aansoek bekom; en

(b) 'n sertifikaat wat deur 'n geregistreerde beplanner geteken is, bekom –

(i) wat bevestig dat die [voorstel] aansoek in alle opsigte aan hierdie Wet voldoen; of

(ii) indien die [voorstel] aansoek nie in alle opsigte aan hierdie Wet voldoen nie, meld dat die aansoek gebrekkig is en besonderhede van die tekortkoming verskaf."

Wysiging van artikel 54 van Wet 8 van 2008

45. Artikel 54 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 54 deur die volgende artikel:

"Aangeleenthede tersaaklik by merietebeplanning van [voorgestelde] aansoek om fasering of kansellasië van goedgekeurde uitlegplan

54. 'n Munisipaliteit moet die volgende aangeleenthede in ag neem vir die doeleindes van merietebeplanning van 'n

[voorstel] aansoek om 'n uitlegplan te verdeel of te kanselleer –

(a) die aansoek bedoel in artikel 52(1);

(b) kommentaar in reaksie op die uitnodiging vir kommentaar oor die **[voorstel] aansoek**;

(c) die geregistreerde beplanner se –

(i) skriftelike evaluasie en aanbeveling oor die **[voorstel] aansoek**; en

(ii) sertifikaat van die **[voorstel] aansoek** se voldoening aan die Wet;

(d) die potensiele impak van die **[voorstel] aansoek** op die omgewing, sosio-ekonomiese toestande en kulturele erfenis;

(dA) die impak van die aansoek op bestaande of voorgestelde ontwikkelings of grondgebruike;

[(e) enige benadeling veroorsaak deur die fasering of kansellasië van die uitlegplan aan enige persoon, insluitend 'n verskaffer van ingenieursdienste, 'n naburige ontwikkelaar, 'n verbandhouer, 'n houër van 'n serwitoutreg of 'n huurder ingevolge 'n geregistreerde huurkontrak;]

(f) die algemene beginsels vir grondontwikkeling soos vermeld in artikel 3 van die Wet op Ontwikkelingsfasilitering, 1995 (Wet No. 67 van 1995), en ander nasionale norme en standaarde, raamwerke en beleid bedoel in artikel 146(2)(b) van die Grondwet;

(g) die provinsiale beplannings- en ontwikkelingsnorme en -standaarde;

(h) die munisipaliteit se geïntegreerde ontwikkelingsplan;

(i) die munisipaliteit se skema; en

(j) enige ander tersaaklike inligting."

Wysiging van artikel 55 van Wet 6 van 2008

46. Artikel 55 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die opskrif deur die volgende opskrif:

"Munisipaliteit se besluit aangaande [voorgestelde] aansoek om fasering of kansellasië van goedgekeurde uitlegplan";

(b) deur die vervanging van paragraaf (b) van subartikel (1) deur die volgende paragraaf:

"(b) die fasering of kansellasië van die uitlegplan met [verstellings] veranderings goed te keur; of";

(c) deur die vervanging van subartikel (3) deur die volgende subartikel:

"(3) By formulering van sy besluit, moet 'n munisipaliteit redes verskaf vir –

(a) [vir] goedkeuring of weiering van die fasering of kansellasië van [die] 'n uitlegplan;

(b) [indien die fasering of kansellasië van die uitlegplan goedgekeur is onderhewig aan voorwaardes, vir enige voorwaarde wat dit opleë –

(i) wat nie in die aansoek hanteer is nie; of

(ii) wat wesenlik verskil van 'n voorwaarde wat in die aansoek voorgestel is] sy gedeeltelike goedkeuring of vir die veranderings, indien die fasering of kansellasië van 'n uitlegplan gedeeltelik of met veranderings goedgekeur is; en

(c) [indien die fasering of kansellasië van die uitlegplan gedeeltelik goedgekeur is of met verstellings, die redes vir die gedeeltelike goedkeuring of die verstellings] enige voorwaarde wat hy opgelê het vir die fasering of kansellasië van die uitlegplan indien die fasering of kansellasië goedgekeur is onderhewig aan voorwaardes wat –

(i) nie in die aansoek hanteer is nie; of

(ii) wesenlik verskil van 'n voorwaarde wat in die aansoek voorgestel is."

(d) deur die invoeging van die volgende subartikel na subartikel (3):

"(3A) By formulering van sy besluit oor 'n aansoek om die fasering of kansellasië van 'n goedgekeurde uitlegplan, moet 'n munisipaliteit die eansoeker inlig of

enige kommentaar ontvang is in reaksie op die uitnodiging aan die publiek om kommentaar oor die aansoek te lewer.”;

Wysiging van artikel 56 van Wet 6 van 2008

47. Artikel 56 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die opskrif (1) deur die volgende opskrif:

“Inlig van persone oor munisipaliteit se besluit oor aansoek om fasering of kansellasië van ’n goedgekeurde uitlegplan”; en

(b) deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) ’n Munisipaliteit moet, binne 14 dae na sy besluit om die fasering of kansellasië van ’n goedgekeurde uitlegplan goed te keur of te weier, kennis van sy besluit beteken op elke persoon wat skriftelike kommentaar ingedien het ingevolge [bylae 1] artikel 52(4).”.

Wysiging van artikel 57 van Wet 6 van 2008

48. Artikel 57 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die opskrif (1) deur die volgende opskrif:

“Appèl teen munisipaliteit se besluit oor aansoek om fasering of kansellasië van ’n goedgekeurde uitlegplan”; en

(b) deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) ’n Persoon wat aansoek gedoen het vir die fasering of kansellasië van ’n goedgekeurde uitlegplan of wat skriftelike kommentaar ingedien het in reaksie op ’n uitnodiging vir openbare kommentaar op ’n [voorstel] aansoek om ’n uitlegplan teen die sluitingsdatum vermeld in die uitnodiging te verdeel of te kanselleer, wat benadeel is deur die munisipaliteit se besluit bedoel in artikel 55(1), kan teen die munisipaliteit se besluit tot die Appèltribunaal appelleer.

Wysiging van artikel 58 van Wet 6 van 2008

49. Artikel 58 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 58 deur die volgende artikel:

“Datum wanneer munisipaliteit se besluit oor aansoek om fasering of kansellasië van goedgekeurde uitlegplan van krag word

58. ’n Besluit ten opsigte van ’n aansoek om die fasering of kansellasië van ’n goedgekeurde uitlegplan tree in werking by –

(aA) die datum van die munisipaliteit se besluit indien –

(i) die aansoek h aansoek deur die munisipaliteit was; en

(ii) geen kommentaar ontvang is in reaksie op die uitnodiging aan die publiek om kommentaar oor die aansoek te lewer nie;

(aB) die datum van ’n skriftelike afstanddoening van die reg tot appèl deur die aansoeker indien geen kommentaar ontvang is in reaksie op die uitnodiging aan die publiek om kommentaar oor die aansoek te lewer nie;

(a) verstryking van die 28 dae-tydperk vermeld in artikel 57(2), indien geen appèl teen die munisipaliteit se besluit aangeteken is nie; of

(b) die finalisering van die appèl, indien appèl teen die munisipaliteit se besluit aangeteken is.”.

Invoeging van artikels 58A en 58B van Wet 6 van 2008

50. Die Hoofwet word hiermee gewysig deur die invoeging van die volgende artikels na artikel 58:

"Indien van aktes, planne en dokumente by die landmeter-generaal vir kansellasie van onderverdeling of konsolidering van grond

58A. h Aansoeker moet alle diagramme, planne en ander dokumente wat die landmeter-generaal mag vereis vir die kansellasie van die onderverdeling of konsolidering van die grond, by die landmeter-generaal indien.

Indien van aktes, planne en dokumente by die registrateur van aktes vir kansellasie van onderverdeling of konsolidering van grond

58B. h Aansoeker moet alle diagramme, planne en ander dokumente wat die registrateur van aktes mag vereis vir die kansellasie van die onderverdeling of konsolidering van die grond, by die registrateur van aktes indien.

Wysiging van artikel 60 van Wet 6 van 2008

51. Artikel 60 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (1) deur die volgende artikel:

"(1) Die verstelling, opskorting en skraping van 'n beperking met betrekking tot grond mag slegs plaasvind in soverre dit goedgekeur is deur die munisipaliteit in wie se gebied die grond geleë is, hetsy die verstelling, opskorting of skraping gemik is op 'n verpligting of beperking, wat bindend is vir die eienaar van die grond uit hoofde van –

(a) 'n beperkende voorwaarde of serwituut geregistreer teen die grond en wat verband hou met –

(i) die onderverdeling of konsolidering van die grond;

(ii) die doel waarvoor die grond gebruik kan word; of

(iii) vereistes waaraan voldoen moet word ten opsigte van die oprigting van geboue of die gebruik van die grond;

(b) 'n voorwaarde van goedkeuring vir [die] 'n wysiging aan [die munisipaliteit se] 'n skema;

(bA) 'n voorwaarde van goedkeuring ingevolge 'n skema;

(c) 'n voorwaarde van goedkeuring vir die onderverdeling of konsolidering van grond;

(d) 'n voorwaarde van goedkeuring vir die ontwikkeling van grond geleë buite die gebied van die skema; of

(e) 'n voorwaarde van goedkeuring vir die fasering of kansellasie van 'n goedgekeurde uitlegplan[.];

(f) 'n voorwaarde van goedkeuring vir die verstelling, opskorting of skraping van 'n beperking met betrekking tot grond' of

(g) 'n voorwaarde van goedkeuring vir die permanente sluiting van 'n munisipale pad of openbare plek."

Wysiging van artikel 61 van Wet 6 van 2008

52. Artikel 61 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die opskrif deur die volgende opskrif:

"[Persone wat die verstelling, opskorting of skraping van 'n beperking met betrekking tot grond kan inisieer] Inisiering van aansoek om beperkings met betrekking tot grond te verstel, op te skort of te skrap";
en

(b) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) 'n Munisipaliteit kan die verstelling, opskorting of skraping van 'n beperking met betrekking tot –

(a) grond wat hy besit;

(b) grond wat onder sy berusting is, of

(c) grond wat hy in die proses is om te verkry,

inisieer."

Wysiging van artikel 62 van Wet 6 van 2008

53. Artikel 62 van die Hoofwet word hiermee gewysig deur die skraping en vervanging van subartikel (3) deur die volgende subartikel:

"(3) h Aansoek om die verstelling, opskorting of skraping van h beperking met betrekking tot grond mag –

(a) gekombineer word met h aansoek –

(i) om h skema te wysig;

(ii) vir toestemming ingevolge h skema;

(iii) om grond te onderverdeel of te konsolideer;

(iv) om grond te ontwikkel soos geleë buite die gebied van h skema; en

(v) om h munisipale pad of h openbare plek permanent te sluit; en

(b) as een aansoek verwerk word."

Wysiging van artikel 63 van Wet 6 van 2008

54. Artikel 63 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 63 deur die volgende artikel:

"63. Voor oorweging van h [voorstel] aansoek om die verstelling, opskorting of skraping van h beperking met betrekking tot grond moet die munisipaliteit –

(a) h geregistreerde beplanner se skriftelike evaluasie en aanbeveling oor die [voorstel] aansoek bekom; en

(b) h sertifikaat wat deur h geregistreerde beplanner geteken is, bekom –

(i) wat bevestig dat die [voorstel] aansoek in alle opsigte aan hierdie Wet voldoen; of

(ii) indien die [voorstel] aansoek nie in alle opsigte aan hierdie Wet voldoen nie, meld dat die [voorstel] aansoek gebrekkig is en besonderhede van die tekortkoming verskaf."

Wysiging van artikel 64 van Wet 6 van 2008

55. Artikel 64 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 64 deur die volgende artikel:

***Aangeleenthede tersaaklik by merletebepaling van [voorgestelde] aansoek om verstelling, opskorting of skraping van beperkings met betrekking tot grond**

64. h Munisipaliteit moet die volgende aangeleenthede in ag neem vir die doeleindes van merletebepaling van h [voorstel] aansoek om h beperking met betrekking tot grond te verstel, op te skort of te skrap –

(a) die aansoek bedoel in item 1(2) of 14(1) van bylae 1;

(b) kommentaar in reaksie op die uitnodiging vir openbare kommentaar oor die [voorstel] aansoek;

(c) die geregistreerde beplanner se –

(i) skriftelike evaluasie en aanbeveling oor die [voorstel] aansoek; en

(ii) sertifikaat van die [voorstel] aansoek se voldoening aan die Wet;

(d) die potensiële impak van die [voorstel] aansoek op die omgewing, sosio-ekonomiese toestande en kulturele erfenis;

(e) die impak van die [voorstel] aansoek op –

(i) bestaande of voorgestelde ontwikkelings of grondgebruike [in die gebied, of op]; en

(ii) [bestaande ontwikkelings- of] mineraalregte;

[(f) die beskerming of bewaring van kulturele en natuurlike hulpbronne, insluitend landbouhulpbronne, unieke geblede of eienskappe en biodiversiteit;

(g) enige benadeling van enige persoon veroorsaak deur die [voorstel] aansoek, insluitend h Ingenieursdiensverskaffer, h verbandhouer, h houer van h serwituutreg, of h huurder ingevolge h geregistreerde huurkontrak;]

(h) die algemene beginsels vir grondontwikkeling soos vermeld in artikel 3 van die Wet op Ontwikkelingsfasilitering, 1995

(Wet No. 67 van 1995), en ander nasionale norme en standaarde, raamwerke en beleid bedoel in artikel 146(2)(b) van die Grondwet;

- (i) die [grondgebruiks-] provinsiale beplannings- en ontwikkelingsnorme of -standaarde;
- (j) die munisipaliteit se geïntegreerde ontwikkelingsplan;
- (k) die [munisipaliteit se] skema en die regulasie van dieselfde onderwerp in die skema of in 'n verordening; en
- (l) enige ander tersaaklike inligting.

Wysiging van artikel 65 van Wet 6 van 2008

56. Artikel 65 van die Hoofwet word hiermee gewysig –

- (a) deur die vervanging van die opskrif deur die volgende opskrif:

"Munisipaliteit se besluit aangaande [voorgestelde] aansoek om verstelling, opskorting of skraping van beperking met betrekking tot grond":

- (b) deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1) 'n Munisipaliteit moet binne die tydperke bedoel in item[s] 12 [en] of 21 van bylae 1 [die meriete van die voorstel oorweeg om 'n beperking met betrekking tot grond te verstel, op te skort of te skrap, en] besluit om –

- (a) 'n aansoek om die verstelling, opskorting of skraping van [die] 'n beperking met betrekking tot grond goedgekeur te word, met of sonder [verstellings] veranderinge; of
- (b) 'n aansoek om die verstelling, opskorting of skraping van [die] 'n beperking met betrekking tot grond te weier."; en

- (c) deur die vervanging van subartikel (4) deur die volgende subartikel:

"(4) By formulering van sy besluit, moet 'n munisipaliteit redes verskaf –

- (a) vir goedkeuring of weiering van 'n aansoek om die verstelling, opskorting of skraping van 'n beperking met betrekking tot grond;
- (b) waarom 'n aansoek om die verstelling, opskorting of skraping van 'n beperking met betrekking tot grond goedgekeur is met veranderinge; en
- (c) indien die verstelling, opskorting of skraping van 'n beperking met betrekking tot grond goedgekeur is onderhewig aan voorwaardes, vir enige voorwaarde wat hy opleë –
 - (i) wat nie in die aansoek hanteer is nie; of
 - (ii) wat wesenlik verskil van 'n voorwaarde wat in die aansoek voorgestel is."; en

- (d) deur die invoëging van die volgende subartikel na subartikel 4:

"(4A) By formulering van sy besluit oor 'n aansoek om die verstelling, opskorting of skraping van beperking met betrekking tot grond, moet 'n munisipaliteit die aansoeker inlig of enige kommentaar ontvang is in reaksie op die uitnodiging aan die publiek om kommentaar oor die aansoek te lewer.";

Wysiging van artikel 66 van Wet 6 van 2008

57. Artikel 66 van die Hoofwet word hiermee gewysig –

- (a) deur die vervanging van die opskrif deur die volgende opskrif:

"Inlig van persone oor munisipaliteit se besluit aangaande [voorgestelde] aansoek om verstelling, opskorting of skraping van 'n beperking met betrekking tot grond": en

- (b) deur die vervanging in die Engelse weergawe van die Hoofwet van subartikel (3) waar dit die tweede keer verskyn deur die volgende subartikel:

"[(3)] (5) 'n Munisipaliteit moet binne 14 dae na 'n versoek deur die aansoeker of enige ander persoon op wie 'n kennisgewing beteken is ingevolge subartikel (1), die aansoeker of daardie persoon voorsien van –

- (a) h afskrif van die munisipaliteit se besluit en die redes vir die besluit; en
 (b) indien die aansoek goedgekeur is onderhewig aan voorwaardes, h afskrif van al die voorwaardes wat deur die munisipaliteit opgelê is, saam met die redes vir oplegging van daardie voorwaardes.”.

Wysiging van artikel 67 van Wet 6 van 2008

58. Artikel 67 van die Hoofwet word hiermee gewysig –

- (a) deur die vervanging van die opskrif deur die volgende opskrif:

“Appèl teen munisipaliteit se besluit aangaande [voorgestelde] aansoek om verstelling, opskorting of skraping van h beperking met betrekking tot grond”; en

- (b) deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) h Persoon wat aansoek gedoen het om verstelling, opskorting of skraping van h beperking met betrekking tot grond, of wat skriftelike kommentaar ingedien het in reaksie op h uitnodiging vir openbare kommentaar op h aansoek om die verstelling, opskorting of skraping van h beperking met betrekking tot grond teen die sluitingsdatum vermeld in die uitnodiging, wat benadeel is deur die munisipaliteit se besluit bedoel in artikel 65(1), kan teen die munisipaliteit se besluit tot die Appèltribunaal appelleer.”.

Wysiging van artikel 68 van Wet 6 van 2008

59. Artikel 68 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 68 deur die volgende artikel:

“Datum waarop munisipaliteit se besluit aangaande die [voorgestelde] aansoek om verstelling, opskorting of skraping van h beperking met betrekking tot grond van krag word

68. h Besluit [ten opsigte van] oor h aansoek om die verstelling, opskorting of skraping van h beperking met betrekking tot grond tree in werking by –

(aA) die datum van die munisipaliteit se besluit indien –

(i) die aansoek h aansoek deur die munisipaliteit was; en

(ii) geen kommentaar ontvang is in reaksie op die uitnodiging aan die publiek om kommentaar oor die aansoek te lewer nie;

(aB) die datum van h skriftelike afstanddoening van die reg tot appèl deur die aanseker indien geen kommentaar ontvang is in reaksie op die uitnodiging aan die publiek om kommentaar oor die aansoek te lewer nie;

(a) verstryking van die 28 dae-tydperk vermeld in artikel 67(2), indien geen appèl teen die munisipaliteit se besluit aangeteken is nie; of

(b) die finalisering van die appèl, indien appèl teen die munisipaliteit se besluit aangeteken is.”.

Wysiging van artikel 69 van Wet 6 van 2008

60. Artikel 69 van die Hoofwet word hiermee gewysig –

- (a) deur die vervanging van die opskrif deur die volgende opskrif:

“Indien van aktes, planne en dokumente by registrateur van aktes ooreenkomstig [voorstel] aansoek om verstelling, opskorting of skraping van beperkings met betrekking tot grond en sertifikaat van voldoening aan sekere voorwaardes van goedkeuring;

- (b) deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) Die aanseker moet die aktes en ander dokumente wat die registrateur van aktes mag vereis by die registrateur van aktes indien waar die [aansoek om] munisipaliteit h aansoek goedgekeur het vir die verstelling, opskorting of skraping van h beperking met betrekking tot grond [te verstel, op te skort of te skrap] wat bindend was vir die eienaar van die grond uit hoofde van h beperkende voorwaarde of serwitut wat teen die

grond [In ooreenstemming met h munisipaliteit se besluit soos bedoel in artikel 65(1)] geregistreer is.”;

(c) deur die invoeging van die volgende subartikel na subartikel (2):

“(3) Die landmeter-generaal en registrateur van aktes moet, by ontvangs van die dokumente bedoel in subartikel (1) en (2), die nodige inskrywings in, en endossemente maak op, enige tersaaklike register, titelaktes, diagram of plan in hul onderskeie kantore om die munisipaliteit se besluit van krag te laat word.”.

Wysiging van artikel 70 van Wet 6 van 2008

61. Artikel 70 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 70 deur die volgende artikel:

“70.(1) h Munisipaliteit wat die registrateur van aktes vereis indien waar die munisipaliteit die verstelling, opskorting of skraping van h beperking met betrekking tot grond geïnisieer het wat bindend was vir die eienaar van die grond uit hoofde van h beperkende voorwaarde of serwituut wat teen die grond ooreenkomstig die munisipaliteit se besluit bedoel in artikel 65(1) geregistreer is.

(2) Die landmeter-generaal en registrateur van aktes moet by ontvangs van die dokumente bedoel in subartikel (1), die nodige inskrywings in en endossemente maak op, enige tersaaklike register, titelaktes, diagram of plan in hul onderskeie kantore om die munisipaliteit se besluit van krag te laat word.”.

Wysiging van artikel 71 van Wet 6 van 2008

62. Artikel 71 van die Hoofwet word hiermee gewysig deur die skraping en vervanging van artikel 71 deur die volgende artikel:

“Inisiering van h aansoek om die permanente sluiting van munisipale pad of openbare plek

71.(a) h Munisipaliteit kan die permanente sluiting van h munisipale pad of h openbare plek inisieer,

(b) h Aansoek aan h munisipaliteit om die permanente sluiting van h munisipale pad of h openbare plek kan deur enige persoon ingedien word en enige persoon kan met sodanige aansoek voortgaan.”.

Invoeging van artikel 71A van Wet 6 van 2008

63. Die Hoofwet word hiermee gewysig deur die invoeging van die volgende artikel na artikel 71:

“Proses vir permanente sluiting van munisipale pad of openbare plek

71A.(1) Die prosedures bedoel in bylae 1 moet gevolg word vir die permanente sluiting van h munisipale pad of h openbare plek.

(2) h Aansoek om die permanente sluiting van h munisipale pad of h openbare plek mag –

(a) gekombineer word met h aansoek –

(i) om h skema te wysig;

(ii) vir die goedkeuring van h munisipaliteit ingevolge h skema;

(iii) om grond te onderverdeel of te konsolideer;

(iv) om grond geleë buite die gebied van h skema te ontwikkel;

(v) om beperkings met betrekking tot grond te verstel, op te skort of te skrap; en

(b) as een aansoek verwerk word.”.

Wysiging van artikel 72 van Wet 6 van 2008

64. Artikel 72 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 72 deur die volgende artikel:

72. Voor oorweging van 'n aansoek om die permanente sluiting van 'n munisipale pad of openbare plek, moet 'n munisipaliteit –

- (a) 'n geregistreerde beplanner se skriftelike evaluasie en aanbeveling [met betrekking tot] oor die [voorstel] aansoek bekom; en**
- (b) 'n sertifikaat wat deur 'n geregistreerde beplanner geteken is, bekom –**
 - (i) wat bevestig dat die aansoek in alle opsigte aan hierdie Wet voldoen; of**
 - (ii) indien die aansoek nie in alle opsigte aan hierdie Wet voldoen nie, meld da' die aansoek gebrekkig is en besonderhede van die tekortkoming verskaf."**

Wysiging van artikel 73 van Wet 6 van 2008

65. Artikel 73 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 73 deur die volgende artikel:

"Aangeleenthede tersaaklik by merietebeoordeling van aansoek om permanente sluiting van [munisipale paaie of openbare plekke] munisipale pad of openbare plek

73. 'n Munisipaliteit moet die volgende aangeleenthede in ag neem vir die doeleindes van merietebeoordeling van 'n [voorstel] aansoek om 'n munisipale pad of openbare plek permanent te sluit –

- (a) die aansoek bedoel in item 1(2) of 14(1) van bylae 1;**
- (b) kommentaar in reaksie op die uitnodiging vir openbare kommentaar op die [voorstel] aansoek;**
- (c) die geregistreerde beplanner se –**
 - (i) skriftelike evaluasie en aanbeveling oor die voorstel of aansoek; en**
 - (ii) sertifikaat van die aansoek se voldoening aan die Wet;**
- (d) die potensiële impak van die [voorstel] aansoek op die omgewing, sosio-ekonomiese toestande en kulturele erfenis;**
- (e) die impak van die [voorstel] aansoek op bestaande of voorgestelde ontwikkelings of grond(e)bruik [in die gebied, of op bestaande ontwikkelings- of minersalregte];**
- (f) die beskerming of bewaring van kulturele en natuurlike hulpbronne, insluitend landbouhulpbronne, unieke gebiede of eienskappe en biodiversiteit;**
- (g) die algemene beginsels vir grondontwikkeling soos vermeld in artikel 3 van die Wet op Ontwikkelingsfasilitering, 1995 (Wet No. 67 van 1995), en ander nasionale norme en standaarde, raamwerke en beleid bedoel in artikel 146(2)(b) van die Grondwet;**
- [(h) benadeling van enige persoon, insluitend 'n verskaffer van ingenieursdienste, wat deur die [voorstel] aansoek veroorsaak is; en]**
- [(hA) die provinsiale beplannings- en ontwikkelingsnorme en -standaarde;**
- [(hB) die munisipaliteit se geïntegreerde ontwikkelingsplan;**
- [(gC) die munisipaliteit se skema; en**
- (i) enige ander tersaaklike inligting."**

Wysiging van artikel 74 van Wet 6 van 2008

66. Artikel 74 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 74 deur die volgende artikel:

"Munisipaliteit se besluit aangaande aansoek om permanente sluiting van munisipale pad of openbare plek

74.(1) h Munisipaliteit moet binne die tydperke bedoel in item 12 of 21 van bylae 1 –

- (a) h aansoek om die permanente sluiting van h munisipale pad of h openbare plek goedkeur, met of sonder veranderings; of
- (b) h aansoek om die permanente sluiting van h munisipale pad of h openbare plek weier.

(2) h Munisipaliteit mag nie h [voorstel] aansoek goedkeur vir die permanente sluiting van h pad of openbare plek nie –

- (a) indien die [voorstel] aansoek onversoenbaar is met –
 - (i) die grondgebruiks- en ontwikkelingsnorme en -standaarde;
 - (ii) sy geïntegreerde ontwikkelingsplan; of
 - (iii) h skema; en
- (b) tensy hy tevrede is dat die sluiting –
 - (i) in die beste belang is van die gebied waarin daardie munisipale pad of openbare plek geleë is; of
 - (ii) andersins in die openbare belang is.

(3) h Munisipaliteit kan h aansoek om die permanente sluiting van h munisipale pad of h openbare plek goedkeur onderhewig aan enige voorwaardes wat hy nodig ag.

(4) By formulering van sy besluit, moet h munisipaliteit redes verskaf –

- (a) vir goedkeuring of weiering van h aansoek om die permanente sluiting van h munisipale pad of h openbare plek;
- (b) indien h aansoek om die permanente sluiting van h munisipale pad of h openbare plek goedgekeur is met veranderings, die redes waarom die veranderings gemaak is; of
- (c) indien die aansoek om die permanente sluiting van h munisipale pad of openbare plek goedgekeur is onderhewig aan voorwaardes vir enige voorwaarde wat dit opleë –
 - (i) wat nie in die aansoek hanteer is nie; of
 - (ii) wat wesenlik verskil van h voorwaarde wat in die aansoek voorgestel is.

(5) h Munisipaliteit kan te eniger tyd h fout in die bewoording van sy besluit korrigeer solank die korreksie nie neerkom op h verandering in sy besluit of h verstelling, opskorting of skraping van h voorwaarde van sy besluit, om h munisipale pad of h openbare plek permanent te sluit nie."

Invoeging van artikels 74A en 74B van Wet 6 van 2008

67. Die Hoofwet word hiermee gewysig deur die invoeging van die volgende artikels na artikel 74:

"Persone wat ingelig moet word oor munisipaliteit se besluit oor permanente sluiting van munisipale pad of openbare plek

74A.(1) h Munisipaliteit moet, binne 14 dae na h besluit om h aansoek om h munisipale pad of h openbare plek permanent te sluit, kennis van sy besluit beteken op elke persoon wat h skriftelike kommentaar ingedien het ingevolge bylae 1.

(2) Kennis mag aan enige een wat h ondertekenaar is van h gesamentlike petisie of groepsvertoë gegee word aan die –

- (a) gemagtigde verteenwoordiger van die ondertekenaars indien die petisie of vertoë aangeteken is deur h

persoon wat daarop aanspraak maak dat hy die gemagtigde verteenwoordiger is; of

(b) persoon wie se naam eerste op die dokument verskyn, indien geen ander persoon daarop aanspraak maak dat hy die gemagtigde verteenwoordiger is nie.

(3) Kennis aan h ondertekenaar van h gesamentlike petisie of groepsvertoë bedoel in subartikel (2) kom neer op kennis aan elke persoon wat in die gesamentlike petisie of groepsvertoë genoem word.

(4) Indien die grond van h persoon wat kommentaar ingevolge bylae 1 ingedien het, na h nuwe eienaar oorgedra word, sal sodanige kommentaar beskou word as deur die nuwe eienaar ingedien.

(5) h Munisipaliteit moet, binne 14 dae na h versoek deur die aansoeker of enige ander persoon op wie kennis beteken is ingevolge subartikel (1), daardie persoon voorsien van –

(a) h afskrif van die munisipaliteit se besluit;

(b) die redes vir die besluit; en

(c) h afskrif van al die voorwaardes opgelê deur die munisipaliteit, saam met die redes vir oplegging van daardie voorwaardes, in die geval dat die aansoek goedgekeur is, onderhewig aan voorwaardes.

Inwerkingtreddingsdatum van munisipaliteit se besluit oor aansoek om permanente sluiting van munisipale pad of openbare plek

74B. Die inwerkingtreddingsdatum van h munisipaliteit se besluit oor h aansoek om die permanente sluiting van h munisipale pad of openbare plek, is die datum van die munisipaliteit se besluit.

Besikking oor grond na sluiting van munisipale pad of openbare plek

74C. Grond wat deel gevorm het van h munisipale pad of h openbare plek, sal, by die sluiting van die vermeldde munisipale pad of openbare plek, onder die berusting van die munisipaliteit waarin die grond geleë is, wees.

Wysiging van artikel 75 van Wet 6 van 2008

68. Artikel 75 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die opskrif deur die volgende opskrif:

"Misdrywe en strawwe ten opsigte van munisipaliteit se skema, onderverdeling of konsolidering van grond [bedoel in hoofstuk 3], ontwikkeling van grond geleë buite die gebied van h skema [bedoel in hoofstuk 4], fasering of kansellering van h goedgekeurde uitlegplan [bedoel in hoofstuk 5 en]; verstelling, opskorting of skraping van beperkings met betrekking tot grond [bedoel in hoofstuk 6] en gebruik of ontwikkeling van h munisipale pad of h openbare plek";

(b) deur die skraping en vervanging van subartikel (1) deur die volgende subartikel:

"(1) enige persoon wat –

(a) grond teenstrydig met h bepaling van h skema gebruik, ontwikkel, onderverdeel of konsolideer;

(b) grond sonder vooraf goedkeuring ingevolge hierdie Wet onderverdeel of konsolideer;

(c) grond buite die gebied van h skema sonder vooraf goedkeuring ingevolge hierdie Wet ontwikkel;

(d) h uitlegplan sonder vooraf goedkeuring ingevolge hierdie Wet verdeel of kanselleer;

(e) grond teenstrydig met h beperking of verpligting bedoel in artikel 60(1) gebruik, ontwikkel, onderverdeel of konsolideer;

(eA) h munisipale pad of h openbare plek gebruik of ontwikkel vir h doel wat onversoenbaar is met h munisipale pad of h openbare plek;

(f) grond teenstrydig met 'n voorwaarde opgelê ingevolge hierdie Wet, insluitend 'n voorwaarde van goedkeuring, gebruik, ontwikkel, onderverdeel of konsolideer –

(i) vir die wysiging aan 'n munisipaliteit se skema;

(ii) vir die onderverdeling of konsolidering van grond;

(iii) vir die ontwikkeling van grond;

(iv) vir die fasering of kansellering van 'n goedgekeurde uitlegplan;

(v) vir die verstelling, opskorting of skraping van 'n beperking met betrekking tot grond;

(vi) vir die permanente sluiting van 'n munisipale pad of 'n openbare plek; of

(vii) waaraan voldoen moet word voor die oprigting van 'n struktuur of gebou of die oordrag van grond.

(g) 'n struktuur of gebou oprig strydig met artikel 31(1) of 48(1), of dit laat oprig;

(h) 'n ooreenkoms aangaan of 'n opsie toestaan bedoel in artikel 31(1) of 48(1), voordat 'n munisipaliteit 'n sertifikaat uitgereik het dat daar voldoen is aan al die voorwaardes waaraan voldoen moet word voordat grond verkoop mag word; of

(i) versuim om aan 'n verbodsbevel of 'n dringende verhinderingsbevel te voldoen,

is skuldig aan 'n misdryf."

(c) deur die invoeging van die volgende subartikel na subartikel (2):

"(3) Die heffing van eiendomsbelasting ooreenkomstig die gebruik van 'n eiendom soos bedoel in artikel 8(1) van die Plaaslike Regering: Wet op Munisipale Eiendomsbelasting, 2004 (Wet No. 6 van 2004) maak nie die gebruik van die eiendom wettig vir die doeleindes van hierdie Wet nie."

Wysiging van opskrif van deel 4 van hoofstuk 8

69. Die Hoofwet word hiermee gewysig deur die vervanging van die opskrif van deel 4 van hoofstuk 8 deur die volgende opskrif:

"Deel 4: Oortreding en wangedrag deur geregistreerde beplanner wat die munisipaliteit van raad dien en persoon wat inmeng met geregistreerde beplanner se skriftelike evaluasie en aanbeveling of sertifikaat van voldoening"

Wysiging van artikel 88 van Wet 6 van 2008

70. Artikel 88 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:

(1) 'n Geregistreerde beplanner wat 'n sertifikaat uitreik dat 'n voorstel of 'n aansoek in alle opsigte aan hierdie Wet voldoen, terwyl hy of sy bewus is daarvan dat 'n voorstel of 'n aansoek om –

(a) 'n skema te aanvaar, vervang of wysig;

(aA) toestemming ingevolge 'n skema;

(b) grond te onderverdeel of konsolideer;

(c) grond geleë buite die gebied van 'n skema te ontwikkel;

(d) 'n uitlegplan te verdeel of kanselleer; [of]

(e) beperking met betrekking tot grond te verstel, op te skort of te skrap; of

(f) 'n munisipale pad of openbare plek permanent te sluit.

gebreklik is, is skuldig aan 'n misdryf, en 'n daad van wangedrag bedoel in artikel 18(4)(c) van die Wet op die Beplanningsprofessie.

Wysiging van artikel 89 van Wet 6 van 2008

71. Artikel 89 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subartikel (1) deur die volgende artikel –

"(1) n Persoon kan by die munisipaliteit aansoek doen vir –

- (a) verkryging van goedkeuring vir die wysiging van 'n skema;
- (b) [die ontwikkeling van grond, hetsy dit binne of buite die skema geleë is] verkryging van toestemming ingevolge 'n skema;
- (c) verkryging van goedkeuring vir die onderverdeling of konsolidering van grond;
- (cA) verkryging van goedkeuring vir die ontwikkeling van grond wat buite die gebied van die skema geleë is;
- (d) verkryging van goedkeuring vir die fasering of kansellasië van 'n goedgekeurde uitlegplan vir die onderverdeling of ontwikkeling van grond; [of]
- (e) verkryging van goedkeuring vir die verstelling, opskorting of skrapping van 'n beperking met betrekking tot grond; of
- (f) verkryging van goedkeuring vir die permanente sluiting van 'n munisipale pad of openbare plek, ongeag die feit dat die aansoek gedoen is nadat die betrokke aktiwiteit 'n aanvang geneem het sonder vooraf goedkeuring, of die feit dat 'n oortredingskennisgewing, verbodsbevel of dringende verhinderingsbevel ten opsigte van die betrokke aktiwiteit aan die persoon beteken is."; en

(b) deur die skrapping van subartikel (2).

Invoeging van artikel 88A van Wet 6 van 2008

72. Die Hoofwet word hiermee gewysig deur die invoeging van die volgende artikel na artikel 88:

"Misdryf deur persoon wat inmeng met geregistreerde beplanner se skriftelike evaluasie en aanbeveling of sertifikaat van voldoening

88A. (1) n Geregistreerde beplanner moet –

- (a) 'n voorstel om 'n skema te aanvaar of te vervang;
- (b) 'n aansoek om die wysiging van 'n skema;
- (c) 'n aansoek om toestemming ingevolge 'n skema;
- (d) 'n aansoek om grond te onderverdeel of te konsolideer;
- (e) 'n aansoek om die ontwikkeling van grond geleë buite die gebied van 'n skema;
- (f) 'n aansoek om die fasering of kansellasië van 'n goedgekeurde uitlegplan;
- (g) 'n aansoek om die verstelling, opskorting of skrapping van 'n beperking met betrekking tot grond; of
- (h) 'n aansoek om die permanente sluiting van 'n munisipale pad of openbare plek,

evalueer op 'n wyse wat –

- (i) onafhanklik;
- (ii) vry van inmenging of beïnvloeding; en
- (iii) ooreenkomstig die hoogste standarde van integriteit, onpartydigheid, objektiwiteit en professionele etiek,

is.

(2) n Persoon wat inmeng met 'n geregistreerde beplanner se skriftelike evaluasie en aanbeveling of sertifikaat van voldoening met betrekking tot 'n voorstel of aansoek bedoel in artikels 11, 24, 41, 53 en 63 is skuldig aan 'n misdryf en kan gevonnissen word tot 'n boete of gevangenisstraf vir 'n tydperk wat nie twee jaar oorskry nie, of tot beide sodanige boete en sodanige tydperk van gevangenisstraf."

Wysiging van artikel 97 van Wet 6 van 2008

73. Artikel 97 van die Hoofwet word hiermee gewysig deur die vervanging van die opskrif deur die volgende opskrif:

"Kompensasie wat voortspruit uit verstelling, opskorting of [opheffing] skraping van beperkings met betrekking tot grond

Invoeging van artikels 97A van Wet 6 van 2008

74. Die Hoofwet word hiermee gewysig deur die invoeging van die volgende artikel na artikel 97:

"Kompensasie wat voortspruit uit sluiting van pad of openbare plek deur munisipaliteit

97A.(1) Enige eienaar van grond, wat enige verlies of skade gely het as gevolg van die sluiting van 'n munisipale pad of 'n openbare plek, kan kompensasie van die munisipaliteit eis.

(2) 'n Eis vir kompensasie ingevolge hierdie artikel –

(a) is beperk tot die omvang waartoe die eiser nie alreeds kompensasie ontvang het nie; en

(b) moet ingestel word binne 'n tydperk van drie jaar na die datum van die sluiting van die munisipale pad of openbare plek."

Wysiging van artikel 131 van Wet 6 van 2008

75. Artikel 131 van die Engelse weergawe van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (3) deur die volgende subartikel:

"(3) Witness [fees] fees may not be paid to a person who is holding 'n post in an organ of state on a full-time basis."

Wysiging van artikel 147 van Wet 6 van 2008

76. Artikel 147 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (3) deur die volgende subartikel:

"(3) 'n Lid van die [Appèltribunaal] bestuurskomitee wat nie voltyds in diens is van 'n staatsorgaan of munisipaliteit nie, moet –

(a) besoldig en terugbetaal word uit fondse wat vir daardie doel deur die verantwoordelike [lid van die Uitvoerende Raad] LUR bewillig is;

(b) sal op 'n daaglikse tarief besoldig word, soos bepaal deur die [verantwoordelike lid van die Uitvoerende Raad] LUR in ooreenstemming met die lid van die Uitvoerende Raad verantwoordelik vir die Provinsiale Tesourie deur middel van kennisgewing in die *Provinsiale Koerant*; en

(c) sal terugbetaal word vir redelike reis- en verblyfuitgawes wat aangegaan is."

Wysiging van artikel 153 van Wet 6 van 2008

77. Artikel 153 van die Hoofwet word hiermee gewysig deur die vervanging van paragraaf (a) van subartikel (2) deur die volgende paragraaf –

"(a) die onttrekking van die provinsiale beplannings- en ontwikkelingsnorme en –standaarde goedkeur [en die ooreenstemmende regulasies herroep]; of"

Wysiging van artikel 156 van Wet 6 van 2008

78. Artikel 156 van die Hoofwet word hiermee gewysig –

(a) deur die skraping en vervanging van subartikel (1) deur die volgende subartikel:

"(1) 'n Munisipaliteit kan enige bevoegdheid of plig aan hom verleen ingevolge hierdie Wet, behalwe die bevoegdheid om 'n skema bedoel in artikel 13 te aanvaar of te vervang, aan –

(a) 'n komitee van die munisipaliteit;

(b) enige beampte in sy diens of 'n ander munisipaliteit, insluitend 'n distriksmunisipaliteit; of

(c) enige persoon in diens van die munisipaliteit vir die doel om die bevoegdheid uit te oefen,

delegeer."

(b) deur die invoeging van die volgende subartikel na subartikel (1):

"(1A) 'n Munisipaliteit kan die bevoegdheid om oor 'n aansoek –

(a) om 'n munisipaliteit se skema te wysig;

(b) om sy toestemming ingevolge 'n skema;

(c) om grond te onderverdeel of te konsolideer;

(d) om grond geleë buite die gebied van 'n skema te ontwikkel;

(e) om die fasering of kansellering van 'n goedgekeurde uitlegplan;

(f) om beperkings met betrekking tot grond te verstel, op te skort of te skrap, of

(g) om 'n munisipale pad of 'n openbare plek permanent te sluit,

te besluit, aan die geregistreerde beplanner verantwoordelik vir evaluering van die aansoek delegeer, in welke geval die geregistreerde beplanner nie 'n aanbeveling oor die aansoek aan die munisipaliteit hoef te maak nie, soos bedoel in artikels 11(1)(a), 24(1)(a), 41(1)(a), 53(1)(a), 63(1)(a) en 72(1)(a)."

(c) deur die vervanging van subartikel (5) deur die volgende subartikel:

"(5) 'n Handeling wat deur 'n gedelegeerde owerheid uitgevoer word, het dieselfde krag as wat dit sou hê indien dit deur die [verantwoordelike lid van die Uitvoerende Raad] munisipaliteit gedoen is."

Wysiging van artikel 157 van Wet 6 van 2008

79. Artikel 157 van die Hoofwet word hiermee gewysig deur die invoeging van die volgende subartikel na subartikel (3):

"(4) Vir die doeleindes van hierdie artikel sluit "munisipaliteit" 'n distriksmunisipaliteit in soos omskryf in artikel 1."

Wysiging van artikel 160 van Wet 6 van 2008

80. Artikel 160 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van paragraaf (a) deur die volgende paragraaf:

"(a) rekords met betrekking tot die aanvaarding, vervanging of wysiging van 'n skema of toestemming ingevolge 'n skema, insluitend –

(i) 'n voorstel om 'n skema te aanvaar[,] of te vervang of [te wysig] 'n aansoek om die wysiging van 'n skema of om toestemming ingevolge 'n skema bedoel in artikel 9(1) en (2);

(ii) kommentaar ontvang deur 'n munisipaliteit in reaksie op 'n uitnodiging vir kommentaar op die aanvaarding, vervanging of wysiging van 'n skema bedoel in item 5 of 14 van bylae 1 of toestemming ingevolge 'n skema;

(iii) 'n geregistreerde beplanner se skriftelike evaluasie en aanbeveling oor die aanvaarding, vervanging of wysiging van 'n skema of toestemming ingevolge 'n skema bedoel in artikel 11(a);

(iv) 'n sertifikaat deur 'n geregistreerde beplanner van voldoening aan die Wet betref in artikel 11(b) van 'n voorstel om 'n skema te aanvaar[,] of 'n skema te vervang of 'n aansoek om 'n skema te wysig of vir

toestemming ingevolge h skema;

(v) h munisipaliteit se besluit aangaande h voorstel om h skema te aanvaar[,] of te vervang of h aansoek om h skema te wysig of vir toestemming ingevolge h skema bedoel in artikel 13(1);”;

(b) deur die vervanging van paragraaf (b) deur die volgende paragraaf:

“(b) rekords ten opsigte van h [voorstel] aansoek om grond te onderverdeel of te konsolideer, insluitend –

(i) h [voorstel] aansoek om grond te onderverdeel of te konsolideer bedoel in artikel 22(1) en (2);

(ii) kommentaar ontvang deur h munisipaliteit in reaksie op h uitnodiging vir kommentaar op h [voorstel] aansoek om grond te onderverdeel of te konsolideer bedoel in item 5 of 14 van bylae 1;

(iii) h geregistreerde beplanner se skriftelike evaluasie en aanbeveling oor die voorgestelde onderverdeling of konsolidering van grond bedoel in artikel 24(a);

(iv) h sertifikaat deur h geregistreerde beplanner van voldoening van h [voorstel] aansoek om grond te onderverdeel of te konsolideer aan die Wet bedoel in artikel 24(b);

(v) h munisipaliteit se besluit aangaande h [voorstel] aansoek om grond te onderverdeel of te konsolideer bedoel in artikel 26(1); en

(vi) h kennisgewing wat h grondeienaar waarsku dat die munisipaliteit die verdeling van die uitlegplan en die kansellasië van die deel van die uitlegplan waarvoor die regte nie ten volle uitgeoefen is nie, kan inisieer soos bedoel in artikel 37(3)(a);”;

(c) deur die vervanging van paragraaf (c) deur die volgende paragraaf:

“(c) rekords ten opsigte van h [voorstel] aansoek om grond te ontwikkel soos bedoel in hoofstuk 4, insluitend –

(i) h [voorstel] aansoek om grond te ontwikkel soos bedoel in artikel 39(1) en (2);

(ii) kommentaar ontvang deur h munisipaliteit in reaksie op h uitnodiging vir kommentaar op h [voorstel] aansoek om grond te ontwikkel soos bedoel in item 5 of 14 van bylae 1;

(iii) h geregistreerde beplanner se skriftelike evaluasie en aanbeveling oor [die voorstel] h aansoek om grond te ontwikkel soos bedoel in artikel 41(a);

(iv) h sertifikaat deur h geregistreerde beplanner van voldoening van h [voorstel] aansoek om grond te ontwikkel aan die Wet bedoel in artikel 41(b);

(v) h munisipaliteit se besluit op h [voorstel] aansoek om grond te ontwikkel soos bedoel in artikel 43(1); en

(vi) h kennisgewing wat h grondeienaar waarsku dat die munisipaliteit die verdeling van die uitlegplan en kansellasië van die deel van die uitlegplan waarvoor die regte nie ten volle uitgeoefen is nie, kan inisieer soos bedoel in artikel 49(1);”;

(d) deur die vervanging van paragraaf (d) deur die volgende paragraaf:

“(d) rekords ten opsigte van h [voorstel] aansoek om h uitlegplan te verdeel of te kanselleer, insluitend –

(i) h [voorstel] aansoek om h uitlegplan bedoel in artikel 51(1) en (2) te verdeel of te kanselleer;

(ii) kommentaar ontvang deur h munisipaliteit in reaksie op h uitnodiging vir kommentaar op h [voorstel] aansoek om h uitlegplan bedoel in artikel 52(2) te verdeel of te kanselleer;

(iii) h geregistreerde beplanner se skriftelike evaluasie en aanbeveling oor [die voorstel] h aansoek om h uitlegplan bedoel in artikel 53(a) te verdeel of te kanselleer;

(iv) h sertifikaat deur h geregistreerde beplanner van voldoening aan die Wet bedoel in artikel 53(b) van h [voorstel] aansoek om h uitlegplan te aanvaar of te vervang; en

(v) h munisipaliteit se besluit aangaande h [voorstel] aansoek om h uitlegplan bedoel in artikel 55(1) te verdeel of te kanselleer;”;

(e) deur die vervanging van paragraaf (e) deur die volgende paragraaf:

“(e) rekords ten opsigte van h [voorstel] aansoek om h beperking met betrekking tot grond te wysig, op te skort of te skrap, insluitend –

(i) h [voorstel] aansoek om h beperking met betrekking tot grond bedoel in artikel 61(1) en (2) te wysig, op

te skort of te skrap;

(ii) kommentaar ontvang deur 'n munisipaliteit in reaksie op 'n uitnodiging vir kommentaar oor 'n [voorstel] aansoek om 'n beperking met betrekking tot grond bedoel in item 5 of 14 van bylae 1 te wysig, op te skort of te skrap;

(iii) 'n geregistreerde beplanner se skriftelike evaluasie en aanbeveling oor [die voorstel] 'n aansoek om 'n beperking met betrekking tot grond bedoel in artikel 63(a) te wysig, op te skort of te skrap;

(iv) 'n sertifikaat deur 'n geregistreerde beplanner van voldoening aan die Wet bedoel in artikel 63(b) van 'n [voorstel] aansoek om 'n beperking met betrekking tot grond te wysig, op te skort of te skrap; en

(v) 'n munisipaliteit se besluit aangaande 'n [voorstel] aansoek om 'n beperking met betrekking tot grond bedoel in artikel 65(1) te wysig, op te skort of te skrap;"; en

(f) deur die vervanging van paragraaf (f) deur die volgende paragraaf:

"(f) rekords ten opsigte van 'n [voorstel] aansoek om 'n munisipale pad of openbare plek permanent te sluit, insluitend –

(i) 'n [voorstel] aansoek om 'n munisipale pad of openbare plek bedoel in artikel 71(1) permanent te sluit;

(ii) kommentaar ontvang deur 'n munisipaliteit in reaksie op 'n uitnodiging vir kommentaar op 'n [voorstel] aansoek om 'n munisipale pad of openbare plek bedoel in artikel 71(2)(b) permanent te sluit;

(iii) 'n geregistreerde beplanner se skriftelike evaluasie en aanbeveling oor [die voorstel] 'n aansoek om 'n munisipale pad of openbare plek bedoel in artikel 72 permanent te sluit; en

(iv) 'n munisipaliteit se besluit oor 'n [voorstel] aansoek om 'n munisipale pad of openbare plek bedoel in artikel 74 permanent te sluit;".

Wysiging van artikel 161 van Wet 6 van 2008

81. Artikel 161 van die Hoofwet word hiermee gewysig deur die vervanging van artikel 161 deur die volgende artikel:

"161.(1) Hierdie Wet geld bo die Wet op Ontwikkelingsfasilitering, buiten in soverre die Wet op Ontwikkelingsfasilitering 'n aangeleentheid bedoel in artikel 146(2)(a), (b) of (c) van die Grondwet hanteer.

(2) [Hierdie Wet is van toepassing op die provinsie] 'n Grondontwikkelingsaansoeker omskryf in artikel 1 van die Wet op Ontwikkelingsfasilitering mag nie 'n grondontwikkelingsaansoek, soortgelyk omskryf in artikel 1 van die Wet op Ontwikkelingsfasilitering aan die KwaZulu-Natal Ontwikkelingstribunaal ingestel ingevolge 15(1) van die Wet op Ontwikkelingsfasilitering indien nie, vir die doel van –

(a) wysiging aan 'n skema;

(b) verleen van toestemming ingevolge 'n skema;

(c) onderverdeling of konsolidering van grond;

(d) ontwikkeling van geleë buite die gebied van 'n skema;

(e) fasering of kansellering van 'n goedgekeurde uitlegplan vir die onderverdeling of ontwikkeling van grond;

(f) verstelling, opskorting of skraping van beperkings met betrekking tot grond; of

(g) permanente sluiting van 'n munisipale pad of openbare plek.

