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Contents

No.		Gazette No.	Page No.
	GENERAL NOTICES • ALGEMENE KENNISGEWINGS		
Agriculture, Land Reform and Rural Development, Department of/ Landbou, Grondhervorming en Landelike Ontwikkeling, Departement van			
431	Disaster Management Act (57/2002): Directions relating to Spatial Planning, Land Use Management and Land Development Processes	43598	3
431	Wet op Rampbestuur (57/2002): Aanwysings met betrekking tot Ruimtelike Beplanning, Grondgebruiksbestuur en Grondontwikkelingsprosesse	43598	9

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT
NOTICE 431 OF 2020

DIRECTIONS RELATING TO SPATIAL PLANNING, LAND USE MANAGEMENT AND LAND DEVELOPMENT PROCESSES

I, Angela Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development, hereby issue the Directions set out in the Schedule in terms of regulation 4(10) of the Regulations issued by the Minister of Co-operative Governance and Traditional Affairs in terms of section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) and published on 29 April 2020 in Government Notice No. R. 480 of Government *Gazette* No. 43258.

ANGELA THOKO DIDIZA

MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

SCHEDULE

1. Definitions

In these Directions, any word or expression to which a meaning has been assigned in the Act or the Regulations bears the meaning so assigned and, unless the context otherwise indicates—

"COVID-19" means the Novel Coronavirus (2019- nCov2) which is an infectious disease caused by a virus that has previously not been scientifically identified in humans, which emerged during 2019 and was declared a global pandemic by the World Health Organisation in 2020;

"Disaster Management Act" means the Disaster Management Act, 2002 (Act No 57 of 2002);

"national state of disaster" means the national state of disaster relating to the COVID-19 outbreak declared in Government Notice No 313 of Government *Gazette* No. 43096 of 15 March 2020;

"Regulations" means the Regulations issued in terms of section 27(2) of the Disaster Management Act and published on 29 April 2020 in Government Notice No. R.480 of Government *Gazette* No. 43258;

"SPLUM Regulations" means the Spatial Planning and Land Use Management Regulations issued in terms of section 54 of the Act, and published on 23 March 2015 in Government Notice No R.239 of Government *Gazette* No. 38594;

"the Act" means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013).

2. Purpose

2.1 The purpose of these Directions is—

(a) to mitigate the threat posed by the COVID-19 pandemic and to alleviate, contain and minimise the effects of the national state of disaster;

(b) to ensure fair processes, especially relating to spatial planning, land use management and land development processes, public participation processes, appeal processes, reporting requirements and the rendering of municipal planning services during the lockdown period; and

(c) to extend the timeframes and deadlines imposed on municipalities and provinces by the Act so as to alleviate, contain and minimise the effects of the national state of disaster.

2.2 Subject to these Directions, municipalities and land use regulators are exempted from any provision of the Act which requires any action to be taken between the date of publication of this Notice and the date that the national state of disaster lapses or is terminated in terms of section 27(5) of the Disaster Management Act.

3. Application

3.1 These Directions apply to—

(a) all provincial and municipal authorities and appeal authorities who are responsible for or involved in the processes mandated in terms of the Act; and

(b) all applicants, objectors, interested and affected persons, appellants, professionals, practitioners, companies, interested and affected parties or commenting authorities involved in spatial planning, land use management and land development processes, or who are responsible to submit reports or holders of approvals related to a land development application.

3.2 Where any provincial or municipal authority including appeal authorities affected by these Directions has publicly indicated that a different arrangement applies, such an arrangement will prevail over any arrangement indicated in these Directions.

4. Extension of timeframes

The following timeframes, which have lapsed during the period of lockdown are hereby extended, or will be deemed to be extended, with effect from 27 March 2020:

(a) Timeframes contemplated in section 15(4) and (5) of the Act are hereby extended by 12 months in addition to the period specified in the Act;

(b) the timeframe contemplated in section 15(6)*(b)* of the Act is hereby extended by 30 days in addition to the period specified in the Act;

(c) the timeframe contemplated in section 18(4)*(b)* of the Act is hereby extended by 30 days in addition to the period specified in the Act;

(d) the timeframe contemplated in section 20(3)*(b)* of the Act is hereby extended by 30 days in addition to the period specified in the Act;

