

- (c) agree to the establishment of a district Municipal Planning Tribunal by the District Municipality.
- (2) An agreement referred to in Subsection (1)(b) or (c) must be published in the *Provincial Gazette* and must provide for—
- (a) the composition of the Tribunal;
 - (b) the terms and conditions of appointment of members of the Tribunal; and
 - (c) the determination of rules and proceedings of the Tribunal.

72. Composition of Municipal Planning Tribunal for municipal area

- (1) A Municipal Planning Tribunal established under Section 71(1)(a) must consist of the following members:
- (a) a minimum of 4 employees in the full-time service of the Municipality appointed by the Municipality; and
 - (b) and a minimum of 1 person who is not a municipal employee or councillor and who have knowledge and experience of spatial planning, Land Use Management and Land Development or the Law related thereto, appointed by the Municipality.
- (2) The members of the Tribunal referred to in Subsection (1) (b) may be appointed only after the Council, by notice in the *Provincial Gazette* and in other media that the Council may consider appropriate, has invited interested parties to submit within the period mentioned in the notice, names of persons who are fit and proper persons to be so appointed, except where it as an employee as referred to in Sub regulation 2(a) of the SPLUMA Regulations.
- (3) The Council must designate from the members contemplated in subsection (1)(a) and (b)—
- (a) a chairperson; and
 - (b) another member as deputy chairperson, to act as chairperson of the Tribunal when the chairperson is absent or is unable to perform his or her duties.
- (4) The Municipal Manager must within 30 days of the first appointment of members to a Tribunal—
- (a) obtain written confirmation from the Council that it is satisfied that the Tribunal is in a position to commence its operations; and
 - (b) after receipt of the confirmation referred to in paragraph (a) publish a notice in the *Provincial Gazette* of the date that the Tribunal will commence with its operation.
- (5) The Tribunal may only commence its operations after publication of the notice contemplated in Subsection (4).

73. Term of office and conditions of service of members of Municipal Planning Tribunal for municipal area

- (1) A member of the Tribunal contemplated in Section 37 of Spatial Planning and Land Use Management Act is appointed for a term of 5 years, which is renewable once.
- (2) The office of a member becomes vacant if—
- (a) the member is absent from 2 consecutive meetings of the Tribunal without the leave of the chairperson of the Tribunal;
 - (b) the member tenders his or her resignation in writing to the chairperson of the Tribunal;
 - (c) the member is removed from the Tribunal under Subsection (3); or
 - (d) the member dies.
- (3) The Council may remove a member of the Tribunal if—
- (a) sufficient reasons exist for his or her removal;
 - (b) a member contravenes the code of conduct referred to in Section 75;
 - (c) a member becomes subject to a disqualification as contemplated in Section 38 of the Spatial Planning and Land Use Management Act,
- after giving the member an opportunity to be heard.
- (4) A vacancy of the Tribunal must be filled by the Council in terms of section 72(2), in terms of members contemplated in section 72(1) (a) and section 72(1) (b).

- (5) A member who is appointed by virtue of Subsection (4) holds office for the unexpired portion of the period for which the member he or she replaces was appointed.
- (6) Members of the Tribunal referred to in section 72(1) (b) must be appointed on the terms and conditions, and must be paid the remuneration and allowances and be reimbursed for expenses, as determined by the Council.
- (7) An official of the Municipality appointed in terms of section 72(1)(a) as a member of the Tribunal –
- (8) May only serve as a member of the Tribunal for as long as he or she is in the full – employee of the Municipality;
- (9) Is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick leave or any other employee benefit as a result of her membership on the Tribunal.

74. Meetings of Municipal Planning Tribunal for municipal area

- (1) The Tribunal contemplated in Section 71(1) (a) must determine its own internal arrangements, proceedings and procedures and those of its committees by drafting rules for—
 - (a) the convening of meetings;
 - (b) the procedure at meetings, and
 - (c) the frequency of meetings.
- (2) A quorum for a meeting of the Tribunal or its committees is a majority of its appointed members.
- (3) Decisions of the Tribunal are taken by resolution of a majority of all the members present at a meeting of Tribunal, and in the event of an equality of votes on any matter, the person presiding at the meeting in question will have a deciding vote in addition to his or her deliberative vote as a member of the Tribunal.
- (4) Meetings of the Tribunal must be held at the times and places determined by the chairperson of the Tribunal in accordance with the rules of the Tribunal.

