UMTHETHO KAMASIPALA WEZILUNGISO OSAYILWAYO WOCWANGCISO LUKAMASIPALA WESIXEKO SASEKAPA, 2026

IMEMORANDAM YENGCACISO

Inkqubo yeNtathonxaxheba yoLuntu

AMAGQABANTSHINTSHI

1. ISixeko sizimisele ukwenza izilungiso kuMthetho kaMasipala woCwangciso lukaMasipala, 2015 (**uMthetho kaMasipala**). UMthetho kaMasipala weZilungiso oSayilwayo woCwangciso lukaMasipala weSixeko, 2026 (**uMthetho kaMasipala weZilungiso oSayilwayo**) uqulethe izilungiso ezisandululwayo. Uluntu luyamenywa ukuba luvakalise izimvo zalo ngazo.

2. Le memorandam:

   2.1. ikhapha uMthetho kaMasipala weZilungiso oSayilwayo ukunceda uluntu ekuqondeni iinjongo zeSixeko zokwenza ezi zilungiso zingundoqo;

   2.2. icacisa ezi zilungiso ngolwimi olungenzimanga, olungelolomthetho;

   2.3. asiyongcebiso yezomthetho yaye asiyonxalenye yoMthetho kaMasipala weZilungiso oSayilwayo.

3. UMthetho kaMasipala weZilungiso oSayilwayo ufuna ukwenza ezi zinto zintathu ikakhulu:

   3.1. ukwenza ukuba ukunikezelwa kweeplani zokwakha ibe yimfundo eselubala, ngokuthi ifune ukuba kwenziwe isaziso soluntu solwamkelo lweplani yokwakha nganye kwanokunikeza abamelwane abakufuphi ukuba bakwazi ukubona iplani yokwakha eyamkelweyo nezizathu zayo;

   3.2. ukuphinda kubhalisisiswe iSahluko 8A soMthetho kaMasipala, esimalunga nokulungiswa kwezicelo ezamkelweyo nolwamkelo lweeplani zokwakha, ukuze zibe yinkqubo yokubonisana exhaswa yinkqubo evumela umntu ofuna ukufaka isikhalazo; kananjalo

   3.3. ukulungisa iziphene, nokucacisa imiqathango ethile yoMthetho kaMasipala nenkqubo yolawulo lolwakhiwo (**iDMS**), kubandakanywa imiqathango egcina iimvume ebezinikwe kwimithetho yocwangciso yangaphambili.

4. I-DMS inguShedyuli 3 kuMthetho kaMasipala. Iyinxalenye yenkqubo yokuzowuna yeSixeko yaye ibonelela ngamalungelo osetyenziso nemigaqo yeezowuni ezahlukileyo. '**Ulwamkelo**' lubhekisa kulwamkelo lweeplani phantsi koMthetho kaMasipala, ngeli lixa '**ulwamkelo lweplani yokwakha**' lunikezwa phantsi komthetho iNational Building Regulations and Building Standards Act 103 wango1977 (**uMthetho woKwakha**).

5. Enye into eyenziwa yile memorandam kukuchaza imiqathango emitsha endululwayo kuMthetho kaMasipala, utshintsho olundululwayo kumacandelo oMthetho kaMasipala, nezilungiso ezindululwayo kwiDMS.

IMIQATHANGO EMITSHA ENDULULWAYO KUMTHETHO KAMASIPALA

6. Isaziso solwamkelo lweplani yokwakha : Icandelo 95A.

   6.1. Ngokwemeko yangoku, uluntu alwaziswa xa iSixeko sisamkela iplani yolwakhiwo. Ummelwane angathi azi malunga nolwamkelo xa kuqala ukwakhiwa. Icandelo 95A litshintsha loo nto.

   6.2. ISixeko kufuneka sipapashe isaziso solwamkelo lweplani yokwakha nganye kwiwebhusayithi yaso yaye singafuna nesaziso sesiza.

