

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
Extraordinary**

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kwiGazethi yePhondo**

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(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

Provincial Notice

The following draft regulations are published for comment:

Western Cape Land Use Planning Regulations, 2015: Amendment, 2018 2
P.N. 150/2018 5 December 2018

Any person or organisation wishing to comment on the draft regulations is requested to submit the comments in writing before or on 31 January 2019—

- (a) by posting it to:
For attention: Ms Chrizelle Kriel
Department of Environmental Affairs
and Development Planning
Directorate: Spatial Planning
Private Bag X9086
Cape Town 8000;
- (b) by hand delivery to:
For attention: Ms Chrizelle Kriel
Department of Environmental Affairs
and Development Planning
Directorate: Spatial Planning
16th Floor, Atterbury House
9 Riebeeck Street
Cape Town 8001;
- (c) by e-mailing it to:
Chrizelle.Kriel@westerncape.gov.za; or
- (d) by faxing it to:
For attention: Ms Chrizelle Kriel
Directorate: Spatial Planning
Fax: 021 483 4527.

Copies of the draft regulations are available on the following website:
<http://www.westerncape.gov.za/eadp>

For enquires contact Ms Chrizelle Kriel at tel. 021 483 0765, or by any of the abovementioned methods.

INHOUD

(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

Provinsiale Kennisgewing

Die volgende konsepregulasies word vir kommentaar gepubliseer:

Wes-Kaapse Regulasies op Grondgebruik-beplanning, 2015: Wysiging, 2018 18
P.K. 150/2018 5 Desember 2018

Enige persoon of organisasie wat kommentaar op die konsepregulasies wil lewer, word versoek om die kommentaar skriftelik in te dien voor of op 31 Januarie 2019—

- (a) deur dit te pos aan:
Vir aandag: Me Chrizelle Kriel
Departement van Omgewingsake en
Ontwikkelingsbeplanning
Direktoraat: Ruimtelike Beplanning
Privaat Sak X9086
Kaapstad 8000;
- (b) deur dit per hand af te lewer aan:
Vir aandag: Me Chrizelle Kriel
Departement van Omgewingsake en
Ontwikkelingsbeplanning
Direktoraat: Ruimtelike Beplanning
16de Verdieping, Atterbury-huis
Riebeeckstraat 9
Kaapstad 8001;
- (c) deur dit te e-pos na:
Chrizelle.Kriel@westerncape.gov.za; of
- (d) deur dit te faks na:
Vir aandag: Me Chrizelle Kriel
Direktoraat: Ruimtelike Beplanning
Faksnr.: 021 483 4527.

Afskrifte van die konsepregulasies is op die volgende webtuiste beskikbaar:
<http://www.westerncape.gov.za/eadp>

Vir navrae kontak me Chrizelle Kriel by tel. 021 483 0765 of deur van enige van die bogenoemde metodes gebruik te maak.

IZIQLATHO

(*Ushicilelo olutsha lufumaneka kwiGumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)

ISaziso sePhondo

Olu qulunqo lwemigaqo elandelayo lupapashelwe izimvo zoluntu:

IMigaqo yoCwangeciso loSetyenziso loMhlaba yeNtshona Koloni, 2015: Izilungiso, 2018 34
I.S. 150/2018 5 kweyoMnga 2018

Nabani na okanye umbutho onqwenela ukuvalalisa izimvo ngolu lwemigaqo uyacelwa ukuba afake izimvo zakhe, zibhaliwe, ngomhla okanye ungadlulanga umhla 31 kweyoMqungu 2019. Izimvo mazifakwe ngolu hlobo lulandelayo—

- (a) ngeposi:
Ingqale kuNkz: Chrizelle Kriel
Department of Environmental Affairs
and Development Planning
Directorate: Spatial Planning
Private Bag X9086
Cape Town 8000;
- (b) ngesandla:
Kwingqalelo kaNkz: Chrizelle Kriel
KuMgangatho we-16
KwiSakhiwo i-Atterbury House
9 Riebeeck Street
EKapa 8001;
- (c) nge-imeyile:
Chrizelle.Kriel@westerncape.gov.za;
- (d) ngefeksi:
Ingqale kuNkz: Chrizelle Kriel
Directorate: Spatial Planning
Inombolo yefeksi: 021 483 4527.

IiKopi zezilungiso lwemigaqo ziyafumaneka kule webhusayithi ilandelayo:
<http://www.westerncape.gov.za/eadp>

Ukubuza iinkcukacha qhakamshela noNkz. Chrizelle Kriel kulo mxeba 021 483 0765, okanye neziphhi na iinkcukacha zonxibelelwano ezikhankanywe ngasentla.

PROVINCIAL NOTICE

The following Provincial Notice is published for comment.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukugaya izimvo.

ADV. B. GERBER,
UMLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N. 150/2018

5 December 2018

**WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)
WESTERN CAPE LAND USE PLANNING REGULATIONS, 2015: DRAFT AMENDMENT,
2018**

The Provincial Minister of Local Government, Environmental Affairs and Development Planning, under section 76 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), intends to make the regulations set out in the Schedule.

SCHEDULE**Definition**

1. In these regulations “the Regulations” means the Western Cape Land Use Planning Regulations, 2015, published under Provincial Notice 203/2015 of 26 June 2015.

Amendment of Arrangement of Regulations

2. The Arrangement of Regulations before regulation 1 of the Regulations is amended by the substitution for the reference to the heading to regulation 10 of the following item:

“**10.** Land development requiring provincial approval and exempted categories of land development”.

Amendment of regulation 1 of the Regulations

3. Regulation 1 of the Regulations is amended—

(a) by the substitution for the definition of “agricultural land” of the following definition:

“**‘agricultural land’** means land outside the physical outer edge of the existing urban area, excluding—

(a) land declared as a protected area in terms of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003); or

(b) land that was immediately before the commencement of the Act zoned for a purpose other than agriculture;” and

(b) by the addition after the definition of “the Act” of the following definition:

“**‘utility services’** means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development, and includes a water reservoir and purification works, an electricity substation and generation facility, storm water retention facilities, a waste-water pump station and treatment works and freestanding base telecommunication station, but excludes transmission lines, pipes, canals or roads.”.

Amendment of regulation 3 of the Regulations

4. Regulation 3 of the Regulations is amended—

- (a) by the substitution for paragraph (b) of subregulation (1) of the following paragraph:
“(b) two other representatives of the Department who have knowledge of, and experience in, land use planning, nominated by the Head of Department;”;
- (b) by the substitution for paragraph (c) of subregulation (1) of the following paragraph:
“(c) three representatives of the Department who are registered planners, nominated by the Head of Department;”;
- (c) by the substitution for paragraph (d) of subregulation (1) of the following paragraph:
“(d) two representatives of the provincial department responsible for environmental affairs who have knowledge of, and experience in, environmental management, nominated by the head of that department;”;
- (d) by the substitution for paragraph (e) of subregulation (1) of the following paragraph:
“(e) a representative of each of the other provincial departments, nominated by each of the heads of those provincial departments;”;
- (e) by the substitution for paragraph (f) of subregulation (1) of the following paragraph:
“(f) two municipal representatives of each of the local, district and metropolitan municipalities, nominated by each municipality, of whom—
 - (i) one must be a registered planner; or
 - (ii) if a municipality does not have a registered planner, one must have knowledge of, and experience in, land use planning;”;
- (f) by the substitution for paragraph (g) of subregulation (1) of the following paragraph:
“(g) a representative of each national department responsible for local government, land affairs, urban and rural development, regional planning and development, environment, agriculture, housing, roads and public works, nominated by the heads of each of those national departments;”;
- (g) by the substitution for paragraph (j) of subregulation (1) of the following paragraph:
“(j) a representative of each neighbouring provincial government, nominated by each of the heads of department responsible for provincial planning in those provincial governments.”.

Amendment of regulation 4 of the Regulations

5. Regulation 4 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

“(2)(a) The members of a provincial committee may submit written comments or representations on a draft provincial spatial development framework, draft amendment of a provincial spatial development framework or draft document related thereto on behalf of the organs of state or the South African Local Government Association that they represent, when requested to do so by the chairperson of the committee.

(b) If no comments are submitted by the due date, it will be accepted that the members of the provincial committee have no comments on the draft provincial spatial development framework, draft amendment of a provincial spatial development framework or draft document related thereto.”.

Amendment of regulation 5 of the Regulations

6. Regulation 5 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

“(2) The provincial committee must meet at the times and places determined by the chairperson.”.

Amendment of regulation 8 of the Regulations

7. Regulation 8 of the Regulations is amended—

- (a) by the substitution for paragraph (b) of subregulation (1) of the following paragraph:
 - “(b) two other representatives of the Department who have knowledge of, and experience in, land use planning, one of whom must be a registered planner, nominated by the Head of Department;”;
- (b) by the substitution for paragraph (c) of subregulation (1) of the following paragraph:
 - “(c) a representative of the provincial department responsible for environmental affairs who has knowledge of, and experience in, environmental management, nominated by the head of that department;”;
- (c) by the substitution for paragraph (d) of subregulation (1) of the following paragraph:
 - “(d) a representative of each of the other provincial departments, nominated by each of the heads of the provincial departments;”;
- (d) by the substitution for paragraph (e) of subregulation (1) of the following paragraph:
 - “(e) a municipal representative who is a registered planner, of each municipality in the region to which the provincial regional spatial development framework will apply, nominated by each of those municipalities or, if a municipality does not have a registered planner, a municipal employee of that municipality who has knowledge of, and experience in, land use planning; and”;
- (e) by the substitution in subregulation (7)(c) for subparagraph (i) of the following subparagraph:
 - “(i) at least three municipalities in the region to which the regional spatial development framework or amendment thereto will apply; or”.

Amendment of regulation 10 of the Regulations

8. Regulation 10 of the Regulations is amended—

- (a) by the substitution for paragraph (b) of subregulation (1) of the following paragraph:
 - “(b) proposed land development that utilises an area of one hectare or more of agricultural land that has been cultivated or irrigated during the 10-year period immediately preceding the proposed land development that encompasses urban development or urban expansion, including residential, resort, business, industrial, community and industrial development, utility services or transport uses, but excluding agricultural land uses or land development ordinarily associated with agricultural use such as agricultural storing and packing facilities, agricultural industries or accommodation for *bona fide* agricultural workers;”;

- (b) by the addition after paragraph (b) of subregulation (1) of the following paragraphs:
 - “(c) proposed land development for prospecting, mining or quarrying that utilises an area of five hectares or more of agricultural land;
 - (d) proposed land development for any shale gas mining activity, but excluding any exploration activities involving seismic testing and stratified drilling; and
 - (e) proposed land development for any nuclear electricity generation facility.”;
- (c) by the substitution for paragraph (b) of subregulation (2) of the following paragraph:
 - “(b) proposed land development that is specifically provided for in an applicable municipal spatial development framework that was submitted to the Provincial Minister as contemplated in section 14 of the Act.”;
- (d) by the deletion of paragraph (c) of subregulation (2); and
- (e) by the substitution for the words preceding paragraph (a) of subregulation (3) of the following words:
 - “(3) Before listing any category of land development in terms of subregulation (1)(a), the Provincial Minister must publish a notice in the *Provincial Gazette*—”.

Amendment of regulation 11 of the Regulations

9. Regulation 11 of the Regulations is amended by the substitution for subregulation (4) of the following subregulation:

- “(4) The Head of Department must keep minutes of the proceedings of a pre-application consultation and a database of the applications received.”.

Amendment of regulation 12 of the Regulations

10. Regulation 12 of the Regulations is amended by the substitution for subregulation (7) of the following subregulation:

- “(7) The owner concerned must obtain the correspondence and notifications contemplated in subregulation (6) from the agent, and the agent must inform the owner at all times.”.