(3) Die KwaZulu-Natal Ontwikkelingstribunaal, ingestel ingevolge 15(1) van die Wet op Ontwikkelingsfasilitering, mag nie die aansoek van hierdie Wet opskort soos bedoel in artikel 33(j)(ii), (iv), (v) en (vi) en artikel 51(2)(d)(i), (ii) en (v) van die Wet op Ontwikkelingsfasilitering, ten opsigte van 'n grondontwikkelingsaansoek soos omskryf in artikel 1 van die Wet op Ontwikkelingsfasilitering, wat ontvang is na die inwerkingtreding van hierdie subartikel, sonder die uitdruklike vooraf skriftelike goedkeuring van die LUR nie.

(4) Hierdie Wet geld bo die Wet op Minder Formele Dorpstigting, buiten in soverre die vermeldde Wet 'n aangeleentheid

bedoel in artikel 146(2)(a), (b) of (c) van die Grondwet hanteer.

(5) Die Administrateur mag nie grond vir minder formele vestiging toewys soos bedoel in artikel 3(1) van die Wet op Minder Formele Dorpstigting nie, tensy die Administrateur tevrede is dat persone h dringende behoefte het om grond te bekom waarop hulle op h minder formele wyse in daardie gebied kan vestig.

(6) Die Administrateur moet die bepalings van hierdie Wet van toepassing verklaar op grond aangewys as grond vir minder formele vestiging soos bedoel in artikel 3(6)(a) van die Wet op Minder Formele Dorpstigting.

(7) Die Administrateur mag nie aan h persoon toestemming verleen ingevolge artikel 10(1) van die Wet op Minder Formele Dorpstigting nie vir die doel van –

- (a) wysiging van h skema;
- (b) verleen van toestemming ingevolge h skema;
- (c) onderverdeling of konsolidering van grond;
- (d) ontwikkeling van grond geleë buite die gebied van h skema;
- (e) fasering of kansellasie van h goedgekeurde uitleg vir die onderverdeling of ontwikkeling van grond;
- (f) verstelling, opsikorting of skraping van beperkings met betrekking tot grond; of
- (g) permanente sluiting van h munisipale pad of openbare plek.

(8) Die Administrateur mag nie die aansoek van hierdie Wet opskort soos bedoel in artikel 12(1)(a) of 19(5)(a) van die Wet op Minder Formele Dorpstigting nie, ten opsigte van h aansoek om minder formele dorpstigting, ingevolge artikel 11(1) of 19(1) van die Wet op Minder Formele Dorpstigting, wat ontvang is na die inwerkingtreding van hierdie subartikel.

(9) Die verantwoordelike LUR kan deur middel van kennisgewing in die Koerant h munisipaliteit kwytsekeld van die prosedure vir toestemming ingevolge h skema, indien hy of sy tevrede is dat die munisipaliteit h verordening aanvaar het vir die verleen van toestemming ingevolge h skema wat voorsiening maak vir –

- (a) openbare deelname soos vereis ingevolge die Regulasies op Regverdige Administratiewe Prosedures, 2002 (Staatskennisgewing No R.614 van 2002);
- (b) die evaluasie van h aansoek om h munisipaliteit se toestemming ingevolge h skema;
- (c) aangeleenthede tersaaklik by merietebepaling van h aansoek om h munisipaliteit se toestemming ingevolge h skema;
- (d) h besluit oor h aansoek om h munisipaliteit se toestemming ingevolge h skema moet binne h bepaalde tyd geneem word; en
- (e) h reg tot appèl tot die Appèltribunaal deur h persoon wat –
 - (i) aansoek gedoen het om die munisipaliteit se toestemming ingevolge h skema; of
 - (ii) skriftelike kommentaar ingedien het in reaksie op h uitnodiging vir openbare kommentaar op h aansoek om h munisipaliteit se toestemming ingevolge h skema.”

(10) Die LUR kan deur kennisgewing in die Koerant h munisipaliteit kwytsekeld van die bepalings van hoofstuk 7 van die Wet, indien hy of sy tevrede is dat die munisipaliteit h verordening aanvaar het vir die permanente sluiting van h munisipale pad of h openbare plek wat voorsiening maak vir –

- (a) openbare deelname soos vereis ingevolge die Regulasies op Regverdige Administratiewe Prosedures, 2002 (Staatskennisgewing No R.614 van 2002);
- (b) die evaluasie van h aansoek om die permanente sluiting van h munisipale pad of h openbare plek deur h geregistreerde beplanner;
- (c) aangeleenthede tersaaklik by merietebepaling van h aansoek om die permanente sluiting van h munisipale pad of h openbare plek;

(d) h besluit oor h aansoek die permanente sluiting van h munisipale pad of h openbare plek moet binne h bepaalde tyd geneem word;

(e) eienaarskap van h munisipale pad of h openbare plek na die permanente sluiting daarvan; en

(f) kompensasie vir persone wat h verlies of skade gely het as gevolg van die permanente sluiting van h munisipale pad of h openbare plek.”.

Wysiging van artikel 163 van Wet 6 van 2008

82. Artikel 163 van die Hoofwet word hiermee gewysig –

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

“(1) Enige handeling wat na bewering gedoen is deur die Premier, h lid van die Uitvoerende Raad van die provinsie, of enige werknemer van die provinsiale administrasie ingevolge h wet wat deur hierdie Wet herroep is, voor die inwerkingtreding van hierdie Wet, en wat ingevolge die herroepe wet gedoen kon word, indien dit nie was dat die herroepe wet nie van toepassing was op die betrokke gebied op daardie tydstip nie, moet [hanteer] beskou word as wettig gedoen ooreenkomstig die herroepe wet.”;

(b) deur die invoeging van die volgende subartikel na subartikel (1):

“(1B) Enige handeling wat na bewering gedoen is deur h munisipaliteit of enige werknemer van h munisipaliteit ingevolge h wet wat deur hierdie Wet herroep is, voor die inwerkingtreding van hierdie Wet, en wat ingevolge die herroepe wet gedoen kon word, indien dit nie was dat die herroepe wet nie van toepassing was op die betrokke gebied op daardie tydstip nie, moet beskou word as wettig gedoen ooreenkomstig die herroepe wet.”; en

(c) deur die vervanging van subartikel (2) deur die volgende subartikel:

“(2) Bylaes [3 tot 6] 3 tot 8 is van toepassing op die oorgang van die ou wetgewende orde na die nuwe wetgewende orde.”.

Wysiging van item 1 van bylae 1 by Wet 6 van 2008

83. Item 1 van bylae 1 by die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die opskrif van item 1 deur die volgende opskrif:

“Indien van aansoeke om wysiging van [munisipaliteit se] h skema, toestemming ingevolge h skema, onderverdeling of konsolidering van grond, ontwikkeling van grond geleë buite gebied van h skema, [en] verstelling, opskorting of skrapping van beperkings met betrekking tot grond, en permanente sluiting van munisipale pad of openbare plek”;

(b) deur die vervanging van subitem (1) deur die volgende subitem:

“(1) h Aansoek moet by h munisipaliteit ingedien word in wie se gebied daardie grond geleë is vir –

(a) die wysiging van [die munisipaliteit se] h skema;

(aA) toestemming ingevolge h skema;

(b) die onderverdeling of konsolidering van grond;

(c) die ontwikkeling van grond geleë buite die gebied van h skema;

[(d) die fasering of kansellering van goedgekeurde uitlegplan; of]

(e) die verstelling, opskorting of skrapping van beperkings met betrekking tot grond; of

(f) die permanente sluiting van h munisipale pad of h openbare plek.”; en

(c) deur die vervanging van paragraaf (c) van subitem (2) deur die volgende paragraaf:

“(c) bewys van geregistreerde eienaarskap en h afskrif van die eiendomsdiagram, tensy dié aansoek verband hou met h algemene wysiging aan die munisipaliteit se skema.”.

Wysiging van Item 3 van bylae 1 by Wet 6 van 2008

84. Item 3 van bylae 1 by die Hoofwet word hiermee gewysig deur die vervanging van subitem (3) deur die volgende subitem:

"(3) h Munisipaliteit kan besluit om h aansoek te verwerp op grond daarvan dat die inligting nie verskaf is nadat die munisipaliteit dit aangevra het nie en dat dit nodig was ten einde h ingeligte besluit te neem soos bedoel in artikel 6(2)(e)(iii) van die Wet op die Bevordering van Administratiewe Geregtigheid."

Wysiging van Item 5 van bylae 1 by Wet 6 van 2008

85. Item 5 van bylae 1 by die Hoofwet word hiermee gewysig –

(a) deur die invoeging van die volgende subitems na subitem (1) –

(1A) Openbare kennisgewing word nie vereis nie vir h aansoek om die wysiging aan h skema om –

(a) h spelfout te korrigeer;

(b) die korrekte toewysing van h erf deur die landmeter-generaal te weerspieël; of

(c) h verwysing na h wet, persoon, funksionaris, staatsorgaan, h instelling op te dateer; of

(d) h verwysing na h straat of pleknaam op te dateer.

(1B) Openbare kennisgewing word nie vereis nie vir h aansoek om die onderverdeling of konsolidering van grond –

(a) wat voortspruit uit h oorskryding of grensaanpassing wat opgelos by wyse van h skriftelike ooreenkoms of h hofbevel; of

(b) in h gebied gespesifiseer in h skema waar die gee van openbare kennis vir die onderverdeling of konsolidering van grond ooreenkomstig die bepalings van die skema nie vereis word soos bedoel in artikel 5(f) nie.

(1C) Openbare kennis word nie vereis nie vir –

(a) die instelling van h deeltitelskema ingevolge artikel 4(1) van die Wet op Deeltitels om dele te skep sonder onderverdeling wat nie die oprigting van enige nuwe geboue tot gevolg het nie;

(b) die verstelling, wysiging of vervanging van h deeltitelskema ingevolge artikel 14 van die Wet op Deeltitels om bykomende dele of eksklusiewe gebruik-gebiede te skep sonder onderverdeling wat nie die oprigting van enige nuwe geboue tot gevolg het nie; of

(c) die verstelling en die wysiging of vervanging van h deeltitelskema ingevolge artikel 14 van die Wet op Deeltitels om bykomende dele of eksklusiewe gebruik-gebiede te reserveer soos bedoel in artikel 25 van die Wet op Deeltitels sonder onderverdeling wat nie die oprigting van enige nuwe geboue tot gevolg het nie;

(1D) Openbare kennisgewing word nie vereis nie vir h aansoek om die verstelling, opskorting of skrapping van h beperking met betrekking tot grond –

(a) wat ten gunste is van h bepaalde persoon of h entiteit, indien daardie persoon of entiteit skriftelike toestemming gegee het vir die verstelling, opskorting of skrapping van die beperking met betrekking tot grond; of

(b) om –

(i) h spelfout te korrigeer;

(ii) die korrekte toewysing van h erf deur die landmeter-generaal te weerspieël;

(iii) h verwysing na h wet, persoon, funksionaris, of h entiteit op te dateer; of

(iv) die naam van h onderverdeling of ontwikkeling te verander."

(1E) Kennisgewing in h plaaslike koerant word nie vereis vir aansoeke om toestemming ingevolge h skema wat

- vrygestel is in h skema van kennisgewing in die koerant soos bedoel in artikel 5(eA) nie.; en
- (b) deur die vervanging van subitem (3) deur die volgende subitem:
- (3) Die datum vermeld in die kennisgewing vir die indien van kommentaar mag nie vroeër wees as 30 dae na die datum waarop die kennisgewing beteken, vertoon of gepubliseer is nie.

Wysiging van Item 6 van bylae 1 by Wet 6 van 2008

66. Item 6 van bylae 1 by die Hoofwet word hiermee gewysig –

- (a) deur die vervanging van paragraaf (b) van subitem (1) deur die volgende paragraaf:
- “(b) h kennisgewing bedoel in item 5(1) beteken op alle partye wat na die munisipaliteit se mening h belang by die aangeleentheid [mag hê] het, insluitend –
- (i) (aa) die eienaars van [grond binne 100 m van die erf grens] aangrensende erwe; [of]
 (bb) die voorsitter van h beheeriggaam wat die eienaars van [grond binne 100 m van die erf grens] aangrensende erwe verteenwoordig; [of]
 (cc) die voorsitter van h huiseienaarsvereniging wat die eienaars van [grond binne 100 m van die erf grens] aangrensende erwe verteenwoordig;
 (dd) die inwoners van aangrensende huise met betrekking tot grond waarop h tradisionele gemeenskap erken ingevolge artikel 2(5)(b) van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering wetlik woon; of
 (ee) die houers van langtermyn huurkontrakte of toestemming-om-te-okkupeer sertifikate vir aangrensende nie-residensiële grondgebruik met betrekking tot grond waarop h tradisionele gemeenskap erken ingevolge artikel 2(5)(b) van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering wetlik woon;
- (ii) die munisipale raadslid van die wyk waarin die erf geleë is; en
- (iii) staatsorgane met jurisdiksie in die aangeleentheid; en”;

(b) deur die invoeging van die volgende subartikels na subartikel (1):

“(1A) h Munisipaliteit moet, in plaas van persoonlike kennisgewing, h vergadering byeenroep om die publiek in kennis te stel van h aansoek –

- (a) indien h aansoek h aansoek is om h algemene wysiging aan h skema en dit onprakties is om –
 (i) kennisgewings op al die eiendomme wat geraak word, te vertoon; of
 (ii) kennisgewing te beteken op al die partye wat na die mening van h munisipaliteit h belang in die aangeleentheid het; of
- (b) indien persoonlike kennisgewing aan meer as 100 persone gegee moet word as gevolg van die grootte of vorm van h eiendom, of die aard van h titelvoorwaarde geregistreer teen h eiendom.

(1B) Dit is nie nodig vir h munisipaliteit om kennis aan eienaars van aanliggende erwe te gee –

- (a) wat nie geraak word deur h aansoek om die munisipaliteit se toestemming ingevolge h skema vir die verslapping van h boulyn, syspasie of agterspasie nie; of
- (b) wat nie geraak word deur h aansoek om die verstelling, opskorting of skrapping van h voorwaarde wat h boulyn, syspasie of agterspasie opleë nie;
- (c) indien h aansoek h aansoek is om die verstelling, opskorting of skrapping van h voorwaarde wat h serwituut opleë ten gunste van h staatsorgaan vir die verskaffing van stormwaterdreinerings, watervoorsiening, riool, elektrisiteit, gas- of brandstofvoorsiening, telekommunikasie, of radio- en televisiedienste, teen enige erf grens; of
- (d) indien h aansoek h aansoek is om die verstelling, opskorting of skrapping van h voorwaarde wat h serwituut opleë vir die verskaffing van stormwaterdreinerings, watervoorsiening, riool, elektrisiteit, gas- of

brandstofvoorsiening, telekommunikasie, of radio- en televisiedienste, teen enige erfgrens, wat nie ten gunste is van 'n bepaalde persoon of entiteit nie.

(1C) Dit is nie nodig nie vir 'n munisipaliteit om kennis te gee in 'n plaaslike koerant van 'n aansoek om –

(a) sy toestemming ingevolge 'n skema om 'n boulyn, syspasie, of agterspasie te verslap;

(b) die verstelling, opskorting of skraping van 'n beperking met betrekking tot grond wat 'n boulyn, syspasie, of agterspasie op te lê;

(c) die verstelling, opskorting of skraping van 'n voorwaarde wat 'n serwituut opleë ten gunste van 'n staatsorgaan vir die verskaffing van stormwaterdreinerings, watervoorsiening, riool, elektrisiteit, gas- of brandstofvoorsiening, telekommunikasie, of radio- en televisiedienste, teen enige erfgrens nie; of

(d) die verstelling, opskorting of skraping van 'n voorwaarde wat 'n serwituut opleë vir die verskaffing van stormwaterdreinerings, watervoorsiening, riool, elektrisiteit, gas- of brandstofvoorsiening, telekommunikasie, of radio- en televisiedienste, teen enige erfgrens, wat nie ten gunste is van 'n bepaalde persoon of entiteit nie.”; en

(c) deur die skraping van subitem (4).

Wysiging van Item 9 van bylae 1 by Wet 6 van 2008

87. Item 9 van bylae 1 by die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subitem (1) deur die volgende subitem:

“(1) Afskrifte van alle kommentaar ingedien by 'n munisipaliteit moet deur die munisipaliteit op die aansoeker beteken word binne 7 dae na die sluitingsdatum vir openbare kommentaar, saam met 'n kennisgewing wat die aansoeker inlig oor sy of haar regte ingevolge hierdie item.”; en

(b) deur die vervanging van subitem (2) deur die volgende subitem:

“(2) [Die] 'n Aansoeker kan, binne 'n tydperk van 21 dae vanaf die datum van betekening van die kommentaar [daarop] ontvang deur die munisipaliteit, 'n skriftelike antwoord [daarop] op die kommentaar by die munisipaliteit indien en 'n afskrif [daarvan] van die antwoord op [die] elke persoon wat kommentaar ingedien het, beteken.”.

Wysiging van Item 10 van bylae 1 by Wet 6 van 2008

88. Item 10 van bylae 1 by die Hoofwet word hiermee gewysig deur die vervanging van subitem (1) deur die volgende subitem:

“(1) 'n Munisipaliteit moet besluit of hy 'n terreininspeksie gaan hou binne 14 dae na –

(a) [ontvangs van die antwoord of kwytskelding vermeld in items 9(2) en 9(3)] verstryking van die 30 dae vir die indien van kommentaar vermeld in item 5(3), indien geen kommentaar ontvang is nie; [of]

(b) verstryking van die [tydperk vir indien van kommentaar] 21 dae vermeld in item 9(2) vir die aansoeker om op die kommentaar te reageer, indien die aansoeker nie gereageer het nie;

(c) ontvangs van die aansoeker se reaksie vermeld in item 9(2); of

(d) ontvangs van die kwytskelding van die reg om te reageer deur die aansoeker vermeld in item 9(2).”.

Wysiging van Item 11 van bylae 1 by Wet 6 van 2008

89. Item 11 van bylae 1 by die Hoofwet word hiermee gewysig deur die vervanging van subitem (1) deur die volgende subitem:

"(1) h Munisipaliteit moet besluit of h verhoor gehou moet word, binne 14 dae na –

(a) [ontvangs van die antwoord of kwytskelding vermeld in item 9(2) en (3)] verstryking van die 30 dae vir die indien van kommentaar vermeld in item 5(3). Indien geen kommentaar ontvang is nie; [of]

(b) verstryking van die [tydperk vir indien van kommentaar] 21 dae vermeld in item 9(2) vir die aansoeker om op die kommentaar te reageer. Indien die aansoeker nie gereageer het nie;

(c) ontvangs van die aansoeker se reaksie vermeld in item 9(2); of

(d) ontvangs van die kwytskelding van die reg om te reageer deur die aansoeker vermeld in item 9(2)."

Wysiging van Item 12 van bylae 1 by Wet 6 van 2008

90. Item 12 van bylae 1 by die Hoofwet word hiermee gewysig deur die vervanging van item 12 deur die volgende item:

"12. h Munisipaliteit moet tot h besluit kom oor [die] h aansoek binne –

(aA) 60 dae nadat hy h voltooide aansoek ontvang het, indien dit nie vereis was om openbare kennisgewing ingevolge die Wet te gee nie;

(a) 60 dae na die sluitingsdatum vir verhoër, indien die munisipaliteit nie h verhoor gehou het nie;

(b) 30 dae na die afsluiting van die verhoor, indien die munisipaliteit h verhoor gehou het; of

(c) sodanige verder tydperk as waartoe die aansoeker ooreenstem, welke tydperk nie meer mag wees nie as –

(i) 90 dae na die sluitingsdatum vir verhoër, indien die munisipaliteit nie h verhoor en meegaande inspeksie gehou het nie; of

(ii) 90 dae na die afsluiting van die verhoor en meegaande inspeksie."

Wysiging van Item 14 van bylae 1 by Wet 6 van 2008

91. Item 14 van bylae 1 by die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subitem (1) deur die volgende subitem:

"(1) h Munisipaliteit moet openbare kennis gee van [die voorstel] –

(a) h voorstel om h skema te aanvaar of te wysig;

(aA) h aansoek om toestemming ingevolge h skema;

(b) h aansoek om grond te onderverdeel of te konsolideer;

(c) h aansoek om grond te ontwikkel buite die gebied van h skema soos bedoel in hoofstuk 4;

[(d) vir die fasering of kansellering van h goedgekeurde uitlegplan bedoel in hoofstuk 5; of]

(e) h aansoek om die verstelling, opskorting of skapping van beperkings met betrekking tot grond; of

(f) h aansoek om die permanente sluiting van h munisipale pad of h openbare plek."

(b) deur die invoeging van die volgende subitems na subitem (1) van item 14:

"(1A) Openbare kennisgewing word nie vereis nie vir h aansoek om die wysiging aan h skema om –

(a) h spelfout te korrigeer;

(b) die korrekte toewysing van h erf deur die landmeter-generaal te weerspieël; of

(c) h verwysing na h wet, persoon, funksionaris, staatsorgaan, h instelling op te dateer; of

(d) h verwysing na h straat of pleknaam op te dateer.

(1B) Openbare kennisgewing word nie vereis nie vir h aansoek om die onderverdeling of konsolidering van grond –

(a) wat voortspruit uit h oorskryding of grensaanpassing wat opgelos is by wyse van h skriftelike

ooreenkoms of 'n hofbevel; of

(b) in 'n gebied gespesifiseer in 'n skema waar die gee van openbare kennis vir die onderverdeling of konsolidering van grond ooreenkomstig die bepalings van die skema nie vereis word soos bedoel in artikel 5(f) nie.

(1C) Openbare kennis word nie vereis nie vir –

(a) die instelling van 'n deeltitelskema ingevolge artikel 4(1) van die Wet op Deeltitels om dele te skep sonder onderverdeling wat nie die oprigting van enige nuwe geboue tot gevolg het nie;

(b) die verstelling, wysiging of vervanging van 'n deeltitelskema ingevolge artikel 14 van die Wet op Deeltitels om bykomende dele of eksklusiewe gebruik-gebiede te skep sonder onderverdeling wat nie die oprigting van enige nuwe geboue tot gevolg het nie; of

(c) die verstelling en die wysiging of vervanging van 'n deeltitelskema ingevolge artikel 14 van die Wet op Deeltitels om bykomende dele of eksklusiewe gebruik-gebiede te reserveer soos bedoel in artikel 25 van die Wet op Deeltitels sonder onderverdeling wat nie die oprigting van enige nuwe geboue tot gevolg het nie.

(1D) Openbare kennisgewing word nie vereis nie vir 'n aansoek om die verstelling, opskorting of skraping van 'n beperking met betrekking tot grond –

(a) wat ten gunste is van 'n bepaalde persoon of 'n entiteit, indien daardie persoon of entiteit skriftelike toestemming gegee het vir die verstelling, opskorting of skraping van die beperking met betrekking tot grond; of

(b) om –

(i) 'n spelfout te korreger;

(ii) die korrekte toewysing van 'n erf deur die landmeter-generaal te weerspieël;

(iii) 'n verwysing na 'n wet, persoon, funksionaris, of 'n entiteit op te dateer; of

(iv) die naam van 'n onderverdeling of ontwikkeling te verander.”

(1E) Kennisgewing in 'n plaaslike koerant word nie vereis vir aansoeke om toestemming ingevolge 'n skema wat voorgestel is in 'n skema van kennisgewing in die koerant soos bedoel in artikel 5(eA) nie.”;

(c) deur die vervanging van paragraaf (a) van subitem (2) deur die volgende paragraaf:

“(a) die grond identifiseer waarop die [voorstel] aansoek betrekking het, en indien daardie grond 'n erf is –

(i) die fisiese adres van die erf meld, of, indien die erf geen fisiese adres het nie, 'n liggingskaart van die erf voorsien; en

(ii) die eiendomsbeskrywing van die erf gee;” en

(d) deur die vervanging van subitem (3) deur die volgende subitem:

“(3) Die datum vermeld in die kennisgewing vir die indien van kommentaar mag nie vroeër wees as 30 dae na die datum waarop die kennisgewing beteken, vertoon of gepubliseer is nie.”.

Wysiging van Item 15 van bylae 1 by Wet 6 van 2008

92. Item 15 van bylae 1 by die Hoofwet word hiermee gewysig –

(a) deur die vervanging van paragraaf (b) van subitem (1) deur die volgende paragraaf:

“(b) 'n kennisgewing bedoel in item 5(1) op alle partye wat na die munisipaliteit se mening 'n belang in die aangeleentheid [mag hê] het, insluitend –

(i) (aa) die eienaars van [grond binne 100 m van die erf grens] aangrensende erwe[.]; [of]

(bb) die voorsitter van 'n beheerliggaam wat die eienaars van [grond binne 100 m van die

erfgrens] aangrensende erwe verteenwoordig; [of]

(cc) die voorsitter van 'n huiseienaarsvereniging wat die eienaars van [grond binne 100 m van die erfgrens] aangrensende erwe verteenwoordig;

(dd) die inwoners van aangrensende huise met betrekking tot grond waarop 'n tradisionele gemeenskap erken ingevolge artikel 2(5)(b) van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering wetlik woon; of

(ee) die houers van langtermyn huurkontrakte of toestemming-om-te-okkupeer sertifikate vir aangrensende nie-residensiële grondgebruik met betrekking tot grond waarop 'n tradisionele gemeenskap erken ingevolge artikel 2(5)(b) van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering wetlik woon;

(ii) die munisipale raadslid van die wyk waarin die erf geleë is; en

(iii) staatsorgane met jurisdiksie in die aangeleentheid; en”;

(b) deur die vervanging van paragraaf (c) van subitem (1) deur die volgende paragraaf:

“(c) openbare kennis gee van die voorgestelde handeling in 'n plaaslike koerant [met sirkulasie in die betrokke gebied] wat hy as sy koerant van rekord bepaal het soos bedoel in artikel 21(1)(b) van die Wet op Munisipale Stelsels, op 'n dag van die week wat die munisipaliteit as die dag van die week vir die publikasie van kennisgewings ingevolge hierdie Wet bepaal het, en in 'n taal wat hy ingevolge artikel 21(2) van die Wet op Munisipale Stelsels as sy amptelike taal bepaal het.”;

(c) deur die invoeging van die volgende subitems na subitem (1):

“(1A) 'n Munisipaliteit moet, in plaas van persoonlike kennisgewing, 'n vergadering byeenroep om die publiek in kennis te stel van 'n aansoek –

(a) indien 'n aansoek 'n aansoek is om 'n algemene wysiging aan 'n skema en dié onprakties is om –

(i) kennisgewings op al die eiendomme wat geraak word, te vertoon; of

(ii) kennisgewing te beteken op al die partye wat na die mening van 'n munisipaliteit 'n belang in die aangeleentheid het; of

(b) indien persoonlike kennisgewing aan meer as 100 persone gegee moet word as gevolg van die grootte of vorm van 'n eiendom, of die aard van 'n titelvoorwaarde geregistreer teen 'n eiendom.

(1B) Dit is nie nodig vir 'n munisipaliteit om kennis aan eienaars van aanliggende erwe te gee –

(a) wat nie geraak word deur 'n aansoek om die munisipaliteit se toestemming ingevolge 'n skema vir die verslapping van 'n boulyn, sypasie of agterspasie nie; of

(b) wat nie geraak word deur 'n aansoek om die verstelling, opskorting of skraping van 'n voorwaarde wat 'n boulyn, sypasie of agterspasie opleë nie;

(c) indien 'n aansoek 'n aansoek is om die verstelling, opskorting of skraping van 'n voorwaarde wat 'n serwituuat opleë ten gunste van 'n staatsorgaan vir die verskaffing van stormwaterdreinerings, watervoorsiening, riool, elektrisiteit, gas- of brandstofvoorsiening, telekommunikasie, of radio- en televisiedienste, teen enige erfgrens; of

(d) indien 'n aansoek 'n aansoek is om die verstelling, opskorting of skraping van 'n voorwaarde wat 'n serwituuat opleë vir die verskaffing van stormwaterdreinerings, watervoorsiening, riool, elektrisiteit, gas- of brandstofvoorsiening, telekommunikasie, of radio- en televisiedienste, teen enige erfgrens, wat nie ten gunste is van 'n bepaalde persoon of entiteit nie.

(d) indien 'n aansoek 'n aansoek is om die verstelling, opskorting of skraping van 'n voorwaarde wat 'n serwituuat opleë vir die verskaffing van stormwaterdreinerings, watervoorsiening, riool, elektrisiteit, gas- of brandstofvoorsiening, telekommunikasie, of radio- en televisiedienste, teen enige erfgrens, wat nie ten gunste is van 'n bepaalde persoon of entiteit nie.

(1C) Dit is nie nodig nie vir 'n munisipaliteit om kennis te gee in 'n plaaslike koerant van 'n aansoek om –

- (a) sy toestemming ingevolge h skema om h boulyn, syspasie, of agterspasie te verslap;
 (b) die verstelling, opskorting of skrapping van h beperking met betrekking tot grond wat h boulyn, syspasie, of agterspasie op te lê;
 (c) die verstelling, opskorting of skrapping van h voorwaarde wat h serwituut opleë ten gunste van h staatsorgaan vir die verskaffing van stormwaterdreinerings, watervoorsiening, riool, elektrisiteit, gas- of brandstofvoorsiening, telekommunikasie, of radio- en televisiedienste, teen enige erfgrens nie; of
 (d) die verstelling, opskorting of skrapping van h voorwaarde wat h serwituut opleë vir die verskaffing van stormwaterdreinerings, watervoorsiening, riool, elektrisiteit, gas- of brandstofvoorsiening, telekommunikasie, of radio- en televisiedienste, teen enige erfgrens, wat nie ten gunste is van h bepaalde persoon of entiteit nie.”; en

(d) deur die skrapping van subitem (2).

Wysiging van Item 17 van bylae 1 by Wet 6 van 2008

93. Item 17 van bylae 1 by die Hoofwet word hiermee gewysig deur die vervanging van item 17 deur die volgende item:

Wysigings aan voorstel of aansoek voor goedkeuring

17.(1) Die munisipaliteit kan [sy] voorstel of h aansoek te eniger tyd wysig nadat kennis daarvan gegee is, maar voor die goedkeuring daarvan.

(2) h Munisipaliteit moet kennis gee van die wysiging aan alle persone wat kommentaar op die voorstel of h aansoek gelewer het en aan daardie persone nie minder nie as 14 dae gee om bykomende kommentaar te lewer.

(3) h Munisipaliteit moet weer openbare kennis gee van [die] h voorstel of h aansoek indien die wysiging bedoel in hierdie item belangrik is.”.

Wysiging van Item 18 van bylae 1 by Wet 6 van 2008

94. Item 18 van bylae 1 by die Hoofwet word hiermee gewysig deur die vervanging van item 18 deur die volgende item:

“18. h Munisipaliteit kan, binne h tydperk van [28] 21 dae vanaf die sluitingsdatum vir openbare kommentaar, h skriftelike antwoord [daarop] indien [by die persoon wat kommentaar ingedien het] aan elke persoon wat skriftelike kommentaar op h voorstel of h aansoek ingedien het.”.

Wysiging van Item 19 van bylae 1 by Wet 6 van 2008

95. Item 19 van bylae 1 by die Hoofwet word hiermee gewysig deur die vervanging van subitem (1) deur die volgende subitem:

“(1) h Munisipaliteit kan, tydens gewone besigheidsure of te enige ander redelike tyd, grond of h gebou betree met betrekking tot h voorstel of h aansoek wat voor die munisipaliteit dien met die oog op beslissing van die voorstel of aansoek.”.

Wysiging van Item 20 van bylae 1 by Wet 6 van 2008

96. Item 20 van bylae 1 by die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die opskrif van item 20 van bylae 1 deur die volgende opskrif:

"Openbare verhoor [en meegaande inspeksie]"

(b) deur die vervanging van subitem (1) deur die volgende subitem:

"(1) 'n Munisipaliteit moet besluit of 'n verhoor gehou moet word, binne [21] 14 dae na verstryking van die tydperk vir indien van kommentaar."; en

(c) deur die vervanging van subitem (2) deur die volgende subitem:

"(2) Die verhoordatum moet vasgestel word binne 60 dae vanaf die inwerkingtreding van die [21] 14 dae-tydperk vermeld in hierdie item."

Wysiging van Item 21 van bylae 1 by Wet 6 van 2008

97. Item 21 van bylae 1 by die Hoofwet word hiermee gewysig deur die vervanging van item 21 deur die volgende item –

"21. 'n Munisipaliteit moet oor [tot 'n besluit kom aangaande die] 'n voorstel of aansoek beslis binne [90 dae na die] –

(aA) 60 dae na sy besluit om 'n aansoek te inisieer, indien dit nie vereis was om openbare kennisgewing ingevolge die Wet te gee nie;

(a) 60 dae na die sluitingsdatum vir vertoë, indien [die munisipaliteit] hy nie 'n verhoor en meegaande inspeksie gehou het nie; of

(b) 30 dae na die afsluiting van die verhoor en meegaande inspeksie, indien [die munisipaliteit] hy 'n verhoor gehou het."

Wysiging van bylae 2 by Wet 6 van 2008

98. Bylae 2 by die Hoofwet word hiermee gewysig deur die invoeging van die volgende item:

No. 25 van 1974	Die Ordonnansie op Plaaslike Owerhede, 1974	Artikels 211 en 212
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Wysiging van die opskrif van bylae 3 by Wet 6 van 2008

99. Die opskrif van bylae 3 by die Hoofwet word hiermee gewysig deur die vervanging van die opskrif deur die volgende opskrif:

"BYLAE 3

OORGANGSMAATREËLS VIR DIE ORDONNANSIE OP DIE UITGEBREIDE BEVOEGDHEDE VAN PIETERMARITZBURG,

1936

(Artikel [171(2)]163(2))"

Wysiging van Item 1 van bylae 3 by Wet 6 van 2008

100. Item 1 van bylae 3 by die Hoofwet word hiermee gewysig deur die vervanging van item 1 deur die volgende item:

"1.(1) 'n Onderverdeling of uitlegplan van grond goedgekeur ingevolge artikel 18(1)(a) van die Ordonnansie op die Uitgebreide Bevoegdhede van Pietermaritzburg, 1936 (Ordonnansie No. 14 van 1936), moet [hanteer] beskou word as 'n goedgekeurde onderverdeling van grond ingevolge artikel 26(1)(a) van hierdie Wet.

(2) Vir die doeleindes van artikel 49(1A) van die Wet is die inwerkingtreedingsdatum van goedkeuring van 'n onderverdeling van grond goedgekeur ingevolge artikel 18(1)(a) van die Ordonnansie op die Uitgebreide Bevoegdhede van Pietermaritzburg, 1936 (Ordonnansie No. 14 van 1936) die datum van goedkeuring daarvan."

Wysiging van die opskrif van bylae 4 by Wet 6 van 2008

101. Die opskrif van bylae 4 by die Hoofwet word hiermee gewysig deur die vervanging van die opskrif deur die volgende opskrif:

"BYLAE 4

OORGANGSMAATREËLS VIR ORDONNANSIE

(Artikel [171(2)]163(2))"

Wysiging van Item 1 van bylae 4 by Wet 6 van 2008

102. Item 1 van bylae 4 by die Hoofwet word hiermee gewysig deur die vervanging van item 1 deur die volgende item:

"1. (1) h Ontwikkeling goedgekeur ingevolge artikel 11(4) van die Ordonnansie moet [hanteer] beskou word as h ontwikkeling goedgekeur ingevolge artikel 43(1)(a) van hierdie Wet.

(2) Vir die doeleindes van artikel 49(1A) van die Wet is die inwerkingtreedingsdatum van goedkeuring van h ontwikkeling goedgekeur ingevolge artikel 11(4) van die Ordonnansie die datum van goedkeuring daarvan."

Wysiging van Item 3 van bylae 4 by Wet 6 van 2008

103. Item 3 van bylae 4 by die Hoofwet word hiermee gewysig –

(a) deur die vervanging van subitem 3(1) deur die volgende subitem:

"(1) h Dorp goedgekeur ingevolge artikel 23 of 33(4) van die Ordonnansie moet [hanteer] beskou word as [h goedgekeurde] h onderverdeling van grond goedgekeur ingevolge artikel 26(1)(a) van hierdie Wet."; en

(b) deur die invoeging van die volgende subitem na subitem (1):

"(1A) Vir die doeleindes van artikel 37(1) en (2) van die Wet is die inwerkingtreedingsdatum van goedkeuring van h dorp goedgekeur ingevolge artikel 23 of 33(4) van die Ordonnansie die datum van goedkeuring daarvan."

Wysiging van Item 4 van bylae 4 by Wet 6 van 2008

104. Item 4 van bylae 4 by die Hoofwet word hiermee gewysig deur die vervanging van item 4 deur die volgende item:

"4. (1) Die bepalings van h dorpebeplanningskema aanvaar, ingetrek, verstel of gewysig ingevolge artikel 47bis(4)(a) of artikel 47bisA(4) van die Ordonnansie moet [hanteer] beskou word as h skema wat aanvaar is ingevolge artikel 13(1)(a) van hierdie Wet.

(2) h Bepaling van h dorpebeplanningskema aanvaar ingevolge artikel 47bis(4)(a) of artikel 47bisA(4) van die Ordonnansie, wat voorsiening maak vir –

(a) die toestemming van h munisipaliteit ingevolge artikel 47(2)(a) van die Ordonnansie;

(b) die spesiale toestemming van h munisipaliteit ingevolge artikel 67bis van die Ordonnansie; of

(c) die goedkeuring van h munisipaliteit,

moet hanteer word as h bepaling van die skema wat voorsiening maak vir die toestemming van h munisipaliteit ingevolge h skema bedoel in artikel 5(d)(i) van hierdie Wet.

(3) Enige bepaling in h dorpebeplanningskema aanvaar ingevolge artikel 47bis(4)(a) of artikel 47bisA(4) van die Ordonnansie, wat die goedkeuring van h munisipaliteit vereis, moet hanteer word as h bepaling van die skema wat die toestemming van h munisipaliteit ingevolge h skema bedoel in artikel 5(d)(ii) van hierdie Wet vereis."

Wysiging van item 7 van bylae 4 by Wet 6 van 2008

105. Item 7 van bylae 4 by die Hoofwet word hiermee gewysig deur die vervanging van item 7 deur die volgende item:

"7. (1) h Goedkeuring vir spesiale toestemming ingevolge artikel 67bis van die Ordonnansie moet **[hanteer] beskou** word as toestemming deur h munisipaliteit om grond te ontwikkel ingevolge die bepalings van h skema.

(2) Vir die doeleindes van artikel 16A(1) van die Wet is die inwerkingtreedingsdatum van h munisipaliteit se spesiale toestemming bedoel in artikel 67bis van die Ordonnansie –

(a) die datum van verstryking van die 28 dae-tydperk vermeld in artikel 67ter van die Ordonnansie, indien geen appèl aangeteken is teen die munisipaliteit se besluit nie; of

(b) die datum waarop die appèl afgehandel is, indien h appèl teen die munisipaliteit se besluit ingevolge artikel 67ter van die Ordonnansie aangeteken is."

Wysiging van die opskrif van bylae 5 by Wet 6 van 2008

106. Die opskrif van bylae 5 by die Hoofwet word hiermee gewysig deur die vervanging van die opskrif deur die volgende opskrif:

"BYLAE 5

OORGANGSMAATREËLS VIR WET OP OPHEFFING VAN BEPERKINGS EN SKRAPPING VAN SEKERE BEPERKINGS
MET BETREKKING TOT GROND DEUR REGSWERKING

ORDONNANSIE, 1936

(Artikel [171(2)]163(2))"

Wysiging van item 1 van bylae 5 by Wet 6 van 2008

107. Item 1 van bylae 5 by die Hoofwet word hiermee gewysig deur die vervanging van item 1 deur die volgende item:

"1. h Aansoek om die verstelling, opskorting of opheffing van h beperking met betrekking tot grond goedgekeur ingevolge artikel 4(2) van die Wet op Opheffing van Beperkings moet **[hanteer] beskou** word as die verstelling, opskorting of skraping van h beperking met betrekking tot grond, goedgekeur ingevolge artikel **[72(1)(a)] 65(1)(a)** van hierdie Wet.

Wysiging van item 3 van bylae 5 by Wet 6 van 2008

108. Item 3 van bylae 5 by die Hoofwet word hiermee gewysig deur die vervanging van item 3 deur die volgende item:

"3.(1) h Voorwaarde geregistreer teen h akte wat in die aktekantoor geregistreer is, wat ten gunste is van die Minister van Lande, die Minister van Bantoe-administrasie en Ontwikkeling, die Minister van Samewerking en Ontwikkeling, die Minister van Ontwikkelingshulp, die KwaZulu Minister van Binneland, die Minister van Grondsake, die Administrateur, [ten gunste van] die Premier, [ten gunste van] die verantwoordelike lid van die KwaZulu-Natal Uitvoerende Raad bedoel in artikel 1 van die Ordonnansie, h plaaslike owerheid, h munisipaliteit, [ten gunste van] die algemene publiek of nie ten gunste van h bepaalde persoon of entiteit nie, en wat –

(a) onderverdeling van [die] h eiendom verbied;

(b) die gebruik van [die] h eiendom beperk tot [n] die oprigting van nie meer nie as een woonhuis [of residensiële doeleindes];

(bA) die gebruik van h eiendom beperk tot residensiële doeleindes;

(c) die oprigting van h huurkasene, losieshuis, hotel of woonstelblok op [die] h eiendom verbied;

(cA) die gebruik van h eiendom vir handels- of besigheidsdoeleindes verbied;

(d) vereis dat die mure van geboue gebou moet wees van baksteen, steen, beton of ander permanente en vuurvaste materiaal;

(e) die konstruksie van geboue van yster of asbesplate of soortgelyke materiaal geheg aan h raamwerk van hout

of metaal verbied;
 (f) die konstruksie van 'n dak van golfyster of 'n ander soort yster verbied; of
 (g) die voorlegging van bouplanne vereis,
 word geskrap met ingang van die inwerkingtreding van hierdie Wet.

(2) 'n Voorwaardê van goedkeuring vir 'n aansoek om ontwikkeling ingevolge artikel 11(4) van die Ordonnansie vir 'n aansoek om die Administrateur se besluit dat 'n voorgestelde dorp nodig is vir ontwikkelingsdoeleindes en wenslik is vir openbare belang ingevolge artikel 11bis(3)(a) van die Ordonnansie of aansoek om dorpstigting ingevolge artikel 16 van die Ordonnansie wat van die aansoeker vereis om 'n voorwaarde teen die grond te registreer wat –

(a) onderverdeling van [die] 'n eiendom verbied;
 (b) die gebruik van [die] 'n eiendom beperk tot [n] die oprigting van nie meer as een woonhuis [of residensiële doeleindes] nie;
 (bA) die gebruik van 'n eiendom tot residensiële doeleindes beperk;
 (c) die oprigting van 'n huurkaseme, losieshuis, hotel of woonstelblok op [die] 'n eiendom verbied;
 (cA) die gebruik van 'n eiendom vir handels- of besigheidsdoeleindes verbied;
 (d) vereis dat die mure van geboue gebou moet wees van baksteen, steen, beton of ander permanente en vuurvaste materiaal;
 (e) die konstruksie van geboue van yster of asbesplate of soortgelyke materiaal geheg aan 'n raamwerk van hout of metaal verbied;
 (f) die konstruksie van 'n dak van golfyster of 'n ander soort yster verbied; of
 (g) die voorlegging van bouplanne vereis,
 word geskrap met ingang van die inwerkingtreding van hierdie Wet.

(3) 'n Voorwaarde opgelê ingevolge regulasie 9(2) van die Regulasies vir die Administrasie en Beheer van Dorpe in Swart Gebiede, 1962 (Regulasie R293 van 1962) uitgevaardig ingevolge artikels 6(2) en 25(1) van die Wet op Swart Administrasie, 1927 (Wet No. 38 van 1927) wat –

(a) onderverdeling van 'n eiendom verbied;
 (b) die gebruik van 'n eiendom beperk tot die oprigting van nie meer as een woonhuis nie;
 (c) die gebruik van 'n eiendom tot residensiële doeleindes beperk;
 (d) die oprigting van 'n huurkaseme, losieshuis, hotel of woonstelblok op 'n eiendom verbied;
 (e) die gebruik van 'n eiendom vir handels- of besigheidsdoeleindes verbied;
 (f) vereis dat die mure van geboue gebou moet wees van baksteen, steen, beton of ander permanente en vuurvaste materiaal;
 (g) die konstruksie van geboue van yster of asbesplate of soortgelyke materiaal geheg aan 'n raamwerk van hout of metaal verbied;
 (h) die konstruksie van 'n dak van golfyster of 'n ander soort yster verbied; of
 (i) die voorlegging van bouplanne vereis,
 word geskrap met ingang van die inwerkingtreding van hierdie Wet.

Wysiging van die opskrif van bylae 6 by Wet 6 van 2008

109. Die opskrif van bylae 6 by die Hoofwet word hiermee gewysig deur die vervanging van die opskrif deur die volgende opskrif:

“BYLAE 6

OORGANGSMAATREËLS VIR DIE KONSOLIDERINGSORDONNANSIE OP DIE UITGEBREIDE BEVOEGHEDHE VAN
 DURBAN, 1976

(artikel [171(2)]163(2))”

Wysiging van Item 1 van bylae 6 by Wet 6 van 2008

110. Item 1 van bylae 6 by die Hoofwet word hiermee gewysig deur die vervanging van item 1 deur die volgende item:

"1.(1) h Konsolidering van grond goedgekeur ingevolge artikel 143(1) van die Konsolideringsordonnansie op die Uitgebreide Bevoegdhede van Durban, 1976, (Ordonnansie No. 18 van 1976), moet [hanteer] beskou word as h goedgekeurde konsolidering van grond ingevolge artikel 26(1)(a) van hierdie Wet.

(2) Vir die doeleindes van artikel 49(1A) van die Wet is die inwerkingtreedingsdatum van goedkeuring van h konsolidering van grond goedgekeur ingevolge artikel 143(1) van die Konsolideringsordonnansie op die Uitgebreide Bevoegdhede van Durban, 1976, die datum van goedkeuring daarvan."

Wysiging van Item 2 van bylae 6 by Wet 6 van 2008

111. Item 2 van bylae 6 by die Hoofwet word hiermee gewysig deur die vervanging van item 2 deur die volgende item:

1.(1) h Onderverdeling van grond goedgekeur ingevolge artikel 144(1) van die Konsolideringsordonnansie op die Uitgebreide Bevoegdhede van Durban, 1976, (Ordonnansie No. 18 van 1976), moet [hanteer] beskou word as h goedgekeurde onderverdeling van grond ingevolge artikel 26(1)(a) van hierdie Wet.

(2) Vir die doeleindes van artikel 49(1A) van die Wet is die inwerkingtreedingsdatum van goedkeuring van h konsolidering van grond goedgekeur ingevolge artikel 144(1) van die Konsolideringsordonnansie op die Uitgebreide Bevoegdhede van Durban, 1976, die datum van goedkeuring daarvan."

Invoeging van bylaes 7 en 8

112. Die Hoofwet word hiermee gewysig deur die invoeging van die volgende bylaes na bylae 6:

"BYLAE 7**QORGANGSMAATREËLS VIR DIE WET OP MINDER FORMELE DORPS TIGTING**

(Artikel 163(2))

Verstryking van goedkeuring vir minder formele vestiging of minder formele dorp

1.(1) Die Administrateur se goedkeuring vir die toewysing van grond vir minder formele vestigings soos bedoel in artikel 3(1) van die Wet op Minder Formele Dorpstigting of goedkeuring om h minder formele dorp te vestig soos bedoel in artikel 14(1)(a) en 19(1) van die Wet op Minder Formele Dorpstigting verstryk indien die dorpregister vir die minder formele vestiging of minder formele dorp nie teen 1 Maart 2015 deur die registrateur van aktes geopen word nie.

(2) Indien die regte verleen deur die Administrateur ingevolge artikels 3(1), 14(1)(a) of 19(1) van die Wet op Minder Formele Dorpstigting nie ten volle teen 1 Maart 2015 uitgeoefen is nie, en die munisipaliteit is van mening dat die ontwikkeling nie voltooi sal wees binne h redelike tydperk nie, kan hy h kennisgewing op die eienaar van die grond beteken wat –

(a) die eienaar waarsku dat hy die kansellasië van die deel van die goedgekeurde uitlegplan waarvoor die regte nie ten volle uitgeoefen is nie, kan inisieer; en

(b) die tydperk waarin die regte ten volle uitgeoefen moet wees, spesifiseer.

(3) Die munisipaliteit kan h kennisgewing bedoel in subartikel (3) te eniger tyd onttrek voor die verstryking van die tydperk

daarin bepaal.

(4) n Kennisgewing vermeld in subartikel (3) is van nul en gener waarde indien die munisipaliteit versuim om die kansellasië van die deel van die goedgekeurde uitlegplan waarvoor die regte nie ten volle uitgeoefen is nie, binne n tydperk van ses maande na die verstryking van die tydperk bedoel in die kennisgewing te inisier.

BYLAE 8

OORGANGSMAATREËLS VIR DIE WET OP ONTWIKKELINGSFASILITERING

(Artikel 163(2))

Verstryking van goedkeuring van aansoek om grondontwikkeling

1.(1) Die goedkeuring van n aansoek om grondontwikkeling deur die Ontwikkelingstribunaal ingevolge artikel 33(1) of 51(1) van die Wet op Ontwikkelingsfasilitering verstryk indien die aansoeker versuim om teen 1 Maart 2015 met die ontwikkeling van grond te begin.

(2) Indien die regte verleen deur die Ontwikkelingstribunaal ingevolge artikel 33(1) of 51(1) van die Wet op Ontwikkelingsfasilitering nie teen 1 Maart 2015 ten volle uitgeoefen is nie, en die munisipaliteit is van mening dat die ontwikkeling nie binne n redelike tydperk voltooi sal wees nie, kan hy n kennisgewing op die eienaar van die grond beteken wat –

(a) die eienaar waarsku dat hy die kansellasië van die deel van die goedgekeurde uitlegplan waarvoor die regte nie ten volle uitgeoefen is nie, kan inisier; en

(b) die tydperk waarin die regte ten volle uitgeoefen moet wees, spesifiseer.

(3) Die munisipaliteit kan n kennisgewing bedoel in subartikel (3) te eniger tyd onttrek voor die verstryking van die tydperk daarin bepaal.

(4) n Kennisgewing vermeld in subartikel (3) is van nul en gener waarde indien die munisipaliteit versuim om die kansellasië van die deel van die goedgekeurde uitlegplan waarvoor die regte nie ten volle uitgeoefen is nie, binne n tydperk van ses maande na die verstryking van die tydperk bedoel in die kennisgewing te inisier."

Vervanging van sekere uitdrukkings van Wet 6 van 2008

113. Die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die uitdrukking "moet hanteer word as", waar dit ook al voorkom, deur die uitdrukking "moet beskou word as"; en

(b) deur die vervanging van die uitdrukking "verantwoordelike lid van die Uitvoerende Raad", waar dit ook al voorkom, deur die uitdrukking "LUR".

Kort titel en Inwerkingtreding

114. Hierdie Wet word genoem die KwaZulu-Natal Wysigingswet op Beplanning en Ontwikkeling, 2010.

MEMORANDUM OOR DIE OOGMERKE VAN DIE KWAZULU-NATAL WYSIGINGSWETSONTWERP OP DIE WET OP BEPLANNING EN ONTWIKKELING

1. AGTERGROND

Die oogmerk van die KwaZulu-Natal Wysigingswetsontwerp op Beplanning en Ontwikkeling (hierna na verwys as die Wetsontwerp) is om die KwaZulu-Natal Wet op Beplanning en Ontwikkeling, 2008 (Wet No. 6 van 2008) (hierna na verwys as die Hoofwet) te wysig.

