

Record of reasoning of proposed amendments reflected in VERSION – 1 OF 2017

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Section reference	Reasoning or motivation for amendments	George Municipality comment
Index 15	This is more fully addressed in section 68, but it is a result of the view that not all application types listed in section 15 are SPLUMA land development applications and do therefore not necessarily have to be considered by the MPT or AO.	Accepted <i>Improved wording</i>
Index 25	Improved wording as the word “amenities” is used throughout the by-law and not “social facilities”.	Accepted
Index 68	Details appear in section 68, but is the result the realisation that not all application types listed in section 15(2) are SPLUMA land development applications and do therefore not necessarily have to be considered by the MPT or AO.	Accepted
Index 80	Improved wording as there is only one procedure.	Accepted
Index 83	Development charges are linked to engineering infrastructure, whereas there may also be other contributions as well.	Not Accepted <i>Own Heading: Section 83 repealed as per Council Resolution 27 May 2021. Section 83 is merged with Section 66.</i> <i>We intend to reintroduce Section 83 to allow for development charges on submission of building plans as well. Currently Section 66 only allows the Municipality to levy Development Charges with Development applications and not building plans.</i> <i>In the absence of other laws relating to payments of development charges on building plans we need to include this in by law.</i>
Definitions		
Agent	This change appears throughout the by-law. The reason is that LUPA already defines	Accepted

	<p>“owner” as the person registered in a deeds registry as the owner of land or who is the beneficial owner in law, thus owner is already described as owner of land hence there is no need to repeat it every time. This comment will only be made once and is applicable in all instances where the by-law refers to “owner of land”.</p>	
Applicable period	<p>The reason for deleting the words “condition of” is because not all applicable periods are contained in conditions of approval. The sections referred to in this definition does not refer to the conditions of approval but actually form part of the decision itself. If there is a need to extend the validity period the application is therefore for an extension of the validity period in terms of Section 15(2)(h) and not an application for the amendment of a condition in terms of Section 15(2)(i), unless specific validity period were imposed as conditions of approval.</p>	Accepted
Note on applicable period	<p>This note is to be deleted from the by-laws, as it is just a note to municipalities and not part of the regulatory instrument. This comment is provided for the instance that either SPLUMA section 43(2) is amended or if and when the Western Cape is granted exemption from this section of SPLUMA.</p> <p>“Applicable period” refers to the period that may be determined by the Municipality in the conditions of approval subject to section 43(2) of the Spatial Planning and Land Use Management Act or the period referred to in section 43(2) of the Spatial Planning and Land Use Management Act, 2013.</p> <p>Section 43(2) of the Spatial Planning and Land Use Management Act will remain applicable until the Act has been amended or an exemption has been granted.</p>	Accepted
Notes (<i>in general</i>)	<p>All “notes” are to be deleted from the by-laws, as these are just notes to municipalities and do not form part of the regulatory instrument. It is not repeated in all instances but is applicable in all instances.</p>	Accepted
Commencement	<p>This newly inserted term refers only to the instances where it is linked to the lapsing of approved land use rights in respect of section 17 (Rezoning), section 18 (Departure) and section 19 (Consent use)</p>	Accepted
Development Charge	<p>To align the definition with the Council Resolution of 27 May 2021. (Council Resolution Attached). Section 83 is repealed and merged in Section 66.</p>	<p>Own Insertion</p> <p><i>We intend to reintroduce Section 83 to allow for development charges to be levied on submission of building plans as well. Currently Section 66 only allows the Municipality to levy</i></p>

		<p><i>Development Charges with Development applications and not building plans (due to the Council Resolution).</i></p> <p><i>Therefore Section 66 does not allow the Municipality to levy for enhanced rights or rights that have accrued through changes of the zoning scheme.</i></p>
Emergency	Improved wording to provide more clarity.	<p>Partially accepted.</p> <p><i>Additional/amended wording to align the definition with the wording in the Municipal Disaster Risk Management Plan.</i></p>
Municipal Manager	This change occurs throughout this document and will not be repeated again, the reasons is proper use of capitalisation of the official position of Municipal Manager.	Accepted
Occasional use	The definition was deleted as it is only a type of temporary departure, more clarity appears in section 18(4).	<p>Accepted.</p> <p><i>Occasional use is defined in Zoning Scheme.</i></p>
Overlay zone	Change “or” to “and” because if it remains an “or” it will mean either one of the two are applicable whereas there may very well be situations where both are required.	<p>Accepted</p> <p><i>Already amended</i></p>
Overlay zone Base zoning	Deleted as base zoning is not part of an overlay zone.	Accepted
Overlay zone Local areas	The word “local areas” has been deleted as it is vague and adds no value to this concept.	Accepted
Overlay zone Coastal setback lines	Deleted the words “where coastlines are involved” for the reason that coastal set back lines can only apply where coastlines are involved.	Accepted
Registered Planner	<i>Adding a provision under section 15 that a registered planner submits applications that must cause notice in terms of Section 45(1)</i>	Own Definition
Schedule of Rights	<i>Add definition to clarify the required information on a schedule of rights table</i>	Own Insertion
Spatial Planning and Land Use Regulations	Improved the wording.	Accepted
3 Heading	<p><i>Add the word “review”:</i></p> <p><i>During recent events, it came apparent that there is a distinction in the process between a revision and an amendment.</i></p> <p><i>To be added throughout sections 3 up to 8.</i></p>	Own Insertion
3(1)	<i>Wording improved to align with Section 11 and 13 of LUPA</i>	Own Insertion

