

ACT

To provide for the planning and development of land in the Province; to provide for the coordination of land use and land development policies of national and provincial departments and of municipalities; to provide for a system of land use management and the regulation of land use and development; to facilitate and expedite the process of land development; to provide for the determination by municipalities of development and land use applications and the establishment of settlements and for appeal procedures; to provide for the planning and development functions of the Gauteng Province and the establishment and functions of the Municipal Appeal Tribunal; to provide for the provision of engineering services; to provide for the control and enforcement of land use and development measures; and to provide for related matters.

PREAMBLE

WHEREAS the system of spatial planning, land use and development in provincial legislation has not been changed since the introduction of non-racial democracy in South Africa;

WHEREAS there is a need for the use and development of land to be developmental and to be based on normative values which reflect democratic imperatives;

WHEREAS the Constitution enjoins provincial government to give effect to matters of urban and rural development and provincial planning and to support and strengthen the capacity of municipalities in their executive authority of municipal planning;

WHEREAS it is necessary to ensure that the planning, development and management of land use is more effective, efficient and integrated in order to achieve the social and economic improvement of communities, particularly those of the poor and disadvantaged;

WHEREAS planning and development policy and legislation should ensure sustainable development, the establishment of viable communities, protection of the natural environment and the efficient use of resources;

WHEREAS the process of development and land use management is required to be standardized and to be uniform for all municipalities; and

WHEREAS the Constitution has resulted in the creation of new structures and systems of national, provincial and municipal government in which existing planning and development legislation is no longer appropriate

BE IT THEREFORE ENACTED by the Legislature of the Province of Gauteng as follows:-

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SCHEDULE

CHAPTER 1

INTRODUCTION

Definitions

- 1 In this Act, unless the context indicates otherwise:
- (aa) “agricultural holding” means an agricultural holding as contemplated in the Agricultural Holdings (Transvaal) Registration Act, 22 of 1919.
 - (ab) “amendment scheme” means any amendment of a land use scheme in terms of Chapters 4 or 6; or an amendment of an existing scheme which comes into effect after the commencement of this Act.
 - (ac) “appeal tribunal” means the municipal appeal tribunal referred to in Chapter 5.
 - (ad) “applicant” means a person who makes an application in terms of this Act or a land use scheme and “application” has a similar meaning.
 - (ae) “approval” means the written approval of any application provided for in terms of this Act or a land use scheme and “approved” has the same meaning.
 - (af) “body” means any organization or entity, whether a juristic person or not and includes a community association.
 - (ag) “building” means any structure or building for which building plans are required to be submitted to a municipality for approval in terms of the National Building Regulations and Standards Act, 103 of 1997.
 - (ah) “building regulations” means the building regulations in the National Building Regulations and Standards Act, 103 of 1977.
 - (ai) “by-law” means a by-law promulgated by a municipality.

- (aj) “community association” means a duly constituted organization which represents the interests of a community or defined group of persons.
- (ak) “constitution” means the Constitution of the Republic of South Africa, 1996. (Act 108 of 1996).
- (al) “contiguous” in relation to land means any areas of land which have a common boundary or boundaries.
- (am) “day” when used to define time periods in this Act means a calendar day.
- (an) “determine” in relation to any application or appeal, means to decide on the approval or refusal of the application and decide or decision has the same meaning.
- (ao) “develop” in relation to land means the erection of buildings on land, the change of the permitted use of land or the subdivision of land and includes the installation of engineering services on land for which approval is required in terms of this Act and development has the same meaning.
- (ap) “development application” means a development application as contemplated in Chapter 6.
- (aq) “development contribution” means the payment required to be made by an applicant to the municipality in respect of an external engineering service, refuse site or parks or open space as provided for in Chapter 8.
- (ar) “diagram” means a diagram approved by the Surveyor General in terms of the Land Survey Act, 8 of 1997.
- (as) “engineering service” means the facilities for the provision of water, sewerage, electricity, municipal roads and stormwater drainage, and refuse sites required for the purpose of land development as prescribed.
- (at) “environmental legislation” means the National Environment Management Act, 107 of 1998, or any subsequent legislation which has the same or similar effect.

- (au) “erf” means an area of land in a township shown on a general plan or diagram as an erf, lot, plot or stand registered in a deeds registry and includes a portion of such erf or consolidation of such erven registered in a deeds registry.
- (av) “Executive Council” means the executive council of the Province established under section 132 of the Constitution.
- (aw) “existing scheme” means a town planning scheme in terms of the Town Planning and Townships Ordinance, 15 of 1986, Annexure F of the Black Communities Development Act, 102 of 1982, or any other similar system for determining and regulating the use and development of land.
- (ax) “external engineering service” means an engineering service situated outside the boundaries of a land area and which is necessary, as prescribed, to serve the use and development of that land area.
- (ay) “farm” means an area of land identified and described as such on a diagram in terms of the Land Survey Act, 8 of 1997 and includes a portion of a farm similarly identified.
- (az) “general plan” means a general plan approved by the Surveyor General in terms of the Land Survey Act, 8 of 1997.
- (ba) “interested party” in relation to a land use scheme or an application means any person or body which has submitted comment, representations or has opposed the approval of an application in terms of this Act or a land use scheme in accordance with any procedures prescribed in this Act or land use scheme.
- (bb) “internal engineering service” means an engineering service within the boundaries of a land area and which is to be owned and operated by the municipality or service provider as prescribed.
- (bc) “land” means any erf, agricultural holding or farm portion and includes any improvement or building on the land.

- (bd) “land area” means the total area of erven, agricultural holdings and/or farm portions which are the subject of an application in terms of this Act or a land use scheme.
- (be) “land use” means the purpose for which land is developed or used or may be developed or used in terms of a land use scheme or existing scheme, including any conditions related to such land use purpose.
- (bf) “land use scheme” means the written document, zoning map and registers referred to in Chapter 4 as amended from time to time and includes annexures or schedules to the land use scheme and where the context requires includes an existing scheme.
- (bg) “MEC” means a member of the Executive Council of the province and “An MEC” means an MEC responsible for a matter referred to in this Act.
- (bh) “municipal area” means the area of jurisdiction of the municipality in terms of the Local Government : Demarcation Act, 27 of 1998.
- (bi) “municipal council” means a municipal council referred to in section 157 of the Constitution.
- (bj) “municipal department” means any department or division of a municipality under the direction of the municipal manager and includes a municipal entity as contemplated in the Local Government : Municipal Systems Act, 32 of 2000.
- (bk) “municipal integrated development plan” means the integrated development plan adopted in terms of Chapter 5 of the Local Government : Municipal Systems Act, 32 of 2000.
- (bl) “municipal manager” means the person appointed as such in terms of the Local Government : Municipal Structures Act, 117 of 1998 and includes a municipal official delegated by the municipal council or by law to perform any function of the municipal manager and “city manager” has the same meaning.

- (bm) “municipal official” means a person in the employ of the municipality who has been delegated to perform any function of the municipality or any function for which the municipal manager is responsible.
- (bn) “municipal road” means a road, street or similar public thoroughfare shown on a General Plan or diagram or a road established by law which is owned by or which vests in a municipality including a servitude for such road purposes.
- (bo) “municipality” means the municipality as envisaged in section 155(1) of the Constitution and for the purposes of this Act includes a municipal department and a municipal entity.
- (bp) “notify” means giving notice to the general public and any specified person or body as contemplated in this Act in the manner prescribed and “notice” or “notification” has a similar meaning.
- (bq) “objection” means any comment or representation, other than by a municipal department, which in whole or in part opposes the approval of an application in terms of this Act or a land use scheme and “objector” has a similar meaning.
- (br) “open space” in relation to a land area means an open area of land set aside or to be set aside for use as an area for recreation, social or similar purposes, irrespective of the ownership of such land.
- (bs) “opposed” means any matter to which objections have been lodged, or in respect of which representations or comments have been made which oppose the approval of that matter and “oppose” has a similar meaning.
- (bt) “organ of state” means an organ of state as defined in section 239 of the Constitution.
- (bu) “owner” means the person registered in a deeds registry as the owner of land or the owner in law and where the context requires, includes an owner’s duly appointed representative.

- (bv) “parastatal body” means an organisation, other than an organ of state, established by law to perform a function or provide a service on behalf of national, provincial or municipal government.
- (bw) “park” means an area of land designated as a park on a general plan or diagram approved by the Surveyor General in terms of the Land Survey Act, 8 of 1997.
- (bx) “part of land” means an area of land which is part of an erf, agricultural holding or a farm portion which is not separately defined on a diagram or general plan in terms of the Land Survey Act, 8 of 1997.
- (by) “person” means any natural or juristic person including an organ of state.
- (bz) “Premier” means the head of the Executive Council of the province including an MEC acting under delegation by the Premier.
- (ca) “prescribed” means prescribed in this Act or by regulation in terms of this Act and includes any matter determined by notice published by the Premier or MEC.
- (cb) “Province” means the province of Gauteng.
- (cc) “provincial plan” means the provincial long-term plan, provincial integrated development plan or provincial spatial development framework as contemplated in Chapter 2.
- (cd) “provisional general plan” means a general plan which is provisionally approved in terms of section 14 of the Land Survey Act, 8 of 1997.
- (ce) “public open space” means any park, square, garden or similar open area of land for use by the public which is owned by or which vests in the municipality but excludes a street, road or thoroughfare.
- (cf) “public place” means any open or enclosed place, square, garden or park, municipal, road or thoroughfare or other similar area of land shown on a general plan or diagram which is for the use of the general public and is

- owned by or vests in the municipality and includes a servitude for any similar purpose.
- (cg) “publish” means publish by notice in the Gauteng Provincial Gazette and publication has a similar meaning.
- (ch) “Registrar of Deeds” means the registrar of deeds in terms of the Deeds Registries Act, 47 of 1937.
- (ci) “refuse site” means an area of land owned and used by the municipality for the disposal of refuse or solid waste.
- (cj) “regulation” means a regulation published in terms of this Act.
- (ck) “representation” means representation made in terms of Chapters 4 or 6 and representation includes comments.
- (cl) “restrictive condition” means any condition registered against the title deed of land restricting the use, development or subdivision of the land concerned.
- (cm) “rezone” means to amend a land use scheme in respect of a specified area of land to change the category of land use in a land use scheme or a change to any rights, obligations or conditions of the land use category or land area irrespective of whether or not the category of land use is changed and rezoning has the same meaning
- (cn) “road” means a municipal road and any public road or thoroughfare including a servitude for public road purposes and a road established by law.
- (co) “secretary” means the secretary of the appeal tribunal contemplated in Chapter 5.
- (cp) “service provider” means the body responsible for the provision of an engineering service where the engineering service concerned is not provided by the municipality.
- (cq) “services appeal board” means the services appeal board established in terms of the Town Planning and Townships Ordinance, 15 of 1986.