   6.3. Isaziso asinyanzelekanga ukuba sinike iinkcukacha ngeplani yolwakhiwo. Kufuneka sixele ngeyunithi yomhlaba, sichaze ukuba inikiwe imvume

yolwamkelo lweplani yokwakha, ze sichaze nendlela yokufikelela kwiplani eyamkelweyo nezizathu zayo (icandelo 95B) nendlela yokufaka isikhalazo somnye umntu ofuna ukusifaka (ISahluko 8A).

6.4. Kwiintsuku ezisixhenxe emva kokwenziwa kwesaziso kwiwebhusayithi, bonke abantu bathathwa ngokuba bayazi malunga nolwamkelo lweplani. Umntu onokuchatshazelwa lulwamkelo lweplani yokwakha unoxanduva lokumana ejonga ezi zaziso.

6.5. Icandelo 95A lisebenza kulwamkelo lweplani yokwakha enikezwe emva kokuqala ukusebenza kwezilungiso zango2026.

7. Indlela yokufikelela kwiplani yokwakha eyamkelweyo nezizathu: icandelo 95B.

7.1. ‘Umnini ohlala kufuphi’ — umnini weyunithi yomhlaba esondelelene neyunithi yomhlaba ekwakhiwa kuyo, ezidibana kwikona, okanye emelene nayo ukusuka endleleni, okanye ekwisakhiwo esinye neeflethi ezikuloo yunithi yomhlaba — angathi, kwiintsuku ezingama44 zolwamkelo, ahlole iplani yokwakha eyamkelweyo nezizathu zayo kwiiofisi zeSixeko okanye acele ukuthunyelwa iikopi ezielektroniki, emva kokuba ehlawule imali exeliweyo.

7.2. ISixeko kufuneka sinikeze iikopi ezielektroniki kwiintsuku ezisi7 yaye kufuneka kuqala, kangangoko sinakho, sisuse iinkcukacha zomntu kuyo,

7.3. Nawuphi na omnye umntu, okanye umnini ohlala kufuphi angathi emva kweentsuku ezingama44, aye kuhlola (kodwa angafotokopi) iplani yokwakha eyamkelweyo nezizathu zayo kwiiofisi zeSixeko.

7.4. Umntu ofumene iinkcukacha phantsi kweli icandelo kufuneka azigcine ziyimfihlo yaye angazisebenzisela kuphela iinjongo zezomthetho, okanye ukufumana iingcebiso zeengcali, ukuza nesisombululo ngokwalo Mthetho kaMasipala, okanye kwiinkqubo zezomthetho umntu ayinxalenye yazo. Ukusebenzisa iinkcukacha ngendlela engeyiyo kukwaphula umthetho.

7.5. Icandelo 95B lilungelelanisa ukuba izinto zenziwe elubala ukulungiselela abamelwane kunye nokuba izinto zomntu zingavezwa kumntu wonke, nokhuseleko kunye namalungelo kwipropati kwabo bangabanini beeplani zolwakhiwo ezamkelweyo.

8. Isikhalazo esifakwa ngomnye umntu: icandelo 122GA.

8.1. ISahluko 8A sixhobisa iSixeko ukuba silungise (siyekise okanye senze izilungiso) ulwamkelo okanye ulwamkelo lweplani yokwakha oluye lwachatshazelwa ziimpazamo ezithile. Icandelo 122GA liza nesisombululo esitsha ukulungiselela abanye abantu: isikhalazo esibhaliweyo esizisa iinkcukacha kwiSixeko malunga ‘nempazamo enokulungiswa’ ebonwa njalo (echazwe apha ngezantsi) kwinkqubo ekhokelela kulwamkelo lweeplani.

8.2. Ngubani onokufaka isikhalazo: ngumntu okanye iqela elifaka isibheno kulwamkelo; okanye umnini ohlala kufuphi, kwimeko yolwamkelo lweplani yokwakha.

