

(24 January 2020 – to date)

## **SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013**

*(Government Notice 559 in Government Gazette 36730 dated 5 August 2013. Commencement date:  
1 July 2015 [Proc. No. 26, Gazette No. 38828 dated 27 May 2015])*

### **DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

#### **GENERAL NOTICE OF AN APPLICATION FOR EXEMPTION IN TERMS OF SECTION 55 OF THE ACT**

*General Notice 21 in Government Gazette 42972 dated 24 January 2020. Commencement date:  
24 January 2020.*

I, Angela Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development hereby give notice in terms of Section 51(1) of the Spatial Planning and Land Use Management Act (Act 16 of 2013) (SPLUMA) read together with regulation 33(8), that an application made in terms of section 55(1) of the SPLUMA for the exemption from the provisions of Section 43(2) of the Act for the geographic area of the province of the Western Cape as defined in Constitution (Act 106 of 1996) is granted and the following alternative provisions shall apply in place of the provision of section 43(2) of the SPLUMA to all municipalities in the Western Cape Province who complies with the conditions as set out below.

#### **The alternative provision**

*A conditional approval of an application lapses if a condition is not complied with, within –*

- (a) a period of ten years from the date of such approval, if no period for compliance is specified in such approval; or*
- b) the period for compliance specified in such approval, which, together with any extension which may be granted, may not exceed ten years.*

#### **Conditions applicable for the approval: -**

- a) The municipal council must take a resolution to accept and implement the exemption from the provisions of section 43(2) of the Spatial Planning and Land Use Management Act, 16 of 2013;
- b) The municipal must regulate for the lapsing of rights and extension of validity periods in their respective by-laws on municipal land use planning as per the alternate provisions above.

- c) If a municipality in the Western Cape Province does not comply with the conditions set out in (a) and (b), the provisions of section 43(2) of the SPLUMA shall remain applicable and enforceable in the area of that municipality.
- d) The province must report to the Minister on the progress made by municipalities towards the implementation of this approval on an annual basis from the date of this notice.

Kindly note that in terms of regulation 34 of the SPLUMA, this exemption may be withdrawn if (a) the exemption was granted on the basis of false or incorrect information; (b) a condition, subject to which the exemption was granted, is not fulfilled; or (c) the reason for granting the exemption no longer exists.

(Signed)

**MRS A T DIDIZA, MP**

**MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

**DATE: 18/12/2019**