ANNEXURE "B"

Stellenbosch Municipal Land Use Planning Bylaw Review 2022

Record of reasoning of proposed amendments

(Reflecting amendments from the 2015 version.)

Section reference	Reasoning or motivation for amendments
Heading/name of by-law	Unless an amendment by-law is done whereby only certain sections are amended or deleted using the *brackets-and-underline method*, the amended by-law will be a new by-law which replaces the previous version. As such it will be necessary to properly name and date the by-law, to make it distinguishable from previous versions. Consequently, a name suggestion is included which where the municipality's name and the year-date of the version is to be inserted. **Note** that this amendment not only has an impact on section 99 in the text itself, but also in the index.
Index 15	This is more fully addressed in section 68, but it is a result of the view that not all application types listed in section 15 are SPLUMA land development applications and do therefore not necessarily have to be considered by the MPT or AO.
Index 25	Improved wording as the word "amenities" is used throughout the by-law and not "social facilities".
Index 47	Change heading from "Contents of Notice" to "Additional contents of notice" in accordance with changes to Section 47.
Index 68	Details appear in section 68, but is the result the realisation that not all application types listed in section 15(2) are SPLUMA land development applications and do therefore not necessarily have to be considered by the MPT or AO.
Index 80	Improved wording as there is only one procedure.
Index 83	Development charges are linked to engineering infrastructure, whereas there may also be other contributions as well.
Index 99	Since it is recommended that the previous by-law is to be repealed and replaced with the new (amended) by-law, it is necessary to include a transitional measure to regulate the transition period.
Definitions	
Agent	This change appears throughout the by-law. The reason is that LUPA already defines "owner" as the person registered in a deeds registry as the owner of land or who is the beneficial owner in law, thus owner is already described as owner of land hence there is no need to repeat it every time. This comment will only be made once and is applicable in all instances where the by-law refers to "owner of land".
Applicable period	The reason for deleting the words "condition of" is because not all applicable periods are contained in conditions of approval. The sections referred to in this definition does not refer to the conditions of approval but actually form part of the decision itself. If there is a need to extend the validity period the application is therefore for an extension of the validity period in terms of Section 15(2)(h) and not an application for the amendment of a condition in terms of Section 15(2)(i), unless specific validity period were imposed as conditions of approval. Secondly with the granting of the exemption (by the Minister of Rural Development and Land Reform) of the provisions of section 43(2) on condition that the alternative provision be regulated for in the municipal land use planning by-law, the definition of applicable period was further adjusted to make provision for the alternative provision in such a way the normal lapsing of right in the by-law (based on commencement) can remain as is.

Note on applicable period	This note is to be deleted from the by-laws, as it is just a note to municipalities and not part of the regulatory instrument. This comment is provided for the instance that either SPLUMA section 43(2) is amended or if and when the Western Cape is granted exemption from this section of SPLUMA. "Applicable period" refers to the period that may be determined by the Municipality in the conditions of approval subject to section 43(2) of the Spatial Planning and Land Use Management Act or the period referred to in section 43(2) of the Spatial Planning and Land Use Management Act, 2013. Section 43(2) of the Spatial Planning and Land Use Management Act will remain applicable until the Act has been amended or an exemption has been granted.
Notes *(in general)*	All "notes" are to be deleted from the by-laws, as these are just notes to municipalities and do not form part of the regulatory instrument. It is not repeated in all instances, but is applicable in all instances.
Commencement	This newly inserted term refers only to the instances where it is linked to the lapsing of approved land use rights in respect of section 17 (Rezoning), section 18 (Departure) and section 19 (Consent use)
Emergency	Improved wording to provide more clarity.
Municipal Manager	This change occurs throughout this document and will not be repeated again, the reasons is proper use of capitalisation of the official position of Municipal Manager.
municipal spatial development framework	MSA does not refer to MSDF, but LUPA does. Change wording to accurately reflect reference in LUPA.
Municipality	Change wording to accurately reflect the statutory reference to the establishment of the Stellenbosch municipality
Occasional use	The definition was deleted as it is only a type of temporary departure, more clarity appears in section 18(4).
