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Department:  
Cooperative Governance and Traditional Affairs  
PROVINCE OF KWAZULU-NATAL



# KWAZULU-NATAL PLANNING LAWS RATIONALISATION BILL

## PROVINCIAL SPATIAL PLANNING AND LAND USE MANAGEMENT FORUM

### 22 FEBRUARY 2019

TOGETHER WE HAVE MADE KZN A BETTER PROVINCE TO LIVE IN, TOGETHER WE WILL MOVE SOUTH AFRICA FORWARD



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# APPLICATIONS

- All pending applications in terms of old order laws converted to planning by-law applications
  - Municipalities familiar with new order
  - Municipalities structured accordingly



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# APPLICATIONS

- Makes lapsing provisions in planning by-laws applicable
  - Applications lapse if a step in the application cannot be completed within a specified time
  - Approval lapses after 5 years
- Allow an applicant to apply for a new approval while original approval is still valid



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# LAPSING OF ZONING

- Provide for the lapsing of zoning or land use if approval for the subdivision of land or township establishment lapsed
  - Only if zoning or use of land changed
  - Reverts to previous zoning or land use
  - Municipality can intervene if previous zone or land use is now incompatible with surroundings
  - Includes partial lapsing if land partially subdivided or township partially developed



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# ORDINANCE ARRANGEMENTS

- Town Planning Ordinance
  - More detailed provisions for development charges and endowments levied in terms of the Ordinance, including criteria for the waiving thereof
  - Dedicated transitional provisions that distinguish between the granting of an application for township establishment and the declaration of an approved township



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# CONDITIONS OF TITLE

- Schedule 1 provides for the removal of restrictive conditions of title by operation of law
  - More conditions added to list compared to the PDA
  - Includes conditions of title and servitudes that must be regarded as conditions of title and servitudes in favour of a municipality
  - List simplified



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# NORMS AND STANDARDS

- Recognising existing provincial norms and standards and provide for the making of further norms and standards



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# AMENDMENT AND REPEAL OF LAWS

- Update references to old PDA in the KwaZulu-Natal Provincial Roads Act to System's Act and planning by-laws
- Repeal
  - Physical Planning Act, 1967
  - The Local Authorities Ordinance, 1974
  - Less Formal Township Establishment Act, 1991
  - KwaZulu-Natal Planning and Development Act, 2008





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# COMMENT

## 1 APRIL 2019

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BACK TO BASICS: SERVING OUR COMMUNITIES BETTER





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