(e) the timeframe contemplated in section 24(1) of the Act is hereby extended by 24 months in addition to the period specified in the Act;

(f) the timeframe contemplated in section 27(1) of the Act is hereby extended by 12 months in addition to the period specified in the Act;

(g) the timeframe contemplated in section 43(2) of the Act is hereby extended by 24 months in addition to the period specified in the Act;

(h) the timeframe contemplated in regulation 16(3) of the SPLUM Regulations is hereby extended by six months in addition to the period specified in the SPLUM Regulations;

(i) the timeframe contemplated in regulation 16(4) of the SPLUM Regulations is hereby extended by three months in addition to the period specified in the SPLUM Regulations;

(j) the timeframe contemplated in regulation 16(5) of the SPLUM Regulations is hereby extended by three months in addition to the period specified in the SPLUM Regulations;

(k) the timeframe contemplated in regulation 30(1) of the SPLUM Regulations is hereby extended by 14 days in addition to the period specified in the SPLUM Regulations.

5. Validity period

5.1 The time periods provided for in the Act and the SPLUM Regulations in which to—

(a) submit any report;

(b) take any step in connection with a pending land development application; or

(c) lodge a land development application or appeal with a municipal authority,

are extended for a period of 30 days from the date of publication of these Directions except if a municipal council decides otherwise.

5.2 The term of office of members of a Municipal Planning Tribunal may be extended by a Municipal Council by 12 months in addition to the period specified in section 37(1) of the Act.

6. Consideration of Land Development Applications and Appeals

6.1 Municipal authorities may receive and process land development applications during Alert Level 4 or 3 and may specify any electronic manner of receipt and processing of applications and appeals including any other procedure or technique that may prevent the escalation of the national state of disaster.

6.2 The parties in a land development application or appeal shall endeavour to agree about whether the matter may be disposed of without oral hearing or argument, and if agreed, representatives of any party who wish to supplement the papers with additional written submissions must do so by email sent to the municipal authority responsible for the consideration of the application or appeal.

6.3 If no agreement contemplated in paragraph 6.2 is reached the responsible municipal authority must be informed accordingly, and a hearing shall take place as directed by the municipality.

6.4 A municipality may direct that a hearing contemplated in paragraph 6.3 may take place in one of the following manners:

(a) A video conference hosted by the municipality, or by the applicant if the municipality is unable to do so, at a time and date determined by the municipality; or

(b) any other procedure or technique that is in line with regulation 5 of the Regulations.

7. **Commencement**

These Directions come into effect on the date of publication in the Government *Gazette*..

DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING
KENNISGEWING 431 VAN 2020

AANWYSINGS MET BETREKKING TOT RUIMTELIKE BEPLANNING, GRONDGEBRUIKSBESTUUR EN GRONDONTWIKKELINGSPROSESSE

Ek, Angela Thoko Didiza, Minister van Landbou, Grondhervorming en Landelike Ontwikkeling, vaardig hiermee Aanwysings uit, soos uiteengesit in die Skedule, in terme van regulasie 4(10) van die Regulasies uitgereik deur die Minister van Samewerkende Regering en Tradisionele Sake ingevolge artikel 27(2) van die Wet op Rampbestuur, 2002 (Wet Nr. 57 of 2002), soos gepubliseer op 29 April 2020 in Regeringskennisgewing Nr. R.480 van *Staatskoerant* Nr. 43258.

ANGELA THOKO DIDIZA
MINISTER VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

SKEDULE

1. Definisies

In hierdie Aanwysings sal enige woord of uitdrukking gekoppel aan 'n betekenis in die Wet of die Regulasies, daardie betekenis hê soos toegeken, tensy die konteks 'n ander betekenis daaraan heg -

"COVID -19" beteken die Nuwe Corona Virus (2019 - nCov2) wat 'n infektiewe siekte is en wat veroorsaak word deur 'n virus wat voorheen nog nie wetenskaplik geïdentifiseer is in mense nie, wat verskyn het gedurende 2019 en gevolglik as 'n globale pandemie verklaar is deur die Wêreld Gesondheidsorganisasie in 2020;

"Wet op Rampbestuur" beteken die Wet op Rampbestuur, 2002 (Wet Nr. 57 van 2002);

