



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

Provincial Gazette Igazethi Yephondo Provinsiale Koerant

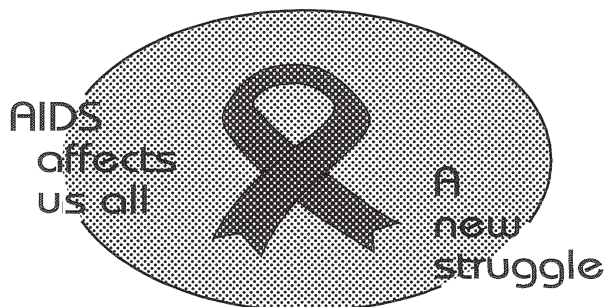
Vol. 26

BISHO/KING WILLIAM'S TOWN
29 JULY 2019
29 JULIE 2019

No. 4277

PART 1 OF 3

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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ISSN 1682-4556



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IMPORTANT NOTICE OF OFFICE RELOCATION

GOVERNMENT PRINTING WORKS PUBLICATIONS SECTION

Dear valued customer,

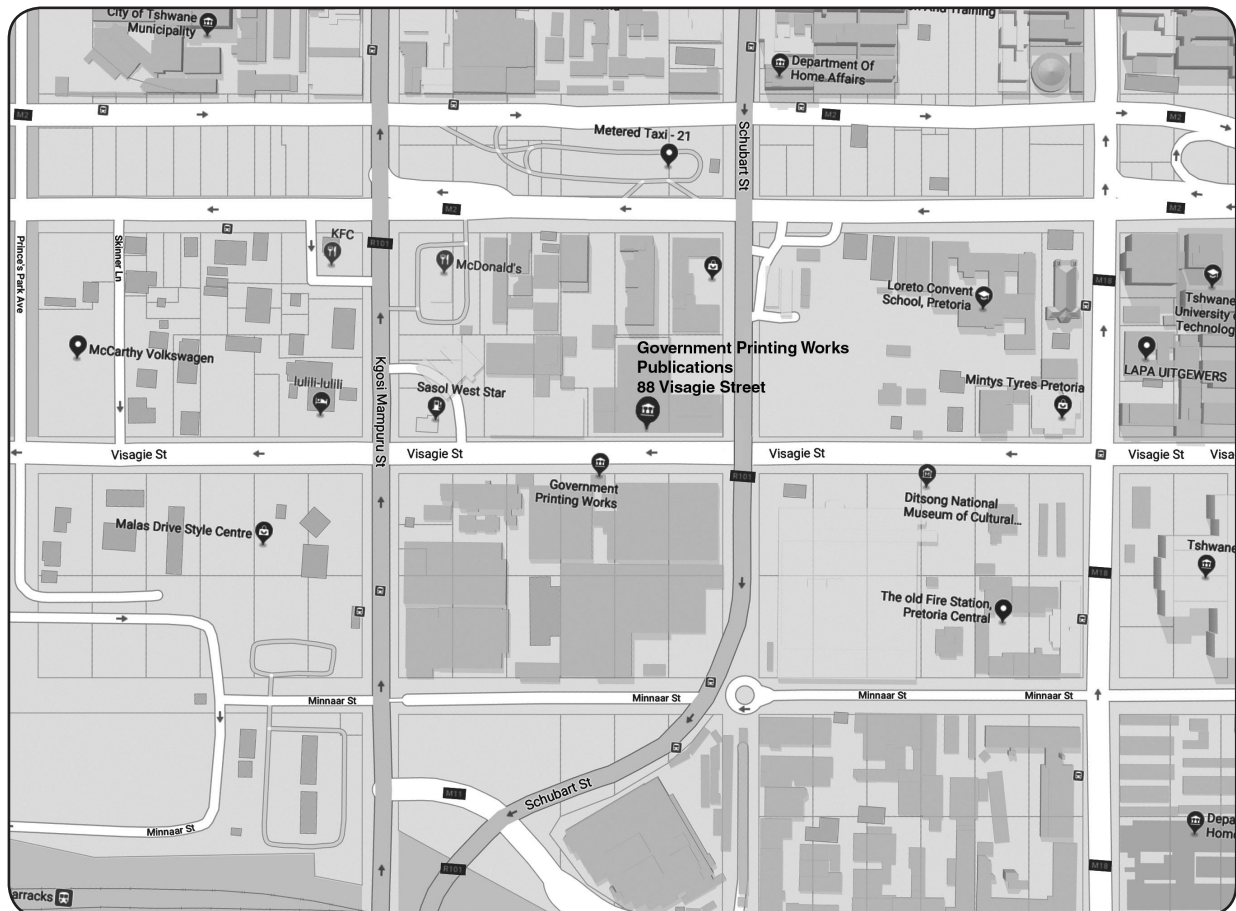
We would like to inform you that with effect from the 1st of November 2019, the Publications Section will be relocating to a new facility at the corner of **Sophie de Bruyn** and **Visagie Street, Pretoria**. The main telephone and facsimile numbers as well as the e-mail address for the Publications Section will remain unchanged.

Our New Address:
88 Visagie Street
Pretoria
0001

Should you encounter any difficulties in contacting us via our landlines during the relocation period, please contact:

Ms Maureen Toka
Assistant Director: Publications
Cell: 082 859 4910
Tel: 012 748-6066

We look forward to continue serving you at our new address, see map below for our new location.



IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

CONTENTS

	<i>Gazette No.</i>	<i>Page No.</i>
GENERAL NOTICES • ALGEMENE KENNISGEWINGS		
23 Deeds Registries Act, 1937: Remainder Portion 60 (a portion of Portion 51) of the Farm Chelsae, No. 25, Nelson Mandela Metropolitan Municipality, Division of Port Elizabeth, Province of Eastern Cape	4277	12
24 Local Government: Municipal Property Rates Act (6/2004): Emalahleni Local Municipality: Public Notice No: ELM/24/7/2019 GN: Call for inspection of Supplementary Valuation Roll 2018 and lodging of objections	4277	13
25 Spatial Planning and Land Use Management Act (16/2013): Erf 855, Summerstrand, Port Elizabeth, Eastern Cape	4277	14
26 Spatial Planning and Land Use Management Act (16/2013): Erf 1613, Mount Road, Port Elizabeth, Eastern Cape	4277	14
PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS		
206 Spatial Planning and Land Use Management Act (16/2013): Erf 819, Westering, Port Elizabeth.....	4277	14
207 National Land Transport Act (5/2009): Designation of Land in the Chris Hani District Municipality, Eastern Cape as a Depot for Impounded Vehicles in terms of the Act.....	4277	15
208 Spatial Planning and Land Use Management Act (16/2013): Erf 92, Mill Park, Port Elizabeth, Eastern Cape ..	4277	23
209 Raymond Mhlaba Local Municipality: Erratum: Application for amendment of the Municipal Code in Cover Pages Wording	4277	24
210 Buffalo City Metropolitan Municipal Spatial Planning and Land use Management bylaw of 2016: Erf 296, Beacon Bay	4277	24
211 Spatial Planning and Land Use Management Act (16/2013): Erf 109, Greenbushes, Port Elizabeth, Eastern Cape	4277	25
212 Spatial Planning and Land Use Management Act (16/2013): Erf 2488, Newton Park, Port Elizabeth, Eastern Cape	4277	25
213 Eastern Cape Gambling Act (5/1997): Regulations in terms of the Act: For public comment	4277	26
LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS		
160 Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016: Erf 228, Paradise Beach	4277	117
161 Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016: Erf 94 (29 Jeffreys Street), Jeffreys Bay	4277	118
162 Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016: Erf 907, St Francis Bay	4277	119
163 Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016: Erf 951 (10 Witels Street), Humansdorp	4277	120
164 Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016: Erf 1257 (26 Tecoma Street), Jeffreys Bay	4277	121
165 Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality: Removal of restrictive conditions: Various applications	4277	122
166 Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016: Erf 1257 (26 Tecoma Street), Jeffreys Bay	4277	124
167 Disaster Management Act (57/2002): Extension of Local State of Disaster Declaration.....	4277	125
168 Spatial Planning and Land Use Management Act (16/2013): Erf 192, Beacon Bay.....	4277	126
169 Local Government: Municipal Property Rates Act, 2004: Resolution Levying Property Rates for the Financial Year 1 July 2019 to 30 June 2020	4277	127
170 Local Government: Municipal Finance Management Act (56/2003): Mquma Local Municipality: Property Rates By-law; Property Rates Policy; Tariffs for Financial Year 1 July 2019 to 30 June 2020.....	4277	130
171 Ndlambe Municipality Spatial Planning and Land Use Management By-law (2016): Closing of a Portion of Erf 1111, Kenton-on-Sea	4277	172
171 Ndlambe Munisipaliteit se Ruimtelike Beplanning en Grondgebruiksbeheerverordening (2016): Sluiting van 'n Gedeelte van Erf 1111, Kenton-on-Sea.....	4277	172
172 Coffee Bay LSDF/Precinct Plan: Executive Summary	4277	173
173 Mqanduli & Viedgesville Local Spatial Development Framework: Executive Summary.....	4277	212
174 King Sabata Dalindyebo Municipality: Local Spatial Development Framework for the Mthatha Nodal Area: Executive Summary March 2017	4277	233
175 Local Government: Municipal Property Rates Act (6/2004): Mhlontlo Local Municipality: Property Rates By-Law (for implementation on 1 July 2019).....	4277	261

Closing times for **ORDINARY WEEKLY** 2019

EASTERN CAPE PROVINCIAL GAZETTE

*The closing time is **15:00** sharp on the following days:*

- **28 December 2018**, Friday for the issue of Monday **07 January 2019**
- **07 January**, Monday for the issue of Monday **14 January 2019**
- **14 January**, Monday for the issue of Monday **21 January 2019**
- **21 January**, Monday for the issue of Monday **28 January 2019**
- **28 January**, Monday for the issue of Monday **04 February 2019**
- **04 February**, Monday for the issue of Monday **11 February 2019**
- **11 February**, Monday for the issue of Monday **18 February 2019**
- **18 February**, Monday for the issue of Monday **25 February 2019**
- **25 February**, Monday for the issue of Monday **04 March 2019**
- **04 March**, Monday for the issue of Monday **11 March 2019**
- **11 March**, Monday for the issue of Monday **18 March 2019**
- **15 March**, Friday for the issue of Monday **25 March 2019**
- **25 March**, Monday for the issue of Monday **01 April 2019**
- **01 April**, Wednesday for the issue of Monday **08 April 2019**
- **08 April**, Monday for the issue of Monday **15 April 2019**
- **12 April**, Friday for the issue of Monday **22 April 2019**
- **18 April**, Thursday for the issue of Monday **29 April 2019**
- **26 April**, Friday for the issue of Monday **06 May 2019**
- **06 May**, Monday for the issue of Monday **13 May 2019**
- **13 May**, Monday for the issue of Monday **20 May 2019**
- **20 May**, Monday for the issue of Monday **27 May 2019**
- **27 May**, Monday for the issue of Monday **03 June 2019**
- **03 June**, Monday for the issue of Monday **10 June 2019**
- **10 June**, Monday for the issue of Monday **17 June 2019**
- **14 June**, Friday for the issue of Monday **24 June 2019**
- **24 June**, Monday for the issue of Monday **01 July 2019**
- **01 July**, Monday for the issue of Monday **08 July 2019**
- **08 July**, Monday for the issue of Monday **15 July 2019**
- **15 July**, Monday for the issue of Monday **22 July 2019**
- **22 July**, Monday for the issue of Monday **29 July 2019**
- **29 July**, Monday for the issue of Monday **05 August 2019**
- **02 August**, Friday for the issue of Monday **12 August 2019**
- **12 August**, Monday for the issue of Monday **19 August 2019**
- **19 August**, Monday for the issue of Monday **26 August 2019**
- **26 August**, Monday for the issue of Monday **02 September 2019**
- **02 September**, Monday for the issue of Monday **09 September 2019**
- **09 September**, Monday for the issue of Monday **16 September 2019**
- **16 September**, Monday for the issue of Monday **23 September 2019**
- **20 September**, Friday for the issue of Monday **30 September 2019**
- **30 September**, Monday for the issue of Monday **07 October 2019**
- **07 October**, Monday for the issue of Monday **14 October 2019**
- **14 October**, Monday for the issue of Monday **21 October 2019**
- **21 October**, Monday for the issue of Monday **28 October 2019**
- **28 October**, Monday for the issue of Monday **04 November 2019**
- **04 November**, Monday for the issue of Monday **11 November 2019**
- **11 November**, Monday for the issue of Monday **18 November 2019**
- **18 November**, Monday for the issue of Monday **25 November 2019**
- **25 November**, Monday for the issue of Monday **02 December 2019**
- **02 December**, Monday for the issue of Monday **09 December 2019**
- **09 December**, Monday for the issue of Monday **16 December 2019**
- **13 December**, Friday for the issue of Monday **23 December 2019**
- **19 December**, Thursday for the issue of Monday **30 December 2019**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.

2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the eGazette Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that the quotation number can only be used once to make a payment.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwnonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette(s)*

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:

Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 23 OF 2019

NOTICE IS HEREBY GIVEN that under the provisions of section thirty-eight of the Deeds Registries Act, 1937, I, the Registrar of Deeds at KING WILLIAM'S TOWN intend to issue a Certificate of Registered Title in lieu of Deed of Transfer No. T79844/2001CTN dated 10 October 2001 passed by :

**The Trustees for the time being of HAMPSHIRE TRUST
No. IT 1003/1996**

In favour of :

**NEVILLE CHARLES COMLEY
Identity Number 490203 5012 08 0
Unmarried**

In respect of certain :


**Remainder Portion 60 (a portion of Portion 51) of the Farm Chelsea, No. 25
Nelson Mandela Metropolitan Municipality
Division of Port Elizabeth
Province of Eastern Cape**

In Extent: 7,2256 (Seven comma Two Two Five Six) Hectares

Which is incomplete.

All persons having objection to the issue of such Certificate are hereby require to lodge the same in writing with the Registrar of Deeds at King William's Town within six weeks after the date of the first publication in the Gazette.

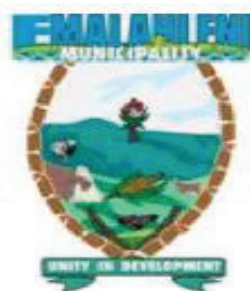
Dated at KING WILLIAM'S TOWN this 3 July 2019.



REGISTRAR OF DEEDS

22-29

NOTICE 24 OF 2019
EMALAHLENI LOCAL MUNICIPALITY



PUBLIC NOTICE NO: ELM/24/7/2019 GN
CALL FOR INSPECTION OF SUPPLEMENTARY VALUATION ROLL 2018
AND LODGING OF OBJECTIONS

Notice is hereby given in terms of Section 49 (1) (a) (i) read in conjunction with Section 78 (2) of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004), hereinafter referred to as the "Act" that the Supplementary Valuation Roll is open for public inspection. The Supplementary Valuation Roll can be inspected at the venues listed below from 18 July 2019 to 18 August 2019, from Monday to Friday, between 8:30 & 16:00.

Any owner of property or other person who so desires, may lodge an objection with the Municipal Manager at Emalahleni Municipality in respect of any matter reflected in, or omitted from the Supplementary Valuation Roll within the above mentioned period.

The Supplementary Valuation Roll will be available for inspection at:

The Emalahleni Municipal Offices and Libraries at: **Lady Frere
Dordrecht
Indwe**

Objection forms will be available at the above mentioned offices. All objections may be submitted to: The Municipal Manager,
Emalahleni Municipality.
37 Indwe Road
Lady Frere
5410

In terms of the Municipal Property Rates Act 2004, objections apply to a particular property and not to the Roll itself.

Queries can be directed to the following person:

Mr A Zindlu – The Acting Financial Officer:
Email address: Zindlua@emalahlenilm.gov.za
Telephone No: 047 - 878 2000

NOTICE 25 OF 2019**Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 855 SUMMERSTRAND, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition C.II (d) in Deed of Transfer No. T78918/2000 and any subsequent Deed applicable to Erf 855 Summerstrand are hereby removed

NOTICE 26 OF 2019**Nelson Mandela Bay Municipality (EASTERN CAPE)**

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

ERF 1613, MOUNT ROAD, PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition B(b) and (c) in Deed of Transfer No.: T000016860/2006 applicable to Erf 1613 Mount Road is hereby removed.

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 206 OF 2019**Nelson Mandela Bay Municipality (EASTERN CAPE)**

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

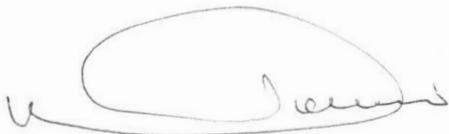
ERF 819 WESTERING, PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, notice is hereby given that conditions A. and C.4. (b) and also C.4.(d) in Deed of Transfer Number T64386/2017 applicable to Erf 819 Westering, Port Elizabeth, are hereby removed.

PROVINCIAL NOTICE 207 OF 2019

PROVINCE OF THE EASTERN CAPE**DEPARTMENT OF TRANSPORT****DESIGNATION OF LAND IN THE CHRIS HANI DISTRICT MUNICIPALITY, EASTERN CAPE AS A DEPOT FOR IMPOUNDED VEHICLES IN TERMS OF THE NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)**

I, **WEZIWE TIKANA**, Member of the Executive Council responsible for Transport, Safety and Liaison in the Province of the Eastern Cape, acting in terms of section 87(4) of the National Land Transport Act, 2009 (Act No. 5 of 2009), hereby declare portion of Erf 221 also known as Engcobo Traffic Station, situated Engcobo, 22 Power Street in Chris Hani District Municipality as a designated depot for impounded vehicles.



W. TIKANA
MEC FOR TRANSPORT, SAFETY AND LIAISON

PROVINCIAL NOTICE**PROVINCE OF THE EASTERN CAPE****DEPARTMENT OF TRANSPORT****DESIGNATION OF LAND IN THE ALFRED NZO DISTRICT MUNICIPALITY, EASTERN CAPE AS A DEPOT FOR IMPOUNDED VEHICLES IN TERMS OF THE NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)**

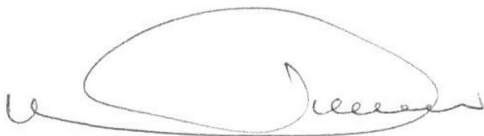
I, **WEZIWE TIKANA**, Member of the Executive Council responsible for Transport, Safety and Liaison in the Province of the Eastern Cape, acting in terms of section 87(4) of the National Land Transport Act, 2009 (Act No. 5 of 2009), hereby declare portion of Erf 206 also known as Maluti Traffic Station, situated in Maluti, Alfred Nzo District Municipality as a designated depot for impounded vehicles.



W. TIKANA
MEC FOR TRANSPORT, SAFETY AND LIAISON

PROVINCIAL NOTICE**PROVINCE OF THE EASTERN CAPE****DEPARTMENT OF TRANSPORT****DESIGNATION OF LAND IN THE ALFRED NZO DISTRICT MUNICIPALITY, EASTERN CAPE AS A DEPOT FOR IMPOUNDED VEHICLES IN TERMS OF THE NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)**

I, **WEZIWE TIKANA**, Member of the Executive Council responsible for Transport, Safety and Liaison in the Province of the Eastern Cape, acting in terms of section 87(4) of the National Land Transport Act, 2009 (Act No. 5 of 2009), hereby declare portion of Erf 110 also known as Mbizana Traffic Station, situated in Mbizana, Alfred Nzo District Municipality as a designated depot for impounded vehicles.



W. TIKANA
MEC FOR TRANSPORT, SAFETY AND LIAISON

PROVINCIAL NOTICE**PROVINCE OF THE EASTERN CAPE****DEPARTMENT OF TRANSPORT****DESIGNATION OF LAND IN THE ALFRED NZO DISTRICT MUNICIPALITY, EASTERN CAPE AS A DEPOT FOR IMPOUNDED VEHICLES IN TERMS OF THE NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)**

I, **WEZIWE TIKANA**, Member of the Executive Council responsible for Transport, Safety and Liaison in the Province of the Eastern Cape, acting in terms of section 87(4) of the National Land Transport Act, 2009 (Act No. 5 of 2009), hereby declare portion of Erf 349 also known as Mt Frere Traffic Station, situated in Mt Frere, Alfred Nzo District Municipality as a designated depot for impounded vehicles.



W. TIKANA
MEC FOR TRANSPORT, SAFETY AND LIAISON

PROVINCIAL NOTICE**PROVINCE OF THE EASTERN CAPE****DEPARTMENT OF TRANSPORT****DESIGNATION OF LAND IN THE ALFRED NZO DISTRICT MUNICIPALITY, EASTERN CAPE AS A DEPOT FOR IMPOUNDED VEHICLES IN TERMS OF THE NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)**

I, **WEZIWE TIKANA**, Member of the Executive Council responsible for Transport, Safety and Liaison in the Province of the Eastern Cape, acting in terms of section 87(4) of the National Land Transport Act, 2009 (Act No. 5 of 2009), hereby declare portion of unknown Erf, known as Phakade Traffic Station, situated in Phakade at N2/R394 junction, Alfred Nzo District Municipality as a designated depot for impounded vehicles.



W. TIKANA
MEC FOR TRANSPORT, SAFETY AND LIAISON

PROVINCIAL NOTICE**PROVINCE OF THE EASTERN CAPE****DEPARTMENT OF TRANSPORT****DESIGNATION OF LAND IN THE OR TAMBO DISTRICT MUNICIPALITY, EASTERN CAPE AS A DEPOT FOR IMPOUNDED VEHICLES IN TERMS OF THE NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)**

I, **WEZIWE TIKANA**, Member of the Executive Council responsible for Transport, Safety and Liaison in the Province of the Eastern Cape, acting in terms of section 87(4) of the National Land Transport Act, 2009 (Act No. 5 of 2009), hereby declare portion of Erf 1635, known as Port St Johns Traffic Station, situated in Port St Johns at N2/R3, OR Tambo District Municipality as a designated depot for impounded vehicles.

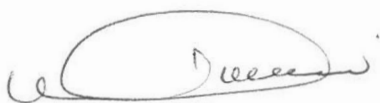


W. TIKANA
MEC FOR TRANSPORT, SAFETY AND LIAISON

PROVINCIAL NOTICE**PROVINCE OF THE EASTERN CAPE****DEPARTMENT OF TRANSPORT**

DESIGNATION OF LAND IN THE AMATHOLE DISTRICT MUNICIPALITY, BUFFALO CITY METROPOLITAN MUNICIPALITY, EASTERN CAPE AS A DEPOT FOR IMPOUNDED VEHICLES IN TERMS OF THE NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)

I, **WEZIWE TIKANA**, Member of the Executive Council responsible for Transport, Safety and Liaison in the Province of the Eastern Cape, acting in terms of section 87(4) of the National Land Transport Act, 2009 (Act No. 5 of 2009), hereby declare portion of unknown Erf, known as Army Camp, situated in Woodbrook, East London, Buffalo City Metropolitan Municipality as a designated depot for impounded vehicles.



W. TIKANA
MEC FOR TRANSPORT, SAFETY AND LIAISON

PROVINCIAL NOTICE**PROVINCE OF THE EASTERN CAPE****DEPARTMENT OF TRANSPORT****DESIGNATION OF LAND IN THE CHRIS HANI DISTRICT MUNICIPALITY, EASTERN CAPE AS A DEPOT FOR IMPOUNDED VEHICLES IN TERMS OF THE NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)**

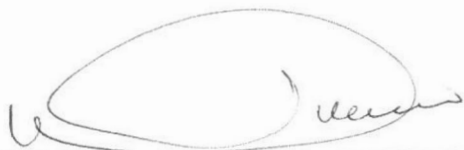
I, **WEZIWE TIKANA**, Member of the Executive Council responsible for Transport, Safety and Liaison in the Province of the Eastern Cape, acting in terms of section 87(4) of the National Land Transport Act, 2009 (Act No. 5 of 2009), hereby declare portion of Erf 2262 also known as Cradock Traffic Station, situated at Cradock, 1 Middelburg Road in Chris Hani District Municipality as a designated depot for impounded vehicles.



W. TIKANA**MEC FOR TRANSPORT, SAFETY AND LIAISON**

PROVINCIAL NOTICE**PROVINCE OF THE EASTERN CAPE****DEPARTMENT OF TRANSPORT****DESIGNATION OF LAND IN THE CHRIS HANI DISTRICT MUNICIPALITY, EASTERN CAPE AS A DEPOT FOR IMPOUNDED VEHICLES IN TERMS OF THE NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)**

I, **WEZIWE TIKANA**, Member of the Executive Council responsible for Transport, Safety and Liaison in the Province of the Eastern Cape, acting in terms of section 87(4) of the National Land Transport Act, 2009 (Act No. 5 of 2009), hereby declare portion of Erf 2 also known as Queenstown Traffic Station, situated in Queenstown, 1 Creamery Road in Chris Hani District Municipality as a designated depot for impounded vehicles.



W. TIKANA
MEC FOR TRANSPORT, SAFETY AND LIAISON

PROVINCIAL NOTICE 208 OF 2019**Nelson Mandela Bay Municipality (Eastern Cape)**

Removal of Restrictions in terms of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

ERF 92, MILL PARK, PORT ELIZABETH, EASTERN CAPE

Under section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions C(a), (b), (c), (d) (e), D(a) 4, 5 and 6 as contained in Deed of Transfer No. T119511/2003 applicable to Erf 92, Mill Park, are hereby removed.

PROVINCIAL NOTICE 209 OF 2019
RAYMOND MHLABA LOCAL MUNICIPALITY



Erratum

Application for Amendment of The Municipal Code in Cover Pages Wording :

The Raymond Mhlaba Municipality hereby issues an Erratum to Notice Number 4184 published in Eastern Cape Provincial Gazette on the 11 February 2019 .

The Raymond Mhlaba Municipality hereby make the following changes to the published Notice (notice 4184 of 2019) In the Municipal Code All The Cover Pages of the 14 By-laws , the word “ Draft ” be deleted .

U T Malinzi
Municipal Manager

PROVINCIAL NOTICE 210 OF 2019
BUFFALO CITY METROPOLITAN MUNICIPALITY

REMOVAL OF RESTRICTIONS APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAMGEMENT ACT, 2013 (ACT 16 OF 2013)

ERF 296 BEACON BAY (3 RIVERVIEW TERRACE BEACON BAY)

Notice is hereby given in terms of Section 47 of the above Act together with section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land use Management bylaw of 2016 that the undermentioned application has been received and is open for inspection at the office of the Buffalo City Metropolitan Municipality, Trust Centre, 117 Oxford Street (Cnr North Street) East London. Any objections with full reasons therefor, should be lodged in writing with the City Manager within 30 days after publication of this notice with specific reference to the above act and erf number.

APPLICANT: Saint Christopher's Trust

Nature of application: Removal of Title conditions applicable to Erf 296 Beacon Bay.

PROVINCIAL NOTICE 211 OF 2019

Nelson Mandela bay Municipality (EASTERN CAPE)

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013).

ERF 109 GREENBUSHES, PORT ELIZABETH, EASTERN CAPE.

Under section 47 of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) and upon instructions of the Local Authority a notice is hereby given that conditions 3(a), 3(b), 3(c) and 3(d) in Deed of Transfer No T51322/1989 and all future deeds applicable to Erf 109 Greenbushes are hereby removed.

PROVINCIAL NOTICE 212 OF 2019

Nelson Mandela Bay Municipality (EASTERN CAPE)

Removal of restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

ERF 2488 Newton Park, PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is given that condition/s B(6), (7), (8) and (9) in Deed of Transfer No. T33813/2013 applicable to ERF 2488 Newton Park is/are hereby removed.

PROVINCIAL NOTICE 213 OF 2019**PROVINCE OF THE EASTERN CAPE****PROVINCIAL NOTICE****DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM****EASTERN CAPE GAMBLING ACT NO. 5 OF 1997****REGULATIONS IN TERMS OF THE EASTERN CAPE GAMBLING ACT, 1997 FOR PUBLIC COMMENT**

I, **Mlungisi Mvoko**, in my capacity of Member of the Executive Council responsible for Economic Development, Environmental Affairs and Tourism in the Province of the Eastern Cape hereby give notice of my intention, under the powers vested in me by section 80(4) of the Eastern Cape Gambling Act, 1997 (Act No. 5 of 1997), to publish the intended regulation as contained in the schedule hereto, for the purposes of comment and consultation with interested and affected parties.

Members of the public are invited to submit to the Member of the Executive Council within 2 (two) months after the publication of the notice in the *provincial gazette*, written comments or inputs to the following addresses:

The Head of Department
Department of Economic Development, Environmental Affairs & Tourism
Private Bag X 0054
BHISHO
5605

Attention: Ronel de Bruin/Charnette Ferreira
Email: ronel.debruin@dedea.gov.za and Charnette.ferreira@dedea.gov.za

Cell: 060 564 5370


Or hand delivered to:

The Head of Department
Alderwood House
Palm Square Office Park
Bonza Bay Road
Beacon Bay
KING WILLIAM'S TOWN

Attention: Ronel de Bruin / Charnette Ferreira
Or sent by Email to: ronel.debruin@dedea.gov.za and Charnette.ferreira@dedea.gov.za

Any enquiries in connection with the intended regulations can be directed to Ronel de Bruin / Charnette Ferreira at Cell: 060 564 5370.

Comments received after the closing date may not be considered.