Die wysigings kan soos volg opgesom word:

- (a) Wysigings aan die Hoofwet om voorsiening te maak vir die verleen van toestemming ingevolge 'n skema. Wysigings sluit in die prosedure wat gevolg moet word wanneer aansoek gedoen word om die verlening van toestemming ingevolge 'n skema, 'n reg tot appèl deur 'n benadeelde persoon teen 'n besluit deur 'n munisipaliteit rakende 'n aansoek om sy toestemming ingevolge 'n skema, die verstryking van toestemming ingevolge 'n skema, die aard van 'n munisipaliteit se toestemming ingevolge 'n skema, en oorgangsmaatreëls vir 'n munisipaliteit se spesiale toestemming ingevolge 'n skema bedoel in die Dorpbeplanningsordonnansie, 1949 (Ordonnansie No. 27 van 1949);
- (b) Wysigings aan die Hoofwet om voorsiening te maak vir die sluiting van munisipale paaie en openbare plekke. Wysigings sluit in die prosedure wat gevolg moet word wanneer aansoek gedoen word om die sluiting van 'n munisipale pad of 'n openbare plek, die oordrag van die grond nadat 'n munisipale pad of 'n openbare plek gesluit is en kompensasie vir die sluiting van 'n munisipale pad of 'n openbare plek;
- (c) Wysigings aan die Wet om die aangeleenthede te rasionaliseer wat 'n munisipaliteit moet oorweeg wanneer hy 'n aansoek oorweeg ingevolge die Wet;
- (d) Wysigings aan die Hoofwet om 'n aansoek te vereis wanneer grond per deeltitel ontwikkel word. Dit was voorheen moontlik om die Wet op Deeltitels, 1986 (Wet No. 95 van 1986) te gebruik om beplannings- en ontwikkelingsgoedkeuring te omseil, insluitend die impak van 'n ontwikkeling op die omliggende gebied en op die verskaffing van dienste;
- (e) 'n Wysiging aan die Hoofwet om 'n aansoek te vereis vir die konsolidering van ongeregistreerde erwe;
- (f) Wysigings aan die Hoofwet om die las van openbare konsultasie deur 'n munisipaliteit te verminder. Wysigings sluit persoonlike kennisgewing in aan die eienaars van aangrensende erwe in plaas van aan eienaars binne 100 m vanaf 'n eiendom en die eliminering van onnodige openbare konsultasie (byvoorbeeld, kennisgewing in 'n koerant word nie langer vereis vir die verslapping van 'n boulyn nie);
- (g) Wysigings aan die Hoofwet om van 'n munisipaliteit te vereis om 'n aansoeker in te lig of kommentaar ontvang is in reaksie op 'n uitnodiging vir publieke kommentaar;
- (h) Wysigings aan die Hoofwet om die inwerkingtreedingsdatum van 'n munisipaliteit se besluit aangaande 'n aansoek te vervroeg, afhangende of enige kommentaar van die publiek ontvang is in reaksie op 'n aansoek en of die aansoeker sy of haar reg om teen die munisipaliteit se besluit te appelleer, laat vaar het;
- (i) Wysigings aan die Hoofwet om voorsiening te maak vir die latere verlening van toestemming ingevolge 'n skema;
- (j) Wysigings aan die Hoofwet om voorsiening te maak vir die latere goedkeuring van die permanente sluiting van 'n munisipale pad of openbare plek;
- (k) Die skraping van die vereiste dat onwettige ontwikkeling gestaak moet word totdat dit bekend is of 'n aansoek om die onwettige ontwikkeling te regulariseer, goedgekeur is;
- (l) Wysigings aan die Hoofwet om 'n munisipaliteit in staat te stel om die ontwikkeling, onderverdeling en konsolidasie van grond wat hy in die proses is om te verkry, te hanteer;
- (m) Wysigings aan die Hoofwet om die verhouding tussen die Hoofwet en die Wet op Minder Formele Dorpstigting, 1991 (Wet No. 113 van 1991) en die Wet op Ontwikkelingsfasilitering, 1995 (Wet No. 67 van 1995) te verduidelik. Alle ontwikkeling moet ingevolge die Hoofwet goedgekeur word;
- (n) Wysigings aan die Hoofwet om voorsiening te maak vir die verstryking van 'n beplanningsgoedkeuring, indien die goedkeuring nie binne 'n tydperk van vyf jaar uitgevoer word nie;
- (o) Wysigings aan die Hoofwet om te verseker dat 'n geregistreerde beplanner nie bevooordeel sal wees wanneer hy of

sy h munisipaliteit adviseer nie;

(p)Wysigings aan die Hoofwet om aan h munisipaliteit meer opsies te gee wanneer sy bevoegdhede ingevolge die Hoofwet gedelegeer word, insluitend die delegering van sy bevoegdhede ingevolge die Hoofwet aan h komitee van die munisipaliteit, aan h distrikmunisipaliteit of aan h persoon in diens van die munisipaliteit vir uitoefening van die bevoegdheid wat aan die munisipaliteit verleen is;

(q)Wysigings aan die Hoofwet om voorsiening te maak vir die opdatering van rekords wat deur die landmeter-generaal en die registrateur van aktes gehou word;

(r)Wysigings aan die Hoofwet om voorsiening te maak vir die verstelling, opheffing en skraping van goedkeuringsvoorwaardes vir h munisipaliteit se toestemming ingevolge h skema en vir die permanente sluiting van h munisipale pad of openbare plek;

(s)Wysigings aan die Hoofwet om voorsiening te maak vir die registrasie van titelvoorwaardes deur die registrateur van aktes teen die restant van grond wanneer grond onderverdeel word;

(t)Wysigings aan die Hoofwet om voorsiening te maak vir die registrateur van aktes se endossement van aktes waarvan die titelvoorwaardes verstel, opgehef of geskrap is;

(u)h Wysiging aan die Hoofwet om voorsiening te maak vir die validasie van aansoeke goedgekeur deur h munisipaliteit kragtens die verkeerde wet op beplanning en ontwikkeling voor die inwerkingtreding van die Hoofwet;

(v)Wysigings aan die Hoofwet om die tydraamwerke te sinchroniseer vir die oorweging van h aansoek ingedien deur h privaat persoon of staatsorgaan en die oorweging van h voorstel of h aansoek ingedien deur h munisipaliteit met betrekking tot grond wat onder sy berusting is, of wat hy in die proses is om te verkry;

(w)h Wysiging aan die Hoofwet om dit duidelik te maak dat die publiek 30 dae het om te reageer op h perseelkennigewing en h kennisgewing in die koerant wat die publiek uitnooi om kommentaar op h aansoek te lewer; om van h munisipaliteit te vereis om kennis van h aansoek deur hom te gee in h koerant wat hy as sy koerant van rekord bepaal het, in h taal wat hy as sy amptelike taal bepaal het en op h dag van die week wat hy as die dag van die week vir die publikasie van kennisgewings ingevolge die Hoofwet bepaal het;

(x)Wysigings aan die Hoofwet om voorsiening te maak vir die skraping van sekere titelvoorwaardes deur regswerking (buiten die titelvoorwaardes wat reeds ingevolge die Hoofwet deur regswerking geskrap is);

(y)h Wysiging aan die Hoofwet om van h munisipaliteit te vereis om die bepalings van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989 (Wet No. 9 van 1989) in ag te neem by die oorweging van die aanvaarding, herroeping of wysiging van h skema;

(z)h Wysiging aan die Hoofwet om te verduidelik dat die heffing van eiendomsbelasting ooreenkomstig die gebruik van h eiendom nie die gebruik van die eiendom wettig maak vir die doeleindes van die Hoofwet nie;

(AA)h Wysiging aan die Hoofwet om voorsiening te maak vir die herroeping van artikels 211 en 112 van die Ordonnansie op Plaaslike Owerhede, 1974 (Ordonnansie No. 25 van 1974). Die bepalings maak voorsiening vir die sluiting van munisipale paaie en openbare plekke wat in die toekoms deur die Hoofwet gereguleer sal word;

(AB)Wysigings aan die Hoofwet om die uitdrukking "vertoon of gepubliseer" in te voeg om dit duidelik te maak dat die 30 dae kennisgewing vir openbare kommentaar ook van toepassing is op die perseelkennigewing en op die kennisgewing in die koerant;

(AC)Wysigings aan die Hoofwet om die uitdrukking "moet hanteer word as" deur die uitdrukking "moet beskou word as" te vervang, om die uitdrukking "verantwoordelike lid van die Uitvoerende Raad" deur die uitdrukking "LUR verantwoordelik vir koöperatiewe regering" te vervang, om die uitdrukking "sonder verstellings" deur die uitdrukking "sonder veranderings" te vervang, om die uitdrukking "voorstel" deur die uitdrukking "aansoek" te vervang; en

(AD)Wysigings aan die Hoofwet om grammatikafoute en verkeerde kruisverwysings te korrigeer.

2. ONTLEDING VAN DIE WETSONTWERP**Klousule 1**

Klousule 1 vervang die lang titel van die Hoofwet om verwysings na toestemming ingevolge h skema en toepassing in te sluit.

Klousule 2

Klousule 2 voeg die omskrywings van "aangrensende erwe", "aansoek"; "toestemming ingevolge h skema", "Wet op Minder Formele Dorpsstigting", "munisipale pad", "voorstel" en "Wet op Deeltitels" in artikel 1 van die Hoofwet by.

Klousule 3

Klousule 3 vervang die oogmerke van die Hoofwet in artikel 2 van die Hoofwet om h verwysing na toestemming ingevolge h skema in te sluit.

Klousule 4

Klousule 4 wysig artikel 5 van die Hoofwet –

(a) deur te vereis dat h skema voorsiening moet maak vir grondgebruike en ontwikkeling wat h munisipaliteit se "toestemming ingevolge h skema" vereis, in plaas van h munisipaliteit se "toestemming"; en

(b) deur voorsiening te maak vir kwytsekelding van die gee van openbare kennis vir toestemming ingevolge h skema en die onderverdeling van grond ooreenkomstig h skema.

Klousule 5

Klousule 5 wysig artikel 6 van die Hoofwet –

(a) deur die invoeging van subartikel (11) om dit duidelik te maak dat toestemming verleen ingevolge h skema werklike regte is (verstryk nie wanneer die eienaarskap van grond verander nie); en

(b) deur die vervanging van die uitdrukking "h voorstel" deur die uitdrukking "h aansoek".

Klousule 6

Klousule 6 wysig die opskrif van deel 2 van hoofstuk 2 van die Hoofwet om h verwysing na "toestemming ingevolge h skema" in te sluit.

Klousule 7

Klousule 7 wysig artikel 9 van die Hoofwet om verwysings na "toestemming ingevolge h skema" in te sluit.

Klousule 8

Klousule 8 wysig artikel 10 van die Hoofwet –

(a) deur die insluiting van verwysings na "toestemming ingevolge h skema";

- (b) deur die vervanging van die uitdrukking "paragraaf 2" deur die uitdrukking "deel 2" (fout);
- (c) deur voorsiening te maak vir die kombinering van aansoeke; en
- (d) deur die vervanging van die uitdrukking "voorstel" deur die uitdrukking "aansoek".

Klousule 9

Klousule 9 wysig artikel 11 van die Hoofwet –

- (a) deur die insluiting van verwysings na "toestemming ingevolge h skema"; en
- (b) deur die vervanging van die uitdrukking "voorstel" deur die uitdrukking "aansoek".

Klousule 10

Klousule 10 wysig artikel 12 van die Hoofwet –

- (a) deur die byvoeging van h verwysing na artikel 14(1) van bylae 1;
- (b) deur die rasionalisasie van die aangeleenthede wat deur h munisipaliteit in ag geneem moet word wanneer hy h besluit neem om die indiening van gekombineerde aansoeke te fasiliteer;
- (c) deur van h munisipaliteit te vereis om die skema in ag te neem by die oorweging van h voorstel om h skema of h voorstel vir toestemming ingevolge h skema te wysig;
- (d) deur van h munisipaliteit te vereis om die bepalinge van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989 (Wet No. 9 van 1989) in ag te neem by die oorweging van die aanvaarding, herroeping of wysiging van h skema of die verlening van sy toestemming ingevolge h skema. Die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989 maak voorsiening vir standaard bou- en grondgebruikskontroles wat van toepassing is op alle grond wat deur Transnet besit word; en
- (d) deur die vervanging van die uitdrukking "voorstel" deur die uitdrukking "aansoek".

Klousule 11

Klousule 11 voeg artikel 12A by in die Hoofwet wat van h munisipaliteit vereis om alle tersaaklike oorwegings in ag te neem by die oorweging van h aansoek om toestemming ingevolge h skema.

Klousule 12

Klousule 12 wysig artikel 13 van die Hoofwet om te bepaal hoe h munisipaliteit moet besluit of hy toestemming ingevolge h skema moet verleen. Die klousule meld ook sekere verbodsbepalinge en vereise van h munisipaliteit om redes vir sy besluit te verskaf en om die aansoeker in te lig indien daar kommentaar deur die publiek was in reaksie op die uitnodiging om kommentaar op die aansoek te lewer.

Klousule 13

Klousule 13 wysig artikel 14 van die Hoofwet om persone te identifiseer wat ingelig moet word oor h munisipaliteit se besluit met betrekking tot h aansoek om toestemming ingevolge h skema.

Klousule 14

Klousule 14 wysig artikel 15 van die Hoofwet deur –

- (a) te spesifiseer dat h persoon wat kommentaar oor h aansoek lewer na die sluitingsdatum vir openbare kommentaar nie die reg tot appèl sal hê nie; en
- (b) h reg tot appèl aan sekere persone te verleen teen h munisipaliteit se besluit rakende die verlening van sy toestemming ingevolge h skema.

Klousule 15

Klousule 15 wysig artikel 16 van die Hoofwet om die inwerkingtreedingsdatum te bepaal van h munisipaliteit se besluit aangaande die aanvaarding of vervanging van h skema en h aansoek om die wysiging van h skema of vir sy toestemming ingevolge h skema.

Klousule 16

Klousule 16 voeg artikels 16A, 16B, en 16C in die Hoofwet by wat voorsiening maak vir die verstryking en kansellering van h munisipaliteit se toestemming ingevolge h skema.

Klousule 17

Klousule 17 skrap artikels 17-20 van die Hoofwet. Die artikels is nie meer nodig nie, aar gesien die Hoofwet nou voorsiening maak vir h munisipaliteit se toestemming ingevolge h skema. Voorheen moes h munisipaliteit h verordening vir daardie doel aanvaar.

Klousule 18

Klousule 18 wysig artikel 21 van die Hoofwet om h aansoek om die onderverdeling van grond te vereis wanneer grond deur middel van h deeltitelskema vervreem word en om die konsolidering van ongeregisterde erwe.

Klousule 19

Klousule 19 wysig artikel 22 van die Hoofwet om te bepaal dat h munisipaliteit die onderverdeling of konsolidasie van grond wat onder sy berusting is of van grond wat hy in die proses is om te verkry, kan inisier.

Klousule 20

Klousule 20 wysig artikel 23 van die Hoofwet –

- (a) deur die skapping van die kwytskelding van die behoefte om aansoek te doen om die onderverdeling en konsolidasie van grond in die geval van h oorskryding wat opgelos is deur h ooreenkomst of deur h hof (nou aangespreek in items 5(1B) en 14(1B) van bylae 1); en
- (b) deur voorsiening te maak vir die kombinerings van aansoeke.

Klousule 21

Klousule 21 vervang die uitdrukking "voorstel" deur die uitdrukking "aansoek".

Klousule 22

Klousule 22 wysig artikel 25 van die Hoofwet –

- (a) die byvoeging van 'n verwysing na artikel 14(1) van bylae 1;
- (b) deur die vervanging van die uitdrukking "voorstel" deur die uitdrukking "aansoek"; en
- (c) deur die rasionalisasie van die aangeleenthede wat deur 'n munisipaliteit in ag geneem moet word wanneer hy 'n besluit neem om die indiening van gekombineerde aansoeke te fasiliteer.

Klousule 23

Klousule 23 wysig artikel 26 van die Hoofwet –

- (a) deur die uitdrukking "items 12 en 21" deur die uitdrukking "items 12 of 21" te vervang, die uitdrukking in die Engelse weergawe van die Hoofwet "without alterations" deur die uitdrukking "without changes" te vervang en die uitdrukking "voorgestelde" deur die uitdrukking "aansoek om" te vervang; en
- (b) deur die goedkeuringsvoorwaardes in lyn te bring met die mees algemene volgorde waarin grondtransaksies aangegaan word, naamlik verkoop, oordrag en ontwikkeling; en
- (c) deur van 'n munisipaliteit te vereis om 'n aansoeker in te lig of kommentaar van die publiek ontvang is in reaksie op 'n uitnodiging vir kommentaar.

Klousule 24

Klousule 24 wysig artikel 27 van die Hoofwet deur die uitdrukking "voorgestelde" deur die uitdrukking "aansoek om" te vervang.

Klousule 25

Klousule 25 wysig artikel 28 van die Hoofwet deur –

- (a) te spesifiseer dat 'n persoon wat kommentaar oor 'n aansoek lewer na die sluitingsdatum vir openbare kommentaar nie die reg tot appèl sal hê nie; en
- (b) die uitdrukking "voorgestelde" deur die uitdrukking "aansoek om" te vervang en die uitdrukking "n voorstel" deur die uitdrukking "n aansoek" te vervang.

Klousule 26

Klousule 26 wysig artikel 29 van die Hoofwet –

- (a) deur die uitdrukking "voorgestelde" deur die uitdrukking "aansoek om" te vervang; en
- (b) deur die inwerkingtreedingsdatum van 'n munisipaliteit se besluit aangaande die onderverdeling of konsolidasie van grond te bepaal.

Klousule 27

Klousule 27 wysig artikel 31 van die Hoofwet deur die skraping van subartikel (5). Dieselfde verbod op die registrasie van grond waar nie voldoen is aan die voorwaardes waaraan voldoen moet word voor registrasie nie, verskyn ook onder artikel 34(2). Die skraping verwyder die duplikasie.

Klousule 28

Klousule 28 wysig artikel 32 van die Engelse weergawe van die Hoofwet deur die vervanging van die uitdrukking "proposal" deur die uitdrukking "application" in die opskrif van artikel 32.

Klousule 29

Klousule 29 wysig artikel 34 van die Hoofwet deur –

- (a) die vervanging van die uitdrukking "voorstel" deur die uitdrukking "aansoek" in die opskrif van artikel 34; en
- (b) voorsiening te maak vir die endossement van die titelvoorwaardes wat met die restant van 'n eiendom verband hou teen daardie restant.

Klousule 30

Klousule 30 wysig artikel 35 van die Hoofwet deur voorsiening te maak vir die endossement van die titelvoorwaardes wat met die restant van 'n eiendom verband hou teen daardie restant.

Klousule 31

Klousule 31 wysig artikel 37 van die Hoofwet om voorsiening te maak vir die verstryking van goedkeuring vir die onderverdeling of konsolidasie van grond, indien die ontwikkeling van die grond nie binne 'n tydperk van vyf jaar 'n aanvang neem nie, in plaas van indien die onderverdeling of konsolidasie van grond nie binne vyf jaar by die registrateur van aktes geregistreer is nie.

Klousule 32

Klousule 32 wysig artikel 38 van die Hoofwet –

- (a) deur 'n aansoek te vereis vir die ontwikkeling van grond geleë buite die gebied van 'n skema indien ontwikkel deur middel van 'n deeltitelskema; en
- (b) deur herstrukturering van die artikel om duidelik te onderskei tussen daardie ontwikkelings wat buite die gebied geleë is wat goedkeuring ingevolge die Wet vereis, en diegene wat nie goedkeuring vereis nie.

Klousule 33

Klousule 33 wysig artikel 39 van die Hoofwet om te bepaal dat 'n munisipaliteit die ontwikkeling van grond kan inisieer wat onder sy berusting is of wat hy in die proses is om te verkry indien die grond buite die gebied van 'n skema geleë is.

Klousule 34

Klousule 34 wysig artikel 40 van die Hoofwet deur voorsiening te maak vir die kombinerings van aansoeke.

Klousule 35

Klousule 35 wysig artikel 41 van die Hoofwet om die uitdrukking "voorstel" deur die uitdrukking "aansoek" te vervang.

Klousule 36

Klousule 36 wysig artikel 42 van die Hoofwet –

- (a) deur die uitdrukking "voorstel" deur die uitdrukking "aansoek" te vervang;
- (b) deur die byvoeging van 'n verwysing na artikel 14(1) van bylae 1; en
- (c) deur die rasionalisasie van die aangeleenthede wat deur 'n munisipaliteit in ag geneem moet word wanneer hy 'n besluit neem om die indiening van gekombineerde aansoeke te fasiliteer.

Klousule 37

Klousule 37 wysig artikel 43 van die Hoofwet –

- (a) deur die uitdrukking "items 12 en 21" deur die uitdrukking "items 12 of 21", die uitdrukking in die Engelse waergawe van die Hoofwet "without alterations" deur die uitdrukking "without changes" en die uitdrukking "voorgestelde" deur die uitdrukking "aansoek om" te vervang; en
- (b) deur goedkeuringsvoorwaardes in lyn te bring met die mees algemene volgorde waarin grondtransaksies aangegaan word, naamlik verkoop, oordrag en ontwikkeling;
- (c) deur die skraping van die verwysing van voorwaardes wat verband hou met 'n wysiging aan die skema, aangesien die hoofstuk ontwikkeling buite die gebied van 'n skema hanteer; en
- (d) deur van 'n munisipaliteit te vereis om 'n aansoeker in te lig of kommentaar deur die publiek ontvang is in reaksie op 'n uitnodiging vir kommentaar.

Klousule 38

Klousule 38 wysig artikel 44 van die Hoofwet deur die uitdrukking "voorgestelde" deur die uitdrukking "aansoek om" te vervang.

Klousule 39

Klousule 39 wysig artikel 45 van die Hoofwet deur –

- (a) te spesifiseer dat 'n persoon wat kommentaar oor 'n aansoek lewer na die sluitingsdatum vir openbare kommentaar nie die reg tot appèl sal hê nie; en
- (b) die uitdrukking "voorgestelde" deur die uitdrukking "aansoek om" te vervang en die uitdrukking "n voorstel" deur die uitdrukking "n aansoek" te vervang.

Klousule 40

Klousule 40 wysig artikel 46 van die Hoofwet deur –

- (a) die uitdrukking "voorgestelde" deur die uitdrukking "aansoek om" te vervang; en
- (b) deur die inwerkingtreedingsdatum van 'n munisipaliteit se besluit aangaande die onderverdeling of konsolidasie van grond te bepaal.

Klousule 41

Klousule 41 wysig artikel 49 van die Hoofwet deur voorsiening te maak vir die verstryking van goedkeuring vir die ontwikkeling van grond geleë buite die gebied van die skema, indien ontwikkeling nie 'n aanvang geneem het binne vyf jaar nadat dit deur 'n munisipaliteit goedgekeur is nie.

Klousule 42

Klousule 42 wysig artikel 51 van die Hoofwet deur die vervanging van die uitdrukking "Persone wat fasering of kansellasië van 'n goedgekeurde uitlegplan kan inisieer" in die opskrif van artikel 51 deur die uitdrukking "Inisiasie van aansoek om fasering of kansellasië van 'n goedgekeurde uitlegplan".

Klousule 43

Klousule 43 wysig artikel 52 van die Hoofwet om openbare konsultasie vir aansoeke om die fasering of kansellasië van 'n goedgekeurde uitlegplan te verbeter.

Klousule 44

Klousule 44 wysig artikel 53 van die Hoofwet deur die vervanging van die uitdrukking "n voorstel" deur die uitdrukking "n aansoek".

Klousule 45

Klousule 45 wysig artikel 54 van die Hoofwet –

- (a) deur die vervanging van die kruisverwysing na "item 1(2) van bylae 1" deur die kruisverwysing na "artikel 52(1)", aangesien bylae 1 nie van toepassing is op die fasering of kansellasië van 'n goedgekeurde uitlegplan nie;
- (b) deur die vervanging van die uitdrukking "n voorstel" deur die uitdrukking "n aansoek"; en
- (c) deur die rasionalisasie van die aangeleenthede wat deur 'n munisipaliteit in ag geneem moet word wanneer hy 'n besluit neem om die indiening van gekombineerde aansoeke te fasiliteer.

Klousule 46

Klousule 46 wysig artikel 55 van die Hoofwet –

- (a) deur die vervanging van die uitdrukking "verstellings" deur die uitdrukking "veranderings" en die uitdrukking

"voorstel" deur die uitdrukking "aansoek"; en

(b) deur die volgorde waarin twee van die paragrawe verskyn, te verander sodat dit in dieselfde volgorde is as soortgelyke paragrawe elders in die Wet; en

(c) deur van 'n munisipaliteit te vereis om 'n aansoeker in te lig of kommentaar van die publiek ontvang is in reaksie op 'n uitnodiging vir kommentaar.

Klousule 47

Klousule 47 wysig artikel 56 van die Hoofwet –

(a) deur die vervanging van die uitdrukking "voorgestelde" deur die uitdrukking "aansoek om"; en

(b) deur die vervanging van die kruisverwysing na "bylae 1" deur 'n kruisverwysing na "artikel 52(4)", aangesien bylae 1 nie van toepassing is op die fasering of kansellasië van 'n goedgekeurde uitlegplan nie.

Klousule 48

Klousule 48 wysig artikel 57 van die Hoofwet deur –

(a) te spesifiseer dat 'n persoon wat kommentaar oor 'n aansoek lewer na die sluitingsdatum vir openbare kommentaar nie die reg tot appèl sal hê nie; en

(b) deur die vervanging van die uitdrukking "voorgestelde" deur die uitdrukking "aansoek om" en die uitdrukking "voorstel" deur die uitdrukking "aansoek".

Klousule 49

Klousule 49 wysig artikel 58 van die Hoofwet –

(a) deur die vervanging van die uitdrukking "voorgestelde" deur die uitdrukking "aansoek om"; en

(b) deur die inwerkingtreedingsdatum van 'n munisipaliteit se besluit aangaande 'n aansoek om die fasering of kansellasië van 'n goedgekeurde uitleg te bepaal.

Klousule 50

Klousule 50 voeg artikels 58A en 58B in die Hoofwet by om die voorlegging van planne en dokumente aan die landmeter-generaal en die registrateur van aktes te vereis ten einde te verseker dat die rekords in hul onderskeie kantore opgedateer is om die fasering of kansellasië van 'n goedgekeurde uitlegplan te weerspieël.

Klousule 51

Klousule 51 wysig artikel 60 van die Hoofwet deur ook voorsiening te maak vir die verstelling, opheffing en skraping van beperkings betreffende grond wat opgelê is toe 'n aansoek om 'n munisipaliteit se toestemming ingevolge 'n skema, 'n aansoek om die verstelling, opheffing en skraping van beperkings betreffende grond of 'n aansoek om die permanente sluiting van 'n munisipale pad of openbare plek goedgekeur is.

Klousule 52

Klousule 52 wysig artikel 61 van die Hoofwet deur te bepaal dat 'n munisipaliteit die verstelling, opheffing of skraping kan inisieer van 'n beperking met betrekking tot grond wat onder sy berusting is of wat hy in die proses is om te verkry.

Klousule 53

Klousule 53 wysig artikel 62 van die Hoofwet deur voorsiening te maak vir die kombinerings van aansoeke.

Klousule 54

Klousule 54 wysig artikel 63 van die Hoofwet deur die uitdrukking "n voorstel" deur die uitdrukking "n aansoek" te vervang.

Klousule 55

Klousule 55 wysig artikel 64 van die Hoofwet –

- (a) deur die byvoeging van 'n verwysing na artikel 14(1) van bylae 1;
- (b) deur die vervanging van die uitdrukking "voorstel" deur die uitdrukking "aansoek"; en
- (c) deur die rasionalisasie van die aangeleenthede wat deur 'n munisipaliteit in ag geneem moet word wanneer hy 'n besluit neem om die indiening van gekombineerde aansoeke te fasiliteer.

Klousule 56

Klousule 56 wysig artikel 65 van die Hoofwet –

- (a) deur die vervanging van die uitdrukking "items 12 en 21" deur die uitdrukking "items 12 of 21" te vervang, om die uitdrukking in die Engelse weergawe van die Hoofwet "without alterations" deur die uitdrukking "without changes" te vervang en die uitdrukking "voorgestelde" deur die uitdrukking "aansoek om" te vervang; en
- (b) deur van 'n munisipaliteit te vereis om 'n aansoeker in te lig of kommentaar van die publiek ontvang is in reaksie op 'n uitnodiging vir kommentaar..

Klousule 57

Klousule 57 wysig artikel 66 van die Hoofwet –

- (a) deur die vervanging van die uitdrukking "voorgestelde" deur die uitdrukking "aansoek om"; en
- (b) deur die nummering van die subartikels te korrigeer deur die henumering van die tweede subartikel (3) na subartikel (5).

Klousule 58

Klousule 58 wysig artikel 67 van die Hoofwet deur –

- (a) voorsiening te maak vir 'n reg tot appèl vir 'n persoon wat beswaar gemaak het teen 'n aansoek om die verstelling, opheffing of skraping van 'n beperking met betrekking tot grond; en

(b) die vervanging van die uitdrukking "voorgestelde" deur die uitdrukking "aansoek om".

Klousule 59

Klousule 59 wysig artikel 68 van die Hoofwet –

(a) deur die vervanging van die uitdrukking "voorgestelde" deur die uitdrukking "aansoek om"; en

(b) deur die inwerkingtreddingsdatum van 'n munisipaliteit se besluit aangaande die verstelling, opheffing of skraping van 'n beperking betreffende grond te bepaal.

Klousule 60

Klousule 60 wysig artikel 69 van die Hoofwet –

(a) deur die vervanging van die uitdrukking "voorgestelde" deur die uitdrukking "aansoek om" en die uitdrukking "voorstel" deur die uitdrukking "aansoek"; en

(b) deur die registrateur van aktes te bemagtig om die betrokke aktes te endosseer indien 'n titelvoorwaarde verstel, opgehef of geskrap is.

Klousule 61

Klousule 61 wysig artikel 70 van die Hoofwet –

(a) deur die invoeging van subartikel (3) wat van 'n applikant vereis om planne en dokumente betreffende 'n aansoek deur 'n munisipaliteit aan die landmeter-generaal en die registrateur van aktes voor te lê om te verseker dat die rekords in hul onderskeie kantore opgedateer is om die verstelling, opheffing of skraping van 'n beperking met betrekking tot grond te weerspieël; en

(b) deur die vervanging van die uitdrukking "voorstel" deur die uitdrukking "aansoek".

Klousule 62

Klousule 62 wysig artikel 71 van die Hoofwet om te bepaal wie 'n aansoek om die permanente sluiting van 'n munisipale pad of openbare plek kan inisieer. Voorheen moes 'n munisipaliteit 'n verordening aanvaar vir die permanente sluiting van 'n munisipale pad of openbare plek.

Klousule 63

Klousule 63 voeg artikel 71A by in die Hoofwet wat die proses bepaal wat gevolg moet word vir die permanente sluiting van 'n munisipale pad of 'n openbare plek.

Klousule 64

Klousule 64 wysig artikel 72 van die Hoofwet –

(a) deur die invoeging van subartikel (2) om te bepaal dat 'n geregistreerde beplanner 'n voorstel vir die

permanente sluiting van 'n munisipale pad of 'n openbare plek moet evalueer en sertifiseer dat die munisipaliteit die prosedures van die Wet gevolg het; en

(b) deur die vervanging van die uitdrukking "voorstel" deur die uitdrukking "aansoek".

Klousule 65

Klousule 65 wysig artikel 73 van die Hoofwet –

(a) deur die byvoeging van 'n verwysing na artikel 14(1) van bylae 1;

(b) deur die vervanging van die uitdrukking "voorstel" deur die uitdrukking "aansoek"; en

(c) deur die rasionalisasie van die aangeleentehede wat deur 'n munisipaliteit in ag geneem moet word wanneer hy 'n besluit neem om die indiening van gekombineerde aansoeke te fasiliteer.

Klousule 66

Klousule 66 wysig artikel 74 van die Hoofwet om te bepaal hoe 'n munisipaliteit oor 'n aansoek om die permanente sluiting van 'n munisipale pad of 'n openbare plek moet beslis.

Klousule 67

Klousule 67 voeg artikels 74A, 74B en 74C by in die Hoofwet wat persone identifiseer wat in jelig moet word oor die munisipaliteit se besluit met betrekking tot die permanente sluiting van 'n munisipale pad of 'n openbare plek, maak voorsiening vir die inwerkingtreedingsdatum van die munisipaliteit se besluit oor 'n aansoek om 'n munisipale pad of openbare plek permanent te sluit, en maak voorsiening vir die beskikking oor grond na die permanente sluiting van 'n munisipale pad of 'n openbare plek.

Klousule 68

Klousule 68 wysig artikel 75 van die Hoofwet –

(a) deur 'n munisipaliteit te bemagtig om stappe te doen teen 'n persoon wat onregmatig grond, wat deel is van 'n munisipale pad of 'n openbare plek, gebruik of ontwikkel; en

(b) deur dit duidelik te maak dat die heffing van eiendomsbelasting ooreenkomstig die werklike gebruik van 'n eiendom nie impliseer dat die gebruik van die eiendom wettig is vir doeleindes van die Wet nie om 'n munisipaliteit in staat te stel om stappe te doen teen onwettige ontwikkeling, selfs indien hy die eiendomsbelasting op die eiendom gehef het ooreenkomstig die onwettige gebruik.

Klousule 69

Klousule 69 wysig die opskrif van deel 4 van hoofstuk 8 van die Hoofwet om 'n verwysing in te sluit na inmenging met 'n geregistreerde beplanner se evaluasie van 'n voorstel of sertifikaat dat 'n voorstel aan die bepalings van die Wet voldoen.

Klousule 70

Klousule 70 wysig artikel 88 van die Hoofwet –

- (a) deur die vervanging van die uitdrukking "h voorstel" deur die uitdrukking "h aansoek"; en
- (b) deur dit ook h misdryf te maak vir h geregistreerde beplanner om te sertifiseer dat h aansoek om toestemming ingevolge h skema of h aansoek om die permanente sluiting van h munisipale pad of openbare plek behoorlike prosedure gevolg het, wanneer dit nie die geval was nie.

Klousule 71

Klousule 71 wysig artikel 89 van die Hoofwet deur –

- (a) ook voorsiening te maak vir die later verlening van toestemming ingevolge h skema en die goedkeuring van die permanente sluiting van h munisipale pad of openbare plek; en
- (b) die skapping van die vereiste dat onwettige ontwikkeling gestaak moet word totdat ontwikkelingsgoedkeuring verkry is (h munisipaliteit kan steeds h dringende voorkomingsbevel uitreik indien die ontwikkeling onherstelbare skade sal aanrig).

Klousule 72

Klousule 72 voeg artikel 88A by in die Hoofwet wat dit h kriminele oortreding maak om in te meng met h geregistreerde beplanner se evaluasie van h voorstel of sertifikaat dat h voorstel aan die bepalings van die Wet voldoen.

Klousule 73

Klousule 73 wysig artikel 97 van die Hoofwet deur die uitdrukking "verstel" in te voeg, die uitdrukking "opheffing" deur die uitdrukking "skapping" te vervang en die uitdrukking "betreffende grond" by te voeg.

Klousule 74

Klousule 74 voeg artikel 97A by in die Hoofwet wat voorsiening maak vir kompensasie vir verlies of skade as gevolg van die permanente sluiting van h munisipale pad of h openbare plek.

Klousule 75

Klousule 75 wysig artikel 131 in die Engelse weergawe van die Hoofwet om die uitdrukking "fess" deur die uitdrukking "fees" te vervang (fout).

Klousule 76

Klousule 76 wysig artikel 147 van die Hoofwet deur die uitdrukking "Appeltribunaal" deur die uitdrukking "bestuurskomitee" te vervang (fout).

Klousule 77

Klousule 77 wysig artikel 153 van die Hoofwet deur die skapping van die woorde "en die ooreenstemmende regulasies herroep".

Klousule 78

Klousule 78 wysig artikel 156 van die Hoofwet –

(a) deur meer opsies vir 'n munisipaliteit te skep by die delegering van 'n bevoegdheid of plig ingevolge die Wet; insluitend delegering aan 'n komitee van die munisipaliteit of aan 'n persoon van die privaat sektor wat in diens geneem is vir die doel om die plig uit te voer; en

(b) deur die uitdrukking "verantwoordelike lid van die Uitvoerende Raad" deur die uitdrukking "munisipaliteit" te vervang (fout).

Klousule 79

Klousule 79 wysig artikel 157 van die Hoofwet om 'n munisipaliteit te bemaatig om 'n agentskapsoreenkoms met 'n distrikmunisipaliteit aan te gaan.

Klousule 80

Klousule 80 wysig artikel 160 van die Hoofwet om toegang te verskaf tot rekords met betrekking tot toestemming ingevolge 'n skema en om die uitdrukking "h voorstel" deur die uitdrukking "h aansoek" te vervang.

Klousule 81

Klousule 81 wysig artikel 161 om die verhouding tussen die Wet, die Wet op Minder Formele Dorpsstigting, 1991 (Wet No. 113 van 1991) en die Wet op Ontwikkelingsfasilitering, 1995 (Wet No. 67 van 1995) te verduidelik. Na die inwerkingtreding van artikel 161 van die Hoofwet 'n wysiging aan 'n skema; onderverdeling of konsolidasie van grond; ontwikkeling van grond buite die gebied van 'n skema; fasering of kansellasië van 'n goedgekeurde uitlegplan; verstelling, opheffing of skraping van 'n beperking met betrekking tot grond en die permanente sluiting van 'n munisipale pad of openbare plek moet ingevolge die Wet gedoen word. Die klousule maak ook voorsiening vir kwytstelling van die prosedure vir 'n munisipaliteit se toestemming ingevolge 'n skema en hoofstuk 7 van die Hoofwet (permanente sluiting van munisipale paaie en openbare plekke), indien 'n munisipaliteit verordeninge aanvaar het vir daardie doel ooreenkomstig die minimum vereistes van die Wet.

Klousule 82

Klousule 82 wysig artikel 163 van die Hoofwet deur die verwysing na "Bylaes 3 tot 6" deur die verwysing na "Bylaes 3 tot 8" te vervang as gevolg van die invoeging van twee bykomende bylaes.

Klousule 83

Klousule 83 wysig item 1 van bylae 1 van die Hoofwet deur die skraping van 'n verwysing na die fasering of kansellasië van 'n goedgekeurde uitlegplan van bylae 1. Bylae 1 van die Hoofwet is nie van toepassing op die fasering of kansellasië van 'n goedgekeurde uitleg nie. Voorsiening word ook gemaak vir die proses wat gevolg moet word vir aansoeke om toestemming ingevolge 'n skema en aansoeke vir die permanente sluiting van 'n munisipale pad of 'n openbare plek.

Klousule 84

Klousule 84 wysig subitem (3) van item 3 van bylae 1 van die Hoofwet deur die opdatering van die kruisverwysing na die Wet op die Bevordering van Administratiewe Geregtigheid, 2000 (Wet No. 3 van 2000).

Klousule 85

Klousule 85 wysig item 5 van bylae 1 van die Hoofwet –

(a) deur voorsiening te maak vir gevalle wanneer openbare kennisgewing nie van 'n aansoek vereis word ingevolge die Wet nie; en

(b) deur die uitdrukking "vertoon of gepubliseer" in te voeg.

Klousule 86

Klousule 86 wysig item 6 van bylae 1 van die Hoofwet deur –

(a) die vereiste dat kennis op alle eienaars binne 100 m van 'n erf beteken moet word, vervang word deur die vereiste dat kennis op alle eienaars van aangrensende erwe beteken moet word;

(b) voorsiening te maak vir gevalle wanneer openbare kennisgewing van 'n aansoek in 'n koerant nie van 'n aansoek vereis word ingevolge die Wet nie; en

(c) voorsiening te maak vir gevalle wanneer kennisgewing aan alle eienaars van aangrensende eiendomme nie vereis word vir 'n aansoek ingevolge die Wet nie.

Klousule 87

Klousule 87 wysig item 9 van bylae 1 van die Hoofwet deur die bewoording daarvan te verbeter.

Klousule 88

Klousule 88 wysig item 10 van bylae 1 van die Hoofwet deur die bewoording daarvan te verbeter.

Klousule 89

Klousule 89 wysig item 11 van bylae 1 van die Hoofwet deur die bewoording daarvan te verbeter.

Klousule 90

Klousule 90 wysig item 12 van bylae 1 van die Hoofwet deur 'n tydraamwerk te gee vir die oorweging van aansoeke wat nie kennisgewing ingevolge die Wet vereis nie.

Klousule 91

Klousule 91 wysig item 14 van bylae 1 van die Hoofwet deur –

(a) die uitdrukking "aanvaar of" in te voeg (uitgelaat);

(b) voorsiening te maak vir openbare kennisgewing vir toestemming ingevolge 'n skema en vir die permanente

sluiting van 'n munisipale pad of 'n openbare plek; en

(c) voorsiening te maak vir gevalle wanneer openbare kennisgewing nie van 'n aansoek ingevolge die Wet vereis word nie; en

(d) deur die uitdrukking "vertoon of gepubliseer" in te voeg.

Klousule 92

Klousule 92 wysig item 15 van bylae 1 van die Hoofwet deur –

(a) die vereiste dat kennisgewing beteken moet word op alle eienaars binne 100 m van 'n erf vervang word deur die vereiste dat kennisgewing beteken moet word op alle eienaars van aangrensende erwe;

(b) voorsiening te maak vir gevalle wanneer openbare kennisgewing van 'n aansoek in 'n koerant nie van 'n aansoek vereis word ingevolge die Wet nie; en

(c) voorsiening te maak vir gevalle wanneer kennisgewing aan alle eienaars van aangrensende eiendomme nie vereis word vir 'n aansoek ingevolge die Wet nie.

Klousule 93

Klousule 93 wysig item 17 van bylae 1 van die Hoofwet om die uitdrukking "n voorstel" deur die uitdrukking "n aansoek" te vervang.

Klousule 94

Klousule 94 wysig item 18 van bylae 1 van die Hoofwet deur aan 'n munisipaliteit dieselfde tydperk (21 dae) te gee, as vir 'n aansoek deur 'n applikant, om te reageer op kommentaar ontvang nadat 'n voorstel deur hom vir kommentaar geadverteer is.

Klousule 95

Klousule 95 wysig item 19 van bylae 1 van die Hoofwet deur die uitdrukking "of aansoek" in te voeg.

Klousule 96

Klousule 96 wysig item 20 van bylae 1 van die Hoofwet deur 'n munisipaliteit 14 dae te gee om te besluit of dit nodig is om 'n openbare verhoor te hou aangaande 'n voorstel deur hom, wat dieselfde tydperk is wat hy het om 'n soortgelyke besluit te neem aangaande 'n aansoek deur 'n applikant.

Klousule 97

Klousule 97 wysig item 20 van bylae 1 van die Hoofwet deur –

(a) die skraping van die woorde "en meegaande inspeksie" uit die opskrif;

(b) 'n tydraamwerk te verskaf vir die oorweging van aansoeke wat nie die gee van kennis ingevolge die Hoofwet vereis nie; en

(c) aan 'n munisipaliteit dieselfde tydperk te gee om 'n voorstel ingevolge die Hoofwet te ocrweeg as vir 'n aansoek ingevolge die Wet.

Klousule 98

Klousule 98 wysig bylae 2 van die Hoofwet om die bepalings van die Ordonnansie op Plaaslike Owerhede, 1974 (Ordonnansie No. 25 van 1974) wat voorsiening gemaak het vir die permanente sluiting van munisipale paaie en openbare plekke te herroep.

Klousule 99

Klousule 99 wysig die opskrif van bylae 3 van die Hoofwet deur die vervanging van die kruisverwysing na "artikel 171(2)" deur 'n kruisverwysing na "artikel 163(2)" (fout).

Klousule 100

Klousule 100 wysig item 1 van bylae 3 van die Hoofwet om voorsiening te maak vir die inwerkingtreedingsdatum van historiese goedkeuring vir die onderverdeling van grond ten einde die datum waarop goedkeuring verstryk, te bepaal indien die ontwikkeling van die grond nie 'n aanvang geneem het nie.

Klousule 101

Klousule 101 wysig die opskrif van bylae 4 van die Hoofwet deur die vervanging van die kruisverwysing na "artikel 171(2)" deur 'n kruisverwysing na "artikel 163(2)" (fout).

Klousule 102

Klousule 102 wysig item 1 van bylae 4 van die Hoofwet deur voorsiening te maak vir die inwerkingtreedingsdatum van historiese goedkeuring vir die ontwikkeling van grond ten einde die datum te bepaal waarop goedkeuring verstryk indien die ontwikkeling van die grond nie 'n aanvang geneem het nie.

Klousule 103

Klousule 103 wysig item 3 van bylae 4 van die Hoofwet deur voorsiening te maak vir die inwerkingtreedingsdatum van historiese goedkeuring vir die onderverdeling van grond ten einde die datum te bepaal waarop goedkeuring verstryk indien die ontwikkeling van die grond nie 'n aanvang geneem het nie.

Klousule 104

Klousule 104 wysig item 4 van bylae 4 van die Hoofwet deur voorsiening te maak vir oorgangsmaatreëls vir bepalings van skemas aanvaar ingevolge die Dorpbepanningsordonnansie, 1949 (Ordonnansie No. 27 van 1949), wat voorsiening maak vir spesiale toestemming of vir die goedkeuring van 'n munisipaliteit.

Klousule 105

Klousule 105 wysig item 7 van bylae 4 van die Hoofwet deur voorsiening te maak vir die inwerkingtreedingsdatum van

historiese goedkeurings vir spesiale toestemming ten einde die datum te bepaal waarop goedkeuring verstryk indien die ontwikkeling van die grond nie h̄ aanvang geneem het nie.

Klousule 106

Klousule 106 wysig die opskrif van bylae 5 van die Hoofwet deur die vervanging van die kruisverwysing na "artikel 171(2)" deur h̄ kruisverwysing na "artikel 163(2)" (fout).

Klousule 107

Klousule 107 wysig item 1 van bylae 5 van die Hoofwet deur die vervanging van die kruisverwysing na "artikel 72(1)(a)" deur h̄ kruisverwysing na "artikel 65(1)(a)" (fout).

Klousule 108

Klousule 108 wysig item 3 van bylae 5 van die Hoofwet deur voorsiening te maak vir die skapping deur regswerking van sekere titelvoorwaardes ten gunste van h̄ plaaslike owerheid of h̄ munisipaliteit. Die bewoording van item 3 van bylae 5 van die Hoofwet word ook verbeter ooreenkomstig instruksie deur die registrateur van aktes.

Klousule 109

Klousule 109 wysig die opskrif van bylae 6 van die Hoofwet deur die vervanging van die kruisverwysing na "artikel 171(2)" deur h̄ kruisverwysing na "artikel 163(2)" (fout).

Klousule 110

Klousule 110 wysig item 1 van bylae 6 van die Hoofwet deur voorsiening te maak vir die inwerkingtreddingsdatum van historiese goedkeurings vir die konsolidasie van grond ten einde die datum te bepaal waarop goedkeuring verstryk indien die ontwikkeling van die grond nie h̄ aanvang geneem het nie.

Klousule 111

Klousule 111 wysig item 2 van bylae 6 van die Hoofwet deur voorsiening te maak vir die inwerkingtreddingsdatum van historiese goedkeurings vir die onderverdeling van grond ten einde die datum te bepaal waarop goedkeuring verstryk indien die ontwikkeling van die grond nie h̄ aanvang geneem het nie.

Klousule 112

Klousule 112 voeg bylaes 7 en 8 in die Wet by, wat voorsiening maak vir die verstryking van goedkeurings ingevolge die Wet op Minder Formele Dorpstigting, 1991 (Wet No. 113 van 1991) en die verstryking van goedkeurings ingevolge die Wet op Ontwikkelingsfasilitering, 1995 (Wet No. 67 van 1995).

Klousule 113

Klousule 113 vervang die uitdrukking "moet hanteer word as" waar dit ook al voorkom deur die uitdrukking "moet beskou word as" en die uitdrukking "verantwoordelike lid van die Uitvoerende Raad", waar dit voorkom deur die uitdrukking "LUR".

Klousule 114

Klousule 114 maak voorsiening vir die kort titel van die Wysigingswet.

3. IMPLIKASIES VIR MUNISIPALITEITE

Die wysigings aan die Wet sal dit makliker maak vir munisipaliteite om hul bevoegdhede ingevolge die Wet uit te oefen.

4. FINANSIËLE IMPLIKASIES

Die Departement van Koöperatiewe Regering en Tradisionele Sake se munisipale kapasiteitsbouprogram om munisipaliteite te bemagtig om hul bevoegdhede, funksies en pligte ingevolge die Wet uit te oefen, te verrig en uit te voer is in 'n gevorderde stadium.

5. WETGEWENDE PROSEDURE

Die Hoof- Staatsregsaadviser en die Departement van Koöperatiewe Regering en Tradisionele Sake is van mening dat die Wetsontwerp binne die grense van artikel 154(2) van die Grondwet van die Republiek van Suid-Afrika, 1996 val aangesien dit die bevoegdhede en funksies van plaaslike regering raak, en moet gevolglik op 'n wyse gepubliseer word wat georganiseerde plaaslike regering, munisipaliteite en ander belanghebbendes die geleentheid bied om verhoë aangaande die Wetsontwerp te rig.

6. DEPARTEMENTE EN LIGGAME OM GERAADPLEEG TE WORD

Die volgende departemente en liggame sal geraadpleeg word gedurende die tydperk wanneer die Wetsontwerp gepubliseer is vir kommentaar:

- (a) Alle munisipale bestuurders
- (b) Die hoofde van departemente van alle provinsiale departemente

7. KONTAKPERSOON

Naam: Gert Roos

Posisie: Adjunk Bestuurder: Regsdienste

Tel: 033-395 2656

Faks: 033-394 9714

E-pos: Gert.Roos@kznlqta.gov.za

No. 60

1 kuNtulikazi 2010

UMNYANGO WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU**UMTHETHOSIVIVINYO OYISICHIBIYELO WEZOKUHLELA NENTUTHUKO WAKWAZULU-NATALI, 2010**

1. UMthetho oyisiChibiyelo wezokuHlela neNtuthuko waKwaZulu-Natali, 2010, ushicilelwa ukuzise kuthc lakale izimvo zomphakathi ngokuhambisana nezinhlinzeko zesigaba 154(2) soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996.

2. OHulumeni baseKhaya ngokuHleleka kwabo, omasipala kanye nabantu abathintekayo bayamenywa ukuba bethule izimvo zabo ngokuthi babhale ngokuHlelwa kuMthethosivivinyo ngalendlela elandelayo:

(a) ngeposi, zibhekiswe --

KwiNhlolo yoMnyango
EzoHulumeni baseKhaya nezoMdabu
Private Bag X9078
PIETERMARITZBURG
3200

(b) zilethwe mathupha -

e-Office No. 108
14th Floor
North Tower
Natalia Building
330 Langalibalele Street
PIETERMARITZBURG;

(c) zithunyelwe ngefeksi ku: (033) 394 9714; noma

(d) zithunyelwe nge-imeyili ku: gert.roos@kznlqta.gov.za

3. Zonke izimvo kumele zifike kungakedluli umhla zingama-6 uNcwaba ka 2010 futhi kumele zibhalwe ngokucacile ukuthi -
"Zibhekliwe kuMnuz. G.L. Roos".