75. Code of conduct for members of the Municipal Planning Tribunal for municipal area

The code of conduct in Schedule 1 applies to every member of a Tribunal contemplated in Section 71(1) (a).

76. Administrator for Municipal Planning Tribunal for municipal area

- (1) The Municipal Manager must appoint an employee as the Administrator and other staff for a Tribunal contemplated in Section 71(1)(a).
- (2) The Administrator must—
 - (a) liaise with the relevant Tribunal members and the parties in relation to any application or other proceedings filed with the Tribunal;
 - (b) maintain a diary of hearings of the Tribunal;
 - (c) allocate meeting dates and application numbers to applications;
 - (d) arrange the attendance of meetings by members of the Tribunal;
 - (e) arrange venues for Tribunal meetings;
 - (f) administer the proceedings of the Tribunal;
 - (g) perform the administrative functions in connection with the proceedings of the Tribunal;
 - (h) ensure the efficient administration of the proceedings of the Tribunal, in accordance with the directions of the chairperson of the Tribunal;
 - (i) arrange the affairs of the Tribunal so as to ensure that time is available to liaise with other authorities regarding the alignment of integrated applications and authorisations;
 - (j) notify parties of orders and directives given by the Tribunal;
 - (k) keep a record of all applications submitted to the Tribunal and the outcome of each, including—

- (i) decisions of the Tribunal;
 - (ii) on-site inspections and any matter recorded as a result thereof;
 - (iii) reasons for decisions; and
 - (iv) proceedings of the Tribunal; and
- (l) keep records by any means as the Tribunal may deem expedient.

77. Functioning of Municipal Planning Tribunal for municipal area

- (1) The meetings of a Tribunal contemplated in Section 74(1) (a) must be held at the times and places as the chairperson may determine, which meetings must at least be held once per month, if there are applications to consider.
- (2) If the chairperson and the deputy chairperson fail to attend a meeting of the Tribunal, the members who are present at the meeting must elect 1 of their members to preside at that meeting.
- (3) Any person who wishes to make a verbal representation to the Tribunal must, 14 days prior to a meeting, request the Administrator in writing to make a representation at the meeting.
- (4) The Chairperson must consider and decide on the request and where approved of, impose any reasonable conditions that it may deem fit.

78. Appeals

- (1) The Executive Mayor, being the Executive Authority, is the Appeal Authority in respect of decisions contemplated in Sections 59(1) and 61(1).
- (2) A person whose rights are affected by a decision of the Tribunal or an authorised employee or by the failure of the Tribunal or an authorised employee to take a decision within the period contemplated in Sections 59 and 61 may appeal in writing to the Appeal Authority within 21 days of the decision.

79. Procedure for appeal

- (1) An appeal that is not lodged within the time period contemplated in Section 78 (2) or that does not comply with this section, is invalid.
- (2) An appeal must set out the grounds on which the appellant believes the decision-maker erred in coming to the conclusion it did.
- (3) The municipality must serve notice of the appeal on any person who commented, made representations on or objected to the application.
- (4) Any person who lodge an appeal or apply for intervener status to the Municipal Manager must submit proof of payment of appeal fees as may be determined by the Municipality
- (5) The notice must be served in accordance with Section 115 of the Municipal Systems Act and in accordance with the additional requirements as may be determined by the Municipality.
- (6) The notice must allow persons 21 days from date of notification of the appeal to comment on the appeal.
- (7) If an objector lodges an appeal, the Municipality must give notice of the appeal to the applicant within 14 days of receipt thereof.
- (8) A person or body who has received notice of the appeal may comment on the appeal within 21 days of being notified.
- (9) The Municipality may refuse to accept any comments after the closing date.
- (10) The Municipality, after receipt of an appeal—
 - (a) may request the Provincial Minister to comment in writing on the appeal; and