	<i>As it is construed not to be compulsory to establish an ISC</i>	
3(1)(a)	To make it clearer that it involves the SDF itself as well as amendments thereto.	Accepted partially
3(2)(b)(iii)	Deleted words which are actually duplicated by "the process contemplated in subsection (2)(a)(ii)".	Accepted
3(2)(b)(iii)		<i>3(2)(b)(iii) remove and (keep semi-colon)</i>
3(2)(c)	Improve wording	<i>Deleted repeated wording.</i>
4(1)	Changed "must" to "may" to provide for an option to establish a project committee and not to make it compulsory.	Partially Accepted Keep the word "must" <i>Establishment of the project committee regardless of the establishment of an ISC to instil transversal communication and coordination.</i> <i>Also, to provide that when the municipality does not have an intergovernmental steering committee, then it could use the project committee to do this work.</i>
4(2)(b)	Add "where relevant" because all departments may not be necessary in all cases, so these words add some flexibility depending on the situation at hand – therefore the words "at least" are also deleted.	Not accepted <i>Participation of these departments are compulsory</i>
5(1)	Improved wording because the Municipal Manager is not mentioned in the existing by-laws whereas the corresponding section 12 of LUPA does and it is to give improved effect to the LUPA requirements as well as to more clearly spell out the role of the Municipal Manager in this. Previous wording has been replaced by new wording.	Accepted
6(1)	This is to provide for the situation where the municipality does not establish a project committee, whereas it is really the function of the municipality to do this, but they may use a project committee for this purpose. This amendment occurs in various instances in sections 6-8 and will not be repeated. Insertion of "relevant area" - this is to provide for smaller or localised amendments to a SDF, where it may not be necessary to do a draft status quo report for the whole area, but just for a smaller relevant area. This	Not accepted. Refer to Section 4(1) Accepted with improved wording.

	amendment occurs in various instances in sections 6-8 and will not be repeated.	
6(2) and 6(3)		Change of project committee to Municipality not accepted. Refer to Section 4(1).
6(4)		Change of project committee to Municipality not accepted. Refer to Section 4(1). <i>Adding of 28(3): Accepted</i>
6(5)	Replace “comments and representations” with only “comments’ - this occurs in various instances in the document and will not be repeated. The reason is that “comments” is defined in section 1 which definition includes “representations” and it will be confusing if it is mentioned separately. This suggested change occurs in a number of instances and will not be repeated again.	Accepted.
6(6), 6(8) and 7(1)		Change of project committee to Municipality not accepted. Refer to Section 4(1).
7(2)(a) and 7(2)(d)		Accepted
7(2)	Improved referencing in order to provide more clarity and to provide a clear distinction between the two documents.	Accept insertion of the letter “d”. <i>Note: the incorrect spelling of the word “Municipality”</i>
8(1)(a)	The municipality must ensure and not oversee. This amendment occurs in various instances in section 8 and will not be repeated	Not Accepted. <i>To “ensure” that a task is done becomes a KPI. This is a function from the planning department that needs to ensure... not the committee. The committee oversees.</i>
8(1)(f)(i)	Improved referencing.	Noted and accepted insertion of (c)
8(2)(b)	To provide for instance if a project committee was established, which is now an option and not compulsory as it was in the previous version of the by-laws	Not Accepted. <i>Refer to comments under 6(1).</i>
9(2)(d)	The word “recommended” is better legislative grammar than “proposed”, but it is also inserted to indicate and make it clear that the parameters in a local SDF as a policy document can only be proposed/recommended as a local SDF cannot give rights and development parameters - if the word “recommended” is not inserted it may be misconstrued as that it does.	Not Accepted. <i>Improved wording add ...”and design guidelines...” after parameters.</i>

13(3)	Change to be accepted. The reason is to make it very clear that - if after the “fact finding mission” it results in 2(e), i.e. no zoning could be determined, then the action which must be followed by municipality to give effect to 2(e) would be to rezone the land from “unknown” to its new zoning whatever it is to be, via a rezoning process, in which case the municipality will be the applicant and will have to comply with all relevant provisions of the by-law as set out in the new sections 15(5) and (6) and amended (7). Initially it was not clear what is to happen in such a case.	Partially accepted. <i>Improved wording.</i>
Heading of section 15	Inclusion of “and other approvals”, as not all the matters in 15(2) are land development applications in terms of SPLUMA, some are not and hence the addition of “other approvals”. Additional reasoning will be found in comments at section 68. This amendment to the heading is also to facilitate and enable the suggested amendments to section 68.	Partially Accepted <i>Improved wording</i>
15(2) (p)occasional use	Deleted occasional use as an application type as an “occasional use” is in essence a temporary departure for a specific occasion or event on a specific site and as such it is distinguished from the normal temporary departure as in section 18(4) provision is made that it may be granted more than once on a specific land unit and in section 66(2)(y) provision is made for specific conditions in this regard. As a result, occasional use as a specific application has been removed.	Accepted
15(2)(q) home owners’ association	The word “home” was removed as industrial or business areas may also have owners’ associations, so the new wording is a more generic term as home owners’ associations are only linked to residential uses.	Accepted
15(3)	Is it suggested that this section which refers to section 53 of LUPA be deleted in total. Firstly, is it only informative, but secondly it lends municipal credibility to a SPLUMA provision, the content of which is regarded unconstitutional. If section 53 of LUPA is challenged or amended, it may mean that the by-law will have to be amended as a result. Downstream re-numbering occurs as a result of this deletion.	<i>If section 15(4) is unconstitutional, then this should apply to Section 15(3) as well.</i> Section 15(3) also removed.
15(4)	Is it suggested that this section which refers to section 52 of SPLUMA be deleted in total. Firstly, is it only informative, but secondly it lends municipal credibility to a SPLUMA provision, the content of which is regarded unconstitutional. If section 52 of SPLUMA is challenged or amended, it may mean that the by-law will have to be amended as a result. Downstream re-numbering occurs as a result of this deletion.	Accepted
15(5)	Renumbered	Accepted (<i>now 15(3)</i>)
15(6)	Renumbered and this section was inserted to make it clear that when the municipality	Accepted <i>and improved wording</i>