HON. MLUNGISI MVOKO
MEC FOR ECONOMIC DEVELOPMENT,
ENVIRONMENTAL AFFAIRS AND TOURISM

SCHEDULE

REGULATIONS IN TERMS OF THE EASTERN CAPE GAMBLING ACT, 1997 (ACT NO. 5 OF 1997)

**REGULATIONS IN TERMS OF THE EASTERN CAPE GAMBLING ACT, 1997
(ACT NO. 5 OF 1997)**

ARRANGEMENT OF REGULATIONS

CHAPTER 1

DEFINITIONS

- 1 Definitions

CHAPTER 2

APPLICATIONS GENERAL

- 2. Request for proposal
- 3. Procedure for RFP
- 4 Applications
- 5 Form of advertisement for application
- 6 Copies application documents
- 7 Opportunity to rectify disqualifying circumstances
- 8 Serving of notices
- 9 Investigations and police report
- 10 Hearing of application
- 11 Proceedings at hearings
- 12 Record of proceedings at hearing
- 13 Decisions and final orders
- 14 Withdrawal of application

CHAPTER 3

LICENSES COMPLIANCE

- 15 Consent to procure a controlling or financial interest
- 16 Certificate of suitability
- 17 Financial interest in business of holder of a certificate of suitability
- 18 Revocation of certificate of suitability
- 19 Termination of association
- 20 Surveillance requirements

CHAPTER 4

CASINO LICENCES

- 21 Application of Chapter
- 22 Extension of period of exclusivity

- 23 Stakes and prizes of table games
- 24 Stakes and prizes of gambling machines
- 25 Cards, dice and roulette balls control
- 26 Specifications for value instruments
- 27 Approval of value instruments
- 28 Use of value instruments
- 29 Redemption and disposal of discontinued value instruments
- 30 Destruction of counterfeit value instruments
- 31 Promotional and tournament value instruments
- 32 Receipt of gambling value instruments from manufacturer, supplier or distributor
- 33 Inventory of value instruments

CHAPTER 5 BINGO LICENCES

- 34 Return to players
- 35 Payment of stake or participation fee

CHAPTER 6 ROUTE OPERATOR LICENCES AND GAMBLING MACHINE SITE LICENCES

- 36 Requirements for route operators
- 37 Location of Gambling Machines on sites controlled by previously disadvantaged persons
- 38 Location of Gambling Machines in metropolitan areas
- 39 Additional considerations in disposing of application for a route operator licence
- 40 Maximum number of limited gambling machines and interest in route operator
- 41 Requirements for gambling machine site licenses
- 42 Requirements of premises of gambling machine sites on premises licensed for retail sale of liquor
- 43 Additional considerations in disposing of application for a gambling machine site licence
- 44 Sites with more than 5 limited gambling machines
- 45 Restrictions on limited gambling machines
- 46 Maximum prize limited gambling machines
- 47 Return to public limited gambling machines
- 48 Use of limited gambling machines

CHAPTER 7

TOTALISATORS AND POOLS

- 49** Conducting of totalisators
- 50** Return to public: Totalisators and betting pools
- 51** Place of bets: Totalisators and pools

CHAPTER 8

BOOKMAKERS

- 52** Place of bets: Bookmakers

CHAPTER 9

RACE COURSE LICENCES

- 53** Race meetings

CHAPTER 10

FEES, TAXATION AND FINANCIAL ARRANGEMENTS

- 54** Manner of payment of taxes and fees
- 55** Keeping of books, accounts and accounting records
- 56** Gambling and accounting records
- 57** Other records
- 58** Annual financial statements
- 59** Returns to be rendered
- 60** Stock records
- 61** Accessibility of records
- 62** Minimum internal controls
- 63** Board to adopt minimum standards for internal control procedures
- 64** Internal control system to be approved by board
- 65** Amendment of system of internal control

CHAPTER 11

GENERAL PROVISIONS RELATING TO GAMBLING AND GAMBLING DEVICES

- 66** Display of rules of gambling games and betting
- 67** Application for registration as a supplier or servicer of gambling devices
- 68** Taking of fingerprints
- 69** Registration form
- 70** Particulars contained in register in terms of section 61(10) of the Act
- 71** Provision of information
- 72** Use of certain devices prohibited

- 73 List of persons to be excluded or ejected.
- 74 Application by an interested person
- 75 Hearing
- 76 Distribution and contents of the list
- 77 Petition to be removed from the list.
- 78 Excluded person prohibited from entering licensed premises or participating in gambling
- 79 Maintenance and alteration of gambling devices
- 80 Equipment to be of approved type
- 81 Records to be kept by licensee
- 82 Deregistration of gambling equipment
- 83 Standards for gambling devices

CHAPTER 12

REGISTRATION OF CERTAIN PERSONNEL

- 84 Application for registration as key person or gambling employee
- 85 Further key personnel and gambling employees to be registered
- 86 Temporary registration of key persons and gambling employees
- 87 Certificate of registration as a key person or a gambling employee
- 88 Certificate of registration on employment record.

CHAPTER 13

RESTRICTIONS, LIMITATION AND PROHIBITION

- 89 Undesirable advertising
- 90 Prohibited transactions by licensee

CHAPTER 14

SOCIAL GAMBLING

- 91 Social gambling not for profit
- 92 Social gambling for fundraising purposes
- 93 Social gambling for fundraising purposes not requiring a licence

CHAPTER 15

MISCELLANEOUS PROVISIONS

- 94** Oath and affirmation of office
- 95** Resolution of patron disputes
- 96** Appeal to the board: Patron disputes
- 97** Non-payment by patron
- 98** Gambling-related contracts
- 99** Submission of gambling-related contracts
- 100** Summons.
- 101** Repeal of Regulations
- 102** Transitional Provisions
- 103** Short title and commencement
- Schedule "A"**
- Schedule "B"**

**REGULATIONS IN TERMS OF THE EASTERN CAPE GAMBLING ACT, 1997
(ACT NO. 5 OF 1997)**

**CHAPTER 1
DEFINITIONS**

1 Definitions

In these regulations -

- (a) any expression defined in the Eastern Cape Gambling Act, 1997 (Act No. 5 of 1997) has the meaning assigned to it in that Act;
- (b) any expression defined in the National Cape Gambling Act, 2004 (Act No. 7 of 2004) has the meaning assigned to it in that Act;
- (c) a reference to a section or sub-section by number refers to the corresponding section or sub-section of the Act;
- (d) a reference to a regulation or sub-regulation by number refers to the corresponding item of these regulations; and
- (e) a word or expression to which a meaning has not been assigned in the Act, 1997 shall have the following meaning, unless the context indicates otherwise

—

“credit guarantee” means a bill of exchange, cheque or promissory note;

“gambling-related contract” means a contract for which a certificate of suitability is required as contemplated in section 86 of the Act;

“IFRS” means the International Financial Reporting Standards, issued by the IFRS Foundation and the International Accounting Standards Board;

“Licensee” means the holder of a licence issued in terms of the Act;

“person” means a natural person and includes a juristic person;

“RFP” means a request or requests for proposal as determined in accordance with regulation 3;

“smart card” means a card issued by a licensee and which contains credits in electronic format stored on a computer chip

“the Act” means the Eastern Cape Gambling Act, 1997 (Act No. 5 of 1997) as amended and includes these regulations, schedules and any notice or rule made or issued thereunder;

“these regulations” includes the schedules, forms, rules and notices made or issued in terms thereof; and

“**value instrument**” means an instrument with a monetary value, including tokens or chips, issued or sold by a licensee for use when gambling and redeemable for cash by the licensee only.

CHAPTER 2

APPLICATIONS GENERAL

2 Request for proposals

- (1) The board shall determine the types of gambling licences that are invited through RFP.
- (2) The RFP must be done in accordance with the procedure set out in regulation 3.

3 Procedure for RFP

- (1) The RFP process is initiated by the chief executive officer by compiling a Draft RFP for submission to the Board for approval as well as a notice, inviting interested parties to obtain and comment on the Draft RFP at a fee determined by the board, shall be advertised in the Provincial Gazette, the website of the board and at least two newspapers circulating in the Province.
- (2) The chief executive officer must cause a notice to be advertised in the *Provincial Gazette*, website of the board and at least two newspapers circulating in the Province. The notice must -
 - (a) invite interested parties to obtain a Draft RFP within 30 days of publication of the notice;
 - (b) state the fee that must be paid to obtain the Draft RFP;and
 - (c) invite comments in writing on the Draft RFP within 30 days for submission to the Board of the date of publication of the notice.
- (3) The chief executive officer must maintain a register of all Draft RFP's obtained and issued to interested parties and the comments received from interested parties.

- (4) The chief executive officer must submit the Draft RFP, the comments received from interested parties and suggested responses to the board for approval of a bidders conference.
- (5) The chief executive officer shall cause a notice to be published in the Provincial Gazette and at least two newspapers circulating in the Province, calling all parties who obtained the Draft RFP and paid the required fee, to attend a bidders' conference. The notice must provide for -
 - (a) the date, time and venue of the bidders' conference; and
 - (b) that essential minimum requirements of the RFP is available on the Board's website.
- (6) The board must hold a bidders' conference at the date, time and venue determined in the notice contemplated in sub-regulation (5) with the parties who obtained the Draft RFP and paid the determined fee to explain the evaluation process, clarify issues raised and answer questions of the attendees.
- (7) The board's secretariat must compile a register of all the attendees of the bidders' conference, keep minutes and record the proceedings of the bidders' conference and the board must validate and approve the minutes and inputs from the bidders' conference.
- (8) The chief executive officer must submit a proposed final RFP together with the validated minutes and inputs to the board for consideration by the board.
- (9) If the RFP is approved by the board, the final RFP, including all the evaluation criteria and relevant licence application forms must be compiled.
- (10) The chief executive officer must cause a notice to be published in the Provincial Gazette and at least two newspapers circulating in the Province, calling on interested parties to obtain the final RFP and licence application forms at a fee determined by the board.
- (11) The fees payable for the RFP documentation and attendance of bidders' conferences are set out in Schedule "A" of these Regulations.

4 Applications

- (1) The applicant must submit an application in terms of the Act and this regulation to the chief executive officer, substantially in accordance with Form 1 contained in Schedule "B" of these regulations, accompanied by the documents and information as determined by the board.
- (2) The applicant must ensure that all information in an application is true and complete as at the closing date of the applications.
- (3) The board may reject an application where the person has knowingly made a false statement of material fact, omitted to state any material fact which is required to be stated in any application submitted to the board.
- (4) The applicant must, when that application is submitted, pay the fee specified in Schedule II of the Act as adjusted by the responsible Member in terms of section 57 (8) of the Act, which fee is not refundable.
- (5) An application must be delivered in the manner as determined by the board to the office of the chief executive officer.

5 Form of advertisement for applications

The notice contemplated in section 21(2) of the Act shall be substantially in accordance with Form 2 contained in Schedule "B" of these regulations, and shall contain the information contemplated therein.

6 Copies application documents

The board shall, subject to subsection 25(2) of the Act, at the request of any interested person, on payment of the fee set out in the Schedule "A" of these regulations furnish an interested person with a copy of, or extract from, any application, representations, responses or information contemplated in subsection 25(1) of the Act.

7 Opportunity to rectify disqualifying circumstances

An applicant who is subject to any disqualification as contemplated in section 31 may, prior to disqualification, be granted a period not exceeding 60 days to rectify

the disqualifying circumstances where this is possible without the substance of the application being changed as provided for in section 31.

8 Serving of notices

- (1) Any notice to be served, lodged or given to a person by the board in terms of the Act or these regulations shall be in writing and be served, lodged or given by—
 - (a) personal delivery;
 - (b) registered mail; or
 - (c) e-mail.
- (2) Any notice given by the board in terms of sub-regulation (1) shall be deemed to have been received -
 - (a) in the case of personal delivery, upon the date of delivery of the notice to such person's physical address;
 - (b) in the case of registered mail, 14 days after it has been posted; or
 - (c) in the case of an e-mail on the date of the delivery report of the e-mail.

9 Investigations and police report

- (1) The board may appoint an official of the board or any other person or institution to conduct the investigation contemplated in section 27 of the Act.
- (2) The chief executive officer shall ask the South African Police Service for a report from a police officer of or above the rank of inspector covering the information contemplated in section 27(2) of the Act as well as information on any pending criminal investigations against the applicant, or a director, in the case of a company, or a member in the case of a closed corporation, or a trustee in the case of a trust.
- (3) All reasonable expenses incurred by the board in investigating an applicant, excluding an applicant for employee registration, shall be paid by the applicant in the manner prescribed by this regulation.
- (4) In the case of an application for employee registration all expenses incurred by the board in investigating the applicant shall be paid by the

employer: Provided that should the employee leave the service of the employer within 6 months of the such registration, such employee shall be liable to the employer for one half of the said expenses.

- (5) The board shall estimate investigative fees and costs and require a deposit to be paid by the applicant or employer, as the case may be, in advance as a condition precedent to beginning or continuing an investigation.
- (6) The board may, at any stage during an investigation, require an applicant or employer to pay additional deposits for the payment of investigative fees and costs.
- (7) Upon completion of its investigation, the board shall supply the applicant or employer, as the case may be, with a detailed account of investigative fees and costs incurred.
- (8) The board shall not take final action on any application unless all investigative fees and costs have been paid in full.

10 Hearing of application

- (1) The board must hold a hearing on an application for a licence received as contemplated in, and subject to, the provisions of section 28 of the Act on a date determined by the board and made known in a notice, substantially in accordance with Form 3 contained in Schedule "B" of these regulations.
- (2) The chief executive officer shall at least 14 days before the date of the hearing, cause the notice to be published-
 - (a) in the *Provincial Gazette*, in any official language;
 - (b) in a newspaper circulating in the district in which the premises to which such application relates are situated, in any official language in which such newspaper is published; and
 - (c) on the website of the board.

11 Proceedings at hearings

- (1) The board shall, after consultation with the responsible Member, and by notice in the *Provincial Gazette*, make rules for the conduct of its proceedings and hearings in terms of section 4(1)(c)(xi) of the Act.
- (2) The proceedings at a hearing shall be conducted in accordance with the rules determined in terms of sub-regulation (1), sub-sections 11(3) to 11(11) of the Act as well as other relevant provisions of the Act.
- (3) The board or the person presiding at a hearing may direct the aspects to be covered in oral presentations by a person afforded the opportunity to be heard at such hearing and may set time limits for such oral presentations.

12 Record of proceedings at hearing

- (1) The presiding officer of the hearing shall cause minutes to be kept of proceedings at any hearing.
- (2) Oral proceedings shall be recorded by such means to adequately ensure the preservation of such proceedings and shall, subject to the provisions of the Act and these regulations, be transcribed on request of any person, at the cost of such person and such recordings shall be retained by the board for a period of at least five years.
- (3) The minutes of the hearing shall, subject to the provisions of section 16 (2), of the Act be open to public inspection for a period of 30 days at the office of the chief executive officer of the board.

13 Decision and final order

- (1) The board shall render a final decision or order in writing, and the chief executive officer shall provide reasons for the decision upon request in terms of section 32(2) of the Act.
- (2) Copies of the final decision or order shall be served on affected parties in accordance with these regulations, within a reasonable time period.

- (3) A final decision or order of the board shall become effective upon service thereof.

14 Withdrawal of application

An applicant may at any time prior to the final consideration of an application, withdraw the application and that applicant shall forfeit the application or other fees paid to the board and shall be responsible for all costs incurred by the board as determined by the Board.

**CHAPTER 3
LICENCES COMPLIANCE**

15 Consent to procure a controlling or financial interest

- (1) A licensee who becomes aware that a person intends to procure, directly or indirectly, a controlling or a financial interest of 5 percent or more, in the business of that licensee as contemplated in section 40 of the Act must within 14 days of becoming aware advise the board in writing of the intended procurement of such an interest.
- (2) A person who, directly or indirectly, procures a controlling or a financial interest of 5 percent or more, in the business of a licensee as contemplated in section 40 of the Act shall, within 14 days of the procurement apply for the consent of the board for the holding of such interest substantially in accordance with Form 1 contained in Schedule "B" of these regulations.
- (3) A person who procures an interest contemplated in sub-regulation (2) as nominee or agent of, or otherwise on behalf of, any principal or beneficiary must inform the holder of the licence concerned and the board in writing of the identity of such principal or beneficiary.
- (4) The board shall consider the application for consent as contemplated in the Act.

16 Certificate of suitability

- (1) The board may notify any person referred to in section 86 of the Act in writing to apply for a certificate of suitability contemplated in section 86 of the Act within 21 days of the date of receipt of the notice.
- (2) The person who has been notified must, within 21 days of receipt of such notice, submit to the board an application substantially in accordance with Form 1 contained in Schedule "B" of these regulations.
- (3) The applicant must, when that application is submitted, pay the fee specified in Schedule II of the Act as adjusted by the responsible Member in terms of section 57 (8) of the Act, which fee is not refundable.
- (4) The board may gather such information as it deems necessary from any source or person regarding the suitability of the applicant as contemplated in section 27 of the Act.
- (5) The board shall, after concluding its investigation in terms of this regulation, find the person in question suitable or unsuitable, having regard to the grounds of disqualification contemplated in section 31 of the Act and inform the applicant, the licensee or a person who is directly or indirectly associated with such person of its decision by way of written notice.
- (6) If a person is found unsuitable in terms of sub-regulation (5), the board may require the licensee or applicant to terminate its association with that person within a period determined by the board.
- (7) If a person is found suitable as contemplated in section 86 of the Act, the board shall issue a certificate of suitability substantially in accordance with Form 4 contained in Schedule "B" of these regulations.

17 Financial interest in business of holder of a certificate of suitability

- (1) The holder of a certificate of suitability shall not, without the consent of the board, permit or allow any other person to procure a financial interest of 5 percent or more in his or her business.

- (2) The provisions of regulation 16 shall apply with the necessary changes, to any person who acquires an interest in the holder of a certificate of suitability and to such holder.

18 Revocation of certificate of suitability

- (1) If in the opinion of the board, the holder of a certificate of suitability is no longer suitable as contemplated in section 86 of the Act, the board may revoke the certificate of suitability, provided that the holder of the certificate is afforded an opportunity to be heard at an enquiry contemplated in section 78 of the Act.
- (2) The board may gather such information as it deems necessary from any source or person regarding the revocation of the certificate of suitability as contemplated in section 27 of the Act.
- (3) The board shall, after concluding its investigation in terms of this regulation, find that the certificate of suitability be revoked or not revoked, having regard to the grounds of disqualification contemplated in section 31 of the Act and inform the applicant, the licensee or a person who is directly or indirectly associated with such person of its decision by way of written notice.

19 Termination of association

- (1) The licensee or applicant concerned shall, within a time determined by the board, terminate any agreement or association between the licensee or applicant and that person if the board—
 - (a) refuses consent to an applicant referred to in regulation 16;
 - (b) determines that a person referred to in regulation 17 is not suitable in terms of section 86 of the Act; or
 - (c) revokes a person's certificate of suitability in terms of regulation 18.
- (d) the licensee or applicant concerned shall, within a time determined by the board, terminate any agreement or association between the licensee or applicant and that person.
- (2) Failure to provide for the eventuality contemplated in sub-regulation (1) in an agreement shall not be a defence in any action brought in terms of

this regulation to terminate the agreement or in a prosecution in terms of these regulations.

20 Surveillance requirements

- (1) The board must make rules as contemplated in section 81 of the Act determining the surveillance requirements relating to licensees.
- (2) A licensee shall comply with the requirements set forth in Rules no later than 2 days prior to the start of its gambling operations.

**CHAPTER 4
CASINO LICENCES**

21 Application of Chapter

The provisions of this chapter shall apply only in respect of casino licences.

22 Extension of period of exclusivity

- (1) The holder of a casino licence having an exclusive right in terms of section 45(2) of the Act to conduct a casino in the area concerned may apply for the extension of such period of exclusivity.
- (2) An application contemplated in sub-regulation (1) must be substantially the same format as Form 1 of Schedule "B" of these regulations and shall be lodged with the chief executive officer together with a tender of a lump sum contemplated in section 45(2)(b) at least 12 months before the lapse of the applicants' period of exclusivity.
- (3) The Applicant must, when that application is submitted, pay the fee as set out in the Schedule "A" of these regulations.
- (4) The chief executive officer shall, within 14 days after lodgement of an application for the extension of the period of exclusivity cause a notice of the application —
 - (a) in the Provincial Gazette, in any official language; and
 - (b) in a newspaper circulating in the district in which the premises to which such application relates are situated, in any official language in which such newspaper is published.

- (5) The notice contemplated in sub-regulation (4) shall be substantially in accordance with Form 5 of Schedule "B" of these regulations, contain the information contemplated the Form, and shall call on interested persons to make submissions to the board within 30 days of the date of publication of such notice.
- (6) Within 7 days of receipt of any objection or representation contemplated in sub-regulation (4), the chief executive officer shall forward it to the applicant as provided for in regulation 8.
- (7) The applicant shall lodge its written response with the chief executive officer within 30 days of receipt of such representations.
- (8) The provisions of sections 24 and 28 to 30 of the Act shall apply with the necessary changes to the hearing of an application contemplated in this regulation.
- (9) The board, after consultation with the responsible Member may -
 - (a) refuse such application for extension and return any lump sum payment tendered in respect of such application within a period of 30 days after refusal of the application; or
 - (b) approve such application on such conditions and for such period as it deems fit.
- (10) If the board approves an application for the extension of the period of exclusivity the applicant's casino licence shall be endorsed accordingly.

23 Stakes and prizes of table games

- (1) The board may make rules as contemplated in section 81 of the Act determining the minimum and maximum stakes and prizes allowed in respect of table games.
- (2) The minimum and maximum stakes allowed as may be determined by the board, or the licensee, and the prizes payable in respect of winning wagers applicable to every licensed game shall at all times be displayed on the table or in a conspicuous place immediately adjacent thereto.

- (3) Pay off schedules or award cards must accurately state actual pay off or awards applicable to the particular game and shall not be worded in such a manner as to mislead or deceive the public.

24 Stakes and prizes of gambling machines

- (1) The board may make rules as contemplated in section 81 of the Act determining stakes and prizes allowed in respect of gambling machines.
- (2) Gambling machines exposed for play must have a theoretical and demonstrable return to the public of not less than 80 percent.
- (3) All winning combinations, together with the corresponding prizes, must be clearly displayed, or be easily accessible by the player, on every gambling machine exposed for play.

25 Cards, dice and roulette balls control

Each licensee shall submit to the board for approval, procedures that provide adequate security over cards, dice and roulette balls and limit the possibility of unauthorised access and tampering, including—

- (a) a card, dice and roulette ball inventory system which shall include, at least, the recording of the following:
 - (i) the balance of cards, dice and roulette balls on hand;
 - (ii) cards, dice and roulette balls removed from storage;
 - (iii) cards, dice and roulette balls returned to storage or received from the manufacturer;
 - (iv) the date of the transaction; and
 - (v) the signatures of the employees involved;
- (b) a reconciliation on a daily basis of the cards, dice and roulette balls distributed, the cards, dice and roulette balls destroyed and cancelled, the cards, dice and roulette balls returned to the primary storage area and, if any, the cards, dice and roulette balls in reserve;
- (c) a physical inventory of the cards, dice and roulette balls at least once every three months by an independent person; and
- (d) procedures for destruction and cancellation of cards, dice, and roulette balls.

26 Specifications for value instruments

- (1) Value instruments must be designed, manufactured, and constructed in compliance with all applicable laws of the Republic and these regulations and so as to prevent counterfeiting of the value instruments to the extent reasonably possible.
- (2) Value instruments must not deceptively resemble any current or past coinage of the Republic or any other nation.
- (3) The following specifications must be complied with:
 - (a) the name of the issuing gambling business must be inscribed on each side of the value instrument, and the city or other locality where the business is located must be inscribed on at least one side of each value instrument;
 - (b) the value of the value instrument must be inscribed on each side of each chip and token;
 - (c) the manufacturer's name or a distinctive logo or other mark identifying the manufacturer must be inscribed on at least one side of each value instrument; and
 - (d) each value instrument must be designed so that when stacked with value instruments of other denominations and viewed on closed-circuit television, the denominations of the chip can be distinguished from that of the other value instruments in the stack.
 - (e) value instruments must be manufactured in accordance with specifications of the South African Bureau of Standards from material that may be accepted by a coin mechanism, other than that of a gambling machine.

27 Approval of value instruments

- (1) A licensee shall not issue any value instruments for use in its gambling business, or sell or redeem any value instruments unless the value instruments have been approved in writing by the board.
- (2) A licensee shall not issue any value instruments for use in its gambling business, or sell or redeem any such value instruments that are modifications of value instruments previously approved by the board unless the modifications have been approved in writing by the board.

- (3) Requests for approval of value instruments, and modifications to previously approved value instruments must be made, processed, and determined in such manner and using such forms in compliance with the specifications set out in these regulations.
- (4) Each request must include, in addition to such other items or information as the board may require—
 - (a) an exact drawing, in colour, of each side and the edge of the proposed value instrument, drawn to actual size or drawn to larger than actual size and in scale, and showing the measurements of the proposed value instrument in each dimension;
 - (b) written specifications for the proposed value instruments;
 - (c) the name and address of the manufacturer; and
 - (d) the licensee's intended use for the proposed value instruments.
- (5) If, after receiving and reviewing the items and information described in sub-regulation (4), the board is satisfied that the proposed value instruments conform with the requirements of this chapter, the board shall notify the licensee in writing and shall request, and the licensee shall thereupon submit, a sample of the proposed value instruments in final, manufactured form.
- (6) If the board is satisfied that the sample conforms with the requirements of this chapter and with the information submitted with the licensee's application, it shall approve the proposed value instruments and notify the licensee in writing.
- (7) As a condition of approval of value instruments issued for use at a specific table game, the board may prohibit the licensee from using the value instruments other than at the specified game.
- (8) The board may retain the sample value instruments submitted in terms of this regulation.

28 Use of value instruments

- (1) A licensee that uses value instruments at its gambling business shall—

- (a) comply with all applicable laws of the Republic pertaining to value instruments;
 - (b) sell value instruments only to patrons of its gambling business and only at their request;
 - (c) promptly redeem its own value instruments from its patrons;
 - (d) post conspicuous signs at its business notifying patrons that the law prohibits the use of the licensee's value instruments, and that these regulations prohibit the use of the licensee's value instruments, outside the business for any monetary purpose whatever; and
 - (e) take reasonable steps, including examining value instruments and segregating those issued by other licensees to prevent sales to its patrons of value instruments by another licensee.
- (2) With the exception of the specific use for which the value instruments were issued, a licensee shall not accept value instruments as payment for any goods or services, other than food and beverages, offered on the licensed premises, and shall not give value instruments as change in any other transaction.
- (3) A licensee shall not redeem its value instruments if presented by a person who the licensee knows or reasonably should know is not a patron of its gambling business, except that a holder shall promptly redeem its value instruments if presented by—
- (a) another licensee who represents that it redeemed the value instruments from its patrons and received them unknowingly, inadvertently, or unavoidably; or
 - (b) an employee of the licensee who presents the value instruments in the normal course of employment.
- (4) A licensee shall not knowingly sell, use, permit the use of, accept, or redeem value instruments issued by another licensee, except if the value instruments are presented by a patron for redemption to a cashier of the licensee's gambling business and the patron states that he or she received the value instruments at the licensee's business from the pay-out chutes of gambling machines or from an employee of the licensee.

- (5) Value instruments whose use is restricted to uses other than at table games or other than at specified table games may be redeemed by the issuing licensee at table games or non-specified table games if the value instruments are presented by a patron, and the licensee redeems the value instruments with value instruments issued for use at the game, places the redeemed value instruments in the table's drop box, and separates and properly accounts for the redeemed value instruments during the count performed in terms of the licensee's system of internal control.

29 Redemption and disposal of discontinued value instruments

- (1) A licensee that permanently removes from use or replaces approved value instruments at its gambling business, or that ceases operating its gambling business for whatever reason must prepare a plan for redeeming discontinued value instruments that remain outstanding at the time of discontinuance.
- (2) The licensee must submit the plan in writing to the board not later than 30 days before the proposed removal, replacement, sale, or closure, unless the closure or other cause for discontinuance of the value instruments cannot reasonably be anticipated, in which event the licensee must submit the plan as soon as reasonably practicable.
- (3) The board may approve the plan or require reasonable modifications as a condition of approval and upon approval of the plan, the licensee shall implement the plan.
- (4) In addition to such other reasonable provision as the board may approve or require, the plan must provide for—
 - (a) redemption of outstanding, discontinued value instruments in accordance with this chapter for at least 120 days after the removal or replacement of the value instruments or for at least 120 days after operations cease as the case may be, or for such longer or shorter period as the board may on good cause approve or require;
 - (b) redemption of the value instruments at the premises of the gambling business or at such other location as the board may approve;
 - (c) publication of notice of the discontinuance of the value instruments and of the redemption and the pertinent times and locations, in at

least two newspapers of general circulation in the Province at least twice during each week of the redemption period, subject to the board's approval of the form of the notice, the newspapers selected for publication and the specific days of publication;

- (d) conspicuous posting of the notice described in paragraph (c) at the gambling business or other redemption location; and
- (e) destruction or such other disposition of the discontinued value instruments as the board may approve or require.

30 Destruction of counterfeit value instruments

- (1) A licensee who discovers counterfeit value instruments in its gambling business must keep the counterfeit value instruments in a secure place and advise the board in writing of the number and value of the counterfeit value instruments.
- (2) Unless a court of competent jurisdiction orders otherwise in a particular case, a licensee shall only destroy or otherwise dispose of counterfeit value instruments if approved by the board and in such manner as the board may require.
- (3) Unless the board or a court of competent jurisdiction orders otherwise in a particular case, licensees may only dispose of coins of the Republic or any other state discovered to have been unlawfully used at their businesses if approved by the board by including them in their coin inventories or, in the case of foreign coins, by exchanging them for local currency or coins and including same in their currency or coin inventories, or by disposing of them in any other lawful manner.
- (4) A licensee shall record, in addition to such other information as the board may require—
 - (a) the number and denominations, actual or purported, of the coins and counterfeit value instruments destroyed or otherwise disposed of in terms of this Chapter;
 - (b) the month during which they were discovered;
 - (c) the date, place, and method of destruction or other disposition, including, in the case of foreign coin exchanges, the exchange rate

- and the identity of the bank, exchange company, or other business or person at which or with whom the coins were exchanged; and
- (d) the names of the persons carrying out the destruction or other disposal on behalf of the licensee.