Amendment of regulation 23 of the Regulations

11. Regulation 23 of the Regulations is amended—

- (a) by the substitution for subregulation (3) of the following subregulation:
 - “(3) An appeal must be lodged within 21 days of the date of notification of the decision in respect of which the appeal is lodged, and for this purpose the appeal must reach the office of the Minister within the aforesaid timeframe regardless of the method of delivery.”;
- (b) by the insertion after subregulation (3) of the following subregulation:
 - “(3A) The Provincial Minister may—
 - (a) on request in writing at the time the appeal is lodged; and
 - (b) on good cause shown,allow an additional period of up to 21 days for the submission of additional information on an appeal lodged as contemplated in subregulation (3);”;
- (c) by the insertion after paragraph (b) of subregulation (6) of the following paragraph:
 - “(bA) make a decision on a request contemplated in subregulation (3A);”;
- (d) by the substitution in subregulation (6)(c) for subparagraph (i) of the following subparagraph:

- “(i) if the appeal complies with this regulation, notify the appellant of the acceptance of the appeal, and, if applicable, whether an additional period contemplated in subregulation (3A) is granted;”;
- (e) by the substitution for subregulation (7) of the following subregulation:
“(7) A person, including the applicant if the appellant is not the applicant, who has received notice of an appeal in terms of subregulation (6)(c)(iii) may, within 21 days of the date of notification of the appeal, or within the further period agreed to by the Provincial Minister, submit written comments thereon to the Provincial Minister and copies thereof to the appellant and, if the appellant is not the applicant, also to the applicant.”;
- (f) by the substitution for subregulation (12) of the following subregulation:
“(12) The Provincial Minister may request any organ of state, applicant or appellant to comment on an appeal or to submit additional information in connection with the appeal as the Provincial Minister may require.”; and
- (g) by the substitution for subregulation (14) of the following subregulation:
“(14) The period from 15 December to 5 January is excluded from the reckoning of any period referred to in subregulation (6)(c) and regulation 24 and 33.”.

Amendment of regulation 25 of the Regulations

12. Regulation 25 of the Regulations is amended by the addition after subregulation (2) of the following subregulation:

“(3) The consultation between the Provincial Minister and the Provincial Minister responsible for agriculture must be concluded within 30 days of receipt by the Provincial Minister responsible for agriculture of the referral contemplated in subregulation (1).”.

Amendment of regulation 26 of the Regulations

13. Regulation 26 of the Regulations is amended by the substitution for paragraph (b) of subregulation (1) of the following paragraph:

“(b) within 90 days of receipt of all the relevant information, including any comments or replies to comments, supporting documentation, reports or any additional information requested.”.

Substitution of regulation 27 of the Regulations

14. The following regulation is substituted for regulation 27 of the Regulations:

“27. The Provincial Minister must, within 14 days of his or her decision on an appeal, notify the appellant, the applicant if the appellant is not the applicant and any person who has submitted comments on the appeal of the decision and the reasons therefor.”.

Transitional arrangements

15. Any application or appeal lodged before these regulations take effect must be administered as if these regulations have not been made.

Short title

16. These regulations are called the Western Cape Land Use Planning Regulations, 2015: Amendment, 2018.

Substitution of Annexure B of the Regulations

17. The following Annexure is substituted for Annexure B of the Regulations:

“ANNEXURE B

<p>LAND DEVELOPMENT APPLICATION FORM (Section 53 of the Act and regulations 10 and 12)</p> <p>EXTENSION OF VALIDITY PERIOD APPLICATION FORM (Section 57 of the Act and regulation 28)</p>

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Address of Department (To be completed by an official)			
Reference number (To be completed by an official)			
Complete this form by using BLOCK letters and by ticking the appropriate boxes.			
PART A: APPLICATIONS IN TERMS OF THE ACT			
Land development (Section 53(2) of the Act and regulations 10(4) and 12)	Y	N	If yes, complete all parts, except part H, of this application form.
Amendment of land development approval (Section 53(2) of the Act and regulations 10(5) and 12)	Y	N	If yes, complete all parts, except part H, of this application form.
Extension of validity period (Section 57(2) of the Act and regulation 28)	Y	N	If yes, complete all parts, except part G, of this application form.
PART B: APPLICANT DETAILS			
First name(s)			
Surname			
Company name (If applicable)			
Postal address			Postal code
E-mail			
Tel.		Fax	Cell.

PART C: DETAILS OF OWNER(S) <i>(If different from applicant)</i>										
Full name(s)										
Physical address(es)								Postal code		
E-mail										
Tel.				Fax				Cell.		
PART D: PROPERTY DETAILS <i>(In accordance with title deed)</i>										
Property description <i>(Number(s) of Erf/ Erven/Portion(s) or Farm(s))</i>										
Physical address						Town/City				
Geographic coordinates <i>(Degrees, minutes and seconds)</i>		S	° ' "			E	° ' "			
Current zoning				Extent	m ² / ha		Are there existing buildings?		Y	N
Current land use										
Title deed number and date		T								
Any restrictive conditions?		Y	N	If yes, list conditions						
Is the property encumbered by a bond?		Y	N	If yes, list bondholder(s)						
PART E: PRE-APPLICATION CONSULTATION <i>(Regulation 11)</i>										
Has there been any pre-application consultation?				Y	N	If yes, complete the information below and attach the minutes of the pre-application consultation.				
Official's name				Reference number				Date of consultation		

PART F: APPLICATION FEE* (Annexure D)					
Land development application					R5000
Amendment of land development approval					R2000
Extension of validity period					R2000
Total application fee					
EXEMPTION FROM APPLICATION FEES** (Annexure D)					
The development is funded by a government grant.	Y	N	The applicant is an organ of state.	Y	N
<p><i>* The application fee does not include the costs for publication of a notice in the Provincial Gazette or media or the serving of notices contemplated in regulation 14, 16 or 18, because the applicant is liable for the costs of these notices.</i></p> <p><i>**If exempted from paying application fees, attach proof.</i></p>					
BANKING DETAILS OF DEPARTMENT (To be completed by an official)					
<p>Name: Department of Environmental Affairs and Development Planning</p> <p>Bank:</p> <p>Branch no.:</p> <p>Account no.:</p> <p>***Fee reference:</p> <p style="text-align: center;"><i>(Your specific fee reference number MUST be used as deposit reference when making a payment.)</i></p> <p style="text-align: center;">*** Kindly obtain a specific fee reference number from the Department.</p>					
BANKING DETAILS OF APPLICANT (Regulation 35)					
<p><i>The applicant must complete his or her banking details for the purposes of a refund of the application fees if the application is withdrawn and the application fees are not forfeited.</i></p> <p>Name:</p> <p>Bank:</p> <p>Branch no.:</p> <p>Account no.:</p>					

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND DEVELOPMENT APPLICATION OR AMENDMENT OF LAND DEVELOPMENT APPROVAL (Regulation 12(2)(a) to (p))									
Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application not being accepted.									
Y	N	N/A	Bondholder's consent (if applicable)		Y	N	N/A	Plan indicating land development in the region or Province that is similar to land development applied for that will have a cumulative effect in the region or Province	
Y	N	N/A	Power of attorney/Owner's consent if applicant is not owner		Y	N	N/A	Layout plan of existing utilisation of land, structures and activities	
Y	N	N/A	Resolution or other proof that applicant is authorised to act on behalf of a juristic person		Y	N	N/A	Conceptual layout plan	
Y	N	N/A	Proof of payment of fees		Y	N	N/A	List of other approvals that are required for the proposed land development and that have been applied for	
Y	N	N/A	Locality plan		Y	N	N/A	Motivation for application	
Y	N	N/A	Full copy of the title deed		Y	N	N/A	Assessment of effect on agriculture and related information or documentation	
Y	N	N/A	Proof of existing zoning applicable		Y	N	N/A	Any additional documents or information as listed in the pre-application consultation	
Y	N	N/A	Plan indicating surrounding utilisation of land that will be affected		Y	N	N/A	Other (<i>Specify</i>)	
Y	N	N/A	Plan indicating surrounding zonings that will be affected		Y	N	N/A		
Y	N	N/A	Copy of notice of original decision		Y	N	N/A		
PART H: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR EXTENSION APPLICATION									
Y	N	N/A	Copy of notice of original decision		Y	N	N/A	Extension motivation report	
Y	N	N/A	Proof of payment of fees		Y	N	N/A	Other (<i>Specify</i>)	

PART I: AUTHORISATION(S) IN TERMS OF OTHER LEGISLATION									
Y	N	N/A	National Heritage Resources Act, 1999 (Act 25 of 1999)		Y	N	N/A	By-Law on Municipal Land Use Planning	
Y	N	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)		Y	N	N/A	Specific environmental management Act(s), for example, the Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008), National Environmental Management: Waste Act, 2008 (Act 59 of 2008), and the National Water Act, 1998 (Act 36 of 1998)	
Y	N	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)		Y	N	N/A		
Y	N	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)		Y	N	N/A	Other (<i>Specify</i>)	
PART J: DECLARATION									
I hereby wish to confirm that—									
<ol style="list-style-type: none"> 1. the information contained in this application form and the accompanying documentation are complete and correct; 2. I am aware that it is an offense in terms of section 74(1)(b) of the Act to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct; 3. I am properly authorised to make this application on behalf of the owner and (where applicable) that a copy of the relevant power of attorney or consent are attached hereto; and 4. where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Head of Department in terms of the Act and these regulations will be sent only to the agent and that the owner will regularly consult with the agent in this regard. 									
Applicant's signature				Date					
Full name									
Professional capacity									

FOR OFFICE USE ONLY	
Date received:	Received by:
_____	_____
<div style="border: 1px solid black; width: 200px; height: 100px; margin: 20px auto; text-align: center; padding: 10px;">Departmental stamp</div>	

”

Substitution of Annexure C of the Regulations

18. The following Annexure is substituted for Annexure C of the Regulations:

“ANNEXURE C

<p>APPEAL FORM (Section 56 of the Act and regulation 23)</p>

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Address of Department (To be completed by an official)				
Reference number (To be completed by an official)				
Complete this form using BLOCK letters and ticking the appropriate boxes.				
<i>Note:</i> An appeal to the Provincial Minister must be submitted within 21 days of the date of registration of the notification of the decision.				
PART A: APPEAL				
Are you appealing against the decision of the Head of Department?		Y	N	
Are you appealing against a condition of approval imposed by the Head of Department?		Y	N	If yes, list condition(s) in Part F
Are you are appealing because your rights have been affected by the failure of the Head of Department to decide on your application within the prescribed period?		Y	N	
Date of decision	DD/MM/YYYY	Date of notification	DD/MM/YYYY	
PART B: APPELLANT'S DETAILS				
First name(s)				
Surname				
Company or legal person's name (If applicable)				
Physical address				
Postal address (If different from physical address)			Postal code	

E-mail							
Tel.		Fax		Cell.			
PART C: APPELLANT'S PROPERTY DESCRIPTION (<i>Property that is affected by proposed development</i>)							
Property description <i>Number(s) of Erf/ Erven/Portion(s) or Farm(s)</i>					Town/City		
Geographic coordinates (Degrees, minutes and seconds)		S	°	'	"	E	
Physical address							
PART D: DESCRIPTION OF PROPERTY ON WHICH DEVELOPMENT IS TO TAKE PLACE							
Property description <i>Number(s) of Erf/ Erven/Portion(s) or Farm(s)</i>					Town/City		
Physical address							
PART E: APPEAL FROM AFFECTED PERSON(S)							
How were you notified of the decision that you are appealing against?	Newspaper	Y	N	<i>Provincial Gazette</i>	Y	N	Other (Specify)
State* why the decision or conditions of approval affect your rights:							
* <i>Statement may be attached.</i>							

PART F: APPEAL MOTIVATION AND REASONS*					
<p><i>* Appeal motivation and reasons may be attached.</i></p>					
PART G: APPEAL FEE* (Annexure D)					
Appeal				R0	
Total appeal fee				R0	
EXEMPTION FROM APPEAL FEES** (Annexure D)					
The development is a community-based project funded by a government grant.	Y	N	The applicant is an organ of state.	Y	N
<p><i>* The appeal fee does not include the costs for giving notice in terms of regulation 23 because the appellant is liable for the costs of these notices.</i></p> <p><i>** If exempted from paying appeal fees, attach proof.</i></p>					
BANKING DETAILS OF DEPARTMENT (To be completed by an official)					
Name:	Department of Environmental Affairs and Development Planning				
Bank:					
Branch no.:					
Account no.:					
*** Fee reference:					
<p><i>(Your specific fee reference number MUST be used as deposit reference when making a payment.)</i></p> <p>***Kindly obtain a specific fee reference number from the Department.</p>					

BANKING DETAILS OF APPELLANT (*Regulation 35*)

The appellant must complete his or her banking details below for purposes of a refund of the appeal fees if the appeal is withdrawn and the appeal fees are not forfeited.