	<p>rezones in terms of section 17, what the process is that must be followed and then links it to the new section 15(8) which provides that when the municipality rezones it is then an applicant and must adhere to all application requirements.</p> <p>Also Section 13(3) was inserted here as well as there may be instances where there is a need for a municipality to rezone as a result of an unsuccessful zoning determination and where no request from an owner is forthcoming and where it does not meet the requirements of section 17(1).</p>	<p><i>Now 15(4)</i></p>
<p>15(7)</p>	<p>Renumbered and new wording inserted as some instances the municipality must be able to achieve a specific land development by means other than rezoning, especially with the options which new generation zoning schemes may provide for. As a result, provision has been made for other application types which may also be done by the municipality. As with subsection 15(5) above it is then made subject to the new section 15(7) which provides that when the municipality rezones land or does any of the other permitted actions it is then regarded as the applicant and must adhere to all application requirements.</p>	<p>Accepted <i>Now 15(5)</i></p> <p><i>Added wording</i></p> <p><i>Due to deletion of Section 66(12) we improved the wording of section 15(5). We are of the opinion that notice should be given to the owner and any person that is affected before an application is lodged. This is inserted to ensure that we are administratively fair, and all parties are informed.</i></p>
<p>15(8)</p>	<p>Renumbered, deleted and replaced with new wording was inserted. Subsection 7(a) was inserted and reworded to make it clear that where the municipality is the applicant it must follow all procedures which an ordinary applicant would normally have to comply with in terms of the by-laws.</p> <p>The addition of subsection 7(b) is to ensure that, not only for rezoning, but also for other application types, where the municipality is the applicant, that the matter must be</p>	<p>Accepted <i>Now 15(6)</i></p>

	considered by the MPT and not by an AO, so as to ensure or build in some impartiality facilitated by the outside persons serving on a MPT.	
15(7)		<p>Own Compilation</p> <p><i>New Section 15(7): to ensure that applications that needs to comply with SLUMA is submitted/signed off by a registered town planner in order to hold the registered planner accountable for the information that was provided with the application.</i></p> <p><i>The section is written in such a way that agent may still submit the Applications but that a Town Planner oversee/take responsibility of the contents of the documents that was provided.</i></p> <p><i>These are for more complexed applications. Easier applications may be submitted by an Agent as per the definition.</i></p>
17(5)	Insertion of “reckoned” the reason is improved wording to make it clearer.	<i>Do not accept insertion of “reckoned” and propose insertion of “calculated”</i>
17(6)	Improved wording to make it clearer.	<i>Do not accept insertion of “reckoned” and propose insertion of “calculated”</i>
17(6)(a)	The word “and” was replaced with to “or” to prevent the situation where compliance with one of the two provisions will keep the rights alive, which is not the intention.	Accepted
18(4)	The new insertion is necessary due to the fact that an occasional use was removed as a separate application, due to it being a temporary departure, but it requires some kind of distinction from an ordinary temporary departure so that it can be granted more than once on a specific land unit. It thus describes the “occasional use as right to utilise land for a purpose granted on a temporary basis for a specific occasion or event.	Accepted
21(1)(d)	This is to provide for an additional method to secure confirmation of the subdivision by means of a certificate of registered title and certificate of consolidated title to provide for	Accepted

	circumstances where the economy is not conducive to selling of erven and can then save the subdivision from lapsing.	
22(2)	Insertion to result in improved wording to make it clearer.	Accepted
23(1)	Alternative wording to make it clearer.	Party Accepted. <i>Improve the word order.</i>
23(4)	A total reword, the reason being to prevent the “stopping of the clock” by way of submitting an amended subdivision, however small the changes may be, as it can be abused to gain more time beyond the original validity period. The conservative approach suggested is favoured. This was confirmed at the Municipal Planning Heads Forum on 17 May 2017.	Accepted
24(1)(f)(iii)	Improved grammar as a result of new (v)	Accepted
24(1)(f)(iv)	Added – granting for a public right of way	Own Insertion
24(1)(f)(iv)	Improved grammar as a result of new (v)	Accepted.
24(1)(f)(v)	New insertion, the reason is to provide for an additional exemption of a matter not really of municipal interest, to lessen the administrative burden and red-tape.	Accepted Improved wording – added canal and weirs. Numbering change to vi
24(1)(g)(i)	Insertion of word “in the case of a subdivision” This insertion is the result of many enquiries to ensure that consolidations of agricultural land are also exempted as it is not regulated by Act 70 of 1970 although Department of Agriculture Forestry and Fisheries regularly imposes consolidation as a condition of subdivision approval. The previous wording exempted only the subdivision but not the consolidation of farmland which was an unintended consequence and defeating the object.	Accepted
24(1)(g)(ii)	To ensure compliance with MSDF (see section 24(1)(g)(iii))	Added “and”
24 (1)(g)(iii)	To ensure that the proposed subdivision is consistent with the provision of the MSDF	Own Insertion
24(1)(h)	This insertion is to provide for sectional title development scheme to be also exempted. Currently with the wording of the definitions of “land” in SPLUMA and LUPA includes a sectional title scheme (part of a real right), which again is an unintended consequence. Making it an exemption in the by-laws achieves the object easier than amending SPLUMA and LUPA.	Accepted
24(1)(i)	1.	Own composition. <i>New Section. Include a provision for in a case of a subdivision or consolidation</i>