- (cr) “settlement” means an area of land which is not a township and which is occupied or to be occupied by a group of persons mainly for residential purposes and has been declared as such in terms of Chapter 6.
- (cs) “shelter” means a structure, other than a building, erected and used for the purpose of human habitation.
- (ct) “spatial plan” means a provincial spatial development framework or a municipal spatial development framework, as contemplated in section 13 of this Act.
- (cu) “Surveyor General” means the Surveyor General as defined in the Land Survey Act, 8 of 1997.
- (cv) “title deed” means any deed registered in a deeds registry recording the ownership of land.
- (cw) “this Act” includes the regulations made in terms of this Act.
- (cx) “township” means an area of land divided into erven, and may include public places and roads and which is indicated as a township on a general plan.
- (cy) “Townships Board” means the townships board established in terms of the Town Planning and Townships Ordinance, 15 of 1986.
- (cz) “township register” means the subdivision register of a township in terms of the Deeds Registries Act, 47 of 1937.
- (da) “transfer” means the registration of transfer of ownership of land in terms of the Deeds Registries Act, 47 of 1937.
- (db) “zone” means a category of land use or an area of land to which particular conditions apply in terms of a land use scheme or existing scheme.

Use of definitions

- 2 The definitions in section 1 shall apply to and be used in any land use scheme in terms of this Act.

Planning and Development Principles

- 3 (1) The provisions of this Act must be interpreted and applied with the purpose of achieving an effective, efficient and integrated system of land use planning and development in the Province.
- (2) To achieve the purposes set out in subsection (1), all matters provided for in this Act shall be carried out with the aim of:
- (a) facilitating land development;
 - (b) ensuring that spatial plans, development policies, strategies and land development programmes of municipal, provincial and national government are coordinated and aligned;
 - (c) formulating spatial plans which act as a general indicative framework for land development; and
 - (d) eliminating unnecessary administrative delay and regulatory control in the land development process.
- (3) Spatial planning and land development shall have due regard to any principles established in national planning and development legislation.
- (4) For the purposes of this section the Premier may from time to time prescribe particular principles for spatial planning or issue guidelines for land development in the province.

Application of the Act

- 4 This Act constitutes legislation in terms of section 104 of the Constitution and applies to the planning, use and development of all land in the province.

CHAPTER 2

PLANNING AND DEVELOPMENT

Provincial plans

- 5 (1) The Executive Council shall, from time to time as may be prescribed, adopt and amend provincial plans for the development and management of land use in the province.
- (2) Provincial plans have the purpose of coordinating, integrating and aligning:
- (a) provincial plans and development strategies with policies of national government;
 - (b) all plans and development strategies of provincial departments; and
 - (c) provincial and municipal plans and development strategies which relate to land use and its development.

Long-term development plan

- 6 (1) The Executive Council may adopt and amend a long-term development plan for the province.
- (2) The long-term development plan for the province is to set out the vision, goals and objectives for development in the province for a period of 20 years or more in the future.
- (3) After the adoption or amendment of the long-term development plan the Premier shall give notice thereof in the Provincial Gazette and by any other means considered appropriate.

Provincial Integrated Development Plan

- 7 (1) The Executive Council shall, at least every five years, adopt a provincial integrated development plan which sets out the strategic development

objectives for the province and which coordinates and integrates the plans, strategies and land development programmes of all provincial departments.

- (2) The provincial integrated development plan may be amended from time to time as is considered necessary.
- (3) The purpose of the provincial integrated development plan is to provide:
 - (a) a framework for provincial social and economic development strategies and development programmes in the province;
 - (b) a framework for the allocation of provincial resources and for preparing the expenditure budget of the Gauteng Provincial Government;
 - (c) for the integration and coordination of plans of all departments of the Gauteng Provincial Government;
- (4) The preparation of the provincial integrated development plan must:
 - (a) take into account any relevant national development policies;
 - (b) be undertaken in consultation with the municipalities in the province; and
 - (c) provide for consultation with relevant organs of state and with the private sector.
- (5) The provincial integrated development plan shall, in addition to any other matters prescribed, include:
 - (a) an evaluation of existing provincial policies, programmes, projects and plans;
 - (b) an evaluation of existing resources;
 - (c) a financial framework for development; and

(d) projects, quantitative targets and time periods for achieving land development objectives.

(6) When the provincial integrated development plan is adopted or amended, the Premier shall give notice of such adoption or amendment in the Provincial Gazette and in any other manner considered appropriate.

Provincial Spatial Development Framework

8 (1) The Executive Council shall adopt a provincial spatial development framework for the province at least every five years and may amend the provincial spatial development framework from time to time.

(2) After the adoption or amendment of the provincial spatial development framework the Premier shall publish notice thereof.

Purpose of the Provincial Spatial Development Framework

9 The purpose of the provincial spatial development framework is to:

- (1) provide a spatial representation of the land development objectives of the provincial integrated development plan;
- (2) indicate the desired and intended pattern of land use development in the province;
- (3) coordinate and integrate the spatial plans of provincial departments;
- (4) provide a framework for coordinating municipal spatial development frameworks; and
- (5) promote the coordination of municipal spatial development frameworks and the provincial spatial development framework.

Content of the Provincial Spatial Development Framework

10 The provincial spatial development framework shall, in addition to any other matters considered necessary, include:

- (1) a description of and maps indicating the desired spatial development pattern of the province; and
- (2) any spatial aspects of relevant national and provincial plans, development strategies and programmes.

Effect of the Provincial Spatial Development Framework

- 11 (1) On publication of a notice of its adoption or amendment the provincial spatial development framework becomes the reference guideline for the preparation and interpretation of development plans, projects and programmes of all provincial departments.
- (2) All development plans, policies, projects and programmes of provincial departments must be consistent with the provincial spatial development framework.
 - (3) The provincial spatial development framework shall be used to guide and inform decisions by municipalities and the appeal tribunal but shall not be interpreted as being prescriptive.
 - (4) In the event of any inconsistency between the provincial spatial development framework and a municipal spatial development framework, the municipal spatial development framework shall be used for reference purposes.
 - (5) The provincial spatial development framework does not confer on any person the right to use or develop any land except as may be approved in terms of this Act.

Preparation of the Provincial Spatial Development Framework

- 12 (1) The preparation or amendment of the provincial spatial development framework shall include consultation with:
- (a) all provincial departments;
 - (b) all municipalities;

- (c) where relevant, other organs of state and parastatal organisations;
and
 - (d) any other persons or bodies which may be appropriate.
- (2) The process of consultation shall:
- (a) have regard to the plans and development strategies of national government departments, provincial departments, municipalities and parastatal organisations; and
 - (b) provide for the draft provincial spatial development framework to be referred to the bodies referred to in subsection (1) for comment.
- (3) Every body to which the draft provincial spatial development framework has been referred may, as prescribed, submit its comments thereon to the Executive Council.
- (4) After receipt and consideration of the comments referred to in subsection (3), the Executive Council shall adopt the provincial spatial development framework with or without any amendments.

Municipal Spatial Development Frameworks

- 13 (1) In addition to the requirements of the Local Government : Municipal Systems Act, 32 of 2000, a spatial development framework of a municipality shall, with reference to section 26(e) of that Act, include the matters and information referred to in subsection (2) to ensure the effective and efficient planning, development and management of land use by the municipality.
- (2) In order for municipal land use planning and development to be effective for the purposes of this Act, a municipal spatial development framework must include:
- (a) a review of existing land use patterns in the municipality and a statement of issues to be addressed;

- (b) a plan showing the desired pattern, including the density or intensity, of land uses;
 - (c) the future development of roads and transport infrastructure;
 - (d) a statement of priorities for the development of any particular land uses or land areas within the municipality and the strategies to be implemented to achieve such priorities;
 - (e) a programme for the development of any particular land uses or land areas within the municipality; and
 - (f) a programme for the provision of engineering services to serve the development of the desired pattern of land use.
- (3) In accordance with section 35(1)(a) of the Local Government: Municipal Systems Act, a municipal spatial development framework shall be used to guide and inform the land use and development decisions of the municipality and nothing in a municipal spatial development framework shall be interpreted to limit the discretion of the municipality in determining any application in terms of this Act or an existing scheme or land use scheme.
- (4) After the municipal spatial development framework has been adopted by the municipal council the municipality shall give notice thereof in the Provincial Gazette.
- (5) Where a municipality adopts any plan or policy in relation to land use or development which has the same purpose as a municipal spatial development framework, such plan or policy shall be fully set out in or annexed to the municipal spatial development framework and the provisions of subsection (4) shall apply to such plan or policy.