Name:

Bank:

Branch no.:

Account no.:

PART H: ATTACHMENTS AND SUPPORTING INFORMATION

Complete the following checklist and attach where applicable.

Y	N/A	Proof of notification of decision
Y	N/A	Copy of decision and conditions of approval
Y	N/A	Proof of payment of fees
Y	N/A	Statements
Y	N/A	Motivation and reasons for appeal
Y	N/A	Other (<i>Specify</i>)

PART I: DECLARATION

I hereby wish to confirm that—

- the information contained in this form and accompanying documentation is complete and correct; and
- I am aware that it is an offense in terms of section 74(1)(b) of the Act to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.

Appellant's signature _____

Date

Full name

--	--

FOR OFFICE USE ONLY	
Date received:	Received by:
_____	_____
<div style="border: 1px solid black; padding: 10px; width: fit-content;">Departmental stamp</div>	

”

PROVINSIALE KENNISGEWING

P.K. 150/2018

5 Desember 2018

WES-KAAPSE WET OP GRONDGEBRUIKBEPLANNING, 2014 (WET 3 VAN 2014) WES-KAAPSE REGULASIES OP GRONDGEBRUIKBEPLANNING, 2015: WYSIGING, 2018

Die Provinsiale Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, kragtens artikel 76 van die Wes-Kaapse Wet op Grondgebruikbeplanning, 2014 (Wet 3 van 2014), is van voorneme om die regulasies uiteengesit in die Bylae te maak.

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken “die Regulasies” die Wes-Kaapse Regulasies op Grondgebruikbeplanning, 2015, gepubliseer onder Provinsiale Kennisgewing 203/2015 van 26 Junie 2015.

Wysiging van Indeling van Regulasies

2. Die Indeling van Regulasies voor regulasie 1 van die Regulasies word gewysig deur die verwysing na die opskrif van regulasie 10 deur die volgende item te vervang:

- “10. Grondontwikkeling wat provinsiale goedkeuring benodig en vrygestelde kategorieë van grondontwikkeling”.

Wysiging van regulasie 1 van die Regulasies

3. Regulasie 1 van die Regulasies word gewysig—

- (a) deur die omskrywing van “landbougrond” deur die volgende omskrywing te vervang:
 “**‘landbougrond’** grond buite die fisiese buitenste rand van die bestaande stedelike gebied, uitgesonderd—
 (a) grond wat tot ’n beskermde gebied verklaar is ingevolge die “National Environmental Management: Protected Areas Act, 2003” (Wet 57 van 2003); of
 (b) grond wat onmiddellik voor die inwerkingtreding van die Wet vir ’n ander doel as landbou gesoneer was;” en
 (b) deur ná die omskrywing van “landbougrond” die volgende omskrywing in te voeg:
 “**‘nutsdienste’** ’n gebruik of infrastruktuur wat benodig word vir die verskaffing van ingenieurs- en verwante dienste vir die behoorlike funksionering van stedelike ontwikkeling, en ook ’n waterreservoir en watersuiweringswerke, ’n elektrisiteitsstasie en -opwekkingsfasiliteit, stormwateropvangsfasiliteite, afvalwaterpompstasie en -behandelingswerke en ’n vrystaande basistelekommunikasiestasie, maar nie ook transmissielyste, pype, kanale of paaie nie;”.

Wysiging van regulasie 3 van die Regulasies

4. Regulasie 3 van die Regulasies word gewysig—

- (a) deur paragraaf (b) van subregulasie (1) deur die volgende paragraaf te vervang:
 “(b) twee ander verteenwoordigers van die Departement wat kennis en ondervinding van grondgebruikbeplanning het, benoem deur die Departementshoof;”;
 (b) deur paragraaf (c) van subregulasie (1) deur die volgende paragraaf te vervang:
 “(c) drie verteenwoordigers van die Departement wat geregistreerde beplanners is, benoem deur die Departementshoof;”;

- (c) deur paragraaf (d) van subregulasie (1) deur die volgende paragraaf te vervang:
 - “(d) twee verteenwoordigers van die provinsiale departement verantwoordelik vir omgewingsake wat kennis en ondervinding van omgewingsbestuur het, benoem deur die hoof van daardie departement;”;
- (d) deur paragraaf (e) van subregulasie (1) deur die volgende paragraaf te vervang:
 - “(e) ’n verteenwoordiger van elk van die ander provinsiale departemente, benoem deur elk van die hoofde van daardie provinsiale departemente;”;
- (e) deur paragraaf (f) van subregulasie (1) deur die volgende paragraaf te vervang:
 - “(f) twee munisipale verteenwoordigers van elk van die plaaslike, distriks- en metropolitaanse munisipaliteite, benoem deur elke munisipaliteit, van wie—
 - (i) een ’n geregistreerde beplanner moet wees; of
 - (ii) indien ’n munisipaliteit nie ’n geregistreerde beplanner het nie, een kennis en ondervinding van grondgebruikbeplanning moet hê;”;
- (f) deur paragraaf (g) van subregulasie (1) deur die volgende paragraaf te vervang:
 - “(g) ’n verteenwoordiger van elke nasionale departement verantwoordelik vir plaaslike regering, grondsake, stedelike en landelike ontwikkeling, streeksbeplanning en -ontwikkeling, omgewingsake, landbou, behuising, paaie en openbare werke, benoem deur die hoofde van elk van daardie nasionale departemente;”;
- (g) deur paragraaf (j) van subregulasie (1) deur die volgende paragraaf te vervang:
 - “(j) ’n verteenwoordiger van elke naburige provinsiale regering, benoem deur elk van die departementshoofde verantwoordelik vir provinsiale beplanning in daardie provinsiale regerings.”.

Wysiging van regulasie 4 van die Regulasies

5. Regulasie 4 van die Regulasies word gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2)(a) Die lede van ’n provinsiale komitee kan skriftelike kommentaar of verhoë indien op ’n konsep- provinsiale ruimtelike ontwikkelingsraamwerk, konsepwysiging van ’n provinsiale ruimtelike ontwikkelingsraamwerk of konsepdokument wat daarmee verband hou, namens die staatsorgane of die Suid-Afrikaanse Vereniging vir Plaaslike Regering wat hulle verteenwoordig, wanneer hulle deur die voorsitter van die komitee versoek word om dit te doen.

(b) Indien geen kommentaar teen die sperdatum ingedien is nie, word daar aanvaar dat die lede van die provinsiale komitee geen kommentaar het op die konsep- provinsiale ruimtelike ontwikkelingsraamwerk, konsepwysiging van ’n provinsiale ruimtelike ontwikkelingsraamwerk of konsepdokument wat daarmee verband hou nie.”.

Wysiging van regulasie 5 van die Regulasies

6. Regulasie 5 van die Regulasies word gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) Die provinsiale komitee moet op die tye en plekke vergader wat die voorsitter bepaal.”.

Wysiging van regulasie 8 van die Regulasies

7. Regulasie 8 van die Regulasies word gewysig—

- (a) deur paragraaf (b) van subregulasie (1) deur die volgende paragraaf te vervang:
 - “(b) twee ander verteenwoordigers van die Departement wat kennis en ondervinding van grondgebruikbeplanning het, van wie een ’n geregistreerde beplanner moet wees, benoem deur die Departementshoof;”;
- (b) deur paragraaf (c) van subregulasie (1) deur die volgende paragraaf te vervang:
 - “(c) ’n verteenwoordiger van die provinsiale departement verantwoordelik vir omgewingsake wat kennis en ondervinding van omgewingsbestuur het, benoem deur die hoof van daardie departement;”;
- (c) deur paragraaf (d) van subregulasie (1) deur die volgende paragraaf te vervang:
 - “(d) ’n verteenwoordiger van elk van die ander provinsiale departemente, benoem deur elk van die hoofde van die provinsiale departemente;”;
- (d) deur paragraaf (e) van subregulasie (1) deur die volgende paragraaf te vervang:
 - “(e) ’n munisipale verteenwoordiger wat ’n geregistreerde beplanner is, van elke munisipaliteit in die streek waarop die provinsiale streeks- ruimtelike ontwikkelingsraamwerk van toepassing sal wees, benoem deur elk van daardie munisipaliteite of, indien ’n munisipaliteit nie ’n geregistreerde beplanner het nie, ’n munisipale werknemer van daardie munisipaliteit wat kennis en ondervinding van grondgebruikbeplanning het; en”;
- (e) deur in subregulasie (7)(c) subparagraaf (i) deur die volgende subparagraaf te vervang:
 - “(i) minstens drie munisipaliteite in die streek waarop die streeks- ruimtelike ontwikkelingsraamwerk of die wysiging daarvan van toepassing sal wees; of”.

Wysiging van regulasie 10 van die Regulasies

8. Regulasie 10 van die Regulasies word gewysig—

- (a) deur paragraaf (b) van subregulasie (1) deur die volgende paragraaf te vervang:
 - “(b) voorgestelde grondontwikkeling wat ’n gebied van een of meer hektaar landbougrond aanwend wat bewerk of besproei is gedurende die tienjaartydperk onmiddellik voor die voorgestelde grondontwikkeling wat stedelike ontwikkeling of stedelike uitbreiding uitmaak, met inbegrip van residensiële, oord-, sake-, gemeenskaps- en nywerheidsontwikkeling, nutsdienste of vervoergebruike, maar uitgesonderd landbougrondgebruike of grondontwikkeling wat gewoonlik met landbougebruik verbind word soos landboubergings- en -verpakkingsfasiliteite, landbounywerhede of akkommodasie vir *bona fide*-plaaswerkers;”;
- (b) deur ná paragraaf (b) van subregulasie (1) die volgende paragrawe by te voeg:
 - “(c) voorgestelde grondontwikkeling vir prospektering, mynwerk of klipgroefwerk wat ’n gebied van vyf of meer hektaar op landbougrond aanwend;
 - (d) voorgestelde grondontwikkeling vir enige skaliegasmynaktiwiteit, uitgesonderd enige eksplorasië-aktiwiteite wat seismiese toetsing en gestratifiseerde boorwerk behels; en
 - (e) voorgestelde grondontwikkeling vir enige kernkragopwekkingsfasiliteit.”;

- (c) deur paragraaf (b) van subregulasie (2) deur die volgende paragraaf te vervang:
 - “(b) voorgestelde grondontwikkeling waarvoor daar spesifiek voorsiening gemaak word in ’n toepaslike munisipale ruimtelike ontwikkelingsraamwerk wat soos beoog in artikel 14 van die Wet by die Provinsiale Minister ingedien is.”;
- (d) deur paragraaf (c) van subregulasie (2) te skrap; en
- (e) deur die woorde wat paragraaf (a) van subregulasie (3) voorafgaan, met die volgende woorde te vervang:
 - “Voordat enige kategorie van grondontwikkeling ingevolge subregulasie (1)(a) gelys word, moet die Provinsiale Minister ’n kennisgewing in die *Provinsiale Koerant* publiseer—”.