Overlay zone	Change "or" to "and" because if it remains an "or" it will mean either one of the two are applicable whereas there may very well be situations where both are required.
Overlay zone Base zoning	Deleted as base zoning is not part of an overlay zone.
Overlay zone Local areas	The word "local areas" has been deleted as it is vague and adds no value to this concept.
Overlay zone Coastal setback lines	Deleted the words "where coastlines are involved" for the reason that coastal set back lines can only apply where coastlines are involved.
Spatial Planning and Land Use Regulations	Improved the wording.
3(1)(a)	To make it more clear that it involves the SDF itself as well as amendments thereto.
3(1)(b)(ii)	Deleted words which are actually duplicated by "the process contemplated in subsection (2)(a)(ii)".
4(1)	Changed "must" to "may" to provide for an option to establish a project committee and not to make it compulsory. Also to provide that when the municipality does not opt have an intergovernmental steering committee, then it could use the project committee to do this work.
4(2)(b)	Add "where relevant" because all departments may not be necessary in all cases, so these words add some flexibility depending on the situation at hand – therefore the words "at least" are also deleted.
5(1)	Improved wording because the Municipal Manager is not mentioned in the existing by-laws whereas the corresponding section 12 of LUPA does and it is to give improved effect to the LUPA requirements as well as to more clearly spell

	out the role of the Municipal Manager in this. Previous wording has been replaced by new wording.
6(1)	This is to provide for the situation where the municipality does not establish a project committee, whereas it is really the function of the municipality to do this, but they may use a project committee for this purpose. This amendment occurs in various instances in sections 6-8 and will not be repeated. Insertion of “relevant area” - this is to provide for smaller or localised amendments to a SDF, where it may not be necessary to do a draft status quo report for the whole area, but just for a smaller relevant area. This amendment occurs in various instances in sections 6-8 and will not be repeated.
6(5)	Replace “comments and representations” with only “comments’ - this occurs in various instances in the document and will not be repeated. The reason is that “comments” is defined in section 1 which definition includes “representations” and it will be confusing if it is mentioned separately. This suggested change occurs in a number of instances and will not be repeated again.
7(2)	Improved referencing in order to provide more clarity and to provide a clear distinction between the two documents.
8(1)	Reflect that the Executive Mayor is the designated political office bearer to oversee the MSDF process.
8(1)(a)	The municipality must ensure and not oversee. This amendment occurs in various instances in section 8 and will not be repeated
8(1)(f)(i)	Improved referencing.
8(2)(b)	To provide for instance if a project committee was established, which is now an option and not compulsory as it was in the previous version of the by-laws
9(2)(d)	The word “recommended” is better legislative grammar than “proposed”, but it is also inserted to indicate and make it clear that the parameters in a local SDF as a policy document can only be proposed/recommended as a local SDF cannot give rights and development parameters - if the word “recommended” is not inserted it may be misconstrued as that it does.
13(3)	Change to be accepted. The reason is to make it very clear that - if after the “fact finding mission” it results in 2(e), i.e. no zoning could be determined, then the action which must be followed by municipality to give effect to 2(e) would be to rezone the land from “unknown” to its new zoning whatever it is to be, via a rezoning process, in which case the municipality will be the applicant and will have to comply with all relevant provisions of the by-law as set out in the new sections 15(5) and (6) and amended (7). Initially it was not clear what is to happen in such a case.
Heading of section 15	Inclusion of “and other approvals”, as not all the matters in 15(2) are land development applications in terms of SPLUMA, some are not and hence the addition of “other approvals”. Additional reasoning will be found in comments at section 68. This amendment to the heading is also to facilitate and enable the suggested amendments to section 68.
15(2) occasional use	Deleted occasional use as an application type as an “occasional use” is in essence a temporary departure for a specific occasion or event on a specific site and as such it is distinguished from the normal temporary departure as in section 18(4) provision is made that it may be granted more than once on a specific land unit and in section 66(2)(y) provision is made for specific conditions in this regard. As a result, occasional use as a specific application has been removed.
15(2) home owners’ association	The word “home” was removed as industrial or business areas may also have owners’ associations, so the new wording is a more generic term as home owners’ associations are only linked to residential uses.
