
PROVINCE OF WESTERN CAPE

**WESTERN CAPE
LAND USE PLANNING
ORDINANCE, 1985
AMENDMENT ACT, 2009**

PROVINSIE WES-KAAP

**WES-KAAPSE
WYSIGINGSWET DIE
ORDONNANSIE OP
GRONDGEBRUIKBEPLANNING,
1985, 2009**

IPHONDO LENTSHONA KOLONI

**UMTHETHO WOLUNGISO
WOMMISELO LWESICWANGCISO
SOSETYENZISO LOMHLABA
WENTSHONA KOLONI, 1985, 2009**

No 1, 2009

applicable provisions of section 7 apply **[has]** is not **[been]** exercised before 30 June 2011, the land concerned shall, subject to the provisions of paragraph (b) of this subsection, be deemed to be zoned in accordance with the utilisation thereof, as determined by the council concerned, and any applicable zoning map existing **[at]** on the said **[expiry]** date shall lapse. 5

(b) Subject to the provisions of paragraph (c) of this subsection an appeal committee shall, before **[expiry of the period of 21 years]** the date mentioned in paragraph (a) of this subsection or any extended **[period]** date determined by the said appeal committee in terms of this subsection, on the application of the owner concerned and if, in the opinion of the said appeal committee, the said owner has suffered or will suffer loss, extend the said **[period]** date or extended **[period]** date in relation to the said land concerned **[by]** to such **[period]** date as the appeal committee may determine; provided that such extension shall be for a period of at least 5 years.” 10

(2) Subsection (1) is regarded as having taken effect on 30 June 2007. 15

Validation of certain acts

3. (1) Anything done by any person, including any organ of state, after 30 June 2007 and which is invalid, but which would have been valid had section 2(1) of this Act been in operation at that stage, is regarded as valid.

(2) A zoning map referred to in section 14(2) of the Land Use Planning Ordinance, 1985, as amended by this Act, which would have lapsed had section 2(1) of this Act not been in operation on 30 June 2007, is regarded as not having lapsed. 20

Short title

4. This Act is called the Western Cape Land Use Planning Ordinance, 1985, Amendment Act, 2009. 25

grond waarop die toepaslike bepalings van artikel 7 van toepassing is, nie voor 30 Junie 2011 uitgeoefen is nie, word die betrokke grond behoudens die bepalings van paragraaf (b) van hierdie subartikel geag gesoneer te wees in ooreenstemming met die aanwending daarvan, soos deur die betrokke raad bepaal, en verval enige toepaslike soneringskaart wat [by] op genoemde [verstryking] datum bestaan. 5

(b) Behoudens die bepalings van paragraaf (c) van hierdie subartikel moet 'n appèlkomitee voor [verstryking van die tydperk van 21 jaar] die datum in paragraaf (a) van hierdie subartikel vermeld of enige verlengde [tydperk] datum ingevolge hierdie subartikel deur genoemde appèlkomitee bepaal, op aansoek van die betrokke eienaar en indien genoemde eienaar na die mening van genoemde appèlkomitee verlies gely het of nog sal ly, genoemde [tydperk] datum of verlengde [tydperk] datum [met] na die [tydperk] datum deur genoemde appèlkomitee bepaal, met betrekking tot die betrokke grond verleng; met dien verstande dat sodanige verlenging vir 'n tydperk van minstens 5 jaar sal wees.''. 10

(2) Subartikel (1) word geag om in werking te tree vanaf 30 Junie 2007. 15

Bekragtiging van sekere handelinge

3. (1) Enige handeling verrig na 30 Junie 2007 deur enige persoon, insluitende 'n staatsorgaan, en wat ongeldig is, maar wat geldig sou wees indien artikel 2(1) van hierdie Wet reeds in werking was op daardie stadium, word geag geldig te wees.

(2) Enige soneringskaart waarna verwys word in artikel 14(2) van die Ordonnansie op Grondgebruikbeplanning, 1985, soos gewysig deur hierdie Wet, wat sou verval het indien artikel 2(1) van hierdie Wet nie in werking was op 30 Junie 2007 nie, word geag asof dit nie verval het nie. 20

Kort titel

4. Hierdie Wet heet die Wes-Kaapse Wysigingswet op die Ordonnansie op Grondgebruikbeplanning, 1985, 2009. 25

INQAKU JIKELELE ELICACISAYO:

[] Amagama abhalwe ngqindilili kwizibiyeli ezisisikwere achaza okushiyeiweyo kwimithetho ekhoyo.

Amagama akrwelwe umgca ongahlula-hlulwanga ngaphantsi achaza okufakiweyo kwimithetho ekhoyo.

UMTHETHO

Ukulungisa uMmiselo weSicwangciso sokuSetyenziswa koMhlaba ka1985 (uMmiselo we15 ka 1985), ukuze kuqhubekwe ukubonelelwa kobukho kwamalungelo athile angasetyenziswanga ngexesha amiselwe lona, ukubonelela elinye ixesha apho abanini-mihlaba bazakusebenzisa la malungelo, nokubonelela imicimbi enxulumene noko.