		<p><i>that arises from a prescriptive claim.</i></p> <p><i>Section 61 of LUPA does not contain this exception. Province to guide how we could except these applications in terms of Section 61.</i></p> <p><i>Our proposal is:</i></p> <ol style="list-style-type: none"> <i>1. Proposed amendments of Section 61 of LOPA;</i> <i>or</i> <p><i>A blanket exemption from the MEC in terms of section 60 of LOPA in respect of these proposed amendments for the George Municipality.</i></p>
24(1)(j)		<p><i>Own Insertion</i></p> <p><i>New section. To ensure a quicker process to create an erf which is required for the installation of engineering infrastructure i.e. mini sub stations etc. Municipalities in some cases require an erf which will be registered as an asset. The size of the subdivision in this case is limited in order to ensure that, should a larger erf be required, the applicant has to apply in terms of Section 15(2) and follow a Public Participation Process.</i></p> <p><i>Section 61 of LUPA does not contain this exception. Province to guide how we could except these applications in terms of Section 61.</i></p> <p><i>Our proposal is:</i></p> <ol style="list-style-type: none"> <i>1. Proposed amendments of Section 61 of LOPA;</i> <i>or</i> <i>2. A blanket exemption from the MEC in terms of section 60 of LOPA in respect of these proposed amendments for the George Municipality.</i>
24(4)	<p>New section inserted. This insertion is necessary to ensure that where there is a court order, an expropriation or a sectional title scheme is applicable, that no certification of the municipality will be necessary. If the Courts have made a ruling, how can a municipality then still need to make a</p>	<p>Accepted</p>

	certification in order to achieve compliance with a court order?	
Heading of section 25	The reason is improved wording to make it clearer and to ensure that the heading encompasses the content of 25(1) and (2) and be aligned with it - as the content addresses “amenities” whereas the heading referred to “social facilities” which may be confusing.	Accepted
26(1)	Insertion of “its” - the reason is improved wording to make it clearer.	Accepted <i>Add wording to also include the temporary closure of a public place.</i>
26(4)(b)	The reason is improved wording to make it clearer and to distinguish it from (c)	Accepted
26(4)(c)	The reason is improved wording to make it clearer and to distinguish it from (b)	Accepted
26(6)(f)		Own Insertion <i>Add provision for the MM to temporarily close a public place for an occasional use restricted to a timeframe not exceeding 7 days</i> <i>Renumbering.</i>
27(a)	This emanated from a historical situation and may not always be the case anymore. This is why the words “without compensation” has been removed and replaced with “as may reasonably be required”.	Not Accepted <i>It is engineering services that need to be provided by the Municipality and it cannot be expected that the Municipality pay to provide the service.</i>
28(1) and (2)	The changes emanated from the change in section 21 that a certificate of registered title and certificate of consolidated title should also be able to confirm a subdivision. Since these changes the status of land is necessary that the section 28 certification also be amplified by adding the certificate of registered title and certificate of consolidated title. Whilst this provides for more options for developer, it simultaneously increases the obligations and legal effect in that actions which would normally have followed registration of transfer. It is there necessary to subject these to certification as well, hence the insertion.	Accepted
28(3)(b)	Improved wording to make it clearer.	Accepted
28(3)(c), (c)(i), (d)(i)-(iii)	Improved wording to make it clearer and renumbering to improve numbering	Accepted
28(3)(c)(ii)	This is to ensure that no land to be transferred to the owners’ association is left in the hands of the developer/applicant and prevent many problems experienced in this regard in the past.	Accepted

28(3)(d) and (d)(i)	This is to highlight and ensure that where confirmation of a subdivision via certificate of registered title and certificate of consolidated title occurs it will also result in these transfers where required.	Accepted
29(3)	Improved wording to make it clearer.	Accepted
29(5)	This is a logical amendment in that the constitution of the owners' association cannot take affect before the owners' association comes into being which as set out in section 28(3)(c) can only occur after registration of first land unit to a person different to the developer/applicant.	Accepted
29(7)(b)	Improved wording for the same reasoning as for 29(5) above	Accepted
30(1)	Deletion as it is already provided for in section 15(2)(p)	Accepted
30(1)(a) and (b)	Improved referencing as number needed to be amended as "occasional use was taken out of the list in section 15(2).	Accepted
30(2)	Improved referencing	Accepted
33(1) and (1)(a) and (b)	This was deleted as it is now provided for and included in the new section 15(6) in order to result in an improved grouping of matters and to distinguish the permanent removal from those which may be suspended for a specific period.	Accepted
33(1)(c)	Rewording to provide that the removal, suspension or amendment of a restrictive condition, can be made subject to conditions.	Accepted
33(3), (3)(b), (4), (5) and (6)	Renumbering to (2) as a result of upstream adjustments and to improve wording to make it clearer.	Accepted
33(7) and (8)	New clauses inserted as previously a land use application was done in terms of LUPO and the removal, suspension or amendment of a restrictive condition in terms of the Removal of Restrictions Act, 1967. Now they are all done in terms of the same legislation (as a result of the provisions of SPLUMA) and since this is the case these matters should be applied for and considered simultaneously, which is what these 2 new sections require and provide for.	Accepted
34(1)	Improved referencing.	Accepted
35(1)(b)(i)-(ii), and (d)	The reason is improved wording to make it clearer and to provide for more options.	Accepted
35(2)(a)-(d) and (3)(b)	Improved grammar.	Accepted
36(2)(c)	Improved grammar to not make it a closed list.	<i>Accepted</i> <i>Note: Should be 37(2)(c)</i>
36(3)		<i>Own composition</i> Add Section To align By-Law with amended LUPA regulations Section 13(5) to exclude the festive