31 Promotional and tournament value instruments

Promotional value instruments must be designed, manufactured, approved, and used in accordance with the provisions of this Chapter applicable to value instruments, except as follows—

- (a) Promotional value instruments must be of such shape and size and have such other specifications so as to be distinguishable from other value instruments as determined by the board;
- (b) Each side of each promotional value instrument must conspicuously bear the inscription “No Cash Value”;
- (c) Promotional value instruments must not be used, and licensees shall not permit their use, in transactions other than the promotions or tournaments for which they are issued; and
- (d) The provisions of regulation 27 shall not apply to promotional value instruments.

32 Receipt of gambling value instruments from manufacturer, supplier or distributor

- (1) When value instruments are received from the manufacturer, supplier or distributor thereof, they shall be opened and checked by at least 3 employees of the licensee from different departments.
- (2) Any deviation between the invoice accompanying the value instruments and the actual value instruments received or any defects found in such value instruments shall be reported promptly to the board.
- (3) After checking the value instruments received, the licensee shall cause to be reported in a value instrument inventory ledger the denomination of the value instruments received, the number of each denomination of value instruments received, the description of all value instruments received, the date of such receipt, and the signature of the individuals who checked such value instruments.

- (4) If any of the value instruments received are to be held in reserve and not utilised either at the gambling tables or at a cashier's cage, they shall be stored in a separate locked compartment either in the vault or in a cashier's cage and shall be recorded in the value instrument inventory ledger as reserve value instruments.

33 Inventory of value instruments

- (1) Value instruments shall be taken from or returned to the reserve value instrument inventory in the presence of at least 3 individuals from different departments.
- (2) The denominations, number and amount of value instruments so taken or returned shall be recorded in the chip or tokens inventory ledger together with the date and signatures of the individuals carrying out this process.
- (3) Each licensee shall, on a daily basis, compute and record the unredeemed liability for each denomination of value instruments and cause to be made an inventory of chips in circulation and cause the result of such inventory to be recorded in the chip or token inventory ledger.
- (4) On at least a monthly basis, each licensee shall cause an inventory of value instruments in reserve to be made and cause the result of such inventory to be recorded in the chip or token inventory ledger: Provided that where a portion of such reserve is in a locked and sealed compartment, a physical inventory shall be required to be conducted annually in respect of such portion.
- (5) The procedures to be utilised to compute the unredeemed liability and to inventory value instruments in circulation and reserve or any change thereto shall be submitted to the board for approval.
- (6) During non-gambling hours, all value instruments in the possession of the licensee shall be stored in a vault or in the cashier's cage: Provided that chips representing the table bankroll may be locked in a secure compartment if there is adequate security as approved by the board.

CHAPTER 5 BINGO LICENCES

34 Return to players

A bingo game shall render a theoretical and demonstrable return to players of not less than 65 percent, except where the bingo game is played in a wholly electronic format, which shall then render a theoretical and demonstrable return to players of not less than 80 percent.

35 Payment of stake or participation fee

The board may make rules as contemplated in section 81 of the Act determining stakes or participation fee allowed in respect of bingo.

CHAPTER 6 ROUTE OPERATOR LICENCES AND GAMBLING MACHINE SITE LICENCES

36 Requirements for route operators

In addition to the general disqualifications contemplated in section 31 of the Act, no applicant shall be granted a route operator licence if—

- (a) any person in control of such applicant or any manager of the business concerned at the relevant time is—
 - (i) a public servant;
 - (ii) a political office bearer or employee of any party, movement, organisation or body of a party political nature; or
 - (iii) a family member of a person contemplated in subparagraph (ii);
- (b) no applicant shall be granted a route operator licence if—
 - (i) such applicant does not have access to sufficient experience and knowledge of the operation and management of a route;
 - (ii) such applicant does not have access to capital resources which are adequate for the operation of a route operation;
 - (iii) the granting of such licence will or may create or aggravate a monopoly situation as defined in the Competition Act, 1998 (Act No. 89 of 1998); or
 - (iv) if such applicant is unable to satisfy the electronic monitoring and surveillance requirements set out in the rules of the board.

37 Location of gambling machines on sites controlled by previously disadvantaged persons

- (1) At least 60 percent of limited gambling machines operated by a route operator shall be located on sites where the site licensee is controlled by persons or a group or groups of persons previously disadvantaged by unfair discrimination
- (2) For purposes of sub-regulation (1), “controlled” means that the persons previously disadvantaged by unfair discrimination—
 - (a) own at least 51 percent of the shares, or members or partners interest in the business holding the site licence; and
 - (b) are entitled to at least 51 percent of the profits of such site licensee.

38 Location of gambling machines in metropolitan areas

- (1) No more than 60 percent of the total number of limited gambling machines operated by a route operator shall be located on sites in metropolitan areas.
- (2) For the purpose of sub-regulation (1) and sub-regulation (3), “metropolitan areas” means—
 - (a) the area within a radius of 50 kilometres of the premises on which the Port Elizabeth city hall is located; and
 - (b) the area within a radius of 50 kilometres of the premises on which the East London city hall is located, combined.
- (3) No less than 30 percent of the total number of limited gambling machines operated by a route operator in metropolitan areas shall be located in either—
 - (i) the area contemplated in sub-regulation 2(a); or
 - (ii) the area contemplated in sub-regulation 2(b).
- (4) A route operator licence may be suspended or revoked by the board if such route operator becomes disqualified in terms of these regulations after the issue of a licence to such route operator.

39 Additional considerations in disposing of application for a route operator licence

The board shall, in addition to the considerations mentioned in Chapter 3 of the Act, when considering an application for or transfer of a route operator licence and when considering any conditions and requirements to which any such licence should advisably be made subject, take into consideration—

- (a) the extent to which the applicant will promote sustainable employment in the Province;
- (b) the extent to which the applicant will provide training and skills to its employees and the employees of gambling machine site licensees with whom it enters into agreements;
- (c) the extent to which the applicant will procure labour, goods and services in the Province;
- (d) the extent to which the applicant intends to provide for participation in the ownership or profits of the route operation and associated site operations by persons, a group or groups of persons previously disadvantaged by unfair discrimination;
- (e) the ability of the applicant to service sites in rural areas;
- (f) any other factors which may affect the question whether it is desirable to grant such application or to attach any such condition or requirement;
- (g) the extent to which the applicant will contribute to provide a programme for combating problem gambling; and
- (h) any other factors the board must consider in terms of the National Gambling Act, 2004 (Act No. 7 of 2004) in so far as it is not set out herein.

40 Maximum number of limited gambling machines and interest in route operator

- (1) The maximum number of limited gambling machines which may be exposed for play in terms of all route operator licences and limited gambling machine site licences issued in the Province shall be 6000, subject to sub-regulations (2), (3) and (4).
- (2) Notwithstanding sub-regulation (1), the board shall only issue or allow route operator licences or limited gambling machine site licences which will allow more than 2000, but not exceeding 3000, limited gambling machines to be operated in the Province if -

- (a) it is satisfied that this will not lead to an over-saturation of limited gambling machines in the Province; and
- (b) it has considered, both in regard to the existing limited gambling machines and such further machines as may exceed 2000 -
 - (i) the social impact;
 - (ii) the economic impact;
 - (iii) the environmental impact;
 - (iv) the impact on problem gambling; and
 - (v) it is of the opinion that the exposure for play of more than 2000, but not exceeding 3000, limited gambling machines will be in the best interests of the Province.
- (3) The number of limited gambling machines exposed for play in terms of all route operator licences and limited gambling machine site licences issued in the Province, may only exceed 3000, if approved by the Minister in terms of the National Gambling Act.
- (4) No single route operator shall be licensed to operate more than 1000 limited gambling machines.
- (5) No person shall hold a financial or controlling interest of 5 percent or more in more than one route operator without the consent of the board.
- (6) No person may hold more than one route operator licence in the Province.
- (7) Apart from the profit sharing between a route operator and site licensee in terms of the agreement between them approved by the board, no route operator may hold a financial interest in the holder of a gambling machine site licence.

41 Requirements for gambling machine site licences

- (1) All provisions relating to limited gambling machine site licences shall be applicable to independent site owner licences: Provided that such provisions do not relate to any reference made to a route operator;

- (2) In addition to the general disqualifications contemplated in section 31 of the Act, no applicant shall be granted a gambling machine site licence if—
- (a) any person in control of such applicant or any manager of the business concerned is—
 - (i) a public servant; or
 - (ii) a political office bearer or employee of any party, movement, organisation or body of a party political nature;
 - (iii) such applicant does not have guaranteed access to limited gambling machines obtained from a route operator;
 - (iv) such applicant cannot ensure that the limited gambling machines to which the licence relates will be monitored as contemplated in the rules of the board.;
 - (b) the granting of such licence will or may create or aggravate a monopoly situation as defined in the Competition Act, 1998 (Act No. 89 of 1998);
 - (c) the premises to which the application relates does not fulfil the requirements set out in regulation 43.
- (3) In determining whether the premises in respect of which a limited gambling machine site licence is to be granted will not be primarily utilised for the operation of gambling machines, as provided in section 50 of the Act, the board may consider the following factors—
- (a) the floor space used for the limited pay-out machines as compared to the floor space used for the primary business;
 - (b) the investment in the operation of the limited payout machines as compared to the investment in the primary business;
 - (c) the time required to manage or operate the limited payout machines as compared to the time required to manage or operate the primary business;
 - (d) the gross revenue generated by the limited payout machines as compared to the gross revenue generated by the primary business;
 - (e) whether a substantial portion of the financing of the business as a whole has been provided in exchange for the right to operate limited pay-out machines on the premises; or
 - (f) other factors, including but not limited to the business's name, the business's marketing practices and the public's perception of the business.

- (4) A limited gambling machine site licence may only be awarded or issued in respect of premises where the primary business carried out on such premises is—
- (a) a sporting or social club which—
 - (i) has more than 50 members;
 - (ii) occupies suitable fixed premises;
 - (iii) is licensed in terms of the relevant laws relating to liquor; and
 - (iv) is operated as an association not for gain;
 - (b) a racecourse;
 - (c) a bookmaker outlet;
 - (d) a totalisator outlet;
 - (e) a liquor outlet licensed in terms of the relevant laws relating to liquor;
 - (f) a hotel;
 - (g) a nightclub;
 - (h) a sports bar licensed in terms of the relevant laws relating to liquor;
 - (i) a bingo hall;
 - (j) a pool or snooker business licensed in terms of the relevant laws relating to liquor; or
 - (k) a bar licensed in terms of the relevant laws relating to liquor.
- (5) No limited gambling machine site licence shall be awarded or issued in respect of premises where the primary business conducted in such premises is -
- (a) a restaurant, unless it has a separate cordoned-off area contemplated in regulation 42;
 - (b) a supermarket, café or other such retailer of food;
 - (c) an amusement arcade;
 - (d) an airport, railway station or bus station;
 - (e) a sports stadium;
 - (f) a theatre or cinema;
 - (g) places of culture including museums;
 - (h) a liquor store;
 - (i) a private home;
 - (j) a petrol or diesel station;
 - (k) a guest house, a bed and breakfast establishment, or a conference facility. Unless it has a separate restaurant with a liquor licence;

- (l) a school, university, college or technikon; or
 - (m) any other premises considered by the board to be unsuitable.
- (6) Subject to regulation 44, a limited gambling machine site licence shall not authorise the exposure for play of limited gambling machines that are —
 - (a) less than 3; or
 - (b) more than 5.
- (7) No person shall be permitted to expose for play, in terms of all gambling machine site licences issued, more than 100 limited gambling machines: Provided that a licensee who has more than 100 limited gambling machines exposed for play at the time of the publication of these regulations shall be afforded a period of 3 years to reduce the number of limited gambling machines exposed for play to 100.
- (8) No person shall hold a direct or indirect financial or controlling interest of 5 percent or more in more than one site licensee without the consent of the board: Provided that this shall not apply to an approved profit split with a route operator in terms of an agreement approved by the board.
- (9) No gambling machine site licence may be held by a route operator or by any entity where such route operator has a financial interest: Provided this shall not apply to the profit split between such route operator and gambling machine site licensee in terms of an agreement between them, which has been approved by the board.
- (10) The provisions of regulations 37 and 38 must be complied with where the board is contemplating the award or transfer of a site licence.

42. Requirements of premises of gambling machine sites on premises licensed for retail sale of liquor

- (1) Where the premises to which an application for a gambling machine site licence relates to premises licensed for retail sale of liquor, the Applicant must submit proof that the requirements of the Eastern Cape Liquor Licencing Authority has been complied with.

- (2) No license shall be approved if the premises of gambling machine sites are accessible to persons under the age of 18, unless there is a separate cordoned off area wherein all limited gambling machines on the premises shall be located.
- (3) No limited gambling machine shall be within 2 metres of the edge of the area contemplated in sub-regulation (2) where that area joins the floor area of the rest of the premises: Provided that such limited gambling machines may be less than 2 metres from the edge of such area where such area is separated from the rest of the premises by a non-transparent continuous wall with a height of at least two metres and all such limited gambling machines are located at least 2 metres from any apertures in such wall.
- (4) No application for a gambling machine site licence may be granted unless—
 - (a) the premises to which the application relates are or will on completion be suitable for the purpose for which they will be used under the licence;
 - (b) if the premises are situated in the vicinity of a place of worship or a school or in a residential area, the business will be carried out in a manner that will not disturb the proceedings in that place of worship or school or prejudice the residents of that residential area; and
 - (c) the granting of the licence is in the public interest.
- (5) The provisions of sub-regulations (1) and (2) and paragraphs (a) and (b) of sub-regulation (4) shall be conditions in the licence of the licensee.

43. Additional considerations for an application for a gambling machine site licence

The board shall, in addition to the considerations mentioned in Chapter 3 of the Act, when considering an application for or transfer of a gambling machine site licence and when considering any conditions or requirements to which any such licence should advisably be made subject, take into consideration—

- (a) the extent to which persons, groups or groups of persons previously disadvantaged by unfair discrimination will share in the ownership and profits of the licensee;
- (b) prevention of over-concentration of limited gambling machines in a particular area;

- (c) any other factors which may affect the question whether it is desirable to grant such application or to attach any such condition or requirement;
- (d) any other factors the board must consider in terms of the National Gambling Act, 2004 (Act No. 7 of 2004) in as far as it is set out herein; and
- (e) any other factors the board considers relevant.

44. Sites with more than 5 limited gambling machines

- (1) A limited gambling machine site licence which allows the licensee to expose for play more than 5 limited gambling machines on such site shall only be awarded and issued if the number of limited gambling machines which shall be exposed for play on such site shall be no less than 6 but no more than 40.
- (2) The board shall, in addition to the considerations contemplated in regulations 41, 42 and 43 when considering an application for or transfer of a gambling machine site licence contemplated in this regulation and any conditions or requirements to which such licence should advisably be made subject, take into consideration—
 - (a) the extent to which such limited gambling machine site will promote tourism at the place where the premises will be situated;
 - (b) the extent to which such limited gambling machine site will promote sustainable employment at the place the premises will be situated;
 - (c) the extent to which such limited gambling machine site will provide entertainment facilities for members of the public other than the operation of limited gambling machines; and
 - (d) any other factors the board considers relevant.

45. Restrictions on limited gambling machines

- (1) The maximum aggregate stake that may be charged in total to enable a person to play a game on a limited gambling machine to conclusion shall be R5,00 (five rand).
- (2) No double up shall be allowed in respect of a game on a limited gambling machine.

- (3) No progressive jackpots are permitted in respect of a gambling game played on a limited gambling machine.
- (4) No multi-player limited gambling machines shall be exposed for play in the Province.
- (5) For the purpose of this regulation and regulation 47, a game on a limited gambling machine—
 - (a) commences when the player—
 - (i) makes a bet from the player's credit meter that is not part of any previous game; or
 - (ii) inserts cash and game play is initiated;
 - (b) is completed when the player—
 - (i) cannot continue play activity without committing additional credits from the credit meter, note acceptor or coin acceptance device; and
 - (ii) has no credits at risk; and
 - (c) contains one or more of the following elements, each of which is deemed to be part of a single game—
 - (i) games that trigger a free game feature and subsequent free games;
 - (ii) a metamorphic feature;
 - (iii) a "second screen" bonus feature;
 - (iv) games with player choice, for example draw poker and blackjack;
 - (v) games where the rules permit the wagering of additional credits, for example blackjack insurance or the second part of a two-part keno game; or
 - (vi) a gamble feature.
- (6) For the purpose of this regulation and regulation 47 —
 - (a) "credit" means the amount of money available to player as reflected on a limited gambling machine in increments of the denomination of that particular limited gambling machine in Rand value; which occurs as a result of the insertion of coins, smart cards or bank notes into the limited gambling machine or anything won by the player on completion of the game;

- (b) “double up” means a feature in terms of which a player may during a game risk a previous win, bet or portion of such win or bet on the selection of an outcome that has an equal chance of occurrence;
- (c) “progressive jackpot” means an additional variable reward, additional to the games pay table, which is available to be won by a player as a result of an event.

46. Maximum prize

- (1) The maximum amount or the value of any prize which may be awarded in respect of a game played on, or the operation of, a limited gambling machine shall be R500,00.
- (2) A prize won on a game on a limited gambling machine must be accrued to the winner as credits or paid to the winner in cash: Provided that the payment of a prize may be made by way of a cheque with the consent of the winner.
- (3) Subject to sub-regulation (2), no prize or benefit may be given to or accepted by the winner of a game on a limited gambling machine in addition to or in lieu of the cash or credits won on a game.

47. Return to public: Limited gambling machines

- (1) A limited gambling machine exposed for play must have a theoretical and demonstrable return to the public of not less than 75%.
- (2) All winning combinations, together with the corresponding prizes, must be clearly displayed, or be easily accessible by the player, on every limited gambling machine exposed for play.

48. Use of limited gambling machines

- (1) Only coins, smart cards or bank notes may be used in a limited gambling machine.
- (2) Notwithstanding sub-regulation (1), a limited pay-out machine may utilise a ticket printer to effect pay-out of prizes.

CHAPTER 7

TOTALISATORS AND POOLS

49. Conducting of totalisators

- (1) The board must make rules to conduct totalisators as contemplated in section 52(2) of the Act.
- (2) The licensee shall conduct totalisators in accordance with the rules made by the board.

50. Return to public: Totalisators and betting pools

The return to players from the operation of a totalisator shall be—

- (a) Not less than 75% of the gross takings of such totalisator in respect of win bets and place bets on the outcome of a horse race; and
- (b) Not less than 75% of the gross takings of such totalisator in respect of any lawful sporting event or events other than those contemplated in sub-regulation (a), which shall include multiple, trifecta or triple type bets.

51. Place of bets: Totalisators and pools

- (1) Any bet placed with a licensed totalisator in the Province by way of telephone, telefax, electronic mail or internet transmission shall be deemed to be a transaction within the Province.
- (2) No licensed totalisator may lay a bet at any place other than the premises to which the licence relates.
- (3) A licensed totalisator shall keep for a period of 1 year a list of all telephone, telefax, electronic mail and internet transmissions made to or from the licensed premises and the name and address of the sender and receiver of such transmissions.

CHAPTER 8 BOOKMAKERS

52. Place of bets: Bookmakers

- (1) Any bet placed with a licensed bookmaker in the Province by way of telephone, telefax, electronic mail or internet transmission shall be deemed to be a transaction within the Province.
- (2) No bookmaker may lay a bet at any place other than the premises to which the licence relates.
- (3) A bookmaker shall keep for a period of 1 year a list of all telephone, telefax, electronic mail and internet transmissions made to or from the licence premises and the name and address of the sender and receiver of such transmissions.

CHAPTER 9 RACE COURSE LICENCES

53. Race meetings

- (1) The licensee of a race course licence who intends holding a horse race meeting on any day shall not later than 30 days before such day submit to the board for its approval a written application for the allocation of such a day as a race day for the area in which the race course is situated: Provided that nothing in this regulation shall prevent the holder of a race course licence from simultaneously applying for the allocation of more than one race day or the allocation of a series of days as race days in respect of any year.
- (2) Save for the provisions of sub-regulation (1) all other activities on race courses shall be regulated by the National Horse Racing Authority.

CHAPTER 10 FEES, TAXATION AND FINANCIAL ARRANGEMENTS

54. Manner of payment of taxes and fees

- (1) Payment of taxes and fees in terms of the Act and these regulations shall be made by way of cheque, debit or credit card payments or by electronic funds transfer.

- (2) Any payment by—
 - (a) post-dated cheque; or
 - (b) a cheque which is subsequently dishonoured, is deemed not to be payment in terms of this regulation.
- (3) Cheque, debit or credit card payments shall be made at any office of the board.
- (4) Payment shall be accompanied by such forms and information as the board may determine.

55. Keeping of books, accounts and accounting records

- (1) The board shall make rules as contemplated in section 81 of the Act regarding the books, accounts and records required to be kept by a licensee, including the format, information, manner and period of retention of the books and records.
- (2) The books, accounts and records referred to in sub-regulation (1) shall at all times—
 - (a) be kept in a safe place; and
 - (b) be immediately and easily accessible.

56. Gambling and accounting records

- (1) A licensee shall keep—
 - (a) accurate, complete, legible and permanent records of all gambling transactions; and
 - (b) accounting records in accordance with IFRS, or the applicable standards approved by the SAICA, on a double entry system of accounting, which maintains detailed subsidiary records and identifies revenue, expenses, assets, liabilities and equity, and any other records that the board may determine.
- (2) The board may make further rules as contemplated in section 81 regarding further requirements for gambling and accounting records.

57. Other records

- (1) A licensee shall keep—
 - (a) in the case of a company—
 - (i) a copy of the memorandum of incorporation, including any amendments thereto;
 - (ii) a copy of the certificate to commence business;
 - (iii) a permanent register of all licensed employees, reflecting the date of appointment, status and, where applicable, date of termination of employment;
 - (iv) minutes of all meetings of the shareholders;
 - (v) minutes of all meetings of the directors and committees of the board of directors;
 - (vi) a register of all shareholders, listing every shareholder's name, address, the number of shares held and the date on which the shares were acquired; and
 - (vii) any other information prescribed by the board; and
 - (b) in the case of a close corporation—
 - (i) a copy of its founding statement and any amendment of that statement;
 - (ii) the association agreement;
 - (iii) minutes of all meetings of the members of the corporation;
 - (iv) a register of members, indicating every member's name, address, interest expressed as a percentage and the date of admission as a member; and
 - (v) a permanent register as contemplated in sub-regulation (a) (iii).
- (2) A licensee shall cause a continuous written record to be kept of all gambling devices acquired, reflecting—
 - (a) the date of acquisition;
 - (b) the name, address and licence number of the person from whom the device was acquired;
 - (c) a description of the device acquired;
 - (d) the serial number of the device acquired;
 - (e) the licence number of the device; and
 - (f) any further information required by the board.

- (3) A licensee shall cause a record to be kept of all gambling devices disposed of, which record shall include -
- (a) the date and manner of disposal;
 - (b) a description, and the number, of devices disposed of;
 - (c) where applicable, the board's approval number;
 - (d) where applicable, the serial numbers of all devices disposed of;
 - (e) where applicable, the licence numbers of all devices disposed of;
 - (f) the name, address and licence number of the person to whom the device was supplied; and
 - (g) any further information required by the board.
- (4) A licensee and person registered in terms of section 61 of the Act shall keep a record of all alterations and repairs to gambling devices, reflecting—
- (a) the date of alteration;
 - (b) the name, address and licence number of the owner of the device;
 - (c) a description of work carried out;
 - (d) the serial number of the device altered;
 - (e) the licence number of the device altered;
 - (f) the name, address and registration number of the person altering the device;
 - (g) the place the alteration or repair was carried out;
 - (h) the date the gambling device was removed from the licensed premises;
 - (i) in the case of an alteration or modification, the number of the board's approval for such alteration or modification;
 - (j) the date the gambling device was returned to the licensed premises;
 - (k) the address to which the gambling device was returned.

58. Annual financial statements

- (1) A licensee must, at the end of each of its financial years, ensure the preparation of annual financial statements in accordance with IFRS, or if applicable, IFRS for SME's.
- (2) A licensee shall appoint an independent auditor or practitioner, who shall audit the licensee's annual financial statements or perform an independent review, as applicable.

- (3) (a) A licensee shall, not later than 180 days after the last day of the licensee's financial year, submit to the board copies of its audited or reviewed annual financial statements and any reports communicating the results thereof, including management letters.
- (b) The board may extend the period of 180 days referred to in sub-regulation (a) if requested by the licensee in writing.
- (4) The board may request additional information or documents from either the licensee or its auditor or independent practitioner regarding the financial statements or the services performed.

59. Returns to be rendered

- (1) A licensee shall cause the returns that the board may from time to time determine to be submitted in the manner and format determined by the board.
- (2) A licensee shall cause the board to be informed of any transfer of gambling equipment into or out of the Province, whether for repair or any other purposes within 24 hours of such transfer.

60. Stock records

A licensee shall cause continuous written stock records to be kept of all cards, dice, gambling devices and components gambling devices reflecting -

- (a) opening stock on hand;
- (b) stock purchased or manufactured;
- (c) distributions; and
- (d) closing stock on hand, and shall,
- (e) at the request of the board, immediately provide the board with those records.

61. Accessibility of records

A licensee shall ensure that all records are organised and indexed in such a manner to provide immediate accessibility to the board.

62. Minimum internal controls

- (1) Each licensee shall establish and maintain administrative and accounting procedures for the purpose of determining such licensee's liability for taxes

and fees under the Act and for the purpose of exercising effective control over such licensee's internal financial affairs.

- (2) The procedures must be designed to reasonably ensure that—
- (a) assets are safeguarded;
 - (b) financial records are accurate and reliable;
 - (c) transactions are performed in accordance with management's general or specific authorisation;
 - (d) transactions are recorded adequately to permit proper reporting of gambling revenue and of fees and taxes; and
 - (e) functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel.
- (3) The licensee shall annually submit a report by an independent auditor or practitioner on the licensee's compliance with its system of internal control as approved by the board.

63. Board to adopt minimum standards for internal control procedures

The board must adopt and make available to applicants and licensees minimum standards for internal control procedures with which licensees must comply.

64. Internal control system to be approved by board

- (1) Each licensee and each applicant for a licence shall describe, in such manner as the board may approve or require, its administrative and accounting procedures in detail in a written system of internal control and shall submit a copy thereof to the board for approval prior to implementation of the system.
- (2) Each system of internal control submitted for approval must include—
- (a) an organisational chart depicting segregation of functions and responsibilities;
 - (b) a description of the duties and responsibilities of each position shown on the organisational chart;
 - (c) a detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of regulations 62 (2) and 63;

- (d) a letter from an independent chartered accountant confirming that the system of internal control complies with the requirements of regulations 61, 62 and 63; and
 - (e) such further information as the board may require.
- (3) If the board determines that an applicant or licensee's system of internal control does not comply with the requirements of regulations 61, 62 and 63 it shall so notify the applicant or licensee in writing.
- (4) Within 30 days after receiving the notification contemplated in sub-regulation (3), the applicant or licensee shall amend its internal control system accordingly, and shall submit a copy of the amended system to the board for approval.

65. Amendment of system of internal control

- (1) A licensee intending to amend its system of internal control shall, prior to implementing such amended system, submit to the board a copy of the written internal control system as amended, for approval.
- (2) The provisions of regulation 63 shall with the necessary changes apply to an application for approval contemplated in sub-regulation (1).

CHAPTER 11

GENERAL PROVISIONS RELATING TO GAMBLING AND GAMBLING DEVICES

66. Display of rules of gambling games and betting

The rules of a gambling game or betting in connection therewith shall be freely accessible to all patrons and notice of the rules or must be displayed at the entrance of the licensed premises.

67. Application for registration as a supplier or servicer of gambling devices

- (1) An application for registration to manufacture, assemble, maintain, repair, sell, distribute, import, acquire, market, rent or lease, alter or otherwise modify any gambling device or any associated equipment any as contemplated in section 61(1) of the Act shall be in accordance with Form

6 of Schedule "B" of these regulations, contain the information contemplated the Form, and shall call on interested persons to make submissions to the board within 30 days of the date of publication of such notice.

- (2) An applicant for registration in terms of subsection (1) shall state the categories activity in respect of which registration is required.
- (3) A director of a company or member of a close corporation shall be separately registered in terms of section 68 of the Act before he or she may participate in the operations of a company or close corporation registered in terms of section 61 of the Act.
- (4) An application for registration shall be accompanied by three passport size photographs of the applicant (if a natural person).

68. Taking of fingerprints

- (1) An applicant for registration as contemplated in section 68 of the Act shall have his or her fingerprints taken as set out in this Regulation.
- (2) If an applicant does not have fingerprints that can be taken, then the applicant's criminal background checking shall be done in the way determined by the South African Police Service.
- (3) The applicant shall have his or her fingerprints taken on a SAPS 91 (a) Form at a police station or at a fingerprint verification agency using the South African Police Service Automated Fingerprint Identification System (SAPS AFIS), for the purpose of criminal background checking, and furnish in black ink such particulars or information as may be required;
- (4) The fingerprints of any applicant shall be taken in the presence of at least one witness.
- (5) Refusal to allow fingerprints to be taken as contemplated in this regulation shall be grounds for refusal of registration as contemplated by section 61 of the Act.

(6) Notwithstanding the provisions of this regulation, any person domiciled outside South Africa—

- (a) may furnish a set of fingerprints on Form SAPS 91(a) taken at a police station in such country or the equivalent of such form in such country; and
- (b) shall furnish a police clearance certificate issued by the police service of such country.