CHAPTER 3

PLANNING AND DEVELOPMENT FUNCTIONS OF THE PROVINCE

Provincial planning and development

14 (1) In order to give effect to provincial planning and development, the requirements of Chapter 2 and the provisions of this Act the Premier shall make the necessary arrangements and the delegation of responsibilities within the province for:

- (a) the preparation of and recommendations for adoption by the Executive Council of:
 - (i) the long-term development plan for the province;
 - (ii) the provincial integrated development plan; and
 - (iii) the provincial spatial development framework
- (b) the preparation of provincial development policy and guidelines for planning and development in terms of this Act;
- (c) the coordination of all plans, strategies and policies of provincial departments relating to development and land use;
- (e) the review from time to time and where necessary the amendment of the plans referred to in paragraph (a) and the policies and guidelines referred to in paragraph (b);
- (f) promoting the coordination and alignment of provincial plans with municipal planning including, but not limited to, municipal integrated development plans and municipal spatial development frameworks.

(2) The Premier shall:

- (a) consult with any bodies, including organs of state, to ensure the coordination of activities related to the development and planning of land use in the province;
- (b) where necessary, coordinate provincial development municipal planning and environmental management matters relating to development and land use applications;
- (c) establish and manage a planning and development information system for the province;
- (d) promote the capacity of those involved in planning and development in the province;
- (e) monitor and review all legislation relating to development and land use in the province for consideration by the Executive Council; and
- (f) provide for the secretarial requirements and administrative support of the appeal tribunal.

CHAPTER 4

LAND USE SCHEMES

Purpose of a land use scheme

- 15 (1) The purpose of a land use scheme is to determine and to regulate the use and development of land in the municipal area to which it relates.
- (2) The provisions of a land use scheme determine the permitted development and use of land in order to promote:
- (a) the land development policies of the municipality and of provincial and national government;
 - (b) the development and use of land in the general interest of public welfare both economically and socially;
 - (c) the reasonable protection of individual and community interests in land;
 - (d) the economic and sustainable use and development of land;
 - (e) the protection of valuable natural features and the conservation of heritage sites and areas of public value; and
 - (f) the limitation of nuisance and undesirable conditions in the use and development of land
- in a balanced and coordinated manner.

Preparation and adoption of a land use scheme

- 16 (1) Except as provided in subsection (3), every municipality shall within five years of coming into operation of this Act prepare and adopt a single land use scheme for the whole area of its jurisdiction.

- (2) The preparation of a land use scheme shall be in accordance with the requirements and procedures prescribed.
- (3) With the agreement or at the request of its constituent local municipalities, a district municipality may prepare a land use scheme for the area of the district municipality.
- (4) Where a municipality advises the Premier that it is unable to prepare or it fails to prepare a land use scheme as prescribed, the Executive Council may do so on its behalf in accordance with the provisions of section 139 of the Constitution.
- (5) After a land use scheme has been prepared, which shall be known as a draft land use scheme, and before its adoption, the municipality shall give notice thereof as prescribed.
- (6) Any person or body may submit objections or representations in respect of a draft land use scheme, as prescribed.
- (7) Simultaneously with the notice referred to in subsection (5), the municipality shall submit the draft land use scheme to the Premier for comment.
- (8) The municipality shall consider the objections and representations submitted in terms of subsection (6) and any comments of the Premier in terms of subsection (7), and may amend its draft land use scheme accordingly.
- (9) The municipality shall adopt its draft land use scheme with or without any amendments.
- (10) After the land use scheme has been adopted, it shall be known as an approved land use scheme and the municipal manager shall publish notice thereof as prescribed.
- (11) After notice has been given in terms of subsection (10), any interested party who is aggrieved by the provisions of the land use scheme may appeal as prescribed.

Form and content of a land use scheme

17 (1) A land use scheme must include, in the form prescribed:

- (a) a document containing the written provisions, procedures and conditions relating to the use and development of land;
- (b) a zoning map indicating the categories of land use referred to in the written document;
- (c) a register of all applications in terms of this Act together with a record of their approval or refusal;
- (d) a register of all applications in terms of the land use scheme together with a record of their approval or refusal; and
- (e) a register of all approved amendments to a land use scheme including any annexures or schedules relating to an amendment of the land use scheme.

(2) A land use scheme may as prescribed include provisions relating to:

- (a) the purposes for which land may only be used or developed with the consent of the municipality;
- (b) the relaxation or variation of conditions of a land use scheme;
- (c) procedures required in terms of the land use scheme other than any procedures prescribed in terms of this Act; and
- (d) the persons to whom a copy of any land use application must be circulated.

(3) where any provision in a land use scheme is in conflict with the provisions of this Act, the provisions of this Act shall prevail.

Status of a land use scheme

- 18 (1) An approved land use scheme comes into effect on the date of publication of the notice in terms of sections 16(10) or 65(1) whichever is the later.
- (2) An amendment of a land use scheme comes into effect on the date of publication of the notice in terms of sections 16(10), 20(8), 21(9), 39(1), 54(1), 55(8), 56(9) or 65(1) whichever date is the latest.
- (3) Subject to section 19, on the coming into effect of a land use scheme in terms of subsection (1) or its amendment in terms of subsection (2):
- (a) has the force of law and binds all owners of land including a municipality, all organs of state and any other person having a right or interest in land; and
 - (b) replaces all existing schemes within the municipal area to which the land use scheme applies.
- (4) Nothing in a land use scheme shall override a restrictive condition in a title deed if such condition is more restrictive than the provisions of the land use scheme.

Conflict with existing schemes

- 19 (1) Where the provisions of an approved land use scheme conflict with and are more onerous or restrictive than in an existing scheme, the less restrictive provisions of the existing scheme shall apply for a period of 5 years from the date referred to in section 18(1).
- (2) The provisions of subsection (1) shall not apply to any amendment of a land use scheme approved after the date of the notice referred to in section 18(1).
- (3) Notwithstanding the provisions of section 18(3), the use of any building for which building plans have been approved on or prior to the date referred to in section 18(1), may continue to be used as if the land use scheme had not come into effect.

- (4) Notwithstanding the provisions of subsection (3), any building plans submitted before but not yet approved on the date referred to in section 18(1) shall be approved in terms of the applicable existing scheme replaced by a land use scheme.
- (5) If a building is altered or extended after the date on which a land use scheme comes into effect, the provisions of the land use scheme shall only apply to such alterations and extensions.
- (6) The provisions of subsections (3), (4) and (5) shall not apply if a building is demolished after a land use scheme has come into effect.

Review of a land use scheme

- 20 (1) A municipality may at any time review the provisions of its land use scheme and shall do so at least every 5 years.
- (2) The municipality shall prepare a report on the review of its land use scheme including any recommendations on the amendment of the provisions of the land use scheme as prescribed.
- (3) A copy of the report referred to in subsection (2) shall be submitted to the Premier for comment within the time period prescribed.
- (4) After receipt of the comments of the Premier or if no such comments have been received, the municipal manager shall submit the report to the municipal council, including the comments of the Premier if any, for consideration.
- (5) After consideration of the report the municipal council may adopt the recommendations of the report with or without amendment.
- (6) Where the municipal council has adopted any recommendation to amend its scheme, the municipality shall amend its land use scheme in accordance with the provisions of section 21.
- (7) Where the boundaries of a municipal area are altered, the municipality shall within 1 year or such longer period as the Premier may allow, prepare and

adopt an amendment of its land use scheme accordingly and in accordance with the provisions of section 21.

- (8) On amendment of the land use scheme in terms of subsections (6) or (7) the municipal manager shall publish notice thereof as prescribed.
- (9) Until such time as a land use scheme has been amended as referred to in subsection (7), the provisions of a land use scheme or existing scheme applicable to the area affected by the altered municipal boundaries shall remain in force.

Amendment of a land use scheme by a municipality

- 21 (1) In addition to an amendment of a land use scheme in terms of section 20 a municipality may prepare and adopt an amendment of its land use scheme:
- (a) in respect of any land owned by the municipality; or
 - (b) in respect of any other area of land for the purpose of promoting or achieving the land development objectives of its spatial development framework.
- (2) An amendment of a land use scheme prepared in terms of this section or section 20(6) or (7) shall be known as a draft amendment scheme.
 - (3) The municipality shall give notice of a draft amendment scheme as prescribed.
 - (4) Any person to whom notice has been given of a draft amendment scheme may submit objections or representations in respect of the draft amendment scheme as prescribed.
 - (5) the municipality shall consider the draft amendment scheme and any objections or representations and may:
 - (a) adopt the amendment scheme with or without any further amendment; or

- (b) may resolve not to adopt the amendment scheme.

- (6) If any objections or representations were made in terms of subsection (4) the municipal manager shall notify all interested parties of the decision in terms of subsection (5) as prescribed.

- (7) On the written request of any objector, the municipality shall provide the reasons for the decision referred to in subsection (5).

- (8) Any objector aggrieved by the decision may appeal as prescribed.

- (9) After the approval of any amendment in terms of this section and if no appeal is lodged, the municipal manager shall publish a notice of such approval as prescribed.

CHAPTER 5

LAND USE REGULATION

Municipal land use regulation

22 (1) A municipality shall establish any necessary structures and procedures for the management of land use, the determination of applications and the administration of any other matters required in terms of this Act.

(2) The procedures and administration referred to in subsection (1) shall not be in conflict with the provisions of this Act.

Establishment of the municipal appeal tribunal

23 (1) An appeal tribunal is hereby established which is an inter-municipal appeal tribunal.

(2) The appeal tribunal shall be appointed jointly by all the municipalities in the province as prescribed.