8.3. Isikhalazo kufuneka sifakwe kwiintsuku ezingama44 zolwamkelo lweeplani yaye kufuneka sicacise ukuba kutheni umkhalazi echaphazeleka, uchaphazeleka kanjani, nezizathu ezibambekayo zoko.

8.4. Isikhalazo somntu yingxelo eneenkcukacha. Asinyanzeli iSixeko ukuba sithathe nawaphi na amanyathelo ngaphandle nje kokusiqwalasela, asimisi

ulwamkelo lweeplani, yaye asiniki umfakisikhalazo ilungelo kwisiphumo esithile. ISixeko kufuneka siqwalasele isikhalazo kwiintsuku ezingama30 ze sithathe isigqibo malunga nokuba ingaba kufuneka senze izilungiso na.

8.5. Izikhalazo zomnye umntu ziyavumeleka kuphela kulwamkelo lweeplani nolwamkelo lweplani yokwakha olunikeziweyo emva kokuqala kokusebenza kwezilungiso zika2026.

9. Iinkqubo zokulungisa ezisekelwe kwimvume: icandelo 122GB.

9.1. Phantsi kwezilungiso ezindululwayo, iSixeko singayekisa okanye senze izilungiso kulwamkelo okanye kulwamkelo lweplani yokwakha phantsi kweSahluko 8A kuphela ngokwesicelo somntu ofumana inzuzo okanye nemvume yomntu ofumana inzuzo.

9.2. Ukuba iSixeko siqale iingxoxo ngokunokwaso (kubandakanywa ezo zilandela ukufakwa kwesikhalazo ngomnye umntu), kufuneka sinike umzuzi izizathu soyekiso okanye solungiso olundululwayo ze sicele imvume noluvo lomzuzi. Ukuba umzuzi akanikezi imvume, ezo ngxoxo ziyayekwa. ISixeko singathi emva koko sifake isicelo kwinkundla, singathatha amanyathelo onyanzeliso okanye naliphi na elinye inyathelo elisemthethweni.

9.3. Abantu abachaphazelekayo ngendlela ebonakalayo lolo yekiso okanye lolo lungiso lolwamkelo kufuneka bacelwe ukuba bavakalise izimvo zabo, yaye umzuzi anganikeza impendulo. ISixeko kufuneka sithathe isigqibo ngokukhawuleza kangangoko, kwiintsuku ezingama90 emva kokuvalwa kwesithuba sokufaka izimvo, yaye kufuneka sazise wonke umntu ochaphazelekayo.

10. Amagunya okumiswa kwenkqubo: amacandelo 122GC no122GD.

10.1. Icandelo 122GC livumela iSixeko, ngexesha leenkqubo zolungiso olusekelwe kwimvume nasemva kokumamela umzuzi, ukuba limise ulwamkelo lweeplani okanye ulwamkelo lweplani yokwakha ukukhusela uchaphazeleko loluntu okanye ukhuseleko loluntu okanye ukuqinisekisa ukuba ulungiso luyasebenza. Umiso lungaqhubeka iintsuku ezingama90 ubuninzi, kunye nasiphi esinye isithuba esongezelelekileyo ekuvunyelwene ngaso, xa kukho isicelo okanye imvume yomzuzi, iSixeko asikwazi ukumisa ulwamkelo; endaweni yoko kufuneka siye enkundleni.

10.2. Icandelo 122GD livumela iSixeko, xa sivumela okanye xa sisenza izilungiso kwimvume yomzuzi, ukuba simise inkqubo yokuyekisa okanye yokwenza izilungiso isithuba esixeliweyo ngokwemiqathango evakalayo— umzekelo, ukunikeza umzuzi ixesha lokufaka izicelo ezidingekayo ukuze ulwakhiwo lube lolusemthethweni.