- (b) must notify and request the Provincial Minister to comment on the appeal in respect of the following land use applications:
- (i) a development outside the Municipality's planned outer limit of urban expansion as reflected in its Municipal Spatial Development Framework;
 - (ii) if the Municipality has no approved Municipal Spatial Development Framework, a development outside the physical edge, including existing urban land use approvals, of the existing urban area;
 - (iii) a rezoning of land zoned for agricultural or conservation purposes;
 - (iv) any development or category of land use applications as may be prescribed by the Provincial Minister.
- (11) The authorised employee must draft a report assessing the appeal and submit it to the Appeal Authority within 30 days of receipt of the comments contemplated in Subsection (6) and (8), as the case may be.
- (12) The Appeal Authority must decide on the appeal within 60 days from the expiry of the period contemplated in Subsection (11).
- (13) The parties to the appeal must be notified in writing of the decision of the Appeal Authority within 21 days from the date of the decision as contemplated in Subsection 12.
- (14) The Municipality must—
- (a) on receipt of an appeal in terms of this section notify the applicant in writing whether or not the operation of the approval of the application is suspended; and
 - (b) if a decision on the appeal upholds an approval, notify the applicant in writing that he or she may act on the approval.

CHAPTER IX

PROVISION OF ENGINEERING SERVICES

80. Responsibility for provision of engineering services

- (1) An applicant is responsible for the provision and installation of internal engineering services required for a development at his or her cost when an application is approved.
- (2) The Municipality is responsible for the provision and installation of external engineering services.
- (3) When the Municipality is not the provider of an engineering service, the applicant must satisfy the Municipality that adequate arrangements have been made with the relevant service provider for the provision of that service.
- (4) The Municipality may enter into a written agreement with an applicant to provide that—
 - (a) the applicant will install the external engineering service instead of payment of the applicable development charges; or
 - (b) the fair and reasonable cost of the external services may be set off against the development charges payable.

81. Development charges

- (1) The applicant must pay development charges to the Municipality in respect of the provision of external engineering services.
- (2) The external engineering services for which development charges are payable must be set out in an approved policy by the Municipality.
- (3) The amount of the development charges payable must be calculated in accordance with the policy approved by the Municipality.
- (4) The date and means of development charges payable must be specified in the conditions of approval.

- (5) The development charge imposed is subject to escalation at the rate calculated in accordance with the policy on development charges.
- (6) The Municipality must annually submit a report to the Council on the amounts of development charges paid to the Municipality together with a statement of the expenditure of the amounts and the purpose of the expenditure.
- (7) When determining the contribution contemplated in Sections 67(4) and (5), the Municipality must have regard to at least—
 - (a) the municipal service infrastructure and amenities for the land concerned that are needed for the approved land use;
 - (b) the public expenditure on that infrastructure and those amenities incurred in the past and that facilitates the approved land use;
 - (c) the public expenditure on that infrastructure and those amenities that may arise from the approved land use;
 - (d) money in respect of contributions contemplated in Section 67(4) paid in the past by the owner of the land concerned; and
 - (e) money in respect of contributions contemplated in Section 67(4) of to be paid in the future by the owner of the land concerned.

82. Land for parks, open space and other uses

- (1) When the Municipality approves a development application which provides for the use of land for residential purposes, the applicant may be required to provide land for parks or public open space.
- (2) The extent of land required for parks or public open space is determined in accordance with a policy approved by the Municipality.
- (3) The land required for parks or public open spaces must be provided within the land area of the development application or may, with the consent of the Municipality, be provided elsewhere within the municipal area.
- (4) When a development application is approved without the required provision of land for parks or open space, the applicant may be required to pay money to the Municipality in lieu of the provision of land.

CHAPTER X

ENFORCEMENT

83. Enforcement

- (1) The Municipality must comply and enforce compliance with—
 - (a) the provisions of this By-law;
 - (b) the provisions of a zoning scheme;
 - (c) conditions imposed in terms of this By-law or previous planning legislation; and
 - (d) title deed conditions.
- (2) The Municipality may not do anything that is in conflict with Subsection (1).