(3) On the coming into operation of this Act, every municipality shall, subject to section 24, prepare a list of the names of not more than twelve persons to be considered for appointment as members of the appeal tribunal and shall submit such list to the Premier.

(4) Of the persons nominated by each municipality not more than one half may be in the fulltime employment of the province or a municipality.

(5) In addition to the persons referred to in subsection (3) the Premier may identify such other persons as he or she considers appropriate for appointment as members of the appeal tribunal.

(6) The Premier shall prepare a schedule of the names of all the persons referred to in subsections (3) and (5) and shall submit such schedule to the municipalities for consideration.

- (7) In consultation with the municipalities the Premier shall, subject to section 24(3), record the names of as many of the persons as considered necessary and shall, on behalf of the municipalities, give notice of the names of such persons in the Provincial Gazette.
- (8) On publication of the notice referred to in subsection (7) the persons whose names appear in the notice shall be the members appointed to the appeal tribunal.
- (9) In terms of sections 41(h) and 154 of the Constitution, the Premier shall after consultation with the municipalities determine:
- (i) the location of the office where the appeal tribunal shall be situated;
 - (ii) provisions for and the performance of all functions necessary to the operation of the appeal tribunal
 - (iii) the terms and conditions of employment of members of the appeal tribunal
 - (iv) the appointment and remuneration of officials to perform the administrative functions of the appeal tribunal; and
 - (v) in consultation with the MEC for finance the payment of all expenses relevant to the operation of the appeal tribunal
- (10) The Premier shall appoint a secretary to the appeal tribunal.

Composition of the appeal tribunal

- 24 (1) The members of the appeal tribunal shall be persons appointed by reason of their qualifications in and knowledge and experience of planning and development or the law related thereto.
- (2) A member of the appeal tribunal shall be appointed for a period of 5 years provided that on the expiry of the 5 year period such member may be re-appointed.

- (3) One half of the members of the appeal tribunal shall be persons who are in full-time employment of the province or the municipalities
- (4) In consultation with the municipalities, the Premier shall designate;
 - (a) A member of the appeal tribunal as chairperson; and
 - (b) A member as deputy chairperson when the chairperson is absent or unable to perform his or her functions
- (5) The chairperson must designate three but not more than four members of the appeal tribunal to hear, consider and decide a matter which comes before it and shall designate one of such members as the presiding officer.
- (6) The members designated in terms of subsection (5) shall include at least one member who is in the full-time employment of the province or a municipality and one member who is not so employed.
- (7) After the period of 5 years referred to in subsection (2) has expired the further appointment of members of the appeal tribunal shall be in accordance with the provisions of section 23.

Functions of the appeal tribunal

- 25 (1) The appeal tribunal shall consider and determine all appeals and any other matters referred to it in terms of this Act.
- (2) The appeal tribunal must keep a record of all its proceedings.
 - (3) The appeal tribunal must provide its reasons for any decision or determination made as prescribed.
 - (4) The appeal tribunal shall as prescribed perform such functions as are designated to the Townships Board in terms of any other law.

Powers of the appeal tribunal

- 26 (1) The appeal tribunal may:

- (a) make any decision which could have been made by a municipality and may uphold or dismiss an appeal and impose any conditions with regard to the subject of an appeal;
- (b) make any appropriate determination regarding all matters necessary or incidental to the performance of its functions in terms of this Act;
- (c) conduct any necessary investigation;
- (d) give directions relevant to its functions to any person in the service of the provincial administration, a provincial public entity, provincial government business enterprise, municipality relevant to matters referred to in this Act;
- (e) decide any question concerning its own jurisdiction;
- (f) subpoena any person to appear before it;
- (g) determine any matters referred to it on the grounds of failure by a municipality to register or determine an application within the prescribed period;
- (h) determine appeals relating to engineering services and development charges; and
- (i) make an order as to costs.

(2) A decision of the appeal tribunal is final.

Disqualification from membership of the appeal tribunal

27 (1) A person may not be appointed or continue to serve as a member of the appeal tribunal, if that person:

- (a) is not a citizen of the Republic, and resident in the province;
- (b) is a member of parliament, a provincial legislature, a house of traditional leaders or a municipal council in terms of the constitution.

- (c) is an un-rehabilitated insolvent;
- (d) is of unsound mind, as declared by a court;
- (e) has at any time been convicted of an offence involving dishonesty;
- (f) has at any time been removed from an office of trust on account of misconduct; or
- (g) has previously been removed from the tribunal for a breach of any provision of this Act.

- (2) A member must vacate office if that member becomes subject to a disqualification as contemplated in subsection (1).

Conflicts of interest

28 (1) A member of the appeal tribunal:

- (a) must make full disclosure of any conflict of interest including any potential conflict of interest in any matter which he or she is designated to consider;
- (b) may not attend, participate or vote in any proceedings of a tribunal in relation to any matter in respect of which the member has a conflict of interest.

(2) For the purposes of this section, a member has a conflict of interest if:

- (a) the member, or a family member, partner or business associate of the member is the applicant in terms of this Act, or has a pecuniary or other interest in the matter before the tribunal; or
- (b) the member has any other interest that may preclude, or may reasonably be perceived as precluding the member from performing the functions of the member in a fair, unbiased and proper manner.

- (c) the member is in the full-time employment of a provincial department, organ of state or service provider which is a party to the appeal

Termination of membership of the appeal tribunal

- 29 (1) The Premier may, at any time, remove any member of the appeal tribunal from office if, in the opinion of the Premier there are good reasons for doing so, after giving such a member an opportunity to be heard.
- (2) The reasons for removal referred to in subsection (1) may include, but are not limited to:
- (a) misconduct, incapacity or incompetence; and
 - (b) failing to comply with any provisions of this Act.
- (3) If a member's appointment is terminated or a member resigns, the Premier may in consultation with the municipalities appoint a person to fill the vacancy for the unexpired portion of the vacating member's term of office.
- (4) The functions of the appeal tribunal shall not be affected if any member resigns or his or her appointment is terminated.

CHAPTER 6

DEVELOPMENT AND LAND USE

Development and use of land

- 30 (1) Except where the development and use of land has been approved in terms of legislation in force prior to the coming into operation of this Act and is permitted in terms of an existing scheme or land use scheme, or has been approved in terms of this Chapter, the use and development of land shall only take place in terms of the provisions of this Act.
- (2) Where the development and use of land requires approval in terms of this Act, a land use scheme or existing scheme for any purpose referred to in sections 31 or 46, the owner of that land shall submit an application for such approval as prescribed.

Development applications

- 31 (1) A development application shall be made for any one or more of the following purposes:
- (a) the establishment of a township or the extension of the boundaries of a township;
 - (b) the amendment of an existing scheme or land use scheme;
 - (c) the removal, amendment or suspension of a restrictive condition, servitude or reservation registered against the title of the land;
 - (d) the amendment or cancellation of a general plan of a township;
 - (e) the permanent closure of a municipal road or public place;
 - (f) the subdivision of any land where such subdivision is not expressly provided for in a land use scheme; and

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- (2) A single development application may include more than one of the purposes in subsection (1) and may also include any matters for which an application is required in terms of section 46..
- (3) Where a development application includes a matter referred to in subsections (1) or (2) for which any procedure is contained in an existing scheme, the procedures prescribed in this Act shall apply.
- (5) A development application shall be submitted to the municipality through the municipal manager.
- (6) A development application may be submitted by:
- (a) the owner or owners, including the state, of the land concerned;
 - (b) a person acting as the duly authorized agent on behalf of the owner or owners; or
 - (c) a person to whom the land concerned has been made available for development in writing by an organ of state or such person's duly authorized agent.
- (7) An application for the amendment or the partial or total cancellation of a general plan of a township:
- (a) may only be made by or on behalf of a person or persons who is or are the owner or owners of all the erven affected by such amendment or cancellation;
 - (b) may not include the alteration of the name of the township if such township has been registered in a Deeds Registry; and
 - (c) shall not adversely affect any proclaimed provincial or national road
 - (d) shall be subject to any other procedures prescribed.

Development application procedure

- 32 (1) Except as otherwise provided a development application shall be lodged with the municipal manager as prescribed.
- (2) On a development application being lodged the municipal manager shall, against delivery thereof, acknowledge receipt in writing.
- (3) After a development application has been lodged, including the payment of any application fee, the municipal manager shall register the application and notify the applicant thereof as prescribed.
- (4) A municipal manager may refuse to register a development application if the application does not comply with the prescribed requirements including the payment of any prescribed application fee.
- (5) If the municipal manager refuses to register a development application he or she shall provide the applicant with the reasons for such refusal in writing as prescribed.
- (6) Where a municipal manager fails or refuses to register a development application the applicant may appeal and shall notify the municipality accordingly.

Notification

- 33 (1) After a development application has been registered or if the applicant has lodged an appeal in terms of section 32(6), the applicant shall give notice of the application as prescribed.
- (2) The applicant shall submit proof of the notification of the application to the municipality as prescribed.
- (3) If the applicant fails to give notice within a period prescribed in terms of subsection (1) or to circulate the application in terms of section 34, the municipality may cancel the registration of the application.

- (4) Any person or body who has an interest in or may be affected by the application may object or submit representations in writing as prescribed.

