

Western Cape, South Africa

Western Cape Land Use Planning Act, 2014

## Western Cape Land Use Planning Regulations, 2015

Provincial Notice 203 of 2015

Legislation as at 15 April 2019

FRBR URI: /akn/za-wc/act/pn/2015/203/eng@2019-04-15

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# Western Cape Land Use Planning Regulations, 2015

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# Western Cape South Africa

## Western Cape Land Use Planning Act, 2014

# Western Cape Land Use Planning Regulations, 2015

## Provincial Notice 203 of 2015

Published in Western Cape Provincial Gazette 7412 on 26 June 2015

**Commenced on 1 July 2015**

*[This is the version of this document from 15 April 2019 and includes any amendments published up to 12 April 2024.]*

*[Amended by Western Cape Land Use Planning Regulations, 2015: amendment, 2019 (Provincial Notice 51 of 2019) on 15 April 2019]*

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

## Chapter 1 Interpretation

### 1. Definitions

In these regulations a word or expression to which a meaning has been assigned in the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), has the same meaning assigned to it in that Act and, unless the context indicates otherwise—

“**agent**” means a person authorised by the owner to make an application;

“**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;

*[definition of “agricultural land” substituted by section 3(a) of Provincial Notice 51 of 2019]*

“**applicant**” means a person contemplated in regulation 10(4) or (5) or 28 who makes an application;

“**application**” means a land development application contemplated in regulation 10(4), an application for the amendment of a land development approval contemplated in regulation 10(5) or an application for the extension of a validity period contemplated in regulation 28;

“**application affecting agriculture**” means an application in respect of agricultural land;

“**cultivate**”, in relation to agricultural land, means to transform land from its natural state by preparing the land for raising crops, and includes sowing, planting or ploughing;

“**date of notification**” means the date on which a person is notified or acknowledgement of receipt is given as contemplated in regulation 37, or the date on which a notice is published in the media or *Provincial Gazette*;

“**document**” includes a plan, diagram or map;

“**Head of Agriculture**” means the head of the provincial department responsible for agriculture;

“**pre-application consultation**” means a pre-application consultation contemplated in regulation 11(1);

“**provincial committee**” means an *ad hoc* intergovernmental steering committee established in terms of section 5(1) of the Act;

“**regional committee**” means an *ad hoc* regional intergovernmental steering committee established in terms of section 8(1) of the Act;

“**South African Local Government Association**” means the South African Local Government Association recognised in terms of section 2(1)(a) of the Organised Local Government Act, 1997 ([Act 52 of 1997](#));

“**the Act**” means the Western Cape Land Use Planning Act, 2014 ([Act 3 of 2014](#));

“**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 power and communication lines, underground cables, pipes, canals or roads.

[definition of “utility services” added by section 3 (b) of [Provincial Notice 51 of 2019](#)]

## Chapter 2

### Spatial planning

#### 2. Notice of intention to compile or review provincial spatial development framework

- (1) The Premier must give notice in the *Provincial Gazette* and two newspapers that are circulated in the Province of his or her intention to compile or review a provincial spatial development framework.
- (2) The notice must be published in accordance with the Western Cape Provincial Languages Act, 1998 ([Act 13 of 1998](#)).
- (3) The notice must contain—
  - (a) the objectives of the provincial spatial development framework or the review thereof;
  - (b) the process to be followed in the compilation or review of the provincial spatial development framework;
  - (c) the name and contact details of the person from whom further information may be obtained; and
  - (d) an invitation to persons interested or affected by the compilation or review of the provincial spatial development framework to make written submissions to the Department within the period stated in the notice.

#### 3. Establishment of provincial committee to compile or review provincial spatial development framework

- (1) The members of an *ad hoc* intergovernmental steering committee appointed by the Premier in terms of section 5(1) of the Act must, subject to subregulation (4), consist of—
  - (a) the Head of Department, or an employee designated by the Head of Department, as chairperson;

- (b) two other representatives of the Department who have knowledge of, and experience in, land use planning, nominated by the Head of Department;  
*[paragraph (b) substituted by section 4(a) of [Provincial Notice 51 of 2019](#)]*
  - (c) three representatives of the Department who are registered planners, nominated by the Head of Department;  
*[paragraph (c) substituted by section 4(b) of [Provincial Notice 51 of 2019](#)]*
  - (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;  
*[paragraph (d) substituted by section 4(c) of [Provincial Notice 51 of 2019](#)]*
  - (e) a representative of each of the other provincial departments, nominated by each of the heads of those provincial departments;  
*[paragraph (e) substituted by section 4(d) of [Provincial Notice 51 of 2019](#)]*
  - (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;*[paragraph (f) substituted by section 4(e) of [Provincial Notice 51 of 2019](#)]*
  - (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;  
*[paragraph (g) substituted by section 4(f) of [Provincial Notice 51 of 2019](#)]*
  - (h) a representative nominated by the South African Local Government Association;
  - (i) representatives nominated by other relevant organs of state; and
  - (j) a representative of each neighbouring provincial government, nominated by each of the heads of department responsible for provincial planning in those provincial governments.  
*[paragraph (j) substituted by section 4(g) of [Provincial Notice 51 of 2019](#)]*
- (2) The Premier must in writing invite the organs of state and the South African Local Government Association referred to in subregulation (1) to nominate in writing, within the period stated in the invitation, persons for appointment to the committee in accordance with subregulation (1).
  - (3) The Premier must consider the nominations contemplated in subregulation (2) and from the persons so nominated appoint the members of the committee for the duration of the compilation or review of the provincial spatial development framework.
  - (4) If after having been invited in terms of subregulation (2) the organs of state or the South African Local Government Association fail to nominate, within the period stated in the invitation, the person or persons required to be nominated or fail to nominate persons with suitable qualifications, the Premier may, despite subregulation (1), appoint any employees from, and nominated by, other relevant organs of state who have suitable qualifications to be members of the committee up to the required number of members.

#### 4. Object and function of provincial committee

- (1) A provincial committee—
  - (a) assists the Premier to comply with the obligations in terms of section 41(1)(h) of the [Constitution](#) when a draft provincial spatial development framework or draft amendment of a provincial spatial development framework is compiled; and
  - (b) assists the Premier with the compilation of a draft provincial spatial development framework or draft amendment of a provincial spatial development framework.
- (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.

*[subregulation (2) substituted by section 5 of [Provincial Notice 51 of 2019](#)]*

#### 5. Meetings of provincial committee

- (1) A quorum for a meeting of the provincial committee is nine members, comprising at least the following persons:
  - (a) three employees of the Department;
  - (b) employees of three other provincial departments; and
  - (c) municipal employees of three municipalities.
- (2) The provincial committee must meet at the times and places determined by the chairperson.  
*[subregulation (2) substituted by section 6 of [Provincial Notice 51 of 2019](#)]*
- (3) In the event of the temporary absence of the chairperson, the Premier must designate from the members contemplated in regulation 3(1)(b) or (c) a member to act as chairperson during the period of absence.
- (4) The chairperson must determine the procedures that must be followed at meetings of the provincial committee.
- (5) The Department must provide secretarial and administrative support to the provincial committee and must keep minutes of the proceedings of the provincial committee.
- (6) The provincial committee may, with the approval of the chairperson, appoint subcommittees consisting of members of the provincial committee and assign tasks to such subcommittees.

#### 6. Public participation

- (1) The Premier must give notice of a draft provincial spatial development framework or draft amendment of a provincial spatial development framework in the *Provincial Gazette* and in at least two newspapers that are circulated in the Province.



- (2) The notice must be published in accordance with the Western Cape Provincial Languages Act, 1998 and must—
- (a) invite persons interested in, or affected by, the draft provincial spatial development framework or draft amendment of a provincial spatial development framework to submit written comments thereon within the period indicated in the notice; and
  - (b) state the name and contact details of the person to whom comments or representations must be addressed and where the draft provincial spatial development framework or draft amendment of a provincial spatial development framework can be obtained.

## **7. Amendment of provincial spatial development framework**

- (1) If an amendment to the provincial spatial development framework does not arise from a review of the provincial spatial development framework, the Premier may establish a provincial committee in terms of regulation 3.
- (2) If a provincial committee is not established for the amendment of the provincial spatial development framework contemplated in subregulation (1), the Head of Department must request the organs of state referred to in regulation 3(1)(d) to (g) and (i) and (j) and the South African Local Government Association to comment on the draft amendment within 60 days of receiving the request for comment.

