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Proposed Amendments

Amendment of Clause 2(2)

"(2) Except as provided for in this Act, no legislation not repealed by this Act may prescribe an alternative or parallel mechanism, measure, institution or system on spatial planning, land use, land use management and land development in a manner inconsistent with the generality provisions of this Act."

Amendment of Clause 7(a)(vi)

"(a) (vi) a Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application;"

Amendment of Clause 8 (1)

"8. (1) The Minister must, after public consultation with organs of state in the provincial and local spheres of government, prescribe norms and standards for land use management and land development that are consistent with this Act, the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), and the Intergovernmental Relations Framework Act."

Amendment of Clause 14

"14. The national spatial development framework must—

- (a) give effect to the development principles **and norms and standards set** out in Chapter 2;
- (b) give effect to relevant national policies, priorities, plans and legislation;
- (c) coordinate and integrate provincial and municipal spatial development frameworks;
- (d) enhance spatial coordination of land development and land use management activities at national level;
- (e) indicate desired patterns of land use in the Republic; and
- (f) take cognisance of any environmental management instrument adopted by the relevant environmental management authority."

Amendment of Clause 19

"19. A regional spatial development framework must—

- (a) give effect to the development principles **and applicable norms and standards** set out in Chapter 2;
- (b) give effect to national and provincial policies, priorities, plans and planning legislation;
- (c) reflect the current state of affairs in that area from a spatial and land use perspective of the region;
- (d) indicate desired patterns of land use in that area;
- (e) provide basic guidelines for spatial planning, land development and land use management in that area;

- (f) propose how the framework is to be implemented and funded; and
- (g) comply with environmental legislation."

Amendment of Clause 22 (3)

"(3) Where a provincial spatial development framework is inconsistent with a municipal spatial development framework, the Premier must, in accordance with the Intergovernmental Relations Framework Act, take the necessary steps, including the provision of technical assistance, to support the revision of those spatial development frameworks in order to ensure consistency between the two."

Amendment of Clause 30

"30. (1) Where an activity requiring authorisation in terms of this Act is also regulated in terms of another law, the relevant ~~Municipal Planning Tribunal~~ municipality and the organ of state empowered to authorise the activity in terms of the other law may exercise their respective powers jointly by issuing—

- (a) separate authorisations; or
- (b) an integrated authorisation.

(2) An integrated authorisation contemplated in subsection (1)(b) may be issued only if—

- (a) the relevant provisions of all applicable legislation have been complied with;
and
- (b) the integrated authorisation specifies the—
 - (i) provisions in terms of which it has been issued; and

(ii) relevant authorities that have issued it.

(3) ~~A Municipal Planning Tribunal~~ The relevant municipality may regard an authorisation in terms of any other legislation that meets all the requirements set out in this Act or in provincial legislation as an authorisation in terms of this Act."

Amendment of Clause 32

"32. (1) A municipality may pass by-laws aimed at enforcing its land use scheme.

(2) A municipality may apply to a court for an order—

(a) interdicting any person from using land in contravention of its land use scheme;

(b) authorising the demolition of any structure erected on land in contravention of its land use ~~or town planning~~ scheme, without any obligation on the municipality or the person carrying out the demolition to pay compensation; or

(c) directing any other appropriate preventative or remedial measure.

(3) A municipality—

(a) may designate a municipal official or appoint any other person as an inspector to investigate any non-compliance with its land use scheme; and

(b) must issue each inspector with a written designation or appointment in the prescribed form, stating that the person has been appointed in terms of this Act.

(4) When an inspector contemplated in subsection (3) performs any function of an inspector in terms of this Act, the inspector—

- (a) must on request produce his or her written designation or appointment; and
- (b) may not be a person having a direct or indirect personal or private interest in the matter to be investigated.

(5) An inspector contemplated in subsection (3) may, **subject to subsection (8)**—

- (a) enter any land at any reasonable time without previous notice for the purpose of ascertaining an issue required to ensure compliance with this Act;
- (b) question any person who is or was on or in such land, either alone or in the presence of any other person, on any matter to which this Act relates;
- (c) require from any person who has control over or custody of a book, record or other document on or in such land, to produce to the inspector forthwith, or at such time and place as may be determined by the inspector, such book, record or other document;
- (d) examine any such book, record or other document or make a copy thereof or an extract therefrom;
- (e) require from such a person an explanation of any entry in such book, record or other document;
- (f) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
- (g) seize any book, record or other document or any article, substance, plant or machinery or a part or sample thereof which in his or her opinion may serve as evidence at the trial of any person charged with an offence under this Act or the common law: Provided that the user of the article, substance, plant or machinery concerned, as the case may be, may make copies of such book,

dwelling under this section, must conduct such search or seizure with strict regard for decency and order, and with regard for each person's right to dignity, freedom, security and privacy."

Amendment of Clause 35

"(3) A municipality must in order to determine land use and land development applications within its municipal area categorise development applications to be considered by an official and those to be referred to the Municipal Planning Tribunal.

(4) Subject to subsection (3), where a municipal official is authorised in terms of subsection (2) to consider and determine a land use and land development application, the provisions of sections 40(4), (5), (6), (7) and (9), 41, 42, 43, 44, 45, 46, 47, 48 and 51 apply to such an official as if the reference to a Municipal Planning Tribunal in such provisions refer to such official."

Amendment of Clause 56

"56. Any power, except the power to make regulations and the power to determine land use and land development applications as contemplated in section 35, conferred in this Act upon a Minister, a Premier or a municipality, may, in general or in cases of a particular nature, be delegated by the person or body entrusted with that power to a political office holder or an official in the employ or service of the relevant sphere of government: Provided that any such delegation must be in writing and must specify full particulars and the limitations of such a delegation."

Amendment of Clause 58 (1)

"(d) hinders or obstructs any inspector in the performance of any function in terms of this Act."