		season from any period referred to in the Chapter IV. .
38(1)	This insertion is to improve the wording to provide for situations where perhaps not all the documents in this list are necessary for a specific application and to enable the outcome of the pre-consultation meeting in 38(2) to determine which documents may not be relevant or applicable.	Accepted
38(1)(c)	The reason is improved wording to make it clearer.	Not Accepted <i>Application is defined in the By-Law and not in the correct context in this sentence.</i>
38(1) (e)	Improved	Accepted
38(1)(f)	The matters provided for in 65(a), (b), (d), (e) and (g) are not matters which can be addressed in a motivation for an application when it is first submitted as these matters and aspects follow only after submission of the application. As such these matters are now excluded as it would not be practically possible to comply with them.	Accepted
38(i)(ii)		Own Insertion <i>Applicant also need to provide the schedule of rights to ensure that the existing development still complies with its development parameters after the subdivision. Definition is added for schedule of rights.</i>
38(i)(vi)		Own Insertion <i>Add wording to ensure that all areas are illustrated on the subdivision plan which are subject to a Notarial Deed</i>
38(i)(xiv)		Own Insertion <i>Add wording – to ensure that all new building lines are illustrated on the proposed subdivision plan</i>
38(m)		Own Insertion <i>To ensure that the applicant provide, with the title deed, all notarial deeds applicable to the land as well. To ensure that all information pertaining to the property is available.</i> <i>Include the requirement that they submit a Deeds office</i>

		<i>property search in order to verify the latest information with regards to bonds, transfers, interdicts etc. (applicants do not always submit the latest/updated Title Deed).</i>
38(1)(n)	Improved grammar	Accepted <i>Own Insertion</i> <i>Take out the wording” or a copy of the historical Title Deeds”. The historical title deeds are administrable encumberment and must be read by a conveyance attorney.</i>
38(1)(p)		Own Insertion <i>New Insertion. To clearly state the requirements should the property for part of an HOA.</i>
38(1)(q)		Own Insertion <i>New Insertion. To clearly state the requirements should the property for part of a Body Corporate.</i>
38(1)(r)		Own Insertion <i>New insertion. To align with Section 15(7)</i>
39(2)		Own Insertion <i>Add wording to allow the Municipality to add or remove required documents/information as contemplated in Section 38(1)</i> <i>Minor application such as building lines and second dwellings does not necessarily requires compliance with Section 65. The Municipality issue guidelines for these applications and the only mechanism we have now is the pre application to except the applicant from complying with Section 65.</i>
40	Improved referencing	Accepted
41(3), 41(4), 41(5) and 41(6)	Change word “consider” to “Process”	Own Insertion
41(3)		<i>Own Insertion</i>

		<i>Improve wording to allow the Municipality to close the file should the applicant not cause public notice within the period ascribed.</i>
41(7)	Improved wording	Accepted
41(8)	.	Own Insertion <i>And Section... To align the By-Law with the amended LUPA regulations 12(8) to exclude the festive period to cause public notice.</i>
45(1)(a)	Partial deletion as it is now provided for in the new section 15(5)-(7) - there is no need to make this distinction.	Accepted
45(1)(f)		Own Insertion <i>State that it the permanent closure of a public place. Refer to Section 43 and 37 of LAPA</i>
45(2)(b)		Own Insertion <i>Delete some wording and improve wording to provide for a notice boards to be compulsory for all relevant applications.</i> <i>Providing for the description and requirements of the notice.</i> <i>Refer to Public Participation Process Guidelines on website.</i>
45(4)		Own Insertion <i>Improve wording to align with Regulation 17 of the amended 2019 LUPA Regulations.</i>
45(5)	This section was deleted as it is now provided for in the new section 15(5)-(7)	Accepted
46(1)(c) and (5)	Improved grammar.	Accept 46(1)(c) <i>Reject 46(5)</i>

		<i>Own Insertion</i> <i>Improve wording to align with Regulation 17 of the amended 2019 LUPA Regulations.</i>
46(6)		Own Insertion <i>Improved wording.</i> <i>A public place is defined and cannot be use in this context.</i>
46(7)	This was deleted as it is now provided for in the new section 15(5)-(7)	Accepted
47(g)	Improved grammar.	Accepted
47(i)		Own Insertion <i>Include wording to align with amended LUPA regulations Section 15. Section 47(i) becomes 47(j).</i>
48(2)(e)	Removed “or” as improved grammar as any one or more of these possibilities could be opted for.	Accepted
Heading of section 50	Improved grammar	Accepted
51(1) and (2)	Improved referencing and grammar.	Accepted
51(2)(a) and (b)	To provide more clarity on dates and to improve wording to make it clearer and also to provide and regulate for a situation where a commenting body requires additional information to enable it to provide comments.	Accepted
51(3)	This insertion is an attempt to improve accountability when there is non-performance by a commenting body in so far as provision of comments are concerned.	Accepted.
53(2)(a)	Delete “and” to ensure that either one or both can be required.	Accepted
53(2)(b)	Improved wording to make it clear that where applicable other organs of state or service providers must again be notified.	Accepted
54	Deletion of referencing as it is simpler to refer to this by-law rather than to list the section, as these may change in future, thus preventing unnecessary amendments to the by-laws.	Accepted
55(5)	Amended wording to provide more clarity and regulation on how to obtain additional information or documents (and time) when it is needed as a result of comments received pursuant to the notification process which was followed.	Accepted