Wysiging van regulasie 11 van die Regulasies

9. Regulasie 11 van die Regulasies word gewysig deur subregulasie (4) deur die volgende subregulasie te vervang:

“(4) Die Departementshoof moet notule hou van die verrigtinge van ’n konsultasie voor aansoek en ’n databasis byhou van die aansoeke wat ontvang word.”.

Wysiging van regulasie 12 van die Regulasies

10. Regulasie 12 van die Regulasies word gewysig deur subregulasie (7) deur die volgende subregulasie te vervang:

“(7) Die betrokke eienaar moet die korrespondensie en kennisgewings beoog in subregulasie (6) van die agent bekom, en die agent moet die eienaar te alle tye op hoogte hou.”.

Wysiging van regulasie 23 van die Regulasies

11. Regulasie 23 van die Regulasies word gewysig—

- (a) deur subregulasie (3) deur die volgende subregulasie te vervang:
 - “(3) ’n Appèl moet aangeteken word binne 21 dae vanaf die datum van kennisgewing van die besluit ten opsigte waarvan die appèl aangeteken word, en vir hierdie doel moet die appèl die kantoor van die Provinsiale Minister bereik binne die genoemde tydperk, ongeag die aflewering metode.”;
- (b) deur ná subregulasie (3) die volgende subregulasie in te voeg:
 - “(3A) Die Provinsiale Minister kan—
 - (a) op skriftelike versoek wanneer die appèl aangeteken word; en
 - (b) by aanvoering van grondige redes,
 ’n bykomende tydperk van tot 21 dae toelaat vir die indiening van bykomende inligting oor ’n appèl wat soos beoog in subregulasie (3) aangeteken is.”;
- (c) deur ná paragraaf (b) van subregulasie (6) die volgende paragraaf in te voeg:
 - “(bA) oor ’n versoek beoog in subregulasie (3A) besluit.”;
- (d) deur in subregulasie (6)(c) subparagraaf (i) deur die volgende subparagraaf te vervang:
 - “(i) indien die appèl aan hierdie regulasie voldoen, die appellant in kennis stel van die aanvaarding van die appèl en, indien van toepassing, of ’n bykomende tydperk beoog in subregulasie (3A) toegestaan word.”;
- (e) deur subregulasie (7) deur die volgende subregulasie te vervang:
 - “(7) ’n Persoon, met inbegrip van die aansoeker indien die appellant nie die aansoeker is nie, wat ingevolge subregulasie (6)(c)(iii) kennis van ’n appèl ontvang het, kan, binne 21 dae vanaf die datum van kennisgewing van die appèl, of binne die verdere tydperk waartoe die Provinsiale Minister ingestem het, skriftelike kommentaar daarop indien by die Provinsiale Minister en afskrifte daarvan verskaf aan die appellant en, indien die appellant nie die aansoeker is nie, ook aan die aansoeker.”;

- (f) deur subregulasie (12) deur die volgende subregulasie te vervang:
“(12) Die Provinsiale Minister kan enige staatsorgaan, aansoeker of appellant versoek om kommentaar op ’n appèl te lewer of om bykomende inligting wat die Provinsiale Minister mag benodig in verband met die appèl, in te dien.”; en
- (g) deur subregulasie (14) deur die volgende subregulasie te vervang:
“(14) Die tydperk van 15 Desember tot 5 Januarie word uit die berekening van enige tydperk bedoel in subregulasie (6)(c) en regulasies 24 en 33 uitgesluit.”.

Wysiging van regulasie 25 van die Regulasies

12. Regulasie 25 van die Regulasies word gewysig deur ná subregulasie (2) die volgende subregulasie by te voeg:

“(3) Die oorlegpleging tussen die Provinsiale Minister en die Provinsiale Minister verantwoordelik vir landbou moet afgehandel word binne 30 dae vanaf ontvangs deur die Provinsiale Minister verantwoordelik vir landbou van die verwysing beoog in subregulasie (1).”.

Wysiging van regulasie 26 van die Regulasies

13. Regulasie 26 van die Regulasies word gewysig deur paragraaf (b) van subregulasie (1) deur die volgende paragraaf te vervang:

“(b) binne 190 dae vanaf ontvangs van alle tersaaklike inligting, met inbegrip van enige kommentaar of antwoorde op kommentaar, stawende dokumentasie, verslae of enige bykomende inligting wat aangevra is.”.

Vervanging van regulasie 27 van die Regulasies

14. Regulasie 27 van die Regulasies word deur die volgende regulasie vervang:

“27. Die Provinsiale Minister moet, binne 14 dae vanaf sy of haar besluit oor ’n appèl, die appellant, die aansoeker indien die appellant nie die aansoeker is nie en enige persoon wat kommentaar op die appèl ingedien het, in kennis stel van die besluit en die redes daarvoor.”.

Oorgangsbepalings

15. Enige aansoek of appèl wat ingedien is voordat hierdie regulasies in werking tree, moet geadminestreer word asof hierdie regulasies nie gemaak is nie.

Kort titel

16. Hierdie regulasies heet die Wes-Kaapse Regulasies op Grondgebruikbeplanning, 2015: Wysiging, 2018.

17. Aanhangsel B van die Regulasies word deur die volgende Aanhangsel vervang:

“AANHANGSEL B

AANSOEKVORM: GRONDONTWIKKELING

(Artikel 53 van die Wet en regulasies 10 en 12)

VORM VIR AANSOEK OM VERLENGING VAN GELDIGHEIDSTYDPERK

(Artikel 57 van die Wet en regulasie 28)

DEPARTEMENT VAN OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING

Adres van Departement <i>(Moet deur 'n amptenaar ingevul word)</i>			
Verwysingsnommer <i>(Moet deur 'n amptenaar ingevul word)</i>			
<i>Vul hierdie vorm in deur BLOKletters te gebruik en die gepaste blokkies te merk.</i>			
DEEL A: AANSOEKE INGEVOLGE DIE WET			
Grondontwikkeling <i>(Artikel 53(2) van die Wet en regulasies 10(4) en 12)</i>	J	N	Indien ja, vul alle dele van hierdie aansoekvorm in behalwe Deel H.
Wysiging van goedkeuring van grondontwikkeling <i>(Artikel 53(2) van die Wet en regulasies 10(5) en 12)</i>	J	N	Indien ja, vul alle dele van hierdie aansoekvorm in behalwe Deel H.
Verlenging van geldigheidstydperk <i>(Artikel 57(2) van die Wet en regulasie 28)</i>	J	N	Indien ja, vul alle dele van hierdie aansoekvorm in behalwe Deel G.
DEEL B: BESONDERHEDE VAN AANSOEKER			
Voornaam/-name			
Van			
Naam van maatskappy <i>(Indien van toepassing)</i>			
Posadres		Pos- kode	
E-pos			
Tel.		Faks.	
		Sel.	

DEEL C: BESONDERHEDE VAN EIENAAR(S) (<i>Indien dit van aansoeker verskil</i>)										
Volle naam/name										
Fisiese adres(se)								Poskode		
E-pos										
Tel.				Faks.				Sel.		
DEEL D: BESONDERHEDE VAN EIENDOM (<i>Volgens titelakte</i>)										
Beskrywing van eiendom (<i>Nommer(s) van Erf/Erwe/Gedeelte(s) of Plaas/Plase</i>)										
Fisiese adres								Dorp/Stad		
Geografiese koördinate (Grade, minute en sekondes)		S	°			'	"	O	°	
Huidige sonering					Omvang	m ² /ha		Is daar bestaande geboue?	J	N
Huidige grondgebruik										
Nommer en datum van titelakte		T								
Enige beperkende voorwaardes?		J	N	Indien ja, lys voorwaardes						
Is die eiendom met 'n verband beswaar?		J	N	Indien ja, lys verbandhouer(s)						
DEEL E: KONSULTASIE VOOR AANSOEK (<i>Regulasie 11</i>)										
Was daar enige konsultasie voor aansoek?				J	N	Indien ja, vul die inligting hieronder in en heg die notule van die konsultasie voor aansoek aan.				
Amptenaar se naam		Verwysingsnommer			Datum van konsultasie					

DEEL F: AANSOEGELDE* (Aanhangsel D)					
Grondontwikkelingsaansoek					R5000
Wysiging van goedkeuring van grondontwikkeling					R2000
Verlenging van geldigheidstydperk					R2000
Totale aansoekgelde					
VRYSTELLING VAN AANSOEGELDE** (Aanhangsel D)					
Die ontwikkeling word met 'n staatstoekenning befonds.	J	N	Die aansoeker is 'n staatsorgaan.	J	N
<p>* Die aansoekgelde sluit nie die koste van publikasie van 'n kennisgewing in die Provinsiale Koerant of media of die betekening van kennisgewings beoog in regulasie 14, 16 of 28 in nie omdat die aansoeker vir die koste van hierdie kennisgewings aanspreeklik is.</p> <p>** Indien vrygestel van betaling van gelde, heg bewys aan.</p>					
BANKBESONDERHEDE VAN DEPARTEMENT (Moet deur 'n amptenaar ingevul word)					
Naam:	Departement van Omgewingsake en Ontwikkelingsbeplanning				
Bank:					
Taknommer:					
Rekeningnommer:					
*** Geldeverwysing:				
	(U spesifieke geldeverwysingsnommer MOET as depositoverwysing gebruik word wanneer u 'n betaling doen.)				
*** Kry asb. 'n spesifieke geldeverwysingsnommer by die Departement.					
BANKBESONDERHEDE VAN AANSOEKER (Regulasie 35)					
Die aansoeker moet sy of haar bankbesonderhede hieronder invul vir die terugbetaling van die aansoekgelde indien die aansoek teruggetrek word en die aansoekgelde nie verbeur is nie.					
Naam:					
Bank:					
Taknommer:					
Rekeningnommer:					

DEEL G: AANHEGSELS EN STAWENDE INLIGTING EN DOKUMENTASIE VIR AANSOEK OM GRONDONTWIKKELING OF WYSIGING VAN GOEDKEURING VAN GRONDONTWIKKELING
(Regulasie 12(2)(a) tot (p))

Vul die volgende kontrolelys in en heg alle inligting en dokumentasie vir die voorstel aan. Versuim om alle nodige inligting en dokumentasie in te dien, sal meebring dat die aansoek nie aanvaar word nie.