84. Offences and penalties

- (1) Any person who—
 - (a) contravenes or fails to comply with Section 16(1), and 84(2).
 - (b) fails to comply with a compliance notice issued in terms of Section 87;
 - (c) utilises land in a manner other than prescribed by a zoning scheme;
 - (d) upon registration of the first land unit arising from a subdivision, fails to transfer all common property, including private roads and private places originating from the subdivision, to the owners' association;
 - (e) supplies particulars, information or answers in an application or in an appeal to a decision on a land development application, knowing it to be false, incorrect or misleading or not believing them to be correct;
 - (f) falsely professes to be an authorised employee or the interpreter or assistant of an authorised employee; or

- (g) hinders or interferes an authorised employee in the exercise of any power or the performance of any duty of that employee, is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.
- (2) An owner who permits land to be used in a manner set out in Subsection (1)(c) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of a zoning scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding 20 years or to both a fine and such imprisonment.
- (3) A person convicted of an offence under this By-law who, after conviction, continues with the action in respect of which he or she was so convicted, is guilty of a continuing offence and liable upon conviction to imprisonment for a period not exceeding 3 months or to an equivalent fine or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with that act or omission.
- (4) The Municipality must adopt fines and contravention penalties duly approved by the district courts within the Municipalities jurisdiction, to be imposed in the enforcement of this by-law.

85. Service of compliance notice

- (1) The Municipality must serve a compliance notice on a person if it has reasonable grounds to suspect that the person or owner is guilty of an offence contemplated in terms of Section 84.
- (2) A compliance notice must direct the occupier and owner to cease the unlawful land use or construction activity or both, forthwith or within the time period determined by the Municipality and may include an instruction to—
- (a) demolish unauthorised building work and rehabilitate the land or restore the building as the case may be to its original form within 30 days or such other time period determined by the Municipal Manager; or
 - (b) submit an application in terms of this By-law within 30 days of the service of the compliance notice and pay the contravention penalty.
- (3) A person who has received a compliance notice with an instruction contemplated in Subsection (2)(a) may not submit an application in terms of Subsection (2)(b).
- (4) An instruction to submit an application in terms of subsection (2)(b) must not be construed as an indication that the application will be approved.
- (5) In the event that the application submitted in terms of subsection (2)(b) is refused, the owner must demolish the unauthorised work.
- (6) A person who received a compliance notice in terms of this section may lodge representations to the Municipality within 30 days of receipt of the notice.

86. Content of compliance notices

- (1) A compliance notice must—
- (a) identify the person to whom it is addressed;
 - (b) describe the activity concerned and the land on which it is being carried out;
 - (c) state that the activity is illegal and inform the person of the particular offence contemplated in Section 84 which that person allegedly has committed or is committing through the carrying on of that activity;
 - (d) the steps that the person must take and the period within which those steps must be taken;
 - (e) anything which the person may not do and the period during which the person may not do it;
 - (f) provide for an opportunity for a person to lodge representations contemplated in terms of Section 85(6) with the contact person stated in the notice;
 - (g) issue a warning to the effect that—
 - (i) the person could be prosecuted for and convicted of an offence contemplated in Section 84;

- (ii) on conviction of an offence, the person will be liable for the penalties as provided for;
 - (iii) the person could be required by an order of court to demolish, remove or alter any building, structure or work illegally erected or constructed or to rehabilitate the land concerned or to cease the activity;
 - (iv) in the case of a contravention relating to a consent use or temporary departure, the approval could be withdrawn;
 - (v) in the case of an application for authorisation of the activity or development parameter, that a contravention penalty including any costs incurred by the Municipality, will be imposed;
- (2) Any person who receives a compliance notice must comply with that notice within the time period stated in the notice unless the Municipality has agreed to suspend the operation of the compliance notice in terms of Section 87.

87. Objections to compliance notice

- (1) Any person or owner who receives a compliance notice in terms of Section 85 may object to the notice by making written representations to the Municipal Manager within 30 days of receipt of the notice.
- (2) Subject to the consideration of any objections or representations made in terms of Subsection (1) and any other relevant information, the Municipal Manager—
 - (a) may suspend, confirm, vary or cancel a notice or any part of the notice; and
 - (b) must specify the period within which the person who received the notice must comply with any part of the notice that is confirmed or modified.

88. Failure to comply with compliance notice

If a person fails to comply with a compliance notice the Municipality may—

- (a) lay a criminal charge against the person;
- (b) apply to the High Court for an order restraining that person from continuing the illegal activity, to demolish, remove or alter any building, structure or work illegally erected or constructed without the payment of compensation or to rehabilitate the land concerned; or
- (c) in the case of a temporary departure or consent use, the Municipality may withdraw the approval granted and then act in terms of Section 87.