55(6)	Amended wording as at this stage the application is already complete, and processes have started. Section (5) above provides for such additional information or documents, but regulates that if it is not submitted, then consideration of the application must proceed without the relevant additional information or documents. The application process should not be further delayed as a result.	Accepted
56(1)	Improved grammar and sentence construction.	Partially accepted. <i>Improved wording and Grammar.</i>
57(1)	Improved grammar, referencing and sentence construction.	Accepted
57(2)	Improved grammar, referencing and sentence construction.	Partially accepted. <i>Already previously amended.</i>
59(1)	The reason is to provide for a MPT member to also be able to inspect a property.	Not accepted <i>In conflict with our joint Municipal Tribunal's MOU. A member cannot visit the site on his own.</i>
59(2)	The reason is to provide for an MPT member to also be able to inspect a property.	Partially Accepted. <i>In conflict with our joint Municipal Tribunal's MOU. A member cannot visit the site on his own.</i>
59(2)(a)	Improved wording to make it clearer and to link the record, document or item to be produced, to the purpose of the investigation.	Accepted
59(2)(c)	Delete "or" as there is no need to link these items with an "or" as the option should be there to do one, some or all of the options.	Accepted
59(5)	Improved wording to make it clearer, but also to provide for an inspection where written consent could be obtained so that a warrant is not necessary.	Accepted
60	Improved referencing	Accepted
65	Renumbering as a result of deletion of section 65(2)	Accepted
65(g)	This improved wording is to make it clear that it refers to the municipality's planner's assessment and that it is not a requirement that the relevant applications may only be submitted or must (as application) be accompanied by an assessment of a registered planner.	Accepted

65(g)(vii)	This wording has been deleted, because if a zoning determination results in a rezoning it is already covered in 65(g)(i) and is also addressed in section 13(3) on the process of zoning determination.	Not accepted. <i>We do not agree that it is a rezoning as it is not the same facts. Preference is that it is written by a registered planner.</i>
65(j)	Improved wording	Accepted
65(l)		Own request. <i>Delete as the Municipality does not have any structure plan.</i>
65(q)		<i>Own Insertion</i> <i>New insertion of 65(q) and subsections (a) & (b): To ensure that applications submitted, that require Environmental Authorization or specialist studies, includes the final report as the findings in this report may have material impact on the proposed development. This will ensure that the relevant environmental information is available during the public participation process and that the tribunal can take an informed decision in terms of Section 42 of SPLUMA.</i> <i>(Currently applications that does not comply with the latter, and applications pend in the Municipal system for a very long time before a decision can be taken. Environmental and/or specialist studies may have an immense impact on the layout of a development and thus the outcome of the application).</i>
65(j) (o), (s) and (t) and new (t)	Improved grammar and sentence construction and insertion of new (t) i.e. include restrictive title conditions if any, is to be a relevant consideration when determining a land use application.	Accepted <i>Own Insertion</i> <i>Improved referencing due to insertion of section 65(q)</i>
65(2)	This whole section was removed, firstly because there may be other considerations or reasons on which a site development plan may not be acceptable. Secondly, as will	Accepted

	appear more fully in section 15(2) and 68, a site development plan when following from a land use approval is not seen as a land development application.	
66(2)(l)	No real purpose in referencing this section 31, there may even be other relevant sections and when the Deeds Registries Act is amended may then affect this section of the by-law, necessitating an unnecessary by-law amendment.	Accepted
66(2)(b)		<i>Own Insertion</i> <i>Deletion of reference to Section 83.</i> <i>Section 83 repealed as per Council Resolution 27 May 2021. Section 83 is merged with Section 66.</i> <i>Section 83are re introduced but not applicable to Section 66(2)(b)</i>
66(2)(y) and (y)(iii)	This links to the insertion in section 18(4) and provides for specific requirements/conditions which may be imposed as part of an occasional use seen as a temporary departure for a specific occasion or event, and to separate or distinguish it from an ordinary temporary departure.	Accepted
66(2)(z)	The word "levy" has throughout been replaced with "penalty" as it is really a fine or punishment for a contravention as opposed to the previous dispensation under LUPO when payment of a contravention levy actually "bought" a person a right, which is not the case anymore. Even after payment of a contravention penalty will the submission of a suitable land use application be required.	Accepted
66(3)	Improved wording to make it clearer.	Accepted
66(4)		<i>Own Insertion</i> <i>Improved wording. Section 83 repealed as per Council Resolution 27 May 2021. Section 83 is merged with Section 66. Refer to new Section 66(5)A – 66(5)D</i> <i>Refer to the attached Government Notice dated 2 July 2021.</i>
66(5)A – 66(5)D		<i>Own Insertion</i>

		<i>Section 83 repealed as per Council Resolution 27 May 2021. This section replaces Section 83 which deals with Development Charges.</i>
66(11)	To provide that it may include a certificate of registered title and certificate of consolidated title as potential milestones where certain conditions must be complied with.	Accepted
66(12)	This section was deleted as it is now provided for in the new section 15(5) -(7)	Accepted
67(1)	Rewording to improve the understanding of the section and in which the link to section 43(2) of SPLUMA has been removed. This link was removed to provide for the instance that either SPLUMA section 43(2) is amended or if and when the Western Cape is granted exemption from this section of SPLUMA. Section 43(2) of the Spatial Planning and Land Use Management Act will remain applicable until the Act has been amended or an exemption has been granted.	Accepted
Heading of section 68	This change in heading is necessary due to the separation of matters which are considered SPLUMA land development applications and those which are not considered as such. As such some of these may become Council/delegated decisions in which cases the MSA section 62 appeals may be applicable. This appears more fully in sections 68(a)-(e)	Accepted
68	Since there can now be more than one appeal authority (as a result of MSA 62 and the interpretation above, it is necessary to specify appeals considerations as well.	Accepted
68(a) & (b)	This is to identify the application types in 15(2) which are regarded as land development applications for the purpose of SPLUMA compliance. The lists in paragraphs (a) and (b) are the same, noting that paragraph (a) relates to the AO and paragraph (b) relates to the MPT. This same comment is applicable to (b) and will not be repeated there.	Accepted <i>Own Insertion</i> <i>Replace 'determine' with 'decide' in section 68(a) & 68(b). No definition of determine in SPLUMA. Common definition means to 'decide'. Aligns with Section 60(a) of LUPB & Section 49 of LUPA.</i>