15(4)	This section in the existing Bylaw which refers to section 52 of SPLUMA is deleted in total. Firstly, is it only informative, but secondly it lends municipal credibility to a SPLUMA provision, the content of which is regarded unconstitutional. If section 52 of SPLUMA is challenged or amended, it may mean that the by-law will have to be amended as a result. Downstream re-numbering occurs as a result of this deletion.

15(4)	Renumbered - Existing Bylaw 15(5) now 15(4) in new Bylaw
15(5) & (6)	Renumbered and this sections was inserted to make it clear that when the municipality undertakes these activities, what the process is that must be followed and then links it to the new section 15(7) which provides that when the municipality undertakes these activities, it is then an applicant and must adhere to all application requirements. Also Section 13(3) was inserted in (5) as well as there may be instances where there is a need for a municipality to rezone as a result of an unsuccessful zoning determination and where no request from an owner is forthcoming and where it does not meet the requirements of section 17(1).
15(7)	Renumbered, deleted and replaced with new wording was inserted. Subsection 7(a) was inserted and reworded to make it clear that where the municipality is the applicant it must follow all procedures which an ordinary applicant would normally have to comply with in terms of the by-laws. The addition of subsection 7(b) is to identify the types of applications, where the municipality is the applicant, that must be considered by the MPT and not by an AO, so as to ensure or build in some impartiality facilitated by the outside persons serving on a MPT. This provision has changed from previous version in terms of which all types of applications by the municipality had to be decided on by the MPT.
17(5)	Insertion of “reckoned” the reason is improved wording to make it clearer.
17(6)	Improved wording to make it clearer.
17(6)(a)	The word “and” was replaced with to “or” to prevent the situation where compliance with one of the two provisions will keep the rights alive, which is not the intention.
18(4)	The new insertion is necessary due to the fact that an occasional use was removed as a separate application, due to it being a temporary departure, but it requires some kind of distinction from an ordinary temporary departure so that it can be granted more than once on a specific land unit. It thus describes the “occasional use as right to utilise land for a purpose granted on a temporary basis for a specific occasion or event.
21(1)(d)	This is to provide for an additional method to secure confirmation of the subdivision by means of a certificate of registered title to provide for circumstances where the economy is not conducive to selling of erven and can then save the subdivision from lapsing. The option for a certificate of consolidated title has been removed as it is irrelevant and not applicable when dealing with the confirmation of a subdivision.
22(2)	Insertion to result in improved wording to make it clearer.
23(1)	Alternate wording to make it clearer.
23(4)	A total reword, the reason being to prevent the “stopping of the clock” by way of submitting an amended subdivision, however small the changes may be, as it can be abused to gain more time beyond the original validity period. The conservative approach suggested is favoured. This was confirmed at the Municipal Planning Heads Forum on 17 May 2017.
24(1)(f)(iii)	Improved grammar as a result of new (v)
24(1)(f)(iv)	Improved grammar as a result of new (v)
24(1)(f)(v)	New insertion, the reason is to provide for an additional exemption of a matter not really of municipal interest, to lessen the administrative burden and red-tape.
24(1)(g)	The existing provision for the exemption for the subdivision of agricultural land in some instances is removed. The subdivision of productive farming units in the context of the Stellenbosch rural landscape and its value to the space economy of Stellenbosch requires sensible consideration and if exempted from an application, the role of municipal planning is forfeited. An exemption for the subdivision of agricultural land also denies the municipality of the opportunity to institute conditions which may be required. Accordingly, the provision for this exemption is removed from the Bylaw.

24(1)(g)	This is a new section 24(1)(g) that deals with a separate matter than the (g) above that is being removed as discussed above. This insertion is to provide for sectional title development scheme to be also exempted. Currently with the wording of the definitions of "land" in SPLUMA and LUPA includes a sectional title scheme (part of a real right), which again is an unintended consequence. Making it an exemption in the by-laws achieves the object easier than amending SPLUMA and LUPA.
