

LUMS BY-LAW:

Kgatelopele Local Municipality



PROJECT DESCRIPTION:

The LUMS of Kgatelopele Local Municipality consists of the following segments:

- **The By-Law:** The document that only includes a summary of the various documents that forms part of the LUMS.
- **LUMS A** - The Manual and Application Procedure consisting of:
 - Assessment and Approval Procedures;
 - Legislation, land use policy and guidelines;
 - Conditions of approval;
 - Delegation of decision-making;
 - Development incentives;
 - Enabling legislation; and
 - Serves as a basic reference manual.
- **LUMS B** - The Scheme Regulations consisting of:
 - General information on land use development and control measures;
 - Definitions; and
 - Summary of zoning descriptions, development control, integrated zoning scheme and regulations for each land use.
- **LUMS C** - The Application Form consisting of:
 - A comprehensive application form pertaining to land use change procedures; and
 - An abridged application form pertaining to land use change procedures (abridged, shortened and cancellation).
- **LUMS D** - The Zoning Maps consisting of:
 - A3 Booklet of the zoning maps of the total KLM area.
- **LUMS E** - The Zoning Register consisting of:
 - A3 Booklet of all properties and the applicable zonings.



PERTAINING TO:

SPATIAL PLANNING AND LAND USE MANAGEMENT ACT
(ACT 16 OF 2013, SPLUMA)-

LUMS BY-LAW:

LAND USE MANAGEMENT BY-LAW FOR THE
KGATELOPELE LOCAL MUNICIPAL AREA



APPROVED:

2019

DOCUMENT COMPILED FOR:



DOCUMENT COMPILED BY:

Macroplan 

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LAND USE MANAGEMENT BY-LAW FOR THE KGATELOPELE LOCAL MUNICIPAL AREA

(as approved by Council on **27 March 2019** and comes in operation on **1 July 2019**)

Preamble

- i. WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government;
- ii. AND WHEREAS a Municipality has distinctive responsibilities in terms of the Constitution and other legislation regarding Spatial Planning and Land Use Management within its area of jurisdiction;
- iii. AND WHEREAS the commencement of the Spatial Planning and Land Use Management Act, 16 of 2013 on 1 July 2015 has necessitated the promulgation of a By-law to ensure that the Municipality can give effect to its obligations;
- iv. AND WHEREAS there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within its financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient municipal services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government;
- v. AND WHEREAS there is a need to provide for the bioregional spatial planning framework, land use management and development of land in the Northern Cape Province in a sustainable manner by means of the co-ordination and alignment of land use, land development policies, plans and systems of all spheres of government within the province through the development of a single bioregional spatial framework, which ensures that sustainable development is developmental, consistent, uniform, transparent and inclusive in nature;
- vi. AND WHEREAS there is a need to provide for the regulation and control of activities on and in respect of spatial planning and land use management, and to provide for matters in connection therewith; and;

BE IT THEREFORE ENACTED by the Municipal Council of Kgatelopele Local Municipality (KLM) as follows:-

1. APPLICATION OF BY-LAW

This By-law applies to the area of jurisdiction of Kgatelopele Local Municipality and should be read together with the Land Use Management System (LUMS), including the Land Use Scheme (LUS) for Kgatelopele Local Municipality. The By-law is only a reference to the approved LUMS and its detail contents.

2. REPEAL OF EXISTING SPLUMA BY-LAW

The first Kgatelopele By-law in accordance with SPLUMA as published on 19 October 2015, Notice number 153 of 2015 is hereby repealed.