J	N	NvT	Toestemming van verbandhouer (indien van toepassing)	J	N	NvT	Plan wat grondontwikkeling in die streek of Provinsie aandui wat soortgelyk is aan die grondontwikkeling waarvoor aansoek gedoen word en wat 'n kumulatiewe uitwerking in die streek of Provinsie sal hê
J	N	NvT	Volmag/Eienaar se toestemming, indien aansoeker nie eienaar is nie	J	N	NvT	Uitlegplan van bestaande aanwending van grond, strukture en aktiwiteite
J	N	NvT	Besluit of ander bewys dat aansoeker gemagtig is om namens 'n regs persoon op te tree	J	N	NvT	Konseptuele uitlegplan
J	N	NvT	Bewys van betaling van gelde	J	N	NvT	Lys van ander goedkeurings wat vereis word vir die voorgestelde grondontwikkeling en waarvoor reeds aansoek gedoen is
J	N	NvT	Liggingsplan	J	N	NvT	Motivering vir aansoek
J	N	NvT	Volledige afskrif van die titelakte	J	N	NvT	Evaluering van die uitwerking op landbou en verbandhoudende inligting of dokumentasie
J	N	NvT	Bewys van bestaande sonering van toepassing	J	N	NvT	Enige bykomende dokumente of inligting soos gelys in die konsultasie voor aansoek
J	N	NvT	Plan wat omliggende aanwending van grond wat geraak sal word, aandui	J	N	NvT	Ander (<i>Spesifiseer</i>)
J	N	NvT	Plan wat omliggende sonerings wat geraak sal word, aandui				
J	N	NvT	Afskrif van kennisgewing van oorspronklike besluit				

DEEL H: AANHEGSELS EN STAWENDE INLIGTING EN DOKUMENTASIE VIR AANSOEK OM VERLENGING

J	N	NvT	Afskrif van kennisgewing van oorspronklike besluit	J	N	NvT	Motiveringsverslag vir verlenging
J	N	NvT	Bewys van betaling van gelde	J	N	NvT	Ander

DEEL I: MAGTIGING(S) INGEVOLGE ANDER WETGEWING

J	N	NvT	Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999)	J	N	NvT	Verordening op Munisipale Grondgebruikbeplanning
J	N	NvT	Wet op Nasionale Omgewingsbestuur, 1998 (Wet 107 van 1998)				Spesifieke omgewingsbestuurswet(te), byvoorbeeld Wet op Omgewingsbewaring, 1989 (Wet 73 van 1989), “National Environmental Management: Air Quality Act, 2004” (Wet 39 van 2004), “National Environmental Management: Integrated Coastal Management Act, 2008” (Wet 24 van 2008), “National Environmental Management: Waste Act, 2008” (Wet 59 van 2008), en die Nasionale Waterwet, 1998 (Wet 36 van 1998))
J	N	NvT	Wet op Onderverdeling van Landbougrond, 1970 (Wet 70 van 1970)	J	N	NvT	
J	N	NvT	Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet 16 van 2013)	J	N	NvT	Ander (<i>Spesifiseer</i>)

DEEL J: VERKLARING

Ek bevestig hierby dat—

1. die inligting vervat in hierdie aansoekvorm en die bygaande dokumentasie volledig en korrek is;
2. ek daarvan bewus is dat dit ingevolge artikel 74(1)(b) van die Wet 'n misdryf is om besonderhede, inligting of antwoorde te verstrek met die wete dat die besonderhede, inligting of antwoorde onwaar, foutief of misleidend is of indien ek nie van mening is dat dit korrek is nie;
3. ek behoorlik gemagtig is om hierdie aansoek namens die eienaar te doen en (waar van toepassing) dat 'n afskrif van die tersaaklike volmag of toestemming hierby aangeheg is; en
4. waar 'n agent aangestel is om hierdie aansoek namens die eienaar in te dien, daar aanvaar word dat korrespondensie van en kennisgewings deur die Departementshoof ingevolge die Wet en hierdie regulasies slegs aan die agent gestuur sal word en dat die eienaar gereeld in hierdie verband met die agent sal konsulteer.

Aansoeker se handtekening

Datum

Volle naam

Professionele hoedanigheid

SLEGS VIR KANTOORGEBRUIK

Datum ontvang:

Ontvang deur:

Departementstempel

18. Aanhangsel C van die Regulasies word deur die volgende Aanhangsel vervang:

“AANHANGSEL C

APPÈLVORM <i>(Artikel 56 van die Wet en regulasie 23)</i>					
DEPARTEMENT VAN OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING					
Adres van Departement <i>(Moet deur 'n amptenaar ingevul word)</i>					
Verwysingsnommer <i>(Moet deur 'n amptenaar ingevul word)</i>					
<i>Vul hierdie vorm in deur BLOKletters te gebruik en die gepaste blokkies te merk.</i>					
<i>Neem kennis: 'n Appèl na die Provinsiale Minister moet binne 21 dae vanaf die datum van registrasie van kennisgewing van die besluit ingedien word.</i>					
DEEL A: APPÈL					
Appelleer u teen die besluit van die Departementshoof?			J	N	
Appelleer u teen 'n voorwaarde van goedkeuring wat deur die Departementshoof opgelê is?			J	N	Indien ja, lys voorwaarde(s) in Deel F
Appelleer u omdat u regte aangetas is deur die Departementshoof se versuim om binne die voorgeskrewe tydperk oor u aansoek te besluit?			J	N	
Datum van besluit	DD/MM/JJJJ	Datum van kennisgewing	DD/MM/JJJJ		
DEEL B: BESONDERHEDE VAN APPELLANT					
Voornaam/-name					
Van					
Naam van maatskappy of regs persoon <i>(Indien van toepassing)</i>					
Fisiese adres					
Posadres <i>(Indien dit van fisiese adres verskil)</i>				Poskode	
E-pos					
Tel.		Faks.		Sel.	

DEEL C: BESKRYWING VAN APPELLANT SE EIENDOM (<i>Eiendom wat deur voorgestelde ontwikkeling geraak word</i>)							
Beskrywing van eiendom <i>Nommer(s) van Erf/Erwe/ Gedeelte(s) of Plaas/Plase</i>					Dorp/Stad		
Geografiese koördinate (Grade, minute en sekondes)	°	'	"	S	°	'	" O
Fisiese adres							
DEEL D: BESONDERHEDE VAN EIENDOM WAAROP ONTWIKKELING GAAN PLAASVIND							
<i>Nommer(s) van Erf/Erwe/ Gedeelte(s) of Plaas/Plase</i>					Dorp/Stad		
Fisiese adres							
DEEL E: APPÈL VAN GERAAKTE PERSOON/PERSONE							
Hoe is u in kennis gestel van die besluit waarteen u appelleer?	Koerant	J	N	<i>Provinsiale Koerant</i>	J	N	Ander (<i>Spesifiseer</i>)
Verklaar* waarom die besluit of voorwaardes van goedkeuring u regte aantass:							
* <i>Verklaring kan aangeheg word.</i>							

DEEL F: MOTIVERING EN REDES VIR APPÈL*					
<p><i>* Motivering en redes vir appèl kan aangeheg word.</i></p>					
DEEL G: APPÈLGELDE* (Aanhangsel D)					
Appèl				R0	
Totale appèlgelde*				R0	
VRYSTELLING VAN APPÈLGELDE** (Aanhangsel D)					
Die ontwikkeling is 'n gemeenskapsgebaseerde projek wat deur 'n regeringstoekenning befonds word.	J	N	Die aansoeker is 'n staatsorgaan.	J	N
<p><i>* Die appèlgelde sluit nie die koste vir kennisgewing ingevolge regulasie 23 in nie omdat die appellant aanspreeklik is vir die koste van daardie kennisgewings.</i></p> <p><i>** Indien vrygestel van die betaling van appèlgelde, heg bewys aan.</i></p>					
BANKBESONDERHEDE VAN DEPARTEMENT(Moet deur 'n amptenaar voltooi word)					
<p>Naam: Departement van Omgewingsake en Ontwikkelingsbeplanning</p> <p>Bank:</p> <p>Taknommer:</p> <p>Rekeningnommer:</p> <p>Geldeverwysing: ***</p> <p><i>(U spesifieke geldeverwysingsnommer MOET as depositoverwysing gebruik word wanneer u 'n betaling doen.)</i></p> <p style="text-align: center;">***Kry asb. 'n spesifieke geldeverwysingsnommer by die Departement.</p>					

BANKBESONDERHEDE VAN APPELLANT (Regulasie 35)

Die appellant moet sy of haar bankbesonderhede hieronder invul vir die terugbetaling van appèlgelde indien die aansoek teruggetrek word en die appèlgelde nie verbeur is nie.

Naam:

Bank:

Taknommer:

Rekeningnommer:

DEEL H: AANHEGSELS EN STAWENDE INLIGTING

Vul die volgende kontrolelys in en heg dokumente aan waar van toepassing.

J	NvT	Bewys van kennisgewing van besluit
J	NvT	Afskrif van besluit en voorwaardes van goedkeuring
J	NvT	Bewys van betaling van gelde
J	NvT	Verklarings
J	NvT	Motivering en redes vir appèl
J	NvT	Ander (<i>Spesifiseer</i>)

DEEL I: VERKLARING

Ek bevestig hierby dat—

1. die inligting vervat in hierdie vorm en bygaande dokumentasie volledig en korrek is; en
2. ek daarvan bewus is dat dit ingevolge artikel 74(1)(b) van die Wet 'n misdryf is om besonderhede, inligting of antwoorde te verskaf met die wete dat die besonderhede, inligting of antwoorde onwaar, foutief of misleidend is of indien ek nie van mening is dat dit korrek is nie.

Appellant se handtekening _____

Datum

Volle naam

SLEGS VIR KANTOORGEBRUIK

Datum ontvang:

Ontvang deur:

Departementstempel

”

ISAZISO SEPHONDO

I.S. 150/2018

5 kweyoMnga 2018

UMTHETHO WOCWANGCISO LOKUSETYENZISWA KOMHLABA ENTSHONA KOLONI, KA-2014 (UMTHETHO 3 KA-2014) IMIMISELO YOCWANGCISO LOKUSETYENZISWA KOMHLABA ENTSHONA KOLONI, KA-2015: UKWENZIWA KWEZILUNGISO OKUSAYILWAYO, KA-2018

UMphathiswa wePhondo kaRhulumente wezaseKhaya, iMicimbi yezeNdalo noCwangciso loPhuhliso, phantsi kwecandelo 76 loMthetho woCwangciso lokuSetyenziswa koMhlaba eNtshona Koloni, ka-2014 (UMthetho 3 ka-2014), unenjongo yokwenza imimisele ebhalwe kule Shedyuli.

ISHEDYULI

Inkcazelo-magama

1. Kule mimisele “iMimisele” ithetha iMimisele yoCwangciso lokuSetyenziswa koMhlaba eNtshona Koloni, ka-2015, owapapashwa phantsi kweSaziso sePhondo 203/2015 somhla wama-26 Juni 2015.

Ukwenziwa kwesiLungiso noCwangciso lweMimisele

2. Ucwangciso lweMimisele phambi kommisele 1 weMimisele yenziwa lwenziwa imimisele ngokutshintshwa kokubhekiselela kwisihloko kummisele 10 walo mba ulandelayo:

“10. Uphuhliso lomhlaba lufuna imvume yephondo neentlobo ezixolelwayo zophuhliso lomhlaba”.

Ukwenziwa kwesiLungiso 1 seMimisele

3. IMimisele 1 yeMimisele yenziwe izilungiso—

(a) ngokutshintshwa kwenkcazelo-gama “umhlaba wezolimo” wale nkcazelo-gama ilandelayo:

“**‘umhlaba wezolimo’** uthetha umhlaba ongaphandle kwasesiphelweni somhlaba okhoyo okummandla wasedolophini, ongabandakanyi—

(a) umhlaba obhengezwe njengommandla okhuselweyo ngokomthetho iNational Environmental Management: Protected Areas Act, 2003 (uMthetho 57 ka-2003); okanye

(b) umhlaba obukho nje phambi kokuqala kwalo Mthetho owasulungelwe injongo enyene ngaphandle kweyezolimo;”;

(b) nangokongeza emva kwenkcazelo-gama “yoMthetho” yale nkcazelo-gama ilandelayo:

“**‘iinkonzo zezibonelelo’** zithetha ukusetyenziswa okanye iziseko zophuhliso ezifunekayo ukubonelela ngeenkonzo zobunjineli nokufana noko ukwenzela ukusebenza kakuhle kophuhliso lwasezidolophini, yaye kubandakanya imithombo yamanzi kunye nemisebenzi yokucocwa kwawo, isikhulu sombane esincinane kunye nesibonelelo sokuveliswa kwawo, izibonelelo zokugcina amanzi ezikhukula, isikhululo esinempompo yokumpompa amanzi asetyenzisiweyo kunye nemisebenzi yokuwacoca, isikhululo sombane esincinane kunye nesikhululo sonxibelelwano sesiseko esizimeleyo, kodwa asibandakanyi zintambo zokuthumela imiyalezo, imibhobho, imijelo okanye iindlela.”.