24(4)	New section inserted. This insertion is necessary to ensure that where there is a court order, an expropriation or a sectional title scheme is applicable, that no certification of the municipality will be necessary. If the Courts have made a ruling, how can a municipality then still need to make a certification in order to achieve compliance with a court order?
Heading of section 25	The reason is improved wording to make it clearer and to ensure that the heading encompasses the content of 25(1) and (2) and be aligned with it - as the content addresses "amenities" whereas the heading referred to "social facilities" which may be confusing.
26(1)	Insertion of "its" - the reason is improved wording to make it clearer.
26(4)(b)	The reason is improved wording to make it clearer and to distinguish it from (c)
26(4)(c)	The reason is improved wording to make it clearer and to distinguish it from (b)
27(a)	This emanated from a historical situation and may not always be the case anymore. This is why the words "without compensation" has been removed and replaced with "as may reasonably be required".
28(1) and (2)	These changes emanate from the change in section 21 that a certificate of registered title should also be able to confirm a subdivision. Since this changes the status of land is necessary that the section 28 certification also be amplified by adding the certificate of registered title and certificate of consolidated title where appliable. Whilst this provides for more options for the developer, it simultaneously increases the obligations and legal effect in that actions which would normally have followed registration of transfer. It is there necessary to subject these to certification as well, hence the insertion. The option for a certificate of consolidated title has been removed as it is irrelevant and not applicable when dealing with the confirmation of a subdivision. Due to the omission of former sections 28(3) (a) & (b) [see below] with new resulting numbering, the corresponding omission of reference to such numbering and replacing "*subsection (3)(a) to (d)"* with "*subsection (3)(a) to (b)"*
28(3)(a) & (b)	These provisions as provided in former Bylaw has been removed from the new Bylaw as it has transpired that the transfer of a property may not be held back due to outstanding money.
28(3) (a), (b), (c) & (d)	Due to the omission of former sections 28(3) (a) & (b), the former sections 28(3) (c) & (d) are now renumbered from former (c) to new (a) and former (d) to new (b).
28(3)(a), (a)(i), (b)(i)-(iii)	(With reference to newly numbered sections) Improved wording to make it clearer and renumbering to improve numbering
28(3)(a)(ii)	(With reference to newly numbered sections). This is to ensure that no land to be transferred to the owners' association is left in the hands of the developer/applicant and prevent many problems experienced in this regard in the past.
28(3)(b) and (b)(i)	(With reference to newly numbered sections). This is to highlight and ensure that where confirmation of a subdivision via certificate of registered title occurs it will also result in these transfers where required. The option for a certificate of consolidated title has been removed as it is irrelevant and not applicable when dealing with the confirmation of a subdivision.
29(3)	Improved wording to make it clearer.
29(5)	This is a logical amendment in that the constitution of the owners' association cannot take affect before the owners' association comes into being which as set out in section 28(3)(c) can only occur after registration of first land unit to a person different to the developer/applicant.

29(7)(b)	Improved wording for the same reasoning as for 29(5) above
30(1)	Deletion as it is already provided for in section 15(2)(p)
30(1)(a) and (b)	Improved referencing as number needed to be amended as “occasional use was taken out of the list in section 15(2).
30(2)	Improved referencing
33(1) and (1)(a) and (b)	This was deleted as it is now provided for and included in the new section 15(6) in order to result in an improved grouping of matters and to distinguish the permanent removal from those which may be suspended for a specific period.
33(1)(c)	Rewording to provide that the removal, suspension or amendment of a restrictive condition, can be made subject to conditions.
33(2)	Amended with the omission of subsection (2)(b) for requirement of bondholder’s consent in line with proposed LUPA amendments. The omission of this requirement would not mean that it does not have to be submitted if the corresponding sections in LUPA are eventually not amended to delete the requirement for a bondholder's consent.
33(3), (3)(b), (4), (5) and (6)	Renumbering to (2) as a result of upstream adjustments and to improve wording to make it clearer.
33(3)(b)	Addition of the wording “materially and adversely” to existing provision in line with proposed amendments to LUPA.