69. Registration form

Where the board approves an application for registration in terms of section 61 of the Act, the applicant shall be furnished with a certificate of registration in accordance with Form 7 of Schedule “B” of these regulations.

70. Particulars contained in register in terms of section 61(10) of the Act

- (1) The board shall keep a register as contemplated in section 61(10) of the Act: that contains the following particulars -
 - (a) full names;
 - (b) if a natural person, his or her identity number, if a legal person, its registration number;
 - (c) if a natural person, his or her home address, if a legal person, the address of its registered office;
 - (d) the address from which the person carries out the activity permitted by the registration;
 - (e) the type of activity in respect of which the person concerned is registered;
 - (f) the date of initial registration of the person;
 - (g) the periods for which the person has been registered as contemplated in this regulation;
 - (h) the reasons for any previous deregistration(s) of the person concerned;
 - (i) the whole employment record of the person if he or she has an employment record of less than 7 years, otherwise his or her employment history over the past 7 years;
 - (j) any offences of which the person has been convicted and of which dishonesty is an element;
 - (k) in the case of legal persons, the names of all directors of the person and all persons who hold a beneficial interest of more than 5% in the person concerned;

- (l) the names of all registered key persons and gambling employees employed by the person concerned;
 - (m) in the case of a natural person, his or her fingerprints and qualifications; and
 - (n) the tax number of the person concerned.
- (2) The records contemplated in sub-regulation (1) shall be kept by the board for a period of 20 years.

71. Provision of information

All persons registered in terms of section 61 of the Act shall inform the board of any change to the information contemplated in regulation 70 within 30 days of any such change.

72. Use of certain devices prohibited

- (1) Unless the board, upon the request of the licensee, approved in writing, no person may, at a licensed premises, use, or possess with the intent to use, any device to assist -
- (a) in projecting the outcome of a game;
 - (b) in keeping track of the cards played;
 - (c) in analysing the probability of the occurrence of an event relating to a game; or
 - (d) in analysing the strategy for playing or betting to be used in a game.
- (2) The provisions of sub-regulation (1) shall not be deemed to prohibit -
- (a) the making and referring to handwritten records of the cards played at punto banco or baccarat; or
 - (b) the making and referring to handwritten records of roulette results.

73. List of persons to be excluded or ejected

- (1) The board shall compile a list contemplated in section 63(7) of the Act of persons who are to be excluded or ejected from the designated area specified in the list or prohibited from participating in such gambling specified in the list in the following circumstances -
- (a) on receipt of the information that one or more of the instances referred to in section 63(8)(a) to (g) of the Act is applicable to a person;

- (b) a person is considered by the board to suffer from a gambling problem as contemplated in section 63(8)(h) of the Act;
 - (c) a person is considered by the board to suffer from a pathological gambling addiction as contemplated in section 63(8)(i); or
 - (d) a person, whilst gambling, leaves a child under the age of 10 years unattended for a period which is, in the circumstances, unreasonable as contemplated in section 63(8)(j) of the Act.
- (2) A licensee must provide the board with the full names, identity number and, if available, an address of every person to whom one or more of the instances referred to in section 63(8)(a) to (g) and section 63(8)(j) of the Act becomes applicable, as soon as reasonable possible, after it comes to his or her attention.
- (3) No name shall be placed on the list until such time as the person concerned has been given notice of the intention of placing his or her name on the list, specifying the grounds for placement on the list and advising that person that a request for a hearing may be made within 14 days from the date of the notice.
- (4) The provisions of sub-regulation (3) shall not be applicable to -
- (a) a person who requests the board in writing to add his or her name to such list; or
 - (b) a person whose name appears on the exclusion lists of any other gambling regulatory body.
- (5) A person's failure to respond to the notice by the board in terms of sub-regulation (3) to be heard, or failure to request the opportunity to be heard shall not result in the board being prevented from conducting such a hearing in the absence of that person, and from placing that person's name on such a list, if the evidence is sufficient.

74. Application by an interested person

- (1) An application by an interested person or interested party contemplated in section 63(8)(i) and (j) of the Act shall be in writing and contain a written motivation and all the information in support of the application.

- (2) The application must be submitted to the office of the chief executive officer together with all the relevant documents.
- (3) The person concerned must be given notice of the application and advising that person that a request for a hearing may be made within 14 days from the date of the notice..
- (4) A person's failure to respond to the notice by the board in terms of sub-regulation (3) to be heard, or failure to request the opportunity to be heard shall not result in the board being prevented from conducting such a hearing in the absence of that person, and from placing that person's name on a list as contemplated in section 63(7) of the Act, if the evidence is sufficient.

75. Hearing

The provisions of sections 28 (2) to (4), 29 and 30 of the Act and Chapter 2 of these regulations shall apply with the necessary changes in respect of a hearing held in terms of this Chapter.

76. Distribution and contents of the list

- (1) For the purpose of ensuring compliance with the Act, the list contemplated in section 63 of the Act shall be open to inspection at the offices of the board, during normal office hours of the board and shall be distributed to every licensed gambling business within the Province; and
- (2) The following information and data shall be provided for each excluded person—
 - (a) the full name and all aliases the person is believed to have used;
 - (b) description of the person's physical appearance, height, weight, type of build, colour of hair and eyes, and any other physical characteristics which may assist in the identification of the person;
 - (c) the identity number of the person;
 - (d) date of birth;
 - (e) the date the person's name was placed on the list;
 - (f) a photograph and the date thereof;
 - (g) the reason for placing the person's name on the list; and
 - (h) the type or types of licensed premises or gambling to which the exclusion applies.

- (3) Notwithstanding the provisions of sub-regulation (1) the names and details of a person who has been excluded by reason of section 63(8)(f), (h), (i) and (j) of the Act shall not be open to public inspection and shall only be distributed to—
- (a) licensed gambling business in the Province from whom such person has been excluded or has sought to be excluded;
 - (b) in the case of persons contemplated in section 63(8)(f) of the Act, other gambling regulatory bodies in the Republic to whom such person wishes the application for self-exclusion to be submitted;
 - (c) in the case of persons contemplated in section 63(8)(h), (i) and (j) of the Act, all gambling regulatory authorities in the Republic, where the board is of the opinion that the public interest so requires.
- (4) The board may distribute the list contemplated in section 63(7) of the Act by way of email, internet transmission or supply of information on a database.

77. Petition to be removed from the list

- (1) Any person whose name has been placed on the list of excluded persons may petition the board in writing and request that his or her name be removed from such list, specifying the grounds believed by the petitioner to constitute good cause for removal of his or her name.
- (2) The board shall, within 60 days of receipt of a petition, either deny the petition or set the petition for hearing.
- (3) The burden of showing good cause for removal from the list shall at all times rest with the petitioner.
- (4) The board may determine time periods during which a person whose name appears on the list of excluded persons may not petition the board for removal of his or her name from such list.

78. Excluded person prohibited from entering licensed premises or participating in gambling

An excluded person who knowingly enters licensed premises from which he or she is excluded or knowingly participates in any gambling from which he or she is excluded, shall be guilty of an offence.

79. Maintenance and alteration of gambling devices

- (1) A licensee shall only use a maintenance provider or employee registered in accordance with section 61 of the Act to maintain gambling devices and equipment in a suitable condition: Provided that certain basic maintenance functions as determined by the board may be carried out by the licensee.
- (2) A licensee or person registered in terms of section 61 of the Act shall not alter or modify the operation of a licensed gambling device or any associated equipment without the prior approval of the board.

80. Equipment to be of approved type

- (1) Subject to regulation 79, a licensee shall not keep or expose for play any equipment which may be used in the operation of a gambling game other than equipment which is identical in all material respects to equipment approved by the board for distribution by the manufacturer or supplier.
- (2) No manufacturer or supplier shall supply any person in the Province with any equipment contemplated in sub-regulation (1) which has not been approved by the board.

81. Records to be kept by licensee

A licensee and person registered in terms of section 61 of the Act shall keep such records in respect of equipment contemplated in regulations 79 and 80 in a manner that the board may require or approve.

82. Deregistration of gambling equipment

A licensee may at any time, in the manner and form determined by the board, apply for the deregistration of equipment licensed in terms of section 65 of the Act.

83. Standards for gambling devices

- (1) All gambling devices exposed for play and any electronic central monitoring system used to monitor such devices must —
 - (a) comply with the standards laid down by the South African Bureau of Standards or any subsequent determinations;
 - (b) be certified by a letter of certification issued by the National Regulator for Compulsory Specifications.
- (2) The licensee shall be responsible for -
 - (a) ensuring that its gambling devices meet the applicable standards laid down by the South African Bureau of Standards; and
 - (b) payment of fees of the South African Bureau of Standards or such other approved gambling equipment test laboratory for the certification process.

CHAPTER 12**REGISTRATION OF CERTAIN PERSONNEL****84. Application for registration as key person or gambling employee**

- (1) An application for registration as a key person or gambling employee in terms of section 68 or 69 of the Act shall be made in accordance with Form 8 of Schedule "B" of these regulations.
- (2) The provisions of regulation 69 shall apply with the necessary changes to any application for registration as a key person or gambling employee.
- (3) An application for registration as a key person or gambling employee shall be accompanied by three passport size photographs of the applicant and such further forms as the board may require.
- (3) The board may require further information it deems fit from any applicant for registration as a key person or gambling employee.

85. Further key personnel and gambling employees to be registered

In addition to persons who are deemed to be key personnel and gambling employees in terms of section 68 and 69 of the Act, persons in the following or substantially similar positions shall be regarded as key persons for the purposes of the Act:

- (a) any person who individually or as a member of a group formulates management policy;
- (b) any person who has authority to grant credit, complimentary services or tokens;
- (c) any person who has authority to be involved in the resolution or handling of patron disputes;
- (d) any person who has authority to appoint or terminate the appointment of supervisory staff registered in terms of the Act;
- (e) any person who has authority to supervise or direct a gambling or security activity shift, including, without being limited to, the supervision or direction of the entire pit operation and all gambling machines or other gambling operations, and any person who has authority to supervise or direct the first-mentioned person;
- (f) in the case of a company registered in terms of section 61 of the Act, any director thereof;
- (g) in the case of a close corporation registered in terms of section 61 of the Act, any member thereof;
- (h) any person who has authority to manage, or to be responsible for the management of, one or more of the departments or functions of a gambling operation, including, without being limited to—
 - (i) accounting;
 - (ii) creditors and collections;
 - (iii) the cage department;
 - (iv) staff;
 - (v) internal audit;
 - (vi) security; and
 - (vii) surveillance;
- (i) any person who has been specifically presented to the board by a licensee or an officer or a director of the licensee as being important or necessary for the operation of the business of the licensee.

86. Temporary registration of key persons and gambling employees

- (1) If an application for registration as a key person or a gambling employee has been made or the board has identified an employee of a licensee or person registered in terms of section 61 of the Act as a key person or a gambling employee and has requested that person to apply for registration, and the board is satisfied that

- (a) the operation of the business of the licensee or person registered in terms of section 61 of the Act will be seriously prejudiced by a delay in employing the applicant or by the interruption of his or her employment; and
 - (b) the commencement of the employment or the continued employment of the applicant will not prejudice the integrity and proper operation of the business of the licensee or person registered in terms of section 61 of the Act,
- the board may grant the applicant temporary registration, pending the outcome of the application.
- (2) An applicant shall apply for temporary registration by annexing to the application for registration contemplated in regulation 85 a completed form in accordance with Form 9 of Schedule "B" and payment of the fee set out in Schedule "A" of these regulations
 - (3) The issuing by the board of temporary registration in terms of sub-regulation (1) shall not found any expectation of the grant of registration in terms of section 68 or 69 of the Act.
 - (4) If the application for registration in terms of sections 68 or 69 of the Act by the holder of a temporary registration contemplated in sub-regulation (1) is refused by the board, the licensee or person registered in terms of section 61 of the Act who employs that person shall, upon receipt of the board's decision, immediately cease to employ that person in any capacity in which he or she is required to be so registered.
 - (5) The provisions of sub-regulation (4) shall be a condition of employment.

87. Certificate of registration as a key person or a gambling employee

The board shall on payment of the respective fees set out in Schedule II of the Act, as adjusted, issue every person registered as a key person or gambling employee with a certificate of registration in accordance with Form 10 of Schedule "B" of these regulations: Provided that, in the case of a temporary certificate of registration, the word "TEMPORARY" in red capital letters shall be stamped across the face of the certificate from bottom left to top right.

88. Certificate of registration on employment record.

- (1) A licensee shall at all times keep a copy of the certificate of registration of every person registered in terms of sections 68 and 69 of the Act and regulation 87 on the person's employment record.
- (2) If a person changes a position or wish to replace a registration certificate, the board shall on payment of the respective fees set out in Schedule A of these regulations issue such person with the necessary certificate.

CHAPTER 13**RESTRICTIONS, LIMITATION AND PROHIBITION****89. Undesirable advertising**

- (1) No person shall display, publish or broadcast any advertisement or form of advertising with regard to gambling as contemplated in section 70 of the Act -
 - (a) without the board's prior approval, or
 - (b) which has been declared to be undesirable in terms of this regulation.
- (2) The board shall not approve any advertisement or form of advertising which in the opinion of the board—
 - (a) is offensive;
 - (b) is in any way misleading;
 - (c) is in bad taste;
 - (d) may cause over-stimulation of gambling; or
 - (e) contains a comparison between the advertiser and any other licensee in respect of—
 - (i) the size;
 - (ii) the number of games available; or
 - (iii) the house advantage, hold, win or any like indication of the probability of winning or losing.
- (3) The board may, by written notice to a licensee or bookmaker, declare any advertisement or form of advertising undesirable on any of the grounds specified in sub-regulation (2).
- (4) Notwithstanding the provisions of this regulation, it shall not be necessary for the board to grant prior approval for any advertisement advertising only

ancillary non-gambling attractions or facilities of a casino resort, limited gambling machine site, bingo operator or racecourse and which does not refer or relate to gambling in any way.

- (5) Every advertisement published by or on behalf of a licensee which refers or relates to gambling must contain a slogan in clearly visible writing or which is clearly audible, as the case may be, which—
 - (a) is approved by the board;
 - (b) alerts members of the public to the issue of problem gambling; and
 - (c) in the case of print advertisements—
 - (i) alludes to the fact that under 18's are not allowed to gamble or enter the designated area; and
 - (ii) contains the name and telephone number of the National Responsible Gambling Programme, stating the number is toll free;
- (6) The provisions of sub-regulation (5) shall not apply to—
 - (a) every announcement promoting the licensee's gambling business over a communications network broadcasting only within a casino or bingo hall if at least one reference is made to problem gambling and the National Responsible Gambling Programme within an hour of any such advertisement over that system;
 - (b) any T-shirt or other garment;
 - (c) any advertisement for a sporting, social or other such event sponsored by a casino or bingo operator where only the logo or name of such casino or bingo operator appears; or
 - (d) any other advertisement where the board for reasons of practicality has in writing so approved.
- (7) Notwithstanding the provisions of this regulation, the holder of a route operator licence or gambling machine site licence shall only advertise in, or on the exterior of, a licensed limited gambling machine site.

90. Prohibited transactions by licensee

- (1) A licensee shall not exchange cash for cash except to enable a patron to participate in gambling where cash is used as the stake or for the purpose of converting cash won by the client after participating in gambling for different denominations of cash.

- (2) A licensee shall not issue a cheque or other negotiable instrument nor shall any transfer of funds be effected to or on behalf of a patron in exchange for cash other than by means of negotiable instruments, value instruments, unless the licensee is satisfied that the patron has genuinely participated in gambling.

CHAPTER 14

SOCIAL GAMBLING

91. Social gambling not for profit

- (1)(a) A person seeking the board's approval for premises to conduct social gambling not for gain contemplated in paragraph (a) of the definition of "social gambling" in the Act may apply to the board on the form and according to the procedure determined by the board.
- (b) The board may approve such premises for a specific occasion or for a specified period.
- (2) All proceeds of social gambling contemplated in sub-regulation (1)(a), or goods representing the value of such proceeds, shall be returned to the players as prizes.
- (3) Persons conducting social gambling contemplated in sub-regulation (1)(a) on a basis more frequently than twice a month shall inform the board of such activities, their frequency and nature and the location of such gambling.
- (4) No person contemplated in this regulation who conducts social gambling shall deny access to the premises on which such social gambling is being conducted to an inspector or member of the South African Police Service.
- (5) The provisions of sub-regulation (3) shall not apply to social gambling conducted in a private home where the total amount wagered whilst such said gambling continues on any occasion does not exceed R1 000,00, the other provisions of paragraph (a) of the definition of "social gambling" are complied with and no more than 15 people participate in such social gambling.

92. Social gambling for fundraising purposes

- (1) A person who wishes to conduct social gambling as contemplated in paragraph (b) of the definition of “social gambling” in the Act, shall not conduct such social gambling without first being issued a temporary social gambling licence by the board, unless regulation is applicable to the social gambling.
- (2) An application for a temporary social gambling licence shall be made in the manner and form determined by the board.
- (3) A licence for social gambling shall not be issued for more than one occurrence at a time: Provided that a single licence may cover continuous social gambling on no more than three consecutive days.
- (4) A person shall not be issued with more than one temporary social gambling licence in any 30-day period.
- (5) A temporary licence to conduct social gambling shall not be issued unless the applicant is a suitable person to hold the licence or, if the application is made for a corporate entity, association or other such entity, each management member of the association would be a suitable person to hold the licence.
- (6) A person shall not be granted a licence to conduct social gambling for fundraising purposes unless the board is satisfied that —
 - (a) the person conducting the gambling game on behalf of the relevant organisation is a fit and proper person;
 - (b) the organisation concerned has adequate resources to provide facilities necessary for conducting the social gambling;
 - (c) no information given to the board in or in connection with the application for a temporary social gambling licence was materially false;
 - (d) the organisation does not share an address with any organisation issued a licence to conduct social gambling within the same calendar month;
 - (e) all social gambling conducted by or on behalf of the organisation during the past 12 months has been satisfactorily conducted;

- (f) no act or omission of a person who is or will be connected with the social gambling has caused —
 - (i) any person to be refused a licence to conduct social gambling;
 - (ii) social gambling to be improperly conducted;
 - (g) the organisation was established and exists for reasons not connected with gambling or betting;
 - (h) the governing body of the organisation concerned has approved the social gambling;
 - (i) gambling games are played —
 - (i) are lawful and will be run in accordance with sound financial principles;
 - (ii) will be conducted in a manner that does not allow for easy cheating; and
 - (iii) will permit players a reasonable chance of winning.
- (7) In deciding whether the applicant or a member thereof is a suitable person to hold the licence, the board may consider —
- (a) the disqualifications contemplated in section 31 of the Act;
 - (b) the applicant and management members character and business reputation;
 - (c) the applicant and management members financial position and background;
 - (d) where the applicant is not an individual, whether the applicant has a satisfactory ownership, trust or corporate arrangement.
- (8) The person managing the social gambling must be —
- (a) a member of the organisation on whose behalf the social gambling is conducted;
 - (b) an employee of that organisation acting in the course of his or her employment; or
 - (c) a person approved by the board and whose remuneration shall not exceed R1 000,00 for such occurrence.
- (9) The board or an inspector of the board may cause any social gambling under a licence to cease if such social gambling is a fraudulent scheme or does not present players a reasonable chance of winning.

- (10) The board may require an applicant for a social gambling licence or a person who has conducted social gambling to —
- (a) furnish the board with such information relating to the social gambling conducted or to be conducted as the board may require;
 - (b) allow any inspector or person authorised by the board to inspect and take copies of any documents of the organisation, including information held otherwise than in writing, relating to such social gambling;
 - (c) allow the board to inspect any aspect of the management of such social gambling;
 - (d) assist the board in viewing and taking copies of any information relating to the social gambling held on a computer.
- (11) The licensee shall keep accurate records of all social gambling and shall submit copies of the total amount wagered and the profit from the occurrence to the board, together with such other information as the board may require.
- (12) A person licensed by the board to conduct social gambling for profit shall supply to the board within 12 months of such social gambling a breakdown of how the profits from such social gambling were used, or, if they were put in the general funds of such organisation, how the funds of the organisation were spent.
- (13) Proper accounting records shall be kept by all persons to whom a temporary social gambling licence is issued and such person shall, on demand, produce such records to the board.
- (14) No holder of a licence for social gambling for the purpose of fundraising contemplated in this regulation shall allow —
- (a) a bingo game where the gross amount staked on a single bingo game exceeds R1 000,00;
 - (b) multiple bingo games on a single day where the total staked on all such games exceeds R25 000,00;
 - (c) gambling table games where the stake exceeds R20,00.
- (15) A person conducting social gambling for purposes of fundraising may not refuse entry to an inspector of the board or member of the South Africa

Police Service to the premises where the social gambling is being conducted or to the premises where the money relating to such social gambling is counted.

(16) A person conducting social gambling in terms of this regulation or regulation 93 shall not allow persons under the age of 18 years to attend or participate in such social gambling or to be present in any area of the premises on which such social gambling occurs.

(17) A person conducting social gambling contemplated in this regulation shall not expose for play any equipment which must be registered, in terms of section 65 of the Act, and which is not so registered.

93. Social gambling for fundraising purposes not requiring a licence

(1) Notwithstanding the provisions of regulation 92, a person contemplated in paragraph (b) of the definition of "social gambling" in the Act may conduct such social gambling, without a temporary social gambling licence if —

- (a) such social gambling is conducted for and by -
 - (i) the members of a church;
 - (ii) the parents and staff of a school;
 - (iii) the members of a sporting club;
 - (iv) the members of an entity duly authorised in terms of the Fundraising Act, 1978 (Act No. 107 of 1978); or
 - (v) such other entity as the board may, on application, determine which is not connected with any form of gambling or betting;
- (b) the persons conducting and participating in the social gambling are all members of the organisation for whom the social gambling is being conducted;
- (c) the governing body of the organisation concerned has in writing authorised the social gambling concerned;
- (d) no gambling equipment which in terms of section 65 of the Act needs to be registered is used in conducting such social gambling;
- (e) all proceeds, after deducting only the reasonable expenses of obtaining the cards or equipment used for social gambling, are devoted to the provision of pay outs to persons who participate in such

- social gambling, or are used for the purposes for which the church, school, sports club or fundraising institution was established;
- (f) no notice or advertisement of the social gambling is made, exhibited, published, distributed or broadcast other than within the premises of the organisation concerned;
 - (g) no person is employed for reward in any form whatsoever in connection with the conduct of the social gambling;
 - (h) the organisation conducting the social gambling was not established and is not continued for the purpose of gambling and betting;
 - (i) a person who participates in such social gambling does or did solely for the purpose of social gambling become a member of the organisation which conducts the social gambling or on whose behalf the social gambling is conducted;
 - (j) every person participating in the social gambling has been a member of such church, school or organisation for at least 30 days prior to such participation: Provided that in the case of a school, persons conducting and participating in the social gambling must be members of staff, members of the governing body of the school or parents of children who attend the school;
 - (k) no more than one social gambling event is held by such organisation in any calendar month;
 - (l) no bet of more than R5,00 is permitted in any game;
 - (m) the total amount staked in any single game of bingo shall not exceed R300,00; and
 - (n) the organisation concerned informs the board of such gambling and the beneficiary thereof at least 48 hours before the commencement thereof.
- (2) Notwithstanding the provisions of regulation 96 and sub-regulation (1), social gambling may be conducted without a licence if -
- (a) such social gambling is social gambling contemplated in paragraph (b) of the definition of social gambling in the Act;
 - (b) the only social gambling game played is bingo;
 - (c) all prizes are paid in the form of non-cash prizes;
 - (d) the total value of tickets sold for any game of bingo does not exceed R200,00, and for all games of bingo held on such day does not exceed R4 000,00;

- (e) the bingo is conducted during a course of a bazaar, fete, dinner, dance, sporting event or other entertainment of a similar nature occurring on the same premises;
 - (f) the organisation must have been established or continue for purposes not conducted with gambling or betting;
 - (g) the opportunity to participate in social gambling or such opportunity together with any other opportunity of participating in gambling or lotteries must not be the only substantial inducement to attend the entertainment concerned;
 - (h) all proceeds of the social gambling, after provision for the payment of costs of obtaining the equipment used and for the payment of prizes must be utilised by such church, school, sports club or entity authorised in terms of the Fundraising Act, 1978 (Act No. 107 of 1978) for the purposes for which such organisation was founded; or
 - (i) the provisions of paragraphs (c), (d), (g), (h), (k), (l) and (n) of sub-regulation (1) are complied with.
- (3) The provisions of regulation 96 (9), (10), (11), (12), (13), (15), (16) and (17) shall apply with the necessary changes to social gambling contemplated in this regulation.
- (4) Notwithstanding the provisions of sub-regulation (1) and (2), the board may prohibit a person from continuing with or again conducting social gambling if -
- (a) the games played are fraudulent or do not offer players a reasonable chance of a return;
 - (b) any person conducting or controlling the social gambling concerned is not a fit and proper person; or
 - (c) any member of the executive of the organisation concerned is not a fit and proper person:
- Provided that such organisation shall be allowed to present further social gambling if and when persons contemplated in paragraphs (b) and (c) are removed from such position.
- (5) Any person who was the reason for the board cancelling the privilege of any organisation to conduct social gambling shall not attend any social gambling presented by or on behalf of such organisation and no such

organisation shall present or allow to be presented such social gambling if such person attends.

CHAPTER 15

MISCELLANEOUS PROVISIONS

94. Oath and affirmation of office

- (1) The oath or solemn affirmation to be made by members of the board shall be as follows:

I, (Full name), do hereby swear/solemnly affirm that I will hold my office as member of the Eastern Cape Gambling Board with honour and dignity; that I will not divulge directly or indirectly any matters which are entrusted to me under secrecy; and that I will perform the duties of my office conscientiously and to the best of my ability, without fear, favour or prejudice; and that I am not disqualified in terms of the Eastern Cape Gambling Act, No. 5 of 1997, from holding such office.

- (2) The oath or solemn affirmation to be made by members of the staff of the board shall be as follows:

I, (Full name), do hereby swear/solemnly affirm that in the performance of my duties as a member of staff of the Eastern Cape Gambling Board: I will not divulge directly or indirectly any matters which are entrusted to me confidentially and that I am not disqualified in terms of the Eastern Cape Gambling Act, No. 5 of 1997, from being so employed.

- (3) In the case of an oath the words in sub-regulations (1) and (2) shall be followed by the words "So help me God", and in the case of an affirmation, the words in sub-regulations (1) and (2) shall be followed by the words "I solemnly affirm".

95. Resolution of patron disputes

- (1) Whenever a dispute arises as between a patron and a licensee, as to the payment of alleged winnings or precise amount thereof to the patron by the licensee, or payment of a gambling debt or precise amount thereof by a patron to the licensee, and the parties are unable to resolve the dispute

to the satisfaction of the parties, the disputes shall be resolved as provided for in this regulation.

- (2) The dispute may be referred by the patron or the licensee, or both the patron and the licensee to the chief executive officer of the board or his or her delegate for resolution.
- (3) The chief executive officer may, for the purposes of resolving the dispute, conduct such inquiries, inspect any books or documents and question such persons as are necessary or relevant or connected to the dispute: Provided that the chief executive officer shall afford both the patron and licensee an opportunity to present their cases to him or her before he or she resolves the dispute.
- (4) The chief executive officer shall, upon referral of the dispute, expeditiously resolve the dispute.
- (5) The chief executive officer's decision on the dispute shall be final and binding on the parties, subject to the right of appeal in terms of regulation 96.
- (6) The chief executive officer shall inform both parties of his or her decision and advise that a party aggrieved by his or her decision has a right of appeal against such decision to the board.
- (7) A party shall be obliged to pay the amount of the winnings or gambling debt as determined by the chief executive officer within the period determined by the chief executive officer.
- (8) The chief executive officer may delegate any power, function or duty in terms of this regulation to any member of the staff of the board, on such conditions as he or she may determine.

96. Appeal to the board: Patron disputes

- (1) A patron or licensee aggrieved by the decision of the chief executive officer made in terms of regulation 95, may within 14 days of being notified of such decision, lodge an appeal in writing to the board.
- (2) The board shall, with due regard to expedience, hear and determine the appeal, and may thereafter confirm, reverse or set aside the chief executive officer's decision or make any order that it deems appropriate.
- (3) The appeal shall be determined and be heard by the board in such a manner and in accordance with such procedure as the board may determine: Provided that the board shall afford the parties to the appeal the opportunity to present their cases before it makes a decision on appeal.
- (4) The decision of the board shall be final and binding on the parties to the appeal.
- (5) A party shall be obliged to pay the amount of the winnings or gambling debt as determined by the board on appeal within the period determined by the board.

97. Non-payment by patron

If a patron is obliged to pay a gambling debt in terms of an order made by the chief executive officer and has not appealed to the board against the said order, or is obliged to pay a gambling debt in terms of an order made by the board on appeal and has not made an application for review of the board's decision or order, but fails to make such a payment, the board may include such a patron's name in the list of excluded persons, as contemplated in regulation 73.

98. Gambling-related contracts

- (1) A gambling-related contract to which a licensee or an applicant for a licence is a party or intends to become a party shall be in writing if the total value of such contract exceeds the amount of R5 000,00 (five thousand rand).
- (2) Gambling-related contracts with a single supplier shall also be in writing for a contracts concluded with a supplier if the total value of all previous

contracts with such supplier has exceeded R20 000,00 (twenty thousand rand) in any year.