4. Yonke imibuzo nezicelo zamakhophi oMthethosivivinyo kanye naweMemorandamu yeziNhliso zoMthethosivivinyo kumele
ibhekiswe ku -

Mnuz. G Roos
Ucingo: (033) 395 2656/ (072) 624 4070
Ifeksi: (033) 394 9714
I-imeyili: gert.roos@kznlqta.gov.za

**UMTHETHOSIVINYO OYISICHIBIYELO WEZOKUHELELA NENTUTHUKO
WAKWAZULU-NATALIZINCAZELO EZEJWAYELEKILE**

[] Amagama abhalwe ngokugqamile kubakaki abayizikwele akhombisa okususiwe emthethweni okhona
 _____ Amagama adwetshele ngomugqa ohlangene akhombisa okufakiwe emthethweni okhona

UMTHETHOSIVINYO

Wokuchibiyela uMthetho wokuhlela neNtuthuko waKwaZulu-Natal, 2008 (uMthetho No. 6 ka 2008), ukuze kwelulwe isihloko eside salo Mthetho; wokufaka izincazelo “zeziza ezithothelene”, “zemvume ngokohlelo”, “zoMthetho wokuSungulwa kwamaLokishi angaHlelekle ngokuPhelele”, “zeLungu loMkhandlu oPhethe”; “zomgwaqo kamasipala”, “zesicelo”, kanye “nezoMthetho wamaTayitela eZakhiwo ezihlukanisiwe”; wokususa incazelo “yeLungu loMkhandlu oPhethe”; wokwelula izinhloso zoMthetho ukuze uhlinzekela imvume kamasipala ngokohlelo; wokuhlizekela imvume kamasipala engokohlelo, kubandakanya ukufakwa kwezicelo, ukubonisa nomphakathi, ukuthathwa kwesinqumo, ukukhalaza ngesinqumo, ukuqala kokusebenza kwesinqumo, ukudlulelwa yisikhathi kwemvume kanye nokwesulwa kwemvume; wokuhlizekela ngokuthi imvume ekhishwe umasipala ngokohlelo inamalungele ngokomthetho kulowo mhlaba; wokuhlizekela ukuxoxiswa kwesidingo sokubonisa nomphakathi ezimweni ezithile; wokunciphisa izinto okumele zicutshungulwe mayelana nesicelo; wokufuna ukuba umasipala ubhekelele izinhlinzeko zoMthetho wobuNdlalifa obuseMthethweni emiSebenzini yezokuThutha yaseNingizimu Afrika, 1989 (uMthetho No. 9 ka 1989) lapho unquma ukwamukela, ukuchitha noma ukuchibiyela uhlelo; wokuhlizekela ngokuthi umasipala ungenza izicelo ezimayelana nomhlaba owuphetha noma osezinhlelweni zokuwuthola; wokufuna ukuthi umasipala wazise umfakisicelo ukuthi zitholakele yini izimvo eziphendula isimemo sezimvo zomphakathi mayelana nesicelo; wokwenza ukuthi usuku lokuqala kokusebenza kwesinqumo sikamasipala kusheshe ezimweni ezithile; wokufuna isicelo sokuthuthukisa umhlaba ngokwetayitela ezakhiwo esihlukanisiwe; wokufuna isicelo sokuhlanganiswa kweziza ezingabhalisiwe; wokuhlizekela ukudlulelwa yisikhathi kokugunyazwa kwentuthuko kumhlaba ongaphandle kwendawo esohlelweni; wokuhlizekela ukubhaliswa kombandela wetayitela uMbhalsi wamatayitela mayelana nensalela yomhlaba uma umhlaba uhlukanisiwe iziqephu; wokuhlizekela ukuguqulwa, ukumiswa kanye nokwesulwa kwe mibandela yokugunyaza kwemvume kamasipala ngokohlelo nokuvulwa unomphelo komgwaqo kamasipala kanye kwendawo yomphakathi; wokunikeza ilungelo lokukhalaza kumuntu ophikisana nesicelo sokumiswa, sokuguqulwa noma sokususwa kombandela ophathelene nomhlaba; wokuhlizekela ukuvuselelwa kwamarekhodi agcinwe uSaveya-Jikelele kanye noMgcini mabhuku wamaTayitela; wokuhlizekela ukugunyaza koMbhalsi wamaTayitela uma imibandela yetayitela iguquliwe, imisiwe noma yesuliwe; wokuhlizekela ukuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi, nesinxephezelo esiphathelene nalokho kuvalwa unomphela komgwaqo noma kwendawo yomphakathi, kubandakanya ukufakwa kwezicelo, ukubonisa nomphakathi, ukuthethwa kwesinqumo, usuku lokuqala kokusebenza kwesinqumo, ukukhishwa kobunikazi bomhlaba uma sekuvalwe umgwaqo kamasipala noma indawo yomphakathi, isinxephezelo esimayelana nokuvulwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi; wokuhlizekela amacala amayelana nokusetshenziswa ngokungemthetho noma ukulungiswa komgwaqo kamasipala noma kwendawo yomphakathi; wokuhlizekela ukucutshungulwa kwesicelo semvume kamasipala ngokohlelo lwona umasipala; wokuhlizekela kwesicelo esibhekiswe kumasipala sokuvalwa unomphelo komgwaqo kamasipala noma kwendawo yomphakathi; wokususwa kwesidingo sokuthi ukuthuthukiswa okungekho emthethweni kumele kumiswe kuze kwaziwe uma isicelo eokugunyaza ukuthuthukisa okungekho emthethweni sigunyazilwe; wokucacisa ukuthi ukukalwa kwamareyithi ngokuhambisana nokusetshenziswa komhlaba akwenzi ukusetshenziswa komhlaba kube semthethweni ngokwezinhloso zoMthetho omkhulu; wokwenza kube yicala ukugxambukela ekuhlolweni kwesicelo umhleli obhalisiwe noma ekukhishweni kwesitifiketi sokuhambisana nomthetho umhleli obhalisiwe; wokunika umasipala amandla okudluliseka amandla noma umsebenzi omele ukwenziwa lwona ngokoMthetho omkhulu ekomidini likamasipala noma kumuntu oqashwe umasipala, ukusebenzisa lawo mandla noma ukwenza leyo misebenzi; wokunika

umasipala amandla okungena esivumelwaneni sokusebenzisana nomasipala wesifunda; wokucacisa ubudlelwane phakathi koMthetho omkhulu noMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, 1991 (uMthetho No. 113 ka 1991) kanye noMthetho wokuLungiselela INtuthuko, 1995 (uMthetho No. 67 ka 1995); wokuhlinzekela ukuqinisekiswa kwezicelo ezacutshungulwa umasipala ngaphansi komthetho ongafanele wokuhlela nentuthuko ngaphambi kokuthi kuqale ukusebenze koMthetho omkhulu; wokucacisa ukuthi umphakathi unezinsuku ezingama-30 zokuphendula esazisweni sasesayithini nesaziso sephephandaba esimema umphakathi ukuba uphawule mayelana nesicelo; wokucacisa ukuthi ukuthi umphakathi umphakathi unezinsuku ezingama-30 ukuphendula kwisaziso sasesayithini kanye nasesazisweni esikwiphephandaba esimema ukuba umphakathi uphawule mayelana nesicelo; wokufuna ukuba umasipala ukhuphe isaziso sesicelo sawo ephephandabeni olithatha njengephephandaba ovame ukulisebenzisa, ngolimi oluthathwa njengolimi olusetshenziswayo ngokusemthethweni ngosuku lwesonto oluhlonzwe njengosuku lwesonto lokushicilelwa kwezaziso ngokoMthetho omkhulu; wokunikeza umasipala izinsuku ezingama-21 zokuphendula nokuphikisa okwezenziwe esicelweni sawo; wokunikeza umasipala izinsuku ezili-14 zokunquma uma ufuna ukwenza isigcawu somphakathi ngesicelo sawo; wokuhlinzekela ukuchithwa kwezigaba 211 no 112 ze-Odinensi yoMaziphethe bezINDawo, 1974 (i-Odinensi No. 24 ka 1974); wokuhlinzekela izinhlinzeko zesikhashana zohlelo olwamukelwe ngokwe-Odinensi yokuHlelwa kwamaDolobha, 1949 (i-Odinensi No. 27 ka 1949), ezihlinzekela imvume ekhethekile noma ukugunyazwa kukamasipala; wokuhlinzekela ukususwa kwemibandela ethile yetayitela emayelana nokusebenza komthetho; wokuhlinzekela ukudlulelwa yisikhathi sokuthola igunya ngokoMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, 1991 (uMthetho No. 113 ka 1991) noMthetho wokuLungiselela INtuthuko, 1995 (uMthetho No. 67 ka 1995) ngaphansi kwezimo ezithile; wokulungisa amaphutha athile obhalomagama; wokuguqula izincazelo ezithile; wokulungisa izincazelo ezinokufana; wokususa okuphindaphindiwe nowokuhlinzekela okunye okuphathelele nalokho.

MAWUMISWE yisiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:—

Ukuchitshiyelwa kwesihloko eside soMthetho wokuHlela neNtuthuko waKwaZulu-Natali, 2008 (uMthetho No. 6 ka 2008), ngemuva kwalokhu ozobizwa ngoMthetho omkhulu

1. Isihloko eside soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe lesi sihloko eside esilandelayo esikhundleni sesihloko eside:

“Wokuhlinzekela ukwamukelwa, ukuguqulwa kanye nokuchitshiyelwa kwezinhlelo[.]; wokuhlinzekela imvume ngokohlelo; wokuhlinzekela ukuhlukaniswa iziqephu kanye nokuhlanganiswa komhlaba; wokuhlinzekela ukuthuthukiswa komhlaba ongaphandle kwendawo esohlelweni; wokuhlinzekela ukuphasiswa noma ukwesulwa kwemidwebo yamapulanani egunyazwe yokuhlukaniswa iziqephu noma yokuthuthukiswa komhlaba; wokuhlinzekela ukuguqulwa, ukunjiswa nokwesulwa kwemibandela ephathelene nomhlaba; [wokwakha imigomo ejwayelekile] wokuhlinzekela ukuvulwa unomphelela kwemigwaqo kamasipala nezindawo zomphakathi; wokuhlinzekela [ukwamukelwa kanye nokuhlonishwa kwezinhlelo.] zindlela zokusebenza; wokuhlinzekela isinxephezelo mayelana nezinto ezilawulwa uMthetho; wokusungula isiGungu sezikhaziso mayelana nokuHlela neNtuthuko KwaZulu-Natali; wokuhlinzekela amazinga nezindlela zokuhlela nentuthuko zesifundazwe; nokuhlinzekela okunye okuphathelele nalokho”.

Ukuchitshiyelwa kwesigaba 1 soMthetho wokuHlela neNtuthuko waKwaZulu-Natali, 2008 (uMthetho No. 6 ka 2008)

2. Isigaba 1 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe ngaphambi kwencazelo "yesigungu sezikhazazo" le ncazelo elandelayo:

"Iziza ezithothelene" kusho zonke iziza ezingaphansi kwesiqephu esisodwa sendawo, nazo zonke iziza ebezingaba ngaphansi kwesiqephu esisodwa sendawo ukuba azihlukanisiwe umgwaqo, ulayini wesit mela, indawo eshiyelwe imisebenzi kamasipala, umfula noma okunye okuthi akube njalo;"

(b) ngokufaka ngemuva kwencazelo "yesigungu sezikhazazo" le ncazelo elandelayo:

"Isicelo" kubandakanya isicelo esifakwe umasipala -

(a) sokuchibiyela uhlelo;

(b) sokukhipha imvume yakhe mayelana nohlelo;

(c) sokuhlukanisa iziqephu noma ukuhlunganisa umhlaba;

(d) sokuthuthukisa umhlaba osendaweni engaphandle kohlelo;

(e) sokuphasisa noma sokusula umdwebo wepulani wokuhlukaniswa iziqephu noma ukuthuthukiswa komhlaba;

(f) sokuguqula, ukumisa noma ukusula imibandela ephathelene nomhlaba; noma

(g) sokuvala unomphelo umgwaqo kamasipala noma indawo yomphakathi;"

(c) ngokufaka ngemuva kwencazelo "yesitifiketi" le ncazelo elandelayo:

"Imvume ngokohlelo" kusho imvume kamasipala ekhishwe ngokohlelo oluhlongozwe esigabeni 5(d)(ii);"

(d) ngokufaka ngemuva kwencazelo "yeSu leNtuthuko eliDidiyele" le ncazelo elandelayo:

"uMthetho wobuHoli boMdabu nokuBusa waKwaZulu-Natali" kusho uMthetho wobuHoli boMdabu nokuBusa, 2005 (uMthetho No. 5 ka 2005);

(e) ngokufaka ngemuva kwencazelo "yokufaneleka ngokusemthethweni" le ncazelo elandelayo:

"uMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele" kusho uMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, 1991 (uMthetho No. 113 ka 1991);"

(f) ngokufaka ngemuva kwencazelo "yokuhlizeka" le ncazelo elandelayo:

"ILungu loMkhandlu oPhethe" kusho ilungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali elibhekele ezokubusa ngokubambisana;

(g) ngokufaka ngemuva kwencazelo "yemenenja kamasipala" le ncazelo elandelayo:

"umgwaqo kamasipala" kubandakanya noma imuphi umgwaqo, isitaladi noma umzila, okungokamasipala noma okuphethwe umasipala;"; kanye

(h) ngokufaka ngemuva kwencazelo "yohlelo" le ncazelo elandelayo:

"uMthetho wamaTayitela eZakhiwo eziHlukanisiwe" kusho uMthetho wamaTayitela eZakhiwo eziHlukanisiwe, 1986 (uMthetho No. 95 ka 1986);"

Ukuchitshiyelwa kwesigaba 2 soMthetho No. 6 ka 2008

3. Isigaba 2 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka esikhundleni sendima (1) le ndima elandelayo:

“(1) ukuhlinzekela ukwamukelwa, ukuguqulwa kanye nokuchitshiyelwa [kwezinhlelo] kohlelo kanye nokunikezelwa kwemvume ngokohlelo.”

Ukuchitshiyelwa kwesigaba 5 soMthetho No. 6 ka 2008

4. Isigaba 5 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe esikhundleni sendinyana (ii) yendima (d) le ndinyana elandelayo:

“(ii) izinhlobo zokusetshenziswa nokuthuthukiswa komhlaba ezingavunyelwa [nggunya] ngemvume kamasipala ngokohlelo, indlela ezolandelwa umasipala ekunqumeni uma kumele anikeze [igunya] imvume, kanye [nemibandela] neziqondiso eziyosebenza uma umasipala enika [igunya] imvume;” kanye

(b) nokufaka esikhundleni sendima (e) le ndima elandelayo:

“(e) lucacise ukuthi umhlaba osetshenziswe ngokusemthethweni ngokwenhloso engahambisani nohlelo ungaqhubeka usetshenziselwe lezo zinhloso nokuthi izakhiwo ezikulowo mhlaba zingaguqulwa noma zirwetshwe; [futhi]”; futhi

(c) ngokuthi kufakwe ngemuva kwendima (e) le ndima elandelayo:

“(eA) lucacise imvume ngokohlelo engadingi ukuba kukhishwe isaziso ephephandabeni lomphakathi njengoba kuhlongozwe ngokwesigaba 6(1)(c) no 15 (1)(c) soHlelo 1”; futhi

(d) ngokuthi kufakwe esikhundleni sendima (f) le ndima elandelayo:

“(f) lucacise izindawo lapho kungadingeki khona [ukugunyazwa kuqala umasipala ngokwalo Mthetho] ukukhishwa kwesaziso somphakathi njengoba kuhlongozwe ezihlokwani 5 no 14 zoHlelo 1 ukuze kuhlukaniswe iziqephu noma kuhlanganiswe umhlaba.”;

Ukuchitshiyelwa kwesigaba 6 soMthetho No. 6 ka 2008

5. Isigaba 6 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:

“(4) Umasipala noma olunye uhlaka lombuso angeke lugunyaze [Isicelo] incwadi yesicelo sokuhlukanisa iziqephu noma sokuhlanganisa umhlaba enokushayisana nezinhlinzeko zohlelo.”;

(b) ngokuthi kufakwe esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:

“(5) [Isicelo] Incwadi yesicelo sokuhlukanisa iziqephu noma sokuhlanganisa umhlaba enokushayisana nezinhlinzeko zohlelo ayisebenzi.”; kanye

(c) nangokufaka ngemuva kwesigatshana (10) lesi sigatshana esilandelayo:

“(11) Imvume ngokohlelo inikeza ilungelo elifanele kulowo mhlaba elingasetshenziswa inoma imuphi umuntu.”.

Ukuchitshiyelwa kwesihloko seNgxenywe 2 yesaHluko 2 soMthetho No. 6 ka 2008

6. Isihloko sesaHluko 2 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko lesi sihloko esilandelayo:

"INgxenywe 2: Ukwamukelwa, ukuguqulwa kanye nokuchitshiyelwa kohlelo kanye nemvume ngokohlelo."

Ukuchitshiyelwa kwesigaba 9 soMthetho No. 6 ka 2008

7. Isigaba 9 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigaba 9 lesi sigaba esilandelayo:

"[Abantu abangaqala] Ukuqalwa kokwamukelwa [,] noma kokuguqulwa kohlelo [, noma] noma kwesicelo sokuchitshiyelwa kohlelo noma kwemvume ngokohlelo

9. (1) Umasipala angaqala ukwamukela uhlelo [,] noma ukuguqula uhlelo noma isicelo sokuchitshiyelwa kohlelo noma semvume ngokohlelo.

(2) Isicelo sikamasipala sokuchitshiyelwa kohlelo [,] noma semvume yawo ngokohlelo, singafakwa -

(a) umnikazi womhlaba othintekayo ngokuchitshiyelwa okuhlongozwayo kohlelo [,] noma ngemvume ehlongozwayo ngokohlelo, kubandakanya izinhloko zombuso; kanye

(b) nomuntu onemvume ebhalwe phansi evela kumnikazi womhlaba othintekayo ngokuchitshiyelwa okuhlongozwayo kohlelo noma ngemvume ehlongozwayo ngokohlelo.

(3) Uma umhlaba, ofakelwa isicelo sokuthi kuchitshiyelwe uhlelo noma kutholakale imvume ngokohlelo, udluliselwa kumnikazi omusha, umnikazi omusha angaqhubeka nesicelo njengondlalifa osemthethweni kwitayitela lomnikazi omusha."

Ukuchitshiyelwa kwesigaba 10 soMthetho No. 6 ka 2008

8. Isigaba 10 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe esikhundleni sesihloko lesi sihloko silandelayo:

"Inqubo yokwamukela, yokuguqula noma yokuchitshiyelwa uhlelo noma imvume engokohlelo;"

(b) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) Izingqubo [eziseNdimeni] eziseNgxenyeni 2 yoHlelo 1 kumele zilandelwe ukuze kwamukelwe noma kuguqulwe uhlelo;"

(c) ngokuthi kufakwe esikhundleni sesigatshana (2) lesi sigatshana esilandelayo:

"(2) Izingqubo ezihlongozwe oHlelweni 1 kumele zilandelwe uma kufakwa isicelo sokuchitshiyelwa kohlelo noma semvume ngokohlelo;"; kanye

(d) nangokususwa kwesigatshana (3).

(e) ngokuthi kufakwe esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:

"(4) [Isicelo] [incwadi zezicelo] zokuchitshiyelwa kohlelo [lukamasipala] nezemvume ngokohlelo zingahlanganiswa, futhi zenziwe zibe yisicelo esisodwa [nesicelo -

(a) sokuhlukaniswa lziqephu noma sokuhlanganiswa komhlaba; kanye

(b) nesokuguqulwa, nesokumiswa noma nesokwesulwa kwemibandela ephathelene nomhlaba, futhi zenziwe zibe yisicelo esisodwa].";

(f) ngokufaka ngemuva kwesigatshana (4) lesi sigatshana esilandelayo:

"(5) Izicelo zokuchitshiyelwa kohlelo nezemvume ngokohlelo -

(a) zingahlanganiswa nesicelo -

(i) sokuhlukaniswa lziqephu noma sokuhlanganiswa komhlaba;

(ii) sokuguqula, sokuchitha noma sokususa imibandela ephathelene nomhlaba; kanye

(iii) nesokuvatwa unomphelo komgwaqo kamasipala noma kwendawo yomphakathi; futhi

(b) zingenziwa njengesicelo esisodwa.".

Ukuchitshiyelwa kwesigaba 11 soMthetho 6 ka 2008

9. Isigaba 11 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigaba 11 lesi sigaba esilandelayo:

"11. Ngaphambi kokucubungula [Isicelo sokwamukela, sokuguqula] ukwamukelwa noma ukuguqulwa kohlelo noma kwesicelo sokuchibiyela uhlelo [,] noma kwemvume yawo ngokohlelo, umasipala kumele uthole -

(a) isincomo kanye nombiko wokuhlola obhalwe phansi umhleli womhlaba obhalisiwe [ngesicelo] ngokwamukelwa noma ngokuguqulwa kohlelo okuhlongozwe noma kwesicelo sokuchitshiyelwa kohlelo noma imvume yalokho; kanye

(b) nesitifiketi esisayindwe umhleli womhlaba obhalisiwe -

(i) esiqinisekisa ukuthi isicelo noma incwadi yesicelo iyahambisana nganoma iyiphi indlela nalo Mthetho; noma

(ii) uma isicelo noma incwadi yesicelo ingahambisani nganoma iyiphi indlela nalo Mthetho, esisho ukuthi isicelo noma incwadi yesicelo inephutha futhi inikeza imininingwane enamaphutha.".

Ukuchitshiyelwa kwesigaba 12 soMthetho No. 6 ka 2008

10. Isigaba 12 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigaba 12 lesi sigaba esilandelayo:

"Izindaba eziphathelene nokunqunywa kokufaneleka kwalokho kwamukelwa [,] noma kuguqulwa kohlelo noma kwesicelo okuhlongozwayo ukuze kuchitshiyelwe uhlelo

12. Ngenhloso yokunquma ukufaneleka kwesicelo sokwamukela [,] noma sokuguqula uhlelo noma [ukuchitshiyelwa] kwesicelo sokuchibiyela uhlelo, umasipala kumele ubheke lezi zinto ezilandelayo -

(a) isicelo noma incwadi yesicelo ehlongozwe esihlokweni 1(2) noma 14(1) soHlelo 1;

(b) izimvo eziphendula isimemo sezimvo zomphakathi mayelana nesicelo noma nencwadi yesicelo;

(c) (i) umbiko wokuhlola nezincomo zomhleli womhlaba obhalisiwe ezibhalwe phansi ngesicelo noma nencwadi yesicelo

- (ii) nesitifiketi sokuhambisana kwesicelo noma kwencwadi yesicelo noMthetho;
- (d) umthelela ongaba khona wesicelo noma wencwadi yesicelo kwimvelo, kwizimo zazomnotho emphakathini, kanye nakumagugu ezamasiko;
- (e) umthelela wesicelo noma wencwadi yesicelo
- (i) kwezinye izinhlelo zentuthuko ezikhona noma ezihlongozwayo noma ukusetshenziswa komhlaba [endaweni kamasipala, noma]; kanye
- (ii) nasemalungelweni akhona amayelana [nentuthuko noma] nokumbiwa phansi;
- [(f) umthelela wesicelo noma wencwadi yesicelo mayelana nemizila yemigwaqo kazwelonke, yesifundazwe kanye neyomasipala;]**
- (g) uma kuyisicelo sokwamukela noma sokushintsha uhlelo, izinsiza zabasebenzi nezimali okunamathuba okuthi zibe khona ukuqalisweni [kwesicelo] kohlelo [, kubandakanya ukukwazi ukufinyelela emizileni yemigwaqo kazwelonke, yesifundazwe noma yomasipala, imisebenzi yobunjiniyela, izithuthi zomphakathi, imisebenzi kamasipala, amapayipi endle, ukuhlinzekwa ngogesi namanzi, ukuqoqwa nokufakwa kukadoti, ukuphepha nokuvikeleka, izinsiza zezempilo nezemfundo, kanye nesimo sezimali sikamasipala esizokwazi ukukhokhela izinxephezelo ezihlongozwe esigabeni 95(1) ;
- (h) [esimweni lapho uhlelo lwamukelwe,] imihlomo ezotholakala [kulokho] ekushintshweni noma ekuchitshyelweni kohlelo eqhathaniswa nesamba sezinxephezelo ezihlongozwe esigabeni 95(1);
- (hA) izinhlinzeko namazinga emisebenzi yobunjiniyela;
- (hB) umthelela wesicelo noma wencwadi yesicelo emizileni yemigwaqo kazwelonke, yesifundazwe, neyomasipala, ezithuthi zomphakathi, emisebenzini kamasipala, ekuthuthweni kwendle, ekusatshalalisweni kwamarzi nogesi, ekuqoqweni kwemfucuzo, kwezokuqapha nokuphepha;
- (hC) ukutholakala kwengqalasisinda yezempilo nezemfundo;
- (i) imithelela ebangelwa imithetho emidala yokuhlukaniswa ngokobuhlanga nokucwasa ebunikazini bomhlaba, ekuthuthukisweni komhlaba kanye nasekuhlizekweni ngemisebenzi yobunjiniyela nezingqalasisinda zomphakathi, kanye nokubhekelelwa kokungalingani kwaphambili.
- (j) ukuvikelwa nokongiwa kwezemvelo nezamasiko, kubandakanya ezolimo, izindawo noma izinto eziyivelakancane kanye nemvelo eyahlukahlukene;
- (k) izinga enalo kanye nokubukeka kwaleyo ndawo;
- (l) imigomo ejwayelekile yokuthuthukiswa komhlaba njengoba kubekwe esigabeni 3 soMthetho wokuLungiselela iNtuthuko, 1995 (uMthetho No. 67 ka 1995), nezinye izindlela namazinga kazwelonke, izinhlaka kanye nezingqalasisinda ezihlongozwe esigabeni 146(2)(b) soMthethosisekelo;
- (m) izindlela namazinga okuhlala nentuthuko esifundazwe;
- (n) uhlelo lwentuthuko oludidiyele lukamasipala;
- (o) uhlelo [lukamasipala], uma kuyincwadi yesicelo sokuchibiyela uhlelo noma semvume kamasipala ngokohlelo;
- (oA) izinhlinzeko zesigaba 13 soMthetho wobuNdlalifa obuseMthethweni emisebenzini yezokuThutha yaseNingizimu Afrika, 1989 (uMthetho No. 9 ka 1989) ezimayelana nokuklanywa komhlaba ophethwe abakwa-Transnet namanye imithetho elawula ukuklanywa komhlaba;
- (p) noma isiphi isenzo noma inqubo yokuphathwa kokusetshenziswa komhlaba ehambisana -

- (i) nemithetho yeRiphabhuliki;
- (ii) izindlela namazinga okuhlela nentuthuko kwesifundazwe; kanye
- (iii) nohlelo lukamasipala lwentuthuko oludidiyele; kanye
- (iv) nanoma iluphi olunye ulwazi oludingekayo.”.

Ukufakwa kwesigaba 12A soMthetho No. 6 ka 2008

11. Lesi sigaba esilandelayo ngalokhu sifakwa eMthethweni omkhulu ngemuva kwesigaba 12 -

“Izinto ezihlobene nokunquma mayelana nokufaneleka kwesicelo ekutholeni imvume ngokohlelo

12A. Ngenhloso yokunquma mayelana nokufaneleka kwesicelo ekutholeni imvume ngokohlelo, umasipala kumele ubheke lezi zinto ezilandelayo:

- (a) isicelo esihlongozwe ngokwezihloko 1(2) noma 14(1) zoHlelo 1;
- (b) izimvo eziphendula isimemo sezimvo zomphakathi mayelana nesicelo;
- (c) (i) ukuhlolwa kanye nezincomo ezivela kumhleli womhlaba obhalisiwe mayelana nesicelo; kanye
(ii) nesitifiketi somhleli womhlaba obhalisiwe sokuhambisana kwesicelo noMthetho;
- (d) umthelela isicelo esizokuba nawo kwimvelo, ezimweni zezomnotho emphakathini, nakumasiko angamagugu;
- (e) umthelela wesicelo -
 - (i) ekusetshenzisweni komhlaba okukhona noma okuhlongozwayo; kanye
 - (ii) nakumalungelo okumbiwa phansi;
- (f) imigomo ejwayelekile yokuthuthukiswa komhlaba njengoba kubekwe esigabeni 3 soMthetho wokuLungiselela iNtuthuko, 1995 (uMthetho No. 67 ka 1995), nezinye izindlela namazinga, izinhloko nezinqubomgomo ezihlongozwe esigabeni 146(2)(b) soMthethosisekelo;
- (g) izindlela namazinga okuhlela nentuthuko esifundazwe;
- (h) uhlelo oludidiyele lwentuthuko lukamasipala;
- (i) uhlelo lukamasipala, kubandakanya indlela yokukhishwa kwemvume yokusebenzisa noma yokuthuthukisa umhlaba osohlelweni; kanye
- (g) nanoma iluphi olunye ulwazi oluhambisanayo.”.

Ukuchitshiyelwa kwesigaba 13 soMthetho No. 6 ka 2008

12. Isigaba 13 soMthetho omkhulu ngalokhu siyachitshiyelwa -

- (a) ngokuthi kufakwe esikhundleni sesihloko lesi sihloko esilandelayo:

“Isinqumo sikaMasipala sokwamukela [,] noma sokuguqula okuhlongozwayo kohlelo noma kwesicelo sokuchitshiyelwa kohlelo noma kwemvume ngokohlelo”;
- (b) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) Umasipala kumele, ngesikhathi esihlongozwe esihlokweni 12 [kanye] noma 21 sohlelo 1 [ucubungule ukufaneleka kwesicelo sokwamukela, sokuguqula noma sokuchibiyela uhlelo bese unquma] -

(a) unqume -

(i) [ukugunyaza ukwamukelwa] ukwamukela uhlelo;

(ii) [ukuguqulwa] ukuguqula uhlelo;

(iii) [noma ukuchitshiyelwa] ukuguyaza isicelo sokuchitshiyelwa kohlelo; noma

[iv] ukuvumela isicelo semvume ngokohlelo.

zikhona noma zingekho [ushintsho] izinguquko; noma

(b) unqume ukwengqaba -

(i) [ukwengqaba] ukwamukela uhlelo [;];

(ii) ukuguqula uhlelo;

(iii) [noma ukuchibiyela] ukugunyaza isicelo sokuchitshiyelwa kohlelo; noma

[iv] ukukhipha imvume yawo ngokohlelo.";

(c) ngokuthi kufakwe esikhundleni sesigatshana (2) lesi sigatshana esilandelayo:

"(2) Umasipala ngeke wamukele uhlelo, [noma] ugunyaze ukuchitshiyelwa kohlelo, noma ukhiphe imvume yawo ngokohlelo enokushayisana -

(a) nezindlela namazinga okuhlela nentuthuko esifundazwe; noma

(b) nohlelo oludidiyele lwentuthuko lukamasipala."

(d) ngokuthi kufakwe esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:

"(4) Umasipala ungagunyaza isicelo sokuchitshiyelwa kohlelo [lwawo], noma semvume yawo ngokohlelo, kuncike kunoma imiphi imibandela ebonakala idingeka.";

(e) ngokuthi kufakwe esikhundleni sesigatshana (5) lesi sigatshana esilandelayo:

"(5) Ekuhleleni izinqumo zokuchitshiyelwa kohlelo, noma kwemvume yawo ngokohlelo, umasipala kumele uhlizoke izizathu -

(a) zokugunyaza noma zokuchitha ukuchitshiyelwa kohlelo noma zokukhipha noma zokwengqaba nempume yawo ngokohlelo;

(b) zokuthi kungani kwenziwe [ushintsho] izinguquko, uma ukuchitshiyelwa kugunyaziwe noma imvume yawo ngokohlelo ikhishwe [noshintsho] nezinguquko; noma

(c) zanoma imiphi umbandela obekwayo [ekuchitshiyelweni kohlelo, noma uma ukuchitshiyelwa kohlelo kugunyazwe ngokuncike kwimibandela] -

(i) okungazange kukhulunywe ngawo esicelweni sokuchitshiyelwa kohlelo noma kwemvume yawo ngokohlelo; noma

(ii) owehtuke kakhulu embandeleni ohlongozwe esicelweni.";

(f) ngokuthi kufakwe ngemuva kwesigatshana (5) lesi sigatshana esilandelayo:

"(5A) Ekuthatheni isinqumo sawo mayelana nesicelo sokuchitshiyelwa kohlelo, noma semvume yawo ngokohlelo, umasipala kumele wazise umfakisicelo uma kukhona izimvo ezitholakala eziphendula isimemo

sezimvo zomphakathi matela nesicelo.”;

(g) ngokuthi kufakwe esikhundleni sesigatshana (g) lesi sigatshana esilandelayo:

“(6) Umasipala noma isiphi isikhathi ungalungisa iphutha ekubhalweni kwesinqumo sawo, Inqobo nje uma lokho kulungisa kungeke kwenze kube nezinguquko esinqumweni noma kube nokushintshwa, nokumiswa, noma nokususwa kombandela wokugunyaza kwawo ukuchitshiyelwa kohlelo noma ukukhishwa kwemvume yawo ngokohlelo.”.

Ukuchitshiyelwa kwesigaba 14 soMthetho No. 6 ka 2008

13. Isigaba 14 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe lesi sihloko esilandelayo esikhundleni sesihloko:

“Abantu okumele baziswe ngesinqumo sikamasipala [mayelana] ngesicelo sokwamukelwa [,] noma sokuguqulwa [noma sokuchitshiyelwa kohlelo] kohlelo noma ngesicelo sokuchitshiyelwa kohlelo noma kwemvume ngokohlelo”; kanye

(b) ngokuthi kufakwe esikhundleni sesigatshana 1 lesi sigatshana:

“(1) Umasipala kumele ezinsukwini ziyi-14 uthathe isinqumo sokwamukela, sokuguqula noma sokuchibiyela uhlelo, noma imvume yawo ngokohlelo, ukhiphe isaziso ngesinqumo sawo kuwo wonke umuntu obethumele uvo lwakhe ngokohlelo 1.”.

Ukuchitshiyelwa kwesigaba 15 soMthetho No. 6 ka 2008

14. Isigaba 15 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe lesi sihloko esilandelayo esikhundleni sesihloko:

“Isikhalazo mayelana nesinqumo sikamasipala esicelweni sokwamukela[,] noma sokuguqula noma esicelweni sokuchibiyela uhlelo [noma sokwehluleka ukunquma mayelana nokuchitshiyelwa kohlelo] noma semvume ngokohlelo”;

(b) ngokuthi kufakwe esikhundleni sesigatshana (1) ngalesi sigatshana esilandelayo:

“(1) Umuntu_

(a) ofake isicelo sokuchitshiyelwa kohlelo, noma semvume ngokohlelo, noma

(b) othumele uvo lwakhe olubhalwe phansi ephendula isimemo sezimvo zomphakathi mayelana_

(i) [nesicelo sokwamukela, sokuguqula noma sokuchibiyela] nesicelo sikamasipala sokwamukela noma sokuguqula uhlelo ngosuku lokuvala olubekwe kwisimemo, noma

(ii) nesicelo sokuchitshiyelwa kohlelo noma kwemvume ngokohlelo ngosuku lokuvala olubhalwe kwisimemo,

ohlukumezekayo ngesinqumo esikhishwe umasipala esihlongozwe esigabeni 13(1), angafaka isikhalo esiGungwini sezikhalo.

Ukuchitshiyelwa kwesigaba 16 soMthetho No. 6 ka 2008

15. Isigaba 16 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe sikhundleni sesigaba 16 lesi sigaba esilandelayo:

"Usuku lokuqala kokusebenza kwesinqumo sesicelo sokwamukelwa [,] noma sokuguqulwa kohlelo noma kwesicelo sokuchitshiyelwa kohlelo noma semvume ngokohlelo

16. Isinqumo sesicelo sokwamukela [,] noma sokuguqula uhlelo noma isicelo sokuchibiyela uhlelo, noma sokukhipha imvume ngokohlelo, siqala ukusebenza -

(aA) ngosuku lwesinqumo sikamasipala uma -

(i) isicelo noma incwadi yesicelo bekuyisicelo noma bekuyincwadi yesicelo sikamasipala; futhi

(ii) kungekho zimvo ezitholakele eziphendula isimemo sezimvo zomphakathi mayelana nesicelo;

(a) ekupheleni kwezinsuku ezingama-28 okukhulunywe ngazo esigabeni 15(2), uma kungekho isikhalazo esifakiwe mayelana nesinqumo sikamasipala futhi kungekho sicelo esenziwe sokufaka isikhalazo sekwedlule isikhathi; noma

(b) ekuphothulweni kwesikhalazo, uma isikhalazo besifakiwe mayelana nesinqumo sikamasipala."

Ukufakwa kwezigaba 16A kuya ku-16C zoMthetho No. 6 ka 2008

16. UMthetho omkhulu ngalokhu uyachitshiyelwa ngokuthi kufakwe ngemuva kwesigaba 16 lesi sigaba esilandelayo:

"Ukudlulelwa yisikhathi kwemvume ngokohlelo

16A.(1) Imvume kamasipala ngokohlelo idlulelwa yisikhathi uma umfakisisicelo ehluleka ukusebenzisa noma ukuthuthukisa umhlaba ngokuhambisana nemvume esikhathini esiyiminyaka eyisihlanu kusukela osukwini okuqale ngalo ukusebenza kwemvume ngokwesigaba 16.

(2) Ngenhloso yesigatshana (1) "ukuthuthukisa" akubandakanyi ukufakwa kothango noma kwesango elisandlu."

Isinyathelo sokwesulwa kwemvume ngokohlelo umasipala, uma amalungelo akuyona engasetshenziswanga ngokuphelele

16B.(1) Uma -

(a) amalungelo anikezelwe ngumasipala ngemvume ngokohlelo engasetshenzisiwe ngokuphelele eminyakeni eyisihlanu kusukela osukwini okuqale ngalo ukusebenza kwemvume kamasipala ngokwesigaba 16; futhi

(b) umasipala ubona ukuthi intuthuko angeke iphothulwe ngesikhathi esifanele;

umasipala ungakhipha isaziso usibhekise kumnikazi womhlaba -

(i) esixwayisa umnikazi womhlaba ukuthi umasipala ungasula ukwesula izingxenye zentuthuko egunyaziwe ngokohlelo lapho amanye amalungelo engasetshenzisiwe ngokuphelele khona; futhi

(ii) ungacacisa isikhathi ofuna kube sekusetshenzisiwe ngaso lawo malungelo ngokuphelele,

(2) Umasipala ungahoxisa isaziso okukhulunywe ngaso esigatshaneni (1) noma nini ngaphambi kokuphela kwesikhathi esibalulwe kusona.

(3) Isaziso okukhulunywe ngaso esigatshaneni (1) angeke siphoge futhi sisebenze uma umasipala ehluleka ukwenza okushiwo kwisaziso esikhathini esiyizinyanga eziyisithupha ngemuva kokuphela kwesikhathi esinqunywe kuleso saziiso.

(4) Uma umnikazi womhlaba ehluleka ukusebenzisa ngokuphelele imvume kamasipala ngokohlelo esikhathini esithile esinqunywe umasipala ngokwesigaba 16B(1)(ii), umasipala angesula leyo mvume kuleyo ngxenye yentuthuko umnikazi womhlaba angazange ayisebenzise ngokuphelele.

Ukwesulwa kwemvume kamasipala ngokohlelo

16C.(1) Umasipala ungagala ukwesula umvume yakhe ngokohlelo mayelana -

(a) nomhlaba wawo;

(b) nomhlaba onamandla okuwengamela;

(c) nomhlaba osezinhlweni zokuwuthola; noma

(d) nomhlaba amalungelo akuwona angasetshenziswa ngokuphelele njengoba kuhlangezwe esigabeni 16B.

(2) Laba bantu abalandelayo bangafaka isicelo kumasipala sokwesula imvume yawo ngokohlelo -

(a) umnikazi womhlaba; kanye

(b) nomuntu obambile ngemvume ebhalwe phansi umnikazi womhlaba.

(3) Uma umhlaba ofakelwe isicelo kumasipala sokuthi kususwe imvume engokohlelo, udlulisekwa kumnikazi omusha, umnikazi omusha angaghubeka nesicelo njengondlalifa osemethethweni womnikazi omdala.

(4) Isicelo esibhekiswe kumasipala sokwesulwa kwemvume ngokohlelo kumele sihambisane -

(a) nefomu lesicelo;

(b) nezincwadi ezibhalwe phansi ezeseke isicelo;

(c) ubufakazi bobunikazi obubhalisiwe kanye nekhophi yomdwebo womhlaba;

(d) imvume ebhalwe phansi yomnikazi obhalisiwe womhlaba, uma umfakisisicelo engeyena lowo mnikazi;

(e) noma iyiphi enye ipulani, umdwebo, izincwadi, ulwazi nezimali ezikhokhwayo umasipala angakudinga.

(5)(a) Ngaphambi kokucubungula isicelo sokwesula imvume yawo ngokohlelo, umasipala kumele uthole umbiko wokuhlola

nezincomo womhleli womhlaba obhalisiwe esicelweni.

(b) Umhleli womhlaba obhalisiwe kumele ahlale isicelo sokwesula imvume kamasipala ngokhlelo ngendlela -

(i) ezimele;

(ii) engenakho ukugxambukela nokududeka; futhi

(iii) ehambisana nezinga eliphezulu lokuhloniphelela, ukwethembeka, ukubukisisa kanye nokuziphatha okusenzingeni.

(6) Ngenhloso yokunquma ngokufaneleka kwesicelo sokwesulwa kwemvume ngokhlelo, umasipala kumele ubhekisise lokhu okulandelayo:

(a) isicelo esihlongozwe ezigabeni (1) noma (5);

(b) incwadi yokuhlola nezincomo esicelweni womhleli womhlaba obhalisiwe;

(c) noma ikuphi ukwenzelela okungabangelwa isicelo, kunoma imuphi umuntu, kubandakanya

(i) onjiniyela;

(ii) umdayisi womhlaba;

(iii) umnikazi wendawo eshiyelwe imisebenzi kamasipala; noma

(iv) isiqashi lapho kusayindwe isivumelwano sokuqashiselana; kanye

(d) nanoma iluphi ulwazi olufanele.

(7) Umasipala kumele unqume ngesicelo sokwesula imvume ngokhlelo ezinsukwini ezingama-60 n jemuva kwalokho.

(8) Umasipala kumele ucubungule isicelo sokwesulwa kwemvume yawo ngokhlelo futhi unqume -

(a) ukugunyaza isicelo, zikhona noma zingekho izichithiyelo; noma

(b) ukuchitha isicelo.

(9) Umasipala ungagunyaza isicelo sokwesulwa kwemvume ngokhlelo, kuncike kunoma imuphi umbandela obonakala ufanele.

(10) Ekukhapheni isinqumo sawo, umasipala kumele unikeze izizathu zokugunyaza noma zokuchitha isicelo."

Ukususwa kwezigaba 17 kuya ku 20 zoMthetho No. 6 ka 2008

17. Izigaba 17 kuya ku 20 zoMthetho omkhulu, kubandakanya nesihloko seNgxenywe 3, ngalokhu ziyεsuswa.

Ukuchitshiyelwa kwesigaba 21 soMthetho No. 6 ka 2008**18. Isigaba 21 soMthetho omkhulu ngalokhu siyachitshiyelwa -**

(a) ngokuthi kufakwe esikhundleni sendima (g) yesigatshana (2) le ndima elandelayo:

"(g) ukushitshwa noma ukuchitshiyelwa kwepulani ejwayelekile okuthinta ubungako besiza, njengoba kuhlangozwe esigabeni 37 soMthetho wokuHlolwa koMhlaba; [noma]";

(b) ngokuthi kufakwe esikhundleni sendima (h) yesigatshana (2) le ndima elandelayo:

"(h) ukubhaliswa kwesivumelwano sokuqashiselana sesikhathi eside okuhlongozwe esigabeni 4(1) soMthetho wamaTayitela eZakhiwo eziHlukanisiwe [1937 (uMthetho No.47 ka 1937)];";

(c) ngokufaka le ndima elandelayo ngemuva kwendima (g):

(gA) ukugunyazwa komdwebo weyatayitela leziza ezihlanganisiwe, njengoba kuhlangozwe esigabeni 38 soMthetho wokuHlolwa koMhlaba;" kanye

(d) ngokufaka le ndima elandelayo ngemuva kwendima (h):

"(f) ukusungulwa kohlelo lwamatayitela ezakhiwo eziHlukanisiwe ngokwesigaba 4(1) soMthetho wamaTayitela eZakhiwo eziHlukanisiwe;

(j) ukushintshwa, ukuchitshiyelwa noma ukuguqulwa kohlelo lwamatayitela ezakhiwo eziHlukanisiwe ngokwesigaba 14 soMthetho wamaTayitela eZakhiwo eziHlukanisiwe ukuze kwakhiwe ezinye izigaba ezengeziwe noma indawo esetshenziselwa okukhethekile; noma

(k) ukushintshwa, ukuchitshiyelwa noma ukuguqulwa kohlelo lwamatayitela ezakhiwo eziHlukanisiwe ngokwesigaba 14 soMthetho wamaTayitela eZakhiwo eziHlukanisiwe ukuze lube nezigaba ezengeziwe noma indawo esetshenziselwa okukhethekile okuhlongozwe esigabeni 25 soMthetho wamaTayitela eZakhiwo eziHlukanisiwe.".

Ukuchitshiyelwa kwesigaba 22 soMthetho No. 6 ka 2008**19. Isigaba 22 soMthetho omkhulu ngalokhu siyachitshiyelwa -**

(a) ngokuthi kufakwe lesi sihloko esilandelayo esikhundleni sesihloko:

"[Umuntu angafaka] Ukufakwa kwesicelo sokuhlukaniwa liziqephu noma ukuhlanganiswa koMhlaba";
kanye

(b) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) Umasipala ungalahlela ukuhlukaniwa iziqephu noma ukuhlanganisa -

(a) umhlaba ongumnikazi wawo;

(b) umhlaba onamandla okuwuphatha; noma

(c) umhlaba osezinhlalweni zokuwuthola.".

Ukuchitshiyelwa kwesigaba 23 soMthetho No. 6 ka 2008

20. Isigaba 23 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokususwa kwesigatshana (2).

(b) ngokususa, nokufaka esikhundleni sesigatshana (3), lesi sigatshana esilandelayo:

“(3) Isicelo sokuhlukanisa iziqephu noma sokuhlunganisa umhlaba -

(a) singahlunganiswa nesicelo -

(i) sokuchibiyela uhlelo;

(ii) semvume kamasipala ngokohlelo;

(iii) sokuthuthukisa umhlaba ongaphandle kwendawo esohlelweni;

(iv) sokushintsha, sokumisa noma sokwesula imibandela ephathelene nomhlaba;

(v) nesokuvala unomphele umgwaqo kamasipala noma indawo yomphakathi; futhi

(b) zenziwe zibe yisicelo esisodwa.”.

Ukuchitshiyelwa kwesigaba 24 soMthetho No. 6 ka 2008

21. Isigaba 24 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigaba 24 lesi sigaba esilandelayo:

“24. Ngaphambi kokucubungula [Isicelo] incwadi yesicelo sokuhlukaniswa iziqephu noma sokuhlunganiswa komhlaba, umasipala kumele uthole -

(a) incwadi yokuhlola nezincwadi yomhleli womhlaba obhalisiwe mayelana [nesicelo] nencwadi yesicelo; kanye

(b) isitifiketi esisayinwe umhleli womhlaba obhalisiwe -

(i) esiqinisekisa ukuthi [Isicelo] incwadi yesicelo iyahambisana nazo zonke izidingo zalo Mthetho; noma

(ii) uma [Isicelo] incwadi yesicelo ingahambisani nazo zonke izidingo zalo Mthetho, esicacisa ukuthi [Isicelo] incwadi yesicelo inamaphutha futhi sicacise lawo maphutha.”.

Ukuchitshiyelwa kwesigaba 25 soMthetho No. 6 ka 2008

22. Isigaba 25 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigaba 25 lesi sigaba esilandelayo:

“Izinto eziphathelene nokunquma ukufaneleka [kwesicelo] kwencwadi yesicelo sokuhlukaniswa iziqephu noma sokuhlunganiswa komhlaba

25. Ngokwezinhloso zokunquma ukufaneleka [kwesicelo] kwencwadi yesicelo sokuhlukanisa iziqephu noma sokuhlunganisa umhlaba, umasipala kumele ubheke lokhu okulandelayo:

(a) isicelo esihlongozwe ngokwezihloko 1(2) noma 14(1) soHlelo 1;

(b) izimvo eziphendula isimemo sezimvo zomphakathi mayelana [nesicelo] nencwadi yesicelo;

(c) (i) incwadi yokuhlola nezincwadi yomhleli womhlaba obhalisiwe mayelana [nesicelo] nencwadi yesicelo kanye

- (i) nesitifiketi sokuhambisana [kwesicelo] kwencwadi yesicelo noMthetho;
- (d) umthelela ongaba khona mayelana [nesicelo] nencwadi yesicelo endaweni, ezimweni zezomnotho, kanye nakumasiko angamagugu;
- (e) umthelela [wesicelo] wencwadi yesicelo -
- (f) entuthukweni noma ekusetshenzisweni komhlaba okukhona noma okuhlongozwayo kuleyo ndawo [emhlabeni], kanye
- (ii) [nakwintuthuko eqhubekayo noma] nakokumbiwa phansi;
- (f) ukuhlinzekwa kwemisebenzi yobunjiniyela kanye namazinga ayo;
- (g) umthelela [wesicelo] wencwadi yesicelo emizileni yemigwaqo kazwelonke, yezifundazwe kanye neyomasipala, ezithuthini zomphakathi, emisebenzini kamasipala, eapayipini okuthutha indle, ekuhlinzekweni kwamanzi nogesi, ekulahlweni kukadoti, kwezokuqapha nezokuvikela;
- (h) ukutholakala kwengqalasizinda [yezokuthutha umphakathi], yezempilo neyemfundo;
- (i) umthelela wemithetho emidala yokucwasa nokwahlukanisa ngokobuhlanga ebunikazini bomhlaba, ukuthuthukiswa komhlaba kanye nokutholakala kwezobunjiniyela nengqalasizinda yomphakathi, kanye nesidingo sokubhekela ukungalingani kwaphambilini;
- (j) ukuvikelwa nokongiwa kwezizinda zethu zezamasiko nezemvelo, kubandakanya izizinda zezolimo, izindawo eziyivelakancane noma izinto kanye nemvelo eyahlukahlukeno;
- (k) amazanga esimo sezemvelo nokuma kwendawo;
- (l) imigomo ejwayelekile yokuthuthukiswa komhlaba njengoba ibekwe esigabeni 3 soMthetho wokuLungiselela iNtuthuko, 1995 (uMthetho No. 67 ka 1995), nezinye izindlela namazinga kazwelonke, izinhloko nezinqubomgomo ezihlongozwe esigabeni 146(2)(b) soMthethosisekelo.
- (m) izindlela namazinga okuhlela nentuthuko kwesifundazwe;
- (n) isu elididiyele lentuthuko likamasipala;
- (o) uhlelo lukamasipala;
- (p) noma ikuphi ukuphathwa kokusetshenziswa komhlaba okuhambisana -
- (i) nemithetho yeRiphabhuliki;
- (ii) nezindlela namazinga okuhlela nentuthuko kwesifundazwe;
- (iii) nesu elididiyele lentuthuko likamasipala; kanye
- (iv) nohlelo; kanjalo
- (q) nolunye utwazi oludingekayo."