11. Imiqathango yethutyana yeSahluko 8A: icandelo 122N.

11.1. ISahluko 8A esenziwe izilungiso sisebenza kulo lonke ulwamkelo lweeplani nolwamkelo lweplani yokwakha, qho xa kunikezwe imvume. Kambe ke isilungiso ngokwesikhalazo somnye umntu sinokwenziwa xa kunikezwe imvume yolwamkelo lweeplani emva kokuqala kwezilungiso zika2026.

11.2. Iinkqubo zezicelo nezolungiso esele ziqale ngokwenkqubo ka2025 yeSahluko 8A ziya kuqhubeka phantsi kwemigaqo ka2025.

11.3. Emva kokuqala kokusebenza kwezilungiso zika2026, iSixeko asinakukwazi ukuqala inkqubo yokuyekisa okanye yokwenza izilungiso ngokweSahluko 8A, ngaphandle kwalapho kusebenza imigaqo ka2025.

11.4. Izilungiso zika2026 azikhokeleli kulwaphulomthetho ngento ebingelolwaphulomthetho ngela xesha ibisenzeka.

UTSHINTSHO OLUKHULU OLUNDULULWAYO KUMACANDELO AKHOYO OMTHETHO KAMASIPALA

12. Icandelo 1 lifaka iinkcazelo ezintsha ‘zomhla wokuqala koMthetho kaMasipala ngo2026’, ‘ulwamkelo lweplani yokwakha’ (ezisuswe kwiSahluko 8A ukuze zisebenze kuMthetho kaMasipala wonke), ‘amaqela abandakanyeka kwisibheno’ kunye ‘nomnini ohlala kufuphi’.

13. Icandelo 108(7)(b) licacisa amagunya okubhena. Nokuba isibheno siyamkelwa okanye siyachithwa, inxalenye yaso okanye sisonke, ugunyaziwe wezibheno angasitshintsha isigqibo esibhenelweyo, kubandakanywa ukufaka esinye isohlwayo esimandla, omnye umqathango okanye ezinye iimfuno; akhabe isigqibo ze enze nasiphi esinye isigqibo esitsha esinokwenziwa nguye nawuphi na umntu othatha izigqibo; okanye amise isigqibo ze adlulisele lo mba kumntu ofanele ukuthatha isigqibo ukuze anike isikhokelo. Ezi zilungiso zisebenza kwizicelo esele zikhona (ekungekathathwa izigqibo ngazo).

14. Icandelo 109(10) lifuna ukuba iSixeko sinikeze isaziso esibhaliweyo sesigqibo sesibheno nezizathu zaso kwiintsuku ezili14 (ezixelwe kwicandelo 104(2)), endaweni yesithuba seentsuku ezingama30.

15. Icandelo 122A lichaza ‘impazamo esenokulungiswa’. ISahluko 8A singasetyenziswa ngoku ukulungisa impazamo esenokulungiswa: into ebiyingxaki kwinkqubo ekhokelela kulwamkelo lweeplani, eyokuba umthathisigqibo ebengenagunya okanye imvume efanelekileyo; apho bekungathotyelwa nkqubo okanye mfuno esisinyanzelo; kwanokuba umntu onelungelo lokumanyelwa ebenganikwa ithuba lokuba avakalise izimvo zakhe; okanye umthathisigqibo ebeye akhokelwe ziinkcukacha ezingachanekanga okanye ingqwalasela enemiqathango, okanye asilele ukulandela ingqwalasela esisinyanzelo — yaye kwimeko nganye, ingxaki leyo ibiye iphazamise isiphumo. Iinkcazelo ‘zesikhalazo somnye umntu okanye elinye iqela’ ‘nomhla wokuqalisa’nazo zifakiwe.

16. Icandelo 122B liyachaza kwakhona iinjongo zeSahluko 8A: ukwenzela ukuba iSixeko sikwazi ukulungisa iimpazamo zaso ngokulandela iinkqubo zobungcali, ngemvume yomzuzi, ukususa, ngokwemiqthango yesi Sahluko, ngokomthetho gabalala, okanye ukuphinda sivelele isigqibo ebesele sisenzile; ukuhlonipha imiqathango yomthetho nokuthemba kwizinto ezixelwe kulwamkelo lweeplani; nokushiya indima yeenkundla ingachaphaxelekanga. Icandelwana elitsha liqinisekisa ukuba iSahluko 8A ayisosibheno.