99. Submission of gambling-related contracts

- (1) A licensee or applicant for a licence shall, before entering into a gambling-related contract with a value of R200 000,00 (two hundred thousand rand) or more, submit the proposed contract or amended contract to the board for approval.
- (2) Every licensee shall, on a bi-monthly basis and within 14 days of the end of the second month of such period, submit to the board a schedule, in a form approved by the board, of all contracts entered into by such licensee, exceeding R1 000,00 in value, which schedule shall contain the name of the person within whom the contract is entered into, the goods or services provided and the value of the contract.
- (3) The board may request a copy of any contract entered into by a licensee for its approval.
- (4) The board may, when evaluating a contract or amendment of a contract, consider the suitability of the party as contemplated in section 86 of the Act with whom the licensee or applicant entered into a contract and may request such contractor to apply for a certificate of suitability as provided for in regulation 16.
- (5) The board may at any time review a contract referred to it for approval or approved by it in terms of this regulation.
- (6) If a contractor is found to be or becomes unsuitable, the board shall direct the licensee or applicant to terminate its contract with such contractor.
- (7) A licensee or an applicant required by the board to terminate a gambling related contract pursuant to this regulation shall do so within a time determined by the board.
- (8) Every gambling-related contract shall provide for its termination in the circumstances provided for in sub-regulations (4) and (5).

100. Summons.

A summons contemplated in section 30 of the Act shall be in in accordance with Form 11 of Schedule “B” of these regulations.

101. Repeal of Regulations

All regulations made in terms of the Act prior to the commencement of these regulations are hereby repealed.

102. Transitional Provisions

Any application, hearing, inquiry or action that commenced prior to the commencement of these regulations, shall continue in terms the repealed regulations until finalised.

103. Short title and commencement

These regulations are called the Provincial Gambling Regulations, 2017, and shall commence on the date of publication thereof on the *Provincial Gazette*.

SCHEDULE "A"

NON -REFUNDABLE FEES PAYABLE BY THE APPLICANT

LICENCE OR ITEM	FEE PAYABLE	REGULATION REFERENCE
1. Gambling Machine Site Licence		
(a) Receipt of the request for proposal (more than 5 limited gambling machines)	R1000-00	Regulation 3
(b) Receipt of the request for proposal (3 to 5 limited gambling machines)	R300-00	Regulation 3
2. Bingo Licence		
(a) Receipt of the draft request for proposal	R1200-00	Regulation 3
(b) Attendance fee: Bidders Conference arranged by the board	R6000-00	Regulation 3
(c) Receipt of final Request for proposal	R6000-00	Regulation 3
3. Bookmakers Licence		
(a) Receipt of the draft request for proposal	R500-00	Regulation 3
(b) Attendance fee: Bidders Conference arranged by the board	R1000-00	Regulation 3
(c) Receipt of final Request for proposal	R1500-00	Regulation 3
4. Copies of application documentation	R2-00 per page	Regulation 6
5. Exclusivity of casino licence		
(a) amount payable per annum for the period of ten years escalating annually at inflation rate (CPI), if the value of the development does not exceed R200 Million	R500 000-00	Regulation 22(3)
(b) amount payable per annum for the period of ten years escalating annually at inflation rate (CPI), if the value of the development exceeds R200 Million	R1 000 000-00	Regulation 22(3)
6. Application for temporary key employee registration certificate	R125-00	Regulation 86
7. Application for temporary key employee registration certificate paid monthly on accrual basis within 7 days	R75-00	Regulation 86
8. Application for temporary Gambling employee registration certificate	R100-00	Regulation 86
9. Application for temporary gambling employee registration certificate paid monthly on accrual basis within 7 days	R60-00	Regulation 86

10. Change of position or replacement of the registration certificate	R70-00	Regulation 88
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SCHEDULE "B"

FORM 1

APPLICATION FORM

I,, on behalf of the applicant hereby apply in terms of the Eastern Cape Gambling Act, 1997 (Act No. 5 of 1997), for a licence / Registration / extension for exclusivity in the _____ magisterial district and confirm being aware of and understanding the provisions of the said Act and Regulations made thereunder, insofar as they pertain to this application.

Application for:	Section	Tick
Casino Licence	41	
Extension of the exclusivity period	45 (2)	
Bingo Licence	47	
Route Operator Licence	49	
Bookmaker Licence	53	
Racecourse Licence	56	
Totalisator Licence	51	
Gambling Machine Site Licence	50	
Amendment of licence	35	
Transfer of licence	36	
Removal of business to other premises	37	
Addition of premises	37	
Deletion of licensed premises	37	
Acquisition of financial and controlling interest	40	
Certificate of suitability for third parties	86	

Details of the Applicant

Full name of applicant

Physical business address

Postal address

Telephone number

Facsimile number

Physical address of the site in respect of which
application is made

For and on behalf of the applicant

.....
Date (who warrants his authority)

.....
Name – print Capacity of signatory

FORM 2**EASTERN CAPE GAMBLING ACT, 1997 (ACT NO. 5 OF 1997) NOTICE OF LODGEMENT OF APPLICATION**

Notice is hereby given that the following application, particulars of which appear in the Schedule hereunder, has been lodged with the Eastern Cape Gambling Board.

The application may be inspected by any person at the offices of the Board and at [place of inspection in terms of regulation 8].

Any objections, petitions or representations shall be lodged with the chief executive officer of the Board within 30 days of the date of this notice.

All objections and comments shall specify: the application to which the objection or comment relates; the grounds on which the objection is founded; in the case of comment, full particulars and facts in substantiation thereof; the name, address, telephone and fax number of the objector or person making the comment and a statement whether the objector or person making the comment wishes to make oral representations when the application is heard.

A person lodging representations may show cause why the Board may determine that his or her identity should not be divulged.

The undermentioned figures used in brackets in the Schedule have the following meanings:

- (1) = The name and address of the applicant;
- (2) = If the applicant is a company or other corporate body, the names of all persons who have a financial or other interest of 5% or more in the applicant;
- (3) = In the case of a company, the initials and surnames of all directors of the company;
- (4) = The type of application and applicable section of the Act;
- (5) = The address of the premises from which the applicant intends to operate.

FORM 3

EASTERN CAPE GAMBLING ACT, 1997 (ACT NO. 5 OF 1997)

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that Public hearings in terms of section 28(1) of the Eastern Cape Gambling Act, 1997 (Act No. 5 of 1997) (as amended) ("the Act"), shall be held in respect of Applications received for, as set out in the Schedule(s) hereunder on at or as soon thereafter as the Board may be heard at

Chief Executive Officer

Eastern Cape Gambling Board

(Address of Board)

FORM 4

EASTERN CAPE GAMBLING ACT, 1997 (ACT NO. 5 OF 1997)

CERTIFICATE OF SUITABILITY

It is hereby certified that the person whose particulars are set out hereunder has been found suitable by the Eastern Cape Gambling Board to:

- (a) Procure an interest of..... in the business of.....being a licensee or applicant for a licence; or
- (b) Supply goods and services, namely
.....
.....to a licensee, namely
.....
.....
(Delete one)

Chief Executive Officer
Eastern Cape Gambling Board
(Address of Board)

FORM 5**EASTERN CAPE GAMBLING ACT, 1997 (ACT NO. 5 OF 1997)**

Notice is hereby given that the undernamed casino operator has applied for the extension of its right of exclusivity in the area mentioned hereunder and has tendered the lump sum payment set out hereunder. Any objections or representations thereto shall be lodged with the Chief Executive Officer of Eastern Cape Gambling Board within 30 days of the publication of this notice.

Applicant : _____

Licence Number : _____

Area of Exclusivity : _____

Lump sum : _____

The exclusivity fees payable in terms of section 45(4) are as follows:

Value of casino development	Exclusivity Fee
Where the value of the casino development does not exceed R200 million	R500 000,00 per annum for a period of ten years escalating annually at the inflation rate (CPI)
Where the value of the casino development exceeds R200 million	R1 000 000,00 per annum for a period of ten years escalating annually at the inflation rate (CPI)

Period for which exclusivity sought: _____

Chief Executive Officer
Eastern Cape Gambling Board
(Address of Board)

FORM 6

EASTERN CAPE GAMBLING ACT, 1997 (ACT NO. 5 OF 1997)

APPLICATION FOR REGISTRATION AS MANUFACTURER, ASSEMBLER, SELLER, DISTRIBUTOR,
IMPORTER, ACQUIRER, MARKETER, ALTERER OR MODIFIER OF GAMBLING DEVICES AS
SPECIFIED IN SECTION 61 OF THE ACT

FOR OFFICE USE: REGISTRATION NO:

PHOTOGRAPH

Name:

Identity or registration number:

Tax number:

Address of Registered Office/Home Address:

Address from which activity in respect of which registration is sought is carried out:

Type(s) of activity in respect of which registration is sought:

Dates of previous periods of registration:

Reasons for any previous deregistration:

Employment Record: (Natural persons only)

Employer	Post held	From			To			Reason for leaving
		D	M	Y	D	M	Y	

Details of any prior convictions:

Crime	Date of Conviction	Sentence

Qualifications:

Apprenticeships:

Number of years completed	Contract No.	Trade

Full names of all directors (companies) or members (close corporations)

Names of all persons who hold a beneficial interests of 5% or more in applicant and their percentage holding:

NOTE: A COMPLETED SAP 91 (a) FORM IN RESPECT OF THE APPLICANT MUST BE ANNEXED HERETO.

Names and Registration Numbers of all registered key persons and Gambling Employees in the Employ of the Applicant

Name	Key Persons Yes/No	Registration Number
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		

(If necessary annex further pages) I declare/truly affirm that the information furnished in this application and in the documents attached to it, is true.

Date _____

Signature of applicant or person authorised to sign application

I certify that this declaration has been signed and sworn to/affirmed before me atthis.....day of..... by the applicant/person authorised to sign application who acknowledged that—

- (i) he/she knows and understands the contents of this declaration;
- (ii) he/she has no objection to taking the prescribed oath/affirmation: and
- (iii) he/she considers the prescribed oath to be binding on his/her conscience, and that he/she uttered the following words:
"I swear that the contents of this declaration are true, so help me God: / I truly affirm that the contents of this declaration are true".

Commissioner of Oaths

Full name _____
Business address _____
Designation _____
Area for which appointment is held _____
Office held if appointment is ex officio _____

FOR OFFICE USE

Date Received _____ Date of Registration _____

Approved/Disapproved - Reason _____

Registration No.: _____

Registration Fee Paid: _____

Receipt No.: _____

FORM 7

EASTERN CAPE GAMBLING ACT, (ACT NO. 5 OF 1997)

CERTIFICATE OF REGISTRATION

REGISTRATION AS MANUFACTURER, ASSEMBLER, MAINTAINER, REPAIRER, SELLER,
DISTRIBUTOR, IMPORTER, ACQUIRER, MARKETER, RENTER, LESSOR, ALTERER OR MODIFIER
OF GAMBLING DEVICES

It is hereby certified that

(FULL NAMES)having the Identity/Registration number.....was registered with the Eastern Cape Gambling
Board as a

.....

of gambling devices on this day of, and has the
Board Registration Number_____
Chief Executive Officer
Eastern Cape Gambling Board
(Address of Board)
Date: _____

FORM 8

EASTERN CAPE GAMBLING ACT, 1997 (ACT NO. 5 OF 1997)

APPLICATION FOR REGISTRATION AS KEY PERSON/GAMBLING EMPLOYEE FOR OFFICE USE:
REGISTRATION NO:FOR OFFICE USE: REGISTRATION NO:

PHOTOGRAPH

Full Names:

Identity No:

Tax number:

Home Address:

.....

.....

Name of Employer:

Type of Registration of Employer:

Employer's licence /registration No:

Business Address:

.....

.....

Telephone No: (H) (W)

Type of Registration sought: Key person/ Gambling employee (delete one)

Present duties:

.....

Position held:

.....

Are you registered as Key Person/ Gambling Employee in another Province

Yes/No (delete one)

Details of above registration:

Province	Registration No.	Details

Employment Record: (Natural persons only)

		From	To	Reason
--	--	------	----	--------

Employer	Post held	D	M	Y	D	M	Y	for leaving

Details of any prior convictions:

Crime	Date of Conviction	Sentence

Qualifications:

NOTE: A COMPLETED SAP 91 (a) FORM IN RESPECT OF THE APPLICANT MUST BE ANNEXED TO THIS FORM.

I declare/truly affirm that the information furnished in this application and in the documents attached to it, is true.

Date _____

Signature of applicant or person authorised to sign

I certify that this declaration has been signed and sworn to/affirmed before me atthis.....day of..... by the applicant/person authorised to sign application who acknowledge that—

- (i) he/she knows and understand the contents of this declaration;
- (ii) he/she has no objection to taking the prescribed oath/affirmation; and
- (iii) he/she considers the prescribed oath to be binding on his/her conscience, and that he/she uttered the following words: "I swear that the contents of this declaration are true, so help me God". "I truly affirm that the contents of this declaration are true".

Commissioner of Oaths

Full names _____

Business Address _____

Designation Area for which appointment is held _____

Office held if appointment is ex officio _____

FOR OFFICE USE

Date Received

--	--	--

Approved/Disapproval Reason: _____

Registration No: _____

Registration Fee Paid: _____

Receipt No.: _____

FORM 9

EASTERN CAPE GAMBLING ACT, 1997 (ACT NO. 5 OF 1997)

APPLICATION FOR TEMPORARY REGISTRATION AS KEY
PERSON/GAMBLING EMPLOYEE

Full Names: _____

Identity No: _____

Post for which Temporary Registration sought: _____

Employer: _____

Employers Licence/Registration No.: _____

Date of Lodgement of Application for Permanent Registration: _____

Only temporary registration is sought (Regulation 86 Yes/No (Delete one))

Reason for request for temporary registration: _____

I confirm that the operation of the above licensee / person registered in terms of section 61 of the Act will be seriously prejudiced by any delay in my employment / the interruption of my employment (delete one) and that my employment will not prejudice the integrity and proper operation of the business of the above licensee / registered person.

I declare/truly affirm that the information furnished in this application and in the documents attached to it, is true.

Date _____ Signature of applicant _____

I certify that this declaration has been signed and sworn to/affirmed before me atthis.....day of..... by the applicant/person authorised to sign application who acknowledge that—

- (i) he/she knows and understand the contents of this declaration;
- (ii) he/she has no objection to taking the prescribed oath/affirmation; and
- (iii) he/she considers the prescribed oath to be binding on his/her conscience, and that he/she uttered the following words: "I swear that the contents of this declaration are true, so help me God"/"I truly affirm that the contents of this declaration are true".

Commissioner of Oaths

Full names _____

Business Address _____

Designation _____

Area for which appointment is held _____

Office held if appointment is ex officio _____

DECLARATION BY LICENSEE/REGISTERED PERSON/EMPLOYER

I confirm that the operation of the above licensee / registered person will be seriously prejudiced by any delay in employing the applicant / by the interruption of his or her employment. (delete one) AND that the commencement of the employment or continued employment of the applicant will not prejudice the integrity and proper operation of the business of the above licensee / registered person (delete one).

I declare/truly affirm that the information furnished in this application and in the documents attached to it, is true.

Date _____

Signature or person authorised to sign on behalf of
licence registered person

I certify that this declaration has been signed and sworn to/affirmed before me atthis....day of.....
by the applicant/person authorised to sign application who acknowledge that—

- (i) he/she knows and understand the contents of this declaration;
- (ii) he/she has no objection to taking the prescribed oath/affirmation; and
- (iii) he/she considers the prescribed oath to be binding on his/her conscience, and that he/she uttered the following words: "I swear that the contents of this declaration are true, so help me God"/"I truly affirm that the contents of this declaration are true".

Commissioner of Oaths

Full names _____

Business Address _____

Designation _____

Area for which appointment is held _____

Office held if appointment is ex officio _____

FORM 10

EASTERN CAPE GAMBLING ACT, 1997 (ACT NO. 5 OF 1997)

REGISTRATION CERTIFICATE

It is hereby certified that the person whose particulars are set out hereunder is registered at the Eastern Cape Gambling Board as a Key Person/Gambling Employee (delete one).

FRONT:

<p style="text-align: center;">EASTERN CAPE GAMBLING BOARD REGISTRATION CERTIFICATE</p> <p>The bearer of this certificate is appointed as a— KEY PERSON/GAMBLING EMPLOYEE* in terms of section 68/69* of the Eastern Cape Gambling Act, 1997 (Act No. 5 of 1997)</p> <p>FULL NAMES: IDENTITY No.: POSITION HELD: REGISTRATION No.: ISSUE DATE EXPIRY DATE</p> <p style="text-align: right;">..... CHIEF EXECUTIVE OFFICER</p>	<p style="text-align: center;">PHOTOGRAPH</p>
--	---

*Omit one.

BACK:

<p style="text-align: center;">THIS CERTIFICATE REMAINS THE PROPERTY OF THE EASTERN CAPE GAMBLING BOARD.</p>
--

FORM 11**EASTERN CAPE GAMBLING ACT, 1997 (ACT NO. 5 OF 1997) SUMMONS IN TERMS OF SECTION 30 OF THE ACT**

TO:

Name:		
Address:		
Sex:	Age:	Id. No:

By virtue of the powers vested in the board by section 30 (4) of the Act, you are hereby directed to be present and give evidence /produce the documents or any other thing indicated in Annexure.....hereto at a meeting of the board which relates to..... and which will be held on the date, time and at the place indicated below.

Date	Time	Place

Your attention is invited to the fact that it is an offence not to appear or not to remain in attendance without the consent of the chairperson first having been obtained.

Place of issue: East London

Date _____

 Chief Executive Officer

FOR OFFICIAL USE ONLY

I certify that I have served this notice upon the said person by—

*(a)	delivering a true copy to..... PERSONALLY;
(b)	delivering as he/she could not be found, a true copy to apparently over the age of 16 years and apparently residing or employed at the place of RESIDENCE/EMPLOYMENT/BUSINESS of the said

at _____

The nature and exigency of this notice was explained to the recipient thereof.

Time Day Month 19.....

 SIGNATURE

FULL NAMES:

* Delete whichever is not applicable

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 160 OF 2019**PROVINCIAL NOTICE NO 129/2019****EASTERN CAPE PROVINCE****KOUGA MUNICIPALITY (EC 108)****REMOVAL OF RESTRICTIVE CONDITIONS**

Notice is hereby given in terms of Section 93 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016 that the under mentioned application has been received and is open for inspection at the Kouga Municipality, Planning and Development Department, 16 Woltemade Street, Jeffreys Bay. Motivated objections, if any, against the application, must be lodged in writing to reach the undersigned not later than 30 days after publication of this specific reference to the Erf number.

ERF 228 (26 JOHAN MULLER BOULEVARD), PARADISE BEACH**Applicant:** CW Malan Jeffreys Bay Incorporated**Nature of application:** An application was received for the following:

The Removal of Restrictive Title Deed Conditions for development purposes in terms of Section 69 as well as the Departure from the Zoning Scheme Regulations in terms of Section 76 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016, on Erf 228, Paradise Beach.

C. DU PLESSIS
MUNICIPAL MANAGER

P.O. BOX 21
JEFFREYS BAY
6330

LOCAL AUTHORITY NOTICE 161 OF 2019**PROVINCIAL NOTICE NO 135/2019****EASTERN CAPE PROVINCE****KOUGA MUNICIPALITY (EC 108)****REMOVAL OF RESTRICTIVE CONDITIONS**

Notice is hereby given in terms of Section 93 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016 that the under mentioned application has been received and is open for inspection at the Kouga Municipality, Planning and Development Department, 16 Woltemade Street, Jeffreys Bay. Motivated objections, if any, against the application, must be lodged in writing to reach the undersigned not later than 30 days after publication of this specific reference to the Erf number.

ERF 94 (29 JEFFREYS STREET), JEFFREYS BAY

Applicant: CW Malan Jeffreys Bay Incorporated

Nature of application: An application was received for the following:

The Removal of Restrictive Title Deed Conditions in terms of Section 69 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016 for development purposes on Erf 94, Jeffreys Bay.

C. DU PLESSIS
MUNICIPAL MANAGER

P.O. BOX 21
JEFFREYS BAY
6330

LOCAL AUTHORITY NOTICE 162 OF 2019**PROVINCIAL NOTICE NO 136/2019****EASTERN CAPE PROVINCE****KOUGA MUNICIPALITY (EC 108)****REMOVAL OF RESTRICTIVE CONDITIONS**

Notice is hereby given in terms of Section 93 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016 that the under mentioned application has been received and is open for inspection at the Kouga Municipality, Planning and Development Department, 16 Woltemade Street, Jeffreys Bay. Motivated objections, if any, against the application, must be lodged in writing to reach the undersigned not later than 30 days after publication of this specific reference to the Erf number.

ERF 907 (POIVRE STREET), ST FRANCIS BAY

Applicant: G.J. Swanepoel

Nature of application: An application was received for the following:

The Removal of Restrictive Title Deed Conditions in terms of Section 69 the Departure from the zoning scheme provisions in terms of 76, the Consent Use for an Additional Dwelling unit in terms of Section 74 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016 for development purposes on Erf 907, St Francis Bay.

C. DU PLESSIS
MUNICIPAL MANAGER

P.O. BOX 21
JEFFREYS BAY
6330

LOCAL AUTHORITY NOTICE 163 OF 2019**PROVINCIAL NOTICE NO 137/2019****EASTERN CAPE PROVINCE****KOUGA MUNICIPALITY (EC 108)****REMOVAL OF RESTRICTIVE CONDITIONS**

Notice is hereby given in terms of Section 93 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016 that the under mentioned application has been received and is open for inspection at the Kouga Municipality, Planning and Development Department, 16 Woltemade Street, Jeffreys Bay. Motivated objections, if any, against the application, must be lodged in writing to reach the undersigned not later than 30 days after publication of this specific reference to the Erf number.

ERF 951 (10 WITELS STREET), HUMANSDORP

Applicant: M & M Designs

Nature of application: An application was received for the following:

The Removal of Restrictive Title Deed Conditions in terms of Section 69 the Departure from the zoning scheme provisions in terms of 76 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016 for development purposes on Erf 951, Humansdorp.

C. DU PLESSIS
MUNICIPAL MANAGER

P.O. BOX 21
JEFFREYS BAY
6330

LOCAL AUTHORITY NOTICE 164 OF 2019**PROVINCIAL NOTICE NO 138/2019****EASTERN CAPE PROVINCE****KOUGA MUNICIPALITY (EC 108)****REMOVAL OF RESTRICTIVE CONDITIONS**

Notice is hereby given in terms of Section 93 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016 that the under mentioned application has been received and is open for inspection at the Kouga Municipality, Planning and Development Department, 16 Woltemade Street, Jeffreys Bay. Motivated objections, if any, against the application, must be lodged in writing to reach the undersigned not later than 30 days after publication of this specific reference to the Erf number.

ERF 1257 (26 TECOMA STREET), JEFFREYS BAY

Applicant: E.L. Cowling

Nature of application: An application was received for the following:

The Removal of Restrictive Title Deed Conditions in terms of Section 69 the Departure from the zoning scheme provisions in terms of 76 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016 for development purposes on Erf 1257, Jeffreys Bay.

C. DU PLESSIS
MUNICIPAL MANAGER

P.O. BOX 21
JEFFREYS BAY
6330

LOCAL AUTHORITY NOTICE 165 OF 2019**PROVINCIAL NOTICE NO 139/2019****EASTERN CAPE PROVINCE****KOUGA MUNICIPALITY (EC 108)****REMOVAL OF RESTRICTIVE CONDITIONS****ERF 711 (STRELITZIA STREET), JEFFREYS BAY****SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY**

Notice is hereby given that the Municipal Planning Tribunal on 05 April 2019, removed Condition B.(vi)(b)(i)&(ii) applicable to Erf 711, Jeffreys Bay as contained in Certificate of Consolidation Title T14036/2017 in terms of Section 108 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

ERF 1196 (ESMARALDA ROAD), SEA VISTA

Notice is hereby given that the Municipal Planning Tribunal on 05 April 2019, removed Conditions B.6(b)(i)&(ii) applicable to Erf 1196, Sea Vista as contained in Certificate of Consolidation Title T080516/2001 in terms of Section 108 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

ERVEN 27-30 (C/O CHURCH & DE JAGER STREET), PATENSIE

Notice is hereby given that the Municipal Planning Tribunal on 05 April 2019, removed the following conditions applicable to Erven 27-30, Patensie;

Title Deed Transfer T28346/2017 on Erf 27: Condition B.5. & B.6.
Title Deed Transfer T36765/2017 on Erf 28: Condition B.5. & B.6.
Title Deed Transfer T36805/2017 on Erf 29: Condition B.5. & B.6.
Title Deed Transfer T37842/2017 on Erf 30: Condition B.5. & B.6.

in terms of Section 108 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

ERF 85 (SEEBRIES AVENUE), PARADISE BEACH

Notice is hereby given that the Municipal Planning Tribunal on 12 June 2019, removed Condition B.7; B.7(a) & B.7(b) applicable to Erf 85, Paradise Beach as contained in Certificate of Consolidation Title T58315/2016 in terms of Section 108 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

ERF 135 (28 GEELBEK STREET), OYSTER BAY

Notice is hereby given that the Municipal Planning Tribunal on 12 June 2019, removed Condition 5(a),(b),(c) & (d) applicable to Erf 135, Oyster Bay as contained in Certificate of Consolidation Title T011882/11 in terms of Section 108 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

ERF 382 (14 GROSVENOR WAY), CAPE ST FRANCIS

Notice is hereby given that the Municipal Planning Tribunal on 12 June 2019, removed Condition C6(b) applicable to Erf 382, Cape St Francis as contained in Certificate of Consolidation Title T27780/2004 in terms of Section 108 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

C. DU PLESSIS
MUNICIPAL MANAGER

P.O. BOX 21
JEFFREYS BAY
6330

LOCAL AUTHORITY NOTICE 166 OF 2019**PROVINCIAL NOTICE NO 138/2019****EASTERN CAPE PROVINCE****KOUGA MUNICIPALITY (EC 108)****REMOVAL OF RESTRICTIVE CONDITIONS**

Notice is hereby given in terms of Section 93 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016 that the under mentioned application has been received and is open for inspection at the Kouga Municipality, Planning and Development Department, 16 Woltemade Street, Jeffreys Bay. Motivated objections, if any, against the application, must be lodged in writing to reach the undersigned not later than 30 days after publication of this specific reference to the Erf number.

ERF 1257 (26 TECOMA STREET), JEFFREYS BAY

Applicant: E.L. Cowling

Nature of application: An application was received for the following:

The Removal of Restrictive Title Deed Conditions in terms of Section 69 the Departure from the zoning scheme provisions in terms of 76 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016 for development purposes on Erf 1257, Jeffreys Bay.

C. DU PLESSIS
MUNICIPAL MANAGER

P.O. BOX 21
JEFFREYS BAY
6330

LOCAL AUTHORITY NOTICE 167 OF 2019

Cape St Francis
Hankey
Humansdorp
Jeffreys Bay
Loerie
Oyster Bay
Patensie
St Francis Bay
Thornhill

Postal: PO Box 21, Jeffreys Bay, 6330
Tel: 042 200 2200 / 042 200 8300
Fax: 042 200 8606
Email: registry@kouga.gov.za
Website: www.kouga.gov.za

PROVINCE OF THE EASTERN CAPE**KOUGA LOCAL MUNICIPALITY (EC108)****PROVINCIAL NOTICE 133/2018****EXTENSION OF LOCAL STATE OF DISASTER DECLARATION****DISASTER MANAGEMENT ACT NO. 57 OF 2002**

The Kouga Local Municipality hereby, in terms of Section 55(5)(c) of the Disaster Management Act No. 57 of 2002, due to the prevailing drought conditions extend the Declaration of Local State of Disaster as published in the Provincial Gazette No. 4226 of 15 April 2019 for a further month.

C. DU PLESSIS
MUNICIPAL MANAGER

P.O. Box 21
Jeffreys Bay
6330

LOCAL AUTHORITY NOTICE 168 OF 2019**Buffalo City Metropolitan Municipality (EASTERN CAPE)**

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) and the Buffalo City Metropolitan Municipality Spatial Planning and Land Use Management By-Law (2016).

Erf 192, BEACON BAY (1 IMP LANE, BEACON BAY)

Under Section 47 (1) of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management Bylaw of 2016 and upon instructions of the Local Authority a notice is hereby given that conditions 3 (b) and 3 (d) found in Deed of Transfer No. T2612/2017, pertaining to Erf 192, Beacon Bay is hereby removed.

LOCAL AUTHORITY NOTICE 169 OF 2019**RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004 (ACT NO. 6 OF 2004)****Notice No: 01/2019****Date: 07 JULY 2019****MUNICIPAL NOTICE NO: 01/2019****MBHASHE LOCAL MUNICIPALITY****RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 01 JULY 2019 TO 30 JUNE 2020**

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that the Council resolved by way of council resolution number **8.10.1** taken on **30 May 2019**, to levy the rates on property reflected in the schedule below with effect from 01 July 2018.

No	Category	Cent amount in the Rand rate
1	Residential	0.00712
2	Business	0.00946
3	State Owned Properties	0.01064
4	Vacant Sites	0.00827
5	Place of Worship Churches are exempted as per the municipality's Property Rates Policy	Zero rated

Full details of the Council resolution and rebates, reductions and exclusions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy are available for inspection on the municipality's offices, website (www.mbhashemun.gov.za) and all public libraries.