Ukuchitshiyelwa kwesigaba 26 soMthetho No. 6 ka 2008

23. isigaba 26 soMthetho omkhulu ngalokhu siyachitshiyelwa -

- (a) ngokuthi kufakwe lesi sihloko esilandelayo esikhundleni sesihloko:

"Isinqumo sikamasipala mayelana nesicelo aokuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba [okuhlongozwayo]"

(b) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

“(1) Umasipala kumele ngesikhathi esihlongozwe ezihlokwani 12 [kanye] noma 21 soHlelo 1 [ucubungule ukufaneleka kwesicelo sokuhlukaniswa iziqephu noma sokuhlanganiswa komhlaba futhi] unqume -

(a) ukugunyaza incwadi yesicelo sokuhlukaniswa iziqephu noma sokuhlanganiswa komhlaba, lukhona noma kungekho [ushintsho] uguquko; noma

(b) ukuchitha incwadi yesicelo sokuhlukaniswa iziqephu noma sokuhlanganiswa komhlaba.”;

(c) ngokuthi kufakwe esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:

“(4) Uma umasipala ubeka imibandela yokugunyaza ehlongozwe esigatshaneni (3), kumele ucacise ukuthi imiphi imibandela okumele kuhanjiswa nayo ngaphambi kokudayiswa komhlaba, kokudluliselwa komhlaba kanye nokuthuthukiswa komhlaba [noma kokudluliselwa komhlaba].”;

(d) ngokuthi kufakwe esikhundleni sesigatshana (5) lesi sigatshana esilandelayo:

“Ekwakheni isinqumo sawo, umasipala kumele uhlizeke ngezizathu -

(a) zokugunyaza noma zokuchitha incwadi yesicelo sokuhlukaniswa iziqephu noma sokuhlanganiswa komhlaba;

(b) zokuthi kungani kwenziwe [ushintsho] izinguquko, uma incwadi yesicelo sokuhlukaniswa iziqephu noma sokuhlanganiswa komhlaba igunyazwe [noshintsho] nezinguquko; noma

(c) zanoma imuphi umbandela obekiwe wokuhlukaniswa iziqephu noma wokuhlanganiswa komhlaba, uma incwadi yesicelo zokuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba igunyazwe ngokunike kwimibandela -

(i) obekungakhulunywanga ngayo encwadini yesicelo; noma

(ii) ehluke kakhulu kumbandela ohlongozwe esicelweni.”; kanye

(e) ngokufaka ngemuva kwesigatshana (5) lesi sigatshana esilandelayo:

“(5A) ekuthatheni isinqumo mayelana nesicelo sokuhlukaniswa iziqephu noma sokuhlanganiswa komhlaba, umasipala kumele wazise umfakisicelo uma kukhona izimvo ezitholakele eziphendula isimemo sezimvo zomphakathi mayelana nesicelo.”;

Ukuchitshiyelwa kwesigaba 27 soMthetho No. 6 ka 2006

24. Isigaba 27 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko lesi sihloko esilandelayo:

“Abantu abayokwaziswa ngesinqumo sikamasipala mayelana nesicelo sokuhlukaniswa iziqephu noma sokuhlanganiswa komhlaba [okuhlongozwayo]”

Ukuchitshiyelwa kwesigaba 28 soMthetho No. 6 ka 2006

25. Isigaba 28 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe esikhundleni sesihloko lesi sihloko esilandelayo:

“Isikhalazo mayelana nesinqumo sikamasipala ngesicelo sokuhlukaniswa iziqephu noma sokuhlanganiswa komhlaba [okuhlongozwayo]” kanye

(b) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo

"(1) Umuntu ofake isicelo zokuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba noma othumele uvo lwakhe olubhalwe ephendula isimemo sezimvo zomphakathi mayelana [nesicelo] nencwadi yesicelo sokuhlukaniswa iziqephu noma sokuhlanganiswa komhlaba, ngosuku lokuvala olubekwe encwadini yesimemo, ohlukumezekayo ngenxa yesinqumo sikamasipala esihlongozwe esigabeni 26(1), angafaka isikhalazo mayelana nesinqumo sikamasipala esiGungwini seziKhalazo."

Ukuchitshiyelwa kwesigaba 29 soMthetho No. 6 ka 2008

26. Isigaba 29 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi esikhundleni ssigaba 29 lesi sigaba esilandelayo:

"Ukuqala kokusebenza kwesinqumo sikamasipala mayelana nesicelo sokuhlukaniswa iziqephu noma sokuhlanganiswa komhlaba [okuhlongozwayo]

29. Isinqumo mayelana nesicelo sokuhlukanisa iziqephu noma sokuhlanganisa umhlaba siqala ukusebenza -

(aA) ngosuku lokukhishwa kwesinqumo sikamasipala uma -

(i) isicelo bekuyisicelo sikamasipala; futhi

(ii) kungekho zimvo ezitholakele eziphendula isimemo sezimvo zomphakathi mayelana nezicelo;

(aB) ngosuku okuvale ngalo ngokubhalwe phansi ilungelo lokukhalaza lomfakisicelo, uma kungekho zimvo ezamukelwa eziphendula isimemo sezimvo zomphakathi mayelana nesicelo;

(a) ekupheleni kwezinsuku ezingama-28 okukhulunywe ngazo esigabeni 28(2), uma kungekho zikhalazo ezifakiwe mayelana nesinqumo sikamasipala; noma

(b) ekuphothulweni kwesikhalazo, uma kufakwe isikhalazo mayelana nesinqumo sikamasipala."

Ukuchitshiyelwa kwesigaba 31 soMthetho No. 6 ka 2008

27. Isigaba 31 ngalokhu siyachitshiyelwa ngokuthi kususwe isigatshana (5).

Ukuchitshiyelwa kwesigaba 32 soMthetho No. 6 ka 2008

28. Isigaba 32 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe lesi sikhloko esilandelayo esikhundleni sesikhloko:

"Ukuthumela amapulani nemibhalo kuSaveya-Jikelele ngemuva [kwasicelo] kwencwadi yesicelo sokuhlukaniswa iziqephu noma sokuthuthukiswa komhlaba"

Ukuchitshiyelwa kwesigaba 34 soMthetho No. 6 ka 2008

29. Isigaba 34 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe lesi sikhloko esilandelayo esikhundleni sesikhloko:

"Ukuthumela amatayitela, amapulani kanye nemibhalo kuMbhaliel wamaTayitela ngemuva [kwasicelo] kwencwadi yesicelo sokuhlukaniswa iziqephu noma sokuhlanganiswa komhlaba kanye nesitifiketi"

sokuhambisana nemibandela ethile yokugunyazwa ngaphambi kokudluliselwa komhlaba”.

(b) ngokufaka ngemuva kwesigatshana (2) lesi sigatshana esilandelayo:

“(3) Uma ukuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba kugunyazwe ngokuncike ekubekweni kwemibandela yetayitela -

(a) uMbhali wamaTayitela kumele agunyaze itayitela, kubandakanya itayitela lanoma isiphi isiza esidluliselwayo, ngombandela ophathelene naleso siza; noma

(b) umbandela wetayitela kumele ubhaliswe kulesi siza, kundakanya isiza esigcinwe odluliselayo, ngokwetayitela lakhona.”.

Ukuchitshiyelwa kwesigaba 35 soMthetho No. 6 ka 2008

30. Isigaba 35 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigaba 35 lesi sigaba esilandelayo:

“35.(1) Uma umhlaba usuhlukaniswe iziqephu noma uhlanganiswe umasipala, umasipala kumele uhambise kuMbhali wamaTayitela -

(a) umdwebo ogunyaziwe noma ipulani ejwayelekile kanye netayitela; futhi

(b) neminye imibhalo engadingwa umbhali wamatayitela ukuze kubhaliswe ukuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba, noma ukuvulwa kweregista yelokishi kumhlaba.

(2) Uma ukuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba kugunyazwe ngokuncike ekubekweni kwemibandela yetayitela -

(a) uMbhali wamaTayitela kumele agunyaze agunyaze, kubandakanya itayitela lanoma isiphi isiza esidluliselwayo, ngombandela ophathelene naleso siza; noma

(b) umbandela wetayitela kumele ubhaliswe kulesi siza, kundakanya isiza esigcinwe odluliselayo, ngokwetayitela lakhona.”.

Ukuchitshiyelwa kwesigaba 37 soMthetho No. 6 ka 2008

31. Isigaba 37 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

“(1) Imvume kamasipala yokuhlukaniswa iziqephu noma yokuhlanganiswa komhlaba iyaphela uma ofake isicelo ehluleka **[ukubhalisa ukuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba kuMbhali wamaTayitela] ukuqala ukusebenzisa noma ukuthuthukisa umhlaba ngokuhambisana nemvume**, eminyakeni eyisihlanu kusukela osukwini okuqale ngalo ukusebenza imvume kamasipala ngokwesigaba 29.”;

(b) ngokuthi kufakwe esikhundleni sesigatshana (2) lesi sigatshana esilandelayo:

“(2) Uma umhlaba uhlukaniswa iziqephu noma uhlanganiswa umasipala, imvume yawo yokuhlukanisa iziqephu noma yokuhlanganisa umhlaba iyaphela, uma uhluleka **[ukubhalisa ukuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba kuMbhali wamaTayitela] ukuqala ukusebenzisa noma ukuthuthukisa umhlaba ngokuhambisana**

ngemvume eminyekeni eyisihlanu kusukela osukwini okuqala ngalo ukusebenza kwemvume yawo ngokwesigaba 29.”;
kanye

(c) nokuthi kufakwe ngemuva kwesigatshana (2) lesi sigatshana esilandelayo:

“(2A) Ngokwezinhloso zesigatshana (1) no (2), “ukuthuthukiswa” akubandakanyi ukwakhiwa kothango, kwesango noma kwendhwana yabaqaphi.”

Ukuchitshiyelwa kwesigaba 38 soMthetho No. 6 ka 2008

32. Isigaba 38 soMthetho omkhulu ngalokhu sychitshiyelwa -

(a) ngokuthi kufakwe esikhundleni sesigatshana (3) lesi sigatshana esilandelayo:

“(3) Ngokwehloso yalesi Sahluko ukuthuthukiswa kusho -

(a) ukwakha, imisebenzi yosonkontileka, imisebenzi yobunjiniyela, imisebenzi yezimayini noma eminye imisebenzi, ngaphansi noma ngaphezu kwanoma imuphi umhlaba [, kanye]

(b) noshintsho olubonakalayo kunoma ikuphi ukusetshenziswa okukhona kwesakhiwo noma komhlaba ngaphandle kokuthi uhlukaniswe iziqephu;

(c) ukusungulwa kohlelo lwamatayitela ezakhiwo ezahlukanisiwe ngokwesigaba 4(1) soMthetho wamaTayitela eZakhiwo ezahlukanisiwe ukuze kwakhiwe izigaba ngaphandle kokuhlukanisa iziqephu umhlaba;

(d) ukuguqulwa, ukuchitshiyelwa noma ukushintsha uhlelo lwamatayitela ezakhiwo ezahlukanisiwe ngokwesigaba 14 soMthetho eZakhiwo ezahlukanisiwe zeZakhiwo ukuze kwakhiwe ezinye izigaba ezengeziwe noma izindawo ezisetshenziselwa okukhethekile ngaphandle kokuhlukanisa iziqephu umhlaba; kanye

(e) nokuguqulwa, nokuchitshiyelwa noma nokushintshwa kohlelo lwamatayitela ezakhiwo ezahlukanisiwe ngokwesigaba 14 soMthetho wamaTayitela ezahlukanisiwe zeZakhiwo ukuze kube nezigaba ezengeziwe noma izindawo ezikhethekile ezihlongozwe esigabeni 25 soMthetho wamaTayitela ezahlukanisiwe zeZakhiwo ngaphandle kokuhlukanisa iziqephu umhlaba [kodwa akubandakanyi -

(a) ukwakhiwa noma ukusetshenziswa kwendlu yokuhlala yokuqala kanye nesakhiwo esingaphandle noma ukuthuthukiswa imvamisa okuhambisana nalokho ekwahlukanisweni komhlaba okubhallsiwe okuseceleni, kubandakanya enye indlu yesibini ezimele yokuhlala engaba nokuthintana noma nokungathintani nendlu yokuhlala yokuqala kodwa okungamele lbe ngaphezu kwama 80m²;

(b) ukwakhiwa noma ukusetshenziswa kwendlu yokuhlala kanye nezakhiwo ezingaphandle ivamisa ezihambisana nayo ukuze kwakhiwe umuzi wendabuko kulowo mhlaba ohlala umphakathi wendabuko ngokwesigaba 2(5)(b) soMthetho wobuHoli boMdabu nokuBusa waKwaZulu-Natali, 2005 (uMthetho No. 5 ka 2005);

(c) umhlaba osetshenziselwa ukufima noma ukuba yinkambu yezilwane;

(d) umhlaba osetshenziselwa ukuqhutshwa kwemisebenzi edingekayo ukugcina noma ukwenza ngcono umgwaqo okhona kuleyo mingcele obuvele ukuyona;

(e) ukuhlinzekwa kwanoma imiphi imisebenzi yobunjiniyela ehambisana nesu lentuthuko edidlyele Ilkamasipala; kanye

(f) nokugcinwa nokulungiswa kwemisebenzi yobunjiniyela].”.

(b) ngokuthi kufakwe ngemuva kwesigatshana (3) lesi sigatshana esilandelayo:

“(4) Ngokwenhloso yalesi Sahluko ukuthuthukisa akubandakanyi -

(a) ukwakhiwa noma ukusetshenziswa kwendlu yokuhlala yokuqala kanye nezakhiwo zangaphandle noma ukuthuthukiswa imvamisa okuhambisana nalokho okubhaliswe kwisigephu somhlaba esiseceleni, kubandakanya indlu yokuhlala yesibili ezimele engaba ehlangene nohlukene nendi yokuqala kodwa okumele ibe sebangeni elingama 20m ukusuka endlini yokuqala futhi okungamele ibe ngaphezu kwama-80m²;

(b) ukwakhiwa noma ukusetshenziswa kwanoma iyiphi indlu yokuhlala kanye nezakhiwo sangaphandle esivamise okuhambisana nayo uma kwakhiwa umuzi wendabuko kumhlaba owaziwa njengowomphakathi wendabuko ngokwesigaba 2(5)(b) soMthetho wobuHoli boMdabu nokuBusa wakwaZulu-Natali;

(c) umhlaba osetshenziselwa ukutshala noma njengenkambu yezilwane;

(d) ukuqhutshwa kwemisebenzi ephathelene nokugcinwa noma nokuthuthukiswa komgwaqo okhona emingceleni yawo ekhona;

(e) ukuhlinzekwa kwanoma imiphi imisebenzi yobunjiniyela ehambisana nesu lentuthuko elididiyele likamasipala; noma

(f) ukugcinwa kanye nokulungiswa kwemisebenzi yezobunjiniyela.”.

Ukuchitshiyelwa kwesigaba 39 soMthetho No. 6 ka 2008

33. Isigaba 39 soMthetho oMkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe lesi sikhloko esilandelayo esikhundleni sesikhloko:

“[Abantu abangaqala] Ukuqalilewa kwesicelo sokuthuthukiswa komhlaba ongaphandle kwendawo esohlelweni

(b) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

“(1) Umasipala ungaqala ukuthuthukisa -

(a) umhlaba ongumnikazi wawo, osendaweni engaphandle kohlelo,

(b) umhlaba onamandla okulawula kuwona ongaphandle kwendawo esohlelweni; noma

(c) umhlaba osezinhlelweni zokuwuthola ongaphandle kwendawo esohlelweni.”.

Ukuchitshiyelwa kwesigaba 40 soMthetho No. 6 ka 2008

34. Isigaba 40 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe lesi sikhloko esilandelayo esikhundleni sesikhloko:

“Inqubo yokuthuthukiswa komhlaba ongaphandle kwendawo esohlelweni”; kanye

(b) ngokuthi kususwe futhi kufakwe esikhundleni sesigatshana (2) lesi sigatshana esilandelayo:

“(2) Isicelo sokuthuthukisa umhlaba ongaphandle kwendawo esohlelweni -

(a) singahlanganiswa nesicelo -

(i) sokuhlukanisa iziqephu nokuhlanganisa umhlaba;

(ii) sokuguqula, sokushintsha noma sokususa imibandela ephathelene nomhlaba;

(iii) sokuvala unomphela umgwaqo kamasipala noma indawo yomphakathi; futhi

(b) singenziswa njengesicelo esisodwa.”.

Ukuchitshiyelwa kwesigaba 41 soMthetho No. 6 ka 2008

35. Isigaba 41 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe lesi sigaba esilandelayo esikhundleni sesigaba 41:

“41. Ngaphambi kokucubungula isicelo sokuthuthukiswa komhlaba ongaphandle kwendawo esohlelweni, umasipala kumele uthole -

(a) ukuhlola kanye nezincomo okubhalwe phansi komhloli womhlaba obhalisiwe mayelana [nesicelo] nencwadi yesicelo; kanye

(b) nesitifiketi esisayinwe umhloli womhlaba obhalisiwe -

(i) esiqinisekisa ukuthi [isicelo] incwadi yesicelo ihambisana ngazo zonke izindlela nalo Mthetho; noma

(ii) uma [isicelo] incwadi yesicelo ingahambisani ngazo zonke izindlela nalo Mthetho, esishoyo ukuthi [isicelo] incwadi yesicelo inamaphutha futhi sihlizeke ngemininingwane yalawo maphutha.”.

Ukuchitshiyelwa kwesigaba 42 soMthetho No. 6 ka 2008

36. Isigaba 42 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe lesi sigaba esilandelayo esikhundleni sesigaba 42:

“Izinto eziphathelene nokunqunywa kokufaneleka [okuhlongozwayo] kwencwadi yesicelo sokuthuthukiswa komhlaba ongaphandle kwendawo esohlelweni

42. Ngokwenhloso yokunquma ukufaneleka [kwesicelo] kwencwadi yesicelo sokuthuthukiswa komhlaba ongaphandle kwendawo esohlelweni, umasipala kumele ubheke lezi zinto ezilandelayo:

(a) isicelo esihlongozwe ezihlokweni 1(2) noma esihlokweni 14(1) zoHlelo 1;

(b) izimvo eziphendula izimemo sezimvo zomphakathi mayelana [nesicelo] nencwadi yesicelo;

(c) (i) incwadi yokuhlola nezincomo yomhloli womhlaba obhalisiwe mayelana [nesicelo] nencwadi yesicelo; kanye

(ii) nesitifiketi sokuhambisana [kwesicelo] kwencwadi yesicelo noMthetho;

(d) umthelela okunamathuba okuthi [isicelo] incwadi yesicelo ibe nawo kwimvelo, ezimweni zomnotho emphakathini, kanye nakumasiko angamagugu;

(e) umthelela [wesicelo] wencwadi yesicelo -

(i) entuthukweni noma ekusetshenzisweni komhlaba okukhona noma okuhlongozwayo kuleyo ndawo [emhlabeni], kanye

(ii) [nakwintuthuko eqhubekayo noma] nakokumbiwa phansi;

- (f) ukuhlinzekwa kanye namazinga emisebenzi yezobunjiniyela;
- (g) umthelela [wesicelo] wencwadi yesicelo emizileni yemigwaqo kazwelonke, yezifundazwe kanye neyomasipala, kwizithuthi zomphakathi, emisebenzini yomasipala, emapayipini okuthutha indle, ekuhlinzekweni kwamanzi nogesi, ekulawulweni nasekuqoqweni kukadoti, kwezokuqapha nakwezokuvikela;
- (h) ukutholakala kwengqalasisinda [yezokuthutha umphakathi], yezempilo neyemfundo;
- (i) umthelela okhona wemithetho yaphambilini yokucwaswa nokuhlukaniswa kwabantu ngokobuhlanga mayelana nobunikazi bomhlaba, nokuthuthukiswa komhlaba kanye nokutholakala kwemisebenzi yezobunjiniyela nengqalasisinda yomphakathi, kanye nesidingo sokubhekelela ukungalingani kwaphambilini;
- (j) ukuvikelwa noma ukongiwa kwezizinda zethu zezamasiko nezemvelo, kubandakanya izizinda zezolimo, izindawo noma izinto eziyivelakancane kanye nemvelo ehlukahlukene;
- (k) amazinga angokwemvelo nabonakalayo omhlaba;
- (l) imigomo ejoyalekile yokuthuthukiswa komhlaba ebekwe esigabeni 3 soMthetho wokuLungiselela iNtuthuko, 1995 (uMthetho No. 76 ka 1995), ezinye izindlela namazinga, izinhlaka kanye nezinqubomgomo ezihlongozwe esigabeni 146(2)(b) soMthethosisekelo;
- (m) izindlela namazinga okuhlela nentuthuko kwesifundazwe;
- (n) isu likamasipala elididiyele lentuthuko;
- (o) [uhlelo] lukamasipala;
- (p) noma isiphi isenzo noma indlela yokuphathwa kokusetshenziswa komhlaba ehambisana no -
- (i) nemithetho yeRiphabhulikhi;
 - (ii) nezindlela namazinga okuhlela nentuthuko kwesifundazwe;
 - (iii) nesu likamasipala elididiyele lentuthuko;
 - (iv) nohlelo [lukamasipala]; kanye
- (q) nanoma iluphi olunye ufazi olungadingeka."

Ukuchitshiyelwa kwesigaba 43 soMthetho No. 6 ka 2008

37. Isigaba 43 soMthetho omkhulu ngalokhu siyachitshiyelwa -

- (a) ngokuthi kufakwe lesi sihloko esilandelayo esikhundleni sesihloko:
- "Isinqumo sikamasipala esicelweni sokuthuthukiswa komhlaba osendaweni engaphandle kohlelo [okuhlongozwayo]";**
- (b) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:
- (1) Umasipala kumele ngesikhathi esihlongozwe ezihlokwani 12 [kanye] noma 21 zoHlelo 1 [ucubungule ukufaneleka kwesicelo sokuthuthukisa umhlaba osendaweni engaphandle kohlelo, futhi] unqume -
- (a) ukugunyaza isicelo sokuthuthukiswa komhlaba osendaweni engaphandle kohlelo, zikhona noma zingekho [ushintsho] zingquko; noma
 - (b) ukuchitha isicelo sokuthuthukiswa komhlaba ongaphandle kohlelo."

(c) ngokuthi kususwe indima (e) yesigatshana (3);

(d) ngokuthi kufakwe esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:

"(4) Ekwakheni isinqumo sawo, umasipala kumele ucacise imibandela yokugunyazwa okumele ilandelwe ngaphambi kokudayiswa komhlaba, kokudlulisekwa komhlaba kanye nokuthuthukiswa komhlaba [noma kokudlulisekwa komhlaba]."; kanye

(e) nangokuthi kufakwe esikhundleni sesigatshana (5) lesi sigatshana esilandelayo:

"(5) Ekwakheni isinqumo sawo umasipala kumele ahlinzeke ngezizathu -

(a) zokugunyaza noma zokuchitha isicelo sokuthuthukiswa komhlaba osendaweni engaphandle kohlelo;

(b) zokuthi kungani kube khona [ushintsho] izinguquko uma isicelo sokuthuthukiswa komhlaba osendaweni engaphandle kohlelo zigunyazwe kanye [noshintsho] nezinguquko;

(c) zanoma imuphi umbandela awubekayo ekuthuthukisweni komhlaba osendaweni engaphandle kohlelo uma isicelo [ukuthuthukiswa] kugunyazwe ngokuncike kwimibandela yokuthi -

(i) okungazange kukhulunywe ngayo esicelweni; noma

(ii) ehluke kakhulu kulowo mbandela ohlongozwe esicelweni."; kanye

(f) nangokufaka ngemuva kwaigatshana (5) lesi sigatshana esilandelayo:

"(5A) Ekuthatheni isinqumo sokuthuthukiswa komhlaba osendaweni engaphandle kohlelo, umasipala kumele wazise umfakisicelo ukuthi zikhona yini izimvo ezitholakele eziphendula isimemo sezimvo zomphakathi mayelana nesicelo."

Ukuchithshiyelwa kwesigaba 44 soMthetho No. 6 ka 2008

38. Isigaba 44 soMthetho omkhulu ngalokhu siyachithshiyelwa ngokuthi kufakwe esikhundleni sesihloko lesi sihloko esilandelayo:

"Abantu abayokwaziswa mayelana nesinqumo sikamasipala ngesicelo sokuthuthukiswa komhlaba ongaphandle kohlelo [okuhlongozwayo]."

Ukuchithshiyelwa kwesigaba 45 soMthetho No. 6 ka 2008

39. Isigaba 45, soMthetho omkhulu ngalokhu siyachithshiyelwa

(a) ngokuthi kufakwe esikhundleni sesihloko lesi sihloko esilandelayo:

"Isikhalazo mayelana nesinqumo sikamasipala ngesicelo sokuthuthukiswa komhlaba ongaphandle kwendawo esohlelweni"; kanye

(b) nokufaka esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) Umuntu ofaka isicelo sokuthuthukisa umhlaba osendaweni engaphandle kohlelo noma othumele izimvo ezibhalwe phansi ephendula izimvo sezimvo zomphakathi mayelana [nesicelo] nencwadi yesicelo sokuthuthukiswa komhlaba osendaweni engaphandle kohlelo ngosuku lokuyala olubhalwe encwadini yesimemo,

ohlukumezekayo ngesinqumo esithathwe umasipala esihlongozwe esigabeni 43(1), angafaka isikhalazo sakhe mayelana nesinqumo sikamasipala esiGungwini seziKhalo.”.

Ukuchitshiyelwa kwesigaba 46 soMthetho No. 6 ka 2008

40. Isigaba 46 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni, sesigaba 46 lesi sigaba esilandelayo:

“Usuku lokuqala kokusebenza kwesinqumo sikamasipala mayelana nesicelo zokuthuthukiswa komhlaba osendaweni engaphandle kohlelo [okuhlongozwayo].

46. Isinqumo esiphathelene nesicelo sokuthuthukiswa komhlaba osendaweni engaphandle kohlelo siqala ukusebenza -

(aA) ngosuku lwesinqumo sikamasipala uma -

(i) isicelo kuyisicelo sikamasipala; futhi

(ii) kungekho zimvo ezitholakele eziphendula isimemo sezimvo zomphakathi mayelana nesicelo;

(aB) ngosuku okukhishwe ngalo incwadi echitha isikhalazo somfakisicelo, uma kungekho zimvo ezitholakele eziphendula isimemo sezimvo zomphakathi mayelana nesicelo;

(a) ekupheleni kwezinsuku ezingama-28 okukhulunywe ngazo esigabeni 28(2), uma kungekho zikhalazo ezifakiwe mayelana nesinqumo sikamasipala; noma

(b) ekuphothulweni kwesikhalazo, uma kufakwe isikhalazo mayelana nesinqumo sikamasipala.”.

Ukuchitshiyelwa kwesigaba 49 soMthetho No. 6 ka 2008

41. Isigaba 49 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe ngaphambi kwesigatshana (1) lezi zigatshana ezilandelayo:

“(1) Imvume kamasipala mayelana nokuthuthukiswa komhlaba osendaweni engaphandle kohlelo iyaphela uma umfakisicelo ehluleka ukuqala ukuthuthukisa umhlaba esikhathini esiyiminyaka eyisihlanu kusukela osukwini umasipala okugale ngalo ukusebenza kwemvume kamasipala ngokwesigaba 46.

(1B) Ngokwenhloso yesigatshana (1A), “ukuthuthukiswa akubandakayi ukwakhiwa kothango, kwesango noma kwendlu yabaqaphi.”.

Ukuchitshiyelwa kwesigaba 51 soMthetho No. 6 ka 2008

42. Isigaba 51 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe lesi sikhokho esilandelayo esikhundleni sesikhokho:

“[Abantu abangaqala] Ukuqaliswa kwesicelo sokuphasisa noma sokweaula umdwebu wepulani ogunyaziwe”.

Ukuchitshiyelwa kwesigaba 52 soMthetho No. 6 ka 2008

43. Isigaba 52 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe sikhundleni sesigatshana 2 lesi sigatshana esilandelayo:

***(2) Umasipala kumele unikeze isaziso esibhalwe phansi mayelana nokuphasiswa noma nokwesulwa komdwebo wepulani ohlongozwayoogunyaziwe -**

(a) [kuwo wonke amalungu omphakathi alethe izimvo zawo ezibhalwe phansi mayelana nokuhlukaniswa iziqephu, nokuhlanganiswa, noma nokuthuthukiswa komhlaba, ngokuhambisana neshloko 5 noma 14 soHlelo 1];

(i) abanikazi beziza ezingomakhelwane;

(ii) usihlalo womgwamanda omele abanikazi bemizi esezizeni ezingomakhelwane;

(iii) usihlalo wenhlangano yabanikazi bemizi esezizeni ezingomakhelwane;

(iv) abanikazi bemizi engomakhelwane uma kungumhlaba osedaweni ehlala ngokusemthethweni umphakathi wendabuko okukhunywa ngawo esigabeni 2(5)(b) soMthetho wobuHoli boMdabu nokuBusa waKwaZulu-Natali; noma

(v) abanikazi bezivumelwano zokugashiselana zesikhathi eside noma bezimvume zokuba nezitifiketi zezindawo ezingomakhelwane ezingasetshenziselwa ukuhlala mayelana nomhlaba okuhlala kuwo ngokusemthethweni umphakathi wendabuko okukhulunywa ngawo esigabeni 2(5)(b) soMthetho wobuHoli boMdabu nokuBusa waKwaZulu-Natali;

(aA) Ikhansela likamasipala wewadi lapho kukhona isiza;

(b) noma imuphi umuntu, ngokubona kukamasipala, ongathinteka ngalokho kuphasiswa noma kwesulwa komdwebo wepulani ohlongozwayo, kubandakanya izinhlaka zombuso kanye nabahlinzeka ngemisebenzi yobunjiniyela;

(c) uSaveya-Jikelele, uma kuyisicelo sokuphasiswa noma sokusulwa komdwebo wepulani ohlongozwayo wokuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba; kanye

(d) noMbhali wamaTayitela, uma kuyisicelo sokuphasiswa noma sokwesulwa komdwebo wepulani ohlongozwayo wokuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba.”.

Ukuchitshiyelwa kwesigaba 53 soMthetho No. 6 ka 2008

44. Isigaba 53 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigaba 53 lesi sigaba esilandelayo:

***53. Ngaphambi kokucubungula isicelo sokuphasiswa noma sokwesulwa komdwebo wepulani ogunyaziwe, umasipala kumele uthole -**

(a) incwadi yokuhlolwa nezincwadi yomhleli womhlaba obhalisiwe mayelana nesicelo; kanye

(b) nesitifiketi esisayinwe umhleli womhlaba obhalisiwe -

(i) esiqinisekisa ukuthi isicelo siyahambisana nakho konke okukulo Mthetho; noma

(ii) uma isicelo singahambisani nakho konke okukulo Mthetho, esishoyo ukuthi isicelo sinamaphutha futhi sihlizwe ngeminingwane yalawo maphutha.”.

Ukuchitshiyelwa kwesigaba 54 soMthetho No. 6 ka 2008

45. Isigaba 54 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigaba 54 lesi sigaba esilandelayo:

"Izinto ephathelene nokunqunywa kokufaneleka [okuhlongozwayo] kwesicelo sokuphasiswa noma sokwesulwa komdwebo wepulani ogunyazilwe".

54. Ngenhloso yokunquma ukufaneleka [kwesicelo] kwencwadi yesicelo zokuhlukaniswa noma sokwesulwa komdwebo wepulani, umasipala kumele abhekelele lezi zinto ezilandelayo:

(a) Isicelo esihlongozwe esigabeni 52(1);

(b) izimvo eziphendula isimemo sezimvo mayelana [nesicelo] nencwadi yesicelo;

(c) (i) incwadi yokuhlola nezincwadi evela kumhleli womhlaba ogunyaziwe mayelana [nesicelo] nencwadi yesicelo; kanye

(ii) nesitifiketi sokuhambisana [kwesicelo] kwencwadi yesicelo noMthetho;

(d) umthelela [Isicelo] incwadi yesicelo okunamathuba okuthi ibe nawo kwimvelo, ezimweni zomnoto womphakathi, kanye nakumasiko angamagugu;

(dA) umthelela wesicelo ekusetshenzisweni okukhona noma okuhlongozwayo komhlaba;

[(e) noma ikuphi ukwenzelela okungabangelwa ukuphasiswa noma ukwesulwa komdwebo wepulani kunoma imuphi umuntu, kubandakanya abahlinzeka ngemlaebenzi yezobunjinye, abanye abathuthukisi bomhlaba abangomakhelwane, kodayisa ngomhlaba, kumnikazi wendawo eshlyelwe imisebenzi kamasipala noma esiqashini uma kunesivumelwano sokuqashiselana;]

(f) imigomo ejwayelekile yokuthuthukiswa komhlaba ebekwe esigabeni 3 soMthetho wokuLungiselela iNtuthuko, 1995 (uMthetho No. 67 ka 1995), kanye nezinye izindlela namazinga kazwelonke, izinhloko kanye nezinqubomgomo ezihlongozwe esigabeni 146(2)(b) soMthethosisekelo;

(g) izindlela namazinga okuhlela nentuthuko kwesifundazwe;

(h) Isu likamasipala elididiyele lentuthuko;

(i) uhlelo lukamasipala; kanye

(j) nolunye ulwazi oludingekayo."

Ukuchitshiyelwa kwesigaba 55 soMthetho No. 6 ka 2008

46. Isigaba 55 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe lesi sihloko esilandelayo esikhundleni sesihloko:

"Isinqumo sikamasipala mayelana nesicelo zokuphasiswa noma zokwesulwa komdwebo wepulani ogunyazilwe";

(b) ngokuthi kufakwe esikhundleni sendima (b) yesigatshana (1) ne ndima elandelayo:

"(b) ugunyaze ukuphasiwa noma ukwesulwa komdwebo wepulani [noshintsho] nezinguquko; noma";

(c) nokuthi kufakwe esikhundleni sesigatshana (3) lesi sigatshana esilandelayo:

“(3) Ekuthatheni isinqumo sawo, umasipala kumele unikeze izizathu –

(a) zokugunyaza noma zokuchitha ukuphasiswa noma ukwesulwa komdwebo wepulani;

(b) [zanoma imuphi umbandela obekiwe, wokuphasiswa noma wokwesulwa komdwebo wepulani, uma ukuphasiswa noma ukwesulwa kugunyazwe ngokuncike kwimibandela –

(i) okungazange kukhulunywe ngayo esicelweni; noma

(ii) eyehluka kakhulu kuleyo ebekwe esicelweni] zokugunyaza kwawo ingxenye noma izinguquko, uma ukuphasiswa noma ukwesulwa komdwebo wepulani kugunyazwe ingxenye yakho noma kugunyazwe nezinguquko; futhi

(c) [uma ukuphasiswa noma ukwesulwa komdwebo wepulani kugunyazwe ingxenye noma kunezinguquko, izizathu zokugunyazwa kwengxenye noma zezinguquko] zanoma imuphi umbandela obekiwe, wokuphasiwa noma wokwesulwa komdwebo wepulani, uma ukuphasiwa noma ukwesulwa komdwebo wepulani kugunyazwe ngokuncike kwimibandela –

(i) okungazange kukhulunywe ngayo esicelweni; noma

(ii) ehluka kakhulu kumbandela obekwe esicelweni.”; kanye

(d) ngokufaka ngemuva kwesigatshana (3) lesi sigatshana esilandelayo:

“(3A) Ekuthatheni isinqumo sawo mayelana nesicelo sokuphasiswa noma sokwesulwa komdwebo wepulani ogunyaziwe, umasipala kumele azise umfakisicelo uma kukhona izimvo ezitholakele eziphendula isimemo sezimvo zomphakathi mayelana nesicelo.”;

Ukuchithiyelwa kwesigaba 56 soMthetho No. 6 ka 2008

47. Isigaba 56 soMthetho omkhulu ngalokhu siyachithiyelwa -

(a) ngokuthi kufakwe esikhundleni sesihloko lesi sihloko esilandelayo:

“Abantu okumele baziswe ngesinqumo sikamasipala nayelana nesicelo sokuphasiswa noma sokwesulwa komdwebo wepulani ogunyaziwe”; kanye

“(b) nangokufaka esikhundleni sesigatshana (1) lesi sigatshana esilandelayo: “(1) Umasipala kumele, ezinsukwini esiyl-14 ngemuva kokuthatha isinqumo sokugunyaza noma sokuchitha ukuphasiswa noma ukwesulwa komdwebo wepulani ogunyaziwe, unikeze iksaziso kuwo wonke umuntu ofake uvo olubhalwe phansi [ngokoHlelo 1] ngokwesigaba 52(4).”.

Ukuchithiyelwa kwesigaba 57 soMthetho No. 6 ka 2008

48. Isigaba 57 soMthetho omkhulu ngalokhu siyachithiyelwa -

(a) ngokuthi kufakwe esikhundleni sesihloko lesi sihloko esilandelayo:

“ukuchithwa kwesinqumo sikamasipala nayelana nesicelo sokuphasiswa noma sokwesulwa komdwebo wepulani ogunyaziwe”; kanye

(b) nangokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

“(1) Umuntu ofake isicelo sokuphasiswa noma sokwesulwa komdwebo wepulani ogunyaziwe noma othe uvo

Iwakhe olubhalwe phansi ephendula isimemo sezimvo zomphakathi [ngesicelo] ngencadi yesicelo zokuhlukaniswa phakathi noma sokwqesulwa komdwebo wepulani, ohlukumezekile ngesinqumo sikamasipala esihlongozwe esigabeni 55(1), angafaka isikhalazo mayelana nesinqumo sikamasipala esiGungwini seziKhalazo.

Ukuchitshiyelwa kwesigaba 58 soMthetho No. 6 ka 2008

49. Isigaba 58 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigaba 58 lesi sigaba esilandelayo:

“Usuku lokuqala kokusebenza kwesinqumo sikamasipala ngesicelo sokuphasiswa noma sokwesulwa komdwebo wepulani ogunyaziwe

58. Isinqumo eziphathelene nesicelo sokuphasiswa noma sokwesulwa komdwebo wepulani ogunyaziwe siyoqala ukusebenza -

(aA) ngosuku okukhishwa ngalo usunqumo sikamasipala uma -

(i) isicelo bekuyisicelo sikamasipala; futhi

(ii) kungekho zimvo ezamukelwe eziphendula isimemo sezimvo zomphakathi mayelana nesicelo;

(aB) ngosuku okuchithwa ngalo ngencwadi ilungelo lokukhalaza lomfakisicelo, uma kungekho zimvo ezamukelwe eziphendula isimemo sezimvo zomphakathi mayelana nesicelo;

(a) ekupheleni kwezinsuku ezingama-28 ezihlongozwe esigabeni 57(2), uma kungekho sikhatalazo esifakiwe esiphikisa isinqumo sikamasipala; noma

(b) ekuphothutweni kwesikhalazo, uma sikhona isikhalazo esifakiwe mayelana nesinqumo sikamasipala.”.

Ukufakwa kwezigaba 58A no 58B soMthetho No. 6 ka 2008

50. UMthetho omkhulu ngalokhu uyachitshiyelwa ngokuthi kufakwe ngemuva kwesigaba 58 lezi zigaba ezilandelayo:

“Ukuthunyelwa kwamatayitela, kwamapulani kanye nezincwadi kuSaveya-Jikelele ukuze kwesulwe ukuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba

58A. Umfakisicelo kumele athumele yonke imidwebo, amapulani nezinye izincwadi kuSaveya-Jikelele, lezo uSaveya-Jikelele angazidinga ukuze kwesulwe ukuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba.

Ukuthunyelwa kwamamatayitela, amapulani kanye nezincwadi kuMbhafisi wamaTayitela ukuze kwesulwe ukuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba

58B. Umfakisicelo kumele athumele yonke imidwebo, amapulani kanye nezinye izincwadi kuMbhafisi wamaTayitela, lezo uMbhafisi wamaTayitela angazidinga ukuze kwesulwe ukuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba.

Ukuchitshiyelwa kwesigaba 60 soMthetho No. 6 ka 2008

51. Isigaba 60 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

“(1) Ukuguqulwa, ukumiswa noma ukwesulwa kwemibandela ephathelene nomhlaba kungenzeka kuphela uma kugunyazwe umasipala lowo mhlaba okuwona, uma ukuguqulwa, ukumiswa noma ukwesulwa kuhloswe ngakho ekulawuleni noma ekunqumeni, okumenqabelayo umnikazi womhlaba ngokwamandla -

(a) emibandela elawulayo noma kwisiqephu somhlaba esibhaliswe kulowo mhlaba esiphathelene -

(i) nokuhlukaniswa iziqephu noma nokuhlanganiswa komhlaba;

(ii) inhliso okungasetshenziselwa yona umhlaba; noma

(iii) izidingo okumele kuhlengatshenzwane nazo mayelana nokwakhiwa kwezakhiwo noma nokusetshenziswa komhlaba;

(b) umbandela wogunyazwa kokuchitshiyelwa kohlelo [Iukamasipala];

(c) umbandela wokugunyazwa kokuhlukaniswa iziqephu nokuhlanganiswa komhlaba;

(d) umvandela wokugunyazwa kokuthuthukiswa komhlaba osendaweni engaphandle kohlelo; [noma]

(e) umbandela wokugunyazwa kokuphasiswa noma kokwesulwa komdwebo wepulani ogunyaziwe [.];

(f) umbandela wokugunyazwa kokuguqulwa, kokumiswa noma kokwesulwa kwemibandela ephathelene nomhlaba; noma

(g) umbandela wokugunyazwa kokuvulwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi.”

Ukuchitshiyelwa kwesigaba 61 soMthetho No. 6 ka 2008

52. Isigaba 61 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe lesi sihloko esilandelayo esikhundleni sesihloko:

“[Abantu abangaqala] Ukuqaliswa kwesicelo, sokuguqula, sokumisa noma sokwesula izimiso eziphathelene nomhlaba”; kanye

(b) nokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana silandelayo:

“(1) Umasipala angaqalisa izinguquko, ukumiswa noma ukwesulwa kwezimiso eziphathelene --

(a) nomhlaba ongunnikazi wawo;

(b) zomhlaba onamandla okuwulawula, noma

(c) zomhlaba osezinhlelweni zokuwuthola.”

Ukuchitshiyelwa kwesigaba 62 soMthetho No. 6 ka 2008

53. Isigaba 62 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kususwe, futhi kufakwe esikhundleni sesigatshana (3) ngalesi sigatshana esilandelayo:

"(3) Isicelo sokuguqulwa, sokumiswa noma sokwesulwa kwemibandela ephathelene nomhlaba –

(a) zingahlanganiswa nesicelo -

(i) zokuchitshiyela uhlelo;

(ii) semvume ngokohlelo;

(iii) sokuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba; kanye

(iv) nesokuyalwa unomphelo komgwago kamasipala noma kwendawo yomphakathi; futhi

(b) zenziwe zibe visicelo esisodwa."

Ukuchitshiyelwa kwesigaba 63 soMthetho No. 6 ka 2008

54. Isigaba 63 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigatshana 63 lesi sigatshana esilandelayo:

"63. Ngaphambi kokucubungula [Isicelo] incwadi yesicelo sokuguqula, aokumisa noma sokusi la umbandela ophathelene nomhlaba, umasipala kumele uthole –

(a) incwadi yokuhlola nezincomo yomhleli womhlaba obhalisiwe mayelana [nesicelo] nencwadi yesicelo; kanye

(b) nesitifiketi somhleli womhlaba obhalisiwe -

(i) esiqinisekisa ukuthi [Isicelo] incwadi yesicelo iyahambisana ngandlela zonke nalo Mthetho; noma

(ii) uma [Isicelo] incwadi yesicelo ingahambisani ngandlela zonke nalo Mthetho esishoyo ukuthi [Isicelo] incwadi yesicelo inamaphutha futhi sihlizweke ngemininingwane yalawo maphutha."

Ukuchitshiyelwa kwesigaba 64 soMthetho No. 6 ka 2008

55. Isigaba 64 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigaba 64 lesi sigaba esilandelayo:

"izinto eziphathelene nokunqunywa kokufaneleka kwencwadi yesicelo zokuguqulwa, sokumiswa noma sokwesulwa kwezimiso eziphathelene nomhlaba [okuhlongozwayo]

64. Ngezinhloso zokunquma ukufaneleka [kwesicelo] kwencwadi yesicelo sokuguqulwa, sokumiswa noma sokwesulwa kwesimiso esiphathelene nomhlaba, umasipala kumele ubhekelele lezi zinto ezilandelayo –

(a) isicelo esihlongozwe esihlokweni 1(2) noma 14(1) soHlelo 1;

(b) izimvo eziphendula isimemo sezimvo zomphakathi mayelana [nesicelo] nencwadi yesicelo;

(c) (i) incwadi yokuhlola nezincomo yomhleli womhlaba obhalisiwe mayelana [nesicelo] nencwadi yesicelo; kanye

- (ii) nesitifiketi sokuhambisana [kwesicelo] kwencwadi yesicelo noMthetho;
- (d) umthelala ongaba khona [wesicelo] wencwadi yesicelo kwimvelo, ezimweni zomnotho womphakathi, kanye nakumasiko angamagugu;
- (e) umthelala [wesicelo] wencwadi yesicelo -
- (i) kwintuthuko noma ekusetshenzisweni komhlaba endaweni eyakhele; kanye
- (ii) nakumalungelo [akhona entuthuko noma] okumbiwa phansi;
- [(f) ukuvikelwa noma ukonglwa kwezizinda zezamasiko kanye nezemvelo, kubandakanya izizinda zezofimo, izindawo ezingandle kanye nemvelo ehlukehlukeni;
- (g) noma ikuphi ukwenzelela okungenziwa [sicelo] incwadi yesicelo, kunoma imuphi umuntu, kubandakanya abahlinzeka ngemisebenzi yezobunjinnyela, ababolekisa ngemali yokuthenga umhlaba, umnikazi wendawo eshtyeiwe imisebenzi kamasipala, noma isiqashi uma kunesivumelwano sokuqashiselana esibhalisiwe;]
- (h) izinqubomgomo ezejwayelekile zokuthuthukiswa komhlaba njengoba kubekwe esigabeni 3 soMthetho wokuLungiselela iNtuthuko, 1995 (uMthetho No. 67 ka 1995), nezinye izindlela namazinga, izinhloko kanye nezinqubomgomo ezihlongozwe esigabeni 146(2)(b) soMthethosisekelo
- (i) izindlela namazinga [okusetshenziswa] zokuhlala nokuthuthukiswa komhlaba zesifundazwe;
- (j) isu lentuthuko elididiyele likamasipala;
- (k) uhlelo [lukamasipala] kanye nomthethonqubo omayelana nalokho ohlelweni noma emthethweni kamasipala; kanye
- (l) nanota iluphi olunye ulwazi olungadingeka.

Ukuchithshiyelwa kwesigaba 65 soMthetho No. 6 ka 2008

56. Isigaba 65 soMthetho omkhulu ngalokhu siyachithshiyelwa –

- (a) ngokuthi kufakwe lesi sihloko esilandelayo esikhundleni sesihloko:

"Isinqumo sikamasipala mayelana [nesicelo] nencwadi yesicelo sokuguqulwa, sokumisa noma sokusulwa kwesimiso esiphathelene nomhlaba";

- (b) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) Umasipala kumele esikhathini esihlongozwe esihlokweni 12 [kanye] noma 21 sohlelo 1 [ubheke ukufaneleka kwesicelo sokuguqula, sokumisa noma sokwesula umbandela ophathelene nomhlaba] unqume –

(a) ukugunyaza incwadi yesicelo sokuguqulwa, sokumiswa noma sokwesulwa kombandela ophathelene nomhlaba, unazo noma ungenazo [ushintsho] izinguquko; noma

(b) ukwenqaba incwadi yesicelo sokuguqulwa, sokumiswa noma sokwesulwa kombandela ophathelene nomhlaba; kanye

- (c) nokuthi kufakwe esikhundleni sesigatshana (4) lesi sigatshana esilandelayo:

"(4) Ekuthatheni isinqumo, umasipala kumele ahlinzeke izizathu –

(a) zokugunyaza noma ukuchitha incwadi yesicelo sokuguqula, sokumisa noma sokwesulwa kombandela ophathelene nomhlaba,

(b) zokuthi kungani incwadi yesicelo sokuguqulwa, sokumiswa noma sokwesulwa kombandela ophathelene nomhlaba igunyazwe kanye [**noshintsho**] nezinguquko.”; kanye

(c) nanoma imuphi umbandela obekiwe wokuguqulwa, wokumiswa noma sokwesulwa kombandela ophathelene nomhlaba, uma ugunyazwe ngokwemibandela –

(i) okungakhulunywanga ngawo esicelweni; noma

(ii) owehluke kakhulu embandeleni ohlongozwe esicelweni.”; kanye

(d) nokufake ngemuva kwesigatshana (4) lesi sigatshana esilandelayo:

“(4A) Ekuthatheni isinqumo sawo mayelana nesicelo sokuphasiswa noma sokwesulwa komdwebo wepulani ogunyaziwe, umasipala kumele azise umfakisicelo uma kukhona izimvo ezitholakele eziphendula isimemo sezimvo zomphakathi mayelana nesicelo.”.

Ukuchitshiyelwa kwesigaba 66 soMthetho No. 6 ka 2008

57. Isigaba 66 soMthetho omkhulu ngalokhu uyachitshiyelwa -

(a) ngokuthi kufakwe esikhundleni sesihloko lesi sihloko esilandelayo:

“**Abantu akumele baziswe ngesinqumo sikamasipala mayelana nesicelo sokuguqulwa, sokumiswa noma sokususwa kwemibandela ephathelene nomhlaba [okuhlongozwayo]**”; kanye

(b) nangokuguqulwa kwesigatshana (3) lapho esivela khona okwesibili ngalesi sigatshana esilandelayo:

“**[(3)] (5)** Umasipala kumele, ezinsukwini eziyi-14 kufakwe isicelo umfakisicelo nanotshi imuphi omunye umuntu onikezwe isaziso ngokwesigatshana (1), uhlinzeke umfakisicelo noma lowo muntu –

(a) ngekhophi yesinqumo sikamasipala kanye nezizathu zesinqumo; kanye

(b) uma isicelo sigunyazwe kuncike kwimibandela, ngekhophi yayo yonke imibandela ebekwe umasipala, kanye nezizathu sokubekwa kwaleyo mibandela.”.

Ukuchitshiyelwa kwesigaba 67 soMthetho No. 6 ka 2008

58. Isigaba 67 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe esikhundleni sesihloko lesi sihloko esilandelayo:

“**Isikhalazo mayelana nesinqumo sikamasipala mayelana nesicelo sokuguqulwa, sokumiswa noma sokususwa kwemibandela ephathelene nomhlaba [okuhlongozwayo]**”; kanye

(b) nangokuguqulwa kwesigatshana (1) lesi sigatshana esilandelayo:

“(1) Umuntu ofake isicelo sokuguqulwa, sokumiswa noma sokwesulwakombandela ophathelene nomhlaba, noma othumele uvo lwakhe ephendula isimemo sezimvo zomphakathi mayelana nesicelo sokuguqulwa sokumiswa noma sokwesulwa kombandela ophathelene nomhlaba ngosuku lokuvala olubhalwe encwadini yesimemo, ohlukumezekayo ngesinqumo sikamasipala esihlongozwe esigabeni 65(1), angafaka isikhalazo mayelana

nesinqumo sikamasipala esiGungwini seziKhalazo.”.

Ukuchitshiyelwa kwesigaba 68 soMthetho No. 6 ka 2008

59. Isigaba 68 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigaba 68 lesi sigaba esilandelayo:

“Usuku lokuqala kokusebenza kwesinqumo sikamasipala mayelana nesicelo sokuguqulwa, sokumiswa noma sokususwa kwemibandela ephathelene nomhlaba [okuhlongozwayo]

68. Isinqumo [esimayelana] sesicelo sokuguqulwa, sokumiswa noma sokwesulwa kombandela ophathelene nomhlaba ziqala ukusebenza -

(aA) ngosuku lwesinqumo sikamasipala uma -

(i) isicelo kuyisicelo sikamasipala; futhi

(ii) kungekho zimvo ezitholakele eziphendula isimemo sezimvo zomphakathi mayelana nesicelo;

(aB) ngosuku okukhishwe ngalo incwadi echitha isikhalazo somfakisicelo, uma kungekho zimvo ezitholakele eziphendula isimemo sezimvo zomphakathi mayelana nesicelo;

(a) ekupheleni kwezinsuku ezingama-28 okukhulunye ngazo esigabeni 67(2), uma kungekho zikhalazo ezifakiwe mayelana nesinqumo sikamasipala; noma

(b) ekuphothulweni kwesikhalazo, uma kufakwe isikhalazo mayelana nesinqumo sikamasipala.”.