33(7) and (8)	New clauses inserted as previously a land use application was done in terms of LUPO and the removal, suspension or amendment of a restrictive condition in terms of the Removal of Restrictions Act, 1967. Now they are all done in terms of the same legislation (as a result of the provisions of SPLUMA) and since this is the case these matters should be applied for and considered simultaneously, which is what these 2 new sections require and provide for.
34(1)	Improved referencing.
35(1)(b)(i)-(ii), and (d)	The reason is improved wording to make it clearer and to provide for more options.
35(2)(a)-(d) and (3)(b)	Improved grammar.
36(2)(c)	Improved grammar to not make it a closed list.
37(1),(2) & (3)	Make provision in addition to requirement for a pre-application consultation meeting to also allow for a practise for a pre-application consultation by means of a submission with corresponding requirement for the municipality to issue and keep record of feedback on such pre-application submission.
38(1)	This insertion is to improve the wording to provide for situations where perhaps not all the documents in this list are necessary for a specific application and to enable the outcome of the pre-consultation meeting in 38(2) to determine which documents may not be relevant or applicable.
38(1)(c)	The reason is improved wording to make it clearer.
38(1)(e)	Omission of subsection (1)(e) for requirement of bondholder’s consent in line with proposed LUPA amendments. The omission of this requirement would not mean that it does not have to be submitted if the corresponding sections in LUPA are eventually not amended to delete the requirement for a bondholder's consent. Corresponding renumbering from (e) to (o) – which now stops at (n) with the omission of former (e).
38(1)(e) [former(g)]	The matters provided for in 65(a), (b), (d), (e) and (g) are not matters which can be addressed in a motivation for an application when it is first submitted as these matters and aspects follow only after submission of the application. As such these matters are now excluded as it would not be practically possible to comply with them.
38(1)(o) [former(n)]	Improved grammar
38(1)(n) [former(o)]	Insert wording to reflect the record of a pre-application submission in accordance with changes in 37 (1) to (3) above.

40	Improved referencing
41(1)(a) and (7)	Improved grammar
45	This section on the publishing of notices is replaced in its entirety with a new section 45 which is in line with proposed amendments in LUPA which will provide more discretion to the Municipality for the requirements on the publishing of notices in accordance with requirements of PAJA. The former Section 45(4) and (5) is retained as new sections 45 (12) and (13). Requirements that municipality, as applicant, is also subject to these provisions – former (5) is omitted as it is now provided for in the new section 15(5)-(7) - there is no need to make this distinction.
46	This section on the serving of notices is replaced in its entirety with a new section 46 which is in line with proposed amendments in LUPA which will provide more discretion to the Municipality for the requirements on the serving of notices in accordance with requirements of PAJA. The former Section 46(4), (5) and (6) is retained as new sections 46 (9), (10) and (11). Requirements that municipality, as applicant, is also subject to these provisions - former (7)- is omitted as it is now provided for in the new section 15(5)-(7) - there is no need to make this distinction.
47	This section retains only some requirements not provided for in sections 45 and 46. Former subsections (d) to (i) are omitted which is fully covered in new sections 45 and 46.
48(2)(a)	Consequential amendment of referencing due to new section 45 and amended section 47.
48(2)(e)	Removed “or” as improved grammar as any one or more of these possibilities could be opted for.
Heading of section 50	Improved grammar
51(1) and (2)	Improved referencing and grammar
51(2)	Change period for comments from an organ of state from 60 days to 30 days to improve timeframes on the processing of applications.
51(2)(a) and (b)	To provide more clarity on dates and to improve wording to make it clearer and also to provide and regulate for a situation where a commenting body requires additional information to enable it to provide comments.
51(3)	This insertion is an attempt to improve accountability when there is non-performance by a commenting body in so far as provision of comments are concerned.
53(2)(a)	Delete “and” to ensure that either one or both can be required.
53(2)(b)	Improved wording to make it clear that where applicable other organs of state or service providers must again be notified.
54	Deletion of referencing as it is simpler to refer to this by-law rather than to list the section, as these may change in future, thus preventing unnecessary amendments to the by-laws.
55(5)	Amended wording to provide more clarity and regulation on how to obtain additional information or documents (and time) when it is needed as a result of comments received pursuant to the notification process which was followed.