NAME: MR. M. NAKO
DESIGNATION: MUNICIPAL MANAGER
454 STREATFIELD ROAD
DUTYWA
5000
TEL: 047 489 5808

CONTINUES ON PAGE 130 - PART 2



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

Provincial Gazette Igazethi Yephondo Provinsiale Koerant

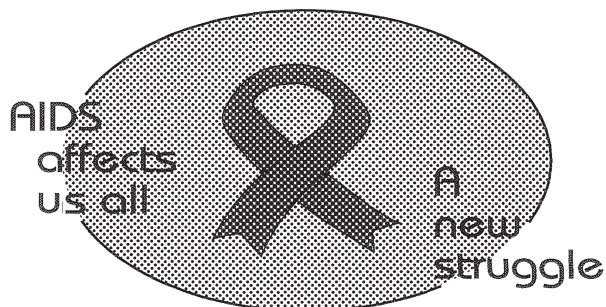
Vol. 26

BISHO/KING WILLIAM'S TOWN
29 JULY 2019
29 JULIE 2019

No. 4277

PART 2 OF 3

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICE 170 OF 2019

**EXTRACT**

DATE OF COUNCIL MEETING : 30 May 2019

COUNCIL RESOLUTION NUMBER : SCM8/19/007.2.2.1

SUBJECT : Final Medium Term and Expenditure Framework Budget (MTREF) 2019-2022

In a Special Council Meeting that was held on the 30 May 2019 the Executive Mayor presented the report in terms of, among others, *Section 215 of the Constitution of the Republic of South Africa Act no 108 of 1996 read with Section 21 (2) (a) (b) (c) 29 of the Local Government: Municipal Finance Management Act, Act no 56 of 2003* for approval

Thereafter, the Council unanimously

RESOLVED:

- (a) On a motion by Councillor Mbetsula seconded by Councillor Makeleni to approve the Final MTREF Budget for 2019-2022.
- (b) That the following resolutions be taken by the council:
 - 1. That in terms of section 24 of the MFMA Act 56 of 2003, the Final annual budget of the municipality for 2019-2022 and Capital appropriations are approved as set out in the following tables:
 - 1.1 Budgeted Financial Performance by standard classification of revenue of R 331 004 000 and Expenditure of R 443 763 000 (A2).
 - 1.2 Budgeted Financial Performance by vote of revenue of R 331 004 000 and Expenditure of R 443 763 000 (A3).
 - 1.3 Budgeted Financial Performance of revenue by source of R 331 004 000 and Expenditure of R 443 763 000 (A4).
 - 2. That the Financial Position, Cash flow and Service delivery targets are approved in the following tables:

- 2.1 Capital Expenditure of R 79 157 000 (A5)
 - 2.2 Budgeted Financial Position (A6)
 - 2.3 Budgeted Cash flows (A7)
 - 2.4 Cash backed and accumulated surplus reconciliation (A8)
 - 2.5 Asset management (A9)
 - 2.6 Basic service delivery measures (A10)
3. That in terms of S24(2)(c)(i) of the MFMA Act 56 of 2003 and Section 74 and 75 of the Municipal Systems Act of 2000 as amended; the tariffs of rates and services that were used to prepare the estimates of revenue by source are approved with effect from 1 July 2019.
4. That in terms of section 24(2)(c)(iii) of the MFMA Act 56 of 2003, the measurable performance objectives for draft operating and capital budget by vote for each year of the MTREF as set out in supporting tables are approved.
5. That free basic package as set out in the budget is approved.
6. That in terms of section 24(2)(c)(v) of the of the MFMA Act 56 of 2003 the following policies are part of the budget process and were used in the preparation of the budget and were approved by council:
- 6.1 Budget Policy
 - 6.2 Virement Policy
 - 6.3 Indigent Policy
 - 6.4 Property Rates policy
 - 6.5 Credit Control and Debt management Policy
 - 6.6 Write off Policy
 - 6.7 Tariff Policy
 - 6.8 Borrowing Policy
 - 6.9 Supply Chain Management Policy
 - 6.10 Asset Management Policy
 - 6.11 Credit Control and Debt management Policy
 - 6.12 Funds and Reserves Policy
 - 6.13 Cash Management Policy
 - 6.14 Investments Policy

This is to certify that this is an extract of what transpired during the Special Council Meeting held on the 29 March 2019

T. BIKITSHA

Initials & Surname
Council Speaker


Signature

05/06/2019
Date



PROPERTY RATES BY - LAW

Budget and Treasury Office
Cnr King and Mthatha Street
Butterworth
Telephone: (047) 401 2400
Facsimile: (047) 491 0195
Website. www.mnquma.gov.za

MNQUMA LOCAL MUNICIPALITY:
PROPERTY RATES BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Mngquma Local Municipality enacts as follows—

Table of Contents

- 1 Definitions
- 2 Principles and Objectives
3. Adoption and implementation of rates policy
4. Contents of rates policy
- 5 Implementation and enforcement of rates policy
6. Appeal
7. Offences and penalties
- 8 Repeal of by-laws
9. Short title and commencement
- 10 Authentication

1. Definitions

In this By-Law, the English text prevails in the event of any conflict with the Afrikaans text, and, unless the context otherwise indicates —

"Constitution" means the Constitution of the Republic of South Africa 1996;

"Customer Care and Revenue Management By-Law" means the municipality's Customer Care and Revenue Management By-Law as required by sections 96(b), 97 and 98 of the Municipal Systems Act, 32 of 2000

"municipality" means the Municipality of Mngquma Local, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorized agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"municipality's rates policy" means a rates policy adopted by the municipality in terms of this ByLaw;

"Property Rates Act" means the Local Government: Municipal Property Rates Act, 6 of 2004;

"rate" or "rates" means a municipal rate on property as envisaged in section 229 of the Constitution, and

"rates policy" means the rates policy as adopted and amended by the municipality from time to time.

2. Principles and Objectives

(1) Section 229(1) of the Constitution authorizes a municipality to impose rates on property and surcharges on fees for services provided by or on behalf of the municipality.

(2) In terms of section 3 of the Property Rates Act, a municipal council must adopt a policy consistent with the Property Rates Act on the levying of rates on rateable property in the municipality.

(3) In terms of section 6(1) of the Property Rates Act, a municipality must adopt by-laws to give effect to the implementation of its rates policy.

(4) In terms of section 6(2) of the Property Rates Act, by-laws adopted in terms of section 6(2) may differentiate between different categories of properties; and different categories of owners of properties liable for the payment of rates.

3 Adoption and implementation of rates policy

(1) The municipality must adopt and implement a rates policy consistent with the Property Rates Act on the levying of rates on rateable property in the municipality.

(2) The municipality shall not be entitled to levy rates other than in terms of a valid rates policy.

4 Contents of rates policy

The municipality's rates policy shall, inter alia ⁽¹⁾ apply to all rates levied by the municipality pursuant to the adoption of the municipality's annual budget;

(2) comply with the requirements for: -

(a) the adoption and contents of a rates policy specified in section 3 of the Property Rates Act;

(b) the process of community participation specified in section 4 of the Property Rates Act,

- (c) the annual review of a rates policy specified in section 5 of the Property Rates Act;
- (3) specify any further principles, criteria and implementation measures consistent with the Property Rates Act for the levying of rates which the municipality may wish to adopt;
- (4) include such further enforcement mechanisms, if any, as the municipality may wish to impose in addition to those contained in the Customer Care and Revenue Management By-Law.

5 Implementation and enforcement of rates policy

The municipality's rates policy shall be implemented and enforced through this by-law, the Customer Care and Revenue Management By-Law and any other enforcement mechanisms determined by the municipality.

6. Appeal

A person whose rights are affected by a delegated decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

7. Offences and penalties

A person who—

- (a) makes a false application or declaration which will affect the rates payable on any property whether on his or her own behalf or that of someone else,
- (b) refuses or fails to report any amendments to an application or declaration, referred to in paragraph (a), to the municipality after such occurrence; or
- (c) interferes or hinders an official of the municipality in the execution of his or her duties in terms of this by-law, is guilty of an offence and is liable to a fine as approved by the Chief Magistrate of the District in a fine schedule or to imprisonment for a period not exceeding three years

8 Repeal of by-laws

The following by-laws and any other provision in any other by-law that is inconsistent with the provisions of this by-law are hereby revoked.

Provincial Notice No.	Title	Extent of repeal

9. Short title and commencement

This By-law shall be known as the Mquma Local Municipality Property Rates By-law and will become effective on the date of publication.

10. Authentication

The By - law was adopted by council on the 30 May 2019 as per resolution number SCM8/19/007.2.2.1

Sign-off

S. MAHLASELA
MUNICIPAL MANAGER

CLLR S. NCETEO
EXECUTIVE MAYOR



PROPERTY RATES POLICY

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TABLE OF CONTENTS

Contents	Page
1. Preamble.....	3
2. Definitions and abbreviations.....	3
3. Legislative framework.....	12
4. Application of the policy.....	13
5. Consultation.....	13
6. Objectives of the policy.....	13
7. Policy principles.....	14
8. Application procedures.....	15
9. Categories of properties.....	15
10. Categories of owners.....	16
11. Multiple use of properties.....	16
12. Differential rating.....	17
13. Exemptions.....	19
14. Rebates.....	19
15. Reductions.....	22
16. Property register.....	23
17. Notification of rates.....	23
18. Consultation process.....	24
19. Furnishing of accounts.....	24
20. Payment of rates.....	24
21. Adjustment of rates prior to supplementary valuation.....	26
22. Frequency of valuations.....	26
23. Policy audit and review.....	26
24. Approval of policy.....	27

1. PREAMBLE

WHEREAS the municipality seeks to secure sound and sustainable management of the financial affairs.

WHEREAS there is a need to provide local government and access to a sufficient and buoyant source of revenue necessary to fulfil its development responsibilities.

WHEREAS income derived from property rates is a critical source of revenue for the municipality to achieve its constitutional objectives.

WHEREAS it is essential that the municipality exercises its powers to impose rates within a statutory framework that not only enhances certainty, uniformity and simplicity across the nation, but also takes into account historical imbalances and the rates burden on the poor.

NOW THEREFORE be it enacted by Council as **PROPERTY RATES POLICY**.

2. DEFINITIONS AND ABBREVIATIONS

In this policy, definitions, words and expressions have the same meanings as assigned to them in the Act, and unless the context indicates otherwise:

Definition

Name	Definition
'6Act"	Local Government Municipal Property Rates Act No. 6 of 2004 and any amendment thereof;
"Agent"	in relation to the owner of a property, means a person appointed by the owner of the property: (a) to receive rental or other payments in respect of the property on behalf of the owner; or (b)to make payments in respect of the property on behalf of the owner;
"Agricultural property"	Means a property that is used primarily for agricultural purposes but, without derogating from section 9, excludes any portion thereof that is used commercially for the hospitality of guests, and excludes the use of the property for the purpose of ecotourism or for trading in hunting of game,
"Annually"	once every financial year;

"Bona Fide Farmer"	a genuine or real full time farmer who owns land that is used bona fide, predominantly and exclusively by him or his occupiers for agricultural purposes and whose dominant income is generated by the production of crops, fruits, vegetables, ornamental and flowering plants, dairy life, stock, poultry and all other forms of agricultural products on the specific property in question defined under the category "farm property or small holding used for agricultural purpose (bona fide farming)";
"Business And Commercial Property"	(a) property used for the activity of buying, selling or trading in commodities or services and includes any office or other accommodation on the same property, the use of which is incidental to such activity; or (b) property on which the administration of the business of private or public entities take place:
"Calendar Year"	12 consecutive months of a financial year(s);
"Category"	in relation to a property, means a category of properties determined in terms of section 8(2) of the Act; (a) in relation to the owners of property, means a category of owners determined in terms of section 15(2) of the Act; headed household where both parents are deceased and where all occupants of the property are children of the deceased and are all under age to contract services and are considered as minors in law by the state..
"Child-Headed Household"	
"Conservation Area"	(a) a protected area as listed in section 10 of the Protected Areas Act No.57 of 2003 (b) a nature reserve established in accordance with the Natural and Environment Conservation Ordinance, No 19 of 1974 or (c) any land area zoned as open area zone III in accordance with the municipality's zoning scheme regulations; provided that such protected areas, nature reserves or land areas, with the exception of tourism facilities that may be erected thereupon, be used exclusively for the conservation of the fauna and flora and the products of those land areas may not be traded for commercial gain;
"Consolidated Development"	"Dwelling"

"Exclusion"	complies with the following criteria:-
"Exemption"	(a) is used primarily for the cultivation of soils for purposes of planting and harvesting of crops; forestry in the context of the planting or growing of trees in a managed and structured fashion; the reproduction of livestock and game or the breeding and harvesting of fish, but excludes the use of a property for the purpose of eco-tourism; and in the respect of property on which game is reared, trade or hunted, it excludes any portion that is used for commercial or business purposes;
"Farm Property Or Small Holding Used For Agricultural Purpose (Bona Fide Farmer)"	(b) excludes the use of the property as a residential life style farm as defined per the definition of a residential lifestyle farm;
"Farm Property Or Small Holding Not Used For Any Purpose"	(b) Farming activities includes only those activities carried on by a farmer on his own land from which he derives sustainable income. Farming operations does not include activities merely as an interest or an enjoyable way of life but there should be a genuine intention to derive profit;
"Financial Year"	(c) in this definition such properties could also be included within the urban edge of a town;
refers to properties with building which overlap on more than two Erven and on which a single account can be created.	agricultural property or an agricultural zoned land which is not used for farming purposes, regardless of whether such portion of such property has a dwelling on it which is used as a dwelling and must be regarded as residential property;
means a building, structure or place of shelter to live in or conduct business from.	the period starting from 1 July in a year to 30 June the following year;
in relation to a Municipality's rating power, means a restriction of that power as provided for in sections 16 and 17 of the Act;	
in respect of the calculation of a rate means an exemption granted in terms of section 15(1)(a) of the Act;	
means property, including the various structures thereon, that	

UIndigent"	a person as determined by the adopted indigent Policy of the municipality.
"Industrial Property"	
"Land Reform Beneficiary"	property used for construction, repair trade or manufacturing, production, assembly or processing of finished or partially finished products from raw materials or fabricated parts on such a large scale that capital and labour are significantly involved, and includes any office or other accommodation on the same property, the use of which is incidental to such activity;
"Land Tenure Right"	in relation to a property, means a person who - (a) acquired the property through — (i) the Provision of Land and Assistance Act No. 126 of 1993; or (ii) the Restitution of Land Rights Act No. 22 of 1994; (b) holds the property subject to the Communal Property Associations Act Nov 28 of 1996; (c) holds or acquires the property in terms of such other land tenure reform legislation as may pursuant to section 25 (6) and (7) of the Constitution of the Republic of South Africa Act No. 108 of 1996 be enacted after this Act has taken effect.
"Local Community"	an old order right or a new order right as defined in Section 1 of the Communal Land Rights Act No. 11 of 2004.
"Local Municipality"	in relation to the Municipality — (a) means that body of persons comprising — (i) the residents of the Municipality; (ii) the rate payers of the Municipality; (iii) any civic organisations and nongovernmental, private sector or labour organisations or bodies which are involved in local affairs within the Municipality; and (iv) visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the Municipality; and (b) includes, more specifically, the poor and other deprived sections of such body of persons;
	a municipality that shares municipal executive and legislative authority in its area with a district Municipality within whose area it falls and which is described in section 155(1) of the Constitution of the Republic of South Africa Act No,108 of 1996 as a category B Municipality;

"Market Value"	the value of the property determined in accordance with section 46 of the Act;
"Multiple Purposes"	in relation to a property, means the use of a property for more than one purpose as intended in section 9 of the Act;
"Municipal Council" Or "Council"	is a municipal council referred to in section 18 of the Municipal Structures Act No. 117 of 1998;
"Municipal Manager"	a person appointed in terms of section 82 of the Municipal Structures Act No. 117 of 1998;
"Municipal Property"	In relation to Section 7.2 refers to a property registered in the name of the Mquma Local Municipality, used/leased by the municipal and where there are no deeds of sale between the municipality and a buyer.
"Municipality"	Mquma Local Municipality as determined by the Constitution of the Republic of South Africa Act No. 108 of 1996 Section 155 (6)
"Newly Rateable Property"	any rateable property on which property rates were not levied before the end of the financial year preceding the date on which this Act took effect, excluding - <ul style="list-style-type: none"> (a) a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date; and (b) a property identified by the Minister by notice in the Gazette where the phasing-in of a rate is not justified.
"Non-Residential Property"	All properties (including all undeveloped properties) other than those identified as residential.
"Occupier"	in respect of a property means a person in actual occupation of a property, whether or not that person has a right to occupy the property;
"Open Space"	land that is used as a park, garden, for passive leisure or maintained in its natural state and that is zoned as open space;
"Owner"	in relation to a property referred to in paragraph (a) of the <p>Definition of "property", means a person in whose name ownership of the property is registered;</p> <ul style="list-style-type: none"> (a) in relation to a right referred to paragraph (b) of the definition of "property" means a person in whose name the right is registered; (b) in relation to a land tenure right referred to in paragraph (c) of the definition of "property" means a person in whose name the right is registered or to whom it was granted in terms of legislation; or

(c) in relation to public service infrastructure referred to in paragraph (d) of the definition of "property", means the organ of state which owns or controls that public service infrastructure, as envisaged in the definition in the Act of the term "publicly controlled" provided that a person mentioned below may for the purposes of this Act be regarded by a Municipality as the owner of a property in the following cases:-

(i) a trustee, in the case of a property in a trust, excluding state trust land;

(ii) an executor or administrator, in the case of a property in a deceased estate (the applicant must produce a letter from the Master of the Court or appropriate legal proof to substantiate the appointment);

(iii) a trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;

(iv) a judicial manager, in the case of a property in the estate of a person under judicial management;

(v) a curator, in the case of a property in the estate of a person under curatorship;

(vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude (the applicant must produce a letter from the Master of the Court or appropriate legal proof to substantiate the appointment);

(vii) a lessee, in the case of a property that is registered in the name of a Municipality and is leased by it;

(viii) a buyer, in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

"Permitted Use"

in respect of a property means the limited purposes for which a property may be used in terms of the following — (a) any restrictions imposed by: (i) a condition of title; or ii) a provision of a town planning or land use scheme; or (iii) any legislation applicable to any specific property or properties; or (b) any alleviation of any such restrictions;

"Private Open Space"	land that is privately owned and used for practising of sport, player leisure facilities without financial gain or used as a botanical garden, cemetery or nature area and which is joined as Private Open Space;
"Property"	<ul style="list-style-type: none"> a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person; b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property; c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or d) public services infrastructure;
"Property Register"	a register of properties referred to in Section 23 of the Act;
"Public Service Infrastructure"	<p>means publicly controlled infrastructure of the following kinds:</p> <p>national, provincial or other public roads on which goods, services Or labour move across a municipal boundary;</p> <ul style="list-style-type: none"> a) power stations, power substations or power lines forming part of an electricity scheme serving the public; b) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels; c) railway lines forming part of a national railway system; d) communication towers, masts, exchanges or lines forming part of a communications system serving the public; e) runways or aprons at national or provincial airports; f) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or
"Public Service Purposes" -	aids, buoys, beacons or any other device or system used to
" Rate"	assist the safe and efficient navigation of vessels; any other
"Rateable Property"	publicly controlled infrastructure as may be prescribed; or
"Rebate"	g) Rights of way, easements or servitudes in connection with
"Reduction"	infrastructure mentioned in paragraphs (a) to (i).
navigational aids	property owned and used by an organ of state for the rendering
comprising lighthouses, radio	of the following services directly to the public: -
navigational	<ul style="list-style-type: none"> a) hospitals and public clinics;

b) schools, including pre-schools, early childhood development centres and further education and training colleges;

c) libraries;

d) police station;

e) prisons; or

f) courts of law; but excludes property contemplated in the definition of Public service infrastructure.

a municipal rate on a property envisaged in Section 229(1)(a) of the Constitution

of the Republic of South Africa Act No. 108 of 1996;

property on which a Municipality may in terms of Section 2 of the Act levy a rate, excluding property fully excluded from the levying of rates in terms of Section 17 of the Act;

in relation to a rate payable on a property, means a discount granted in terms of Section 15 of the Act on the amount of the rate payable on the property;

in respect of a rate payable on a property, means the lowering of the amount for which the property was valued and the rating of that property at that lower amount;

means improved property that:

- (a) is included in the valuation roll in terms of Section 48(2)(b) as residential in respect of which the primary use or permitted use is for residential purposes, including any adjoining property registered in the name of the same owner and used together with

such residential property as if it were one property.

Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes, if still used dominantly for residential purposes; or

a) is a unit registered in terms of the Sectional Title Act No. 95 of 1986 and is used predominantly for residential purposes; or

b) is owned by a share-block company and is used predominantly for residential purposes; or

c) is a residence used for residential purposes situated on a property used for or related educational purposes; or

Vacant properties (empty stands), hostels, flats and accommodation establishments, irrespective of their zoning or intended use, have been specifically excluded from this property category;

Owners or tenants of farms and small holdings with a residential component and with no or limited agricultural activities will be rated at the residential rate and receive the valuation reduction for residential properties;

	<p>If 40% or more of the extent of farms or small holdings is being used for commercial, business or industrial purposes (such as truck depots, construction yards or factories), these properties do not qualify for the residential rate, any rebates or valuation reductions;</p> <p>If less than 40% of the extent of farms or small holdings is being used for commercial, business or industrial purposes and where the municipal valuer considers it reasonable to apply the category for multiple-use properties, the apportionment of value for each distinct use of the property will be calculated by the municipal valuer and used for billing the applicable rate;</p>
"Residential Lifestyle Farm"	<p>non-urban domestic properties, previously defined for rates purpose as agricultural, predominantly used by the occupier(s), thereof for residential purposes and where the remaining Agricultural land on which the dwelling is situated, is not used for any bona fide farming activities as defined in the definition of bona fide farmer/ farming activities. Such properties also do not require the existence of a dwelling or any improvements thereon;</p>
"Small Holding"	<p>a) all agricultural zoned land units situated within an urban region with an area of one to three hectares; or</p> <p>b) any agricultural zoned land unit situated outside an urban region with an area of three hectares or less;</p>
"State Owned Property"	<p>Property owned by the State, which are not included in the definition of public service infrastructure in the Act. These properties are classified as follows:-</p> <p>a) State properties that provide local services;</p> <p>b) State properties that provide regional/municipal districtwide/metro-wide services; or</p> <p>c) State properties that provide a provincial/national service; and excludes any property included in the valuation roll under the category 'residential property' or 'vacant land';</p>

"Vacant Property"

Any land without any improvements thereon. Vacant land can be classified as follows:-

- a) Residential vacant, means a property included in a valuation roll in terms of Section 48(2) of the Act (read with Section 8) as vacant.
- b) Business or commercial vacant means a property included in a valuation roll in terms of Section 48(2) of the Act (read with Section 8) as business or commercial vacant.
- c) Industrial vacant, means a property included in a valuation roll in terms of Section 48(2) of the Act (read with Section 8) as industrial vacant.

Abbreviations

SV:	Supplementary Valuation
CFO:	Chief Financial Officer
PBO:	Public Benefit Organisation
LED:	Local Economic Development

3. LEGISLATIVE FRAMEWORK**3.1 The Constitution of the Republic of South Africa, Act No. 108 of 1996, section 229 (1) states that:**

"Municipal fiscal powers and functions (1) subject to subsection (2), 3 & 4 a municipality may impose:

3.1.1 rates on property and surcharges charges on fees for services provided by or on behalf of the municipality, and be

3.1.2 If authorised by national legislation, other taxes, levies and duties appropriate to local government or to the category of local government into which that municipality falls, but no municipality may impose income tax, value added tax, general sales tax or custom duty".

3.2 **Local Government Municipal Property Rates Act No 6 of 2004 2 states that:** "Power to levy rates (1) a metropolitan or local municipality may levy a rate on property in its area.

A municipality must exercise its power to levy a rate on property subject to:

3.2.1 Section 229 and any other applicable provision of the constitution

3.2.2 the provisions of this act, and

3.2.3 The rates policy it must adopt in terms of section 3 Annual reviews of rates policy — (1) municipal council must annually review and if necessary amend its rates policy. Any amendments to a rates policy must accompany the municipality's annual budget when it is tabled and council in terms of section 16 (2) of the Municipal Finance Management Act".

3.3 **Local Government Municipal Finance Management Act No. 56 of 2003 section 62 (1) (f) (ii) states that:** "General financial management functions the municipality has and implement — a rates policy as may be required in terms of any applicable national legislation"

3.4 **Local Government Municipal Systems Act No. 32 of 2000, section 4 (1) (c) states that:** "The council of a municipality has the right to — finance the affairs of the municipality by:

3.4.1 Charging fees for services, and

3.4.2 Imposing surcharges on fees, rates on property and, to the extent authorised by national legislation, other taxes, levies and duties"

3.5 **The Policy Framework is inked to the following:**

3.5.1 Revenue Enhancement Strategy

3.5.2 Budget Policy

3.5.3 Indigent Policy

3.5.4 Asset Management Policy

3.5.5 Credit Control and Debt Management Policy

3.5.6 Tariff Policy

4. **APPLICATION OF THE POLICY**

In imposing the rate in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners as allowed for in this policy document.

5. **CONSULTATION**

Relevant stakeholders shall be consulted in development and review of this policy, namely: Directorates, Management, SAMWU, IMATU, and Council

6. **OBJECTIVES OF THE POLICY**

The objectives of this policy are:

6.1 to comply with the provisions of Section 3 of the **Act**;

6.2 **To determine criteria to be applied for:**

6.2.1 levying differential rates for different property categories;

6.2.2 exemptions;

6.2.3 reductions;

6.2.4 rebates; and

6.2.5 Rate increases.

6.3 **To determine or provide criteria for the determination of the following:**

6.3.1 property categories for the purpose of levying different rates; and

6.3.2 categories of owners of properties for the purpose of granting exemptions, rebates and reductions;

- 6.3.3 to determine how the Municipality's power should be exercised in terms of multiple-used properties;
- 6.3.4 to identify and quantify the following for the Municipality in terms of costs and the benefit for the community
 - 6.3.4.1 exemptions, rebates and reductions; and
 - 6.3.4.2 exclusions.
- 6.3.5 to take into account the effect of rates on the indigent;
- 6.3.6 to take into account the effect of rates on organisations that perform activities for public benefit;
- 6.3.7 to take into account the effect of rates on the public services infrastructure;
- 6.3.8 to determine measures for promoting local economic and social development; and
- 6.3.9 To identify all rateable revenue not being rated.

7. POLICY PRINCIPLES

- 7.1 Apart from meeting legislative requirements, this policy also emanates from the objectives determined in Council's Revenue Enhancement Strategy.
- 7.2 The levying of rate on a property is an exclusive right of the Municipality which will be exercised:
 - 7.2.1 Optimally and comprehensively within the Municipality, and
 - 7.2.2 With consideration of the total revenue source of the Municipality.
- 7.3 The rating of properties will be done independently, justly, equitably and without prejudice and this principle will also be applied with the determination of criteria for exemptions, reductions and rebates as provided for in Section 15 of the Act.
- 7.4 The levying of property rates must be implemented in such a way that:
 - 7.4.1 it is aimed at development;
 - 7.4.2 it promotes sustainable local government by providing a stable and constant revenue source within the discretionary control of the Municipality; and
 - 7.4.3 It promotes social and local economic development.
- 7.5 **Property rates will be levied to:**
 - 7.5.1 Correct the imbalances of the past;
 - 7.5.2 Minimise the effect of rates on the indigent.
- 7.6 Property rates will be used to finance community and subsidised services.
- 7.7 The market value of a property serves as basis for the calculation of property rates.
- 7.8 The rate tariff will be based on the value of all rateable properties and the amount the Municipality needs to fund community and subsidised services, after taking into account the amounts required to finance exemptions, rebates and reductions of rate, as approved by Council from time to time.

8. APPLICATION PROCEDURES

8.1 Municipal Manager

8.1.1 The Accounting Officer must inform Council during the budgeting process of all the costs associated with the proposed exemptions, rebates, reductions, phasing-in of rates and grants in the place of rates.

8.1.2 Municipal Manager will delegate Chief Financial Officer to implement the policy.

8.2 Chief Financial Officer

8.2.1 The Chief Financial Officer will be responsible for the implementation of the policy.

9. CATEGORIES OF PROPERTIES

9.1 Subject to Section 19 of the **Act**, Mquma Local Municipality may, in terms of the criteria set out in its Property Rates Policy, levy different rates for different categories of rateable properties, determined in subsection (8.2) and (8.3), which must be determined according to:

9.1.1 The use of the property;

9.1.2 permitted use of the property; or

9.1.3 a combination of (a) and (b)

9.2 Categories of rateable property that may be determined in terms of paragraph 8.1 provided such property category exists within the municipal jurisdiction:

9.2.1 Residential Properties

9.2.2 Industrial properties

9.2.3 Business and Commercial Properties

9.2.4 Agricultural properties

9.2.5 Mining properties

9.2.6 properties owned by an organ of state and used for public service purposes;

9.2.7 Public service infrastructure properties;

9.2.8 properties owned by public benefit organisations and used for specified public benefit activities;

9.2.9 properties used for multiple purposes, subject to section 9; or

9.2.10 Municipal Properties

9.2.11 Private Open Space

9.2.12 Such other categories as may be determined by the Council from time to time.

9.2.13 any other category of property as may be determined by the Minister, with the concurrence of the Minister of Finance, by notice in the Gazette

9.3 In determining the category of a property referred to in 9.1 the municipality shall take into consideration the dominant use of the property, regardless the formal zoning of the property.

9.4 Properties used for multiple purposes shall be categorised and rated as provided for in Section 9 of the Act and as more fully described in Clause 10 of this policy.

10. CATEGORIES OF OWNERS

- 10.1 For the purpose as described in Section 2.1 (c) (ii) of the policy the following categories of owners will be recognised in terms of Section 15(2) of the Act:
- 10.1.1 Those owners who qualify and who are registered as indigent in terms of the adopted Indigent Policy of the Municipality;
- 10.1.2 Those owners who do not qualify as indigents in terms of the adopted Indigent Policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget
- 10.2 **Owners of properties situated within an area affected by:**
- 10.2.1 a disaster within the meaning of the Disaster Management Act No. 57 of 2002; or
- 10.2.2 Owners of residential properties with a market value below the amount as determined annually by the Council;
- 10.2.3 Owners of agricultural or smallholdings properties as referred to in clause 13.1*2 of this policy;
- 10.2.4 Owners of agricultural properties as referred to in Clause 14.1.2 ; and
- 10.2.5 Child headed household where both parents are deceased and where all occupants of the property are children of the deceased and are all under age to contract services and are considered as minors in law by the state.
- 10.2.6 Owners of developed properties not yet sold and transferred.