Circulation

- 34 (1) Simultaneously with the notice referred to in section 33(1), the applicant shall forward a copy of the notice together with any relevant application documents to every municipal department, organ of state, parastatal body and to any service provider as prescribed.
- (2) The applicant shall submit proof of circulation of the application to the municipality.
- (3) A municipal department, organ of state, parastatal body or service provider shall submit its comments on the application and submit a copy thereof to the applicant as prescribed.
- (4) The municipality may within the time period prescribed request an applicant to provide supplementary information to any application document or report.
- (5) If an applicant fails to submit proof of circulation or to provide the supplementary information referred to in subsections (2) and (4) the municipality may refuse the application.
- (6) If any municipal department, organ of state, parastatal body or service provider fails to submit its comments within the time period prescribed, it shall be deemed that it has no comments or requirements.
- (7) The applicant may, as prescribed, reply to any objections, representations or comments and shall submit such reply to the municipality or secretary of the development appeal tribunal as the case may be.

Consideration

- 35 (1) After the periods prescribed in terms of sections 33 and 34, the municipality shall consider the application.

- (2) If an application is not opposed or if any representations or requirements in response to the application have been agreed to by the applicant, the municipality shall, subject to subsection (5), approve the application and shall notify the applicant of such approval.
- (3) Before a municipality approves a development application it shall submit a copy of the proposed approval including all the conditions of such approval, to the applicant for comment as prescribed.
- (4) If the applicant is not prepared to accept the terms or any conditions of approval the municipality may refuse the application.
- (5) In considering a development application the municipality shall follow such procedures as may be necessary in order to satisfy the requirements of the Promotion of Administrative Justice Act, 3 of 2000.
- (6) Where a municipality fails to consider and determine a development application within the time period prescribed, the applicant may appeal.

Determination of development applications

- 36 (1) A development application shall be considered and decided by the municipality not later than 180 days after the date of notification referred to in section 33.
- (2) In determining an application the municipality may:
 - (a) approve the application in whole or in part;
 - (b) approve the application with amendments;
 - (c) approve the application subject to any appropriate conditions; or
 - (d) refuse the application.
 - (3) If the municipality intends to approve an application subject to any amendments or conditions not previously agreed to by the applicant it shall,

before finalising its approval, advise the applicant in writing of its proposed amendments or conditions.

- (4) The applicant may within 14 days comment to the municipality on any proposed amendments or conditions.
- (5) The municipality shall consider the comments of the applicant, if any, and shall finalise its decision with or without the amendment of any conditions referred to in subsection (3).

Conditions of approval

37 (1) The conditions of approval of a development application shall if applicable include a separate statement of any conditions:

- (a) to be complied with prior to the registration of transfer in a Deeds Registry of any land in the land area; and
- (b) to be registered as conditions of title in the transfer of any land in the land area;

and such statement shall be known as the conditions of establishment.

- (2) If a condition of approval requires a payment of a development contribution by the applicant for the provision and installation of external engineering services it shall state the amount of such payment required for each such engineering service as prescribed in terms of Chapter 8 and the municipality shall provide the applicant with the particulars of the calculation of such development charges.
- (3) If a condition requires the payment of a development contribution by the applicant in respect of parks or open space or refuse sites it shall state the amount and method of calculation of such payment as prescribed in terms of Chapter 8.
- (4) The conditions relating to any payment referred to in subsections (2) or (3) may include a proviso that before such payment is made, the amount of such payment may be amended.

- (5) The approval of the establishment of a township in a development application on any agricultural holding includes the approval of excision of such holding in terms of the Agricultural Holdings (Transvaal) Regulation Act, 22 of 1919.
- (6) The approval of a township may provide that the township may be developed in phases and that the installation of engineering services and the development contributions may be made separately for each phase of development of the township.
- (7) The development of a township in phases shall be subject to such conditions as the municipality considers necessary.

Procedure after the determination of a development application

- 38 (1) After the approval of an application in terms of section 35 or 36 the municipal manager shall inform the applicant thereof in writing as prescribed.
- (2) After the decision on an application which was opposed the municipal manager shall inform the applicant and all interested parties thereof in writing as prescribed.
 - (3) The municipal manager shall record the approval or refusal of an application in the application register as prescribed.
 - (4) Where the approval of an application includes an amendment of the land use scheme, the municipal manager shall record the amendment in the land use scheme register as prescribed and if no appeal is lodged in terms of subsection (5) shall amend the land use scheme accordingly.
 - (5) An applicant or any objector, but excluding a municipal department, who is aggrieved by a decision of the municipality may appeal as prescribed.
 - (6) If the approval of a development application includes the establishment of a township, the extension of the boundaries of a township, the cancellation or partial cancellation or the amendment of a general plan, the general plan, diagrams and any other plans or documents required shall be submitted to the Surveyor General for approval or amendment within 12 months of the

date of publication of the notice of approval of the development application, failing which the approval of the development application shall lapse.

- (7) After the approval, amendment or partial cancellation of the General Plan referred to in subsection (6) the applicant shall, within 12 months of the date of its approval, lodge the General Plan and such other documents as may be prescribed with the Registrar of Deeds failing which the approval of the application shall lapse.
- (8) Where any document submitted to the Surveyor General or Registrar of Deeds with the General Plan contains any errors or omissions, such errors or omissions shall be rectified by the applicant or municipal manager as the case may be.
- (9) The applicant may, before the approval of the application has lapsed in terms of subsections (6) or (7), request the municipal manager to extend the time periods referred to in those subsections and the municipal manager may grant or refuse such request subject to any conditions he or she may consider appropriate.
- (10) Where an approval of a township or extension of the boundaries of a township has lapsed, the municipal manager shall inform the Surveyor General and the Registrar of Deeds accordingly and the Surveyor General shall cancel the general plan or part thereof as the case may be.

Notification of approval

- 39 (1) Where a development application has been approved and no appeal has been lodged, the municipal manager shall publish a notice of the approval as prescribed.
- (2) On publication of a notice of the removal, amendment or suspension of a restrictive condition, servitude or reservation the Registrar of Deeds shall record such removal, amendment or suspension in accordance with the Deeds Registries Act, 47 of 1937.

Change of ownership

- 40 (1) If, at any time prior to the publication of a notice of approval of a development application, the ownership of land in the land area is transferred, the applicant shall inform the municipality and the new owner shall be the applicant from the date of such transfer.
- (2) The new owner referred to in subsection (1) shall assume all the rights and responsibilities of the applicant.

Joint application

- 41 (1) Two or more owners of land may make a single development application provided that the land area in the application forms a single area of erven, agricultural holdings and/or farm portions which are contiguous or which are only separated by a road.
- (2) Where a township is approved on two or more contiguous farm portions such farm portions shall be consolidated prior to the registration of the township in a Deeds Registry and the consolidation of such farm portions shall be deemed to be approved in the approval of the township.

Withdrawal of a development application

- 42 An applicant may at any time before the approval of a development application, withdraw the application and shall inform the municipality accordingly.

Abandonment of a development application

- 43 (1) An applicant may at any time after the approval of a development application but before the publication of the approval, abandon the approval of the application and shall inform the municipality accordingly in writing.
- (2) Where the approval of a development application is abandoned the municipal manager shall make such amendments to any register referred to in section 17 of the Act as may be necessary.

Amendment of a development application

- 44 (1) An applicant may amend a development application at any time prior to its approval, but in the case of an opposed application not later than 14 days prior to any hearing by the municipality or appeal tribunal, as the case may be.
- (2) An amendment of a development application may not include any increase in the extent, intensity or density of the application proposals.
- (3) If any proposed amendment of an application, in the opinion of the municipality or secretary, as the case may be, would have a material effect on the representations or objections of any interested party, the municipal manager or the secretary shall direct the applicant to give notice of the amendment as the municipal manager may determine..
- (4) Any delay caused by the amendment of the development application shall be excluded from the time periods prescribed.
- (5) If the amendment of a development application requires notification in terms of subsection (3) any applicable time periods shall be calculated from the date of notification of the amendment application.
- (6) An applicant may at any time, prior to the determination of the application, inform the municipality or the secretary as the case may be, that he or she is prepared to accept a partial approval of the development application and such proposed partial approval shall not constitute an amendment of the application.

Amendment of the approval of a development application

- 45 (1) An applicant may, at any time before or after a notice of approval of a development application is published, request the municipality or the appeal tribunal as the case may be, for the amendment of any approved plan, conditions of approval or conditions of establishment.
- (2) If the amendment to a plan, conditions of establishment or conditions of approval, in the opinion of the municipal manager or secretary as the case

may be, will have a material affect on the representations or objections of any interested party, the municipality or secretary shall direct the applicant to give notice of the amendment to any relevant interested parties as prescribed.

- (3) Any interested party to whom notice has been given in terms of subsection (2) may oppose the amendment as prescribed.
- (4) The municipality or appeal tribunal may approve or refuse any amendment and shall notify the applicant and all other interested parties thereof.
- (5) The provisions of this section shall not apply to the amendment of conditions of approval or the conditions of establishment of a township approved prior to the commencement of this Act.

Land use applications

46 (1) A land use application shall be made for any of the following purposes:

- (a) the subdivision of any land where such subdivision is expressly provided for in a land use scheme;
- (b) the consolidation of any land;
- (c) the simultaneous subdivision and consolidation of land;
- (d) the consent or approval of the municipality for any purpose in terms of a land use scheme or existing scheme which does not constitute a development application;
- (e) subject to subsection (2) any consent or approval required in terms of a condition of title, a condition of establishment of a township or existing scheme;
- (f) the relaxation, variation or amendment of a condition in a land use scheme or existing scheme; or
- (g) any other matter prescribed.