55(6)	Amended wording as at this stage the application is already complete, and processes have started. Section (5) above provides for such additional information or documents, but regulates that if it is not submitted, then consideration of the application must proceed without the relevant additional information or documents. The application process should not be further delayed as a result.
56(1)	Improved grammar and sentence construction.
57(1) and (2)	Improved grammar, referencing and sentence construction.
59(1) and (2)	The reason is to provide for a MPT member to also be able to inspect a property.
59(2)(a)	Improved wording to make it clearer and to link the record, document or item to be produced, to the purpose of the investigation.
59(2)(c)	Delete “or” as there is no need to link these items with an “or” as the option should be there to do one, some or all of the options.

59(5)	Improved wording to make it clearer, but also to provide for an inspection where written consent could be obtained so that a warrant is not necessary.
60	Improved referencing
61(1) - with new (a) and (b), and (2) – with new (a) – (d).	The amendments are consequential to amendments to 45 and 46. The changes Although these changes are linked to the changes to section 45 and 46, it also represents a general improvement that may stand on its own.
65	Renumbering as a result of deletion of section 65(2)
65(c)	Adding subsections (i) – (viii) in order to provide guidance with specific relevant considerations to determine the desirability of a proposed use or development of land.
65(g)	This improved wording is to make it clear that it refers to the municipality's planner's assessment and that it is not a requirement that the relevant applications may only be submitted or must (as application) be accompanied by an assessment of a registered planner.
65(g)(vii)	This wording has been deleted, because if a zoning determination results in a rezoning it is already covered in 65(g)(i) and is also addressed in section 13(3) on the process of zoning determination.
65(j) (o), (r) and (s) and new (t) and (u).	Improved grammar and sentence construction and insertion of new (t) i.e. include restrictive title conditions if any, is to be a relevant consideration when determining a land use application. (u) is added in order to consider the heritage impact and in terms of section 38(8) of the National Heritage Resources Act 1999 (Act 25 of 1900).
65(2)	This whole section was removed, firstly because there may be other considerations or reasons on which a site development plan may not be acceptable. Secondly, as will appear more fully in section 15(2) and 68, a site development plan when following from a land use approval is not seen as a land development application.
66(2)(l)	No real purpose in referencing this section 31, there may even be other relevant sections and when the Deeds Registries Act is amended may then effect this section of the by-law, necessitating an unnecessary by-law amendment.
66(2)(y) and (y)(iii)	This links to the insertion in section 18(4) and provides for specific requirements/conditions which may be imposed as part of an occasional use seen as a temporary departure for a specific occasion or event, and to separate or distinguish it from an ordinary temporary departure.
66(2)(z)	The word "levy" has throughout been replaced with "penalty' as it is really a fine or punishment for a contravention as opposed to the previous dispensation under LUPO when payment of a contravention levy actually "bought" a person a right, which is not the case anymore. Even after payment of a contravention penalty will the submission of a suitable land use application be required.
66(3)	Improved wording to make it clearer.
66(11)	(1) Initially amended to provide that it may include a certificate of registered title and certificate of consolidated title as potential milestones where certain conditions must be complied with. (2) Since it has the same effect section 66(2)*(x) "the setting of a period within which a particular condition must be met"* it was deleted and replaced with a section to give effect to the Minister of Rural Development and Land Reform's exemption to the province of the Western Cape from section 43(2) of SPLUMA in terms of section 55 of SPLUMA, where by the original 5 years is replaced for a period of 10. The exemption is effective for a period of 15 years, provided that:- a) the municipality resolves to accept and implement this exemption; and b) the municipality regulates for the exemption in the prescribed manner in their land use planning by-laws; which is what the reworded section 66(11) seeks to achieve.
66(12)	This section was deleted as it is now provided for in the new section 15(5) -(7)
67(1)	Rewording to improve the understanding of the section and in which the link to section 43(2) of SPLUMA has been removed. This link was removed to provide for the instance that either SPLUMA section 43(2) is amended or if and when

	the Western Cape is granted exemption from this section of SPLUMA. Section 43(2) of the Spatial Planning and Land Use Management Act will remain applicable until the Act has been amended or an exemption has been granted.