89. Urgent matters

- (1) In cases where an activity must be stopped urgently, the Municipality may dispense with the procedures set out above and issue a compliance notice calling upon the person or owner to cease immediately.
- (2) If the person or owner fails to cease the activity immediately, the Municipality may apply to the High Court for an urgent interdict or any other relief necessary.

90. Subsequent application for authorisation of activity

- (1) If instructed to rectify or cease an unlawful land use or building activity, a person may make an application to the Municipality for any land development contemplated in Section 16(2), unless the person is instructed under Section 85 (3) to demolish the building work.
- (2) The applicant must, within 30 days after approval is granted, pay to the Municipality a contravention penalty in the amount determined by the Municipality.

91. Power of entry for enforcement purposes

- (1) An authorised employee may, with the permission of the occupier or owner of land, at any reasonable time, and without a warrant, and without previous notice, enter upon land or enter a building or premises for the purpose of ensuring compliance with this By-law.

- (2) An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of this By-law.
- (3) An authorised employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.

92. Power and functions of authorised employee

- (1) In ascertaining compliance with this By-law as contemplated in Section 83, an authorised employee may—
 - (a) question any person on land entered upon or a building or premises entered in terms of Section 91 who, in the opinion of the authorised employee, may be able to furnish information on a matter that relates to the enforcement of this By-law.
 - (b) question any person on that land or in that building or premises about any act or omission in respect of which there is a reasonable suspicion that it might constitute—
 - (i) an offence in terms of this By-law;
 - (ii) a breach of this By-law; or
 - (iii) a breach of an approval or a term or condition of that approval.
 - (c) take photographs for the purpose of his or her investigation;
 - (d) question that person about any structure, object, document, book or record or inspect any written or electronic information or object which may be relevant for the purpose of this subsection;
 - (e) copy or make extracts from any document, book or record or any written or electronic information referred to in paragraph (d) remove that document, book, record or written or electronic information in order to make copies or extracts;
 - (f) require that person to produce or deliver to a place specified by the authorised employee, any document, book or record or any written or electronic information referred to in paragraph (c) for inspection;
 - (g) examine that book, record or other document or make a copy thereof or an extract there from;
 - (h) require from that person an explanation of any entry in that book, record or other document;
 - (i) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land or remove for examination or analysis any article, substance, plant or machinery or a part of sample thereof;
 - (j) take photographs or make audio visual recordings of anything or any person that is relevant for the purposes of an investigation or for a routine inspection; or
 - (k) seize that book, record or other document or that article, substance, plant or machinery or a part or sample thereof which in his opinion may serve as evidence at the trial of any person charged with an offence under this By-law or the common law; provided that the user of such article, substance, plant or machinery in the building or on the land concerned may make copies of such book, record or document before the seizure.
- (2) When an authorised employee removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated in this Section, he or she must issue a receipt to the owner or person in control thereof.
- (3) An authorised employee may not have a direct or indirect personal or private interest in the matter to be investigated.

93. Warrant of entry for enforcement purposes

- (1) A magistrate for the district in which the land is situated may, at the request of the Municipality, issue a warrant to enter upon the land or building or premises if the—
 - (a) prior permission of the occupier or owner of land cannot be obtained after reasonable attempts; or
 - (b) purpose of the inspection would be frustrated by the prior knowledge thereof.
- (2) A warrant referred to in Subsection (1) may be issued by a judge of a High Court or by a magistrate who has jurisdiction in the area where the land in question is situated, and may only be issued if it appears to the judge or magistrate from information on oath that there are reasonable grounds for believing that—

- (a) an authorised employee has been refused entry to land or a building that he or she is entitled to inspect;
 - (b) an authorised employee reasonably anticipates that entry to land or a building that he or she is entitled to inspect will be refused;
 - (c) there are reasonable grounds for suspecting that a contravention contemplated in Section 84 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or
 - (d) the inspection is reasonably necessary for the purposes of this By-law.
- (3) A warrant must specify which of the acts mentioned in Section 92 may be performed under the warrant by the person to whom it is issued and authorises the Municipality to enter upon the land or to enter the building or premises and to perform any of the acts referred to in Section 92 as specified in the warrant on one occasion only, and that entry must occur—
- (a) within 1 month of the date on which the warrant was issued; and
 - (b) at a reasonable hour, except where the warrant was issued on grounds of urgency.