## **8. Establishment of regional committee to compile or review a provincial regional spatial development framework**

- (1) The members of an *ad hoc* regional intergovernmental steering committee appointed by the Provincial Minister in terms of section 8(1) of the Act must, subject to subregulation (4), consist of —
  - (a) the Director for spatial planning of the Department, or an employee who is a registered planner designated by the Director, as chairperson;
  - (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;  
*[paragraph (b) substituted by section 7(a) of [Provincial Notice 51 of 2019](#)]*
  - (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;  
*[paragraph (c) substituted by section 7(b) of [Provincial Notice 51 of 2019](#)]*
  - (d) a representative of each of the other provincial departments, nominated by each of the heads of the provincial departments;  
*[paragraph (d) substituted by section 7(c) of [Provincial Notice 51 of 2019](#)]*
  - (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  
*[paragraph (e) substituted by section 7(d) of [Provincial Notice 51 of 2019](#)]*
  - (f) representatives nominated by other relevant organs of state.

- (2) The Head of Department must—
  - (a) nominate the members contemplated in subregulation (1)(b);
  - (b) if the Head of Department is also responsible for the provincial department responsible for environmental affairs, nominate the member contemplated in subregulation (1)(c); and
  - (c) in writing invite the organs of state referred to in subregulation (1)(d) to (f), and if applicable subregulation (1)(c), to nominate, within the period stated in the invitation, persons in writing for appointment to the regional committee in accordance with subregulation (1).
- (3) The Provincial Minister must consider the nominations contemplated in subregulation (2) and from the persons so nominated appoint the members for the duration of the compilation or review of the provincial regional spatial development framework.
- (4) If after having been invited in terms of subregulation (2) the organs of state fail to nominate, within the period stated in the invitation, the person or persons required to be nominated or fail to nominate persons with suitable qualifications, the Provincial Minister may, despite subregulation (1), appoint any employees from, and nominated by, other relevant organs of state who have suitable qualifications to be members of the regional committee up to the number of members required.
- (5) Regulations 2, 4, 5(2), 5(4) to 5(6) and 6, read with the necessary changes, apply to the compilation, adoption, review or withdrawal of a provincial regional spatial development framework.
- (6) For the purpose of subregulation (5), a reference to the Premier in regulation 2, 4 and 6 must be construed as a reference to the Provincial Minister.
- (7) A quorum for a meeting of the regional committee must comprise the following persons:
  - (a) two employees of the Department;
  - (b) employees of three other provincial departments; and
  - (c) municipal employees representative of—
    - (i) at least three municipalities in the region to which the regional spatial development framework or amendment thereto will apply; or  
*[subparagraph (i) substituted by section 7(e) of [Provincial Notice 51 of 2019](#)]*
    - (ii) two municipalities if the regional spatial development framework or amendment thereto will apply only to two municipalities.
- (8) In the event of the temporary absence of the chairperson, the Provincial Minister must designate from the members contemplated in subregulation (1)(b) a member to act as chairperson during the period of absence.

## 9. Amendment of provincial regional spatial development framework

- (1) If an amendment of a provincial regional spatial development framework does not arise from a review of the provincial regional spatial development framework, the Provincial Minister may appoint a regional committee in terms of regulation 8.
- (2) If a regional committee is not appointed for the amendment of the provincial regional spatial development framework contemplated in subregulation (1), the Head of Department must request the organs of state referred to in regulation 8(1)(c) to (f) to comment on the draft amendment within 60 days of receiving the request for comment.

### Chapter 3

#### Povincial development management

#### 10. Land development requiring provincial approval and exempted categories of land development

- (1) Subject to subregulation (2), land development contemplated in section 53(1) read with section 53(4) of the Act consists of the following categories:
- (a) proposed land development—
    - (i) in respect of which an approval in terms of the Ordinance does not exist immediately before the commencement of the Act; and
    - (ii) that falls within a category of land development that has been listed in the *Provincial Gazette* as a category that requires approval under section 53(1) of the Act;
  - (b) proposed land development that utilises an area of five hectares or more of agricultural land that has been cultivated or irrigated during the 10-year period immediately preceding the proposed land development that involves urban development or urban expansion, including residential, resort, business, industrial and community 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;  
*[paragraph (b) substituted by section 8(a) of [Provincial Notice 51 of 2019](#)]*
  - (c) proposed land development for prospecting, mining or quarrying that utilises an area of five hectares or more of agricultural land;  
*[paragraph (c) added by section 8(b) of [Provincial Notice 51 of 2019](#)]*
  - (d) proposed land development for any shale gas mining activity, but excluding any exploration activities involving seismic testing and stratified drilling; and  
*[paragraph (d) added by section 8(b) of [Provincial Notice 51 of 2019](#)]*
  - (e) proposed land development for any nuclear electricity generation facility.  
*[paragraph (e) added by section 8(b) of [Provincial Notice 51 of 2019](#)]*
- (2) The following categories of land development contemplated in subregulation (1) are exempted under section 53(3) of the Act from requiring approval under section 53(1) of the Act:
- (a) proposed land development in respect of which a provincial approval exists immediately before the commencement of the Act in terms of any of the following legislation:
    - (i) section 24(2) of the National Environmental Management Act, 1998 ([Act 107 of 1998](#)), excluding an approval that is suspended in terms of section 43(7) of that Act;
    - (ii) section 3 or 14 of the Less Formal Township Establishment Act, 1991 ([Act 113 of 1991](#));
    - (iii) regulations 2 to 7 of the regulations made under section 66(1) of the Black Communities Development Act, 1984 ([Act 4 of 1984](#)), published under Government Notice R. 1897/1986 in *Government Gazette* 10431 of 12 September 1986;
    - (iv) regulation 16, 17, 19(5) or 19(7) of the regulations made under section 66(1) of the Black Communities Development Act, 1984, published under [Provincial Notice 733/1989](#) in *Provincial Gazette* 4606 of 22 September 1989;
    - (v) section 20 of the Rural Areas Act, 1987 ([Act 9 of 1987](#));

- (b) proposed land development that is specifically provided for in the applicable local municipal spatial development framework that was submitted to the Provincial Minister as contemplated in section 14 of the Act.  
*[paragraph (b) substituted by section 8(c) of [Provincial Notice 51 of 2019](#)]*
- (c) *[paragraph (c) deleted by section 8(d) of [Provincial Notice 51 of 2019](#)]*
- (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*—  
*[introductory phrase of subregulation (3) substituted by section 8(e) of [Provincial Notice 51 of 2019](#)]*
  - (a) specifying, through description, a map or in any other appropriate manner, the category of land development that he or she is proposing to list; and
  - (b) inviting interested parties to submit written comments on the proposal to list the category within a period specified in the notice.
- (4) An owner or his or her agent must apply to the Head of Department in terms of this Chapter for the approval of land development contemplated in subregulation (1).
- (5) An owner or his or her agent may before the expiry of the validity period of an approval of land development apply to the Head of Department for amendment of the approval.
- (6) The approval as amended in terms of subregulation (5) remains valid for the remaining period of the validity period that is applicable to the approval before it was amended.
- (7) This regulation and regulations 11 to 27, read with the necessary changes, apply to an application for an amendment of a land development approval.

## 11. Pre-application consultation

- (1) An owner who intends to apply for land development in terms of regulations 10(4) and 12 or his or her agent must attend one or more pre-application consultations before an application is submitted to the Head of Department in order to determine the information and documents that must be submitted with the application.
- (2) An owner or agent contemplated in subregulation (1) must, before submitting an application in terms of regulation 12, complete and submit the form in Annexure A to the Head of Department.
- (3) The Head of Department must—
  - (a) when the form in Annexure A is received record receipt of the form, in writing or by affixing a stamp on the form on the day that it is submitted; and
  - (b) after receipt of the form in Annexure A notify the owner or his or her agent and any other relevant organ of state of the date, time and place of the pre-application consultation.
- (4) The Head of Department must keep minutes of the proceedings of a pre-application consultation and a database of the applications received.