Heading of section 68	This change in heading is necessary due to the separation of matters which are considered SPLUMA land development applications and those which are not considered as such. As such some of these may become Council/delegated decisions in which cases the MSA section 62 appeals may be applicable. This appears more fully in sections 68(a)-(e)
68	Since there can now be more than one appeal authority (as a result of MSA 62 and the interpretation above, it is necessary to specify appeals considerations as well.
68(a) & (b)	This is to identify the application types in 15(2) which are regarded as land development applications for the purpose of SPLUMA compliance. The lists in paragraphs (a) and (b) are the same, noting that paragraph (a) relates to the AO and paragraph (b) relates to the MPT. This same comment is applicable to (b) and will not be repeated there.
68(c)	This is to identify the application types in 15(2) which are not regarded as land development applications for the purpose of SPLUMA compliance and which may be considered by the Municipality in terms of delegations.
68(d)	This section determines that for those matters for consideration in (a) and (b) above, the SPLUMA defined Appeal Authority is the appeal authority.
68(e)	This section determines that for those matters for consideration in (c) above, the Council's MSA 62 Committee is the appeal authority if it was decided by a committee of the Council or a delegate of the Council. If the full Council decided on the matter, then there can be no MSA section 62 appeal.
69(1)	This provides for categorisation of those matters which for the purpose of SPLUMA compliance are regarded as land development applications to an AO
69(2)	This provides for categorisation of those matters which for the purpose of SPLUMA compliance are regarded as land development applications to the MPT.
71(1)	Improved referencing
71(3)(a)(vi)	Improved wording by replacing 'and" with "or" to make it clear that it can be any of these
71(3)(a)(vii)	Improved referencing.
72(1)(b)	Improved referencing.
72(2)(c)	To provide for self-nomination which was not provided for before and which is not prohibited in SPLUMA.
72(2)(d)	To provide and regulate for a closing date for submission of nominations, which was not provided or regulated for before and not prohibited in terms of SPLUMA and provide for administrative certainty.
72(3)(a)	To provide for acceptance of nomination if it is not a self-nomination. A self-nomination is deemed to be accepted.
72(3)(c)	Improved grammar to provide for a complete list.
72(3)(d)	Improved grammar.
72(3)(e)	This was reworded and moved to 72(2)(d)
72(4) and (5)	The word skill was replaced with experience as this is the term used in SPLUMA to be aligned with it.
72(9)	Improved grammar – no need to refer to he/she as the introduction part of (9) already refers to "a person".
72(11)(c)	Improved referencing
73(2)(b)	The reason is improved wording to make it clear that when the chair resigns he/she must inform the Council as it is Council who appointed the Chair. Although the other members are also appointed by Council, the chair manages the MPT and needs to be aware of who resigns, the chair will then in the normal course of events inform the Council accordingly, but there is no practical purpose of when the chair resigns to inform anybody else other than the Council who appointed him/her.
73(7)(a)	Improved grammar and sentence construction.
73(7)(b)	Improved wording to make it clearer.

74(1)(b)	Improved use of capitalisation.
74(4)(a)	Spouse was omitted and is now included to be aligned with SPLUMA regulations, Schedule 3.
75(3)	Improvement of referencing, grammar and wording to make it clearer.
75(6)	Deletion of “simple” there is no point in making the majority a simple majority.
75(7)(a)	The initial wording did not really make sense. SPLUMA also does not regulate this, so just using the term majority will suffice.
75(7)(b)	Improved wording to make it clearer.
77(2)(a)	Improved wording to make it clearer. Applications are not filed with the MPT, they are submitted to the municipality and determined by the MPT.
79(3)	Improved wording to make it clearer as section 57 provides for 3 different periods whereas the initial wording did not recognise this.
79(4)	Improved wording and linking it directly to the provisions of section 80(1).
79(5)(a)	Improved referencing
80(1)(a)	Change required as a result of the interpretational challenges that the word “and” leads to – the intention is that either (a) or (b) should trigger an invalid appeal and not both combined as it would lead to an absurdity.