94. Regard to decency and order

The entry of land, a building or structure under this Chapter must be conducted with strict regard to decency and order, which must include regard to—

- (a) a person's right to respect for and protection of his or her dignity;
- (b) the right to freedom and security of the person; and
- (c) the right to a person's personal privacy.

95. Enforcement litigation

Whether or not a Municipality has instituted proceedings against a person for an offence contemplated in Section 84, the Municipality may apply to the High Court for an order compelling that person to—

- (a) demolish, remove or alter any building, structure or work illegally erected or constructed;
- (b) rehabilitate the land concerned;
- (c) compelling that person to cease with the unlawful activity; or
- (d) any other appropriate order.

CHAPTER XI

MISCELLANEOUS

96. Naming and numbering of streets

- (1) If as a result of the approval of a development application, streets or roads are created, whether public or private, the Municipality must approve the naming of the street and must allocate a street number for each of the erven or land units located in such street or road.
- (2) The proposed names of the streets and numbers must be submitted as part of an application for subdivision.
- (3) In considering the naming of streets, the Municipality must take into account the relevant policies relating to street naming and numbering.
- (4) The Municipality must in writing inform the Surveyor-General of the of the approval of new street names as a result of the approval or amendment of subdivision plans, as contemplated in Subsection (1) a street name which is indicated on an approved general plan within 30 days of the approval thereof.

97. Repeal

The by-laws listed in Schedule 1 are repealed.

98. Short title and commencement

- (1) This By-law is called the By-law on Municipal Land Use Planning.
- (2) This By-law comes into operation on the date that the Land Use Planning Act comes into operation in the municipal area of the Municipality.

99. Policies, procedures, standards, requirements and guidelines

- (1) The Municipality may adopt a policy, procedure, standard, requirement or guideline for the effective administration of this By-Law.
- (2) The Municipal Manager may prescribe anything which this By-Law empowers the Municipal Manager to prescribe.
- (3) The Municipality must make available on the Municipality's website any prescription contemplated in Subsection (2) and may make available on the Municipality's website any policy, procedure, standard, requirement or guideline contemplated in Subsection (1).
- (4) If the Municipality intends to adopt or amend a policy, procedure, standard, requirement, guideline or prescription, and the adoption or amendment materially and adversely affects the rights of the public, the Municipality must follow a participation process and procedure which meets the requirements of the Municipal Systems Act.
- (5) An applicable policy, procedure, standard, requirement or guideline applies to an application in terms of this By-Law.

100. Delegations

The Municipal Manager may —

- (a) delegate any function, power or duty conferred on the Municipal Manager in this By-Law to an official; or
- (b) instruct an official to perform any the Municipal Manager's duties in terms of this By-Law.

101. Exemption

The Municipality may in writing and subject to Section 60 of the Land Use Planning Act exempt an application from compliance with the provisions of this By-Law to reduce the financial or administrative burden of —

- (a) the provision of housing with the assistance of a state subsidy;
- (b) incremental upgrading of existing settlements.

102. Liability of the Municipality

The Municipal is not liable for any loss sustained by or damage caused to any person as a result of any act or omission in good faith relating to the performance of any duty under this By-Law, unless gross negligence is proved.

103. Savings and transitional provisions

- (1) Any approval, designation, consent, right, authorisation, confirmation or instruction issued, granted or in force in terms of a law repealed by the Land Use Planning Act, and in existence immediately before the commencement of the Land Use Planning Act, remains in force and is regarded to have been issued, granted or occurred in accordance with this By- Law subject to the conditions under which it was issued and is valid for the period for which it was granted under the repealed law.
- (2) Despite the repeal of the Ordinance, any action taken or application made before the commencement of this By-Law in terms of a law repealed by the Land Use Planning Act, including a previous zoning scheme, and that has not been finalised immediately before the commencement of this By-Law must be finalised as if the Land Use Planning Act and the By-Law are not in force and as if the previous zoning scheme was not repealed.