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- (2) A consent or approval referred to in subsection (1)(e) shall only apply to a condition imposed in terms of:
- (a) The Town Planning and Townships Ordinance, 25 of 1965;
 - (b) The Town Planning and Townships Ordinance, 15 of 1986;
 - (c) The Gauteng Removal of Restrictions Act, 3 of 1996;
 - (d) The Removal of Restrictions Act, 84 of 1967;
 - (e) The Agricultural Holdings (Transvaal) Registration Act, 22 of 1919;
 - (f) The Less Formal Township Establishment Act, 113 of 1991;
 - (g) The Black Communities Development Act, 102 of 1982;
 - (h) The Division of Land Ordinance, 20 of 1986;
 - (i) The Development Facilitation Act, 67 of 1995; or
 - (j) This Act.
- (3) An application for any one or more purposes in subsection (1) shall be known as a land use application..
- (4) A single land use application may include any one or more purposes referred to in subsection (1).
- (5) A land use application may be submitted by:
- (a) the owner or owners; including the state, of the land concerned;
 - (b) a person acting as the duly authorized agent on behalf of the owner or owners; or
 - (c) a person to whom the land concerned has been made available in writing by an organ of state or such person's duly authorized agent.

Land use application procedure

- 47 (1) A land use application shall be lodged through the municipal manager with the municipality as prescribed.
- (2) On a land use application being lodged the municipal manager shall, against delivery thereof, acknowledge receipt in writing.
- (3) After a land use application has been lodged including the payment of any prescribed application fee, the municipal manager shall register the application and notify the applicant thereof in writing as prescribed.
- (4) If the municipal manager fails or refuses to register a land use application he or she shall provide the applicant with the reasons for such refusal in writing as prescribed.
- (5) Where a municipal manager fails or refuses to register a land use application the applicant may appeal as prescribed.

Circulation

- 48 (1) After a land use application has been registered in terms of section 47, the applicant shall forward a copy of the application to every municipal department, organ of state, any service provider and to any other person as required in terms of the land use scheme.
- (2) A municipal department, organ of state or service provider to which a copy of the application has been submitted shall submit its comments to the municipality and to the applicant within the time period prescribed.
- (3) If any municipal department, organ of state or service provider fails to submit its comments within the time period prescribed, it shall be deemed that it has no objection or requirements in respect of the application.
- (4) Any person other than a municipal department, organ of state or service provider to whom a copy of the land use application has been circulated may submit any comments to the municipality as prescribed.

Consideration

- 49 (1) After the prescribed time period for any comments referred to in section 48, the municipality shall consider the application.
- (2) If, after considering the application and any comments in terms of section 48 the municipality is prepared to approve the application, it shall advise the applicant thereof together with any proposed conditions of approval.
- (3) The applicant may comment on the proposed conditions of approval as prescribed.

Determination of a land use application

- 50 (1) After any comments by the applicant in terms of section 49(3) the municipality may:
- (a) approve the application in whole or in part;
- (b) approve the application with amendments;
- (c) approve the application subject to any conditions which are appropriate including, where relevant, conditions referred to in section 41; or
- (d) refuse the application.
- (2) The municipality shall approve or refuse the land use application not later than 120 days of the date of registration of the application.
- (3) The municipality shall notify the applicant and all interested parties of the approval or refusal of the application as prescribed.
- (4) Where the municipality fails to determine a land use application within the period referred to in subsection (2), the applicant may appeal and shall notify the municipality, as prescribed.

- (5) An applicant aggrieved by the decision of the municipality may appeal and shall notify the municipality as prescribed.
- (6) An interested party other than a municipal department aggrieved by the decision of the municipality may appeal as prescribed.
- (7) After being notified in terms of subsections (4), (5) or (6) the municipality shall within 14 days of the date of such notice submit its comments on the application to the secretary.

Establishment of a settlement

- 51 (1) A settlement may only be established on land which has been declared as a settlement area in terms of section 52.
- (2) The establishment of a settlement shall only be for the purpose of facilitating and regulating the development of land for the purposes of housing which is subsidised or to be subsidised by government and for purposes related thereto.
 - (3) The provisions of sections 30 up to and including 50 shall not apply to the establishment of a settlement.

Declaration of a settlement area

- 52 (1) An application shall be made for the declaration of a settlement area as prescribed.
- (2) If the municipality is satisfied that:
 - (a) a proposed settlement area is in the interests of the persons or community who occupy or will occupy the settlement area;
 - (b) the settlement area can be provided with basic standards of engineering services within a reasonable period; and

- (c) the location and extent of the settlement area is reasonably in accordance with the intentions of the spatial development framework of the municipality;

the municipality may declare the land area concerned or part thereof as a settlement area as prescribed.

- (3) An application for the declaration of a settlement area may be submitted by:
 - (a) the owner, including the state, of the land concerned;
 - (b) a person acting as the duly authorized agent on behalf of the owner;
 - (c) a person or such person's duly authorised agent, to whom the land concerned has been made available in writing by an organ of state;
or
 - (d) with the consent of the owner, a person acting on behalf of the community which occupies or will occupy the settlement area.
- (4) Subject to section 53(2), (3) (4) and (8) where the municipality is the owner of the land concerned, the municipality may declare a settlement area as prescribed.

Application procedure

- 53 (1) Except as otherwise provided for in this Act, an application for the declaration of a settlement area shall be submitted to the municipality.
- (2) Notice of an application for the declaration of a settlement area shall be given by the person referred to in section 52(3) or in the circumstances referred to in section 52(4) by the municipality as prescribed.
- (3) Any person may submit an objection or representations in respect of an application for the declaration of a settlement area, as prescribed.
- (4) The municipality shall consider the application, including any objections and representations, and may:

-
- (a) approve the application;
 - (b) approve the application in whole or in part;
 - (c) approve the application subject to any necessary conditions; or
 - (d) refuse the application.
- (5) In the case of a proposed declaration of a settlement area referred to in section 52(4) the municipality may decide:
- (a) to declare the settlement area in whole or in part; or
 - (b) not to declare the settlement area.
- (6) The decision of the municipality in terms of subsections (4) or (5) shall be issued to the applicant and/or any interested parties not later than 90 days after the date of the notice in subsection (2).
- (7) If the municipality fails to issue a decision on an application for the declaration of a settlement area in terms of subsection (6), the applicant may appeal as prescribed.
- (8) An applicant or any interested party who is aggrieved by the decision of the municipality may appeal as prescribed.
- (9) The appeal tribunal shall consider and determine the application for the declaration of a settlement area not later than 90 days after the date on which the appeal was lodged with the secretary.
- (10) In approving the declaration of a settlement area the municipality or appeal tribunal as the case may be, may amend an existing scheme or land use scheme and suspend any restrictive conditions of title as considered necessary.

Procedure after declaration

- 54 (1) After the approval or partial approval of an application in terms of section 53(4) or approval in terms of section 53(5) or by the appeal tribunal in terms of section 56(9) whichever is the later, the municipal manager shall, as prescribed, forthwith publish a notice of the declaration of the settlement area and shall notify the Surveyor General and the Registrar of Deeds accordingly.
- (2) Where the declaration of a settlement area includes an amendment of the applicable land use scheme or existing scheme, the municipality shall amend the land use scheme or existing scheme accordingly.
- (3) After a settlement area has been declared no land in the settlement area may be transferred except with the written approval of the municipality.

Development of a settlement

- 55 (1) After publication of a notice referred to in section 54(1) that a settlement area has been declared, no person shall erect a shelter, construct any building or install any engineering services in the settlement area except with the written approval of the municipal manager.
- (2) After the declaration of a settlement area the applicant shall submit a layout plan of the settlement to the municipality for approval as prescribed.
- (3) The municipality shall approve a layout plan of the settlement and may impose any conditions considered appropriate including any amendments to the layout plan.
- (4) After the approval of the layout plan including any amendments if applicable, the applicant or municipality may submit a provisional general plan to the Surveyor General for approval.
- (5) After approval of the provisional general plan the applicant or municipality as the case may be, shall make arrangements for:

- (a) the provision and installation of engineering services in and for the settlement;
 - (b) the issue by the municipality of any conditions or requirements for the establishment of a township in the settlement area; and
 - (c) any necessary amendment of the existing scheme or the land use scheme.
- (6) After the provisions of subsection (5) have been complied with the applicant or municipality as the case may be shall submit the general plan to the Surveyor General for approval.
- (7) After the general plan has been approved and subject to any requirements in subsection (5), the municipality may in writing and subject to any conditions, permit the registration of initial ownership in a Deeds Registry, the installation of engineering services and the approval of building plans.
- (8) After being satisfied that any arrangements referred to in subsection (5) or any conditions referred to in subsection (6) have been complied with, the municipality may approve the establishment of a township in the settlement area as prescribed.
- (9) After the approval of a township in terms of subsection (7) the municipal manager shall publish a notice thereof as prescribed.
- (10) The approval of the establishment of a township in subsection (7) on any agricultural holding includes the approval of excision of such holding in terms of the Agricultural Holdings (Transvaal) Registration Act, 22 of 1919.

Development and use of land by a municipality

- 56 (1) Subject to the provisions of this section, a municipality may develop and use any land owned by it.
- (2) Where the proposed development and use of land by a municipality requires the approval of any matters contemplated in section 31 the municipal manager shall give notice of such proposal as prescribed.

- (3) The municipal manager shall circulate a copy of the proposed development and land use to every organ of state, parastatal body, service provider or any other person as prescribed.
- (4) Any person to whom notice has been given in terms of subsection (2) or body to which the proposed development and land use has been circulated in terms of subsection (3) may submit objections or representations as prescribed.
- (5) After the periods prescribed in terms of subsection (4) the municipality shall consider the proposed development and land use and the provisions of section 35(5) shall apply mutatis mutandis.
- (6) The municipality may approve the proposed development and land use with or without amendments and subject to any conditions and the provisions of section 37(1) shall apply mutatis mutandis.
- (7) Where the municipality has approved any development or land use in terms of this section the municipal manager shall, as prescribed, notify every person or body which objected to the proposed development or land use.
- (8) Any objector aggrieved by the approval of the development or land use may appeal as prescribed.
- (9) After approval of any development or land use in terms of this section and if no appeal has been lodged the municipal manager shall publish a notice of the approval as prescribed.
- (10) Where the development and use of land by a municipality is for a purpose referred to in section 46, the municipality shall comply with any procedures prescribed in the Regulations and which are contained in its land use scheme.