3. LAND USE CHANGE, LAND USE CONTROL AND DEVELOPMENT APPLICATIONS

All land use and development applications in terms of the Act and this By-law will be executed strictly according to the procedures for the handling of applications, as set out in the manual and application procedures. A Land Use and development application shall be made for any of the following purposes:

- i. Rezoning and subdivision application for the establishment of a township or the extension of a township and its boundaries.
- ii. The amendment or cancellation of a general plan of a township and SG diagram.
- iii. The rezoning of land.
- iv. The permanent closure of a municipal road (public road) or a public open space (POR/POS).
- v. The subdivision of any land.
- vi. The consolidation of any land.
- vii. The secondary uses as described in the regulations as part of the LUMS.
- viii. The consent uses as described in the regulations as part of the LUMS.
- ix. The deletion, suspension or amendment of the original approval conditions as provided by the Responsible Authority/ Municipality in terms of the LUMS or the Act:
- x. The relaxation, variation or amendment of building lines, heights of building, floor area, coverage, density, departure (temporary or permanent) and any of the matters prescribed in the regulations in the LUMS as part of the planning control described in Development Control (LUMS B).
- xi. The registration of a servitude where such servitude requires geospatial marks and/or registration and includes all cases where any level of authority (local, provincial, national or para-statal) is concerned.
- xii. The cancellation of a servitude where such servitude requires geospatial marks and/or registration and includes all cases where any level of authority (local, provincial, national or para-statal) is concerned.
- xiii. The removal, amendment or suspension of a restrictive condition, servitude or reservation registered against the title of land where the restriction relates to use, subdivision or development rules.
- xiv. Applications for registration of a sectional title scheme in terms of the Sectional Title Act (Act 95 of 1986) and where the definitions of the land use rights of the property permit sectional titles.
- xv. The extension of the validity period of an approval in accordance to the By-law and SPLUMA.

4. INTERNAL APPEALS

- i. The Council must clearly define the Appeal Authority and procedures in line with SPLUMA provisions.
- ii. The handling of appeals will be guided by the provisions of the Application Manual which forms part of the LUMS (LUMS A).



5. PETITION TO BE GRANTED INTERVENER STATUS

- i. An interested or affected party may submit a petition to be granted an intervener status if:-
 - a. An application has been submitted to the Municipal Planning Tribunal;
 - b. An application has been submitted to the Authorised Official; or
 - c. An appeal on a particular application has been lodged to the Appeal Authority.
- ii. A petition to be granted intervener status will be handled in a manner outlined in the Application Manual which forms part of the LUMS (LUMS A).

6. SHORT TITLE AND COMMENCEMENT

- i. This By-law is called the Kgatelopele Local Municipality By-law on Land Use Management.
- ii. This By-law comes into operation on the date on which it is published or on a future date determined by Council and outlined in this By-law.
- iii. This By-law refers to the documentation that forms part of the approved LUMS of Kgatelopele Local Municipality.

7. COMPONENTS OF THE LUMS OF KGATELOPELE LOCAL MUNICIPALITY

The LUMS of Kgatelopele Local Municipality consists of the following segments:

- i. The By-law: This document that only includes a summary of the various documents that forms part of the LUMS.
- ii. LUMS A - The Manual and Application Procedure consisting of:
 - a. Assessment and Approval Procedures;
 - b. Legislation, Land Use Policy and Guidelines;
 - c. Conditions of Approval;
 - d. Delegation of Decision-Making;
 - e. Development Incentives;
 - f. Enabling Legislation; and
 - g. Serves as a basic Reference Manual for all documentation.
- iii. LUMS B - The Scheme Regulations consisting of:
 - a. General information on land use development and control measures
 - b. Definitions
 - c. Summary of Zoning descriptions, development control, integrated zoning scheme and regulations for each land use
- iv. LUMS C - The Application Form consisting of:
 - a. A comprehensive Application Form pertaining to land use change procedures
 - b. An abridged Application Form pertaining to land use change procedures for Tuck shops, Occupational practise, exempted developments and cancellation of rights.
- v. LUMS D - The Zoning Maps consisting of:
 - a. A3 Booklet of the Zoning Maps of the total KLM area.
- vi. LUMS E - The Zoning Register consisting of:
 - a. A3 Booklet of all properties and the applicable zonings.