80(1)(b)	Improved wording to make it clearer of what an appeal should consist of and to improve the grammar.
80(3)	This is to make it clear that where appeal fees are payable that it must be paid within the period set out section 79(2) and not afterwards.
80(6), (9), (11)(a) & (b)	Improved wording to make it clearer.
80(11)(a) & (b)	Changed time periods from 60 days to 30 days in accordance with proposed LUPA amendments.
80(16)	Owner was replaced by appellant as it is not only the owner who may submit an appeal.
81(6)	Improved wording to make it clearer.
81(8)	Improved grammar.
81(13)	New addition in line with proposed LUPA amendments. This action is possible in terms of PAJA regardless of this addition.
Heading of section 83	Improved wording to make it clearer. SPLUMA links development charges to engineering services whereas there may be charges for amenities as well. This heading will now be more aligned to the content of section 83, which has not been amended.
84(1)	Improved referencing.
85(1)(c) and (d)	Municipality is only to enforce the conditions imposed in terms of the by-laws and laws repealed by LUPA. It cannot be all title conditions as many of these may be so-called “contractual” conditions in which the municipality has no role to play. It is the statutory provisions which must be enforced by this, it is submitted that it will be covered by the proposed improved wording and the deletion of (d)
86(1)(a)	This change is as a result of a deletion of section 15(4) which resulted in 15(5) now becoming 15(4)
86(1)(c)	Change to be accepted. Just improved wording to make it clearer and to link this to amendment made in section 28(3)(c) relating to certification where an owners’ association is involved.
86(2)	Improved wording to make it clearer as this deleted content is already included in the first part of this sentence.
86(4)	Change “must” to “may” to provide a municipal choice to adopt fines or not and not make it compulsory.
87(1) and (2)	The owner is not necessarily the contravener on who the notice must be served. The word owner is deleted to facilitate this.
87(2)(b)	Improved grammar.
87(6)	Improved wording to make it clearer.
88(1)(b)	Improved grammar as the word “concerned” adds no further meaning here and can be deleted.
88(2)	Include wording “and until” to improve understanding that the compliance notice is suspended if and from the time when an objection is submitted.

89(1)	The owner is not necessarily the contravener on who the notice must be served. The word owner is deleted to facilitate this.
89(2)(a)	Improved grammar.
90(b)	Improved wording to make it clear that it can be the magistrate or other court as well. Courts have their own jurisdiction, and it is not for the municipal by-laws to determine this and there is no need that this matter must be applied for at the High Court.
90(c)	To provide for additional methods for law enforcement.
92(2)	Improved wording to make it clear that it can be the magistrate or other court as well. Courts have their own jurisdiction, and it is not for the municipal by-laws to determine this and there is no need that this matter must be applied for at the High Court.
93(1)	Improved wording to make it clearer and to improve the content.
94(1)	Improved grammar and referencing.
94(1)(a) and (c)	Improved wording to make it clearer.
95(2)	To provide for affirmation as well as an alternative to an oath.
97	Improved wording to make it clear that it can be the magistrate or other court as well. Courts have their own jurisdiction, and it is not for the municipal by-laws to determine this and there is no need that this matter must be applied for at the High Court.
98(4)	Improved wording to make it clearer.
99	Renumbered the first paragraph to (1) *(since a 2 is to be added)* and inserted a description of which by-law is to be repealed (by date) –consequently not necessary to retain table in Schedule 2 of former bylaw.
99	*(In addition to the comments directly above)* A new section (2) and (3) has been added to regulate and facilitate the transition between the repealed and replacement by-law to ensure the seamless transition and to avoid any uncertainty and ambiguities. It is important to year-date-name the by-laws.
100	Wording amended in accordance with approach to repeal and replace existing Bylaw with the new proposed Bylaw.
Schedule 1	
1(a)	Improved grammar
1(c)	Improved grammar and sentence construction as it is implicit in the rest of this section that a MPT member is already a decision maker.
2(a) and (b)	Improved grammar and wording to make it clearer.
Schedule 2	Omit Schedule 2 as this aspect has been provided for in section 100(1) – no further need for this table.