Reasons for decisions

- 57 (1) An applicant or any interested party may, after being notified of any decision of a municipality in terms of this Chapter, request the municipality for the reasons for such decision.

- (2) The municipality shall, within 14 days of receipt of a request by an applicant or any interested party, provide the reasons for a decision referred to in subsection (1).

General

- 58 (1) Where the development or use of land or establishment of a settlement requires any approval in terms of the Less Formal Townships Establishment Act, 113 of 1991, the Black Communities Development Act, 4 of 1984 or the Agricultural Holdings (Transvaal) Registration Act, 22 of 1919, or where a condition of title, a condition of establishment of a township or existing scheme provides for the consent or approval of a Minister, the Administrator, an MEC, a controlling authority or the townships board, a reference to a minister, the administrator, an MEC, the controlling authority or townships board shall be deemed to be a reference to the municipality or the municipal manager as the context requires.
- (2) The provisions of subsection (1) shall not apply to a matter referred to in the Gauteng Transport Infrastructure Act, 8 of 2001.

CHAPTER 7

APPEALS

Types of appeals

59 (1) An appeal may be lodged with the appeal tribunal as provided for in this Act:

- (a) by an applicant who is aggrieved by:
 - (i) the refusal or failure by the municipal manager to register a development or land use application;
 - (ii) the refusal of any application in terms of this Act or a land use scheme or existing scheme by the municipality;
 - (iii) any conditions of approval of an application including any development contributions imposed by a municipality in the approval of an application;
 - (iv) any requirements or standards laid down by the municipality for the provision or installation of internal engineering services in the approval of an application;
 - (v) any condition or requirement relating to the provision of engineering services or services contributions;
 - (vi) any other decision by a municipality provided for in this Act or in a land use scheme or existing scheme;
 - (vii) the failure of a municipality to determine an application within the time periods prescribed;
- (b) by an objector who is aggrieved by the approval by a municipality of a land use scheme or its amendment or any other matter which was opposed by that objector the approval of any application.

Procedure for appeals

60 (1) An appeal shall be lodged with the secretary in the manner and within the time period prescribed.

(2) The provisions of sections 33, 34 and 53(2) shall apply mutatis mutandis if those sections have not already been complied with.

Notice of appeals

61 (1) Except as provided in subsections (5) and (6), an applicant who has lodged an appeal shall simultaneously give notice of the appeal, as prescribed:

(a) to the municipality; and

(b) to every interested party who opposed the application.

(2) Any objector who has lodged an appeal shall simultaneously give notice of the appeal, as prescribed:

(a) to the municipality; and where relevant

(b) to the applicant.

(3) A person who lodges an appeal in terms of section 16 shall give notice of the appeal to the municipality.

(4) Any person or body to whom a notice of appeal has been given in terms of subsections (1), (2) or (3) may oppose the appeal as prescribed.

(5) An applicant who has lodged an appeal against the failure or refusal by the municipal manager to register a development application shall simultaneously give notice of the appeal:

(a) to the municipality; and

(b) in the manner as prescribed.

- (6) An applicant who has lodged an appeal which is only in respect of the provision of essential services or development contributions shall simultaneously give notice to the municipality.

Hearing of appeals

62 (1) After an appeal has been lodged, the secretary of the appeal tribunal:

- (a) shall refer the appeal to the appeal tribunal and shall determine a date and time for the hearing of the appeal; and
- (b) notify the appellant and every other party who has opposed the appeal of the date and time of the hearing of the appeal as prescribed.

Determination of an appeal

63 (1) Except as provided for in subsection (2) an appeal shall be heard by the appeal tribunal within a period of 90 days of the date on which the appeal was lodged with the secretary.

- (2) An appeal referred to in section 32(6) against the failure or refusal to register a development application shall be heard by the appeal tribunal within a period of 180 days of the date on which the appeal was lodged with the secretary.
- (3) After the hearing of an appeal the appeal tribunal shall determine the appeal as provided for in sections 36 and 37 or 50 with the necessary changes.
- (4) After the appeal has been determined, the secretary of the appeal tribunal shall inform the appellant, the municipality and all parties to the appeal accordingly.

Procedure after appeal

64 Where in the determination of an appeal, a development application or land use application is approved, the municipality shall comply with the provisions of sections 38(3) and 39(1)

Notification of approval on appeal

65 (1) Where a land use scheme or its amendment or any application which has been approved by the appeal tribunal, the municipal manager shall forthwith publish any notice of the approval required in terms of this Act.

(2) An approval of a land use scheme, an amendment scheme, establishment of a township or the removal, suspension or alteration of a condition of title on appeal shall come into effect on the date of publication of the notice in terms of subsection (1).

Reasons

66 (1) Any party to an appeal may as prescribed request the reasons for the decision of the appeal tribunal; and

(2) The secretary shall provide such reasons as prescribed.

Form of appeal

67 The form of an appeal shall not be limited except as may be prescribed and may be in respect of only a part of a decision by the municipality.

CHAPTER 8

ENGINEERING SERVICES AND DEVELOPMENT CONTRIBUTIONS

Provision of engineering services

- 68 (1) The approval of a development application or land use application shall be subject to conditions for the provision of engineering services for the development or land use concerned, as prescribed.
- (2) The applicant shall be responsible for the provision and installation of internal engineering services as prescribed.
- (3) The municipality shall be responsible for the provision of external engineering services as prescribed.
- (4) Where the municipality is not the provider of an engineering service, the applicant shall satisfy the municipal manager that adequate arrangements have been made with the relevant service provider for the provision of such service.
- (5) The applicant shall install the internal engineering services in accordance with any guidelines issued by the Premier from time to time.
- (6) The municipality or service provider shall, subject to the payment of any relevant development charges, install the external engineering services in accordance with any guidelines issued by the Premier from time to time.
- (7) The applicant may, with the agreement of the municipality or service provider, install any external engineering service in lieu of the payment of the applicable development contributions.
- (8) The installation of external engineering services by the applicant in terms of subsection (7) shall not be subject to the provisions of the Local Government: Municipal Finance Management Act 56 of 2003.

Development contributions

- 69 (1) The applicant shall pay development contributions to the municipality or service provider, as the case may be, in respect of the provision and installation of external engineering services as prescribed.
- (2) The external engineering services for which development contributions are payable by the applicant shall be as prescribed and the amounts payable shall be calculated in accordance with guidelines issued by the Premier from time to time.
- (3) The applicant shall pay a development contribution to the municipality in respect of the provision of land for the purpose of refuse sites as prescribed.
- (4) The amounts payable by an applicant in respect refuse sites shall be calculated in accordance with any guidelines issued by the Premier from time to time.

Land for parks and open space

- 70 (1) The approval of a development application or land use application which provides for the use of the land concerned for residential purposes shall, subject to subsection (5), be subject to the provision of land for parks or open space as prescribed.
- (2) The land required for parks or open spaces shall be provided within the land area of the development application or land use application, or may be provided elsewhere within the municipal area at the discretion of the municipality.
- (3) The area of land to be provided for parks or open space shall be as prescribed.
- (4) The land provided as parks, or open space which is intended as public open space shall, as prescribed, be transferred to the municipality.

- (5) Where a development application or land use application in subsection (1) is approved without the required provision of land for parks or open space, the applicant shall pay a development contribution to the municipality in lieu of such provision of land as prescribed.

General matters

- 71 (1) No land which is the subject of a development application or a land use application may be transferred in a Deeds Registry:
- (a) before a certificate by the municipality has been issued to the Registrar of Deeds to the effect that:
 - (i) any relevant development contributions have been paid by the applicant; and
 - (ii) any conditions to be met prior to the transfer of land have been complied with.
 - (b) prior to the transfer of any land required for parks or open spaces referred to in section 70(4);
- (2) Any land transferred to the municipality in terms of subsection 1(b) may not be sold or alienated by the municipality within a period of 30 years of such transfer except with the written consent of the Premier.
- (3) The roads in an approved township which are to be municipal roads shall vest in the municipality from the date of the first transfer of any erf in the township.
- (4) The amounts of any development contribution shall be determined by the municipality from time to time in accordance with any guidelines issued by the Premier.
- (5) Any amounts of money paid as a development contribution shall only be used for the purpose for which such contribution was paid.

- (6) The municipal manager shall annually prepare a report on the amounts of development contributions paid to the municipality together with a statement of the expenditure of such amounts and the purposes of such expenditure and shall submit such report and statement to the municipal council.
- (7) An applicant who is aggrieved by any decision of the municipality relating to engineering services, the provision of parks or open space, refuse sites or development contributions, may appeal.

CHAPTER 9

GENERAL PROVISIONS

Regulations

72 (1) The Premier may make regulations not inconsistent with this Act in regard to:

- (a) any matter which may be prescribed in terms of this Act;
- (b) determining the fees payable in respect of a development application, land use application or other application referred to in this Act; and
- (c) any other matter deemed necessary for achieving the objects of this Act.

(2) Any regulations made in terms of subsection (1) shall come into effect on the date of publication of a notice thereof or such other dates as provided for in such notice.

(3) Before the publication of a notice in terms of subsection (2), the Premier shall by notice in the Provincial Gazette and by any other means considered appropriate, invite any persons or bodies to submit comments or representations in respect of the draft regulations.