68(c)	This is to identify the application types in 15(2) which are not regarded as land development applications for the purpose of SPLUMA compliance and which may be considered by the Council or its delegate.	Accepted
68(d)	This section determines that for those matters for consideration in (a) and (b) above, the SPLUMA defined Appeal Authority is the appeal authority.	Accepted
68(e)	This section determines that for those matters for consideration in (c) above, the Council's MSA 62 Committee is the appeal authority if it was decided by a committee of the Council or a delegate of the Council. If the full Council decided on the matter, then there can be no MSA section 62 appeal.	Accepted
69(1)	This provides for categorisation of those matters which for the purpose of SPLUMA compliance are regarded as land development applications to an AO.	Accepted <i>Replace 'determination' with 'decide'. No definition of determine in SPLUMA. Common definition means to 'decide'. Aligns with Section 60(a) of LUPB & Section 49 of LUPA.</i>
69(2)	This provides for categorisation of those matters which for the purpose of SPLUMA compliance are regarded as land development applications to the MPT.	Accepted <i>Replace 'determines' with 'decide'. No definition of determine in SPLUMA. Common definition means to 'decide'. Aligns with Section 60(a) of LUPB & Section 49 of LUPA.</i>
71(1)	Improved referencing	Accepted
71(3)(a)(vi)	Improved wording by replacing 'and' with "or" to make it clear that it can be any of these.	Accepted
71(3)(a)(vii)	Improved referencing.	Accepted
72(1)(b)	Improved referencing.	Accepted
72(2)(c)	To provide for self-nomination which was not provided for before and which is not prohibited in SPLUMA.	Accepted
72(2)(d)	To provide and regulate for a closing date for submission of nominations, which was not provided or regulated for before and not prohibited in terms of SPLUMA and provide for administrative certainty.	Accepted

72(3)(a)	To provide for acceptance of nomination if it is not a self-nomination. A self-nomination is deemed to be accepted.	Accepted
72(3)(c)	Improved grammar to provide for a complete list.	Accepted
72(3)(d)	Improved grammar.	Accepted
72(3)(e)	This was reworded and moved to 72(2)(d)	Accepted
72(4) and (5)	The word skill was replaced with experience as this is the term used in SPLUMA to be aligned with it.	Accepted
72(9)	Improved grammar – no need to refer to he/she as the introduction part of (9) already refers to “a person”.	Accepted
72(11)(c)	Improved referencing	Accepted
73(2)(b)	The reason is improved wording to make it clear that when the chair resigns, he/she must inform the Council as it is Council who appointed the Chair. Although the other members are also appointed by Council, the chair manages the MPT and needs to be aware of who resigns, the chair will then in the normal course of events inform the Council accordingly, but there is no practical purpose of when the chair resigns to inform anybody else other than the Council who appointed him/her.	Accepted
73(6)	Improved referencing	Accepted
73(7)(a)	Improved grammar and sentence construction.	Accepted
73(7)(b)	Improved wording to make it clearer.	Accepted
74(1)(b)	Improved use of capitalisation.	Accepted
74(4)(a)	Spouse was omitted and is now included to be aligned with SPLUMA regulations, Schedule 3.	Accepted
75(3)	Improvement of referencing, grammar and wording to make it clearer.	Accepted
75(6)	Deletion of “simple” there is no point in making the majority a simple majority.	Accepted
75(7)(a)	The initial wording did not really make sense. SPLUMA also does not regulate this, so just using the term majority will suffice.	Accepted
75(7)(b)	Improved wording to make it clearer.	Accepted

77(2)(a)	Improved wording to make it clearer. Applications are not filed with the MPT, they are submitted to the municipality and determined by the MPT.	Accepted
78(5)		<i>Own Insertion</i> <i>Improved wording</i>
78(6)(a)		Own Insertion <i>Improved wording</i>
79(1)		<i>Own Insertion</i> <i>Improved wording. "Executive Authority" already defined in SPLUMA.</i>
79(2)		<i>Own Insertion</i> <i>Improved wording and adding subsection 3(a) to align this section with the amended LUPA Regulations (Regulation 23) as gazetted on 15 April 2019.</i>
79(3)	Improved wording to make it clearer as section 57 provides for 3 different periods whereas the initial wording did not recognise this.	Accepted
79(4)	Improved wording and linking it directly to the provisions of section 80(1).	Accepted
79(5)(a)	Improved referencing	Accepted
80(1)		<i>Own Insertion</i> <i>Changed wording of Section 80(1) to read "positive" and not "negative".</i>
80(1)(a)	Change required as a result of the interpretational challenges that the word "and" leads to – the intention is that either (a) or (b) should trigger an invalid appeal and not both combined as it would lead to an absurdity.	Accepted
80(1)(b)	Improved wording to make it clearer of what an appeal should consist of.	Accepted
80(3)	This is to make it clear that where appeal fees are payable that it must be paid within the period set out section 79(2) and not afterwards.	Accepted
80(8)		<i>Own Insertion</i>