"nasionale ramptoestand" beteken die nasionale ramptoestand betreffende die COVID-19 uitbraak soos verklaar ingevolge Regeringskennisgewing Nr. 313 van *Staatskoerant* Nr. 43096 van 15 Maart 2020;

"Regulasies" beteken die Regulasies uitgereik in terme van artikel 27(2) van die Wet op Rampbestuur, soos gepubliseer op 29 April 2020 in Regeringskennisgewing Nr. R.480 van *Staatskoerant* Nr. 43258;

"Ruimtelike Beplanning en Grondgebruiksbestuur Regulasies" beteken die Ruimtelike Beplanning en Grondgebruiksbestuur Regulasies uitgevaardig in terme van artikel 54 van die Wet en gepubliseer op 23 Maart 2015 in Regeringskennisgewing Nr. R.239 van *Staatskoerant* Nr. 38594;

"die Wet" beteken die Wet op Ruimtelike Beplanning en Grondgebruiksbestuur, 2013 (Wet Nr. 16 of 2013);

2. Doel

2.1 Die doel van hierdie Aanwysings is:

(a) om die bedreiging wat die COVID-19 pandemie inhou te beperk, te verlig, te bekamp en om die effek van die nasionale ramptoestand te minimaliseer,

(b) om regverdige prosesse, veral ten opsigte van ruimtelike beplanning, grondgebruiksbestuur en grondontwikkelingsprosesse, publieke deelname prosesse, appèl prosesse, verslaggewing vereistes en die verskaffing van munisipale beplanningsdienste gedurende die staatsgrendel periode te verseker; en

(c) om tydsraamwerke en sperdatums soos opgelê deur die Wet ten opsigte van munisipaliteite en provinsies, te verleng en sodoende die effek van die nasionale ramptoestand te verlig, te beperk en te minimaliseer.

2.2 Onderworpe aan hierdie Aanwysings, word munisipaliteite en grondgebruiksreguleerders vrygestel van enige bepaling van die Wet wat enige aksie mag vereis tussen die datum van publikasie van hierdie Kennisgewing en die datum waarop die nasionale ramptoestand verval of beeïndig word in terme van artikel 27(5) van die Wet op Rampbestuur.

3. Toepassing

3.1 Hierdie Aanwysings is van toepassing op -

(a) alle provinsiale en munisipale owerhede en appèl liggame wat verantwoordelik is vir-, of betrokke is by die prosesse binne die mandaat van die Wet; en

(b) alle aansoekers, teenstanders, betrokke en geaffekteerde persone, appellante, professionele persone, praktykvoerders, maatskappye, betrokke- en geaffekteerde partye of kommentaar-lewerende owerhede betrokke by ruimtelike beplanning, grondgebruiksbestuur en grondontwikkelingsprosesse,

of verantwoordelik is om verslae voor te lê of houers van goedkeurings betreffende 'n grondontwikkelingsaansoek.

3.2 Waar enige provinsiale of munisipale owerheid, insluitend appèl liggame wat deur hierdie Aanwysings beïnvloed mag word, dit openbaar gemaak het dat 'n alternatiewe reëling geld, sodanige reëling sal voorrang geniet bo enige ander reëling aangedui in hierdie Aanwysings.

4. Uitstel van tydsraamwerke

Die volgende tydsraamwerke wat verval het gedurende die staatsgrendel periode, word hiervolgens verleng, of sal geag wees om verleng te word, effektief vanaf 27 Maart 2020:

(a) Tydsraamwerke ingevolge artikel 15(4) en (5) van die Wet word hiermee verleng met 12 maande addisioneel tot die periode soos voorgeskryf in die Wet;

(b) Die tydsraamwerk ingevolge artikel 15(6)(b) van die Wet word hiermee verleng met 30 dae addisioneel tot die periode soos voorgeskryf in die Wet;

(c) Die tydsraamwerk ingevolge artikel 18(4)(b) van die Wet word hiermee verleng met 30 dae addisioneel tot die periode soos voorgeskryf in die Wet;

(d) Die tydsraamwerk ingevolge artikel 20(3)(b) van die Wet word hiermee verleng met 30 dae addisioneel tot die periode soos voorgeskryf in die Wet;

(e) Die tydsraamwerk ingevolge artikel 24(1) van die Wet word hiermee verleng met 24 maande addisioneel tot die periode soos voorgeskryf in die Wet;