*[subregulation (4) substituted by section 9 of [Provincial Notice 51 of 2019](#)]*

## 12. Application for land development

- (1) Application for land development contemplated in regulation 10(4) is made by submitting a completed and signed form in Annexure B to the Head of Department and by paying the application fee set out in Annexure D.

- (2) Subject to subregulation (4), the completed and signed form in Annexure B must be accompanied by the following information and documents:
- (a) the relevant bondholder's consent that the Head of Department may require, as indicated in a pre-application consultation;
  - (b) if the applicant is an agent, a power of attorney or other authorisation authorising the applicant to make the application on behalf of the owner;
  - (c) if the owner is a company, close corporation, trust, body corporate contemplated in section 36(1) of the Sectional Titles Act, 1986 ([Act 95 of 1986](#)), or owners' association, proof that the person submitting the application is authorised to act on behalf of the company, close corporation, trust, body corporate or owners' association;
  - (d) a copy of the title deed of the land concerned;
  - (e) a description of the location and size of the land concerned, including a locality plan;
  - (f) proof of the existing zoning applicable to the land concerned;
  - (g) a plan indicating the surrounding utilisation of land that will be affected in the region if the application is approved;
  - (h) a plan indicating the surrounding zonings that will be affected in the region if the application is approved;
  - (i) a plan indicating land development in the region or the Province that is similar to the land development that is being applied for and that will have a cumulative effect in the region or the Province together with the proposed land development;
  - (j) a plan on a measurable scale indicating the utilisation of the land, existing structures and activities on the land and the proximity of existing structures and activities to the boundaries of the land concerned;
  - (k) a draft plan on a measurable scale indicating the proposed land development and activities;
  - (l) a list of other approvals that are required for the proposed land development and that have been applied for in terms of other legislation;
  - (m) a written motivation in support of the application based on the matters referred to in subregulation (3);
  - (n) proof of payment of the application fee;
  - (o) in the case of an application affecting agriculture, an assessment of that effect, including—
    - (i) a land use map and aerial photo on a measurable scale indicating the agricultural land, infrastructure and farm boundaries; and
    - (ii) a soil survey and soil map indicating the agricultural potential of the land; and
  - (p) any other information or documents that the Head of Department may require, as indicated in a pre-application consultation.
- (3) A written motivation contemplated in subregulation (2)(m) must include—
- (a) an assessment of the effect of the land development with reference to the matters referred to in section 53(1) of the Act;
  - (b) an assessment of the desirability of the effects contemplated in paragraph (a), having regard to the matters referred to in section 55 of the Act; and
  - (c) any other assessment or study that the Head of Department may require, as indicated in a pre-application consultation.

- (4) The Head of Department may at a pre-application consultation add or remove in respect of a particular application any information or documents required in terms of subregulation (2)(a) to (o) or (3)(a) and (b).
- (5) The form in Annexure B and accompanying information and documents may be submitted electronically in the manner determined by the Head of Department.
- (6) If an agent is appointed to submit an application on behalf of the owner, correspondence from, and notifications by, the Head of Department relating to the application in terms of the Act and these regulations are sent only to the agent.
- (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.

*[subregulation (7) substituted by section 10 of [Provincial Notice 51 of 2019](#)]*

- (8) Subject to the Head of Department's determination in respect of the electronic submission of applications, applications must be submitted on week days during the office hours of the Department, excluding days in the period from 15 December to 2 January.

### **13. Receipt and acceptance of land development application and request for additional information or documents**

- (1) The Head of Department must when an application for land development is submitted in terms of regulations 10(4) and 12—
  - (a) record receipt of the application, in writing or by affixing a stamp on the application on the day that it is submitted;
  - (b) verify whether the application complies with regulation 12; and
  - (c) within 21 days of receipt of the application acknowledge receipt of the application and notify the applicant—
    - (i) if the application complies with regulation 12, of the acceptance of the application and, if no additional information or documents contemplated in subparagraph (iii) are required, of the notice requirements in terms of regulations 14(3) and 16 that the applicant must comply with and the proof of giving notice that must be provided in terms of regulation 17;
    - (ii) if the application does not comply with regulation 12, that the application is not accepted and the reasons therefor; and
    - (iii) if the application is accepted in terms of subparagraph (i), of any information or documents that the Head of Department requires in addition to the information and documents referred to in regulation 12.
- (2) The Head of Department must in respect of an application affecting agriculture determine whether information or documents in addition to the information and documents referred to in regulation 12 are required after consultation with the Head of Agriculture or an employee designated by the Head of Agriculture.
- (3) The applicant must provide the Head of Department with the required information or documents contemplated in subregulation (1)(c)(iii) within 21 days of the date of notification thereof or within the further period agreed to between the applicant and the Head of Department.
- (4) The Head of Department must—
  - (a) record receipt of the information or documents contemplated in subregulation (1)(c)(iii), in writing or by affixing a stamp on the documents on the day that it is submitted;
  - (b) verify whether all the information or documents as required have been provided; and

- (c) after—
  - (i) receipt of the information or documents within the period contemplated in subregulation (3), if the applicant provided all the required information or documents, acknowledge receipt thereof and notify the applicant of the notice requirements in terms of regulations 14(3) and 16 that the applicant must comply with and the proof of giving notice that must be provided in terms of regulation 17; or
  - (ii) expiry of the period contemplated in subregulation (3), if the applicant did not provide all the required information or documents, notify the applicant that the Head of Department will consider the application as received and of the notice requirements in terms of regulations 14(3) and 16 that the applicant must comply with and the proof of giving notice that must be provided in terms of regulation 17.
- (5) The period from 15 December to 2 January is excluded from the reckoning of any period referred to in this regulation and regulations 17, 18 and 33.

#### 14. Notice of land development application

- (1) The Head of Department must after accepting the application in terms of regulation 13(1)(c)(i), or in the case where additional information or documents are required in terms of regulation 13(1)(c)(iii) after receipt of the information or documents—
  - (a) cause a notice of the application to be published in the *Provincial Gazette* and in two newspapers that are circulated in the Province;
  - (b) cause a notice of the application to be given to every organ of state that has an interest in the application and request their comment on the application; and
  - (c) cause a notice of the application to be given to at least every owner of land adjoining the land concerned and request their comment on the application.
- (2) In the case of an application affecting agriculture, subregulation (1)(b) does not apply to the provincial department responsible for agriculture, and the application and relevant information and documents must be referred to the Head of Agriculture as provided for in these regulations.
- (3) The Head of Department may require the applicant to publish a notice and to give notice of an application as contemplated in this regulation and to give additional public notice as contemplated in regulation 16.
- (4) The applicant is liable for the costs of publishing and giving notice in terms of subregulation (1) and regulation 16.
- (5) If the Head of Department publishes or gives notice in terms of subregulation (1) or regulation 16, the applicant must pay the costs thereof to the Department before the Head of Department may decide on the application.

#### 15. Contents of notice

A notice contemplated in regulation 14 must at least—

- (a) state the purpose of the application;
- (b) describe the land to which the application relates by giving the erf or farm number and the general locality thereof and, where applicable, the name of the farm or the street address and the name of the town and suburb;
- (c) state the address where, and the hours during which, the application will be available for inspection;
- (d) invite members of the public to submit written comments, together with the reasons therefor, in respect of the application;



- (e) state the manner in which the public may submit comments;
- (f) state that comments must be submitted to a named employee of the Department and copies thereof to a named person representing the applicant;
- (g) state the names and contact details of the persons contemplated in subregulation (f) to whom comments must be addressed;
- (h) state the date by which comments must be submitted, which date may not be less than 30 days from the date of notification of the application;
- (i) state that the Head of Department may refuse to receive comments after the date contemplated in paragraph (h); and
- (j) state that any person who cannot write may, during office hours and before the date contemplated in paragraph (h), come to an address stated in the notice where an employee of the Department will provide reasonable assistance to that person by transcribing that person's comments.