Ukuchitshiyelwa kwesigaba 69 soMthetho No. 6 ka 2008

60. Isigaba 67 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe lesi sihloko esikhundleni

“Ukuthunyelwa kwamatayitela, kwamapulani kanye nezincwadi kuMbhali wamaTayitela ngemuva [kwesicelo] kwencwadi yesicelo sokuguqulwa, sokumiswa noma sokwesulwa kwemibandela ephathelene nomhlaba kanye nesitifiketi sokuhambisana nemibandela ethile yokugunyazwa;

(b) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

“(1) Umfakisicelo kumele alethe itayitela kanye nezinye izincwadi ezidingekayo uMbhali wamaTayitela, lapho [isicelo] umasipala ugunyaze incwadi yesicelo [sokuguqula, sokumisa noma sokwesula] sokuguqulwa, sokumiswa noma sokwesulwa kombandela ophathelene nomhlaba obubophezela umnikazi womhlaba ngokwamandla ombandela okhona noma indawo eshiyelwe imisebenzi kamasipala ebhaliswe kulowo mhlaba [ngokuhambisana nesinqumo sikamasipala esihlongozwe esigabeni 65(1)].”;

(c) ngokuthi kufakwe ngemuva kwesigatshana (2) lesi sigatshana esilandelayo:

“(3) USaveya-Jikelele kanye noMbhali wamaTayitela kumele, ngokuthola izincwadi ezihlongozwe esigatshaneni (1) no (2), bafake, futhi bagcwalise, kunoma iyiphi irejista, itayitela, umdwebo noma ipulani emahhovisi abo ngokuhlukana kwabo ukuze kuqale ukusebenza kwesinqumo sikamasipala.”.

Ukuchitshiyelwa kwesigaba 70 soMthetho No. 6 ka 2008

61. Isigaba 70 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigaba 70 ngalesi sigaba esilandelayo:

70.(1) Umasipala kumele athumele itayitela nezinye izincwadi ezidingekayo kuMbhali wamaTayitela, uma umasipala usuqale ukuguqulwa, ukumiswa noma ukusulwa kombandela ophathelene nomhlaba obuboc'hezela umnikazi womhlaba ongokwandla ombandela othile noma indawo ebekelwe imisebenzi kamasipala obhaliswe kulowo mhlab, ngokuhambisana nesinqumo sawo esihlongozwe esigabeni 65(1).

(2) USaveya-,Jikelele kanye noMbhali wamaTayitela kumele, uma ethola izincwadi ezihlongozwe esigatshaneni (1), bafake, futhi bagcwalise, kunoma iyiphi irejista, itayitela, umdwebo noma iphulani emahhovisi abo ngokuhlukana kwabo ukuze kuqale ukusebenza kwesinqumo sikamasipala.”.

Ukuchitshiyelwa kwesigaba 71 soMthetho No. 6 ka 2008

62. Isigaba 71 soMthetho omkhulu ngalokhu uyachitshiyelwa ngokuthi kwesulwe, futhi kufakwe esikhundleni sesigaba 71 lesi sigaba esilandelayo:

“Ukuqaliswa kwesicelo sokuvalwa unomphelo komgwago kamasipala noma kwendawo yomphakathi

71.(a) Umasipala angaqala ukuvala unomphelo umgwago kamasipala noma indawo yomphakathi.

(b) Isicelo kumasipala sokuvala unomphelo komgwago kamasipala noma kwendawo yomphakathi singathunyelwa inoma imuphi umuntu futhi noma imuphi umuntu angaqhubeka naleso sicelo.”.

Ukufakwa kwesigaba 71A soMthetho No. 6 ka 2008

63. UMthetho omkhulu ngalokhu uyachitshiyelwa ngokuthi kufakwe ngemuva kwesigaba 71 lesi sigaba esilandelayo:

“Uhlelo lokuvalwa unomphelo komgwago kamasipala noma kwendawo yomphakathi

71A.(1) Izingubo ezihlongozwe oHleweni 1 kumele zilandelwe uma kuvalwa unomphelo umgwago kamasipala noma kwendawo yomphakathi.(2) Isicelo sokuvalwa unomphelo komgwago kamasipala noma kwendawo yomphakathi –

(a) singahlanganiswa nesicelo -

(i) sokuchibiyela uhlelo;

(ii) sokugunyaza kukamasipala ngokohlelo;

(iii) sokuhlukanisa iziqephu noma sokuhlukanisa umhlaba;

(iv) sokuthuthukisa umhlaba osendaweni engaphandle kohlelo; kanye

(v) nesokuguqulwa, sokumiswa noma sokwesulwa kwemibandela ephathelene nomhlaba; futhi

(b) senziwe sibe yisicelo esisodwa.”.

Ukuchitshiyelwa kwesigaba 72 soMthetho No. 6 ka 2008

64. Isigaba 72 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigaba 72 lesi sigaba esilandelayo:

"72. Ngaphambi kokucubungula incwadi yesicelo sokuvala unomphelo umgqwaqo kamasipala noma indawo nyomphakathi; umasipala kumele –

(a) uthole incwadi yokuhlola nezincomo evela kumhloli womhlaba obhalisiwe [mayelana] [nesicelo] ngencwadi yesicelo; kanye

(b) nesitifiketi esisayinwe umhloli womhlaba obhalisiwe –

(i) esiqinisekisa ukuthi isicelo siyahambisana ngandlela zonke nalo Mthetho; noma

(ii) uma isicelo singahambisani ngandlela zonke nalo Mthetho, esishoyo ukuthi isicelo sinamaphutha futhi sihlizweke ngemininingwane yalawo maphutha."

Ukuchitshiyelwa kwesigaba 73 soMthetho No. 6 ka 2008

65. Isigaba 73 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigaba 73 lesi sigaba esilandelayo:

"Izinto eziphathelele nokunqunywa kokufaneleka kwesicelo sokuvalwa unomphelo [kwemigqwaqo kamasipala nezindawo zomphakathi] komgqwaqo kamasipala nendawo yomphakathi

73. Ngokwezinhloso zokunquma ukufaneleka [kwesicelo] kwencwadi yesicelo sokuvala unomphelo umgqwaqo kamasipala noma indawo yomphakathi, umasipala kumele, abhekelele lokhu okulandelayo –

(a) isicelo esihlongozwe esihlokweni 1(2) noma 14(1) soHlelo 1;

(b) izimvo eziphendula isimemo sezimvo zomphakathi mayelana [nesicelo] nencwadi yesicelo;

(c) (i) incwadi yokuhlola nezincomo yomhloli womhlaba obhalisiwe mayelana [nesicelo] nencwadi yesicelo; kanye

(ii) nesitifiketi sokuhambisana kwesicelo noMthetho;

(d) umthelala ongaba khona [wesicelo] wencwadi yesicelo kwimvelo, esimweni somnotho emphakathini, kanye nakumasiko angamagugu;

(e) umthelala [isicelo] incwadi yesicelo engaba nawo entuthukweni ekhona noma ehlongozwayo noma ekusetshenzisweni komhlaba [osondelene, noma kumalungelo akhona okuthuthukisa noma okumbiwa phansi];

(f) ukuvikelwa nokongiwa kwezizinda zezamasiko nezemvelo, kubandakanya izizinda zezolimo, izindawo ezingandile kanye nakwimvelo ehlukahlukene;

(g) imigomo ejwayelekile yokuthuthukiswa komhlaba ebekwe esigabeni 3 soMthetho wokuLungiselela INtuthuko, 1995 (uMthetho No. 67 ka 1995) kanye nezinye izindlela namazinga kukazwelonke, izinhlaka kanye nezinqubomgomo ezihlongozwe esigabeni 146(2)(b) soMthethosisekelo;

[(h) noma ikuphi ukwenzelala okungaba khona [ngesicelo] ngencwadi yesicelo kunoma imuphi umuntu, kubandakanya abahlinzeka ngemisebenzi yobunjiniyela; kanye]

(hA) izindlela namazinga okuhlela nentuthuko kwesifundazwe;

(hB) uhlelo oludidiyele lwentuthuko lukamasipala;

(hC) uhlelo lukamasipala: kanye

(i) nanoma iluphi olunye ulwazi olungadingeka.”.

Ukuchitshiyelwa kwesigaba 74 soMithetho No. 6 ka 2008

66. Isigaba 74 soMithetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigaba 74 lesi sigaba esilandelayo:

“Isinqumo sikamasipala [ngesicelo] ngencwadi yesicelo sokuvala unomphelo umgwaqo kamasipala noma indawo yomphakathi

74.(1) Umasipala kumele esikhathini esinqunywe esihlokweni 12 noma 21 sohlelo 1 –

(a) ugunyaze isicelo sokuvala unomphelo umgwaqo kamasipala noma indawo yomphakathi, zikhona noma zingekho izinguquko: noma

(b) uchithe isicelo sokuvalwa unomphelo komgwaqo kamasipala noma kwendawo yomphakathi.

(2) Umasipala ngeke ugunyaze [isicelo] incwadi yesicelo sokuvala unomphelo umgwaqo kamasipala noma indawo yomphakathi –

(a) uma [isicelo] incwadi yesicelo inokushayisana –

(i) nezindlela namazinga okusetshenziswa komhlaba nentuthuko;

(ii) nesu lawo elididiyele lentuthuko; noma

(iii) nohlelo; futhi

(b) ngaphandle uma unelisekile ukuthi ukuvulwa -

(i) kuzokuba wusizo endaweni lapho kunomgwaqo kamasipala noma kunendawo yomphakathi; noma

(ii) uma kuzosiza umphakathi.

(3) Umasipala ungagunyaza isicelo sokuvala unomphelo umgwaqo kamasipala noma indawo yomphakathi kuncike kunoma imuphi umbandela obona ufanele.

(4) Ekuthatheni isinqumo sawo, umasipala kumele uhlinzeke ngezizathu –

(a) zokugunyaza noma zokuchitha isicelo sokuvala unomphelo umgwaqo kamasipala noma indawo yomphakathi;

(b) zokuthi kungani kube nezinguquko, uma isicelo sokuvala unomphelo umgwaqo kamasipala sigunyazwe nezinguquko: noma

(c) zanoma imuphi umbandela obekiwe wokuvulwa unomphelokomgwaqo kamasipala noma kwendawo yomphakathi, uma isicelo sigunyazwe ngokuncike kumbandela –

(i) obekungakhulunywanga ngawo esicelweni ; noma

(ii) owehluke kakhulukumbandela ohlongozwe esicelweni.

(5) Umasipala nganoma isiphi isikhathi angalungisa iphutha emagameni abhatwe esinqumweni sawo Inqobo nie singahambisani nezinguquko esinqumweni sawo noma ushintsho, ukumiswa noma ukwesulwa kombandela wesinqumo sawo, sokuvala unomphela umgwaqo kamasipala noma indawo yomphakathi.

Ukufakwa kwezigaba 74A no 74B zoMthetho No. 6 ka 2008

67. Umthetho omkhulu ngalokhu uyachitshiyelwa ngokuthi kufakwe ngemuva kwesigaba 74 lezi zigaba ezilandelayo:

"Abantu okumele baziswe ngesinqumo sikamasipala sokuvala unomphela umgwaqo kamasipala noma Indawo yomphakathi

74A.(1) Umasipala kumele ukhiphe isaziso mayelana nesinqumo sawo kuwo wonke umuntu olethe uvo lwakhe olubhalwe phansi ngokoHlelo 1, ezinsukwini esiyi-14 ngemuva kokuthatha isinqumo sawo sokugunyaza noma sokuchitha isicelo sokuvala unomphela umgwaqo kamasipala noma indawo yomphakathi.

(2) Isaziso esibhekiswe osayinela incwadi eyenziwe ngokuhlanganyela noma omele iqogo elithile, inganikezwa -

(a) umuntu ogunyaziwe omele labo bantu abasayinile uma incwadi yenziwe ngokuhlanganyela noma isethulo silethwe umuntu othi ugunyazwe ukusayina egameni labanye; noma

(b) umuntu ogama lakhe livela kugala encwadini, uma engekho umuntu okunguyena oqokiwe ukuba asayine egameni labanye.

(3) Isaziso esibhekiswe kubantu abasayine incwadi ngokuhlanganyela noma iqogo elithile labantu elihlongozwe esigatshani (2) sisho isaziso esibhekiwe kumuntu ngamunye kulabo bantu abasayine ngokuhlanganyela noma kulelo qogo elithile labantu.

(4) Uma umhlaba okufakwe mayelana nawo izimvo ngokoHlelo 1 udluliselwa komunye umnikazi, lezo zimvo kumele zithathwe njengezibhekiswe kumnikazi omusha.

(5) Umasipala kumele ezinsukwini eziyi-14 ngemuva kwesicelo somfakisicelo noma somunye umuntu onikezwe isaziso ngokwesigatshana (1), unikeze lowo muntu -

(a) ikhophi yesinqumo sikamasipala;

(b) izizathu zesinqumo sawo; kanye

(c) nekhophi yayo yonke imibandela ebekwe umasipala, kanjalo nezizathu zokubeka levo mibandela, esimweni lapho isicelo sigunyazwe ngokuncike kwimibandela.

Usuku lokuqala kokusebenza kwesinqumo sikamasipala ngesicelo sokuvalwa unomphelo komgwaqo kamasipala noma kwendawo yomphakathi

74B. Usuku lokuqala kokusebenza kwesinqumo sikamasipala mayelana nesicelo sokuvalwa unomphelo komgwaqo kamasipala noma kwendawo yomphakathi usuku okuyothathwa ngalo isinqumo sikamasipala.”.

Amandla okulawula umhlaba ngemuva kokuvalwa komgwaqo kamasipala noma kwendawo yomphakathi

74C. Umhlaba obuyingxenye yomgwaqo kamasipala noma kwendawo yomphakathi, uma sekuvalelwe lowo mgwaqo kamasipala noma leyo ndawo yomphakathi, uyolawulwa umasipala umasipala leyo ndawo engaphansi kwawo.”.

Ukuchitshiyelwa kwesigaba 75 soMthetho No. 6 ka 2008

68. Isigaba 75 soMthetho omkhulu ngalokhu siyachitshiyelwa –

(a) ngokuthi kufakwe lesi sihloko esilandelayo esikhundleni sesihloko:

“Amacala nezigwebo ezimayelana nohlelo lukamasipala, nokuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba [okuhlongozwe eSahlukweni 3], nokuthuthukiswa komhlaba osendaweni engaphandle kohlelo [ehlongozwe eSahlukweni 4], nokuphasiswa noma nokwesulwa komdwebo wepulani ogunyaziwe [ohlongozwe eSahlukweni 5 kanye]; nokuguqulwa, nokumiswa noma nokwesulwa kwemibandela ephathelene nomhlaba [ehlongozwe eSahlukweni 6] kanye nokusetshenziswa noma nokuthuthukiswa komgwaqo kamasipala noma kwendawo yomphakathi”;

(b) ngokuthi kusutwe, futhi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

“(1) Noma imuphi umuntu –

(a) osebentisa, othuthukisa, uhlukanisa iziqephu noma ohlanganisa umhlaba ngokushayisana nezinhlinzeko zohlelo;

(b) ohlukanisa iziqephu noma ohlanganisa umhlaba ngaphandle kokugunyazwa kuqala ngokoMthetho;

(c) othuthukisa umhlaba ngaphandle kohlelo ngaphandle kokugunyazwa kuqala ngokwalo Mthetho;

(d) ohlukanisa noma owesula umdwebo wepulani ngaphandle kokugunyazwa kuqala ngokwalo Mthetho;

(e) osebentisa, othuthukisa, ohlukanisa iziqephu noma ohlanganisa umhlaba ngokushayisana nemibandela noma nezibopho ezihlongozwe esigaberi 60(1);

(eA) osebentisa noma othuthukisa umgwaqo kamasipala noma indawo yomphakathi ngenhloso engenakho ukuhambisana nomgwaqo kamasipala noma ndawo yomphakathi;

(f) osebentisa, othuthukisa, ohlukanisa iziqephu noma ohlanganisa umhlaba ngokushayisana nemibandela ebekwe ngokwalo Mthetho, kubandakanya imibandela yokugunyazwa -

(i) kokuchitshiyelwa kohlelo lukamasipala;

(ii) kokuhlukaniswa iziqephu nokuhlanganiswa komhlaba;

(iii) kokuthuthukiswa komhlaba;

(iv) ukuphasiswa nokwesulwa komdwebo wepulani ogunyaziwe;

(v) kokuguqulwa, kokumiswa noma kokusulwa kwemibandela ephathelene nomhlaba;

(vi) kokuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi; noma

(vii) okumele kuhanjiswa nakho ngaphambi kokuthi kwakhiwe isakhiwo noma indlu noma kudlulisetwe umhlaba.

(g) owakha isakhiwo noma indlu ngokushayisana nesigaba 31(1) noma 48(1), noma owenza kube nalokho kwakha;

(h) ongena esivumelwaneni noma onikezela ngethuba elihlongozwe esigabeni 31(1) noma 48(1), ngaphambi kokuthi umasipala akhiphe isitifiketi sokuthi yonke imibandela okumele ilandelwe ngaphambi kokuthi leyo ndawo idayiswe ilandeliwe; noma

(i) owehluleka ukuhambisana nomyalelo omenqabelayo noma umyalelo omnqandayo ophuthumayo uyothweswa icala.”

(c) ngokuthi kufakwe ngemuva kwesigatshana (2) lesi sigatshana esilandelayo:

“(3) Ukukalwa kwentela ehambisana nokusetshenziswa komhlaba njengoba kuhrongozwe esigabeni 8(1) soMthetho weNtela yoMhlaba kaMasipala woHulumeni baseKhaya, 2004 (uMthetho No. 6 ka 2004) akwenzi ukusetshenziswa komhlaba kube semthethweni ngokwalo Mthetho.”

Ukuchitshiyelwa kwesihloko seNgxenye 4 yeSahluko 8

69. Umthetho omkhulu ngalokhu uyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko seNgxenye 4 yeSahluko 8 lesi sihloko esilandelayo:

“Ingxenye 4: Amacala nokuziphatha budlabha komhleli womhlaba obhalisiwe oweluleka umasipala kanye nokwabantu abagxambukela encwadini yokuhlola nezinqomo yomhleli womhlaba obhalisiwe noma esitifiketini sokuhambisana nomthetho”.

Ukuchitshiyelwa kwesigaba 88 soMthetho No. 6 ka 2008

70. Isigaba 88 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

“(1) Umhleli womhlaba obhalisiwe okhipha isitifiketi sokuthi isicelo noma incwadi yesicelo iyahambisana ngandlelana zonke nalo Mthetho, ebe azi ukuthi isicelo noma incwadi yesicelo –

(a) sokusebenzisa, sokuguqula noma sokuchibiyela uhlelo;

(aA) semvume kamasipala ngokohlalo;

(b) sokuhlukanisa iziqephu noma sokuhlenganisa umhlaba;

(c) sokuthuthukisa umhlaba osendaweni engaphandle kohlelo;

(d) sokuhlukanisa noma sokwesula umdwebo wepulani; noma

(e) sokushintsha, sokumisa noma sokwesula imibandela ephathelene nomhlaba;

(f) sokuvala unomphelelo komgwaqo kamasipala noma indawo yomphakathi;

unephutha, uyobhekana necala kanye nesenzo sokuziphatha budlabha okukhulunywe ngakho sigabeni 18(4)(c) soMthetho womiSebenzi yokuhlela uMhlaba.”

Ukuchitshiyelwa kwesigaba 89 soMthetho No. 6 ka 2008**71. Isigaba 89 soMthetho omkhulu ngalokhu uyachitshiyelwa -**

(a) ngokuthi kufakwe esikhundleni sesigatshana 89 lesi sigatshana esilandelayo:

“(1) Umuntu ofaka isicelo kumasipala ukuze -

(a) agunyazwe ukuchibiyela uhlelo;

(b) [kuthuthukiswe umhlaba, ongaba osendaweni noma ngaphandle kwendawo esohlelweni] athole imvume ngokohlelo;

(c) agunyazwe ukuhlukanisa iziqephu noma ukuhlanganiswa komhlaba;

(cA) agunyazwe ukuthuthukisa umhlaba osendaweni engaphandle kohlelo;

(d) agunyazwe ukuphasisa noma ukwesula umdwebo wepulani yokuhlukanisa iziqephu noma yokuthuthukisa umhlaba;

(e) agunyazwe ukuguqula, ukumisa noma ukwesula imibandela ephathelene nomhlaba; noma

(f) agunyazwe ukuze avale unomphelo umgwaqo kamasipala noma indawo yomphakathi,

ngaphezu kokwenziwa kwesicelo ngemuva kokuqala kwalokho okwenziwayo ngaphandle kokugunyazwa kuqala, noma umuntu enikezwe izaziso zokuphula umthetho, incwadi yokwenqabela noma incwadi ephuthumayo yokugwema noma yini eyenziwayo.”; kanye

(b) ngokususwa kwesigatshana (2).

Ukufakwa kwesigaba 88A soMthetho No. 6 ka 2008**72. UMthetho omkhulu ngalokhu uyachitshiyelwa ngokuthi kufakwe ngemuva kwesigaba 88 lesi sigaba esilandelayo:**

“icala elenziwe umuntu ogxambukela encwadini yokuhlola nezincomo yomhleli womhlaba obhalisiwe noma isitifiketi sokuhambisana nomthetho

88A.(1) Umhleli womhlaba obhalisiwe kumele ahlole –

(a) isicelo sokwamukela noma sokusintsha uhlelo;

(b) incwadi yesicelo sokuchibiyela uhlelo;

(c) incwadi yesicelo semvume ngokohlelo;

(d) incwadi yesicelo sokuhlukanisa iziqephu nokuhlanganisa umhlaba;

(e) incwadi yesicelo sokuthuthukisa umhlaba osendaweni engaphandle kohlelo;

(f) incwadi yesicelo sokuphasiswa noma sokwesulwa ko komdwebo wepulani ogunyaziwe;

(g) incwadi yesicelo sokuguqula, sokumisa noma sokwesula imibandela ephathelene nomhlaba;

(h) incwadi yesicelo sokuvala unomphelo komgwaqo kamasipala noma kwendawo yomphakathi;

ngendlela –

(i) ezimele;

(ii) engenakho ukugxambukela noma ukududeka; futhi

(iii) ehambisana nezinga eliphezulu lokwethembeka, lokuzithoba, lokubheka nhlangothi zonke nokuziphatha okusezingeni.

(2) Umuntu ogxambukela encwadini yokuhlola nezincomo yomhloli womhlaba obhalisiwe noma esiffketini sokuhambisana nomthetho okumayelana nesicelo noma nencwadi yesicelo esihfongozwe ezigabeni 11, 24, 41, 53 no 63 uyothweswa icala futhi angaqwetshwa inhlawulo noma ukubhadla ejele isikhathi esingeqile eminyakeni emibili, noma kokubili leyo nhlawulo kanye nokubhadla ejele.

Ukuchitshiyelw kwesigaba 97 soMthetho No. 6 ka 2008

73. Isigaba 97 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko lesi sihloko esilandelayo:

"Ukunxeshezela ngenxa yokuguqulwa, yokumiswa noma [yokususwa] yokwesulwa kwemibandela ephathelene nomhlaba"

Ukufakwa kwesigaba 97A soMthetho No. 6 ka 2008

74. Umthetho omkhulu ngalokhu uyachitshiyelwa ngokuthi kufakwe ngemuva kwesigaba 97 lesi sigaba esilandelayo:

"Isinxephezelo ngenxa yokuvatwa komgwaqo kamasipala noma kwendawo yomphakathi"

97A. (1) Umnikazi womhlaba, obe nokulahlekelwa noma ukulinyalelwa ngenxa yokuvatwa komgwaqo kamasipala noma kwendawo yomphakathi, angafuna isinxephezelo kumasipala.

(2) Ukufunwa kwesinxephezelo ngokwalesi sigaba –

(a) kuyokwenziwa kuphela uma ofuna leso sinxephezelo ubengakasitholi isinxephezelo; futhi

(b) kumele sifakwe esikhathini esiyiminyaka emithathu ngemuva kokuvatwa komgwaqo kamasipala noma kwendawo yomphakathi."

Ukuchitshiyelwa kwesigaba 131 soMthetho No. 6 ka 2008

75. Isigaba 131 soMthetho omkhulu ngalokhu ilyachitshiyelwa ngokuthi kufakwe esikhundleni sesigatshana (3) lesi sigatshana esilandelayo:

"(3) Izimali zofakazi angeke zikhokhefwe umuntu osebenza ngokugcwele ehhovisi likahulumeni."

Ukuchitshiyelwa kwesigaba 147 soMthetho No. 6 ka 2008

76. Isigaba 147 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesigatshana (3) lesi sigatshana esilandelayo:

"(3) Ilungu [lesiGungu eziKhalazo] lekomidi elilawulayo elingaqashiwe uhlaka lombuso noma umasipala ngokugcwele

kumele –

- (a) lukhokhelwe futhi libonelelwe ezimalini ezabelwe lokho [ILungu loMkhandlu oPhethe] I-MEC;
- (b) likhokhelwe imali yansuku zonke njengoba kunqume [ILungu loMkhandlu oPhethe] I-MEC ngokubonisana lelungu loMkhandlu oPhethe elinguMgcinimafa esiFundazweni ngesaziso kwiGazethi yesiFundaze; futhi
- (c) likhokhelwe izindleko zokuhamba ngokomsebenzi ezingaba khona.”

Ukuchitshiyelwa kwesigaba 153 soMthetho No. 6 ka 2008

77. Isigaba 153 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sendima (a) yesigatshana (2) le ndima landelayo –

“(a) ugunyaze ukuhoxiswa kwezindlela namazinga okuhlela nentuthuko esifundazwe [futhi uchithe eminye imithethonqubo ehambisana nawo]; noma”.

Ukuchitshiyelwa kwesigaba 156 soMthetho No. 6 ka 2008

78. Isigaba 156 soMthetho omkhulu ngalokhu siyachitshiyelwa –

(a) ngokuthi kusulwe, futhi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo

“(1) Umasipala angadlulisela amandla noma umsebenzi obhekene nawo ngokwalo Mthetho, ngaphandle kwamandla okwamukela noma okuguqula uhlelo okuhlongozwe esigabeni 13, -

(a) ekomidini likamasipala;

(b) kunoma isiphi isikhulu esiqashwe iwona noma omunye umasipala, kubandakanya amasipala bezifunda; noma

(c) kunoma imuphi umuntu oqashwe umasipala ngokwenhloso yokusbenzisa lawo mandla.”;

(b) ngokuthi kufakwe lesi sigatshana esilandelayo ngemuva kwesigatshana (1):

“(1A) Umasipala ungadlulisela amandla okunquma ngesicelo-

(a) sokuchibiyela uhlelo lukamasipala;

(b) semvume yawo ngokohlelo;

(c) sokuhlukanisa iziqephu nokuhlanganisa umhlaba;

(d) sokuthuthukisa umhlaba osendaweni engaphandle kohlelo;

(e) sokuphasisa noma sokwesula umdwebo wepulani ogunyaziwe;

(f) sokuguqula, sokumisa noma sokwesila imibandela ephathelene nomhlaba; noma

(g) sokuvala kuphela umgwaqo kamasipala noma indawo yomphakathi;

kumhleli womhlaba obhalisiwe obhekelele ukuhlola isicelo, ezimweni lapho umhleli womhlaba obhalisiwe kungadingeki ukuthi enze izincomo mayelana nesicelo kumasipala, njengoba kuhlongozwe esigabeni 11(1)(a), 24(1)(a), 41(1)(a), 53(1)(a) kanye no 72(1)(a).”.

(c) ngokuthi kufakwe esikhundleni sesigatshana (5) lesi sigatshana esilandelayo:

"(5) umsebenzi owenziwa umuntu odluliselwe kuye uyofana nanjengoba ubuzokwenziwa [iLungu loMkhandlu oPhethe] umasipala."

Ukuchitshiyelwa kwesigaba 157 soMthetho No. 6 ka 2008

79. Isigaba 157 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe ngemuva kwesigatshana (3) lesi sigatshana esilandelayo:

"(4) Ngokwenhloso yalesi sigaba "umasipala" kubandakanya nomasipala wesifunda njengoba uchazwe esigabeni 1."

Ukuchitshiyelwa kwesigaba 160 soMthetho No. 6 ka 2008

80. Isigaba 160 soMthetho omkhulu ngalokhu siyachitshiyelwa –

(a) ngokuthi kufakwe esikhundleni sendima (a) le ndima elandelayo:

"(a) amarekhodi aphathelene nokwamukelwa, nokuguqulwa noma nokuchitshiyelwa kohlelo noma kwemvume ngokohlelo, kubandakanya –

(i) isicelo sokwamukela uhlelo [.] noma sokuguqula uhlelo noma incwadi yesicelo sokuchitshiyelwa kohlelo noma semvume ngokohlelo ehlongozwe esigabeni 9(1) no (2);

(ii) izimvo ezitholwe umasipala eziphendula isimemo sezimvo zomphakathi mayelana nokwamukelwa, nokuguqulwa noma ukuchitshiyelwa kohlelo noma kwemvume ngokohlelo ehlongozwe esihlokweni 5 noma 14 soHlelo 1;

(iii) incwadi yokuhlola nezincomo evela kumhleli womhlaba obhalisi wemayelana nokwamukelwe, nokuguqulwa noma nokuchitshiyelwa kohlelo noma kwemvume ngokohlelo ehlongozwe esigabeni 11 (a);"

(iv) isitifiketi somhleli womhlaba obhalisiwe mayelana nokuhambisana noMthetho kwesicelo sokwamukela [.] noma sokushintsha uhlelo noma isicelo sokuchibiyela uhlelo noma semvume engokohlelo, njengoba kuhlongozwe esigabeni 11 (b);

(v) isinqumo sikamasipala ngesicelo sokwamukela [.] noma sokushintsha uhlelo noma isicelo sokuchibiyela uhlelo noma semvume ngokohlelo ehlongozwe esigabeni 13(1);"

(b) ngokuthi kufakwe esikhundleni senduma (b) le ndima elandelayo:

"(b) amarekhodi aphathelene [nesicelo] nencwadi yesicelo sokuhlukanisa iziqephu noma sokuhlanganisa umhlaba, kubandakanya –

(i) [isicelo] incwadi yesicelo sokuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba esihlongozwe esigabeni 22(1) no (2);

(ii) izimvo ezitholwe umasipala eziphendula isimemo sezimvo zomphakathi mayelana [nesicelo] nencwadi yesicelo sokuhlukanisa iziqephu noma ukuhlanganiswa komhlaba esihlongozwe esihlokweni 5 noma 14 soHlelo 1;

(iii) incwadi yokuhlola nezincomo yomhleli womhlaba obhalisiwe yokuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba ehlongozwe esigabeni 24(a);

(iv) isitifiketi somhleli womhlaba obhalisiwe sokuhambisana noMthetho [kwesicelo] kwencwadi yesicelo sokuhlukaniswa iziqephu noma sokuhlukaniswa komhlaba esihlongozwe esigabeni 24(b);

(v) isinqumo sikamasipala [ngesicelo] ngencwadi yesicelo sokuhlukaniswa iziqephu noma sokuhlukanisa umhlaba esihlongozwe esigabeni 26(1); kanye

(vi) nesaziso sokwexwayisa umnikazi womhlaba ukuthi umasipala angaqala ukuhlukanisa umdwebo wepulani kanye nokwesula ingxenye yomdwebo wepulani lapno amalungelo akhona angasetshenziswa ngokuphelele njengoba kuhlongozwe esigabeni 37(3)(a);

(c) ngokuguqulwa kwendima (c) ngale ndima elandelayo:

"(c) amarekhodi aphaathelene [nesicelo] nencwadi yesicelo sokuthuthukisa umhlaba esihlongozwe eSahlukweni 4, kubandakanya –

(i) [isicelo] incwadi yesicelo sokuthuthukisa umhlaba esihlongozwe esigabeni 39(1) no (2);

(ii) izimvo ezitholwe umasipala esiphendula isimemo sezimvo mayelana [nesicelo] nencwadi yesicelo sokuthuthukisa umhlaba esihlongozwe esihlokwani 5 noma 14 sohlelo 1;

(iii) incwadi yokuhlola nezincomo yomhleli womhlaba mayelana [nesicelo] nencwadi yesicelo sokuthuthukisa umhlaba esihlongozwe esigabeni 41(a);

(iv) isitifiketi somhleli womhlaba obhalisiwe sokuhambisana [kwesicelo] kwencwadi yesicelo sokuthuthukisa umhlaba nalo Mthetho esihlongozwe 41(a);

(v) isinqumo sikamasipala [ngesicelo] ngencwadi yesicelo sokuthuthukisa umhlaba esihlongozwe esigabeni 43(1); kanye

(vi) nesaziso esexwayisa umnikazi womhlaba ngokuthi umasipala angaqala ukuhlukanisa umdwebo wepulani futhi esule ingxenye yomdwebo wepulani lapno amalungelo angasetshenziswa ngokuphelele njengoba kuhlongozwe esigabeni 49(1);

(d) ngokuthi kufakwe esikhundleni sendima (d) le ndima elandelayo:

"(d) amarekhodi aphaathelene [nesicelo] nencwadi yesicelo sokuhlukaniswa noma sokwesulwa komdwebo wepulani, kubandakanya -

(i) [isicelo] incwadi yesicelo sokuhlukaniswa noma sokwesulwa komdwebo wepulani esihlongozwe esigabeni 51(1) no (2);

(ii) izimvo ezitholwe umasipala eziphendula isimemo sezimvo zomphakathi mayelana [nesicelo] nencwadi yesicelo sokuhlukaniswa noma sokwesulwa komdwebo wepulani noma kwemvume ngokohlelo ehlongozwe esigabeni 52(2)

(iii) incwadi yomhleli womhlaba obhalisiwe yokuhlola nezincomo mayelana [nesicelo] nencwadi yesicelo sokuhlukaniswa noma sokwesulwa komdwebo wepulani esihlongozwe esigabeni 53(a);

(iv) isitifiketi somhleli womhlaba obhalisiwe sokuhambisana [kwesicelo] kwencwadi yesicelo sokuhlukaniswa noma sokwesulwa komdwebo wepulani nalo Mthetho esihlongozwe esigabeni 53(b);

(v) isinqumo sikamasipala mayelana [nesicelo] nencwadi yesicelo sokuhlukaniswa noma sokwesulwa komdwebo wepulani esihlongozwe esigabeni 55(1);

(e) ngokuthi kufakwe esikhundleni sendima (e) le ndima elandelayo:

"(e) amarekhodi aphaathelene [nesicelo] nencwadi yesicelo sokuguqula, sokumisa noma sokwesula

umbandela ophathelene nomhlaba, kubandakanya –

(i) [Isicelo] incwadi yesicelo sokuguqula, sokumisa noma sokwesula umbandela ophathelene nomhlaba ehlongozwe esigabeni 61(1) no (2);

(ii) izimvo ezitholwe umasipala eziphendula isimemo sezimvo zomphakathi mayelana [nesicelo] nencwadi yesicelo sokuguqula, sokumisa noma sokwesula umbandela ophathelene nomhlaba ezihlongozwe esihlokwani 5 noma 14 sohlelo 1;

(iii) incwadi yomhleli womhlaba obhalisiwe yokuhlola nezincomo myelana [nesicelo] nencwadi yesicelo sokuguqula, sokumisa noma sokwesula umbandela ophathelene nomhlaba ehlongozwe esigabeni 63(a);

(iv) istifiketi somhleli womhlaba obhalisiwe sokuhambisana [kwesicelo] kwencwadi yesicelo sokuguqula, sokumisa noma sokwesula umbandela ophathelene nomhlaba esihlongozwe esigabeni 63(b) kanye

(v) nesinqumo sikamasipala mayelana [nesicelo] nencwadi yesicelo sokuguqula, sokumisa noma sokwesula umbandela ophathelene nomhlaba esihlongozwe esigabeni 65(1);” kanye

(f) nokuthi kufakwe esikhundleni sendima (f) le ndima elandelayo:

“(f) amarekhodi aphantsi [nesicelo] nencwadi yesicelo sokuvala unomphela komgwaqo kamasipala noma kwendawo yomphakathi, kubandakanya –

(i) [Isicelo] incwadi yesicelo sokuvala unomphela komgwaqo kamasipala noma kwendawo yomphakathi esihlongozwe esigabeni 71(1);

(ii) izimvo ezitholwe umasipala eziphendula isimemo sezimvo zomphakathi mayelana [nesicelo] nencwadi yesicelo sokuvala unomphela komgwaqo kamasipala noma kwendawo yomphakathi ezihlongozwe esigabeni 71(2)(b);

(iii) incwadi yomhleli womhlaba obhalisiwe yokuhlola nezincomo myelana [nesicelo] nencwadi yesicelo sokuvala unomphela komgwaqo kamasipala noma kwendawo yomphakathi ezihlongozwe esigabeni 72; kanye

(iv) nesinqumo sikamasipala mayelana [nesicelo] nencwadi yesicelo sokuvala unomphela komgwaqo kamasipala noma kwendawo yomphakathi ezihlongozwe esigabeni 74;”.

Ukuchitshiyelwa kwesigaba 161 soMthetho No. 6 ka 2008

81. Isigaba 161 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni esigaba 161 lesi sigaba esilandelayo:

161.(1) Lo Mthetho ubusa ngaphezu koMthetho wokuLungiselela iNtuthuko, ngaphandle kwalapho uMthetho wokuLungiselela iNtuthuko ukhuluma khona ngezinto ezihlongozwe esigabeni 146(2)(a), (b) no (c) soMthethosisekelo.

(2) [Lo Mthetho usebenza esifundazweni] Umfakisicelo sokuthuthukiswa komhlaba ochazwe esigabeni 1 soMthetho wokuLungiselela iNtuthuko angeke afake isicelo sokuthuthukisa umhlaba esifanayo naleso esichazwe esigabeni 1 soMthetho wokuLungiselela iNtuthuko esiGungwini seNtuthuko saKwaZulu-Natali esakhiwe ngokwesihloko 15(1) soMthetho wokuLungiselela iNtuthuko, ngenhloso –

(a) yokuchibiyela uhlelo:

(b) yokunikeza imvume ngokohlelo;

(c) yokuhlukanisa iziqephu noma yokuhlanganisa umhlaba;

(d) yokuthuthukisa umhlaba ongaphandle kwendawo esohlelweni;

(e) yokuphasisa noma yokwesula umdwebo wepulani ogunyaziwe wokuhlukaniswa iziqephu noma wokuhlanganiswa komhlaba;

(f) wokuguqula, wokumisa noma wokwesula imibandela ephathelene nomhlaba; noma

(g) wokuvala unomphele umgwago kamasipala noma indawo yomphakathi.

(3) IsiGungu seNtuthuko saKwaZulu-Natali, esisungulwe ngokomthetho wokuLungiselela iNtuthuko, angeke simise ukusebenza kwalo Mthetho njengoba kuhlangozwe esigabeni 33(i)(ii), (iv), (v) no (vi) kanye nesigaba 51(2)(d)(i), (ii) no (v) soMthetho wokuLungiselela iNtuthuko, mayelana nesicelo sokuthuthukiswa komhlaba njengoba kuchazwe esigabeni 1 soMthetho wokuThuthukiswa koMhlaba, esatholakala ngemva kokugala kokusebenza kwalesi sigatshana, ngaphandle kwencazelo, ngaphambi kokuthi kutholakale imvume bhalwe phansi kwilungu loMkhandlu oPhethe.

(4) Lo Mthetho ubusa ngaphezu koMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, ngaphandle kwalapho lo Mthetho ukhuluma khona ngezinto ezihlangozwe esigabeni 146(2)(a), (b) noma (c) soMthethosisekelo.

(5) Isikhulu angeke sabale indawo ukwakhiwa kwezindlu ezingahlelekile ngokuphelele njengo(a) kuhlangozwe esigabeni 3(1) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, ngaphandle um Isikhulu senelisekile ngokuthi lowo muntu unesidingo esiphuthumayo sokuthola lowo mhlaba wokuthi kuhlalwe ngendlela ehleleke kancane kuleyo ndawo.

(6) Isikhulu kumele simemezele izinhlinzeko zalo Mthetho njengezisebenza kumhlaba owabalelwa izakhiwo ezingahlelekile ngokuphelele njengoba kuhlangozwe esigabeni 3(6)(a) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuphelele.

(7) Isikhulu angeke sinikeze imvume ngokwesigaba 10(1) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele umuntu ngenhloso –

(a) yokuchibiyela uhlelo;

(b) yokunikeza imvume ngokohlelo;

(c) yokuhlukanisa iziqephu noma yokuhlanganisa umhlaba;

(d) yokuthuthukisa umhlaba ongaphandle kwendawo esohlelweni;

(e) yokuphasisa noma yokwesula umdwebo wepulani ogunyaziwe wokuhlukaniswa iziqephu noma wokuhlanganiswa komhlaba;

(f) wokuguqula, wokumisa noma wokwesula imibandela ephathelene nomhlaba; noma

(g) wokuvala unomphele umgwago kamasipala noma indawo yomphakathi.

(8) Isikhulu angeke simise isicelo salo Mthetho njengoba kuhlangozwe esigabeni 12(1)(a) noma 19(5)(a) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, mayelana nesicelo sokusungula ilokishi elingahlelekile,

ngokwesigaba 11(1) noma 19(1) zoMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, esatholakala ngemuva kokuqala kokusebenza kwalesi sigatshana.

(9) ILungu loMkhandlu oPhethe ngesaziso kwiGazethi lingakhulula umasipala kwinqubo yemvume ngokohlelo, uma linelisekile ukuthi umasipala unawo umthetho kamasipala wokunikeza imvume ngokohlelo ehlinzekela –

(a) ukubamba iqhaza komphakathi njengoba kudingeka ngokwemiThethonqubo yeziNqubo zokuPhatha ngokweThembeke, 2002 (iSaziso sikaHulumeni No.614 sika 2002);

(b) ukuhlofa kwesicelo semvume kamasipala ngokohlelo;

(c) izinto eziphathelele nokunqunywa kokufaneleka kwesicelo semvume kamasipala ngokohlelo;

(d) isinqumo mayelana nesicelo semvume kamasipala ngokohlelo esizothathwa ngesikhathi esithile; kanye

(e) nelungelo lokhalaza esiGunqwini sezikhazazo komuntu –

(i) ofake isicelo semvume kamasipala ngokohlelo; noma

(ii) othumele uvo lwakhe olubhalwe phansi ephendula isimemo sezimvo zomphakathi mayelana nesicelo sokuthola imvume kamasipala ngokohlelo.”

(10) ILungu loMkhandlu oPhethe ngesaziso kwiGazethi lingakhulula umasipala ezinhlinzekweni zeSahluko 7 soMthetho, uma linelisekile ukuthi umasipala usunawo umthetho kamasipala wokuvalwa unomphelo komgwaqo kamasipala noma kwendawo yomphakathi ohlinzekela –

(a) ukubamba iqhaza komphakathi njengoba kudingeka ngokwemiThethonqubo yeziNqubo zokuPhatha ngokweThembeke, 2002 (iSaziso sikaHulumeni No.614 sika 2002);

(b) ukuhloha kwesicelo sokuvalwa unomphela umgwaqo kamasipala noma kwendawo yomphakathi umhleli womhlaba obhalisile;

(c) izinto eziphathelele nokunquma ukufaneleka kwesicelo sokuvalwa unomphelo komgwaqo kamasipala noma kwendawo yomphakathi;

(d) isinqumo mayelana nokuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi okumele sithathwe ngesikhathi esithile;

(e) ubunikazi bomgwaqo kamasipala noma bendawo yomphakathi ngemuva kokuvalwa kwayo unomphela;

(f) ukunxeshelwa kwabantu abalahlekelwe noma abalinyalelwe ngenxa yalokho kuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi.”

Ukuchitshiyelwa kwesigaba 163 soMthetho No. 6 ka 2008

82. Isigaba 163 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe esikhundleni sesigatshana (1) lesi sigatshana esilandelayo

“(1) noma isiphi isenzo esenziwe ngokomthetho ochithwe yilo Mthetho uNdunankulu, ilungu loMkhandlu oPheth esiFundazweni, nanoma imuphi umsebenzi kuhulumeni wesifundazwe ngaphambi kokuqala kokusebenza kwalo Mthetho, futhi ebesizokwenziwa ngokoMthetho osuchithiwe, ukube lowo mthetho osuchithiwe ubungasebenzi kuleyo ndawo ngaleso sikhathi, kumele sithathwe njengesenzo esenziwe ngokusemthethweni ngokuhambisana

nomthetho osuchithiwe.”;

(b) ngokuthi kufakwe ngemuva kwesigatshana (1) lesi sigatshana esilandelayo:

“(1B) Noma isiphi isenzo esenziwe ngokomthetho ochithwe yilo Mthetho umasipala noma umsebenzi kamasipala ngaphambi kokuqala kokusebenza kwalo Mthetho futhi ebesezokwenziwa ngokomthetho osuchithiwe, ukube lowo mthetho osuchithiwe ubungasebenzi kuleyo ndawo ngaleso sikhathi, kumele sithathwa njengesenzo esenziwe ngokusemthethweni ngokuhambisana nomthetho osuchithiwe.”; kanye

(c) nangokuthi kufakwe esikhundleni sesigatshana (2) lesi sigatshana esilandelayo:

“(2) IziNhlalo [3 kuya ku 6] 3 kuya ku 8 zisebenza nezinguquko ezisukela emthethweni omdala kuya emthethweni omusha.”.

Ukuchitshiyelwa kwesihloko 1 soHlelo 1 loMthetho No. 6 ka 2008

83. Isihloko 1 soHlelo 1 loMthetho omkhulu ngalokhu siyachitshiyelwa –

(a) ngokuthi kufakwe lesi sihloko esilandelayo esikhundleni sesihloko:

“Ukufakwa kwezicelo zokuchibiyela uhlelo [lukamasipala], zemvume ngokohlelo, zokuhlukaniswa iziqephu nokuhlanganiswa komhlaba, zokuthuthukiswa komhlaba ongaphandle kwendawo esohlelweni, [kanye] zezinguquko, zokumiswa noma zokwesulwa kwemibandela ephathele nomhlaba, kanye nezokuvulwa unomphela komgwago kamasipala noma kwendawo yomphakathi”;

(b) ngokufaka esikhundleni sesihlokwana (1) lesi sihlokwana esilandelayo:

“(1) Isicelo kumele sifakwe kumasipala mayelana nomhlaba ongaphansi kwawo -

(a) sokuchibiyela uhlelo [lukamasipala];

(aA) semvume ngokohlelo;

(b) sokuhlukaniswa iziqephu noma sokuhlanganiswa komhlaba;

(c) sokuthuthukiswa komhlaba osendaweni engaphandle kohlelo;

[(d) sokuphasiswa noma sokwesulwa komdwebo wepulani; noma]

(e) ukuguqulwa, ukumiswa noma ukwesulwa kwemibandela ephathelene nomhlaba; noma

(f) ukuvalwa unomphela komgwago kamasipala noma kwendawo yomphakathi.; kanye

(c) nangokufaka esikhundleni sendima (c) yesihlokwana (2) le ndima elandelayo:

“(c) ubufakazi bobunikazi obubhalisiwe kanye nekhophi yomdwebo womhlaba, ngaphandle uma isicelo sihambisana nokuchitshiyelwa okwejoyalekile kohlelo lukamasipala.”.

Ukuchitshiyelwa kwesihloko 3 soHlelo 1 loMthetho No. 6 ka 2008

84. Isihloko 3 soHlelo 1 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihlokwana (3) lesi sihlokwana esilandelayo:

“(3) Umasipala unganquma ukusichitha isicelo uma ulwazi olungahlinzekwanga ngemuva kokuba umasipala elucelile belubalulekile ukuze kuthathwe isinqumo esifanele njengoba kuhlangozwe esigabeni 6(2)(e)(iii) soMthetho wokuGqugquzelwa kokuLungiswa kwezokuPhatha.”

Ukuchitshiyelwa kwesihloko 5 soHlelo 1 loMthetho No. 6 ka 2008

85. Isihloko 5 soHlelo 1 loMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe ngemuva kwesihlokwana (1) lezi zihlokwana ezilandelayo:

(1A) Isaziso somphakathi asidingeki uma kuyisicelo sokuchibivela uhlelo ukuze -

(a) kulungiswe iphutha lokubhaleka kwegama;

(b) kukhinjiswe ukuma kwesiza nngendlela efanele uSaveya-Jikelele; noma

(c) kuvuselelwe izinkomba zemigwaqo noma igama lendawo.

(1B) Isaziso zomphakathi asidingeki uma kuyisicelo sokuhlukanisa iziqephu noma sokuhlanganisa umhlaba -

(a) esivele ngenxa yokunwetshwa noma kokushintshwa kwemingcele okwenzeke ngesivumelwano esibhatwe phansi noma ngomyalelo wenkantolo; noma

(b) endaweni echazwe ohlelweni lapho ukukhipha isaziso somphakathi ukuze kuhlukaniswe iziqephu noma kuhlanganiswe umhlaba ngokuhambisana nezinhlinzeko zohlelo kungadingeki njengoba kuhlangozwe esigabeni 5(f).

(1C) Isaziso somphakathi asidingeki -

(a) ekusungulweni kohlelo letayitela lokuhlukanisa iziqephu ngokwesigaba 4(1) soMthetho wamaTayitela okuhlukaniswa iziGaba koMhlaba ukuze kwakhiwe izigaba ngaphandle kokuhlukaniswa iziqephu komhlaba okungeke kuholele ekutheni kwakhiwe izakhiwo ezintsha;

(b) ukuze kuguqulwe, kuchitshiyelwe noma kuguqulwe uhlelo lwamatayitela okuhlukaniswa izigaba komhlaba ngokwesigaba 14 soMthetho wamaTayitela okuhlukaniswa iziGaba koMhlaba ukuze kwandiswe izigaba noma izindawo ezisetshenziselwa okukhethekile ngaphandle kokuhlukanisa iziqephu umhlaba okungeke kuholele ekutheni kwakhiwe izakhiwo ezintsha;

(c) ukuze kuguqulwe, futhi kuchitshiyelwe noma kushintshwe uhlelo lwamatayitela okuhlukaniswa izigaba komhlaba ngokwesigaba 14 soMthetho wamaTayitela okuhlukaniswa iziGaba koMhlaba ukuze kube khona izigaba noma izindawo ezisetshenziselwa okukhethekile njengoba kuhlangozwe esigabeni 25 soMthetho wamaTayitela okuhlukaniswa iziGaba koMhlaba ngaphandle kokuhlukanisa iziqephu umhlaba okungeke kuholele ekutheni kwakhiwe izakhiwo ezintsha.

(1D) Isaziso somphakathi asidingeki esicelweni sokuguqula, sokumisa noma sokwesula umbandela ophathelene

nomhlaba –

(a) ovuna umuntu othile noma lbhizinisi elithile, uma lowo muntu noma lelo bhizinisi livume ngokubhalwe phansi mayelana nokuguqulelwa, nokumiswa noma nokwesulwa kombandela ophathelene nomhlaba; noma;

(b) ukuze –

(i) kulungiswe iphutha lokubhalwa kwegama;

(ii) kukhonjiswe ukuma kwesiza ngendlela efanele uSaveya-Jikelele;

(iii) kuvuselelwe inkomba emthethweni, kumuntu, ekusebenzeni, noma obhizinisini; noma

(iv) kushintshwe igama lesigaphu somhlaba noma lentuthuko.”