17. Amacandelo 122C no122D acutha umhlaba wokuyekisa okanye ukutshintsha ulwamkelo lwesilungiso sempazamo esenokulungiswa. Ulwamkelo lweeplani eyenziwe izilungiso luba lulwamkelo lweeplani lokugqibela.

18. Icandelo 122E libonelela ngokuba iSixeko singenza izilungiso kulwamkelo lweplani yokwakha ngokoMthetho woKwakha kunye, nangendlela ehambelana naloo Mthetho, ISahluko 8A.

19. Amacandelo 122F no122G acinyiwe. Endaweni yawo kungene isikhalazo somnye umntu neenkqubo zolungiso ezisekelwe kwimvume ezikumacandelo 122GA no122GB, axelwe apha ngentla.

20. Icandelo 136(3) lenza imigaqo yokuthiya izitrato. Isalathiso esingasasebenziyo sokusetyenziswa kweenombolo sisusiwe.

21. Icandelo 142 lijongana nokugcinwa kolwamkelo lweeplani ezamkelwe phantsi kwemithetho yocwangciso edlulileyo. Naku obekusenzeka:

    21.1. UMthetho kaMasipala noMthetho woCwangciso loSetyenzisoMhlaba, 2014 (**LUPA**) waqala ukusebenza eKapa ngowe1 kweyeKhala (Julayi) 2015. Ngaloo mhla, iLUPA yabhangisa umthetho wocwangciso owawukhona ngaphambili, uMmiselo woCwangciso loSetyenzisoMhlaba, wango1985 (**LUPO**), neenkqubo zokuzowuna ezazisetyenziswa ngaphambili eKapa.

    21.2. Icandelo 142(1) lijongana nokugcinwa kolwamkelo olunikezwe phantsi kwemithetho etshitshisiweyo, yaye lilenza lube lulwamkelo lweeplani ngokomthetho kamasipala, ukuba belusebenza nje phambi kowe1 KweyeKhala 2015. Icandelo 142(2), kambe ke, lifuna ukuba izicelo ebezingekaphunyezwa ngowe1 kweyeKhala 2015 ukuba zigqityezelwe ngokwemithetho emidala.

    21.3. Isiphumo ekungeyonjongo yaso sesokuba ulwamkelo lweeplani olunikezwe phantsi kweLUPO emva kweyoku1 KweyeKhala 2015 alufakwanga kwicandelo 142(1): aluthathwa njengolwamkelo lweeplani loMthetho kaMasipala, alukhuselwa yimiqathango ‘esasebenzayo’, yaye alunyanzeliswa yimiqathango yonyanzeliso yoMthetho kaMasipala.

22. Isiphakamiso esindululwayo kwicandelo 142 siyakulungisa oku.

    22.1. Icandelo elitsha 142(1) lichaza ‘**ngolwamkelo lweeplani lwakudala**’ ukuze lubandakanye ulwamkelo olusebenzayo ngoku nolo lwaphambi kowe1 KweyeKhala 2015 nolwamkelo olunikezwe emva kwaloo mhla phantsi kwecandelo 142(2).

    22.2. Icandelo elitsha 142(1A) lubonelela ngolwamkelo lweeplani lwakudala olusasebenzayo; oluthi, apho oku kusebenzayo, luthathwe ngokuba lunikezwe kulandelwa lo Mthetho kaMasipala; yaye lulandela imiqathango olwalukhutshwe phantsi kwayo; yaye, lulandela imiqathango yoMthetho kaMasipala ephelelwayo, luphelelwa ngesithuba esasikelwe lona, ukuba ngaba yayilolwexeshana okanye lwalulolwesigxina, ukuba lwangenaxesha.