- (3) Conduct in contravention of a law repealed by the Land Use Planning Act is regarded as a contravention of this By-Law, and the penalties in this By-Law apply where the conduct would constitute an offence under this By-Law.
- (4) When an approval is acted on, a land unit is regarded as having been allocated a corresponding zoning in the zoning scheme as determined by the Municipality if —
 - (a) a rezoning application or substitution scheme was approved, but not yet acted on, before the commencement of this By-Law; or
 - (b) a rezoning application or substitution scheme is approved after the commencement of this By-Law in accordance with the provisions of a previous zoning, as contemplated in Subsection (2).
- (5) A building plan application which was formally submitted and accepted —
 - (a) before January 2014 and which is still being processed; or
 - (b) the express purpose to act on a valid approval granted for an application in terms of a former zoning scheme, must be assessed and finalised in accordance with the approval granted and the land use restrictions or provisions of the applicable zone in the former zoning scheme and will not be considered to be a contravention of the zoning scheme

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SCHEDULE 1

Code of conduct for members of the Municipal Planning Tribunal

General conduct

- 1. A member of the Municipal Planning Tribunal must at all times—
 - (a) act in accordance with the principles of accountability and transparency;
 - (b) disclose his or her personal interests in any decision to be made in the planning process in which he or she serves, or has been requested to serve;
 - (c) abstain completely from direct or indirect participation as an advisor or decision-maker in any matter in which he or she has a personal interest, and leave any chamber in which such matter is under deliberation, unless the personal interest has been made a matter of public record and the Council has given written approval and has expressly authorised his or her participation.

Gifts

- 2. A member of the Municipal Planning Tribunal may not receive or seek gifts, favours or any other offer under circumstances in which it might reasonably be inferred that the gifts, favours or offers were intended or expected to influence a participant's objectivity as an advisor or decision-maker in the planning process.

Undue influence

- 3. A member of the Municipal Planning Tribunal may not—
 - (a) use the power of any office to seek or obtain special advantage that is not in the public interest;
 - (b) use confidential information acquired in the course of his or her duties to further a personal interest;
 - (c) disclose confidential information acquired in the course of his or her duties unless required by law to do so or by circumstances to prevent substantial injury to third persons; and
 - (d) commit a deliberately wrongful act which reflects adversely on the Tribunal, the Municipality, government at large, or the planning profession by seeking business by stating or implying that he or she is prepared, willing or able to influence decisions by improper means.



OVERSTRAND MUNICIPALITY

**DRAFT STANDARD BY-LAW
RELATING TO MUNICIPAL LAND USE PLANNING**

Notice is hereby given that the municipality intends adopting the abovementioned by-law.

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**C GROENEWALD
MUNICIPAL MANAGER**

Overstrand Municipality
PO Box 20
HERMANUS
7200
Fax number: 028 313 8931

Notice number: 78/2015



MUNISIPALITEIT OVERSTRAND

KONSEP-STANDAARDVERORDENING TEN OPSIGTE VAN MUNISIPALE GRONDGEBRUIKBEPLANNING

Kennisgewing geskied hiermee dat die munisipaliteit beoog om bogenoemde verordening te aanvaar.

Die publiek word ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) genooi om verhoër in verband met die voorgestelde verordening voor of op 7 September 2015 aan die Munisipale Bestuurder (vir aandag Lionel Wallace) by ondergemelde adres of faksnommer te rig.

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C GROENEWALD
MUNISIPALE BESTUURDER

Munisipaliteit Overstrand
Posbus 20
HERMANUS
7200
Faksnommer: 028 313 8931

Kennisgewingnommer: 78/2015



UMASIPALA WE-OVERSTRAND

**UMTHETHWANA OQULUNQWAYO WESIQHELO OPHATHELENE
NOKUSETYENZISWA KOMHLABA KAMASIPALA**

Kwaziswa ukuba uMasipala uneenjongo zokwamkela lo mthethwana ungentla.

Uluntu luyacelwa ngokwesahluko 12 sooRhulumente Basemakhaya: UMthetho-Nkqubo wooMasipala, wowama-2000 (Umthetho 32 wowama-2000) ukuba bangenise izimvo ngokwalo mthethwana uphakanyiswayo kuMasipala phambi okanye ngomhla wama-7 Septemba 2015 kuMpathi kaMasipala (zithunyelwe kuMnu. Lionel Wallace)kule dilesi nenombolo zefekisi ezingezantsi.