Ukwenziwa kwesiLungiso kommiselo 3 weMimiselo

4. Ummiselo 3 weMimiselo wenziwe izilungiso—

- (a) ngokutshintshwa komhlathi (b) wommiselwana (1) walo mhlathi ulandelayo:
“(b) ababini abanye abameli beSebe abanolwazi, kunye namava, kwezocwangciso lomhlaba, abatyunjwe yiNtloko yeSebe;”;
- (b) ngokutshintshwa komhlathi (c) wommiselwana (1) walo mhlathi ulandelayo:
“(c) abameli abathathu beSebe abangabacwangcisi ababhalisiweyo, abatyunjwe yiNtloko yeSebe;”;
- (c) ngokutshintshwa komhlathi (d) wommiselwana (1) walo mhlathi ulandelayo:
“(d) abameli ababini besebe lephondo elinoxanduva lemicimbi yezendalo abanolwazi, namava, kulawulo lwezendalo, abatyunjwe yintloko yelo sebe;”;
- (d) ngokutshintshwa komhlathi (e) wommiselwana (1) walo mhlathi ulandelayo:
“(e) ummeli wesebe ngalinye lamanye amasebe ephondo, atyunjwe yintloko nganye yeentloko zaloo masebe ephondo;”;
- (e) ngokutshintshwa komhlathi (f) kommiselwana (1) walo mhlathi ulandelayo:
“(f) abameli bakamasipala ababini bakamasipala ngamnye, wezasekhaya, wesithili kunye nasezidolophini, otyunjwe ngumasipala ngamnye, omnye wabo—
(i) kufuneka abe ngomnye wabacwangcisi ababhalisiweyo; okanye
(ii) ukuba umasipala akanaye umcwangcisi obhalisiweyo, omnye makabe nolwazi, namava, kucwangciso lokusetyenziswa komhlaba;”;
- (f) ngokutshintshwa komhlathi (g) wommiselwana (1) walo mhlathi ulandelayo:
“(g) ummeli wesebe likazwelonke ngalinye elinoxanduva lukarhulumente wezasekhaya, imicimbi yemihlaba, uphuhliso lweedolophu namaphandle, ucwangciso nophuhliso lwemimandla, ezendalo, ezolimo, ezobonelelo lwezindlu, ezendlela nemisebenzi karhulumente, abatyunjwe ziintloko zesebe ngalinye laloo masebe kazwelonke;”;
- (g) nangokutshintshwa komhlathi (j) wommiselwana (1) walo mhlathi ulandelayo:
“(j) ummeli karhulumente wephondo elingummelwane, elityunjwe yintloko nganye yeentloko zamasebe anoxanduva lokucwangcisa kwiphondo kwabo rhulumente bamaphondo.”.

Ukwenziwa kwesilungiso kommiselo 4 weMimiselo

5. Ummiselo 4 weMimiselo wenziwe izilungiso ngokutshintshwa kommiselwana (2) wale mimiselwana ilandelayo:

“(2)(a) Amalungu ekomiti yephondo anokungenisa amagqabantshintshi abhaliweyo okanye iingcaciso-ntetho ngokumalunga nomgaqo-sikhokelo osayilwayo wephondo wophuhliso lwezithuba ezivulelekileyo, umgaqo-sikhokelo osayilwayo wephondo owenziwa izilungiso okanye uxwebhu olusayilwayo olunxulumene noku egameni lamaqumrhu karhulumente okanye umbutho i-South African Local Government Association obameleyo, xa ecelwe ukuba enenjalo ngusihlalo wekomiti.

(b) Ukuba akangeniswanga amagqabantshintshi ngomhla omiselweyo, kuya kwamkelwa ukuba amalungu ekomiti akanawo amagqabantshintshi ngokumalunga nomgaqo-sikhokelo osayilwayo wephondo wophuhliso lwezithuba ezivulelekileyo, ukwenziwa kwesilungiso kumgaqo-sikhokelo osayilwayo wephondo okanye uxwebhu olusayilwayo olunxulumene noko.”.

Ukwenziwa kwesilungiso kommiselo 5 weMimiselo

6. UMmiselo 5 weMimiselo wenziwa isilungiso sommiselwana (2) walo mmiselwana ulandelayo:
“(2) Ikomiti yephondo kufuneka ihlangane kumaxesha neendawo ekugqitywe malunga nazo ngusihlalo.”.

Ukwenziwa kwesilungiso kommiselo 8 weMimiselo

7. UMmiselo 8 weMimiselo wenziwa isilungiso—
- (a) ngokutshintshwa komhlathi (b) wommiselwana (1) walo mhlathi ulandelayo:
“(b) ababini abanye abameli beSebe abanolwazi, amava, kucwangciso lokusetyenziswa komhlaba, omnye wabo kufuneka abe ngumcwangcisi obhalisiweyo, otyunjwe yiNtloko yeSebe;”;
- (b) ngokutshintshwa komhlathi (c) wommiselwana (1) walo mhlathi ulandelayo:
“(c) ummeli wesebe lephondo elinoxanduva lemicimbi yezendalo onolwazi, amava, kulawulo lwezendalo, otyunjwe yintloko yelo sebe;”;
- (c) ngokutshintshwa komhlathi (d) wommiselwana (1) walo mhlathi ulandelayo:
“(d) ummeli wesebe ngalinye lamanye amasebe ephondo, onyulwe yintloko nganye yeentloko zamaphondo wamasebe;”;
- (d) ngokutshintshwa komhlathi (e) wommiselwana (1) walo mhlathi ulandelayo:
“(e) ummeli kamasipala ongumcwangcisi obhalisiweyo, kamasipala ngamnye kummandla lowo umgaqo-sikhokelo wephondo wophuhliso lwesithuba esivulelekileyo uya kusebenza khona, otyunjwa ngumasipala ngamnye wabo masipala okanye, ukuba umasipala akanaye umcwangcisi obhalisiweyo, umqeshwa kamasipala waloo masipala unolwazi, namava, kucwangciso lokusetyenziswa komhlaba; yaye”; yaye
- (e) ngokutshintshwa kummiselwana (7)(c) womhlathana (i) walo mhlathana ulandelayo:
“(i) ubuncinane bathathu oomasipala kummandla ekuya kuthi kubo umgaqo-sikhokelo wephondo wophuhliso lwezithuba ezivulelekileyo somgaqo-sikhokelo okanye ukutshintshwa kwawo kuya kusebenza; okanye”.

Ukwenziwa kwesilungiso koMmiselo 10 weMimiselo

8. UMmiselo 10 weMimiselo wenziwa isilungiso—
- (a) ngokutshintshwa komhlathi (b) wommiselwana (1) walo mhlathi ulandelayo:
“(b) uphuhliso lomhlaba olucetyiswayo olusebenzisa indawo yehektare enye okanye ngaphezulu yomhlaba wezolimo oye wafumana ukulinywa okanye ukunkenkeshelwa kwithuba leminyaka eli-10 ngoko nangoko phambi kophuhliso lomhlaba olucetyiswayo olubandakanya uphuhliso lweedolophu okwanye ukwanda kwasezidolophini, kubandakanywa uphuhliso lweendawo zokuhlala, indawo yokwamkela iindwendwe, ishishini, imizimveliso, ololuntu kunye nolwamashishini, iinkonzo zezibonelelo okanye usetyenziso lwezithuthi, kodwa kungabandakanywa kusetyenziswa kwemihlaba yezolimo okanye uphuhliso lomhlaba ngokuqhelekileyo olwayanyaniswa nokusetyenziswa kwezolimo njengokugcina izinto zolimo kunye nezibonelelo zokupakisha izinto, amashishini ezolimo okanye ukulungiselelwa kwabasebenzi bezolimo abangabo;”;

- (b) ngokongezwa emva komhlathi (b) kommiselwana (1) wale mihlathi ilandelayo:
- “(c) uphuhliso lomhlaba olucetyiswayo wokukhangela, wokuqhuba ishishini lomgodi okanye ukwembiwa kweekwari olusebenzisa ummandla weehektare ezintlanu okanye ngaphezulu komhlaba wezolimo;
- (d) uphuhliso lomhlaba olucetyiswayo lwayo nawuphi na umsebenzi werhasi eyembiwa ematyeni, kodwa kungabandakanywa nayiphi na imisebenzi yokuphonononga okubandakanya ukuvavanywa kweentshukumo zasemathunjini omhlaba kunye nokwembiwa komgodi ngokwezigaba ngezigaba; kunye
- (e) nophuhliso lomhlaba olucetyiswayo malunga naso nasiphi na isibonelelo sokwenziwa kombane ngamandla enyukliya.”;
- (c) ngokutshintshwa komhlathi (b) wommiselwana (2) walo mhlathi ulandelayo:
- “(b) uphuhliso lomhlaba olucetyiswayo ekubonelelwe ngalo ngqo kumgaqo-sikhokelo wophuhliso lwezithuba ezivulelekileyo zikamasipala ezichaphazelekayo ezazingeniswe nguMphathiswa wePhondo njengoko kuchatshazelweyo kwicandelo 14 loMthetho.”;
- (d) nangokucinywa komhlathi (c) wommiselwana (2); kunye
- (e) nangokutshintshwa kwamagama angaphambi komhlathi (a) wommiselwana (3) wala magama alandelayo:
- “(3) Phambi kokudwelisa naluphi na uhlobo lophuhliso lomhlaba ngokommiselwana (1)(a), uMphathiswa wePhondo kufuneka apapashe isaziso kwiGazethi yePhondo—”.

Ukwenziwa kwesilungiso kommiselo 11 weMimiselo

9. Ummiselo 11 weMimiselo wenziwe isilungiso ngokutshintshwa kommiselwana (4) walo mmiselwana ulandelayo:

“(4) INtloko yeSebe kufuneka igcine imizuzu yeenkqubo zothethwano olungaphambi kokwenziwa kwesicelo kunye nedathabheyisi yezicelo ezifunyenweyo.”.

Ukwenziwa kwesilungiso 12 seMimiselo

10. Ummiselo 12 weMimiselo wenziwe isilungiso ngokutshintshwa kommiselwana (7) walo mmiselwana ulandelayo:

“(7) Umniniyo ochaphazelekayo kufuneka afumane imbalelwano nezaziso ezichatshazelwe kummiselwana (6) esuka kwiarhente, kwaye iarhente kufuneka yazise umniniyo ngawo onke amaxesha.”.