11. MULTIPLE USE OF PROPERTIES

- 11.1.1 Properties used for multiple purposes may be included into the category of multiple-use properties, as per Section 9(1) of the Act.
- 11.1.2 An apportionment of the market value for each distinct use of the property will be calculated by the municipal valuer and used for billing at the appropriate and applicable rate.
- 11.2 If the market value of the property cannot be apportioned to its various use purposes, then such a property must be categorised as either:-
- 11.2.1 the entire property can be categorised in terms of the permitted use of the property; or
- 11.2.2 the entire property can be categorised in terms of the dominant (main or primary) use; or
- 11.2.3 multiple purposes in terms of Section 9(1)(c) of the Act; and
- 11.2.4 Applying the relevant cent amount in the rand to the corresponding apportioned market value in accordance with the category determined.
- 11.3 If the dominant use of the property differs from the permitted use of the property, the **Jn - mination** will only be applicable for the levying of property rates. However this does not **aut01int•c** approval of the use of the property other than the use approved in the town.

12. DIFFERENTIAL RATING

- 12.1 Criteria for differential rating on different categories of properties in terms of Section 9(1) of the Act will be according to:

- 12.1.1 the nature of the property including its sensitivity to rating, e.g. agricultural properties used for agricultural purposes; and
- 12.1.2 The promotion of social and economic development within the Municipality.
- 12.2 Differential rating among the various property categories will be done by way of setting a different cent amount in the rand for each property category; and
- 12.2.1 By way of reductions and rebates as provided for in this policy document.

13. EXEMPTIONS

13.1 Categories of properties

13.1.1 The following property categories are exempt from the payment of property rates:

13.1.1.1 Municipal properties

Municipal properties are exempted from paying property rates. However, where municipal properties are leased, the lessee will be responsible for the payment of determined assessment rates in accordance with the lease agreement.

13.1.1.2 Residential properties

All residential property with a market value of less than the amount as annually determined by the Municipality, are exempted from paying property rates. The maximum amount is determined as R20 000. The impermissible rates of R1 5 000 contemplated in terms of Section 17(1)(h) of the Act are included in the amount as referred to above as annually determined by the Municipality. The remaining R5 000 is aimed primarily at alleviating poverty and forms an important part of the Municipality's Indigent Policy.

13.1.1.3 Public Service Infrastructure

Is exempted from paying rates as it provides essential services to the community.

13.1.1.4 Public Benefit Organisations Public Benefit Organisation Property

Means property owned by public benefit organisations and used for any specified public benefit activity listed in item 1 (welfare and humanitarian), item 2 (health care), and item 4 (education and development) of part 1 of the Ninth Schedule to the Income Tax Act No. 58 of 1962.

13.1.2 Exemptions in 9.1.1 (a) to 13.1.1. (c) Will automatically apply and no application is thus required by the owners of such property.

13.1.3 All possible benefiting organisations in clause 13.1.1.(d) must apply annually, by 31 August, for exemption for the financial year in respect of which the application is made. If the exemption applied for is approved the exemption will be valid for the full financial year. Applications received after 31 August for the financial year in respect of which the application is made will only be applied for the remainder of that financial year if approved.

13.1.4 A rate-exemption certificate as issued by the South African Revenue Service (SARS), as contemplated in terms of Part I of the Ninth Schedule to the Income Tax Act, Act No 58 of 1962, must be submitted together with the application.

13.1.5 Any right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property; is exempted from paying rates.

- 13.1.6 The Municipality retains the right to refuse the application for exemption if the details supplied in the application were incomplete, incorrect or false.

13.2 **Impermissible Rates**

In terms of Section 17(1) of the Act, the Municipality may, inter alia, not levy rates:

- 13.2.1 On those parts of a special nature reserve, national park or nature reserve within the meaning of the National Environmental Management: Protected Areas Act No. 57 of 2003, or of a national botanical garden within the meaning of the National Environmental Management

Biodiversity Act No. 10 of 2004, which are not developed or used for commercial, business, residential or agricultural purposes.

- 13.2.2 On mineral rights within the meaning of paragraph (b) of the definition for "property" in Section 1 of the Act.

- 13.2.3 On a property belonging to a land reform beneficiary or his or her heirs, provided that the exclusion lapses ten years from the date on which such beneficiary's title was registered in the deeds register.

- 13.2.4 On a property registered in the name of and primarily used as a place of public worship, including an official residence registered in the name of the church that is occupied by an office-bearer who acts as officiant of the church.

13.3 **Public Benefit Organisations (PBO's)**

- 13.3.1 Taking into account the effects of rates on PBO's performing a specific public benefit activity and if registered in terms of the Income Tax Act No. 58 of 1962 for tax reduction because of those activities, Public Benefit Organisations may apply for the exemption of property rates. Public Benefit organisations may include, inter alias:

13.3.1.1 **Welfare and humanitarian**

For example, PBO's providing disaster relief

13.3.1.2 **Health Care**

For example, PBO's providing counselling and treatment of persons afflicted with HIV and AIDS including the care of their families and dependents in this regard.

13.3.1.3 **Education and development**

For example, PBO's providing early childhood development services for pre-school children.

13.3.1.4 **Sporting bodies**

Property used by an organisation for sporting purposes on a non-professional basis.

13.1.1.5 **Cultural institutions**

Property used for purposes declared in terms of the Cultural Institutions Act No. 29 of 1969 or the Cultural Institutions Act No. 119 of 1998.

13.3.1.6 **Museums, libraries, art galleries and botanical gardens**

Property registered in the name of private persons, open to the public and not operated for gain.

13.3.1.7 Animal welfare

Property owned or used by organisations whose exclusive aim is to protect birds, reptiles and animals on a not-for-gain basis.

13.3.1.8 Cemeteries and crematoriums

Property used for cemeteries and crematoriums.

13.3.1.9 Welfare institutions

Properties used exclusively as an orphanage, non-profit retirement villages, old age homes or benevolent/charitable institutions, including workshops used by the inmates, laundry or cafeteria facilities; provided that any profits from the use of the property are used entirely for the benefit of the institution and/or to charitable purposes within the municipality.

13.3.1.10 Charitable institutions

Property owned or used by institutions or organisations whose aim is to perform charitable work on a not-for-gain basis.

13.3.2 All possible benefiting organisations in Clause 13.3.1 must apply annually for exemptions. At applications must be addressed in writing to the municipality by 31 August for the financial year in respect of which the rate is levied. If the exemption applied for is granted the exemption will apply for the full financial year.

13.3.3 Public benefit organisations must attach a SARS tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Part 1 of the Ninth Schedule of the Income Tax Act No. 58 of 1962 to all applications.

13.3.4 The municipality retains the right to refuse the exemption if the details supplied in the application form were incomplete, incorrect or false.

13.3.5 The extent of the exemptions implemented in terms of Clauses 13.1 to 13.3. Must annually be determined by the municipality and included in the annual budget.

14. REBATES

14.1 Categories of properties

14.1.1 Business, commercial and industrial properties

14.1.1.1 The Municipality may grant new business incentive rebates to rateable undertakings that promote local, social or economic development within the municipal jurisdiction. The following criteria will apply:

14.1.1.1.1 job creation in the municipal area;

14.1.1.1.2 social upliftment of the local community; and

14.1.1.1.3 Creation of infrastructure for the benefit of the community.

14.1.1.2 Council will consider all LED requests on an individual basis according to merits.

- 14.1.1.3 All applications must be addressed in writing to the municipality by 31 August for the financial year in respect of which the rate is levied. If the rebate is granted, the rebate will apply to for the full financial year.
- 14.1.2 **Agricultural property**
- 14.1.2.1 When considering the criteria to be applied in respect any exemptions, rebates and reductions on any properties used for agricultural purposes the Municipality must take into account:
- 14.1.2.1.1 the extent of rates-funded services rendered by the Municipality in respect of such properties;
- 14.1.2.1.2 the contribution of agriculture to the local economy;
- 14.1.2.1.3 the extent to which agriculture assists in meeting the service delivery and developmental objectives of the Municipality; and
- 14.1.2.1.4 the contribution of agriculture to the social and economic welfare of farm workers.
- 14.1.2.2 In terms of Section 84 of the Act the Minister responsible for local government, and in concurrence with the Minister of Finance as required through Section 19 of the Act, may determine that a rate levied by council on a category of non-residential property may not exceed a prescribed ratio to the tariff levied on residential properties. In the absence of any such promulgation the Municipality will apply a standard ratio for agricultural properties from 1:0.25 (25% rebates on the tariff for residential properties). Before the start of 2009/2010 financial year the Minister had promulgated a ratio of 1:0.25.
- 14.1.2.3 An additional rebate (based on the total property value) of maximum 10% will be granted by the Municipality in respect of the following:
- 14.1.2.3.1 2,5% for the provision of accommodation in a permanent structure to full-time farm workers and their dependents or families;
- 14.1.2.3.2 2.5% if these residential properties are provided with potable water;
- 14.1.2.3.3 2,5% if the residential properties of the farm workers are electrified;
- 14.1.2.3.4 2,50/0 for the provision of land for burial for own workers or for educational or recreational purposes to own workers and workers from surrounding farms.
- 14.1.2.4 **The granting of additional rebates is subject to the following:**
- 14.1.2.4.1 All applications must be addressed in writing to the Municipality indicating how service delivery and development obligations of the Municipality and contribution to the social and economic welfare of farm workers were met. This application will be required as a once-off requirement. All applications must be addressed in writing to the Municipality by 31 August of the financial year in respect of which the application is made. If the rebate applied for is granted the rebate will apply for the full financial year and such application will again be regarded as a once-off requirement. Any new applications must be addressed in writing to the Municipality by 31 August of the financial year in respect of which the application is made.
- 14.1.2.4.2 Applications received after 31 August for the financial year in respect of which the application is made will only be applied for the remainder of that financial year if approved.

- 14.1.2.4.3 Council reserves the right to send officials or its agents on an annual basis to premises/households receiving relief for the purposes of conducting an on-site audit of the details supplied. The onus also rests on recipients to immediately notify Council of any changes in their original applications.
- 14.1.2.4.4 The Municipality retains the right to refuse applications for rebates if the details supplied in the application form were incomplete, incorrect or false.
- 14.1.2.4.5 No other rebates will be granted to properties that qualify for the agricultural rebate. In order to avoid doubt, properties that qualify for the agricultural rebate will not be entitled to the residential rate exemption as set out in paragraph 13.1.1. (b) of this policy.
- 14.2 Categories of Owners**
- 14.2.1 Indigent owners**
- 14.2.1.1 The owners that qualify and are registered indigents in terms of the Municipality's policy for indigents receive a rebate on the payment of rates as specified in the Municipality's policy for indigents. Regardless of the value of the property, the rebate applicable for the financial year will be 100% of the applicable property tax payable. If qualifying in terms of the Municipality's policy for indigents this rebate will automatically be applied and no further application is necessary.
- 14.2.2 Rebates for retired and disabled persons**
- 14.2.2.1 Retired and disabled persons, not registered as indigents, qualify for special rebates in accordance with their monthly household income. Property owners who meet the following requirements may apply for a rebate:
- 14.2.2.1.1 The property must be registered in the name of the applicant or the usufruct of the property must be established in the name of the applicant
- 14.2.2.1.2 Must be at least sixty (60) years of age by 31 August of the financial year in respect of which the rate is levied or in receipt of a disability pension from the Department of Social Development.
- 14.2.2.1.3 The property owner may not be the owner of more than one property.
- 14.2.2.1.4 The owner must occupy the relevant property. Where the owner is unable to occupy the property due to no fault of his/her own, the spouse or minor children may satisfy the occupancy requirement.
- 14.2.2.1.5 The total monthly income from all sources (including income of spouse of owner) may not exceed the maximum total monthly income as determined by Council on an annual basis. For the financial year, the maximum income is set to be no more than two social grants combined.
- 14.2.2.1.6 If the owner is a disabled person who receives a disability grant from the government or a person who, due to medical reasons, had to take early retirement, the age requirement as in Section 14.22 (a)(ii) will not apply.
- 14.2.2.2 Property owners must apply for a rebate on a prescribed form as stipulated by the Municipality, and these applications must reach the Municipality by 31 August of the financial year in respect of which rates are levied. If the rebate applied for is granted, the

rebate will apply for the full financial year. Applications received after 31 August for the financial year in respect of which the application is made will only be applied for the remainder of that financial year if approved.

- 14.2.2.3 The Municipality retains the right to refuse the granting of rebates if the details supplied in the application were incomplete, incorrect or false.
- 14.2.2.4 Applications as intended in paragraph 14.2.2(b) must be accompanied by the following information:
 - 14.2.2.4.1 a certified copy of the identity document of the owner or any other proof of the owner's age which is acceptable to the Municipality;
 - 14.2.2.4.2 sufficient proof of income (prior to any deductions) of the owner and the his/her spouse;
 - 14.2.2.4.3 an affidavit from the owner;
 - 14.2.2.4.4 if the owner is a disabled person, satisfactory proof submitted to the Municipality that the relevant person receives a disability pension payable by the state; and
 - 14.2.2.4.5 proof of early retirement if the owner has retired at an earlier stage due to medical reasons.

14.2.3 **Child headed families**

- 14.2.3.1 Families headed by children will receive a 100% rebate for paying property tax. To qualify for this rebate, the head of the family must:-
 - 14.2.3.1.1 Occupy the property as his/her normal residence;
 - 14.2.3.1.2 Not be older than 18 years of age;
 - 14.2.3.1.3 Still be a scholar or unemployed, and
 - 14.2.3.1.4 Be in receipt of a total monthly income from all sources not exceeding two social grants combined.
- 14.2.3.2 The family head must apply on a prescribed application form for registration as a child headed household and must be assisted by the municipality with completion of the application form. If qualifying, this rebate will automatically apply and no further application is thus required.

15. **REDUCTIONS**

- 15.1 Reductions as contemplated in Section 15 of the Act will be considered on an ad-hoc basis in the event of the following:-
 - 15.1.1 Partial or total destruction of a property; or
 - 15.1.2 Disasters as defined in the Disaster Management Act No. 57 of 2002.
- 15.2 The following conditions shall be applicable in respect of clause 11.1:
 - 15.2.1 The owner of the property referred to in clause 15.1.1 shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the Municipality that his property has been totally or partially destroyed He/ she will also have to indicate to what extent the property can still be used and the impact on the value of the property.
 - 15.2.2 Applications must reach the municipality before the end of May prior the start of the new municipal financial year for which relief is sought;

- 15.2.3 Owners of property referred to in clause 15.1.2 will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act No. 57 of 2002.
- 15.2.4 If rates were paid in advance prior to granting of a reduction the Municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.
- 15.3 The municipality retains the right to refuse exemptions if the details supplied in the application from where incomplete, incorrect or false.

16. PROPERTY REGISTER

- 16.1 A property register, divided into Sections A and B, regarding all properties in the municipal jurisdiction, must be compiled and maintained by the Municipality.
- 16.2 Section A of the register will consist of the current valuation roll of the Municipality and will include all supplementary valuations, as done from time to time.
- 16.3 Section B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:
- 16.3.1 exemption from rates in terms of Section 15 of the Act;
- 16.3.2 a reduction or rebate in terms of Section 15 of the Act;
- 16.3.3 the phasing in of tariffs in terms of Section 21 of the Act; and
- 16.3.4 exclusions as referred to in Section 17 of the Act.
- 16.4 The register will be open for inspection by the public during office hours at the head office of the Municipality or on the internet website of the Municipality.
- 16.5 Section A of the register will be updated at least annually by the Municipality during the supplementary valuation process.
- 16.6 Section B of the register will be updated annually as part of the implementation of the Municipality's annual budget

17. NOTIFICATION OF RATES

- 17.1 Council will give notice at least 30 days before the rate approved during the annual budget meeting will come into effect. Accounts furnished after the 30 days' notice will be based on the new rates.
- 17.2 A notice containing the extent of council's resolution and the date on which the new rate will come into effect will be displayed by the Municipality at places installed for this purpose.

18. CONSULTATION PROCESS

- 18.1 Before Council commands a new valuation in terms of the Act, a consultation process involving all interest groups will be undertaken during which the purpose and method of valuation will be explained.
- 18.2 Before the Municipality accepts the Property Rates Policy the Accounting Officer will follow a process of public participation, as prescribed in chapter 4 of the Municipal Systems Act No. 32 of 2000.

19. FURNISHING OF ACCOUNTS

- 19.1 The Municipality will furnish each person liable for the payment of a rate with a written account, specifying:
- 19.1.1 the amount due for rates payable;
 - 19.1.2 the date on or before which the amount is payable;
 - 19.1.3 how the amount was calculated;
 - 19.1.4 the market value of the property; and
 - 19.1.5 exemptions, reductions and rebates or the phasing-in of rates, if applicable.
- 19.2 A person liable for the payment of rates remains liable for payment, whether or not that person has received a written account from the Municipality. Enquiries must be addressed to the Municipality by such a person who has not received a written account.
- 19.3 In the case of joint ownership the Municipality will, upon request, furnish written accounts to one or more individual owners.
- 19.4 In the case of joint ownership the Municipality may, in order to limit costs and prevent unnecessary administration, recover the rates continuously from one of the joint owners.

20. PAYMENT OF RATES

- 20.1 Council may claim the payment of rates:
- 20.1.1 on a monthly basis; or
 - 20.1.2 annually before 30 September of each year.
- 20.2 Rate payers may choose to pay rates in one instalment annually on or before 30 September of each year. The property owner subject to rates must notify the municipal manager or his/her nominee by no later than 30 June in any financial year, or such later date in the financial year as determined by the Municipality, that he/she wishes to pay all rates in respect of such a property in annual instalments after which such an owner shall be entitled to pay all rates in the subsequent financial year and all subsequent financial years annually until he/she withdraws this notice in similar manner.
- 20.3 If a rate is payable:
- 20.3.1 in a single amount annually, it must be paid on or before a date determined by the Municipality.
 - 20.3.2 in instalments, it must be paid on or before a date in each period determined by the Municipality.
- 20.4 Interest on rates in arrear, whether paid annually or in equal monthly instalments, shall be calculated in accordance with the provisions of the Municipality's Credit Control and Debt Management Policy.
- 20.5 If a property owner who in terms of this policy is liable for the payment of property rates fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Municipality's by-law on credit control and debt collection.

- 20.6 Rates in arrear shall be recovered from tenants, occupiers and agents for the owner in terms of Section 28 and 29 of the Act and the Municipality's policy on credit control and debt collection.
- 20.7 In the event of rates levied emanating from a supplementary valuation, payment thereof will be according to the date determined by the Municipality and payment thereof may not be withheld pending an objection or appeal as determined by Section 78(2) of the Act.
- 20.8 In the event that a property has been transferred to a new owner and rates emanating from a supplementary valuation become due and payable, the owner on date of the levy will be held responsible for the settlement of the interim rates account.
- 20.9 Where the rates on a specific property have been incorrectly determined, whether because of an error or omission on the part of the Municipality or false information provided by the property owner concerned, or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be adjusted retrospectively for the period of the date on which the error or omission is detected, back to the date on which rates were first levied in terms of the current valuation roll.
- 20.10 Where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.
- 20.11 Rates Clearance Certificates:
- 20.11.1 will be valid for up to 60 days;
- 20.11.2 no extension on a certificate will be granted. If it expires a new application for clearance must be made;
- 20.11.3 if the valid period surpasses 30 June, the total annual debit for the following financial year will be payable; and
- 20.11.4 outstanding services and taxes on properties may only be recovered for a maximum period of two years.

21. ADJUSTMENT OF RATES PRIOR TO SUPPLEMENTARY VALUATION

- 21.1 In circumstances where a valuation has been carried out by the municipal valuer in pursuance of a Supplementary Valuation (SV) in terms of Section 78(1)(d) or 78(1)(f) of the Act as a result, for example of a demolition having taken place on a property or a fire having destroyed buildings on a property, but the Municipality has not yet included such valuation of the relevant property in a SV, such valuation shall be submitted to the Accounting Officer for approval to levy rates on the property in accordance with such valuation, with effect from the date of the occurrence of the event which caused a SV to be required.
- 21.2 If the owner of a property which has been subdivided or consolidated after the last general valuation wishes to sell the consolidated erf, or one or more of the erven which have been subdivided off the parent erf, as the case may be, applies to the Municipality for a clearance

certificate in terms of Section 118 of the Municipal Systems Act No. 32 of 2000 and if the Municipality has not yet included such valuation of the relevant property(ies) in a SV, then:

- 21.2.1 the municipal valuer shall conduct a valuation of the relevant property(ies) for purposes of a SV; and
- 21.2.2 the valuation shall be submitted to the Accounting Officer for approval of the levying of rates on such property(ies) in accordance with such valuation, with effect from the date on which the relevant subdivision or consolidation (as the case may be) was registered in the Deeds Office.
- 21.3 Any valuations performed in terms of paragraph 21 shall be included in the next SV prepared by the Municipality without any amendments to the valuation and any objections to such valuation may only be lodged once such SV is made public in terms of Section 49 of the Act.

22. FREQUENCY OF VALUATIONS

- 22.1 The Municipality shall prepare a new valuation roll at least every four (4) years.
- 22.2 In accordance with the Act the Municipality, under exceptional circumstances, may request the EC responsible for Local Government, to extend the validity of the valuation roll to five (5) years.
- 22.3 Supplementary valuations shall be done on a continual basis, but at least on an annual basis, in order to ensure that the valuation roll is maintained.

23. POLICY AUDIT AND REVIEW

The policy requires monitoring and its effectiveness will be audited on a quarterly basis and the policy will be reviewed annually in order to ensure it remains responsive and relevant.

24. APPROVAL OF THE POLICY

This policy was adopted by Council on the.....as per resolution number.....

AUTHENTICATION

.....

S. MAHLASELA
MUNICIPAL MANAGER

.....

S. NCETZO
EXECUTIVE MAYOR

RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004.(ACT NO.6 of 2004).

Notice No.1

Date: 13 JUNE 2019

MUNICIPAL NOTICE NO: 01 of 2019

MNQUMA LOCAL MUNICIPALITY

TARRIFS FOR FINANCIAL YEAR 1 JULY 2019 TO 30 JUNE 2020

Notice is hereby given in terms of the provisions of the Local Government Municipal Finance Management Act 56 of 2003 Section 17(3(a) as well as Chapter 4 and Section 17 and section 75(1) of the Local Government Municipal Systems Act 32 of 2000 that the Mquma Local Municipality has on 29th March 2019 adopted its annual budget, as well as the tariffs to be charged for municipal services as indicated in this notice.

In relation to the 2019/2020 budget, the municipal council also determined the municipal property rates to be charged on property in terms of section 17 of the Local Government Municipal Finance Management Act 56 of 2003 and section 14(1) and (2) of the Local Government Municipal Property Rates Act of 2004 as amended; during the special council Meeting that was held on the 30 May 2019, the Executive Mayor presented the report in terms of Sections (3) and (12) of the Local Government: Municipal Systems Act, Act no 32 of 2000 as amended as reflected in schedule below

Tariffs for municipal services and property rates contained in this notice shall be effective from **1 July 2019.**

ASSESSMENT RATES			
BUTTERWORTH, NQAMAKWE AND CENTANE			
THE FOLLOWING RATES MUST BE LEVIED ON ALL RATEABLE PROPERTIES			
RATEABLE PROPERTY A GENERAL RATE PER RAND OF	2018/2019 APPROVED TARIFF	ADJUSTMENT	2019-2020 PROPOSED TARIFF
Residential property	0.01178	0.0000	0.01178
Agricultural properties	0.00295	0.00016	0.00311
Business and commercial properties	0.01414	0.00105	0.01519
Industrial properties	0.01414	0.00076	0.01490
Public service purposes	0.00295	0.02171	0.02466
Vacant Site	0.01414	0.01503	0.02917
Mining properties	0.0000	0.03938	0.03938
Municipal properties	0.0000	0.0000	0.00000
Public service infrastructure properties	0.00295	0.00016	0.00311
Properties owned and used by public benefit organisations	0.00295	0.00016	0.00311
Public open space	0.0000	0.0000	0.0000
UNIFORM FLAT RATES			
Butterworth (Town, Coloured & Extension 2, 6,7 and 23)	115.87	6.26	122.13
Domestic (Flats)	68.49	3.70	72.19
Businesses and commercial	347.60	55.40	403.00
Industrial	347.60	55.40	403.00

State owned	347.60	55.40	403.00
Msobomvu, Mchubakazi, Cuba, Vulli-Valley, Nqamakwe, Centane, Zizamele & Ibika	58.24	3.14	61.38
Penalty for dumping + cost of removal refuse on pavements etc.	2 040.76	110.20	2 150.96
Garden: Minimum charge	136.26	7.36	143.62
Plus per a charge per cubic metre	66.78	3.61	70.39
Mining and Quarries	-	500.00	500.00
REMOVAL AND DISPOSAL OF REFUSE FROM PROPERTIES EXEMPT FROM MUNICIPAL RATES AND CHURCHES			
The charge for the weekly removal of 2X85 litre loads or part thereof of any refuse from properties exempt from Municipal rates shall be per month of part thereof. Provided that if bulk refuse containers are used in place of approved bins or bin liners, the charge applicable to the type of container in use shall apply	204.12	11.02	215.14
REMOVAL AND DISPOSAL OF GARDEN AND/OR BULKY REFUSE			
Garden: Minimum charge	136.26	7.36	143.62
Plus per a charge per cubic metre	66.78	3.61	70.39
RENTALS			
Staff Rentals	3 065.34	306.53	3 371.87
Ibika Flats	136.00	264.00	400.00
Msobomvu Flats (4 rooms)	280.50	219.50	500.00
Msobomvu Flats (5 rooms)	331.50	368.50	700.00
Cuba Flats (4 rooms)	331.50	168.50	500.00
Cuba Flats (5 rooms)	343.40	356.60	700.00
Indigent subsidy	100%	-	100%
CEMETERY FEES			
Graves			
Casket	356.47	19.25	375.72
Normal	295.17	15.94	311.11
Children	181.64	9.81	191.45
Double	712.95	38.50	751.45
Digging			
Casket	181.64	9.81	191.45
Normal	136.23	7.36	143.59
Children	113.53	6.13	119.66
Double	363.29	19.62	382.91
Backfilling			
Casket	102.17	5.52	107.69
Normal	90.82	4.90	95.72
Children	68.12	3.68	71.80
Exhumations			
Adult	2 473.75	133.58	2 607.33
Child	1 350.97	72.95	1 423.92
TRANSKEI QUARRIES			
Monthly Rental (10% Escalation yearly)	37 661.15	2 033.70	39 694.85
BUTTERWORTH COUNTRY CLUB			
Monthly Rental (10% Escalation yearly)	6 655.00	359.37	7 014.37
ENTRANCE FEES – GCUWA DAM			
Event/closed session	238.41	12.87	251.28

BUILDING CONTROL			
BUILDING PLAN FEES			
Plan approval fees be calculated on a flat 0.5% of the project value with a minimum fee of R342.00 (excluding VAT)	363.29	19.62	382.91
APPLICATION FOR ENCROACHMENT PERMIT			
Permit Fee - Original permit	414.37	22.38	436.75
Change of ownership	351.93	19.00	370.93
Rental fee per square metre with minimum of R65.00 or as given	1.99	0.11	2.10
BUTTERWORTH/NQAMAKWE/CENTANE STADIUM			
Hire Fees per match	350.00	18.90	368.90
Refundable deposit	350.00	18.90	368.90
TRAFFIC SERVICES			
Towing charges	2 500.00	135.00	2 635.00
Storage fees per day or part thereof	170.29	9.20	179.49
Removal of scrap vehicle	2 500.00	135.00	2 635.00
License disk (taxi) p.a.	227.05	12.26	239.31
License disk (bus) p.a.	283.82	15.33	299.15
Loading zone application p.a.	908.22	49.04	957.26
ADMINISTRATION CHARGE-OUT TARRIFS			
Litter deposits			
Events such as fun runs, races, big walks and marathons- A deposit is paid of which R200 is refunded once the Council is satisfied that the organisation has cleaned up all the litter generated as a result of that particular event.	227.05	12.26	239.31
POUND FEES			
Transport fee for all animals delivered to the pound, whether one or more per km or portion of a km.	22.71	1.23	23.94
Trespass on Cultivated Land			
Horse, Mule, Ass, Cattle, Ostrich and Pig per Head	340.58	18.39	358.97
Goat, Sheep per Head	170.29	9.20	179.49
Trespass on uncultivated land			
Horse, Mule, Ass, Cattle, Pig and Ostrich per Head	340.58	18.39	358.97
Goat, Sheep per Head	170.29	9.20	179.49
Pound fees per Head per day			
Horse, Ass, Cattle, pigs and ostrich	136.23	7.36	143.59
Sheep, Goats	68.12	3.68	71.80
Sustenance Fees (per Head per day)			
Horses, Ass, Cattle, Pigs, Ostrich per Head per day	113.53	6.13	119.66
Goats, Sheep per head per day	113.53	6.13	119.66
Separately herded (per Head per day)			
For every Stallion, Bull, Ostrich, Boar, Sheep Ram or Other separated Animals	135.10	7.30	142.40
HIRE OF TOWN/COMMUNITY HALLS			
Hall hire	65.00	3.51	68.51
Deposit on hall hire	500.00	27.00	527.00
Minor Rooms – per day	100.00	5.40	105.40
TENDERS			
R200 001- R1000 000	300.00	16.20	316.20
R1000 001 and above	500.00	27.00	527.00