(f) Die tydsraamwerk ingevolge artikel 27(1) van die Wet word hiermee verleng met 12 maande addisioneel tot die periode soos voorgeskryf in die Wet;

(g) Die tydsraamwerk ingevolge artikel 43(2) van die Wet word hiermee verleng met 24 maande addisioneel tot die periode soos voorgeskryf in die Wet;

(h) Die tydsraamwerke ingevolge regulasie 16(3) van die Ruimtelike Beplanning en Grondgebruiksregulasies word hiermee verleng met ses maande addisioneel

tot die periode soos voorgeskryf in die Ruimtelike Beplanning en Grondgebruiksregulasies;

(i) Die tydsraamwerk ingevolge regulasie 16(4) van die Ruimtelike Beplanning en Grondgebruiksregulasies word hiermee verleng met drie maande addisioneel tot die periode soos voorgeskryf in die Ruimtelike Beplanning en Grondgebruiksregulasies;

(j) Die tydsraamwerk ingevolge regulasie 16(5) van die Ruimtelike Beplanning en Grondgebruiksregulasies word hiermee verleng met drie maande addisioneel tot die periode soos voorgeskryf in die Ruimtelike Beplanning en Grondgebruiksregulasies;

(k) Die tydsraamwerk ingevolge regulasie 30(1) van die Ruimtelike Beplanning en Grondgebruiksregulasies word hiermee verleng met 14 dae addisioneel tot die periode soos voorgeskryf in die Ruimtelike Beplanning en Grondgebruiksregulasies ;

5. Geldigheidsperiode

5.1 Die tydsraamwerke voorsien in die Wet en die Ruimtelike Beplanning en Grondgebruiksregulasies waarvolgens-

(a) enige verslag voorgelê moet word;

(b) enige stappe geneem moet word in verband met 'n hangende grondontwikkelingsaansoek; of

(c) 'n grondontwikkelingsaansoek of appèl by 'n munisipale owerheid geloods moet word, word hiermee verleng met 'n periode van 30 dae vanaf die datum van publikasie van hierdie Aanwysings behalwe as 'n munisipale raad anders besluit.

5.2 Die dienstermyn van lede van 'n Munisipale Beplanningstribunaal mag verleng word, deur 'n munisipale raad, met 12 maande addisioneel tot die periode soos voorgeskryf in artikel 37(1) van die Wet.

6. Oorweging van Grondontwikkelingsaansoeke en Appèlle

6.1 Munisipale owerhede mag grondontwikkelingsaansoeke ontvang en prosesseer gedurende Waarskuwingsvlak 4 of 3 en mag enige elektroniese wyse van ontvangs en prosessering spesifiseer vir ontvangs en prosessering van aansoeke en appèlle insluitende enige ander prosedure of tegniek wat die eskalering van die nasionale ramptoestand mag voorkom.

6.2 Die partye betrokke by 'n grondontwikkelingsaansoek of appèl moet poog om 'n ooreenkoms te bereik oor moontlike afhandeling sonder 'n mondelinge verhoor of betoog, en indien 'n ooreenkoms wel bereik word, verteenwoordigers van enige party wat begerig sou wees om dokumente aan te vul met addisionele geskrewe voorleggings, dit per e-pos moet stuur, gerig aan die munisipale owerheid verantwoordelik vir die oorweging van die aansoek of appèl.

6.3 Indien geen ooreenkoms ingevolge paragraaf 6.2 bereik kan word nie, moet die verantwoordelike munisipale owerheid dienooreenkomstig verwittig word en 'n verhoor sal dan plaasvind volgens bepalings deur die munisipaliteit.

6.4 'n Munisipaliteit mag bepaal dat 'n verhoor ingevolge paragraaf 6.3 mag plaasvind op een van die volgende wyses:

(a) 'n Video konferensie waar die munisipaliteit as gasheer optree, of die applikant indien die munisipaliteit dit nie kan doen nie, op 'n tyd en datum soos bepaal deur die munisipaliteit; of

(b) Enige ander prosedure of tegniek dienooreenkomstig regulasie 5 van die Regulasies.

7. Aanvang

Die datum waarop van hierdie Aanwysings in werking sal tree, is die datum van publikasie in die *Staatskoerant*....

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