Guidelines

73 (1) The Premier may from time to time issue and amend guidelines not inconsistent with this Act in respect of the following matters:

- (a) the formulation, application and administration of land use schemes;
- (b) engineering services and development contributions;
- (c) the formulation and application of any spatial development framework, any provincial policy or municipal policy relating to the use and development of land; and

- (d) any other matters deemed necessary for the uniform and efficient administration of the provisions of this Act.
- (2) Guidelines issued in terms of subsection (1) shall be used by a municipality and the appeal tribunal to inform and indicate the manner in which the provisions of this Act and the Regulations should be applied in the administration of the provisions of this Act or a land use scheme.
- (3) Guidelines issued in terms of subsection (1) shall be referred to and used by a municipality and the appeal tribunal with discretion in any particular case and shall not be interpreted as being prescriptive.

Decisions

- 74 (1) Any decision required to be made in terms of this Act by a municipality or the appeal tribunal shall not be delayed pending any determination or approval of a matter related to the use or development of land in terms of any other law.
- (2) Except as referred to in subsection (3), a decision taken in terms of this Act by a municipality or the appeal tribunal does not override a restriction or condition imposed in terms of any other law except in the case of a law which has been repealed.
- (3) If a condition in the approval of any application or in terms of a land use scheme expressly so provides, such condition shall prevail over a by-law of the municipality concerned.
- (4) Any decision taken in terms of this Act by a municipal manager, municipal official or municipal department shall be deemed to be a decision of the municipality.

Condonation

- 75 (1) A municipality or the appeal tribunal may of its own accord, or on application by an applicant or any interested party upon good cause being shown grant condonation of any failure to comply with any procedure or time limit

prescribed in the regulations to this Act or any directive or time limit lawfully imposed in terms of this Act.

- (2) An application for condonation in terms of subsection (1) shall not be granted if it would unreasonably prejudice any party.

Delegation

76 (1) The Premier may delegate any power or duty conferred or imposed on him or her by this Act to one or more than one Member of the Executive Council or to any official in the provincial administration subject to subsection (2).

- (2) The Premier may not delegate his or her power to make regulations.

(3) A delegation under subsection (1) does not prevent the Premier from exercising the power or performing the duty concerned.

(4) Subject to the provisions of the Local Government : Municipal Structures Act, 117 of 1998, a municipal council may delegate any power or duty conferred or imposed on it by this Act to a committee of the council, the municipal manager or any official in the municipal administration.

Application fees

77 (1) The Premier may determine by notice in the Provincial Gazette fees payable:

- (a) to the municipality in respect of any application;
- (b) to the provincial administration in respect of any appeal; and

(2) The fees prescribed in terms of paragraph (1)(a) may be reduced or waived by the municipal manager and in terms of paragraph (1)(b) may be reduced or waived by the secretary

(3) Where no fees payable to a municipality for any application in terms of this Act are prescribed, the municipality may determine such fees in accordance with any guidelines issued by the Premier.

- (4) Any fees determined by a municipality in terms of subsection (3) shall be published in the Provincial Gazette.
- (5) No fees shall be payable in respect of the following matters:
- (a) an application for condonation;
 - (b) an extension of time in terms of section 38(9);
 - (c) the amendment of an application or amendment of conditions of any approval;
 - (d) the withdrawal or abandonment of an application in terms of sections (42) or (43);
 - (e) the publication of any notice of approval;
 - (f) any matter referred to as a request in terms of this Act, Regulations or land use scheme.

Offences and penalties

78 (1) Any person who:

- (a) contravenes any provision of this Act or a land use scheme;
- (b) wilfully furnishes a municipal manager, municipal development tribunal, or the appeal tribunal with false information;
- (c) fails to produce any document or information in his or her possession when lawfully required to do so;
- (d) fails to attend any hearing after being issued with a subpoena; or
- (e) wilfully disrupts the proceedings of a municipal development tribunal, or the appeal tribunal or in relation to such proceedings does anything which, if done in relation to a court of law, would constitute contempt of court;

shall be guilty of an offence.

- (2) A person convicted of an offence in subsection (1) shall be liable on conviction to be sentenced to a term of imprisonment for a period not exceeding one year or to a fine calculated according to the ratio for such imprisonment in terms of the Adjustment of Fines Act, 101 of 1992, or both such fine and imprisonment.

Enforcement

- 79 A municipality shall be responsible for and may promulgate by-laws for the effective enforcement of its land use scheme.

Provision of information

- 80 Any person shall be entitled to obtain a copy of any document or information relating to a development application, land use application or any other document referred to in this Act from the municipality or secretary, as the case may be: Provided that:
- (a) the copy of the document or information shall be provided within 7 days of the date of such copy of the document or information being requested in writing;
 - (b) the person requesting a copy of the document or information shall pay the reasonable cost of printing or reproducing such copy.

Hearings

81. Any hearing of an application by a municipality or the appeal tribunal shall be open to the public.

Correction of errors

- 82 (1) Where an error or omission has occurred in an approval referred to in this Act in any conditions of approval or conditions of establishment, in any land use scheme or amendment scheme, or in any notice published in the Provincial Gazette, such error or omission may be corrected.

- (2) A correction of an error or omission referred to in subsection (1) shall be limited to:
- (a) technical or administrative matters which do not materially affect the subject of the correction; or
 - (b) typographical or grammatical matters.
- (3) If a notice published in the Provincial Gazette is corrected, a notice of such correction shall be published in the Provincial Gazette.

Transitional arrangements

- 83 (1) Any application submitted or any other pending matter in terms of any law repealed by this Act not disposed of prior to the commencement of this Act shall be dealt with and finalised as if this Act had not come into operation.
- (2) Any appeal or other matter pending before the Townships Board or Services Appeal Board in terms of any law repealed by this Act not disposed of prior to the coming into operation of this Act shall be dealt with and finalised by the Townships Board or Services Appeal Board as the case may be as if this Act had not come into operation.
- (3) For the purposes contemplated in subsection (2) the Premier shall extend the term of office of any members and secretarial staff of the Townships Board or the Services Appeal Board serving on the date on which this Act comes into operation on such terms and conditions as may be necessary under the circumstances.
- (4) A reference to the Townships Board in any law not repealed by this Act shall be a reference to the appeal tribunal for the purposes of that other law.
- (5) After the date upon which this Act comes into operation, no new land development application shall be submitted to the Gauteng Development Tribunal in terms of the provisions of the Development Facilitation Act, Act 67 of 1995.

- (6) Notwithstanding any law to the contrary, all applications, appeals or any other matters pending before the Gauteng Development Tribunal or the Gauteng Development Appeal Tribunal, as the case may be, on the date upon which this Act comes into operation shall be dealt with and finalised in terms of the provisions of the Development Facilitation Act, Act 67 of 1995.
- (7) For the purposes contemplated in subsection (6), the MEC shall extend the term of office of any members, the Designated Officer, the Registrars and secretarial staff of the Gauteng Development Tribunal and the Gauteng Development Appeal Tribunal serving on the date on which this Act comes into operation on such terms and conditions as may be necessary under the circumstances.
- (8) Should no or an insufficient number of members be available to effectively perform the functions contemplated in subsections (2) and (6), the MEC shall appoint new members to perform such functions, subject thereto that the procedures for appointment of such members, prescribed in terms of the relevant law, shall be followed as if, where applicable, such law were still in operation.
- (9) Any appeal to the MEC or the Townships Board or any matter to be decided by the Townships Board in terms of any other law which is submitted after the date of the coming into operation of this Act shall be dealt with by and decided by the appeal tribunal.
- (10) Where necessary, any notice, certificate or other document or any consent or approval issued, or anything lawfully done in terms of any law repealed by this Act shall be deemed to comply with the provisions of this Act.
- (11) On the coming into operation of this Act a reference to the Administrator or the Director in the Town Planning and Townships Ordinance, 25 of 1965, the Town Planning and Townships Ordinance, 15 of 1986, or in the Division of Land Ordinance, 20 of 1986, shall be deemed to be a reference to a municipality except where such reference relates to an appeal.
- (12) After 12 months following the coming into operation of this Act no extension of the time periods and no condonation referred to in sections 66 or 68 of the

Town Planning and Townships Ordinance 25 of 1965 shall be granted by a municipality.

- (13) An application for the amendment of an existing scheme made prior to the coming into effect of a land use scheme but which is approved after the land use scheme comes into effect shall be deemed to be an amendment of the land use scheme to the extent that may be necessary and the land use scheme shall be amended accordingly.

Repeal of laws

- 84 The laws set out in the schedule to this Act are hereby repealed as specified and to the extent as set out in the schedule.

Short title and commencement

- 85 (1) This Act is called the Gauteng Planning and Development Act, 2012.

- (2) The Act comes into operation:

- (a) on the date determined by the Premier in publication of notice thereof; or
- (b) on different dates in respect of different provisions of the Act determined by the Premier in publication of a notice thereof.

SCHEDULE**LAWS REPEALED**

	Ordinance/Act	Title	Extent
1	Ordinance 17 of 1939	Local Government Ordinance, 1939	Sections 67 and 68
2	Act 21 of 1940	Advertising on Roads and Ribbon Development Act, 1940	The whole
3	Ordinance 20 of 1943	Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943	The whole
4	Act 4 of 1984	Black Communities Development Act, 1984	The whole
5	Ordinance 15 of 1986	Town Planning and Townships Ordinance, 1986	The whole
6	Ordinance 20 of 1986	Division of Land Ordinance, 1986	The whole
7	Act 113 of 1991	Less Formal Township Establishment Act, 1991	The whole
8	Act 3 of 1996	Gauteng Removal of Restrictions Act, 1996	The whole
9	Act 3 of 2003	Gauteng Planning and Development Act, 2003	The whole