## 16. Additional methods of public notice

- (1) The Head of Department may cause one or more of the following methods to be employed to give additional public notice of a land development application:
  - (a) displaying a notice contemplated in regulation 15 with a size of at least 60 centimetres by 42 centimetres on a notice board on the frontage of the land unit concerned or at any other conspicuous and easily accessible place on the land unit for the duration of the period within which the public may comment on the application;
  - (b) broadcasting information regarding the application on a local radio station in a specific language;
  - (c) holding an open day or public meeting to notify affected members of the public of the application;
  - (d) publishing the application on the Provincial Government's website for the duration of the period within which the public may comment on the application.
- (2) The Head of Department must cause additional public notice contemplated in subregulation (1) to be given if he or she considers notice in terms of regulation 14 to be ineffective or if he or she expects that the notice in terms thereof will be ineffective.
- (3) Additional public notice may be given simultaneously with the notice given in terms of regulation 14 or thereafter.

## 17. Proof of giving notice

If the applicant has published a notice or given notice of a land development application on behalf of the Head of Department, the applicant must, within 21 days from the date on which the notice was published or given, provide the following to the Head of Department:

- (a) copies of the notice as published in the *Provincial Gazette* and newspapers;
- (b) proof of service of the notice on every adjoining land owner; and
- (c) if notice was given in terms of regulation 16(1)—
  - (i) photographs and an affidavit confirming that the notice was displayed as contemplated in regulation 16(1)(a);
  - (ii) a recording of any broadcast contemplated in regulation 16(1)(b);
  - (iii) minutes and attendance registers of public meetings contemplated in regulation 16(1)(c); or



- (iv) any other proof that the Head of Department requires.

## **18. Right of applicant to reply to comments on land development application**

- (1) The applicant may, within 21 days from the later date of the respective closing dates for the submission of comments contemplated in regulations 15(h) and 33(1) or within the further period agreed to between the applicant and the Head of Department, submit a written reply thereto to the Head of Department.
- (2) If the applicant does not submit a reply within the period of 21 days or the further period agreed upon, the applicant is considered to have no comment.
- (3) If the Head of Department requires additional information or documents regarding the application as a result of the comments submitted, the applicant must supply the information or documents within the period as may be agreed upon between the applicant and the Head of Department.

## **19. Referral of land development application, information and documents to Head of Agriculture**

- (1) The Head of Department must, in the case of an application affecting agriculture and for the purposes of regulations 13(2) and 21(1)(a), refer the following to the Head of Agriculture after receipt thereof:
  - (a) the accepted application;
  - (b) any additional information and documents;
  - (c) any comments on the application; and
  - (d) the applicant's reply to the comments on the application.
- (2) The Head of Department may require the applicant to forward copies of the information and documents referred to in subregulation (1)(a) to (d) to the Head of Agriculture.

## **20. Requirements for comments**

- (1) All comments submitted in respect of a land development application, including comments submitted in the form of a petition, must clearly state the following:
  - (a) the full name, physical address and contact details of the person who is making the comments or, in the case of a petition, the authorised representative of the signatories of the petition;
  - (b) in the case of a petition, the full name, physical address and contact details of each signatory;
  - (c) the details of the application in respect of which the comments are submitted; and
  - (d) the reason for the comments and the effect that the application, if approved, will have on the person making the comments, the signatories to the petition or the region concerned.
- (2) Notice to the authorised representative of the signatories of a petition contemplated in subregulation (1)(a) constitutes notice to all the signatories to the petition.

## **21. Decision on land development application**

- (1) The Head of Department must decide on a land development application—
  - (a) after consultation with the Head of Agriculture in the case of an application affecting agriculture; and

- (b) within seven months of acknowledging receipt and acceptance of the application in terms of regulation 13(1)(c)(i).
- (2) Any period agreed to in terms of regulation 13(3), 18(1) or (3), or additional notice periods in respect of public notice given after the notice in terms of regulation 14 has been given, are excluded from the reckoning of the seven-month period contemplated in subregulation (1).
- (3) The Head of Department may in respect of an application—
  - (a) instruct a designated employee to conduct any necessary inspection in terms of section 68(1)(b) of the Act and regulation 36;
  - (b) approve the application, in whole or in part, or refuse the application;
  - (c) upon the approval of any application, impose any reasonable conditions as contemplated in section 54(4) and (5) of the Act.

## 22. Notice of decision on land development application

The Head of Department must within 21 days of his or her decision on a land development application give notice of his or her decision in the following manner:

- (a) by publishing his or her decision in accordance with section 54(7)(a) of the Act; and
- (b) by notifying, in writing, the applicant and any person whose rights are affected by the decision and who has submitted comments of the decision and the reasons therefor, and their right of appeal.

## 23. Appeal against decision on land development application

- (1) An appeal to the Provincial Minister in terms of section 56(1), (4) or (5) of the Act is lodged by submitting a completed and signed form in Annexure C to the Provincial Minister and by paying the appeal fee set out in Annexure D.
- (2) The form in Annexure C and accompanying information and documents may be submitted electronically in the manner determined by the Provincial Minister.
- (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.

*[subregulation (3) substituted by section 11(a) of [Provincial Notice 51 of 2019](#)]*

- (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);

*[subregulation (3A) inserted by section 11(b) of [Provincial Notice 51 of 2019](#)]*

- (4) Any person who cannot read or write and who wishes to appeal may, within the period contemplated in subregulation (3), request reasonable assistance from an employee designated by the Provincial Minister to transcribe his or her appeal within that period.
- (5) The appeal must—
  - (a) state the name and contact details of the appellant;
  - (b) include a copy of any comments submitted by the appellant on the application, if the appellant is not the applicant;

- (c) state which rights of the appellant are affected by the decision;
  - (d) state the specific aspect of the decision that is being appealed against or, in the case of an appeal that relates to a failure by the Head of Department to decide on an application, state the facts that prove the failure; and
  - (e) state the reasons for the appeal, including the grounds, if applicable, on which the appellant believes the Head of Department erred in coming to his or her decision.
- (6) The Provincial Minister must when an appeal is submitted in terms of subregulation (1)—
- (a) record receipt of the appeal, in writing or by affixing a stamp on the appeal on the day that it is submitted;
  - (b) verify whether the appeal complies with this regulation; and
  - (bA) make a decision on a request contemplated in subregulation (3A);  
*[paragraph (bA) inserted by section 11(c) of [Provincial Notice 51 of 2019](#)]*
  - (c) within 21 days of receipt of the appeal acknowledge receipt thereof and—
    - (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;  
*[subparagraph (i) substituted by section 11(d) of [Provincial Notice 51 of 2019](#)]*
    - (ii) if the appeal does not comply with this regulation, notify the appellant that the appeal is not accepted and state the reasons therefor; and
    - (iii) if the appeal is accepted in terms of subparagraph (i), notify all persons who have submitted comments on the application and, if the appellant is not the applicant, also the applicant of the appeal.
- (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.  
*[subregulation (7) substituted by section 11(e) of [Provincial Notice 51 of 2019](#)]*
- (8) A person contemplated in subregulation (7) who cannot read or write and who wishes to submit comments on the appeal may within the period contemplated in subregulation (7) request reasonable assistance from an employee designated by the Provincial Minister to transcribe his or her comments on the appeal within that period.
- (9) If the applicant does not submit comments on the appeal within the period of 21 days, the applicant is considered to have no comment.
- (10) Subject to subregulation (9), the Provincial Minister may refuse to accept comments from persons contemplated in subregulation (7) who have submitted comments after the closing date for the submission of those comments.
- (11) The comments on the appeal must state—
- (a) the name and contact details of the person submitting the comment;
  - (b) the specific aspect of the appeal that is being commented on; and
  - (c) the reasons for commenting on the appeal.

- (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.

*[subregulation (12) substituted by section 11(f) of [Provincial Notice 51 of 2019](#)]*

- (13) The appellant is liable for the costs of giving notice in terms of this regulation.

- (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.

*[subregulation (14) substituted by section 11(g) of [Provincial Notice 51 of 2019](#)]*

## **24. Right of appellant and applicant to reply to comments on appeal**

- (1) The appellant and, if the appellant is not the applicant, the applicant may, within 21 days of the later date of the respective closing dates for the submission of comments contemplated in regulations 23(7) and 33(1) or within the further period agreed to between the appellant or applicant and the Provincial Minister, submit a written reply thereto to the Provincial Minister.
- (2) If the appellant or applicant does not submit a reply within the period of 21 days or the further period agreed upon, the appellant or applicant, as the case may be, is considered to have no comment.