    22.3. Umqathango wesithuba sokusebenza ucacisa isolotya elithi ‘lusebenza isithuba esasinikelwe sona phantsi komthetho otshitshisiweyo’ kwicandelo 142(1) elikhoyo ngoku: lulwamkelo lweeplani zethutyana kuphela olwalunikwe isithuba esiphelelwayo; ulwamkelo lweeplani olusisigxina zange lusikelwe sithuba sakusebenza.

    22.4. Icandelo elitsha 142(1B) lenza ukuba ezi zilungiso zisebenze ukusukela emva, njengoko kuxeliwe kwicandelo 142(10)(b). Oku kuyimfuneko nanjengokuba ezi zilungiso zenzelwe ukulungisa iziphumo zezomthetho kwimithetho yolwamkelo lweeplani ebezisebenza kudala, ezaziphunyeziwe mandulo.

IZILUNGISO EZINDULULWAYO KWI-DMS

23. Umba 1 ucima ingcaciso ‘yolawulo lwemingcipheko nesicwangciso sokhuseleko’, engasasetyenziswayo.

24. Umba 22(d), iTheyibhile 2 ulungisa impazamo ecacileyo: obona bude kumphezulu wesakhiwo kwiiyunithi zomhlaba eziyi200 m² nangaphantsi efundeka kanje ‘90 m’ elungiswa ukuba ibe yi‘9,0 m’. Esi silungiso sithathwa ukuba siqale ukusebenza ngowe1 kweyeDwarha (Oktobha) 2025.

25. Umba 41(e) neTheyibhile 5 ujongana nemida yezakhiwo kwiiZowunana eziZiindawo zokuHlala Gabalala, uGR2 ukuya kuGR6:

    25.1. Imiqathango ecacisa isimboli ‘H’ nomgaqo othi owona mda mkhulu kwimida emibini yesakhiwo nguwo osebenzayo wahlulwe waba yimihlathana emibini, yaye intsingiselo ayitshintshwanga.

    25.2. Kufakwe inkcazelo ‘**yomda ongasemva**’: umda womntu wonke okude, odla ngokumelana, nomda wesitrato.

    25.3. KwiTheyibhile 5, iiseli zomda wesakhiwo womntu wonke weendawo eziphela kwi25,0 m ngaphezu komgangatho womhlaba zihlanganisiswe ukuze uGR2 ukuya kuGR6 enzelwe imithetho kunye. Itekisi eyenziwe izilungiso icacisa indlela ekumetwa ngayo umda wesakhiwo ongu0,0 m okufuphi nomda wesitrato; ibonelela ngokuba umgaqo we4,5 m okanye 0,6H usebenza kumda ongasemva nokuba ukumgama ongakanani na ukusuka kumda wesitrato; yaye iqinisekisa ukuba umgaqo wolwakhiwo wenkuthazo asingomda wesakhiwo ongomnye.

    25.4. Ezi zilungiso zisebenza nakwizicelo zeminyaka edlulileyo – ukutsho oko, kwizicelo ezingekaphunyezwa, hayi kwiiplani esele zamkelwe.

26. ITheyibhile 8, phantsi ko‘Mda weSakhiwo weSitrato nomda wesakhiwo womntu wonke’, yenza izilungiso kwimilinganiselo yobude ‘engaphezu kwe30 m ukuya kutsho kwi38,0 m’ kunye ‘nengaphezu kwe38,0 m’ ukuya ‘kwengaphezu kwe30 m ukuya kutsho kwi45,0 m’ kunye ‘nengaphezu kwe45,0 m’.

UKUQALA KOKUSEBENZA

27. UMthetho kaMasipala weZilungiso uya kuqala ukusebenza ngomhla oya kubhengezwa ngoSodolophu oLawulayo nasemva kokupapashwa kwiGazethi yePhondo.