(1E) Isaziso ephephandabeni lomphakathi asidingeki ezicelweni zemvume ngokohlolo ekhululwe ohlelweni lwesaziso ephephandabeni njengoba kuhlongozwe esigabeni 5(eA).”; kanye

(b) nanokufaka esikhundleni sesihlokwana (3) lesi sihlokwana esilandelayo:

“(3) Usuku olubhalwe esazisweni sokufaka izimvo angeke lube ngemuva kwezinsuku ezingama 30 isaziso sikhishiwe, sikhangisiwe noma sishicilelwe.”

Ukuchitshiyelwa kwesihloko 6 soHlelo 1 loMthetho No. 6 ka 2008**86. Isihloko 6 soHlelo 1 loMthetho omkhulu ngalokhu siyachitshiyelwa –****(a) ngokuthi kufakwe esikhundleni sendima (b) yesihlokwana (1) le ndima elandelayo:**

“(b) ukhiphe isaziso njengoba kuhlongozwe esihlokwani 5(1) kuzo zonke izinhloko njokubona kukamasipala; [ezingaba] ezinentshisekelo kulolo daba, kubandakanya –

(i) (aa) abanikazi [bomhlaba osendaweni eyibanga elingama-100m kusuka emngceleni wesiza] beziza; ezingomakhelwane [,]; [noma]

(bb) usihlalo wesigungu esiphethe esimele abanikazi [bomhlaba osebangezi elingama-100m kusuka emngceleni wesiza] beziza ezingomakhelwane [,]; [noma]

(cc) usihlalo wenhlangano yabanikazi bomhlaba omele abanikazi [bomhlaba osebangezi elingama-100m kusuka emngceleni wesiza] beziza ezingomakhelwane;

(dd) abahlali basemizini ezingomakhelwane mayelana nomhlaba lapho kuhlala ngokusemthethweni umphakathi owaziwa njengowendabuko ngokwesigaba 2(5)(b) soMthetho wobuHoli boMdabu nokuBusa waKwaZulu-Natali;

(ee) abanikazi besivumelwano sokuqashiselana sesikhathi eside noma abanemvume yokuthola isitifiketi sendawo engumakhelwane engasetshenziselwa ukuhlala mayelana nomhlaba lapho kuhlala ngokusemthethweni umphakathi owaziwa njengowendabuko ngokwesigaba 2(5)(b) soMthetho wobuHoli boMdabu nokuBusa waKwaZulu-Natali;

(ii) ikhansela likamasipala lewadi lapho kukhona lesi siza; kanye

(iii) nezinhloko zombuso ezinamandla okulawula kulolo daba; lanye”;

(b) nokuthi kufakwe ngemuva kwesigatshana (1) lezi zigatshana ezilandelayo:

“(1A) Umasipala kumele ubize umhlangano wokwazisa umphakathi mayelana nesicelo ukunokuthi ukhiphe

Isaziso somuntu ngamunye -

(a) uma isicelo kuyisicelo sokuchitshiyelwa okwejwayelekile kohlelo futhi kungelula ukuthi -

(i) kukhishwe isaziso kuyo vonke indawo ethintekayo; noma

(ii) kukhishwe isaziso kuwo wonke umuntu ngokubona kukamasipala onentshisekelo kulolo daba; noma

(b) uma ngenxa yobungako nokuma komhlaba, noma ngokwezimo zetayitela okubhaliswe kulo umhlaba, isaziso kumele sinikezwe abantu abangaphezu kwe-100.

(1B) Akubalulekile ukuthi umasipaa ikhiphe isaziso kubanikazi beziza ezingomakhelwane -

(a) abangathinteki esicelweni sokuthola imvume kamasipala ngokohlelo ukuze kukhululwe imingcele yokwakha, kwelulwe indawoesemaceleni, noma engemuva; noma

(b) abangathinteki esicelweni sokuguqula, sokumisa noma sokwesula imibandela enqumaimingcele yokwakha, indawo eseceleni, noma indawo engemuva;

(c) uma kuyisicelo sokuguqula, sokumisa noma sokwesula umbandela onquma indawo eshiyelwe imisebenzi kamasipala ohambisana nohlaka lombuso ukuhlinzeka ngemisele yamanzi emvula, ukuhlinzeka ngamazazi, amapayipi okuthuthwa kwendle, ugesi, ekuhlinzeka ngowoyelana negesi, izingcingo zokuxhumana, noma ngezinsiza zemisakazo noma zomabonakude, kunoma imuphi umngcele wesiza, esingamvuni lowo muntu noma lelo bhizinisi.

(1C) Akunasidingo ukuthi umasipala ukhiphe isaziso ephepheni lomphakathi mayelana nesicelo -

(a) semvume yawo ngokohlelo ukuze kuthanjiswe umngcele wokwakha, indawo eseceleni noma engemuva;

(b) sokuguqulwa, sokumiswa noma sokwesulwa kombandela ophathelene nomhlaba onquma umngcele wokwakha, indawo eseceleni, noma indawo engemuva;

(c) sokuguqulwa, sokumiswa noma sokwesulwa kombandela onquma indawo eshiyelwe imisebenzi kamasipala ehambisana nohlaka lombuso ukuze kuhlinzekwe ngemisele yamazazi emvula, kuhlinzekwe amanzi, amapayipi okuthutha indle, ugesi, kuhlinzekwe uwoyela negesi, izingcingo zokuxhumana, noma izinsiza zemisakazo nomabonakude, kunoma imuphi umngcele wesiza; noma

(d) sokuguqulwa, sokumiswa noma sokwesulwa kombandela onquma indawo eshiyelwe imisebenzi kamasipala ukuze kuhlinzekwe ngemisele yamazazi emvula, kuhlinzekwe amanzi, amapayipi okuthutha indle, ugesi, kuhlinzekwe uwoyela negesi, izingcingo zokuxhumana, noma izinsiza zemisakazo nomabonakude, emngceleni wanoma isiphi isiza, okungahambisani nalowo muntu noma nalelo bhizinisi.”; kanye

(c) nangokwesulwa kwesihlokwana (4).

Ukuchitshiyelwa kwesihloko 9 soHlelo 1 loMthetho No. 6 ka 2008**87. Isihloko 9 soHlelo 1 loMthetho omkhulu ngaloku siyachitshiyelwa -**

(a) ngokuthi kufakwe esikhundleni sesihlokwana (1) lesi sihlokwana esilandelayo:

“(1) Amakhophi azo zonke izimvo ezithunyelwe kumasipala kumele umasipala awanikeze umfakisicelo ezinsukwini eziyi-7 ngemuva kosuku lokuvulwa kokuthunyelwa kwezimvo zomphakathi, ahambisane nesaziso esazisa umfakisicelo ngamalungelo akhe mayelana nalezi sihloko.”; kanye

(b) nangokuthi kufakwe esikhundleni sesihlokwana (2) lesi sihlokwana esilandelayo:

"(2) Umfakisicelo, ezinsukwini ezingama-21 kusukela osukwini anikezwe ngalo izimvo [ezitholakele] ezamukelewe umasipala, ungabhala impendulo [ngazo] ngezimvo uyibhekise kumasipala bese enikeza umasipala ikhophi [yayo] yempendulo kulowo muntu obethumele izimvo zakhe."

Ukuchitshiyelwa kwesihloko 12 soHlelo 1 loMthetho No. 6 ka 2008

88. Isihloko 10 soHlelo 1 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihlokwana (1) lesi sihlokwana esilandelayo:

"(1) Umasipala kumele unqume uma kumele kuhlotwe indawo, ezinsukwini eziyi-14 -

(a) [uthole impendulo noma imvume okukhulunywe ngayo ezihlokwani 9(2) no 3] kuphele izinsuku ezingama-30 zokufakwa kwezimvo okukhulunywe ngazo sihlokwani 5(3), uma kunçekho zimvo ezitholakele; [noma]

(b) kuphele [isikhathi sokufaka izimvo] izinsuku ezingama-21 okukhulunywe ngazo esihlokwani 9(2) sokuthi umfakisicelo aphenjule izimvo, ma umfakisicelo engaphendulanga;

(c) uthole impendulo yomfakisicelo okukhulunywe ngayo esihlokwani 9(2); noma

(d) uthole imvume yelungelo lomfakisicelo okukhulunywe ngalo esihlokwani 9(2)."

Ukuchitshiyelwa kwesihloko 11 soHlelo 1 loMthetho No. 6 ka 2008

89. Isihloko 11 soHlelo 1 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihlokwana (1) lesi sihlokwana esilandelayo:

"(1) Umasipala unganquma ukuthi ubambe isigcawu somphakathi ezinsukwini eziyi-14 -

(a) [uthole impendulo noma imvume okukhulunywe ngayo ezihlokwani 9(2) no 3] kuphele izinsuku ezingama-30 zokufakwa kwezimvo okukhulunywe ngazo sihlokwani 5(3), uma kunçekho zimvo ezitholakele; [noma]

(b) kuphele [isikhathi sokufaka izimvo] izinsuku ezingama-21 okukhulunywe ngazo esihlokwani 9(2) sokuthi umfakisicelo aphenjule izimvo, ma umfakisicelo engaphendulanga;

(c) uthole impendulo yomfakisicelo okukhulunywe ngayo esihlokwani 9(2); noma

(d) uthole imvume yelungelo lomfakisicelo okukhulunywe ngalo esihlokwani 9(2)."

Ukuchitshiyelwa kwesihloko 12 soHlelo 1 loMthetho No. 6 ka 2008

90. Isihloko 12 soHlelo 1 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko 12 lesi sihloko esilandelayo:

"12. Umasipala kumele unqume ngesicelo -

(aA) ezinsukwini ezingama-60 ngemuva kokuthola isicelo esiphelele, uma umasipala unqazange ubambe isigcawu somphakathi;

- (a) esinsukwini ezingama-60 ngemuva kosuku lokuvwa kwezethulo, uma umasipala ungazange ubambe isigcawu somphakathi;
- (b) ezinsukwini ezingama-30 ngemuva kokuphothulwa kwesigcawu somphakathi, uma umasipala ube naso isigcawu somphakathi; noma
- (c) ngaleso sikhathi okungavunyelwana ngaso nomfakisicelo, okuyisikhathi okungamele seqe -
- (i) ezinsukwini ezingama-90 ngemuva kosuku lokuvwa kwezethulo, uma umasipala ungazange ubambe isigcawu somphakathi kanye nokuhlolwa okuhambisana nasi; noma
- (ii) ezinsukwini ezingama-90 ngemuva kokuphothulwa kwesigcawu somphakathi kanye nokuhlolwa okuhambisana naso.”.

Ukuchitshiyelwa kwesihloko 14 soHlelo 1 loMthetho No. 6 ka 2008

91. Isihloko 14 soHlelo 1 loMthetho omkhulu ngalokhu siyachitshiyelwa -

- (a) ngokuthi kufakwe esikhundleni sesihlokwana (1) lesi sikhlokwana esilandelayo:

“(1) Umasipala kumele anikeze isaziso somphakathi [ngesicelo] -

(a) sesicelo sokwamukela noma sokuchibiyela uhlelo;

(aA) sesicelo semvume kamasipala ngokohlelo;

(b) sesicelo sokuhlukanisa iziqephu noma sokuhlanganisa umhlaba;

(c) sesicelo sokuthuthukisa umhlaba osendaweni engaphandle kohlelo njengoba kuhlangozwe eSahlukweni 4;

[(d) sokuphasisa noma sokwesula umdwebo wepulani ogunyaziwe ohlangozwe eSahlukweni 5; noma]

(e) sesicelo sokuguqula, sokumisa noma sokwesula imibandela ephathelele nomhlaba; noma

(f) isicelo sokuvula unomphelo ungwazo kamasipala noma indawo yomphakathi.”;

- (b) ngokufaka ngemuva kwesigatshana (1) lezi zigatshana ezilandelayo:

“(1A) Isaziso somphakathi asidingeki esicelweni sokuchibiyela uhlelo ukuze -

(a) ukuze kulungiswe iphutha lokubhala;

(b) kukhunjiswe indlela efanele yokuma kwesiza nguSaveya-Jikelele; noma

(c) kuvuselelwe izinkomba zomthetho, zomuntu, zabasebenzi, zohlaka lombuso, zesokhungo; noma

(d) kuvuselelwe inkomba yemgwaqo noma yegama lendawo.

“(1B) Isaziso somphakathi asidingeki esicelweni sokuhlukaniswa iziqephu noma sokuhlanganiswa komhlaba -

(a) esivele ngokungena ngokungemthetho noma ngokunwetshwa komngcele okwenziwe ngokwesivumelwano esibhalwe phansi noma ngokomyalelo wenkantolo; noma

(b) endaweni echazwe ohlelweni lapho ukunikezwa kwesaziso zokuhlukaniswa iziqephu noma sokuhlanganiswa komhlaba ngokuhambisana nezinhlinzeko sohlelo kungadingeki njengoba kuhlangozwe

esigabeni 5(f).

(1C) Isaziso somphakathi asidingeki -

(a) ukuze kwakhiwe uhlelo lwetayitela lokuhlukaniswa izigaba komhlaba ngokwesigana 4(1) soMthetho weTayitela lokuHlukanisa iziGaba koMhlaba ukuze kwakhiwe izigaba ngaphandle lokuhlukaniswa iziqephu okungeke kuholele ekutheni kwakhiwe izakhiwo ezintsha;

(b) ukuguqulelwa, ukuchitshiyelwa noma ukushitshwa kohlelo lwetayitela lokuhlukaniswa izigaba komhlaba ngokwesigana 14 soMthetho weTayitela lokuHlukanisa iziGaba koMhlaba ukuze kwengezwe ezinye izigaba noma izindawo ezikhethekile ngaphandle kokuthi kuhlukaniswe iziqephu umhlaba okungeke kuholele ekutheni kwakhiwe izakhiwo esintsha; noma

(c) ukuguqulelwa, ukuchitshiyelwa noma ukushitshwa kohlelo lwetayitela lokuhlukaniswa izigaba komhlaba ngokwesigana 14 soMthetho weTayitela lokuHlukanisa iziGaba koMhlaba ukuze kube nezigaba ezengeziwe noma izindawo ezikhethekile ezihlongozwe esigabeni 25 soMthetho weTayitela lokuHlukanisa iziGaba koMhlaba ngaphandle kokuthi kuhlukaniswe iziqephu umhlaba okungeke kuholele ekutheni kwakhiwe izakhiwo esintsha.

(1D) Isaziso somphakathi asidingeki esicelweni sokuguqulelwa, sokumiswa noma sokwesulwa kombandela ophathelene nomhlaba -

(a) esivuna umuntu othile noma ibhizinisi, uma lowo muntu noma lelo bhizinisi bevume ngokubhalwe phansi ukuthi kuguqulelwe, kumiswe noma kwesulwe imibandela ephathelene nomhlaba; noma

(b) ukuze -

(i) kulungiswe iphutha lokubhala;

(ii) kukhonjiswe indlela efanele yokuma kwesiza nguSaveya-Jike'ele; noma

(iii) kuvuselelwe izinkomba zomthetho, zomuntu, zabasebenzi, noma zebhizinisi; noma

(iv) kuguqulelwe igama lesiqephu noma lentuthuko.”; kanye

(1E) Isaziso ephephandabeni lomphakathi asidingeki ezicelweni zemvume ngokohlalo ekhululwe ohlelweni lwesaziso ephephandabeni njengoba kuhlongozwe esigabeni 5(eA).”;

(c) nangokuthi kufakwe esikhundleni sendima (a) yesihlokwana (2) le ndima elandelayo:

“(a) uhlonze indawo ehambisana [nesicelo] nencwadi yesicelo, futhi uma leyo ndawo iyisiza -

(i) usho ikheli lomgwaqo laleso siza, noma, uma isiza singenalo ikheli lomgwaqo, ukhiphe ibalamdwebo lendawo isiza esikuyo; futhi

(ii) unikeze incazelo yomhlaba wesiza.”; futhi

(d) ngokuthi kufakwe esikhundleni sesihlokwana (3) lesi sihlokwana esilandelayo:

(3) Usuku olubhalwe esazisweni sokufaka izimvo angeke lube ngemuva kwezinsuku ezingama 30 isaziso sikhishiwa, sikhangisiwe noma sishicilelwe.”.

Ukuchitshiyehwa kwesihloko 15 soHlelo 1 loMthetho No. 6 ka 2008**92. isihloko 15 soHlelo 1 loMthetho omkhulu ngalokhu siyachitshiyehwa -**

(a) ngokuthi kufakwe esikhundleni sendima (b) yesihlokwana (1) ngale ndima elandelayo:

"(b) ukhiphe isaziso esihlongozwe ngokwesihloko 5(1) kuzo zonke izinhloko ngokubona kukamasipa, [ezingaba] ezinentshisekelo kulolo daba, kubandakanya -

(i) (aa) abanikazi [bomhlaba osendaweni engama-100m kusuka emngceleni wesiza] beziza ezingomakhelwane [,]; [noma]

(bb) usihlalo womgwamandla omele abanikazi [bomhlaba osebangele elingama-100m kusuka emngceleni wesiza] beziza ezakhelene;

(cc) usihlalo wenhlangano yabanikazi bemizi omele abanikazi [bomhlaba osebangele elingama-100m kusuka emngceleni wesiza] beziza ezingomakhelwane;

(dd) abahlati basendlini engomakhelwane uma lapho kuhlala khona ngokusemthethweni umphakathi wendabuko ngokwesigaba 2(5)(b) soMthetho wobuHoli boMdabu nokuBusa waKwaZulu-Natali; noma

(ee) abanikazi bezivumelwano zokugashiselana zesikhathi eside noma abanezitifiketi zokusebenzisa iziza ezingomakhelwane ezingasetshenziselwa ukuhlala emphakathi okuhlala kuwona umphakathi wendabuko ngokwesigaba 2(5)(b) soMthetho wobuHoli boMdabu nokuBusa waKwaZulu-Natali;

(ii) ikhansela likamasipala lewadi lapho kukhona isiza; kanye

(iii) nohlaka lombuso olunamandla okulawula kulolo daba; kanye";

(b) ngokuthi kufakwe esikhundleni sendima (c) yesihlokwana (1) le ndima elandelayo:

"(c) ukhiphe isaziso somphakathi mayelana naleso senzo esihlongozwayo ephephandabeni lomphakathi [elitholakala kuleyo ndawo ethintekayo] olithatha njengephephandaba lomlando elihlongozwe esigabeni 21(1)(b) soMthetho wesihlelo zoMasipala, ngosuku lwesonto umasipala oluthatha njengosuku lwawo lwesonto lokukhipha isaziso ngokwalo Mthetho, nangolimi olunqumile ngokwalo Mthetho njengolimi lwawo olusemthethweni.";

(c) ngokuthi kufakwe ngemuva kwesihlokwana (1) lezi zihlokwana ezilandelayo:

"(1A) Umasipala kumele ubize umhlangano wokwazisa umphakathi mayelana nesicelo ukunokuthi ukhiphe isaziso somuntu ngamunye -

(a) uma isicelo kuyisicelo sokuchitshiyehwa okweywayelekile kohlelo futshi kungelula ukuthi -

(i) kukhishwe isaziso kuyo yonke indawo ethintekayo; noma

(ii) kukhishwe isaziso kuwo wonke umuntu ngokubona kukamasipala onentshisekelo kulolo daba; noma;

(b) uma ngenxa yobungako nokuma komhlaba, noma ngokwezimo zetayitela okubhaliswe kuwo umhlaba, isaziso kumele sinikezwe abantu abangaphezu kwe-100.

(1B) Akubalulekile ukuthi umasipala ukhiphe isaziso kubanikazi beziza ezingomakhelwane -

(a) abangathinteki esicelweni sokuthola imvume kumasipala ngokohlelo ukuze kukhululwe imingcele yokwakha, kwelulwe indawo esemaceleni, noma engemuva; noma

(b) abangathinteki esicelweni sokuguqula, sokumisa noma sokwesula imibandela enqumaimingcele yokwakha, indawo eseceleni, noma indawo engemuva;

(c) uma isicelo kuyisicelo sokuguqula, sokumisa noma sokwesula umbandela onquma indawo eshiyelwe imisebenzi kamasipala ohambisana nohlaka lombuso ukuhlinzeka ngemisele yamanzi emvula, ukuhlinzeka ngamazi, amapayipi okuthuthwa kwendle, ugesi, ukuhlinzeka ngowoyelana negesi, izingcingo zokuxhumana, noma ngezinsiza zemisakazo noma zomabonakude, kunoma imuphi umngcele wesiza; noma

(d) uma isicelo kuyisicelo sokuguqula, sokumisa noma sokwesula umbandela onquma indawo eshiyelwe imisebenzi kamasipala yokuhlinzeka ngemisele yamanzi emvula, ukuhlinzeka ngamazi, amapayipi okuthuthwa kwendle, ugesi, ukuhlinzeka ngowoyelana negesi, izingcingo zokuxhumana, noma ngezinsiza zemisakazo noma zomabonakude, kunoma imuphi umngcele wesiza, esingamvuni lowo muntu noma lelo bhizinesi.

(1C) Akunasidingo ukuthi umasipala ukhiphe isaziso ephepheni lomphakathi mayelana nesicelo -

(a) semvume yawo ngokohlelo ukuze kuthanjiswe umgcele wokwakha, indawo eseceleni noma engemuva;

(b) sokuguqulwa, sokumiswa noma sokwesulwa kombandela ophathelene nomhlaba onquma umngcele wokwakha, indawo eseceleni, noma indawo engemuva;

(c) sokuguqulwa, sokumiswa noma sokwesulwa kombandela onquma indawo eshiyelwe imisebenzi kamasipala ehambisana nohlaka lombuso ukuze kuhlinzekwe ngemisele yamanzi emvula, kuhlinzekwe amanzi, amapayipi okuthutha indle, ugesi, kuhlinzekwe uwoyela negesi, izingcingo zokuxhumana, noma izinsiza zemisakazo nomabonakude, kunoma imuphi umngcele wesiza; noma

(d) sokuguqulwa, sokumiswa noma sokwesulwa kombandela onquma indawo eshiyelwe imisebenzi kamasipala ukuze kuhlinzekwe ngemisele yamanzi emvula, kuhlinzekwe amanzi, amapayipi okuthutha indle, ugesi, kuhlinzekwe uwoyela negesi, izingcingo zokuxhumana, noma izinsiza zemisakazo nomabonakude, umngceleni wanoma isiphi isiza, okungahambisani nalowo muntu noma nalelo bhizinesi.”; kanye

(d) nangokwesulwa kwesihlokwana (2).

Ukuchitshiyelwa kwesihloko 17 soHlelo 1 loMthetho No. 6 ka 2008

93. Isihloko 17 soHlelo 1 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko 17 lesi sihloko esilandelayo:

“Izichibiyelo zesicelo noma zencwadi yesicelo ngaphambi kokuthi sigunyazwe

17. (1) Umasipala ungachibiyela isicelo noma incwadi yesicelo [esawo] nganoma isiphi isikhathi uma sekukhishwe isaziso sakho, kodwa ngaphambi kokugunyazwa kwaso.
- (2) Umasipala kumele unikeze isaziso sokuchibiyela kubo bonke abantu abaphawulile mayelana nesicelo noma nencwadi yesicelo futhi unikeze labo bantu uzuntusu eziyi-14 ukuva balethe ezinye izimvo.
- (3) Umasipala kumele uphinde ukhiphe isaziso somphakathi ngesicelo noma nencwadi yesicelo uma ukuchitshiyelwa okuhlongozwe kulesi sihloko sekucacile.”.

Ukuchitshiyelwa kwesihloko 18 soHlelo 1 loMthetho No. 6 ka 2008

94. Isihloko 18 soHlelo 1 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko 18 lesi sihloko esilandelayo:

"18. Umasipala, esikhathini esiyzinsuku [ezingama-28] ezingama-21 kusukela osukwini lokuvalwa kwezimvo zomphakathi, ungathumela impendulo [mayelana nalokho kumuntu olette uvo] kuwo wonke umuntu olette uvo olubhaliwe mayelana nesicelo noma nencwadi yesicelo.".

Ukuchitshiyelwa kwesihloko 19 soHlelo 1 loMthetho No. 6 ka 2008

95. Isihloko 19 soHlelo 1 loMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe esikhundleni sesihlokwana (1) lesi sihlokwana esilandelayo:

"(1) Umasipala, ngezikhathi zokusebenza ezejwayelekile noma ngezikhathi ezifanele, ungangena kumhlaba noma ungene esakhiweni okuhambisana nesicelo noma nencwadi yesicelo esilethwe kuwo ngenhloso yokunquma ngesicelo noma ngencwadi yesicelo.".

Ukuchitshiyelwa kwesihloko 20 soHlelo 1 loMthetho No. 6 ka 2008

96. Isihloko 20 soHlelo 1 loMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe esikhundleni sesihloko 20 soHlelo 1 lesi sihloko esilandelayo:

"Isigcawu somphakathi [kanye nokuhlolwa kwendawo okuhambisana nazo]"

(b) ngokufaka esikhundleni sesihlokwana (1) lesi sihlokwana esilandelayo:

"(1) Umasipala kumele unqume ukuthi kumele yini kube nesigcawu somphakathi, ezinsukwini [ezingama-21] eziyi-14 ngemuva kokuphela kwesikhathi sokuthunyelwa kwezimvo."; futhi

(c) ngokuthi kufakwe esikhundleni sesihlokwana (2) lesi sihlokwana esilandelayo:

"(2) Usuku lwesigcawu somphakathi kumele lunqunywe ezinsukwini ezingama-60 kusukela ekuqaleni kwezinsuku [ezingama-21] eziyi-14 okukhulunywe ngazo kulesi sigaba.".

Ukuchitshiyelwa kwesihloko 21 soHlelo 1 loMthetho No. 6 ka 2008

97. Isihloko 21 soHlelo 1 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko 21 lesi sihloko esilandelayo:

"21. Umasipala kumele [ufinyelele esinqumweni] unqume [mayelana] ngesicelo noma ngencwadi yesicelo ezinsukwini [ezingama-90] -

(aA) ezingama-60 ngemuva kokufina esinqumweni sokuqala kokusebenza kwesicelo, uma kungadingekanga ukuthi kukhishwe isaziso somphakathi ngokoMthetho;

(a) ezingama-60 ngemuva kokuvalwa kwezethulo, uma [umasipala] wona ungazange ube nesigcawu

somphakathi kanye nokuhlola okuhambisana naso; noma

(c) ezingama-30 ngemuva kokuphothulwa kwesigcawu somphakathi kanye nokuhlola okuhambisana naso, uma [umasipala] wona ube naso isigcawu somphakathi.”.

Ukuchitshiyelwa koHlelo 2 loMthetho No. 6 ka 2008

98. UHlelo 2 loMthetho omkhulu ngalokhu luyachitshiyelwa ngokuthi kufakwe lesi sihloko esilandelayo:

No. 25 ka 1974	I-Odinensi yoMaziphathe baseNdaweni, 1974	Izigaba 211 no 212
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Ukuchitshiyelwa kwesihloko soHlelo 3 loMthetho No. 6 ka 2008

99. Isihloko soHlelo 3 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhuncleni sesihloko lesi sihloko esilandelayo:

“UHLELO 3

IZINHLINZEKO ZESIKHASHANA ZE-ODINENSI YAMANDLA ELULIWE YASEMGUNGUNDOLOVU, 1936

(Izigaba [171(2)] 163(2))”

Ukuchitshiyelwa kwesihloko 1 soHlelo 3 loMthetho No. 6 ka 2008

100. Isihloko 1 soHlelo 3 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhuncleni sesihlokwana 1 lesi sihlokwana esilandelayo:

- *1. (1) Isiqephu noma umdwebo wepulani yomhlaba okugunyazwe ngokwesigaba 18(1)(a) se-Odinensi yaMandla eLuliwe yaseMgungundlovu, 1936 (i-Odinensi No. 14 ka 1936), kumele kuthathwe njengesiqephu somhlaba esigunyazwe ngokwesigaba 26(1)(a) salo Mthetho.

(2) Ngokwezinhloso zesigaba 49(1A) soMthetho, usuku lokugunyazwa kwesiqephu somhlaba esigunyazwe ngokwesigaba 18(1)(a) we-Odinensi yaMandla eLuliwe yaseMgungundlovu, 1936 (i-Odinensi No. 14 ka 1936) yilona suku lwalokho kugunyazwa.”.

Ukuchitshiyelwa kwesihloko soHlelo 4 loMthetho No. 6 ka 2008

101. Isihloko soHlelo 4 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko lesi sihloko esilandelayo:

"UHLELO 4**IZINHLINZEKO ZESIKHASHANA ZE-ODINENSI**

(Isigaba [171(2)] 163(2))"

Ukuchitshiyelwa kwesihloko 1 soHlelo 4 loMthetho No. 6 ka 2008

102. Isihloko 1 soHlelo 4 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko 1 lesi sihloko esilandelayo:

"1. (1) Ukuthuthukiswa okugunyazwe ngokwesigaba 11(4) se-Odinensi kumele kuthathwe njengokuthuthukiswa okugunyazwe ngokwesigaba 43(1)(a) salo Mthetho.

(2) Ngokwezinhloso zesigaba 49(1A) soMthetho, usuku okuqala ngalo ukusebenza kokugunyazwa kwentuthuko egunyazwe ngokwesigaba 11(4) se-Odinensi wusuku lwalokho kugunyazwa."

Ukuchitshiyelwa kwesihloko 3 soHlelo 4 loMthetho No. 6 ka 2008

103. Isihloko 3 soHlelo 4 loMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokuthi kufakwe esikhundleni sesihlokwana 3(1) lesi sihlokwana esilandelayo:

"(1) Ilokishi eligunyazwe ngokwesigaba 23 noma 33(4) se-Odinensi kumele lithathwe [njengeligunyazwe] njengesiqephu somhlaba esigunyazwe ngokwesigaba 26(1)(a) salo Mthetho."; kanye

(b) nokuthi kufakwe ngemuva kwesihlokwana (1) lesi sihlokwana esilandelayo:

"(1A) Ngokwenhloso yesigaba 37(1) no (2) soMthetho, usuku lokuqala kokusebenza kokugunyazwa kwelokishi eligunyazwe ngokwesigaba 23 noma 33(4) se-Odinensi yolona suku lwalokho kugunyazwa."

Ukuchitshiyelwa lwesihloko 4 soHlelo 4 loMthetho No. 6 ka 2008

104. Isihloko 4 soHlelo 4 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko 4 lesi sihloko esilandelayo:

"4.(1) Izinhlizeko zohlelo lokuhlelwa kwedolobha olwemukelwa, olwaguqulwa, olwasintshwa noma olwachtshiyelwa ngokwesigaba 47bis(4)(a) noma ngokwesigaba 47bis (4) se-Odinensi kumele luthathwe njengohlelo lwemukelwa ngokwesigaba 13(1)(a) salo Mthetho.

(2) Inhlizeko yohlelo lokuhlelwa kwedolobha olwemukelwe ngokwesigaba 47bis (4)(a) noma ngokwesigaba 47bis (4) se-

Odinensi, ehlinzekela -(a) Imvume kamasipala ngokwesigaba 47(2)(a) se-Odinensi;(b) ngemuye ekhethekile kamasipala ngokwesigaba 67 bis se-Odinensi; noma(c) ngokugunyaza kukamasipala;kumele ithathwe njengenhlinzeko yohlelo ehlinzekela imvume kamasipala ngokohlolo ehlongozwe esigabeni 5(d)(ii) salo Mthetho.(3) Noma iyiphi inhlinzeko yohlelo lokuhlelwa kwamadolobha eyemukelwe ngokwesigaba 47bis(4)(a) noma ngokwesigaba 47bisA(4) se-Odinensi, esidinga ukugunyazwa umasipala kumele sithathwe njengenhlinzeko yohlelo edinga imvume kamasipala ngokohlolo ehlongozwe esigabeni 5(d)(ii) salo Mthetho.”.**Ukuchitshiyelwa kwesihloko 7 soHlelo 4 loMthetho No. 6 ka 2008****105.** Isihloko 7 soHlelo 4 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufawe esikhundleni sesihloko 7 lesi sihloko esilandelayo:**7.** (1) Ukugunyazwa kwemvume ekhethekile ngokwesigaba 67bis se-Odinensi kumele luthathwe [njengegunya] njengemvume kamasipala yokuthuthukisa umhlaba ngokwezinhlinzeko sohlelo.(2) Ngokwezinhloso zesigaba 16A(1) soMthetho, ukuqala kokusebenza kwemvume ekhethekile kamasipala ehlongozwe esigabeni 67bis se-Odinensi -(a) kuyoba ngosuku lokuphela kwezinsuku ezingama-28 okukhulunywe ngizo esogabeni 67ter se-Odinensi, uma kungekho sikhalazo esifakiwe ngesinqumo sikamasipala; noma(b) ngosuku okuyosonjululwa ngalo isikhalazo, uma kube nesikhalazo esifakiwe mayelana nesinqumo sikamasipala ngokwesigaba 67ter se-Odinensi.”.**Ukuchitshiyelwa kwesihloko soHlelo 5 loMthetho No. 6 ka 2008****106.** Isihloko soHlelo 5 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko lesi sihloko esilandelayo:**“UHLELO 5****IZINHLINZEKO ZESIKHASHANA ZOMTHETHO WOKUSUSWA KWEZITHIBELO KANYE NE-ODINENSI YOKUSUSWA KWEMIBANDELA EMAYELANA NOMHLABA NGOKUSEBENZA KOMTHETHO, 1936****(Isigaba [171(2)] 183(2))”**

Ukuchitshiyelwa kwesihloko 1 soHlelo 5 loMthetho No. 6 ka 2008

107. Isihloko 1 soHlelo 5 loMthetho omkhulu ngalokhu luyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko 1 lesi sihloko esilandelayo:

"1. isicelo sokuguqula, sokumisa noma sokwesula umbandela ophathelene nomhlaba ogunyazwe ngokwesigaba 4(2) soMthetho wokuSuswa kweziThibelo kumele kuthathwe njengokuguqulwa, njengokumiswa, nanjengokwesulwa kombandela ophathelene nomhlaba, okugunyazwe ngokwesigaba [72(1)(a)] 65(1)(a) salo Mthetho.

Ukuchitshiyelwa kwesihloko 3 soHlelo 5 loMthetho No. 6 ka 2008

108. Isihloko 3 soHlelo 5 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko 3 lesi sihloko esilandelayo:

"3.(1) Umbandela obhaliswe wamelena netayitela eibhaliswe kwirejista yamatayitela, ovuna uNgqongqoshe wezoMhlaba, uNgqongqoshe wokuPhathwa kwaBantu neNtuthuko, uNgqongqoshe wokuBambisana neNtuthuko, uNgqongqoshe wokweSekwa ngeNtuthuko, uNgqongqoshe wangaPhakathi kwaZulu, uNgqongqoshe wezoMhlaba, uMphathi, [ovuna] uNduankulu, [ovuna] iLungu loMkhandlu oPhethe elihlongozwe esigabeni 1 se-Odinensi, umasiphathe wasendaweni, umasipala, [ovuna] umphakathi jikelele noma ongavuni umuntu othile noma ibhizinisi elithile, futhi -

(a) owenqabela ukuhlukaniswa iziqephu komhlaba;

(b) obeka imibandela yokusetshenziswa komhlaba ukuze kwekhiwe indlu yokuhlala eyodwa kuphela [noma ngezinhloso zokuhlala];

(bA) ezenqabela ukusetshenziswa komhlaba ngezinhloso zokuhlala;

(c) owenqabela ukwakhiwa kwezindlu sokuhlala eziwuxhaxha, indlu yokubhoda, ihotela noma ibhilidi lamafulethi okuhlala kuLOWO mhlaba;

(cA) owenqabela ukusetshenziswa komhlaba ngezinhloso zokuhweba noma zebhizinisi;

(d) ofuna ukuba izindonga zezakhiwo zakhiwe ngesitini, ngetshe, ngokhonkolo noma onophatha oluvikela umlilo unomphelo;

(e) owenqabela ukwakhiwa kwezakhiwo ngokhethe noma ngobhesitazi noma ngempahla ethi ayifane naleyo onemishawo eyezinwe ngepulangwe noma ngenzimbi;

(f) owenqabela ukwakhiwa kophahla ngensimbi eshiseliwe noma ngohlobo oluthile lwensimbi; noma

(g) ofuna ukuba kulethwe amapulani okwakha,

uyesulwa kusukela ekuqaleni kokusebenza kwalo Mthetho.

(2) Umbandela wokugunyazwa kwesicelo sentuthuko ngokwesigaba 11(4) se-Odinensi wesicelo ngesinqumo soMphathi sokuthi ilokishi elizimele liyadingeka ngezinhloso zentuthuko futhi liyadingeka ngokwezimfuno zomphakathi ngokwesigaba 11bis(3)(a) ze-Odinensi noma isicelo sokusungulwa kwelokishi elizimele ngokwesigaba 16 se-Odinensi esidinga ukuthi umfakisicelo abhalise umbandela kumhlaba wakhe -

(a) owenqabela ukuhlukaniswa iziqephu komhlaba;

(b) obeka imibandela yokusetshenziswa komhlaba ukuze kwakhiwe indlu yokuhlala eyodwa kuphela [noma ngezinhloso zokuhlala];

(bA) ezenqabela ukusetshenziswa komhlaba ngezinhloso zokuhlala;

(c) owenqabela ukwakhiwa kwezindlu sokuhlala eziwuxhaxha, indlu yokubhoda, ihotel: noma ibhiliidi lamafulethi okuhlala kulowo mhlaba;

(cA) owenqabela ukusetshenziswa komhlaba ngezinhloso zokuhweba noma zebhizinisi;

(d) ofuna ukuba izindonga zezakhiwo zakhiwe ngesitini, ngetshe, ngokhonkolo noma onophatha oluvikela umlilo unomphelo;

(e) owenqabela ukwakhiwa kwezakhiwo ngokhethe noma ngobhesitazi noma ngempahla ethi ayifane naleyo onemishawo eyezinwe ngepulangwe noma ngenzimbi;

(f) owenqabela ukwakhiwa kophahla ngensimbi eshiseliwe noma ngohlobo oluthile lwensimbi; noma

(g) ofuna ukuba kulethwe amapulani okwakha,

uyesulwa kusukela ekuqaleni kokusebenza kwalo Mthetho.

(3) Umbandela obekwa ngokomthethonqubo 9(2) wemiThethonqubo yokuPhathwa noku awulwa kwamaLokishi eziNdaweni zabaMnyama, 1962 (uMthethonqubo R293 ka 1962) owamiswa ngokwezigaba 6(2) no 25(1) soMthetho wokuPhathwa kwabaMnyama, 1927 (uMthetho No. 38 ka 1927) -

(a) owenqabela ukuhlukaniswa iziqephu komhlaba;

(b) obeka imibandela yokusetshenziswa komhlaba ukuze kwakhiwe indlu yokuhlala eyidwa kuphela;

(c) ezenqabela ukusetshenziswa komhlaba ngezinhloso zokuhlala;

(d) owenqabela ukwakhiwa kwezindlu zokuhlala eziwuxhaxha, indlu yokubhoda, ihotel: noma ibhiliidi lamafulethi okuhlala kulowo mhlaba;

(e) owenqabela ukusetshenziswa komhlaba ngezinhloso zokuhweba noma zebhizinisi;

(f) ofuna ukuba izindonga zezakhiwo zakhiwe ngesitini, ngetshe, ngokhonkolo noma onophatha oluvikela umlilo unomphelo;

(g) owenqabela ukwakhiwa kwezakhiwo ngokhethe noma ngobhesitazi noma ngempahla ethi ayifane naleyo ezinemishawo eyezinwe ngepulangwe noma ngenzimbi;

(h) owenqabela ukwakhiwa kophahla ngensimbi eshiseliwe noma ngohlobo oluthile lwensimbi; noma

(i) ofuna ukuba kulethwe amapulani okwakha,

uyesulwa kusukela ekuqaleni kokusebenza kwalo Mthetho.”

Ukuchitshiyelwa kwesihloko soHlelo 6 loMthetho No. 6 ka 2008

109. Isihloko soHlelo 6 loMthetho omkhulu ngalokhu luyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko lesi sihloko esilandelayo:

“UHLELO 6

IZINHLINZEKO ZESIKHASHANA ZE-ODINENSI EHLANGANISIWE YAMANDLA ELULIWE YASETHEKWINI, 1976

(Isigaba [171(2)] [163(2)])”

Ukuchitshiyelwa kwesihloko 1 soHlelo 6 loMthetho No. 6 ka 2008

110. Isihloko 1 soHlelo 6 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko 1 lesi sihloko esilandelayo:

1. (1) Ukuhlanganiswa komhlaba okugunyazwe ngokwesigaba 143(1) se-Odinensi eHlanganisiwe yaMandla eLuliwe yaseThekwini, 1976, (i-Odinensi No. 18 ka 1976), kumele kuthathwe njengokuhlanganiswa komhlaba okugunyaziwe ngokwesigaba 26(1)(a) salo Mthetho.

(2) Ngokwesinhloso zesigaba 49(1A) soMthetho, usuku lokuqala kokusebenza kokugunyazwa kokuhlanganiswa komhlaba okugunyazwe ngokwesigaba 143(1) se-Odinensi eHlanganisiwe yaMandla eLuliwe yaseThekwini, 1976, iyoba usuku lwalokho kugunyazwa."

Ukuchitshiyelwa kwesihloko 2 soHlelo 6 loMthetho No. 6 ka 2008

111. Isihloko 2 soHlelo 6 loMthetho omkhulu ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko 2 lesi sihloko esilandelayo:

1. (1) Ukuhlukaniswa iziqephu komhlaba ngokwesigaba 144(1) se-Odinensi eHlanganisiwe yaMandla eLuliwe yaseThekwini, 1976, (i-Odinensi No. 18 ka 1976), kumele kuthathwe njengokuhlukaniswa komhlaba okugunyaziwe ngokwesigaba 26(1)(a) salo Mthetho.

(2) Ngokwesinhloso zesigaba 49(1A), usuku lokuqala kokugunyazwa kokuhlukaniswa iziqephu komhlaba okugunyazwe ngokwesigaba 144(1) se-Odinensi eHlanganisiwe yaMandla eLuliwe yaseThekwini, 1976, iyoba usuku lwalokho kugunyazwa."

Ukufakwa koHlelo 7 no 8

112. UMthetho mkhulu ngalokhu uyachitshiyelwa ngokuthi kufakwe lezi ziNhlelo ngemuva kohlelo 6:

"UHLELO 7

IZINHLENZEKO ZESIKHASHANA SOMTHETHO WOKUSUNGULWA KWAMALOKISHI ANGAHLELEKILE

NGOKUPHELELE

(Isigaba 163(2))

Ukuphelelwa yisikhathi kokugunyazwa kwezakhiwo ezingahlelekile ngokuphelele noma kweqokishi elingahlelekile ngokuphelele

1. (1) Ukugunyaza koMphathi ukuba indawo yabelwe izakhiwo ezingahlelekile ngokuphelele njengoba kuhlangozwe esigabeni 3(1) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele noma ukugunyazwa kokwakhiwa kwamalokishi angahlelekile ngokuphelele okuhlongozwe esigabeni 14(1)(a) no 19(1) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele kuphelelwa yisikhathi uma irejista yezakhiwo ezingahlelekile ngokuphelele noma yamalokishi angahlelekile ngokuphelele Ingavuliwe kuMbhajisi wamaTayitela

ngomhla lu-1 kuNdasa 2015.

(2) Uma amalungelo anikezwe uMphathi ngokwezigaba 3(1), 14(1)(a) noma 19(1) zoMthetho wokuSungulwa kwamalokishi angahlelekile ngokuPhelele engasetshenzisiwe ngokuphelele mhla lu-1 kuNdasa ka 2015, futhi umasipala ebona ukuthi intuthuko ngeke iphothulwe ngesikhathi esifanele, anganikeza umnikazi womhlaba isaziso -

(a) esexwayisa umnikazi womhlaba ngokuthi angaqala ukwesula ingxenye yomdwebo wepulani ogunyaziwe amalungelo ayo angasetshenzisiwe ngokuphelele; futhi

(b) angabeka isikhathi okumele lawo malungelo abe esesetshenzisiwe ngaso.

(3) Umasipala angahoxisa isaziso esihlongozwe esigatshaneni (3) noma ingasiphi isikhathi ngaphambi kokuphela kwesikhathi ezibalulwe kuso.

(4) Isaziso okukhulunywe ngaso esigatshaneni (3) asiphqi futhi asisebenzi uma umasipala ehluleka ukuqala ukwesula ingxenye yomdwebo wepulani ogunyaziwe amalungelo ayo angasetshenzisiwe, esikhathini esiyizinyanga ezizisithupha ngemuva kokuphela kwesikhathi esibalulwe esazisweni.

UHLELO 8

IZINHLINZEKO ZESIKHASHANA ZOMTHETHO WOKULUNGISELELA INTUTHUKO

(Isigaba 163(2))

Ukuphelelwa yisikhathi kokuqunyazwa kwesicelo sokuthuthukiswa komhlaba

1.(1) Ukuqunyazwa kwesicelo sokuthuthukiswa komhlaba isiGungu seNtuthuko ngokwesigaba 33(1) noma 51(1) soMthetho wokuLungiselela iNtuthuko siphelwa yisikhathi uma umfakisicelo ehluleka ukuqala intuthuko kumhlaba mhla lu-1 kuNdasa ka 2015.

(2) Uma amalungelo anikezwe isiGungu seNtuthuko ngokwesigaba 33(1) noma 51(1) soMthetho wokuLungiselela iNtuthuko engasetshenzisiwe mhla lu-1 kuNdasa ka 2015, futhi umasipala ubona ukuthi intuthuko ngeke ize iqedwe ngesikhathi esifanele, unganikeza umnikazi womhlaba isaziso -

(a) esexwayisa umnikazi womhlaba ukuthi ungasiphi isikhathi angaqala ukwesula izingxenye zomdwebo wepulani ogunyaziwe lapho amalungelo engasetshenziswanga ngokuphelele; futhi

(b) esicacisa isikhathi okumele kusetshenziswe ngokugcwele lawo malungelo.

(3) Umasipala angahoxisa isaziso esihlongozwe esigatshaneni (3) noma ingasiphi isikhathi ngaphambi kokuphela kwesikhathi ezibalulwe kuso.

(4) Isaziso okukhulunywe ngeso esiqatshaneni (3) asiphoqi futhi asisebenzi uma umasipala ehluleka ukuqala ukwesula ingxenye yomdwebo wepulani ogunyaziwe amalungelo ayo angasetshenziwe, esikhathini esiyizinyanga eziyisithupha ngemuva kokuphela kwesikhathi esibalulwe esazisweni.”.

Ukushintshwa kwamagama athile eMthethweni No. 6 ka 2008

113. UMthetho omkhulu ngalokhu uyachitshiyelwa -

- (a) ngokuthi kufakwe esikhundleni segama “kumele kubonwe njengokuthi”, noma kuphi lapho livela khona, ngegama “kumele kuthathwe njengokuthi”; futhi
- (b) ngokuthi kufakwe esikhundleni segama “iLungu loMkhandlu oPhethe”, noma kuphi lapho livela khona, ngegama “i-MEC”.

Isihloko esifingqiwe nokuqala kokusebenza komthetho

114. Lo Mthetho ubizwa ngoMthetho oyisiChibiyelo wezokuHlela neNtuthuko waKwaZulu-Natali, 2010.

I-MEMORANDAMU NGEZINHLOSO ZOMTHETHOSIVIVINYO OYISICHIBIYELO SOMTHETHO WEZOKUHLELA NENTUTHUKO WAKWAZULU-NATALI

1. UMSUKA

Inhloso yoMthethosivivinyo oyisiChibiyelo wezokuHlela neNtuthuko (ngemuva kwalokhu ozobizwa ngoMthethosivivinyo) ukuchibiyela uMthetho wezokuHlela neNtuthuko, 2008 (uMthetho No. 6 ka 2008) (ngemuva kwalokhu ozobizwa ngoMthetho omkhulu).