## **25. Referral of appeal, comments and reply to comments to Provincial Minister responsible for agriculture**

- (1) The Provincial Minister must, in the case of an appeal in respect of an application affecting agriculture and for the purpose of regulation 26(1)(a), refer the following to the Provincial Minister responsible for agriculture after receipt thereof:
- (a) the accepted appeal;
  - (b) any comments on the appeal; and
  - (c) the appellant's or applicant's reply to the comments on the appeal.
- (2) The Provincial Minister may require the appellant or the applicant to forward copies of the information and documents referred to in subregulation (1)(a) to (c) to the Provincial Minister responsible for agriculture.
- (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).

*[subregulation (3) added by section 12 of [Provincial Notice 51 of 2019](#)]*

## **26. Decision on appeal**

- (1) The Provincial Minister must decide on an appeal—
- (a) after consultation with the Provincial Minister responsible for agriculture in the case of an appeal in respect of an application affecting agriculture; and
  - (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.

*[paragraph (b) substituted by section 13 of [Provincial Notice 51 of 2019](#)]*

- (2) The period of 15 December to 2 January and any further period agreed to in terms of regulation 24(1) are excluded from the reckoning of the period contemplated in subregulation (1)(b).

- (3) The Provincial Minister may in respect of an appeal instruct a designated employee to conduct any necessary inspection in terms of section 68(1)(b) of the Act and regulation 36.

## 27. Notice of decision on appeal

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.

*[regulation 27 substituted by section 14 of [Provincial Notice 51 of 2019](#)]*

## 28. Application for extension of validity period

- (1) An application for the extension of a validity period of a land development approval is made by submitting a completed and signed form in Annexure B to the Head of Department and by paying the application fee set out in Annexure D before the lapsing of the land development approval.
- (2) The completed and signed form in Annexure B and accompanying information and documents may be submitted electronically in the manner determined by the Head of Department.
- (3) The form in Annexure B must be accompanied by the following information and documents:
  - (a) a copy of the original approval; and
  - (b) a written motivation in support of the application including—
    - (i) the reasons the requirements of the approval referred to in section 57(1) of the Act will not be met within the validity period of the approval;
    - (ii) an assessment of whether there are material changes in the circumstances or statutory or policy requirements that prevailed at the time of the original approval; and
    - (iii) an assessment of whether new conditions of approval will be necessary if the extension is approved.
- (4) The Head of Department must when an application is submitted in terms of this regulation—
  - (a) record receipt of the application, in writing or by affixing a stamp on the application on the day that it is submitted;
  - (b) verify whether the application complies with this regulation; and
  - (c) within 21 days of receipt of the application acknowledge receipt of the application and notify the applicant—
    - (i) if the application complies with this regulation, of the acceptance of the application and, if no additional information or documents contemplated in subparagraph (iii) are required, of the requirements that the applicant must comply with to give notice of the application to persons who are interested and affected by the application and to invite them to submit comments thereon;
    - (ii) if the application does not comply with this regulation, that the application is not accepted and the reasons therefor; and
    - (iii) if the application is accepted in terms of subparagraph (i), of any information or documents in addition to the information or documents referred to in subregulation (3) that the Head of Department requires.
- (5) The Head of Department must in respect of an application affecting agriculture determine whether information or documents in addition to the information and documents referred to in

subregulation (3) are required after consultation with the Head of Agriculture or an employee designated by the Head of Agriculture.

- (6) The applicant must provide the Head of Department with the required information or documents contemplated in subregulation (4)(c)(iii) within 21 days of the date of notification thereof or within the further period agreed to between the applicant and the Head of Department.
- (7) The Head of Department must—
  - (a) record receipt of the information or documents contemplated in subregulation (4)(c)(iii), in writing or by affixing a stamp on the documents on the day that it is submitted;
  - (b) verify whether all the information or documents as required have been provided; and
  - (c) after—
    - (i) receipt of the information or documents within the period contemplated in subregulation (6), if the applicant provided all the required information or documents, acknowledge receipt thereof and notify the applicant of the requirements that the applicant must comply with to give notice of the application to persons who are interested and affected by the application and to invite them to submit comments thereon; or
    - (ii) expiry of the period contemplated in subregulation (6), if the applicant did not provide all the required information or documents, notify the applicant that the Head of Department will consider the application as received and of the requirements that the applicant must comply with to give notice of the application to persons who are interested and affected by the application and to invite them to submit comments thereon.
- (8) The Head of Department may request any organ of state to comment on an application.
- (9) Subject to the Head of Department's determination in respect of the electronic submission of applications, applications in terms of this regulation must be submitted on week days during the office hours of the Department, excluding days in the period from 15 December to 2 January.
- (10) The period from 15 December to 2 January is excluded from the reckoning of any period referred to in this regulation and regulations 29 and 33.

## **29. Right of applicant to reply to comments on application for extension of validity period**

- (1) The applicant may, within 21 days from the later date of the respective closing dates for the submission of comments by virtue of regulation 28(4)(c)(i), (7)(c) or (8) or within the further period agreed to between the applicant and the Head of Department, submit a written reply thereto to the Head of Department.
- (2) If the applicant does not submit a reply within the period of 21 days or the further period agreed upon, the applicant is considered to have no comment.
- (3) If the Head of Department requires additional information or documents regarding the application as a result of the comments submitted, the applicant must supply the information or documents to the Head of Department within the period as may be agreed upon between the applicant and the Head of Department.

## **30. Referral of application for extension of validity period, information and documents to Head of Agriculture**

- (1) The Head of Department must, in the case of an application affecting agriculture in terms of regulation 28 and for the purposes of regulations 28(5) and 31(2), refer the following to the Head of Agriculture after receipt thereof:
  - (a) the accepted application;

- (b) any additional information and documents;
  - (c) any comments on the application; and
  - (d) the applicant's reply to the comments on the application.
- (2) The Head of Department may require the applicant to forward copies of the information and documents referred to in subregulation (1)(a) to (d) to the Head of Agriculture.

### **31. Decision on application for extension of validity period**

- (1) The Head of Department may in respect of an application for the extension of the validity period of an approval in terms of regulation 28—
- (a) approve an extension of the validity period for a further period of no longer than 10 years and impose new or amended conditions of approval, if necessary;
  - (b) grant an extension of the validity period only once;
  - (c) instruct a designated employee to conduct any necessary inspection in terms of section 68(1)(b) of the Act and regulation 36.
- (2) The Head of Department must after consultation with the Head of Agriculture decide on an application affecting agriculture.

### **32. Notice of decision on application for extension of validity period**

The Head of Department must notify the applicant of the decision in terms of regulation 31 and the applicant's right to request reasons for the decision.

### **33. Comments by organs of state**

- (1) An organ of state contemplated in regulation 14(1)(b), 23(12) or 28(8) must submit written comment on an application or on an appeal to the competent authority within 60 days of the date of notification of the request therefor.
- (2) If an organ of state fails to comment within the period referred to in subregulation (1), the competent authority must notify the organ of state's accounting officer or accounting authority contemplated in the Public Finance Management Act, 1999 ([Act 1 of 1999](#)), of the failure.

### **34. Grounds for refusing to accept application or appeal**

- (1) The Head of Department must refuse to accept an application in terms of regulation 13(1)(c)(ii) or 28(4)(c)(ii) if—
- (a) no proof of payment of application fees set out in Annexure D has been submitted;
  - (b) the application does not comply with the requirements of regulation 12 or 28, as the case may be.
- (2) The Provincial Minister must refuse to accept an appeal in terms of regulation 23(6)(c)(ii) if—
- (a) no proof of payment of appeal fees set out in Annexure D has been submitted;
  - (b) the appeal does not comply with regulation 23.

### **35. Withdrawal of application, appeal or authorisation of agent**

- (1) An applicant may, at any time before the Head of Department decides on an application submitted by the applicant, withdraw the application on written notice to the Head of Department.



- (2) An appellant may, at any time before the Provincial Minister decides on an appeal submitted by the appellant, withdraw the appeal on written notice to the Provincial Minister.
- (3) The owner must in writing inform the Head of Department, or in the case where the application is before the Provincial Minister on appeal, the Provincial Minister, if he or she has withdrawn the power of attorney, consent or authorisation given to his or her former agent to act on the owner's behalf.
- (4) The Head of Department may determine that an applicant or appellant, as the case may be, who withdraws an application or an appeal forfeits the application or appeal fees paid in respect of the application or appeal, or forfeits a portion thereof, if the Department has already incurred costs in respect of the processing of the application or appeal.