Lo mthethwana ucetywayo uza kufumaneka kwi-ofisi zabaphathi bengingqi bakamasipala eGansbaai, eStanford, eHermanus naseKleinmond nakuwo onke amathala encwadi aseOverstrand nakuyo i-ofisi ephozulu kamasipala eHermanus, nakwi-webhusayithi www.overstrand.gov.za, kwabo bafuna ukuwufunda.

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C GROENEWALD
UMPHATHI KAMASIPALA

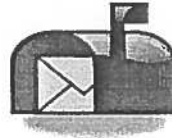
Umasipala weOverstrand
PO Box 20
HERMANUS
7200
Inombolo yefekisi: 028-313 8931

Inombolo yesaziso: 78/2015

(Van bl. 20) GANSBAAI POSDUIFKLUB

Britstown Ope
 D Smith 1ste, 11de, 17de
 Corinne & Janine 2de, 18de
 H Hitge A 3de, 4de, 13de, 19de
 Louis & Johannes 5de, 7de
 H Hitge B 6de, 10de
 A Leonard 8ste, 15de, 16de
 Joshua Booysen 9de, 20ste
 A Scheepers 12de

Leeu Gamka Ope
 H Hitge B 1ste, 14de, 20ste
 Corinne & Janine 2de, 5de, 12de, 13de
 P Saal 3de
 Jurie Swart 4de, 9de, 15de
 Joshua Booysen 6de
 A Leonard 7de, 8ste
 H Hitge A 10de, 11de
 Louis & Johannes 16de, 17de, 18de
 A Scheepers 19de



Die Gansbaai Courant behou die reg voor om briewe te plaas en te redigeer. Die mening van die skrywers reflekteer nie noodwendig die mening van die koerant nie. U kan u briewe aan ons faks by: (028) 384-2397 of e-pos: courant@tec.co.za Naam, adres en tel nommer van die skrywer (al word dit nie geplaas nie), moet onderaan die brief verskyn.

Overstrand Munisipaliteit TOPS

Ons is gereelde besoekers vanaf Potchefstroom en wil graag julle Munisipaliteit gelukwens met die skoonste en netjiese dorp. Dit beïndruk ons geweldig elke keer wat ons De Kelders en Gansbaai besoek. Dankie vir die skoon badkamers op die staproetes en die pragtige sypaadjies! Dis heerlik om hier te kom en vooruitgang te sien. Ons is trots daarop om te kan sê dat ons hier was en gaan nog gereeld hier aankom. Hier sal ek maklik permanent woon!
 Baie geluk! *Daleen van Zyl*

Leeu Gamka Jo
 Louis & Johannes 1ste, 7de, 12de, 16de, 18de
 Corinne & Janine 2de, 4de, 6de, 8ste, 14de, 19de
 H Hitge B 3de, 11de, 15de
 H Hitge A 5de, 9de, 10de
 Joshua Booysen 13de
 D Smith 17de
 Jurie Swart 20ste *Groete Corinne*



**OVERSTRAND MUNICIPALITY
 DRAFT STANDARD BY-LAW
 RELATING TO MUNICIPAL LAND USE PLANNING**

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C GROENEWALD, MUNICIPAL MANAGER
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 PO Box 20, HERMANUS, 7200
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**MUNISIPALITEIT OVERSTRAND
 KONSEP-STANDAARDVERORDENING TEN
 OPSIGTE VAN MUNISIPALE
 GRONDGEBRUIKBEPLANNING**

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 Munisipaliteit Overstrand
 Posbus 20, HERMANUS, 7200
 Faksnommer: 028 313 8931
 Kennisgewingsnommer: 78/2015



**UMASIPALA WE-OVERSTRAND
 UMTHETHWANA OQULUNQWAYO WESIQHELO
 OPHATHELENE NOKUSETYENZISWA KOMHLABA
 KAMASIPALA**

Kwaziswa ukuba uMasipala uneenjongo zokwamkela lo mthethwana ungentla.

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C GROENEWALD, UMPHATHI KAMASIPALA
 Umasipala weOverstrand
 PO Box 20, HERMANUS, 7200
 Inombolo yefekisi: 028-313 8931
 Inombolo yesaziso: 78/2015



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DRAFT STANDARD BY-LAW RELATING TO MUNICIPAL LAND USE PLANNING**

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KONSEP-STANDAARDVERORDENING TEN OPSIGTE VAN MUNISIPALE GRONDGEBRUIKBEPLANNING**

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