Izichibiyelo zingabekwa ngokufingqiwe kanje:

- (a) Izichibiyelo zoMthetho omkhulu zokukhishwa kwemvume ngokohlelo. Izichibiyelo zibandakanya inqubo okumele ilandelwe uma kufakwa izicelo zokuthola imvume ngokohlelo, ilungelo lomuntu ohlukumezekile lokukhalaza ngesinqumo sikamasipala mayelana nesicelo semvume yawo ngokohlelo, ukuphelelwa yisikhathi kwemvume ngokohlelo, uhlobo lwemvume kamasipala ngokohlelo, izinhlinzeko zesikhashana zemvume ngokohlelo ekhethekile njengoba kuhlangozwe kwi-Odinensi yokuhlelwa kwamaDolobha, 1949 (i-Odinensi No. 27 ka 1949);
- (b) Izichibiyelo zoMthetho omkhulu zokuhlinzekela ukuvalwa kwemigwaqo kamasipala kanye nezindawo zomphakathi. Izichibiyelo zibandakanya inqubo okumele ilandelwe uma kufakwa isicelo sokuvalwa komgwaqo kamasipala noma kwendawo yomphakathi, ubunikazi bomhlaba ngemuva kokuvalwa komgwaqo kamasipala noma kwendawo yomphakathi kanye nesinxephezelo sokuvalwa komgwaqo kamasipala noma kwendawo yomphakathi;
- (c) Izichibiyelo zoMthetho zokwehlisa izinto umasipala okumele azibheke uma ucubungula isicelo ngokoMthetho;
- (d) Izichibiyelo zoMthetho omkhulu zokudingeka kwesicelo uma umhlaba uthuthukiswa ngokwetayitela lezakhiwo ezihlukanisiwe. Phambilini, bekwenzeka ukuba kusetshenziwe uMthetho wamaTayitela eZakhiwo esihlukanisiwe, 1986 (uMthetho No. 95 ka 1986) ukuze kugwenywe ukugunyazwa kokuhlela nentuthuko, kubandakanya umthelela wentuthuko endaweni engomakhelwane ekuhlizekweni kwezidingo;
- (e) Izichibiyelo soMthetho omkhulu sokufuna isicelo zokuhlenganisa iziza ezingabhalisiwe;
- (f) Izichibiyelo zoMthetho omkhulu zokunciphisa umthwalo wokubonisana nomphakathi komasipala. Izichibiyelo zibandakanya izaziso ezinikezwa abanikazi bomhlaba beziza ezingomakhelwane esikhundleni sabanikazi bomhlaba

- osebengeni elingama-100m kusuka kulowo mhlaba kanye nokuqedwa kokubonisana nomphakathi okungenasidingo (isibonelo, isaziso ephapheni ngeke sisadingeka ukuze kunwetsiwe umngcele wokwakha);
- (g) Izichibiyelo zoMthetho omkhulu ezifuna ukuba umasipala wazise umfakisicelo ukuthi izimvo zitholakele yini eziphendula isimemo sezimvo zomphakathi mayelana nesicelo;
- (h) Izichibiyelo zoMthetho omkhulu zokwenza usuku lokuqala kokusebenza kwesinqumo sikamasipala mayelana nesicelo luseshe, kuncike ekutheni zitholakele yini izimvo zomphakathi eziphendula isicelo nokuthi umfak' isicelo ulisebenzisile yini ilungelo lakhe lokukhalaza ngesinqumo sikamasipala;
- (i) Izichibiyelo zoMthetho omkhulu zokuhlizekela ukukhishwa kwemvume ngokohlelo;
- (j) Izichibiyelo zoMthetho omkhulu zokugunyazwa kokuvulwa unomphelo komgwaqo kamasipala noma kwendawo yomphakathi;
- (k) Ukwesulwa kwesidingo sokuthi ukuthuthukiswa okungekho emthethweni kumele kumiswe kuze kwaziwe uma isicelo sokwenza kube semthethweni ukuthuthukisa okungekho emthethweni sesigunyaziwe;
- (l) Izichibiyelo zoMthetho omkhulu ezivumela umasipala ukuba akwazi ukuthuthukisa, ukuhlukanisa iziqephu kanye nokuhlanganisa umhlaba osezinhlalweni zokuwuthola;
- (m) Izichibiyelo zoMthetho omkhulu zokucacisa ubudlelwano phakathi koMthetho omkhulu kanye noMthetho wokuSungulwa kwamaLokishi angahlelekile ngokuPhelele, 1991 (uMthetho No. 113 ka 1991) kanye noMthetho wokuLungiselela iNtuthuko, 1995 (uMthetho No. 67 ka 1995). Yonke intuthuko kumele igunyazwe ngokoMthetho omkhulu;
- (n) Izichibiyelo zoMthetho omkhulu zokuhlizekela ukuphelelwa yisikhathi kwemvume yokuhlela, uma imvume ingasetshenzisiwe esikhathini esiyiminyaka eyisihlanu;
- (o) Izichibiyelo zoMthetho omkhulu ukuze kuqinisekiswa ukuthi umhleli womhlaba obhalisiwe ar gake acindezelwe uma eluleka umasipala;
- (p) Izichibiyelo zoMthetho omkhulu zokunikeza umasipala zokwandisa izindlela umasipala ongaqululeke ngazo amandla awo ngokoMthetho omkhulu, kubandakanya ukudlulisela amandla awo ngokoMthetho omkhulu ekomidini likamasipala, kumasipala wesifunda noma kumuntu oqokwe umasipala ukuze asebezise amandla awanikezwe umasipala;
- (q) Izichibiyelo zoMthetho omkhulu zokuhlizekela ukuvuselelwa kwamarekhodi agcinwe uSaveya-Jikelele noma uMbhali wamaTayitela;
- (r) Izichibiyelo zoMthetho omkhulu zokuhlizekela ukuguqulwa, ukumiswa kanye nokwesulwa kwemibandela yokugunyazwa kwemvume kamasipala ngokohlelo nokokuvulwa unomphelo komgwaqo kamasipala noma kwendawo yomphakathi;
- (s) Izichibiyelo zoMthetho omkhulu zokuhlizekela ukubhaliswa kwemibandela yetayitela uMbhali wamaTayitela mayelana nensalela yomhlaba uma umhlaba uhlukaniswe iziqephu;
- (t) Ukuchitshiyelwa koMthetho omkhulu wokuhlizekela izincomo zoMbhali wamaTayitela lapho imibandela yetayitela iguquliwe, imisiwe, noma isuliwe;
- (u) Izichibiyelo zoMthetho omkhulu zokuhlizekela ukuqinisekiswa kwezicelo ezigunyazwe umasipala ngokoMthetho wokuhlela nentuthuko ongaqululeke ngaphambi kokuqala kokusebenza kwalo Mthetho;
- (v) Izichibiyelo zoMthetho omkhulu zokudidiyela izikhathi zokucubungula izicelo ezifakwe abantu abazimele noma izinhlaka zombuso kanye nokucubungula isicelo noma incwadi yesicelo sikamasipala mayelana nomhlaba ongumnikazi wawo, noma osezinhlalweni zokuwuthola;
- (w) Izichibiyelo zoMthetho omkhulu sokwenza kucace ukuthi umphakathi unezinsuku ezingama-30 zokuphendula esazisweni ebesiphanyekiwe kanye nasesazisweni esisephapheni esimema izimvo zomphakathi mayelana nesicelo; sokufuna ukuthi umasipala ukhipe isaziso mayelana nesicelo ephaphandabeni olithatha njengephaphandaba lomlando, ngolimi olunqume njengolimi olusemthethweni kuwona nangosuku lwesonto olunqume njengosufu lwesonto lokushicilela izaziso ngokoMthetho omkhulu;
- (x) Izichibiyelo zoMthetho omkhulu zokuhlizekela ukwesulwa kwemibandela ethile yetayitela ngokusebenza koMthetho (ngaphezu kwemibandela yetayitela esivele isuliwe ngokoMthetho omkhulu ngokusebenza koMthetho);
- (y) Izichibiyelo zoMthetho omkhulu sokufuna ukuba umasipala ubhekelele izinhlinzeko zoMthetho wobuNdlalifa obuseMthethweni emiSebenzini yezokuThutha yaseNingizimu Afrika, 1989 (uMthetho No. 9 ka 1989) lapho uhlela

ukwamukela, ukuchitha noma ukuchibiyela uhlelo;

(z) Isichibiyelo soMthetho omkhulu sokucacisa ukuthi ukuklanywa kwamareyithi okuhambisana nokusetshenziswa komhlaba akwenzi ukuthi ukusetshenziswa komhlaba kube semthethweni ngokwezinhloso zoMthetho omkhulu;

(AA) Isichibiyelo soMthetho omkhulu sokuhlizekela ukuchithwa kwezigaba 211 no 112 ze-Odinensi yoMaziphathe beziNdawo, 1974 (i-Odinensi No. 25 ka 1974). Izinhlinzeko zihlinzekela ukuvatwa kwemigwaqo kamasipala nezindawo zomphakathi okuzothi ngokuhamba kwesikhathi zilawulwe uMthetho omkhulu;

(AB) Izichibiyelo zoMthetho omkhulu zokufaka igama "okukhangisiwe noma okushicilelwe" ukuze kucace ukuthi izinsuku ezingamathathu zokuphendula kwisimemo sezimvo zomphakathi sisebenza ezazisweni eziphanyekiwe nasezazisweni ezikwiphaphandaba;

(AC) Izichibiyelo zoMthetho omkhulu ngokufaka esikhundleni segama elithi "kumele kubukeke kanjalo" igama elithi "kumele kuthathwe kanjalo", ngokufaka esikhundleni segama elithi "iLungu loMkhandlu oPhethe" igama elithi "iLungu loMkhandlu oPhethe elibhekele ukubusa ngokubambisana", ngokufaka esikhundleni segama elithi "ngaphandle koshintsho" igama elithi "ngaphandle kwezinguquko", ngokufaka esikhundleni segama elithi "isicelo" igama elithi "incwadi yesicelo", kanye

(AD) Nangezichibiyelo eMthethweni omkhulu zokulungisa amaphutha obhalomagama kanye nokulungisa okunye okungabhalekile ngendlela.

2. UKUHLAZIYWA KOMTHETHOSIVMINYO

Umshwana 1

Umshwana 1 ushintsha isihloko eside soMthetho omkhulu ukuse sibandakanye izinto ezikhuluma ngemvume ngokohlelo kanye nokusebenza kwayo.

Umshwana 2

Umshwana 2 ufaka incazelo "yeziza ezingomakhekwane" "yencwadi yesicelo", "yemvume engokohlelo", "yoMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele", "yesicelo", "yoMthetho wamaTayitela ezaKhiwo eziHlanganisiwe" esigabeni 1 soMthetho omkhulu.

Umshwana 3

Umshwana 3 ushintsha izinhloso zoMthetho omkhulu esigabeni 2 soMthetho omkhulu ukuze zibandakanye izinto ezikhuluma ngemvume engokohlelo.

Umshwana 4

Umshwana 4 uchibiyela isigaba 5 soMthetho omkhulu -

(a) kuze sifune ukuthi uhlelo kumele luhlinzekelwe ukusetshenziswa komhlaba nokuthuthukiswa komhlaba okudinga "imvume engokohlelo" kamasipala, esikhundleni "sokugunyazwa" umasipala; futshi

(b) kuhlinzekelwe ukukhululwa ekutheni kukhishwe isaziso somphakathi ngokohlelo futshi kuhlukaniswe iziqephu ngokuhambisana nohlelo.

Umshwana 5

Umshwana 5 uchibiyela isigaba 6 soMthetho omkhulu -

(a) ngokufaka isigatshana (11) ukucacisa ukuthi imvume ekhishwe ngokohlelo iyilungelo eliphelele (ayipheli uma kushintshwa ubunikazi bomhlaba); kanye

(b) nangokufaka esikhundleni segama elithi "isicelo" igama elithi "incwadi yesicelo".

Umshwana 6

Umshwana 6 uchibiyela isihloko seNgxenywe 2 yeSahluko 2 soMthetho omkhulu ukuze sibandakanye okuphathelene "nemvume ngokohlelo".

Umshwana 7

Umshwana 7 uchibiyela isigaba 9 soMthetho omkhulu ukuze sibandakanye okuhambisana "nemvume ngokohlelo".

Umshwana 8

Umshwana 8 uchibiyela isigaba 10 soMthetho omkhulu -

- (a) ngokwengeza okuphathelene "nemvume engokohlelo";
- (b) ngokufaka esikhundleni sephutha "Par 2" igama elithi "Part 2" (iphutha lokubhala);
- (c) ngokuhlizekela ukuhlanganiswa kwezicelo; kanye
- (d) ngokufaka esikhundleni segama elithi "isicelo" igama elithi "incwadi yesicelo".

Umshwana 9

Umshwana 9 uchibiyela isigaba 11 soMthetho omkhulu -

- (a) ngokubandakanya okuphathelene "nemvume ngokohlelo"; kanye
- (b) ngokufaka esikhundleni segama "isicelo" igama "incwadi yesicelo".

Umshwana 10

Umshwana 10 uchibiyela isigaba 12 soMthetho omkhulu:

- (a) ngokwengeza okuphathelene nesigaba 14(1) soHlelo 1;
- (b) ngokunciphisa izinto okumle zibhekwe umasipala uma uthatha isinqumo sokuhlizekela ukufakwa kwezicelo ezihlanganisiwe;
- (c) ngokufuna ukuba umasipala abhekelele uhlelo lapho ecubungula isicelo sokuchibiyela uhlelo noma isicelo semvume ngokohlelo
- (d) ngokufuna ukuba umasipala abhekelele izinhlinzeko zoMthetho wobuNdlalifa obuseMthethweni emiSebenzini yezokuThutha yaseNingizimu Afrika, 1989 (uMthetho No. 9 ka 1989) lapho uhlela ukwemukela, ukuchitha noma ukuchibiyela uhlelo noma ukukhipha imvume yawo ngokohlelo. uMthetho wobuNdlalifa obuseMthethweni emiSebenzini yezokuThutha yaseNingizimu Afrika, 1989 uhlizekela izakhiwo ezisezingeni kanye nemigomo yokusetsheziswa komhlaba esebenza kuwo wonke umhlaba ophethwe abakwa-Transnet; kanye
- (e) ngokufaka esikhundleni segama "isicelo" igama "incwadi yesicelo".

Umshwana 11

Umshwana 11 ufaka isigaba 12A eMthethweni Imkhulu ofuna ukuba umasipala abhekele zonke ezinye izinto ezidinga ukubhekiswa lapho ucubungula isicelo semvume yawo ngokohlelo.

Umshwana 12

Umshwana 12 uchibiyela isigaba 13 soMthetho omkhulu ukuze sicacise ukuthi umasipala unganquma kanjani uma ungagunyaza imvume engokohlelo. Umshwana uphinde ubeke okunye ukwenqatshelwa okukhona futhi ufana ukuba umasipala unikeze izizathu zesinqumo sawo futhi wazise umfakisicelo uma kukhona izimvo ezithunyelwe umphakathi eziphendula isimemo sezimvo mayelana nesicelo.

Umshwana 13

Umshwana 13 uchibiyela isigaba 14 soMthetho omkhulu ukuze kuhlonzwe abantu okumele baziswe mayelana esinqumo sikamasipala mayelana nesicelo semvume yawo ngokohlelo.

Umshwana 14

Umshwana 14 uchibiyela isigaba 15 soMthetho omkhulu ngokuthi -

- (a) ucacise ukuthi umuntu ofaka uvo mayelana nesicelo ngemuva kokuba usuku lwezimvo zomphakathi angeke abe nalo ilungelo lokukhalaza; futhi
- (b) unikeze ilungelo lokukhalaza labantu abantile mayelana nesinqumo sikamasipala ekukhipheni kwawo isinqumo mayelana nokugunyazwa kwemvume yawo ngokohlelo.

Umshwana 15

Umshwana 15 uchibiyela isigaba 16 soMthetho omkhulu ukuze kunqunywe usuku lokuqala kokusebenza kwesinqumo sikamasipala sokwamukelwa noma sokushintsha kohlelo kanye nesicelo sokuchibiyela uhlelo noma kwemvume yawo engokohlelo.

Umshwana 16

Umshwana 16 ifaka izigaba 16A, 16B, no 16C, zoMthetho omkhulu ezihlinzekela ukuphelelwa yisikhathi nokwesulwa kwemvume kamasipala engokohlelo.

Umshwana 17

Umshwana 17 wesula izigaba 17 kuya ku 20 zoMthetho omkhulu. Lezi zigaba azisadingeki, njengoba uMthetho omkhulu manje usuhlinzekela imvume kamasipala ngokohlelo. Phambilini, umasipala bekungamele usungule umthetho wawo ngenxa yalokho.

Umshwana 18

Umshwana 18 uchibiyela isigaba 21 soMthetho omkhulu ukuze kudingeke isicelo sokuhlukanisa iziqephu umhlaba uma umhlaba uhlukaniswe ngokohlelo lwamatayitela ezakhiwo esihlukaniswa kanye nokuhlanganiswa kweziza ezingabhaliswe.

Umshwana 19

Umshwana 19 uchibiyela isigaba 22 soMthetho omkhulu ukuze sihlizeke ngokuthi umasipala ungaqala ukuhlukanisa iziqephu noma ukuhlanganisa umhlaba onamandla okuwulawula noma umhlaba osezinhlelweni zokuwuthola.

Umshwana 20

Umshwana 20 uchibiyela isigaba 23 soMthetho omkhulu -

- (a) angokwesula ukukhululwa ekutheni kube nesidingo sokufaka isicelo sokuhlukaniswa iziqephu kanye nokuhlanganiswa komhlaba uma kube ngenxa yesisombululo esiqhamuke ngesivumelwano noma ngenkantolo (manje okukhulunywe ngakho ngokwezihloko 5(1B) kanye no 14(1B) soHlelo 1); kanye
- (b) nokuhlizekela ukuhlanganiswa kwezicelo.

Umshwana 21

Umshwana 21 ufaka esikhundleni segama "isicelo" igama "incwadi yesicelo"

Umshwana 22

Umshwana 22 uchibiyela isigaba 24 soMthetho omkhulu -

- (a) ngokwengeza okuphathelele nesigaba 14(1) sohlelo 1;
- (b) ngokufaka esikhundleni segama "isicelo" igama "incwadi yesicelo"; kanye
- (c) nangokunciphisa izinto okumele zicutshungulwe umasipala uma uthatha isinqumo sokuhlizekela ukufakwa

kwezicelo ezihlanganisiwe.

Umshwana 23

Umshwana 23 uchibiyela isigaba 26 soMthetho omkhulu ngokuthi -

- (a) kufakwe esikhundleni segama "izihloko 12 no 21" ngegama "izihloko 12 noma 21", esikhundleni segama "ngaphandle koshintsho" igama "ngaphandle kwezinguquko" kanye negama "isicelo" ngegama "incwadi yesicelo";
- (b) kwenziwe umbadela wokugunyazwa uhambisane nendlela ejoyelekile okwenziwa ngayo izinto eziphathelele nomhlaba njengokuwudayisa, ukuwundlulisela komunye umuntu noma ukuwuthukisa; futhi
- (c) kudingeke ukuba umasipala azise abafakizicelo uma kukhona izimvo zomphakathi ezihlalele eziphendula isimemo sezimvo mayelana nesicelo.

Umshwana 24

Umshwana 24 uchibiyela isigaba 27 soMthetho omkhulu ngokuthi ufake esikhundleni segama "okuhlongozwayo" igama "isicelo".

Umshwana 25

Umshwana 25 uchibiyela isigaba 28 soMthetho omkhulu ngokuthi -

- (a) ucacise ukuthi umuntu ofaka uvo mayelana nesicelo ngemuva kokuba usuku lwezimvo zomphakathi angeke abe nalo ilungelo lokukhalaza; futhi
- (b) kufakwe esikhundleni segama "okuhlongozwayo" igama "isicelo" nangokufaka esikhundleni segama "isicelo" igama "incwadi yesicelo".

Umshwana 26

Umshwana 26 uchibiyela isigaba 29 soMthetho omkhulu -

- (a) ngokuthi kufakwe esikhundleni segama "incwadi yesicelo" igama "isicelo"; futhi
- (b) ngokunquma usuku lokuqala kokusebenza kwesinqumo sikamasipala mayelana nokuhlukaniswa noma nokuhlikaniswa iziqephu komhlaba.

Umshwana 27

Umshwana 27 uchibiyela isigaba 31 soMthetho omkhulu ngokuthi kususwa isigatshana (5). Ukwenqatshelwa kokubhaliswa komhlaba okumele kusetshenziswe kuwo imibandela okungazange kuhanjiswa nakho kuyavewela ngaphansi kwesigaba 34(2). Ukususwa kwalokhu kwenza kungabi khona ukuphindaphindeka.

Umshwana 28

Umshwana 28 uchibiyela isigaba 32 soMthetho omkhulu ngokuthi kufakwe esikhundleni segama "incwadi yesicelo" igama "isicelo" esihlokweni sesigaba 32.

Umshwana 29

Umshwana 29 uchibiyela isigaba 34 soMthetho omkhulu -

- (a) ngokuthi kufakwe esikhundleni segama "incwadi yesicelo" igama "isicelo" esihlokweni sesigaba 34; kanye
- (b) nangokuhlinzekela izincomo mayelana nemibandela yetayitela ephathelele nensalela yomhlaba kuleyo nsalela.

Umshwana 30

Umshwana 30 uchibiyela isigaba 35 soMthetho omkhulu ngokuhlinzekela izincomo mayelana nemibandela yetayitela ephathelele nensalela yomhlaba kuleyo nsalela.

Umshwana 31

Umshwana 31 uchibiyela isigaba 37 soMthetho omkhulu ukuhlinzekela ukuphelelwa yisikhathi kokugunyazwa kokuhlukaniswa iziqephu noma kokuhlanganiswa komhlaba, uma ukuthuthukiswa komhlaba kungaqali esikhathini esiyiminyaka eyisihlanu, esikhundleni sokuthi uma ukuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba kungabhalisiwe kuMbhalisi wamaTayitela eminyakeni eyisihlanu.

Umshwana 32

Umshwana 32 uchibiyela isigaba 38 soMthetho omkhulu -

- (a) ngokufuna ukuthi isicelo sokuthuthukiswa komhlaba ongaphandle kwendawo esohlelweni ithuthukiswe ngokohlelo lwamatayitela ezakhiwo ezihlanganisiwe; kanye
- (b) nagokuhlela kabusha isigaba ukuze sicacise phakathi kwaleyo ntuthuko esezindaweni ezingaphandle kohlelo ezidinga ukugunyazwa ngokohlelo nalezo ezingadingi ukugunyazwa.

Umshwana 33

Umshwana 33 uchibiyela isigaba 39 soMthetho omkhulu ukuze sihlizwe ngokuthi umasipala ungaqala ukuthuthukisa umhlaba onamandla okuwengamela noma osezinhlalweni zokuwuthola uma umhlaba usendaweni engaphandle kohlelo.

Umshwana 34

Umshwana 34 uchibiyela isigaba 40 soMthetho omkhulu ukuze sihlizwe ukuhlanganiswa kwezicelo.

Umshwana 35

Umshwana 35 uchibiyela isigaba 41 soMthetho omkhulu ukuze kufakwe esikhundleni segama "isicelo" igama "incwadi yesicelo".

Umshwana 36

Umshwana 36 uchibiyela isigaba 42 soMthetho omkhulu -

- (a) ngokufaka esikhundleni segama "isicelo" igama "incwadi yesicelo;
- (b) ngokwengeza okuphathelene nesigaba 14(1) soHleo 1; kanye
- (c) nangokunciphisa izinto okumele zibhekwe umasipala lapho uthatha isinqumo sokuhlinzekela ukufakwa kwezikhafazo ezihlanganisiwe.

Umshwana 37

Umshwana 37 uchibiyela isigaba 43 soMthetho omkhulu -

- (a) ngokufaka esikhundleni segama "izihloko 12 no 21" igama "izihloko 12 noma 21", esikhundleni segama "ngaphandle koshintsho" igama "ngaphandle kwezinguquko", nasesikhundleni segama "isicelo" igama "incwadi yesicelo"; futhi
- (b) ngokwenza imibandela yokugunyazwa ihambisane nezindlela ezejwayelekile okuhlelwa ngazo umhlaba njengokudayiswa, ukudluliselwa komunye umuntu noma ukuthuthukiswa komhlaba;
- (c) ngokwesula inkomba yombandela ephathelene nokuchitshiyelwa kohlelo njengoba iSahluko sikhuluma ngokuthuthukiswa okungaphandle kwendawo esohlelweni; kanye
- (d) nangokufuna ukuthi umasipala wazise umfakisisicelo uma zikhona izimvo zomphakathi eziphendula izimemo sezimvo zomphakathi mayelana nesicelo.

Umshwana 38

Umshwana 38 uchibiyela isigaba 44 soMthetho omkhulu ngokufaka esikhundleni segama "okuhlongozwayo" igama

"isicelo".

Umshwana 39

Umshwana 39 uchibiyela isigaba 45 soMthetho omkhulu ngokuthi -

- (a) ucacise ukuthi umuntu ofaka uvo mayelana nesicelo ngemuva kokuba usuku lwezimvo zomphakathi angeke abe nalo ilungelo lokukhalaza; futhi
- (b) ufake esikhundleni segaba "okuhlongozwayo" igama "isicelo" kanye nokufaka esikhundleni segama "isicelo" igama "incwadi yesicelo".

Umshwana 40

Umshwana 40 uchibiyela isigaba 46 soMthetho omkhulu -

- (a) ngokufaka esikhundleni segaba "okuhlongozwayo" igama "isicelo";
- (b) nangokunquma usuku lokuqala kokusebenza kwesinqumo sikamasipala kwintuthuko esendaweni engaphandle komhlaba oshlelweni

Umshwana 41

Umshwana 41 uchibiyela isigaba 49 soMthetho omkhulu ukuze sihlinzekela ukuphelelwa yisikhathi kokugunyazwa kokusetshenziswa komhlaba ongaphandle kwendawo esihlelweni, uma intuthuko ingakaqalwa eminyakeni eyisihlanu kusukela igunyaziwe umasipala.

Umshwana 42

Umshwana 42 uchibiyela isigaba 51 soMthetho omkhulu ukuze kufakwe esikhundleni segama "Abantu abangaqala" esihlokwani sesigaba 51 ngegama "Ukuqalwa kwesicelo".

Umshwana 43

Umshwana 43 uchibiyela isigaba 52 soMthetho omkhulu ngokuthi kwenziwe ngcono ukubonisanana omphakathi ngezicelo zokuphasiswa noma zokwesulwa komdwebo wepulani ogunyaziwe.

Umshwana 44

Umshwana 44 uchibiyela isigaba 53 soMthetho omkhulu ngokuthi kufakwe esikhundleni segama "isicelo" igama "incwadi yesicelo".

Umshwana 45

Umshwana 45 uchibiyela isigaba 54 soMthetho omkhulu -

- (a) ngokufaka esikhundleni sokuqokethwe "isihloko 1(2) soHlelo 1" esigabeni 54 soMthetho omkhulu lokho okuqokethwe "esigabeni 52(1)", njengoba Hlelo 1 lungasebenzi ekuphasisweni noma ekwesulweni komdwebo wepulani ogunyaziwe
- (b) ngokufaka esikhundleni segama "isicelo" igama "incwadi yesicelo";
- (c) nokunciphisa izinto okumele zibhekwe umasipala uma uthatha isinqumo sokuhlinzekela ukufakwa kwezicelo esihlanganisiwe

Umshwana 46

Umshwana 46 uchibiyela isigaba 55 soMthetho omkhulu -

- (a) ngokufaka esikhundleni segama "ukushintshwa" igama "ukuguqulwa" kanye nokufaka esikhundleni segama "isicelo" igama "incwadi yesicelo"

- (b) ngokushintsha indlela okuvela ngayo izindima zombili, ukuthi zime ngendlela efanayo nezindima ezifanayo kwenye indawo eMthethweni;
- (c) nangokufuna ukuba umasipala azise umfakisicelo uma zokhona izimvo ezitholakle eziphendula isimemo sezimvo zomphakathi mayelana nesicelo.

Umshwana 47

Umshwana 47 uchibiyela isigaba 56 soMthetho omkhulu -

- (a) ngokufaka esikhundleni segama "isicelo" igama "incwadi yesicelo"; kanye
- (b) nokufaka esikhundleni sokuqukethwe "uHlelo 1" esigabeni 56 soMthetho omkhulu ngalokho okuqukethwe "isigaba 52(4)", njengoba uHlelo 1 lungasebenzi ekuphasisweni noma ekwesulweni komdwebo wepulani ogunyaziwe.

Umshwana 48

Umshwana 48 uchibiyela isigaba 57 soMthetho omkhulu ngokuthi -

- (a) ucacise ukuthi umuntu ofaka uvo mayelana nesicelo ngemuva kokuba usuku lwezimvo zomphakathi angeke abe nalo ilungelo lokukhalaza; futhi
- (b) ufake esikhundleni segama "okuhlongozwayo" igama "isicelo"; kanye nokufaka esikhundleni segama "isicelo" igama "incwadi yesicelo".

Umshwana 49

Umshwana 49 uchibiyela isigaba 57 soMthetho omkhulu -

- (a) ngokufaka esikhundleni segama "okuhlongozwayo" igama "isicelo";
- (b) nangokunquma usuku lokuqala kokusebenza kwesinqumo sikamasipala sokuphasiswa noma sokwesulwa komdwebo wepulani ogunyaziwe.

Umshwana 50

Umshwana 50 ufaka izigaba 58A no 58B zoMthetho omkhulu ezifuna ukuba kulethwe amapulani okwakha nezincwadi kuSaveya-Jikelele nakuMbhalisi wamaTayitela ukuze kuqinisekise ukuthi amarekhodi emahhovisi abo ngokwahlukana avuselelwe ukuze akhombise ukuphasiswa noma ukwesulwa komdwebo wepulani ogunyaziwe.

Umshwana 51

Umshwana 51 uchibiyela isigaba 60 soMthetho omkhulu ngokuphinde uhlinzekele ukuguqulwa, ukumiswa noma ukwesulwa kwemibandela ephathelene nomhlaba ebekwe ngenkathi kugunyazwa imvume kamasipala ngokohlelo, isicelo sokuguqulwa, sokumiswa kanye nokwesulwa kwemibandela ephathelene nomhlaba noma isicelo sokuvala unomphela umgwaqo kamasipala noma mindawo yomphakathi.

Umshwana 52

Umshwana 52 uchibiyela isigaba 61 soMthetho omkhulu ngokuhlinzeka ngokuthi umasipala ungaqala ukuguqula, ukumisa noma ukwesula imibandela ephathelene nomhlaba onamandla okuwulawula noma osezinhlakweni zokuwuthola.

Umshwana 53

Umshwana 53 uchibiyela isigaba 62 soMthetho omkhulu ukuze uhlinzekele ukuhlanganiswa kwezicelo.

Umshwana 54

Umshwana 54 uchibiyela isigaba 63 soMthetho omkhulu ngokufaka esikhundleni segama "isicelo" igama "incwadi yesicelo".

Umshwana 55

Umshwana 55 uchibiyela isigaba 64 soMthetho omkhulu -

- (a) ngokwengeza okuqokethwe esigabeni 14(1) soHlelo 1;
- (b) ngokufaka esikhundleni segama "isicelo" igama "incwadi yesicelo";
- (c) nokunciphisa izinto okumele zibhekwe umasipala uma uthatha isinqumo sokuhluzekela ukufakwa kwezicelo esihlanganisiwe

Umshwana 56

Umshwana 56 uchibiyela isigaba 65 soMthetho omkhulu -

- (a) ukuze kufakwe esikhundleni segama "izihloko 12 no 21" igama "izihloko 12 noma 21", esikhundleni segama "ngaphandle koshintsho" igama "ngaphandle kwezinguquko" futhi esikhundleni segama "isicelo" igama "incwadi yesicelo";
- (b) nangokufuna ukuba umasipala azise umfakisisicelo uma zokhona izimvo ezitholakle eziphendula isimemo sezimvo zomphakathi mayelana nesicelo.

Umshwana 57

Umshwana 57 uchibiyela isigaba 66 soMthetho omkhulu -

- (a) ngokufaka esikhundleni segama "okuhlongozwayo" igama "isicelo";
- (b) nangokulungisa ukuma kwezimbobo zezigatshana ngokuthi kuhlelwe kabusha izimbobo zezigatshana (3) kuya kwisigatshana (5).

Umshwana 58

Umshwana 58 uchibiyela isigaba 67 soMthetho omkhulu -

- (a) ngokunikeza ilungelo localaza kumuntu ophikise isicelo sokuguqulwa, sokumiswa noma sokususwa kwemibandela ephathelene nomhlaba; kanye
- (b) nokufaka esikhundleni segama "okuhlongozwayo" igama "isicelo";

Umshwana 59

Umshwana 59 uchibiyela isigaba 68 soMthetho omkhulu -

- (a) ngokufaka esikhundleni segama "okuhlongozwayo" igama "isicelo";
- (b) nangokunquma usuku lokuqala kokusebenza kwesinqumo sikamasipala sokugqulwa, sokumisa noma sokwesula imibandela ephathelene nomhlaba.

Umshwana 60

Umshwana 60 uchibiyela isigaba 69 soMthetho omkhulu -

- (a) ngokufaka esikhundleni segama "okuhlongozwayo" igama "isicelo" nasesikhundleni segama "isicelo" igama "incwadi yesicelo"; kanye
- (b) nokunikeza uMbhali wamaTayitela ukuba ancome kumatayitela afanele uma umbandela wetayitela uguquliwe, umisiwe noma wesuliwe.

Umshwana 61

Umshwana 61 uchibiyela isigaba 70 soMthetho omkhulu -

- (a) ngokufaka isigatshana (3) esigabeni 70 soMthetho omkhulu esidinga ukuba umfakisisicelo alethe amapulani okwakha nezincwadi esiphathelene nesicelo sikamasipala kuSaveya-Jikelele kanye nakuMbhali wamaTayitela ukuqinisekisa ukuthi amarekhodi asemahhovisi abo ngokwahlukana ayavuselelwa ukuze akhombise lokho kuguqulwa, kumiswa noma kwesulwa kwemibandela ephathelene nomhlaba.

(b) nangokufaka esikhundleni segama "isicelo" igama "incwadi yesicelo"

Umshwana 62

Umshwana 62 uchibiyela isigaba 71 soMthetho omkhulu ukunquma ukuthi ubani ongenza isicelo sokuvala unomphelo umgwaqo kamasipala noma indawo yomphakathi. Phambilini, umasipala bekumele wenze umthetho wokuvala unomphelo umgwaqo kamasipala noma indawo yomphakathi.

Umshwana 63

Umshwana 53 ufaka isigaba 71A eMthethweni omkhulu esinquma inqubo okumele ilandelelwe uma kuvalwa unomphela umgwaqo kamasipala noma indawo yomphakathi.

Umshwana 64

Umshwana 64 sichibiyela isigaba 72 soMthetho omkhulu -

(a) ngokugaka isigatshana (2) esihlinzeka ngokuthi umhleli womhlaba obhalisiwe kumele ahlole isicelo sokuvala unomphela umgwaqo kamasipala noma indawo yomphakathi. Umhleli womhlaba obhalisiwe kumele aqinisekise ukuthi umasipala ulandelele izinqubo zalo Mthetho;

(b) nokufaka esikhundleni segama "isicelo" igama "incwadi yesicelo".

Umshwana 65

Umshwana 65 uchibiyela isigaba 73 soMthetho omkhulu -

(a) ngokufaka lokho okuqukethwe isigaba 14(1) soHlelo 1;

(b) ngokufaka esikhundleni segama "isicelo" igama "incwadi yesicelo";

(c) nokunciphisa izinto okumele zibhekwe umasipala uma uthatha isinqumo sokuhlinzekela ukufakwa kwezicelo esihlanganisiwe

Umshwana 66

Umshwana 66 uchibiyela isigaba 74 soMthetho omkhulu ukuze sihlizwe ngokuthi umasipala unganquma kanjani ngesicelo sokuvala unomphelo umgwaqo kamasipala.

Umshwana 67

Umshwana 67 ufaka izigaba 74A, 74B no 74C eMthethweni omkhulu ezicacisa abantu okumele baziswe ngesinqumo sikamasipala mayelana nokuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi, zihlinzekela usuku lokuqala kokusebenza kwesinqumo sikamasipala mayelana nokuvalwa unomphelo komgwaqo kamasipala noma kwendawo yomphakathi, futhi zihlinzekela ukuphatywa komhlaba ngemuva nokuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi.

Umshwana 68

Umshwana 68 uchibiyela isigaba 75 soMthetho omkhulu -

(a) ngokunika amandla umasipala okuthathela izinyathelo noma ubani othuthukisa ngokungemvume umhlaba oyingxenywe yomgwaqo kamasipala noma kwendawo yomphakathi; kanye

(b) nangokucacisa ukuthi ukukhokhelwa noma amareyithi ahambisana nokusetshenziswa komhlaba awasho ukuthi ukusetshenziswa komhlaba kusemthethweni ngokwalo Mthetho ukuze umasipala ukwazi ukuthatha izinyathelo zomthetho mayelana nokusetshenziswa okungemthetho komhlaba.

Umshwana 69

Umshwana 69 uchibiyela isihloko seNgxenywe 4 yeSahluko 8 soMthetho omkhulu ukuze sibandakanye inkomba yokuthi

kube nokugxambukela ekuhloleni komhleli womhlaba obhalisiwe isicelo noma isitifiketi sokuthi sicelo siyahambisana nezinhlinzeko zoMthetho.

Umshwana 70

Umshwana 70 uchibiyela isigaba 88 soMthetho omkhulu -

- (a) ngokufaka esikhundleni segama "isicelo" igama "incwadi yesicelo";
- (b) nokwenza kube yicala kumhleli obhalisiwe ukuqinisekisa ukuthi isicelo semvume ngokohlelo noma isicelo sokuvalwa unomphelo komgwaqo kamasipala noma kwendawo yomphakathi siyilandelile Inqubo ekubeni singazange siyilandele.

Umshwana 71

Umshwana 71 uchibiyela isigaba 89 soMthetho omkhulu -

- (a) ngokuthi uphinde uhlinzekele ukugunyazwa kwemvume ngokohlelo kanye nokugunyazwa kokuvalwa unomphelo komgwaqo kamasipala noma kwendawo yomphakathi; kanye
- (b) nangokususa isidingo sokuthi ukuthuthukisa okungekho emthethweni kumele kuyekwe kuze kube kugunyazwa intuthuko (umasipala ungakhipha umyalelo ophuthumayo wokunqanda lokho uma ley) ntuthuko izobangela ukulimala okungelungiseke).

Umshwana 72

Umshwana 72 ufaka isigaba 88A eMthethweni omkhulu esenza kube yicala ukugxambukela ekuhloleni komhleli womhlaba obhalisiwe isicelo noma esitifiketini esisho ukuthi isicelo siyahambisana noMthetho.

Umshwana 73

Umshwana 73 uchibiyela isigaba 97 soMthetho omkhulu ngokufaka igama "ukuguqula, ngokufaka esikhundleni segama "ukususa" igama "ukwesula" nangokufaka igama "okuphathelele nomhlaba".

Umshwana 74

Umshwana 74 ufaka isigaba 97A soMthetho omkhulu esihlinzekela ukunxeshelwa mayelana nokulahlekelwa noma nokulinyalelwa ngenxa yokuvalwa unomphelo komgwaqo kamasipala noma kwendawo yomphakathi.

Umshwana 75

Umshwana 75 uchibiyela isigaba 131 soMthetho omkhulu ukuze kufakwe esikhundleni segama "fess" igama "fees" (iphutha okubhala)

Umshwana 76

Umshwana 76 uchibiyela isigaba 147 soMthetho omkhulu ngokufaka esikhundleni segama "isiGurigu seziKhalazo" igama "ikomidi elilawulayo" (iphutha lokubhala).

Umshwana 77

Umshwana 67 uchibiyela isigaba 156 soMthetho omkhulu ngokususa amagama "futhi kuchithwe" noma imuphi omunye umbandela ohambisanayo".

Umshwana 78

Umshwana 78 uchibiyela isigaba 156 soMthetho omkhulu -

- (a) ngokunikeza amathuba amaningi umasipala lapho udlulisela amandla wo noma amajoka awo ngokoMthetho; kubandakanya ukuwadlulisela ekomidini likamasipala noma kumuntu osemkhakheni ozimole oqashwe ngenhloso

yokwenza lowo msebenzi; kanye

(b) sokufaka esikhundleni segama "iLungu loMkhandlu oPhethe" igama "umasipala" (iphutha lokubhala).

Umshwana 79

Umshwana 79 uchibiyela isigaba 157 soMthetho omkhulu okuthi ungene esivumelwaneni sokusebenzisana nomasipala wesifunda.

Umshwana 80

Umshwana 80 uchibiyela isigaba 160 soMthetho omkhulu ukuze sihlizwelele ukutholakala kwamarekhodi aphaathelene nemvume ngokohlolo kanye nokufaka esikhundleni segama "isicelo" igama "isicelo".

Umshwana 81

Umshwana 81 uchibiyela isigaba 161 ukucacisa ngobudlelwane phakathi koMthetho, koMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, 1991 (uMthetho No. 113 ka 1991) kanye noMthetho wokuLungiselela iNtuthuko, 1995 (uMthetho No. 67 ka 1995). Ngemuva kokuqala kokusebenza kwesigaba 161 soMthetho omkhulu ukuchitshiyelwa kohlelo; ukuhlukaniswa liziqephu noma ukuhlanganiswa komhlaba; ukuthuthukiswa komhlaba osendaweni engaphandle kohlelo; ukuphasiswa noma ukwesulwa komdwebo wepulani ogunyaziwe; ukuguqulwa ukumiswa noma ukwesulwa kwemibandela ephaathelene nomhlaba; nokuvulwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi kumele kwenziwe ngokoMthetho. Umshwana uphinde uhlizwelele ngokukhululwa kwimigomo yemvume kamasipala ngokohlolo kanye nakwiSahluko 7 soMthetho omkhulu (ukuvalwa unomphela komgwaqo kamasipala kanye nendawo yomphakathi), uma umasipala esakhe umthetho ngokwaleyo nhloso ngokuhambisana nezidingo zoMthetho.

Umshwana 82

Umshwana 82 uchibiyela isigaba 163 soMthetho omkhulu ukuze sifake esikhundleni senkomba "uHlelo 3 kuya ku 6" inkomba "uHlelo 3 kuya ku 8" ngenxa yokwengezwa kwezihlelo ezimbili.

Umshwana 83

Umshwana 83 uchibiyela isihloko 1 soHlelo 1 loMthetho omkhulu ukuze kususwe lokho okusho ukuphasiswa noma ukwesulwa komdwebo wepulani loMthetho omkhulu alusebenzi ekuphasisweni noma ekwesulweni komdwebo wepulani ogunyaziwe. Kuphinde kuhlizwelele uhlelo okumele lulandelwe lwezicelo zemvume ngokohlolo kanye nezicelo zokuvulwa unomphelo komgwaqo kamasipala noma kwendawo yomphakathi.

Umshwana 84

Umshwana 84 uchibiyela isigatshana (3) sesihloko 3 soHlelo 1 soMthetho omkhulu ukuvuselela lokho okushiwo eMthethweni wokuGqugquzelwa koBulungiswa kwezokuPhatha, 200 (uMthetho No. 3 ka 2000).

Umshwana 85

Umshwana 85 uchibiyela isihloko 5 soHlelo 1 loMthetho omkhulu -

(a) ngokuhlizwelele izimo lapho izaziso zomphakathi zingadingeki mayelana nesicelo ngokoMthetho; kanye

(b) nangokufaka igama "okukhangisiwe noma okushicilelwe".

Umshwana 86

Umshwana 86 uchibiyela isihloko soHlelo 1 loMthetho omkhulu ngokuthi -

(a) esikhundleni sokuthi kube nesidingo sokuthi kukhishwe isaziso kubo bonke abanikazi bomhlaba abasendaweni

esebangeni elingama-100m kusuka esizeni kube nesidingo sokuthi isaziso sinikezwe bonke abanikazi beziza ezingomakhelwane;

(b) kuhlinzekelwe izimo lapho isaziso somphakathi ephephandabeni mayelana nesicelo singadingeki ngokwalo Mthetho; futhi

(c) kuhlinzekelwe izimo lapho isaziso kubo bonke abanikazi beziza ezingomakhelwane singadingeki esicelweni ngokwalo Mthetho.

Umshwana 87

Umshwana 87 uchibiyela isihloko 9 soHlelo 1 loMthetho omkhulu ngokuthi kufungiswe amagama aso.

Umshwana 88

Umshwana 88 uchibiyela isihloko 10 soHlelo 1 loMthetho omkhulu ngokulungisa ukubhalwa kwamagama.

Umshwana 89

Umshwana 89 uchibiyela isihloko 10 soHlelo 1 loMthetho omkhulu ngokulungisa ukubhalwa kwamagama.

Umshwana 90

Umshwana 90 uchibiyela isihloko 12 soHlelo 1 loMthetho omkhulu ngokuthi lubeke izikhathi ezinqunyiwe zokucutshungulwa kwezicelo ezingadingi ukuthi kukhishwe isaziso ngokoMthetho.

Umshwana 91

Umshwana 91 uchibiyela isihloko 14 soHlelo 1 loMthetho omkhulu ngokuthi -

(a) kufakwe igama "ukwamukela noma" (ukususwa);

(b) kuhlinzekelwe ukukhishwa kwesaziso somphakathi semvume ngokohlelo nesokuvala unomphele umgwaqo kamasipala noma indawo yomphakathi; futhi

(c) kuhlinzekelwe izimo lapho isaziso somphakathi singadingeki esicelweni ngokoMthetho; kanye

(d) nangokufaka igama "okukhangisiwe noma okushicilelwe".

Umshwana 92

Umshwana 92 uchibiyela isihloko 15 soHlelo 1 loMthetho omkhulu ngokuthi -

(a) esikhundleni sokuthi kube nesidingo sokuthi kukhishwe isaziso kubo bonke abanikazi bomhlaba abasendaweni esebangeni elingama-100m kusuka esizeni kube nesidingo sokuthi isaziso sinikezwe bonke abanikazi beziza ezingomakhelwane;

(b) kuhlinzekelwe izimo lapho isaziso somphakathi ephephandabeni mayelana nesicelo singadingeki ngokwalo Mthetho; futhi

(c) kuhlinzekelwe izimo lapho isaziso kubo bonke abanikazi beziza ezingomakhelwane singadingeki esicelweni ngokwalo Mthetho.

Umshwana 93

Umshwana 93 uchibiyela isihloko 17 soHlelo 1 loMthetho omkhulu ngokufaka esikhundleniagama "isicelo" igama "incwadi yesicelo".

Umshwana 94

Umshwana 94 uchibiyela isihloko 18 soHlelo 1 loMthetho omkhulu ngokunikeza umasipala izikhathi esilinganayo (izinsuku ezingama-21) sokuphendula kwizimvo ozutholile ngemuva kokuba izicelo sawo sakhangiswa ukuzetholakala izimvo, njengoba kwenzeka esicelweni somfakisicelo.

Umshwana 95

Umshwana 95 uchibiyela isihloko 18 soHlelo 1 loMthetho omkhulu ngokufaka igama "incwadi yesicelo".

Umshwana 96

Umshwana 96 uchibiyela isihloko 20 soHlelo 1 loMthetho omkhulu ngokunikeza umasipala izinsuku eziyi-14 ukuba unqume uma kunesidingo sokubamba isigcawu somphakathi mayelana nesicelo sawo, okuyisikhathi esilinganayo okumele ithathe isinqumo ngesicelo somfakisicelo.

Umshwana 97

Umshwana 97 uchibiyela izihloko 20 soHlelo 1 loMthetho omkhulu

- (a) ngokususa amagama "ukuhlolwa kwendawo okuhambisana nalokho" esihlokweni;
- (b) ngokunquma izikhathi ezibekiwe zokucubungula izicelo ezingadingi ukuba kukhishwe isaziso somphakathi ngokoMthetho omkhulu; kanye
- (c) nangokunikeza umasipala isikhathi esifanayo sokucubungula isicelo ngokoMthetho omkhulu njengokwesicelo ngokoMthetho.

Umshwana 98

Umshwana 98 uchibiyela uHlelo 2 loMthetho omkhulu ukuba luchithe izinhlinzeko ze-Odinensi yoMaziphathe beziNdawo, 1974 (i-Odinensi No. 25 ka 1974) ehlinzekela ukuvalwa unomphela komgwaqo kamasipala nezindawo zomphakathi.

Umshwana 99

Umshwana 99 uchibiyela uHlelo 3 loMthetho omkhulu ngokufaka esikhundleni salokho okushiwo "isigaba 171(2)" lokho okushiwo "isigaba 163(2)" (iphutha lokubhala).

Umshwana 100

Umshwana 100 uchibiyela isihloko 1 soHlelo 3 loMthetho omkhulu ukuhlinzekela izinsuku zokuqala kokusebenza kokugunyazwa kokwahlukaniswa iziqephu komhlaba okuyingqophamlando ukuze kunqunywe ukuthi ikuphi ukugunyazwa okudlulelwa yisikhathi, uma ukuthuthukiswa komhlaba kungaqaliwe.

Umshwana 101

Umshwana 101 uchibiyela uHlelo 4 loMthetho omkhulu ukufaka esikhundleni salokho okushiwo "isigaba 171(2)" lokho okushiwo "isigaba 163(2)" (iphutha lokubhala).

Umshwana 102

Umshwana 102 uchibiyela isihloko 1 soHlelo 4 loMthetho omkhulu ukuhlinzekela izinsuku zokuqala kokusebenza kokugunyazwa kokuthuthukiswa komhlaba okuyingqophamlando ukuze kunqunywe ukuthi ikuphi ukugunyazwa okudlulelwa yisikhathi, uma ukuthuthukiswa komhlaba kungaqaliwe.

Umshwana 103

Umshwana 103 uchibiyela isihloko 3 soHlelo 4 loMthetho omkhulu ukuhlinzekela izinsuku zokuqala kokusebenza kokugunyazwa kokwahlukaniswa iziqephu komhlaba okuyingqophamlando ukuze kunqunywe ukuthi ikuphi ukugunyazwa okudlulelwa yisikhathi, uma ukuthuthukiswa komhlaba kungaqaliwe.

Umshwana 104

Umshwana 104 uchibiyela isihloko 4 soHlelo 4 loMthetho omkhulu ukuhlinzekela izinhlinzeko zesikhashana

zokuhlizekwa kwezinhlelo ezemukelewa ngokwe-Odinensi yokuHlelwa kwamaDolobha, 1949 (uMthetho No. 27 ka 1949), ezihlinzekela imvume ekhethekile noma ukugunyaza kukamasipaa.

Umshwana 105

Umshwana 105 uchibiyela isihloko 7 soHlelo 4 loMthetho omkhulu ukuhlizekela izinsuku zokuqala kokusebenza kokugunyazwa kwemvume ekhethekile okuyingqophamlando ukuze kunqunywe ukuthi ikuphi ukugunyazwa okudlulelwa yisikhathi, uma ukuthuthukiswa komhlaba kungaqaliwe.

Umshwana 106

Umshwana 106 uchibiyela isihloko soHlelo 5 ukuze kufakwe esikhundleni salokho okushiwo "isigaba 171(2)" lokho okushiwo "isigaba 163(2)" (iphutha lokubhala).

Umshwana 107

Umshwana 107 uchibiyela isihloko 1 soHlelo 5 ukuze kufakwe esikhundleni salokho okushiwo "isigaba 72(1)(a)" lokho okushiwo "isigaba 65(1)(a)" (iphutha lokubhala).

Umshwana 108

Umshwana 108 uchibiyela isihloko 3 soHlelo 5 loMthetho omkhulu ukuze sihlizekele ukwesutwa ngokusebenza komthetho kwemibandela ethile evuna omaziphathe bezindawo noma umasipala. Indlela okubekwe ngayo amagama esihlokwani 3 soHlelo 5 loMthetho omkhulu naso senziwe ngcono njengokuyalela koMbhali wamaTayitela.

Umshwana 109

Umshwana 109 uchibiyela isihloko soHlelo 6 loMthetho omkhulu ukuze kufakwe esikhundleni salokho okushiwo "isigaba 171(2)" lokho okushiwo "isigaba 163(2)" (iphutha lokubhala).

Umshwana 110

Umshwana 110 uchibiyela isihloko 1 soHlelo 6 loMthetho omkhulu ukuze sihlizekele izinsuku zokuqala kokusebenza kokugunyazwa kokuhlukaniswa komhlaba okuyingqophamlando ukuze kunqunywe ukuthi ikuphi ukugunyazwa okudlulelwa yisikhathi, uma ukuthuthukiswa komhlaba kungaqaliwe.

Umshwana 111

Umshwana 111 uchibiyela isihloko 2 soHlelo 6 loMthetho omkhulu ukuze sihlizekele izinsuku zokuqala kokusebenza kokugunyazwa kokuhlukaniswa iziqephu komhlaba okuyingqophamlando ukuze kunqunywe ukuthi ikuphi ukugunyazwa okudlulelwa yisikhathi, uma ukuthuthukiswa komhlaba kungaqaliwe.

Umshwana 112

Umshwana 112 ufaka iziNhlelo 7 no 8 eMthethweni, ezihlinzekela ngokudlulelwa yisikhathi kokugunyazwa ngokoMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, 1991 (uMthetho No. 113 ka 1991) kanye nokudlulelwa yisikhathi kokugunyazwa ngokoMthetho wokuLungiselela iNtuthuko, 1995 (uMthetho No. 67 ka 1995).

Umshwana 113

Umshwana 113 ufaka esikhundleni segama "kumele kuthathwe", noma kuphi lapho livela khona icama "kumele kwaziwe" kanye negama "iLungu loMkhandlu oPhethe", noma ikuphi lapho livela khona ngegama "i-MEC".

Umshwana 114

Umshwana 114 uhlizekela isihloko esifingqiwe soMthethosichibiyelo.

3. IZINGQINAMBA KOMASIPALA

Ukuchitshiyelwa koMthetho kuzokwenza kube lula komasipala ukuthi basebenzise amandla abo ngokoMthetho.

4. IZINGQINAMBA KWEZEZIMALI

Uhlelo lokwakhiwa kwamakhono loMnyango wezoHulumeni baseKhaya nezeNdabuko lokuthuthukisa omasipala ukuthi basebenzise amandla abo futhi benze imisebenzi yabo namajoka abo ngokoMthetho seluvele luqaliwe.

5. INQUBO ENGOKOMTHETHO

UMeluleki woMbuso kwezoMthetho oyiNhlolo kanye noMnyango wezoHulumeni baseKhaya nezeNdabuko babona ukuthi uMthethosivivinyo ungena ngaphansi kwemiyalelo yesigaba 154(2) soMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, 1996, njengoba ukhulumana ngamandla nemisebenzi yohulumeni basekhaya, futhi kumele kushicilelwe kanjalo ngendlela evulela ohulumeni basekhaya abahlelekile, omasipala kanye nabanye abantu abanentshisekelo ithuba lokwenza izethulo mayelana noMthethosivivinyo.

6. IMINYANGO NEMIGWAMANDA OKUMELE ITHINTWE

Le minyango nemigwamanda elandelayo iyothintwa uma uMthethosivivinyo usushicilelwa ukuze kulethwe izimvo -

- (a) zonke izimenenja zomasipala; kanye
- (b) neziNhlolo zeMinyango kuyo yonke iminyango yesifundazwe.

7. UMUNTU OKUNGAXHUNYWANA NAYE

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