### 36. Powers to conduct routine inspections

In terms of section 68(1)(b) of the Act, a designated employee may enter land or a building for the purpose of assessing, in accordance with the requirements of section 68 of the Act, an application in terms of regulation 12 or 28 or an appeal in terms of regulation 23.

### 37. Manner and date of notification and granting of further period

- (1) Any notification or acknowledgement of receipt given in terms of these regulations must be in writing, except for the additional methods of notification contemplated in regulation 16(1)(b) and (c), and may be issued to a person—
  - (a) by delivering it by hand to the person;
  - (b) by sending it by registered mail—
    - (i) to that person's business, work or residential address; or
    - (ii) in the case of a juristic person, to its registered address or principal place of business;
  - (c) by means of a data message contemplated in the Electronic Communications and Transactions Act, 2002 ([Act 25 of 2002](#)), by sending a copy of the notice to the person, if the person has an email address or other electronic address;
  - (d) where an address is unknown despite reasonable enquiry, by publishing it once in the *Provincial Gazette* and once in a local newspaper circulating in the area of that person's last known business, work or residential address; or
  - (e) by displaying a notice with a size of at least 60 centimetres by 42 centimetres on a notice board on the frontage of the land unit concerned or at any other conspicuous and easily accessible place on the land unit for the duration of the period within which the public may comment on the application.
- (2) A notice issued in terms of subregulation (1)(b) to (e) must be regarded as having come to the notice of the person, and where more than one method of notification is followed, on the date of the first notification, unless the contrary is proved.
- (3) The date of notification in respect of a notice given in terms of these regulations—
  - (a) if it was delivered to that person personally, is the date of delivery to that person;
  - (b) if it was given by registered mail, is the date of registration of the notice;
  - (c) if it was e-mailed or sent to an electronic address, is the date when it was received by the addressee as contemplated in the Electronic Communications and Transactions Act, 2002;
  - (d) if it was left at that person's business, work or residential address in the Republic with a person apparently over the age of 16 years, is the date on which it was left with that person; or



- (e) if it was displayed in a conspicuous place on the property or premises to which it relates, is the date that it is posted on that place.
- (4) The Head of Department or the Provincial Minister, as the case may be, may, in writing, in addition to the 21-day period contemplated in regulation 13(3), 18(1), 24(1), 28(6) or 29(1) grant a further period and agree with the applicant or the appellant on the length of the further period in the following circumstances:
  - (a) before the lapsing of the 21-day period; and
  - (b) if exceptional circumstances related to the nature and complexity of the application or appeal can be demonstrated.

### **38. Errors and omissions**

- (1) The Head of Department or the Provincial Minister, as the case may be, may at any time correct an error in the wording of his or her decision if the correction does not change the decision or result in an alteration, insertion, suspension or deletion of a condition of approval.
- (2) The Head of Department or the Provincial Minister, as the case may be, may upon good cause shown, condone an error in the procedure of an application or an appeal before him or her, if the condonation does not have a material or adverse effect on, or unreasonably prejudices, any person.

### **39. Transitional provisions in respect of applications for removal, suspension or amendment of restrictive conditions**

- (1) Section 6(2), (3) and (4) of the Removal of Restrictions Act, 1967 ([Act 84 of 1967](#)), does not apply to an application contemplated in section 78(2) of the Western Cape Land Use Planning Act, 2014, ([Act 3 of 2014](#)) that has been submitted in terms of section 3(2) of the Removal of Restrictions Act, 1967.
- (2) The applicant or holder of the title deed in respect of an application contemplated in subregulation (1) must apply to the Registrar of Deeds and Surveyor-General to make the appropriate entries in and endorsements on any relevant register, title deed, diagram or plan and submit to the Registrar of Deeds the title deed for the purpose of this subregulation.

### **40. Date of commencement**

If the Premier determined different dates for the commencement of the Act or different provisions of the Act in respect of different municipal areas under section 79(2) of the Act, a reference in a provision of these regulations to the date of commencement of the Act must be construed as a reference to the date determined by the Premier for the commencement of the relevant enabling provision of the Act in the municipal area concerned.

### **41. Short title**

These regulations are called the Western Cape Land Use Planning Regulations, 2015.

## **Annexure A**

### **Request for pre-application consultation**

*(Section 53 of the Act and regulation 11)*

*Department of Environmental Affairs and Development Planning*

|   |     |  |       |
|---|-----|--|-------|
| <b>Address of Department</b><br>(To be completed by an official)  |     |  |       |
| <b>Reference number</b><br>(To be completed by an official)   |     |  |       |
| Complete this form by using BLOCK letters and by ticking the appropriate boxes.   |     |  |       |
| <p>Note:</p> <p>A pre-application consultation is an advisory session and does not in any way pre-empt the outcome of any future application, which may be submitted to the department.</p> |     |  |       |
| <b>Part A: Particulars</b>  |     |  |       |
| Brief proposal: _____<br>_____  |     |  |       |
|   |     |  |       |
| <b>Owner or Agent details</b>   |     | <b>*Attach copy of title deed</b><br><b>* If agent, attach power of attorney</b> |       |
| First name(s)   |     |  |       |
| Surname   |     |  |       |
| Company name<br>(If applicable)   |     |  |       |
| Postal address  |     |  |       |
|   |     | Postal code  |       |
| E-mail  |     |  |       |
| Tel.  | Fax |  | Cell. |
| Description of property(ies):<br>_____<br>_____   |     |  |       |

Suitable dates for meeting: 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

**List persons to accompany applicant to the meeting:**

| Name and Surname | Organisation | Contact number | E-mail | Role |
|------------------|--------------|----------------|--------|------|
|                  |              |                |        |      |
|                  |              |                |        |      |
|                  |              |                |        |      |
|                  |              |                |        |      |
|                  |              |                |        |      |
|                  |              |                |        |      |
|                  |              |                |        |      |
|                  |              |                |        |      |

**List documents that can be provided at the meeting:**

*(Include document reference, document/plan dates and plan numbers where possible.)*

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**Has a pre-application consultation been undertaken with the municipality?**

*(If so, provide a copy of the minutes.)*

|     |    |
|-----|----|
| YES | NO |
|-----|----|

**Part B: Development proposal: Categories in terms of regulation 10(1) that require approval in terms of regulation 10(4) or (5)****Give a comprehensive overview of proposal:**

| Indicate the category of land development in terms of regulation 10(1) that you intend to apply for:  |     |    |   |  |
|---|-----|----|---|--|
| <b>Regulation 10(1)(a) category</b>   |     |    |   |  |
| Was the proposed land development approved in terms of the ordinance before the commencement of the Act and is the approval still valid?  | Yes | No | If yes, the land development does not fall within this category.  |  |
| Does the proposed land development fall within a category of land development that was published in the <i>Provincial Gazette</i> as a category of land development that requires approval? | Yes | No | If yes, indicate the <i>Provincial Gazette</i> number and date.<br><br>_____<br><br>If no, the land development does not fall within this category. |  |
| <b>Regulation 10(1)(b) category</b>   |     |    |   |  |
| Is the proposed land development on agricultural land?  | Yes | No | If no, the land development does not fall within this category.   |  |
| Has the agricultural land been cultivated or irrigated during the 10-year period immediately preceding the proposed land development?   | Yes | No | If no, the land development does not fall within this category.   |  |
| Are you of the opinion that the proposed land use will have a substantial effect on the following matters due to the nature or scale of the proposed land use or the                        | Yes | No | To be determined  |  |

|  |  |  |  |
|--|--|--|--|
| <b>cumulative effect of multiple developments:</b>                     |  |  |  |
| 1. The orderly development of a region or the Province?                |  |  |  |
| 2. The coordinated development of a region or the Province?            |  |  |  |
| 3. The harmonious development of a region or the Province?             |  |  |  |
| 4. The general welfare of the inhabitants of a region or the Province? |  |  |  |
| 5. Agriculture?  |  |  |  |
| <b>Part C: Planning policy context</b>                                 |  |  |  |

**Complete the list of policies, plans or any other guidelines that you think are applicable.**

Land use planning principles in terms of the Act and development principles in terms of the Spatial Planning and Land Use Management Act, 2013 ([Act 16 of 2013](#))