Ukwenziwa kwesilungiso kommiselo 23 weMimiselo

11. Ummiselo 23 weMimiselo wenziwe isilungiso—

(a) ngokutshintshwa kommiselwana (3) walo mmiselwana ulandelayo:

“(3) Makufakwe isibheni zingadlulanga iintsuku ezingama-21 zomhla wokwaziswa kwesigqibo ngokunxulumene nesibheni eso sifakwayo, yaye ngenjongo yoku isibheni kufuneka sifike eofisini yoMphathiswa ungadlulanga umhla osikiweyo okhankanywe ngentla kungakhathaliseki ndlela yokwenziwa kwayo.”;

- (b) ngokufakela emva kommiselwana (3) walo mmiselwana ulandelayo:
 “(3A) UMphathiswa wePhondo unako—
 (a) ngokwenza isicelo ngokubhaliweyo ngethuba lokufakwa kwesibheno; kunye
 (b) nenjongo elungileyo ebonakalisiweyo, avumele ithuba elongezelelweyo eliya kutsho kwiintsuku ezingama-21 zokungeniswa kweenkcukacha ezongezelelweyo kwisicelo sesibheno njengoko kuchatshazelweyo kummiselwana (3);”;
- (c) ngokufaka emva komhlathi (b) wommiselwana (6) walo mhlathi ulandelayo:
 “(bA) ukwenza isigqibo kusakuba kwenziwe isicelo soko esichatshazelwe kummiselwana (3A);”;
- (d) ngokutshintshwa kummiselwana (6)(c) womhlathana (i) walo mhlathana ulandelayo:
 “(i) ukuba isibheno siyawuthobela lo mmiselo, azise ummenzi-sibheno malunga nokwamkelwa kwesibheno, ukuba kufanelekile, ukuba ngaba ithuba elongezelelweyo elichatshazelweyo kummiselwana (3A) liyanikwa;”;
- (e) ngokutshintshwa kommiselwana (7) walo mmiselwana ulandelayo:
 “(7) Umntu, kubandakanywa nomenzi-sicelo ukuba umenzi-sibheno asinguye umenzi-sicelo, ofumene isaziso sesibheno ngokummiselwana (6)(c)(iii) unokuthi, zingadlulanga iintsuku ezingama-21 zokwaziswa malunga nesibheno, okanye kwithuba elingaphezulu ekuvunyelwene ngalo nguMphathiswa wePhondo, angenise amagqabantshintshi abhaliweyo malunga noko kuMphathiswa wePhondo kunye neekopi zaso kumenzi-sibheno yaye, ukuba umenzi-sibheno akangomenzi-sicelo, kwakunye nakumenzi-sicelo.”;
- (f) ngokutshintshwa kommiselwana (12) walo mmiselwana ulandelayo:
 “(12) UMphathiswa wePhondo angacela naliphi na iqumrhu likarhulumente, umenzi-sicelo okanye umenzi-sibheno ukuba makenze amagqabantshintshi malunga nesibheno okanye ukufaka iinkcukacha ezingaphezulu ngokunxulumene nesibheno njengoko uMphathiswa wePhondo anokufuna.”; yaye
- (g) nangokutshintshwa kommiselwana (14) walo mmiselwana ulandelayo:
 “(14) Iithuba elisusela kowe-15 Disemba ukuya kwi-5 Januwari alibandakanywanga ekubalweni naliphi na ithuba ekubhekiswa kulo kummiselwana (6)(c) nakummiselo 24 nowama-33.”.

Ukwenziwa kwesilungiso kommiselo 25 weMimiselo

12. UMmiselo 25 weMimiselo wenziwa isilungiso ngokongezwa emva kommiselwana (2) walo mmiselwana ulandelayo:

“(3) Uthethwano phakathi koMphathiswa wePhondo noMphathiswa wePhondo ojongene nezolimo malukunjelwe zingadlulanga iintsuku ezingama-30 kusakuba kufunyenwe nguMphathiswa wePhondo ojongene nezolimo wenkqubo edluliselweyo echatshazelwe kummiselwana (1).”.

Ukwenziwa kwesilungiso kommiselo 26 wemimiselo

13. UMmiselo 26 weMimiselo wenziwa isilungiso ngokutshintshwa komhlathi(b) wommiselwana (1) walo mhlathi ulandelayo:

“(b) zingadlulanga iintsuku ezili-190 zokufunyanwa kwazo zonke iinkcukacha ezifanelekileyo, kubandakanywa amagqabantshintshi okanye iimpindulo kumagqabantshintshi, amaxwebhu akhaphayo, iingxelo okanye nazo naziphi na iinkcukacha ezingaphezulu eziceliweyo.”.

Ukutshintshwa kommiselo 27 weMimiselo

14. Lo mmiselo ulandelayo utshintshwe ngommiselo 27 weMimiselo:

“**27.** UMphathiswa wePhondo kufuneka, zingadlulanga iintsuku ezili-14 zesigqibo sakhe esimalunga nesibheni, ukwazisa umenzi-sibheni, umenzi-sicelo ukuba umenzi-sibheni akanguye umenzi-sicelo naye nawuphi na umntu oye wangenisa amagqabantshintshi kwisibheni sesigqibo kunye nezizathu zoko.”.

Amalungiselelo ngethuba leenguqu

15. Nasiphi na isicelo okanye isibheni esifakiweyo phambi kokuba le mimiselo isebenze mayisetyenziswe ngokungathi le mimiselo ayikhange yenziwe.

Isihloko esifutshane

16. Le mimiselo ibizwa ngokuba yiMimiselo yoCwangciso lokuSetyenziswa koMhlaba eNtshona Koloni, ngo-2015: Ukwenziwa kwesilungiso, ngo-2018.

Ukutshintshwa kwesiHlomelo B seMimiselo

17. Esi siHlomelo silandelayo sitshintshwa ngesiHlomelo B seMimiselo:

“ISIHLOMELO B**IFOMU YESICELO SOPHUHLISO LOMHLABA***(ICandelo 53 loMthetho nemigaqo 10 kunye no-12)***UKWANDISWA KWESITHUBA ESISEMTHETHWENI SEFOMU YESICELO***(ICandelo 57 loMthetho nomgaqo 28)***ISEBE LEMICIMBI YEZENDALO NOCWANGCISO LWEZOPHUHLISO**

IDilesi yeSebe <i>(Mayizaliswe ligosa)</i>			
Inombolo yesalathisi <i>(Mayizaliswe ligosa)</i>			
<i>Zalisa le fom ngokusebenzisa oonobumba ABAKHULU nangokutikisha iibhokisi ezifanelekileyo.</i>			
ISIQENDU A: IZICELO NGOKWALO MTHETHO			
UPhuhliso lomhlaba <i>(ICandelo 53(2) loMthetho nemigaqo 10(4) no-12)</i>	E	H	Ukuba ngu-ewe, zizalise zonke iziqendu ngaphandle kwesiqendu H, sale fom yesicelo.
Ukwenziwa kwesilungiso kwimvume yophuhliso lomhlaba <i>(ICandelo 53(2) loMthetho nemigaqo 10(5) no-12)</i>	E	H	Ukuba ngu-ewe, zizalise zonke iziqendu ngaphandle kwesiqendu H, sale fom yesicelo.
Ukwandiswa kwethuba lokusebenzisa umhlaba ngokusemthethweni <i>(ICandelo 53(2) loMthetho nemigaqo 28)</i>	E	H	Ukuba ngu-ewe, zizalise zonke iziqendu ngaphandle kwesiqendu G, sale fom yesicelo.
ISIQENDU B: IINKCUKACHA ZOMENZI-SICELO			
Igama (Amagama apheleleyo)			
Ifani			
Igama lenkampani <i>(Ukuba kufanelekile)</i>			
Idilesi yeposi		Ikhowudi yeposi	
I-imeyile			

Imfono- mfono		Ifeksi		Iselula				
ISIQENDU C: IINKCUKACHA ZOMNINI / ZABANIKAZI (<i>Ukuba zohlukile kwezomenzi sicelo</i>)								
Amagama (amagama apheleleyo)								
Idilesi yendawo ohlala kuyo okanye iindawo ohlala kuzo				Ikhawudi yeposi				
I-imeyile								
Imfono- mfono		Ifeksi		Iselula				
ISIQENDU D: IINKCUKACHA ZEPROPATI (<i>Ngokuhambelana netayitile</i>)								
Inkcazelo yepropati (<i>INombolo yeSi- za/yeZiza/yeZahlulo</i>) okanye iFama kwaye neeFama))								
Idilesi yendawo				Idolophu/iSixeko				
Isixokelelwano seem- pawu, samagama enkca- zo-bume bomhlaba (amaQondo, imizuzu nemizuzwana)	S	o	'	"	E	o	'	"
Isimo somhlaba esikhoyo		Ubunga- kanani	m ² / ha	Ingaba kukho izakhiwo ezikhoyo	E	H		
Usetyenziso lomhlaba ngoku								
Inombolo yesiqinisekiso somhlaba nomhla wesi- qinisekiso mhlaba	T							
Ingaba ikho imiqathango ethintelayo?	E	H	Ukuba ngu- Ewe, dwelisa imiqathango					
Ingaba ipropati ikhatswa zizithintelo zebhondi?	E	H	Ukuba ngu- ewe, dwelise umnini-bhondi okanye aba- nini-bondi					

ISIQENDU E: UTHETHWANO PHAMBI KOKWENZIWA KWESICELO (UMgaqo 11)					
Ingaba luye lwakhona uthethwano phambi kokwenziwa kwesicelo?	E	H	Ukuba ngu-ewe, zalisa ezi nkukacha zingezantsi uze uqhoshele imizuzu yothethwano olwaluphambi kwesicelo.		
Igama legosa	Inombolo yesalathisi		Umhla wothethwano		
ISIQENDU F: UMRHUMO WESICELO*(IsiHlomelo D)					
Isicelo sophuhliso lomhlaba					R5000
Ukwenziwa kwesilungiso kwimvume yophuhliso lomhlaba					R2000
Ukwandiswa kwethuba lokusebenzisa umhlaba ngokusemthethweni					R2000
Umrhumo omiselweyo wesicelo xa uwonke					
UKUKHULULWA EKHULAWULENI UMRHUMO WESICELO** (ISihlomelo D)					
Uphuhliso luhlawulelwa ngemali ngenkxaso-mali karhulumente.	E	H	Umenzi wesicelo lisebe likarhulumente.	E	H
*Umrhumo wesicelo awubandakanyi ziindleko zokupapashwa kwesaziso kwiGazethi kaRhulumente wePhondo, kumajelo opapasho okanyye ukukhustshwa kwezaziso eziqulathwe kumgaqo 14, 16 okanye 28 kuba umenzi wesicelo enoxanduva leendleko zezi zaziso.					
**Ukuba ukhululwe kwintlawulo yemirhumo yesicelo, qhoboshela ubungqina.					
IINKCUKACHA ZEBHANKA ZESEBE (Ziya kuzaliswa ligosa)					
Igama:	ISebe leMicimbi Yezendalo Nocwangciso Lwezophuhliso				
IBhanka:					
Inombolo yeSebe.:					
Inombolo ye-Akhawunti:					
***Isalathiso sentlawulo: (Inombolo yesalathiso ethe ngqo yesalathiso KUFUNeka isetyenziswe njengesalathiso sedipozithi xa kusenziwa intlawulo.)				
*** Nceda ufumane inombolo yesalathiso ethe ngqo evela kwiSebe.					

IINKCUKACHA ZEBHANKA ZOMENZI WESICELO (uMgaqo 35)

Umenzi wesicelo kufuneka azalise iinkcukacha zakhe zebhanka apha ngasezantsi ukulungiselela iinjongo zembuyekezo yemirhumo yesicelo ukuba ngaba isicelo sirhoxisiweyo yaye imirhumo yesicelo ayitshoni.

Igama:

IBhanka:

Inombolo yeSebe.:

Inombolo ye-Akhawunti:

ISIQENDU G: INGCACISO EQHOTYOSHELWEYO NEXHASAYO KUNYE NAMAXWEBHU ALUNGISELELWE ISICELO SOPHUHLISO LOMHLABA OKANYE IZILUNGISO KWIMVUME YOPHUHLISO LOMHLABA (uMgaqo 12(2)(a) ukuya ku-(p)).

Zalisa olu xwebhu loluhlu lohlolo ze uncamathisele yonke ingcaciso namaxwebhu afanelekileyo kwisindululo. Ukusilela ukungenisa yonke ingcaciso namaxwebhu afunekayo kuya kukhokhelela ekubeni isicelo singamkelwa.