		<i>Improved wording and new insertion of subsections to align with Regulation 23(6) of LUPA and the relevant amended regulation gazetted on 15 April 2019.</i>
80(6), (9), (10) (11)(a) & (b)	Improved wording to make it clearer.	Accepted
80(11)(c)	Improved wording. To align this section with the new insertion of section 80(2)(8)(d).	<i>Own Insertion</i>
80(12)(a) & (b)		<i>Own Insertion</i> <i>Change from 30 days to 60 days. Because gives time for admin to allocate to planner, planner to write report, manager and deputy director to check and sign off and admin to prepare documents to be send to the director and then MM.</i>
80(16)	Owner was replaced by appellant as it is not only the owner who may submit an appeal.	Accepted
80(17)		Own Insertion. New insertion to align the period as contemplated in amended LUPA Regulation 23(14) gazetted on 15 April 2019.
81(2)	Improved wording	Own Insertion.
81(3)(a)	Improved wording	Own Insertion
81(6)	Improved wording to make it clearer. Add timeframe as to when the documents need to be submitted/or to respond.	Accepted and add own insertion
81(7)(a)	Replace 'determine' with 'decide' in section 68(a) & 68(b). No definition of determine in SPLUMA. Common definition means to 'decide'. Aligns with Section 60(a) of LUPB & Section 49 of LUPA. There is a difference between 'determine' and 'decide'.	Own Insertion
81(8)	Improved grammar.	Accepted
Heading of section 83	Improved wording to make it clearer. SPLUMA links development charges to engineering services whereas there may be charges for amenities as well. This heading	Not Accepted. Section 83 repealed as per Council Resolution 27 May

	will now be more aligned to the content of section 83, which has not been amended.	2021. Section 83 is merged with Section 66.
Section 83	Section 83 repealed as per Council Resolution 27 May 2021. Section 83 is merged with Section 66.	Own Insertion
Section 83	Section 83 repealed as per Council Resolution 27 May 2021. Section 83 is merged with Section 66.	<p>Own Insertion</p> <p>In the absence of other laws relating to payments of development charges on building plans we need to include this in by law.</p> <p>We intend to reintroduce Section 83 to allow for development charges on submission of building plans as well. Currently Section 66 only allows the Municipality to levy Development Charges with Development applications and not building plans.</p> <p>Does not allow the Municipality to levy for enhanced rights or rights that have accrued through changes of the zoning scheme.</p>
84(1)	Improved referencing.	Accepted
85(1)(c) and (d)	Municipality is only to enforce the conditions imposed in terms of the by-laws and laws repealed by LUPA.	<p>Accept 85(1)(c) but not (d).</p> <p>Own Insertion</p> <p>Add wording to (d)</p> <p><i>It cannot be all title conditions as many of these may be so-called "contractual" conditions in which the municipality has no role to play.</i></p> <p><i>(d) need to be retained. When a building plan is assessed we still need to comply with the title deed conditions relating to development restrictions.</i></p>
86(1)(a)	This change is as a result of a deletion of section 15(4) which resulted in 15(5) now becoming 15(4).	Accepted

86(1)(c)	Change to be accepted. Just improved wording to make it clearer and to link this to amendment made in section 28(3)(c) relating to certification where an owners' association is involved.	Accepted
86(2)	Improved wording to make it clearer as this deleted content is already included in the first part of this sentence.	Accepted
86(4)	Change "must" to "may" to provide a municipal choice to adopt fines or not and not make it compulsory.	Accepted
87(1) and (2)	The owner is not necessarily the contravener on who the notice must be served. The word owner is deleted to facilitate this.	Accepted
87(2)(b)	Improved grammar.	Accepted
87(6)	Improved wording to make it clearer.	Accepted
88(1)(b)	Improved grammar as the word "concerned" adds no further meaning here and can be deleted.	Accepted
89(1)	The owner is not necessarily the contravener on who the notice must be served. The word owner is deleted to facilitate this.	Accepted
89(2)(a)	Improved grammar.	Accepted
90(b)	Improved wording to make it clear that it can be the magistrate or other court as well. Courts have their own jurisdiction and it is not for the municipal by-laws to determine this and there is no need that this matter must be applied for at the High Court.	Accepted
90(c)	To provide for additional methods for law enforcement.	Accepted
92(2)	Improved wording to make it clear that it can be the magistrate or other court as well. Courts have their own jurisdiction and it is not for the municipal by-laws to determine this and there is no need that this matter must be applied for at the High Court.	Accepted
93(1)	Improved wording to make it clearer and to improve the content.	Partially accepted. <i>Not accepting "written" as we will also accept verbal consent.</i>
94(1)	Improved grammar and referencing.	Accepted
94(1)(a) and (c)	Improved wording to make it clearer.	Accepted
95(1)(a) and (b)		Own Insertion

		<i>Not necessary the owner that stay on the property. Better alignment with Section 93(1)</i>
95(2)	To provide for affirmation as well as an alternative to an oath.	Accepted
97	Improved wording to make it clear that it can be the magistrate or other court as well. Courts have their own jurisdiction and it is not for the municipal by-laws to determine this and there is no need that this matter must be applied for at the High Court.	Accepted
98(4)	Improved wording to make it clearer.	Accepted
100	Wording amended as the amended by-law's implementation is now not dependant on LUPA implementation anymore.	Accepted
Schedule 1		
1(a)	Improved grammar	Accepted
1(c)	Improved grammar and sentence construction as it is implicit in the rest of this section that a MPT member is already a decision maker.	Accepted
2(a) and (b)	Improved grammar and wording to make it clearer.	Accepted
Schedule 2	Reminder to insert the municipality's current land use planning by-law details if the publish and repeal method is to be used – if not then there is no need to populate this table.	<p>Repeal of Section 83 of the By Lay, 2015_ Government Gazette 2 July 2021</p> <p>Extension of validity period to 10 years_ Government Gazette 16 July 2021</p>