National Spatial Development Framework

Provincial Spatial Development Framework

National Regional Spatial Development Framework (specify) \_\_\_\_\_

Provincial Regional Spatial Development Framework (specify) \_\_\_\_\_

Municipal Spatial Development Framework (specify) \_\_\_\_\_

|   |
|---|
| Municipal Integrated Development Plan (specify) |
|   |
|   |
|   |
|   |
|   |
|   |
|   |
|   |
|   |
|   |

| <b>Part D: List other organs of State or stakeholders with an interest in the proposed land development that you think should attend the pre-application consultation</b> |   |  |                        |
|---|---|--|------------------------|
| <b>Obtain approval/<br/>consent/comment<br/>from:</b>   | <b>Tick if the attendance<br/>of a representative is<br/>required</b> | <b>Tick if consultation is<br/>required or comments<br/>to be obtained</b> | <b>Provide reasons</b> |
| Western Cape<br>Government Department<br>of Agriculture   |   |  |                        |
| Western Cape<br>Department of<br>Community Safety   |   |  |                        |
| Western Cape<br>Department of Cultural<br>Affairs and Sport   |   |  |                        |
| Western Cape<br>Department of<br>Economic Development<br>and Tourism  |   |  |                        |
| Western Cape<br>Department of<br>Environmental Affairs<br>and Development<br>Planning   |   |  |                        |
| Western Cape<br>Department of Health  |   |  |                        |
| Western Cape<br>Department of Human<br>Settlements  |   |  |                        |
| Western Cape<br>Department of Local<br>Government   |   |  |                        |
| Western Cape<br>Department of Transport<br>and Public Works   |   |  |                        |

|  |  |  |  |
|--|--|--|--|
| Western Cape<br>Department of Social<br>Development              |  |  |  |
| Western Cape Education<br>Department                             |  |  |  |
| National Department of<br>Agriculture, Forestry and<br>Fisheries |  |  |  |



| <b>Part D: List other organs of state or stakeholders with an interest in the proposed land development that you think should attend the pre-application consultation</b> |   |  |                        |
|---|---|--|------------------------|
| <b>Obtain approval/<br/>consent/comment<br/>from:</b>   | <b>Tick if the attendance<br/>of a representative is<br/>required</b> | <b>Tick if consultation is<br/>required or comments<br/>to be obtained</b> | <b>Provide reasons</b> |
| National Department of Energy   |   |  |                        |
| National Department of Environmental Affairs  |   |  |                        |
| National Department of Mineral Resources  |   |  |                        |
| National Department of Rural Development and Land Reform  |   |  |                        |
| National Department of Water and Sanitation   |   |  |                        |
| CapeNature  |   |  |                        |
| Eskom   |   |  |                        |
| Heritage Western Cape   |   |  |                        |
| Municipality/<br>municipalities   |   |  |                        |
| South African Heritage Resources Agency (SAHRA)   |   |  |                        |
| South African National Parks (SANParks)   |   |  |                        |
| South African National Roads Agency Ltd (SANRAL)  |   |  |                        |
| Telkom SA Ltd   |   |  |                        |

|  |  |  |  |
|--|--|--|--|
| Transnet/Passenger Rail<br>Agency of South Africa<br>(PRASA) |  |  |  |
| Other  |  |  |  |

Pre-applicant: \_\_\_\_\_ Signed: \_\_\_\_\_

(Full Name)

Date: \_\_\_\_\_

|                             |                       |
|-----------------------------|-----------------------|
| <b>FOR OFFICE USE ONLY</b>  |                       |
| Date received:<br>_____     | Received by:<br>_____ |
| Departmental Stamp<br>_____ |                       |

## **Annexure B**

### **Land development application form**

*(Section 53 of the Act and regulations 10 and 12)*

### **Extension of validity period application form**

*(Section 57 of the Act and regulation 28)*

***Department of Environmental Affairs and Development Planning***

|  |   |   |  |
|--|---|---|--|
| Address of Department<br><i>(To be completed by an official)</i>   |   |   |  |
| Reference number<br><i>(To be completed by an official)</i>  |   |   |  |
| Complete this form by using BLOCK letters and by ticking the appropriate boxes.                              |   |   |  |
| <b>Part A: Applications in terms of the Act</b>  |   |   |  |
| Land development<br><br><i>Section 53(2) of the Act and regulations 10(4) and 12)</i>                        | Y | N | If yes, complete all parts, except part H, of this application form. |
| Amendment of land development approval<br><br><i>(Section 53(2) of the Act and regulations 10(5) and 12)</i> | Y | N | If yes, complete all parts, except part H, of this application form. |
| Extension of validity period<br><br><i>(Section 57(2) of the Act and regulation 28)</i>                      | Y | N | If yes, complete all parts, except part G, of this application form. |
| <b>Part B: Applicant details</b>   |   |   |  |

|                              |     |  |             |  |  |
|------------------------------|-----|--|-------------|--|--|
| First name(s)                |     |  |             |  |  |
| Surname                      |     |  |             |  |  |
| Company name (If applicable) |     |  |             |  |  |
| Postal address               |     |  | Postal code |  |  |
| E-mail                       |     |  |             |  |  |
| Tel.                         | Fax |  | Cell.       |  |  |

|  |   |        |       |                              |       |   |   |
|--|---|--------|-------|------------------------------|-------|---|---|
| <b>Part C: Details of owner(s)</b> <i>(if different from applicant)</i>    |   |        |       |                              |       |   |   |
| Full name(s)   |   |        |       |                              |       |   |   |
| Physical address(es)   |   |        |       | Postal Code                  |       |   |   |
| E-mail   |   |        |       |                              |       |   |   |
| Telephone  |   | Fax    |       | Cell.                        |       |   |   |
| <b>Part D: Property details</b> <i>(in accordance with title deed)</i>     |   |        |       |                              |       |   |   |
| Property description // (Number(s) of Erf/ Erven/ Portion(s) or Farm(s))// |   |        |       |                              |       |   |   |
| Physical address   |   |        |       | Town/City                    |       |   |   |
| Geographic coordinates (Degrees, minutes and seconds)                      | S | ° ' "  |       | E                            | ° ' " |   |   |
| Current zoning   |   | Extent | m2/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)   |  |                      |  |
| <b>Part E: Pre-application consultation</b> ( <i>Regulation 11</i> ) |   |   |  |  |                      |  |
| Has there been any pre-application consultation?                     |   |   | If yes, complete the information below and attach the minutes of the pre-application consultation. |  |                      |  |
| Official's name  |   |   | Reference number   |  | Date of consultation |  |

|   |   |   |                                     |   |   |
|---|---|---|-------------------------------------|---|---|
| <b>Part F: Application fee*</b> (Annexure D)  |   |   |                                     |   |   |
| Land development application  |   |   | R5000                               |   |   |
| Amendment of land development approval  |   |   | R2000                               |   |   |
| Extension of validity period  |   |   | R2000                               |   |   |
| Total application fee   |   |   |                                     |   |   |
| <b>Exemption from application fees**</b> (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 and media or the serving of notices contemplated in regulation 14, 16 or 28 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>                         |   |   |                                     |   |   |
| <b>Banking details of department</b> (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>*** <b>Fee reference:</b> _____</p> <p>(Your specific fee reference number <b>MUST</b> be used as deposit reference when making a payment. )</p> <p>*** Kindly obtain a specific fee reference number from the Department.</p> |   |   |                                     |   |   |
| <b>Banking details of applicant</b> (Regulation 35)   |   |   |                                     |   |   |
| <p><i>The applicant must complete his or her banking details below for 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>   |   |   |                                     |   |   |

Branch no.:

Account no.:



**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 as 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 | Locality plan   |
| Y | N | N/A | Full copy of the title deed   |
| Y | N | N/A | Proof of existing zoning applicable                                       |
| Y | N | N/A | Plan indicating the surrounding utilisation of land that will be affected |
| Y | N | N/A | Plan indicating the surrounding zonings that will be affected             |
| Y | N | N/A | Copy of notice of   |

|   |   |     |  |
|---|---|-----|--|
| 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 | Motivation for application   |
| Y | N | N/A | Assessment of effect on agriculture and related information or documentation                               |
| Y | N | N/A | Any additional documents or information as listed in the pre-application consultation                      |
| Y | N | N/A | Other (specify)  |

|   |   |     |  |  |   |   |     |                                   |
|---|---|-----|--|--|---|---|-----|-----------------------------------|
|   |   |     | original<br>decision                         |  |   |   |     |                                   |
| <b>Part H: Attachments and supporting information and documentation for extension application</b> |   |     |  |  |   |   |     |                                   |
| Y   | N | N/A | Copy of<br>notice of<br>original<br>decision |  | Y | N | N/A | Extension<br>motivation<br>report |
| Y   | N | N/A | Proof of<br>payment<br>of fees               |  | Y | N | N/A | Other                             |

| Part I: Authorisation(s) in terms of other legislation |   |     |   |  |   |   |     |   |
|--|---|-----|---|--|---|---|-----|---|
| Y  | N | N/A | National Heritage Resources Act, 1999 ( <a href="#">Act 25 of 1999</a> )        |  | Y | N | N/A | By-Law on Municipal Land Use Planning   |
| Y  | N | N/A | National Environmental Management Act, 1998 ( <a href="#">Act 107 of 1998</a> ) |  | Y | N | N/A | Specific Environmental Management Act(s), for example the Environmental Conservation Act, 1989 ( <a href="#">Act 73 of 1989</a> ), National Environmental Management: Air Quality Act, 2004 ( <a href="#">Act 39 of 2004</a> ), National Environmental Integrated Coastal Management Act, 2008 ( <a href="#">Act 24 of 2008</a> ), National Environmental Management: Waste Act, 2008 ( <a href="#">Act 59 of 2008</a> ), and the |
| Y  | N | N/A | Subdivision of Agricultural Land Act, 1970 ( <a href="#">Act 70 of 1970</a> )   |  |   |   |     |   |

|   |   |     |   |  |   |   |     |   |
|---|---|-----|---|--|---|---|-----|---|
|   |   |     |   |  |   |   |     | National Water Act, 1998 ( <a href="#">Act 36 of 1998</a> ) |
| Y | N | N/A | Spatial Planning and Land Use Management Act, 2013 ( <a href="#">Act 16 of 2013</a> ) |  | Y | N | N/A | Other ( <i>specify</i> )                                    |

**Part J: Declaration**

I hereby wish to confirm that—

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:

\_\_\_\_\_

[Annexure B substituted by section 17 of [Provincial Notice 51 of 2019](#)]

**Annexure C**

**Appeal form**

*(Section 56 of the Act and regulation 23)*

*Department of Environmental Affairs and Development Planning*

|   |  |                      |                                     |
|---|--|----------------------|-------------------------------------|
| <b>Address of Department</b><br>(To be completed by an official)  |  |                      |                                     |
| <b>Reference number</b><br>(To be completed by an official)   |  |                      |                                     |
| Complete this form using BLOCK letters and ticking the appropriate boxes.   |  |                      |                                     |
| <b>Note:</b><br>An appeal to the Provincial Minister must be submitted within <b>21 days</b> of the date of notification of the decision.                         |  |                      |                                     |
| <b>Part A: Appeal</b>   |  |                      |                                     |
| 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  |  | Date of notification |                                     |
| <b>Part B: Appellant's details</b>  |  |                      |                                     |
| First name(s)   |  |                      |                                     |
| Surname   |  |                      |                                     |
| Company or legal person's name (If applicable)  |  |                      |                                     |
| Physical address  |  |                      |                                     |

|   |     |  |       |             |  |  |  |
|---|-----|--|-------|-------------|--|--|--|
| Postal address<br><i>(If different from<br/>physical address)</i> |     |  |       | Postal code |  |  |  |
| E-mail  |     |  |       |             |  |  |  |
| Tel.  | Fax |  | Cell. |             |  |  |  |



**Part C: Appellant's property description***(Property that is affected by proposed development)*

|  |   |            |   |         |
|--|---|------------|---|---------|
| Property description // (Number(s) of Erf/ Erven/ Portion(s) or Farm(s))// |   | 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 // (Number(s) of Erf/ Erven/ Portion(s) or Farm(s))// |  | Town/ City |  |  |
| Physical address   |  |            |  |  |

**Part E: Appeal from affected person(s)**

|  |           |  |  |                    |  |  |                 |  |
|--|-----------|--|--|--------------------|--|--|-----------------|--|
| How were you notified of the decision that you are | Newspaper |  |  | Provincial Gazette |  |  | Other (specify) |  |
|--|-----------|--|--|--------------------|--|--|-----------------|--|

|   |  |  |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|--|
| appealing<br>against?   |  |  |  |  |  |  |  |  |
| <p><b>State* why the decision or conditions of approval or both affect your rights:</b></p> <p><i>*Statement may be attached.</i></p> |  |  |  |  |  |  |  |  |
| <p><b>Part F: Appeal motivation and reasons*</b></p>  |  |  |  |  |  |  |  |  |
| <p><i>* Appeal motivation and reasons may be attached.</i></p>  |  |  |  |  |  |  |  |  |

|   |  |  |                                     |    |  |
|---|--|--|-------------------------------------|----|--|
| <b>Part G: Appeal fee*</b> (Annexure D)   |  |  |                                     |    |  |
| <b>Appeal</b>   |  |  |                                     | R0 |  |
| <b>Total appeal fee</b>   |  |  |                                     | R0 |  |
| <b>Exemption from appeal fees**</b> (Annexure D)  |  |  |                                     |    |  |
| The development is a community based project funded by a government grant.  |  |  | The applicant is an organ of state. |    |  |
| <p>* 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.</p> <p>**If exempted from paying appeal fees, attach proof.</p>  |  |  |                                     |    |  |
| <b>Banking details of department</b> (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>***<b>Fee reference:</b> _____</p> <p>(Your specific fee reference number <b>MUST</b> be used as deposit reference when making a payment. )</p> <p>***Kindly obtain a specific fee reference number from the Department.</p> |  |  |                                     |    |  |
| <b>Banking details of appellant</b> (Regulation 35)   |  |  |                                     |    |  |
| <p>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.</p> <p>Name:</p> <p>Bank:</p> <p>Branch no.:</p> <p>Account no.:</p>  |  |  |                                     |    |  |
| <b>Part H: Attachments and supporting information</b>   |  |  |                                     |    |  |
| Complete the following checklist and attach where applicable.   |  |  |                                     |    |  |

|  |  |   |
|--|--|---|
|  |  | Proof of notification of decision           |
|  |  | Copy of decision and conditions of approval |
|  |  | Proof of payment of fees                    |
|  |  | Statements                                  |
|  |  | Motivation and reasons for appeal           |
|  |  | Other ( <i>specify</i> )                    |

**Part I: Declaration**

I hereby wish to confirm that—

1. the information contained in this form and accompanying documentation is complete and correct; and
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.

Appellant's signature \_\_\_\_\_

Date

Full name

**FOR OFFICE USE ONLY**

Date received:

\_\_\_\_\_

Received by:

\_\_\_\_\_

[Annexure C substituted by section 18 of [Provincial Notice 51 of 2019](#)]

**Annexure D****Fees****(Sections 54(8) and 56(8) of the Act)**

1. An applicant and appellant must pay the fees for the processing of an application or appeal as set out in the table below, unless they are exempted from the payment of fees under item 2 of this Annexure.

| Type of application/appeal                        | Fees  |
|---|-------|
| Land development application                      | R5000 |
| Application to amend approval of land development | R2000 |
| Appeal  | R0    |
| Extension of validity period                      | R2000 |

2. An applicant or appellant is exempted from paying the fees set out in item 1 if—
  - (a) the land development is funded by a government grant; or
  - (b) the applicant is an organ of state.
3. If an applicant or appellant is exempted from paying a fee under item 2, the applicant or appellant must inform the competent authority in writing and must attach proof of the government grant to the forms in Annexure B or C, as the case may be.
4. An applicant or appellant must obtain a specific fee reference number from the competent authority for the payment of the fees, which must be entered on the forms in Annexure B or C, as the case may be.
5. The application or appeal fee does not include the costs for publication of a notice in the *Provincial Gazette* and media or the serving of notices contemplated in regulation 14, 16, 23 or 28 because the applicant or appellant is liable for the costs of these notices.