NANGONA uMmiselo wesiCwangciso sokuSetyenziswa koMhlaba ka 1985, UMthetho woLungiso ka 2007, (UMthetho woLungiso), ngaphandle kokuba kwixesha elandisiweyo abanini-mihlaba bazakusebenzisa amalungelo athile okusetyenziswa komhlaba, asele ezakuphelelwa lixesha.

NANGONA uMthetho woLungiso upapashwe kwiGazethi yePhondo ngomhla wesi 5 Julayi 2007, ngokwemigaqo yecandelo 33 (1) yoMgaqo-siseko weNtshona Koloni, ka 1997 oqalise ngalo mhla, umhla lowo osemva kokuphelelwa kwexesha, apho la malungelo akhankanyiweyo kwakufuneka esetyenzisiwe.

NANGONA abanini-mihlaba abathile, oomasipala nabanye abathathi-nxaxheba bebengaqondi ngokuphelelwa lixesha bakhokele iinkqubo ezinxulumene nokusetyenziswa kwamalungelo emihlaba ngokungathi ixesha elixeliweyo aliphelelwanga.

NANGONA kukho iingxaki zolawulo nokungaqiniseki ngokunxulumene nomthetho malunga nokuqaliswa koMthetho woLungiso, kunye

NANGONA kufuneka kuqinisekiwe ngokunxulumene nomthetho malunga nexesha apho la malungelo axeliweyo anokusetyenziswa ze kwandiswe nexesha.

OLU YILO LOMTHETHO MALWENZIWE LUSEBENZE yiPalamente yePhondo leNtshona Koloni ngolu hlobo:—

Ubhangiso loMthetho wesi 4 ka-2007

1. UMmiselo wesiCwangciso sokuSetyenziswa koMhlaba, ka-1985, UMthetho woLungiso, ka-2007, ubhangisiwe. 5

ULungiso lwecandelo le-14 loMmiselo we-15 ka 1985

2. (1) Icandelo le-14 loMmiselo wesiCwangciso sokuSetyenziswa koMhlaba, ka-1985, ulungiswe ngokufakelwa imihlathi (a) no (b) yamacandelwana (2) yalemihlathi ilandelayo:

“(2) (a) ukuba [emva kokuphelelwa kwexesha kwiminyaka engama-21 emva 10 kombhla wokuqaliswa kwaloMmiselo] nawaphi amalungelo asetyenziswayo

ngokunxulumene nomhlaba apho izibonelelo zecandelo 7 ezikhoyo zithe zacelelwa azashiywa lixesha phambi komhla wama 30 Juni 2011, umhlaba ochaphazelekayo ngokwezibonelelo zomhlathi (b) wecandelwana, mawohlulwe kuvunyelwane ukuwusebenzisa ngokokutsho kwekhansile echaphazelekayo, nayo nayiphi na imephu eyahlula ngokwemida ekhoyo ngalo mhla ukhankanyiweyo iyakuphelelwa. 5

(b) Ngokwamalungiselelo omhlathi (c) weli candelwana ikomiti yesibheni iyakufuneka phambi [**kokuphelelwa kwexesha lama 21 eminyaka**] umhla okhankanyiweyo kumhlathi (a) weli candelwana nalo naliphi na ixesha elongezelelweyo umhla oyakumiswa yikomiti echaziweyo yesibheni ngokomgaqo weli candelwana, ngokwesicelo somniniso ngamnye kwaye ukuba kungolwazi lekomiti exeliweyo yesibheni, umnini womhlaba lowo uchaziweyo wabandezeleka okanye ezakulahlekelwa kabuhlungu malandiswe elo xesha lichaziweyo okanye kubhekeliswe umhla ochaziweyo ngokunxulumene nokhathalelo lomhlaba lowo kangangexesha apho ikomiti yesibheni ingachaza, ukuba ixesha elandisiweyo iyakuba yiminyaka emi-5 10 15

(2) Icandelwana (1) lithathwa njengeliqalise ukusebenza ngomhla wama 30 Juni 2007.

Ukuqinisekiswa kwemithetho ethile

3. (1) Nantoni na eyenziwe nguye nawuphi na umntu kuquka naliphi na icandelo likarhulumente, emva kowama 30 Juni 2007 kwaye ingenagunya, kodwa ebinokuba negunya ukuba ngaba icandelo 2(1) lalo Mthetho belisetyenziswa ngelo xesha esi senzo sithathwa ngokuba sinegunya. 20

(2) Imaphu yokuzowuna ekubekiswe kuyo kwicandelo 14(2) yoMiselo loCwangciso loSetyenziso loMhlaba, 1985, njengoko kulungisiwe ngulo Mthetho, obuza kuba ubhangile ukuba icandelo 2(1) lalo Mthetho belingasebenzi ngowama-30 Juni 2007, uthatyathwa njengongakhange ube ubhangile. 25

Isihlokwana esifutshane

4. Lo Mthetho ubizwa ngokuba nguMmiselo wesiCwangciso soSetyenziso loMhlaba weNtshona koloni, 1985, UMthetho woLungiso, 2009 30