E	H	Ayi kho	Imvume yombolekisi-mali (ukuba ikho)	E	H	Ayi kho	Iplani ebonisa uphuhliso lomhlaba kummandla okanye kwiPhondo ebufana nophuhliso lomhlaba ekungeniswe isicelo sayo eya kuba nempembelelo ekhulayo kummandla okanye kwiPhondo.
E	H	Ayi kho	Igunya lokusayina /Imvume yoMnini ukuba ngaba umenzi wesicelo akanguye umnini	E	H	Ayi kho	Iplani ebonakalisa ukusetyenziswa okuqhubekayo komhlaba, izakhiwo nemisebenzi
E	H	Ayi kho	Isigqibo okanye obunye ubungqina bokokuba umenzi wesicelo ugunyazisiwe ukuba unegunya lomthetho lokumela inkampani	E	H	Ayi kho	Iplani ebonakalisa uqikelelo lokucetywayo
E	H	Ayi kho	Ubungqina bentlawulo yemirhumo	E	H	Ayi kho	Uluhlu lwezinye iimvume ezifunekayo ezilungiselelwe uphuhliso lomhlaba ocetywayo nezo kufakwe isicelo ngazo
E	H	Ayi kho	Iplani yendawo	E	H	Ayi kho	Impembelelo yesicelo
E	H	Ayi kho	Ikopi epheleleyo yetayitile	E	H	Ayi kho	Uvavanyo lwempembelelo kulimo kunye nengcaciso enxulumene noko okanye amaxwebhu
E	H	Ayi kho	Ubungqina boubume bomhlaba olwenziweyo olufanelekileyo	E	H	Ayi kho	

E	H	Ayi kho	Iplani ebonisa ukusetyenziswa bezimo zomhlaba ezingqongileyo eziya kuchaphazeleke	E	H	Ayi kho	Amanye amaxwebhu angezelelekileyo okanye ingcaciso njengoko idwelisiwe kwindibano yokubonisana
E	H	Ayi kho	Iplani ebonisa ukusetyenziswa komhlaba ongqongileyo oya kuchaphazeleka	E	H	Ayi kho	Ezinye (Chaza)
E	H	Ayi kho	Ikopi yesaziso yesigqibp sokuqala				
ISIQENDU H: IZIHOMELO NEENKCUKACHA KUNYE NAMAXWEBHU AKHAPHAYO KWISICELO SOKWANDISWA							
E	H	Ayi kho	Ikopi yesaziso sesigqibo sokuqala	E	H	Ayi kho	Ukwandiswa kwengxelo yempembelelo
E	H	Ayi kho	Ubungqina bentlawulo yemirhumo	E	H	Ayi kho	Ezinye (Chaza)
ISIQENDU I: ISIGUNYAZISO OKANYE IZIGUNYAZISO NGOKWEMINYE IMITHETHO							
E	H	Ayi kho	UMthetho wMvelaphi eliLifa Lethu, ka-1999 (uMthetho 25 ka-1999)	E	H	Ayi kho	UMthetho kaMasipala woCwangciso loSetyenziso-Mhlaba kaMasipala
E	H	Ayi kho	UMthetho woLawulo lwezenNdalo KaZwelonke, ka-1998 (uMthetho 107 ka-1998)				
E	H	Ayi kho	UMthetho ongoKwahlulwa-hlulwa koMhlaba wezoLimo, ka-1970 (UMthetho 70 ka-1970)	E	H	Ayi kho	UMthetho othe ngqo wolawulo lokusingqongileyo, umzekelo iEnvironmental Conservation Act, 1989 (uMthetho 73 we-1989), iNational Environmental Management: Air Quality Act, 2004 (uMthetho 39 wama-2004), i National Environmental Management: Integrated Coastal Management Act, 2008 (uMthetho 24 wama-2008), iNational Environmental Management: Waste Act, 2008 (uMthetho 59 wama-2008), kunye ne National Water Act, 1998 (uMthetho 36 we-1998)
E	H	Ayi kho	UMthetho woCwangciso lweeNdawo eziVulelekileyo kunye noLawulo lokuSetyenziswa koMhlaba, ka-2013 (UMthetho 16 ka-2013)	E	H	Ayi kho	Omnye (Chaza)

ISIQENDU J: ISIBHENGEZO

Ukwenjenje ndiqinekisa ukuba—

1. iinkcukacha eziqulathwe kule fom yesicelo kunye namaxwebhu akhaphayo azalisiwe yaye achanekile;
2. Ndiyayazi ukuba lulwaphulo-mthetho ngokwecandelo 74(1)(b) woMthetho ukubonelela ngeengcombolo, iinkcukacha okanye iimpendulo kusaziwa ukuba ezo ngcombolo, ezo nkcukacha okanye ezo mpendulo aziyonyaniso, azi-chanekile okanye ziyalahlekisa okanye azikholeleki ukuba zichanekile;
3. Ndigunyaziswa ngokufanelekileyo ukuba ndenze esi sicelo egameni lomnikazi kunye (apho kufanelekileyo) ikopi yegunya elisemthethweni legqwetha okanye imvume eqhotyoshelwe apha; yaye
4. apho iarhente etyunjiweyo ukungenisa esi sicelo egameni lomnikazi, kwamkelekile ukuba imbalelwano esuka kunye nezaziso zeNtloko yeSebe ngokoMthetho nangokwale mimiselo ziya kuthunyelwa kuphela kwiarhente kwanokuba umnikazi uya kuthethana qho nearhente ngokubhekisele koku.

Utyikityo lomenzi wesicelo:

Umhla

Igama alipheleleyo

Isikhundla somenzi-sicelo

YENZELWE UKUSETYENZISWA LISEBE KUPHELA

Umhla esifakwe ngawo:

Sifikele ku:

Isitampu seSebe

Okubekwe endaweni yeSihlomelo C seMigaqo

18. Esi Sihlomelo silandelayo sibekwe endaweni yeSihlomelo C seMigaqo:

“ISIHLOMELO C

<p>FOMU YESIBHENO (ICandelo 56 loMithetho nomgaqo 23)</p>
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ISEBE LEMICIMBI YOKUSINGQONGILEYO NOCWANGCISO LOPHUHLISO

Idilesi yeSebe (Mayizaliswe ngumsebenzi wesebe)				
Inombolo yesalathiso (Mayizaliswe ngumsebenzi wesebe)				
Zalisa le fomu ngokusebenzisan ONOBUMBA ABAKHULU nangokufaka uphawu kwiibhokisi ezifanelekileyo.				
<i>Qaphela:</i> Isibheno kuMphathiswa wePhondo kufuneka singeniswe kwisithuba seentsuku ezingama-21 zomhla wokwaziswa ngesigqibo.				
ISIQENDU A: ISIBHENO				
Ingaba ubhena kwisigqibo seNtloko yeSebe?		E	H	
Ingaba ubhena kumqathango wemvume obekwe yiNtloko yeSebe?		E	H	Ukuba ngu-ewe, chaza imiqathango kwiSiqendu F
Ingaba ubhena kuba amalungelo akho echatshazelwe lusilelo lweNtloko yeSebe ekubeni yenze isigqibo ngesicelo sakho kwixesha elibekiweyo?		E	H	
Umhla wesigqibo	DD/MM/YYYY	Umhla wokwaziswa	DD/MM/YYYY	
ISIQENDU B: IINKCUKACHA ZOMFAKI-SIBHENO				
Amagama akho				
Ifani				
Igama lenkampani okanye lomntu womthetho (<i>Ukuba likhona</i>)				
Idilesi yendawo				
Idilesi yeposi (<i>ukuba yahlukile kwidilesi yendawo</i>)		Ikhawudi yeposi		

I-imeyile								
Imfono-mfono		iFeksi			iSelula			
ISIQENDU C: INKCAZELO YEPROPATI YOMFAKI-SIBHENO (<i>Ipropati echatshazelwe luphuhliso olucetywayo</i>)								
Inkcazelo yepropati <i>iNombolo yeZiza/iZahlulo okanye ezeFama</i>					Idolophu/iSixeko			
Isixokelelwano seem-pawu, samagama enkca-zobume bomhlaba (amaQondo, imizuzu nemizuzwana)	S	o	'	"	E	o	'	"
Idilesi yendawo								
ISIQENDU D: INKCAZELO YEPROPATI EKUZA KWENZIWA KUYO UPHUHLISO								
Inkcazelo yepropati <i>iNombolo yeZiza/iZahlulo okanye ezeFama</i>					Idolophu/iSixeko			
Idilesi yendawo								
ISIQENDU E: ISIBHENO ESIVELA KUMNTU/KUBANTU ABACHAPHAZELEKAYO								
Waziswe njani ngesigqibo ofake isibheno kuso?	Iphephandaba	E	H	<i>IGazethi yePhondo</i>	E	H	Enye (<i>Chaza</i>)	
Chaza* ukuba isigqibo okanye imiqathango yemvume okanye zombini ziwachaphazela njani amalungelo akho:								
* <i>Iinkcazelo zingaqhotyoshelwa.</i>								

ISIQENDU F: IZIZATHU ZOKUFAKA ISIBHENO*

* Izizathu zokufaka isibheno zingaqhotyoshelwa

ISIQENDU G: INTLAWULO YESIBHENO*(ISihlomelo D)

Isibheno	R0
Imali yesibheno iyonke	R0

UKUKHULULWA KWINTLAWULO YOKUBHENA (ISihlomelo D)**

Uphuhliso olu yiprojekti yasekuhlaleni ehlawulelwa ngurhulumente.	E	H	Umfaki-sicelo liziko likarhulumente	E	H
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* Imali yesibheno ayibandakanyi iindleko zokuhambisa isaziso ngokomgaqo 23 ngoba umfaki-sicelo nguye onoxanduva lokuhlawula ezi ndleko zezi zaziso.

**Ukuba waphulelwe ukuba ungahlawuli imirhumo yesibheno, qhoboshela ubungqina

IINKCUKACHA ZEBHANKI ZESEBE (Ziya kuzaliswa ligosa)

Igama: ISebe leMicimbi yokusiNgqongileyo noPhuhliso loCwangciso

IBhanka:

Inombolo
yeSebe:

Inombolo
yeAkhawunti:

*****Isalathiso**

seNtlawulo:

(Inombolo yesalathiso somrhumo **KUFUNEKA** isetyenziswe njengesalathiso sediphozithi xa uhlawula.)

*****Fumana inombolo yesalathiso somrhumo kwiSebe.**

IINKCUKACHA ZEBHANKI ZOMFAKI-SIBHENO (UMgaqo 35)

Umfaki-sibheno kufuneka azalise iinkcukacha zakhe zebhanki apha ngezantsi ukulungiselela imbuyekezo yemali yesibheno ukuba isibheno sirhoxisiwe yaye imali yesibheno ayitshonanga.

Igama:

IBhanka:

Inombolo yeSebe:

Inombolo yeAkhawunti:

ISIQENDU H: AMAXWEBHU AQHOTYOSHELWEYO NEENKCUKACHA EZIXHASAYO

Zalisa olu ludwe lohlolo lulandelayo ze uqhoboshele ezinye iinkcukacha apho kuyimfuneko.

E	Ayikho	Ubugqina bokwaziswa ngesigqibo
E	Ayikho	Ikopi yesigqibo nemiqathango yemvume
E	Ayikho	Ubugqina bentlawulo yemirhumo
E	Ayikho	Iinkcazelo
E	Ayikho	Izizathu zokufaka isibheno
E	Ayikho	Okunye (<i>Chaza</i>)

ISIQENDU I: ISIFUNGO

Ndiyaqinisekisa ukuba-

1. iinkcukacha eziqulathwe kule fomu namaxwebhu aqhotyeshelweyo ziphelele yaye zinyanisekile;
2. ndiyazi ukuba kulityala ngokwecandelo 74(1)(b) loMthetho ukunikeza iinkcukacha okanye iimpendulo ndisazi ukuba ezo nkcukacha okanye ezo mpendulo aziyonyani, azichanekanga okanye ziyalahlekisa okanye endikholelwa ukuba azichanekanga.

Utyikityo lomfaki-sibheno: _____

Umhla

Igama nefani

IZALISWA YI-OFISI KUPHELA

Umhla esifakwe ngawo:

Sifikele ku:

Isitampu seSebe