DEPOSITS			
Builders	10 500.00	567.00	11 067.00
LICENSES AND PERMITS			
Hawkers per annum	150.00	8.10	158.10
Removal and impoundment of goods	681.16	36.78	717.94
Dog licenses per annum	100.00	5.40	105.40
Businesses per annum	1 000.00	54.00	1 054.00
Displaying goods	681.16	36.78	717.94
Guest house (Town)	2 000.00	108.00	2 108.00
Guest house (Township)	1 500.00	81.00	1 581.00
Guest house (Rural area)	1 000.00	54.00	1 054.00
Boarding Houses (Accommodation)	1 500.00	81.00	1 581.00
Camping permit	200.00	10.80	210.80
ADVERTISING & DISFIGUREMENT OF FRONTAGES OF STREETS			
Application to display signs	681.16	36.78	717.94
Penalty – maximum R2000.00	2 000.00	108.00	2 108.00
FURNISHING OF INFORMATION TO THE PUBLIC			
Search of index in any account not in the current register, per page searched	20.00	1.08	21.08
Search of index in any account in the current register, per page searched	20.00	1.08	21.08
Inspection of any deed, document or diagram or any details, per certificate per	As per Windeed price list		
Supply of valuation certificate or outstanding charges against property, per certificate per property	150.00	8.10	158.10
Application for consent			
Application fees (Fee + advertising costs)	476.81	25.75	502.56
Application for rezoning			
Application fees	1 200.00	64.80	1 264.80
Erven 0 – 2500 square meters	2 200.00	118.80	2 318.80
Erven 2501 – 5000 square meters	4 300.00	232.20	4 532.20
Erven 5001 – 10 000 square meters	5 800.00	313.20	6 113.20
Erven 1 ha – 5 ha	5 900.00	318.60	6 218.60
Erven over 5 ha	7 200.00	388.80	7 588.80
Advertising fees	1 500.00	81.00	1 581.00
Application for departure from building lines & spaza shop application fees			
Erven smaller than 500m	123.90	6.69	130.59
Erven 500m – 750m	240.52	12.99	253.51
Erven larger than 750m	482.25	26.04	508.29
Departures other than building lines and spaza shops	1 137.00	61.40	1 198.40
Application for subdivision – application fees			
Basic fee	826.02	44.61	870.63
Charge per subdivision (Remainder considered a subdivision)	75.31	4.07	79.38
Application for removal of restriction			
Advertisement fees	5 303.55	286.39	5 589.94
SALE OR LEASE OF LAND			
Administration fees	77.20	4.17	81.37
Application fees (Refundable Deposit)	833.31	45.00	878.31

Advertising fee (Recoverable cost against Survey and Advertising)	5 234.31	282.65	5 516.96
Zoning Certificate	34.01	1.84	35.85
Extension of Time	185.86	10.04	195.90
Amendments to existing subdivisions	833.31	45.00	878.31
Application for consent			
Application fees	1 200.00	64.80	1 264.80
Application for Cell Mast (per application)	2 500.00	135.00	2 635.00
Spatial Development Framework Documents – CD			
Town Planning Scheme-Document-CD	500.00	27.00	527.00
Land Use Management			
Drawing Office search fees			
-Enquiries rate ¼ hour	30.00	1.62	31.62
A4	1.00	0.05	1.05
A3	2.00	0.11	2.11
Maps and Plans			
A4 Size			
LINE DRAWING (i.e. cadastral, incl. or excl. contours)	12.00	0.65	12.65
ARCGIS DRAWING (i.e. line drawing with colour)	20.00	1.08	21.08
AERIAL PHOTO (i.e. colour aerial view, incl. or excl. cad/contours)	50.00	2.70	52.70
A3 Size			
LINE DRAWING (i.e. cadastral, incl. or excl. contours)	16.00	0.86	16.86
ARCGIS DRAWING (i.e. line drawing with colour)	30.00	1.62	31.62
AERIAL PHOTO (i.e. colour aerial view, incl. or excl. cad/contours)	85.00	4.59	89.59
A2 Size			
LINE DRAWING (i.e. cadastral, incl. or excl. contours)	30.00	1.62	31.62
ARCGIS DRAWING (i.e. line drawing with colour)	50.00	2.70	52.70
AERIAL PHOTO (i.e. colour aerial view, incl. or excl. cad/contours)	140.00	7.56	147.56
A1 Size			
LINE DRAWING (i.e. cadastral, incl. or excl. contours)	45.00	2.43	47.43
ARCGIS DRAWING (i.e. line drawing with colour)	75.00	4.05	79.05
AERIAL PHOTO (i.e. colour aerial view, incl. or excl. cad/contours)	220.00	11.88	231.88
PAPER PRINTS			
A1 per copy	20.00	1.08	21.08
A2 per copy	15.00	0.81	15.81
Sepia Prints per meter	140.00	7.56	147.56
BUILDING CONTROL			
Building costs for plan fees			
Class of building – rate per m2			
Dwelling House	2 678.50	144.64	2 823.14
Outbuilding	2 232.69	120.57	2 353.26
Flats/Hotels/Townhouses	3 061.14	165.30	3 226.44
Shops/Schools/Churches	3 061.14	165.30	3 226.44
Offices	3 188.69	172.19	3 360.88
Carports	1 147.93	61.99	1 209.92
Patios/Pergolas	1 147.93	61.99	1 209.92

Basement Parking	1 658.12	89.54	1 747.66
FACTORIES AND WAREHOUSES			
First 5000 m2	2 700.00	145.80	2 845.80
Over 5000 m2	5 000.00	270.00	5 270.00
Pavement Hoarding Rentals – per m2 per month	102.04	5.51	107.55
Drainage Plans (per plans)	2.43	0.13	2.56
Swimming Pools (per plan)	102.04	5.51	107.55
GENERAL			
Plan approval fees be calculated on a flat 0.5% of the project value with a Minimum fee of R230	230.00	12.42	242.42
Plan approval fees for Provincial Housing Board Subsidy be			
Calculated at a flat rate of R40.00 per unit			
SUBSCRIPTION FOR BUILDING PLAN STATISTICS			
Monthly	10.00	0.54	10.54
Annually	110.00	5.94	115.94
SIGNAGE CONTROL			
BANNERS			
Butterworth	994.87	53.72	1 048.59
Centane & Ngqamakhwe	498.04	26.89	524.93
POSTERS			
Charity Events - non-refundable deposits	191.93	10.36	202.29
Other Events -non-refundable deposits	957.21	51.69	1 008.90
Application fee for advertising signs			
a)Per application	283.82	15.33	299.15
Application fee for headline posters			
a)Annual deposits	3 405.81	183.91	3 589.72
b)Annual Administration fee	567.64	30.65	598.29
Application fee for estate agent signs			
a)Annual Deposits	2 270.54	122.61	2 393.15
ENVIRONMENTAL SERVICES			
Lease of municipal open space			
Individual traders-per day	116.61	6.30	122.91
Per weekend	212.58	11.48	224.06
Per week	377.78	20.40	398.18
ADMINISTRATIVE CHARGE			
Admin fee for issuing of Clearance certificate	50.00	2.70	52.70
FINES AND PENALTIES			
SURCHARGES/PENALTIES			
Penalty for damage to survey beacons	2 000.00	108.00	2 108.00
Late payment of account – interest on outstanding accounts	Prime + 2%	Prime + 2%	Prime + 2%
ROAD CROSSINGS			
Main Street (Umtata Street)	2000	108.00	2 108.00
Secondary Streets (Side Streets)	1500	81.00	1 581.00
Township Roads (Dupal)	1000	54.00	1 054.00
Gravel Roads	600	32.40	632.40
Dumping Refuse	681.16	36.78	717.94
Urinating on the streets	113.53	6.13	119.66

Unlicensed business	681.16	36.78	717.94
Unpermitted business	681.16	36.78	717.94
Flammable liquid	681.16	36.78	717.94
Use of explosive with public e.g. crickets	681.16	36.78	717.94
Trading in undemarcated area	681.16	36.78	717.94
Selling of liquor after hours	1135.27	61.30	1 196.57
Drinking alcohol while on uniform	283.82	15.33	299.15
Dangerous weapon	No admission of guilt	0	No admission of guilt
Littering	681.16	36.78	717.94
Supply power for noise pollution	681.16	36.78	717.94
Selling of poisonous medicines	No admission of guilt	-	No admission of guilt
ILLEGAL AND STREET CAR WASH			
Street hairstylists	681.16	36.78	717.94
Repair of vehicles on the parking	681.16	36.78	717.94
Public disorder	681.16	36.78	717.94
Air pollution	681.16	36.78	717.94
SIGNAGE CONTROL	681.16	36.78	717.94
Removal charges for loose portable signs			
a)First offence – per sign	170.29	9.20	179.49
b)Second offence – per sign	454.11	24.52	478.63
c)Third offence – per sign	908.22	49.04	957.26
Removal charges for sign boards			
a)Actual costs Plus penalty – per sign	227.05	12.26	239.31
Removal charges per sign boards			
a)Per poster	68.12	3.68	71.80
KEEPING OF ANIMALS			
Contravention of this by-law fine R2000.00 (maximum)	600	32.40	632.40
CHILD CARE FACILITY			
Contravention of this by-law fine R5000.00 (maximum)	1000	54.00	1 054.00
OTHER FINES			
Operating a Guest house and or a Boarding house without a permit – Maximum R4000	2000	108.00	2 108.00
Putting/Erecting advertising signage without a written approval from the Council- Maximum R2000	600*(a)	-	600*(a)
Failure to remove posters on the expiry of such period- Maximum R2000	600*(a)	-	600*(a)
Carry out advertisement on moveable device/motor vehicle- Maximum R2000	600*(a)	-	600*(a)
Camp on any camping site within the Mquma local Municipality jurisdiction Without the camping permit from the Council – Maximum R2000	500	-	500
Hawk/trade on the camping site without the permit from the Council- Maximum R2000	600	-	600
Owner of the house neglect his/her house to dilapidated/health risk- Maximum R2000	400	-	400
Light any fire or cause or permit any fire to be lighted without the Council approval- Maximum R2000	No admission of guilt	-	No admission of guilt
Operates a child care centre within the jurisdiction of Mquma without the Council authority-Maximum R5000	1000	-	1000
Bury anybody at the Council cemetery without the Council permission- Maximum R5000	No admission of guilt	-	No admission of guilt
Enter Council cemetery without the Council permission-Maximum R5000	200	-	200

Damage, deface or remove any memorial work, grave, building, fence or	No admission of guilt	-	No admission of guilt
Fixtures- Maximum R5000		-	
Sit, stand, walk, climb, draw or write on any grave or memorial work- Maximum R5000	600	-	600
Dig any hole or trench or any construction or obstruction at the Council cemetery without the Council permission – Maximum R2000	No admission of guilt	-	No admission of guilt
Commits Nuisance i.e. music without Council approval – Maximum R2000	600*(a)	-	600*(a)
Selling liquor within the jurisdiction of Mquma Local Municipality contrary to the conditions of the license- Maximum R5000	1000.00*(a)	-	1000.00*(a)
Selling liquor within the jurisdiction of Mquma Local Municipality without the license from the Council – Maximum R5000	2000.00*(a)	-	2000.00*(a)
Park a bus on a place not demarcated as a bus rank – Maximum R2000	1000.00*(a)	-	1000.00*(a)
Park a bus on a bus rank more than one (1) hour - Maximum R2000	500	-	500
Park a bus on a bus rank without the transportation permit/bus rank permit – Maximum R2000	1000.00*(a)	-	1000.00*(a)
Pick up or set down any passenger not in a bus rank – Maximum R2000	600.00*(a)	-	600.00*(a)
Use of Bus/Taxi Rank without the Bus/Taxi Rank permit or Token- Maximum R2000	1000.00*(a)	-	1000.00*(a)
Tout, importune or solicit of passengers for any bus or taxi by loitering or calling out or in any manner whatsoever – Maximum R2000	600	-	600
Own or keep a dog without the written approval of the Council – Maximum R2000	200	-	200
Keeping of dog without a License – Maximum R2000	600	-	600
Own or keep more than two (2) dogs without the written approval from the Council- Maximum R2000	600	-	600
Permit any dog to be in any public street or public place without the control/supervision of the owner – Maximum R2000	200	-	200
Keep or permit bees to be kept without the written permission from the Council- Maximum R 2000	200	-	200
Keep or cause to keep any poultry i.e. fowl, goose, duck, turkey, pigeons or dove etc. without the written permission from the Council- Maximum R1000	200	-	200
Trade/Hawk on a public road, pavement, bus rank, taxi rank or public place without the permit issued by the Council – Maximum R1000	600.00*(a)	-	600.00*(a)
Display any goods or other property on, in or in front of a window or building or business or private property without the written consent from the owner – Maximum R1000	600*(a)	-	600*(a)
Failure to produce a trading license on demand by the authorised officer – Maximum R1000	600*(a)	-	600*(a)
Attach any object to building, tree, and structure by means to trade/hawk- maximum R1000	600*(a)	-	600*(a)
Fail to remove his/her property or belongings on concluding business for the day – Maximum R1000	600*(a)	-	600*(a)
Stuck his/her property in such a manner that constitutes danger to any person – Maximum R1000	600*(a)	-	600*(a)
Erect any tent or structure without the permission of the Council –Maximum R2000	600*(a)	-	600*(a)
Deposit or permit to be deposited any waste, hazardous waste and/or materials other than the in a refuse bin – Maximum R2000	50	-	50
Dispose of litter in a manhole, storm water drain or any other place not intended for the disposal of litter – Maximum R 2000	1000	-	1000
Trade to limit access to parking or loading bays or other facilities for vehicles traffic – Maximum R2000	600*(a)	-	600*(a)
Trade causing obstruction on a roadway – Maximum R2000	600*(a)	-	600*(a)
Selling dangerous/illegal goods or materials on a pavement, public road, bus rank taxi rank – Maximum R2000	No admission of guilt*(a)	-	No admission of guilt*(a)
Trade to or near any place of worship, national monument or public building – Maximum R1000	600.00*(a)	-	600.00*(a)
Trading on any parking bay – Maximum R1000	600.00*(a)	-	600.00*(a)
Park a vehicle otherwise than in compliance with any notice or sign displayed therein by the Council- Maximum R1000	600.00*(a)	-	600.00*(a)
Advertise any advertisement without the Council prior written approval –Maximum R1000	500.00*(a)	-	500.00*(a)

Plying for hire without transportation permit (public transport vehicles) – Maximum R2000	2500.00*(a)	-	2500.00*(a)
Display any advertisement, placard, posters, or bill in a street, public road within the jurisdiction of Mnquma without the permission of the Council – Maximum R2000	600.00*(a)	-	600.00*(a)
Hold, organise, initiate, or actively participate in a procession, demonstration or gathering in street or dance or sing or play musical instrument without the written approval from the Council – Maximum R2000	600.00*(a)	-	600.00*(a)
Use abusive, insulting obscene threatening language in a street, pavement or public place- Maximum R2000	600.00*(a)	-	600.00*(a)
Urinate, spit or pass any excrement in a street or pavement nor drink any beer or any other intoxicating liquor in a street or pavement or drop any litter or paper in a street or pavement – Maximum R2000	100	-	100
Fight or act in a riotous/violent manner in a street or public road – Maximum R2000	No admission of guilt	-	No admission of guilt
Use of public amenity without the approval of the Council- Maximum R2000	600	-	600
Damage or disfigure anything within such amenity – Maximum R2000	600	-	600
Pull out, pick or damage any tree, plant, shrub, vegetation or flower on amenity – Maximum R2000	600	-	600

Full details of the Council resolution and rebates, reductions and exclusions specific to each category of properties as determined through criteria in the municipality's rates policy are available for inspection on the municipality's offices, website (www.mnquma.gov.za).

SIGNED BY SILUMKO MAHLASELA
MUNICIPAL MANAGER

MNQUMA LOCAL MUNICIPALITY
CNR KING AND MTHATHA STREET,
BUTTERWORTH
EASTERN CAPE
TELEPHONE NUMBER: 047 401 2400

LOCAL AUTHORITY NOTICE 171 OF 2019

**NDLAMBE MUNICIPALITY
CLOSING OF A PORTION OF ERF 1111 KENTON-ON-SEA,
EASTERN CAPE PROVINCE
NDLAMBE MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING**

Notice is hereby given in terms of section 108 of the Ndlambe Municipality Spatial Planning and Land Use Management By-Law (2016) and in terms of the provisions of Section 137(1) of Municipal Ordinance No. 20 of 1974 that a portion of Erf 1111 Kenton-On-Sea in the area of Ndlambe Municipality, Division of Bathurst, Eastern Cape Province has been closed permanently. (S/10376/1/1 p71).

**PLAASLIKE OWERHEID KENNISGEWING 171 VAN 2019
SLUITING VAN N GEDEELTE VAN ERF 1111 KENTON-ON-SEA
OOS KAAP PROVINSIE**

NDLAMBE MUNISIPALITEIT VERORDERING OP MUNISIPALE GRONDGEBRUIKBEPLANNING

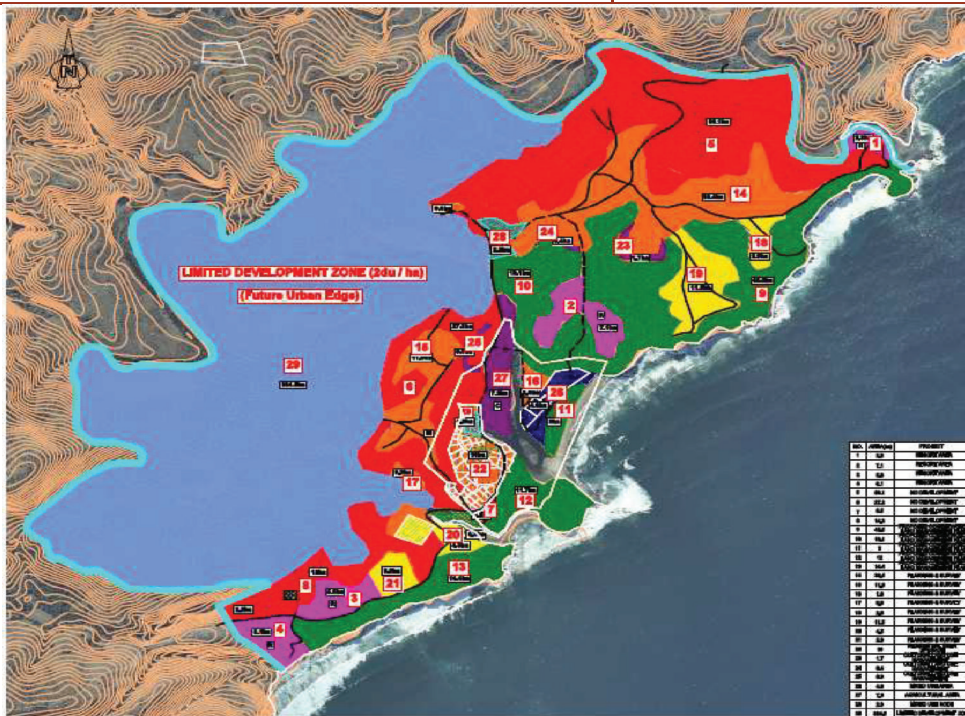
Kennis geskied hiermee ingevolge artikel 108 van die Ndlambe Munisipaliteit se Ruimtelike Beplanning en Grondgebruiksbeheerverordening (2016) opgelos is en in terme van die bepaling van Artikel 137(1) van Munisipale Ordonnansie No. 20 van 1974 dat n gedeelte van Erf 1111, Kenton-On-Sea in die gebied van Ndlambe Munisipaliteit, afdeling van Bathurst, Oos Kaap Provinsie, is permanent gesluit is. (S/10376/1/1p71).

**MUNICIPAL REFERENCE:
KS-321**

**ADV. ROLLY DUMEZWENI
MUNICIPAL MANAGER**

LOCAL AUTHORITY NOTICE 172 OF 2019

COFFEE BAY LOCAL SPATIAL DEVELOPMENT FRAMEWORK/PRECINCT PLAN



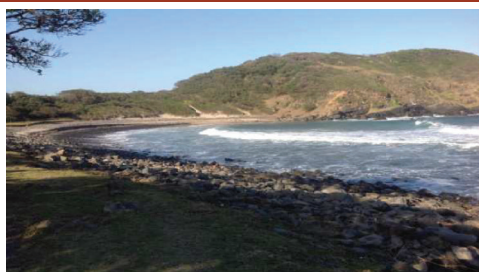
**rural development
& land reform**
Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA



ilizwe
TOWN & REGIONAL PLANNERS



**EXECUTIVE
SUMMARY
LSDF
SEPTEMBER
2014**



ENQUIRIES:

**MUNICIPAL MANAGER
KING SABATA DALINDYEBO
MUNICIPALITY | MUTHATA
P.O. BOX 45 | MTHATHA |
5099
TELEPHONE: 047 501 4371**

COFFEE BAY LSDF/PRECINCT PLAN**EXECUTIVE SUMMARY**

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and the South African Planning Institute (SAPI)

Produced by:



ilizwe
TOWN & REGIONAL PLANNERS

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Cadastral Boundaries are as extracted from records at the Surveyor General's Office. All cadastral boundaries are to be confirmed by a Professional Land Surveyor.

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ENQUIRIES:info@ilizweplanners.co.za

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

3

CONTENTS

1	PREAMBLE.....	6
2	INTRODUCTION	6
3	LEGISLATION	7
4	SITUATIONAL ANALYSIS SUMMARY	8
4.1	INFRASTRUCTURE ANALYSIS	10
4.2	ENVIRONMENTAL ASSESSMENT.....	11
5	SPATIAL PLANNING AND LAND USE.....	11
5.1	LAND USE PATTERNS	11
5.2	LAND OWNERSHIP AND TENURE.....	12
6	KEY DEVELOPMENT ISSUES	12
7	DEVELOPMENT PERSPECTIVE	13
7.1	DEVELOPMENT TRENDS	13
7.2	INSTITUTIONAL ARRANGEMENTS	13
7.3	SOCIAL DEVELOPMENT	14
7.4	INFRASTRUCTURE	14
7.5	ENVIRONMENT	16
7.6	LOCAL ECONOMIC DEVELOPMENT	16
7.7	CONCEPTUAL DEVELOPMENT STRATEGY	17
7.7.1	VISION	17
7.8	CONCEPTUAL DEVELOPMENT PLAN	19
7.8.1	URBAN EDGE	20
7.8.2	CBD.....	20
7.8.3	CULTURAL/HERITAGE SITES	21
7.8.4	LAND USES.....	21
7.8.5	MOVEMENT PATTERNS.....	21
7.9	INTEGRATION OF URBAN SPACE	21
7.10	CONSERVATION	21
8	DETAILING OF THE LSDF PLAN	22
8.1	MOBILITY ROUTES	23
8.2	SETTLEMENT/RESIDENTIAL AREAS.....	23
8.3	RESORT AREAS/TOURISM ACTIVITY	23
8.4	CULTIVATION AREAS.....	24

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

4

8.5	CULTURAL AREAS.....	24
8.6	MIXED USE AREAS.....	24
8.7	PROTECTED AREAS.....	24
8.8	PROPOSED FACILITIES	24
8.9	URBAN EDGE.....	24
9	SPATIAL STRATEGIES	24
11.	IMPLEMENTATION PROGRAMME AND COSTING	36
12.	PUBLIC ACCESSIBILITY INFRASTRUCTURE UPGRADE.....	37

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

5

List of Maps

Map 1	Provincial Locality
Map 2	Regional Locality
Plan 3	Locality Plan
Map 4	Study Area Plan
Map 5	Wild coast LSDF 2012 Plan
Map 6	Land use plan
Map 7	Roads and access (from N2 Corridor)
Map 8	Land ownership plan
Map 9	Development Trends
Map 10	Natural Environment (Sensitivities/Biodiversity) climate change nature reserve
Map 11	Agriculture areas (Grazing and Cultural)
Map 12	Demographic and Density Plan
Map 13a	Water Infrastructure
Map 13b	Roads and Stormwater Infrastructure
Map 13c	Sanitation Infrastructure
Map 13d	Electricity Infrastructure
Map 13e	Basic Infrastructure Spread
Map 13f	Solid Waste
Map 13g	Geo-technical
Map 14	Land Capability
Map 15	Social infrastructure (Education, Health, cemetery, Community facilities)
Map 16	Topography plan
Map 17	Vegetation plan
Map 18	Rainfall plan
Map 19	Cultural/Heritage plan
Map 20	Slope Analysis
Map 21	Income distribution

List of Maps

Map 1:	Conceptual plan
Map 2:	Zone plan for entire precinct
Map 3:	Areas of densification and integration
Map 4:	Land acquisition plan

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

6

1 PREAMBLE

The Local Spatial Development Framework/Precinct Plan (LSDF/PP) for Coffee Bay has been compiled to support the development vision and sectoral objectives and strategies identified in the KSDM Integrated Development Plan (IDP) and the SDF.

In terms of Section 26(e) of the municipal Systems Act (Act No 32 of 2000), the LSDF is a legally required component of the municipality's IDP. Whilst the full LSDF/PP document is available as a 'stand-alone' report, this executive summary serves to focus on the key elements contained in that report, which identifies the desired spatial form of Coffee Bay.

The LSDF/PP has the status of a statutory plan, serving to guide and inform all decisions on spatial development and land use management in the area to which it applies. However, it is critical to understand that the LSDF is not a comprehensive and rigid plan. Rather, in line with a new, more flexible conception of spatial planning and its interrelationship with other (spatial and non-spatial) development processes prevailing in South Africa now, the Framework is indicative in nature and not, in the final instance, prescriptive.

The Local Spatial Development Framework/Precinct Plan has undertaken a thorough and highly consultative public participation process, which has culminated in the Final Draft LSDF/PP Report. This process included a thorough consultative public participation process including the following:

- a) Numerous technical team meetings.
- b) Presentations to the Project Steering Committee (PSC) and feedback from the PSC over the course of the project.
- c) Consultation sessions with Council members, KSD staff and OR Tambo District Municipality.
- e) Presentation to the Mayoral Committee, Councillors and Senior KSD Officials.

2 INTRODUCTION

In line with the requirements of the Municipal Systems Act (Act No. 32 of 2000, as amended), the KSD Municipality has undertaken a continuing review of the Coffee Bay Local Spatial Development Framework (LSDF).

Integrated development planning is seen as a tool for developmental local government. It is a mechanism to restructure KSD towns and rural areas, eradicating the development legacy of the past.

One of the means through which integrated development planning intends to achieve this is through the formulation of a Local Spatial Development Framework for Coffee Bay that provides a spatial overview of planned public and private sector investment.

Since 1994, the post-Apartheid Government has sought to change productively the imbalances and inequalities of the past by: -

- *Promoting the restructuring of spatially inefficient settlement forms;*
- *Encouraging wise and sustainable land use;*

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

7

- *Channelling resources to areas of greatest need and development opportunity;*
- *Stimulating economic development opportunities in both rural and urban areas; and*
- *Supporting equitable protection of rights to and in land.*

In order to achieve this, the Government has adopted a range of new legislation and policies, which allows for a more flexible, participative planning methodology that is **principle-led and rights-based**.

The Spatial Planning & Land Use Management Act

The Spatial Planning & Land Use Management Act (SPLUMA 2013) replaces the Development Facilitation Act (DFA) and other land use and spatial planning Acts and Ordinances.

The goal of the Act is to provide a legislative and policy framework that enables government, and especially local government, to formulate policies, plans and strategies for land-use and land development that address, confront and resolve the spatial, economic, social and environmental problems of the country.

As part of the legislative process to enable the withdrawal of the DFA, the Department of Rural Development & Land Reform is also currently engaging with the Eastern Cape Province to assist with the drafting of Provincial SPLUMA legislation.

Ultimately, it is anticipated that SPLUMA, together with the Municipal Systems Act and the National Environmental Management Act will form a comprehensive framework for local authorities engaged in their constitutionally assigned mandate of Municipal Planning. Once this has taken place, it will be feasible for the KSD Municipality to contemplate formulating a unified and overarching land use management system (Zoning Scheme or Schemes) that will deal with all land and settlement in its area of jurisdiction in an integrated manner.

3 LEGISLATION

There were a couple of projects that have been identified by the IDP for Ward 24 Coffee Bay: There is a day care centre planned for Bomvana in Ward 24 for the 2012/13 financial year. An access road from Coffee Bay to Zithulele is planned for 2013 at a cost of R25m.

There is no mention of major community facilities that are needed including a clinic, primary schools, community hall and a satellite police station (all of which will be elaborated further in this document). There is a major need for infrastructure rehabilitation especially when it comes to water, sanitation and roads.

The OR Tambo District Municipality completed its SDF in 2012. This document has been reviewed and the projects that have a major impact on Coffee Bay include bulk water supply scheme upgrading for R144m to the Ward. Notable is that no sanitation upgrade budget has been planned for. Considering the strategic and situation analysis, this is perceived to be an oversight by OR Tambo DM. Further to the above and most importantly is the land tenure and land release project that was meant to be initiated in 2009 by OR Tambo DM and KSD. To date the objectives have not been achieved considering the R1million budget, except for a feasibility study. This is the most important project in order to ensure upgrading, sustainability and development growth in the future.

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

8

The only framework that can be accounted for that provides guidance toward proper facilitation of the land uses and development in the area (Coffee Bay and Hole in the Wall) is the Kwatshezi Nodal Plan that was completed in 2007. This document was reviewed during the situation analysis process.

The Wild Coast SDF 2005 indicated that the road from Coffee Bay to Hole in the Wall needs to be upgraded to a tarred road. This has not yet been implemented. The upgrade of the water supply was also prioritised in the Ward. The sanitation problem was not addressed adequately, considering the major sanitation challenges and pollution taking place in the study area.

There have been draft land use management guidelines as well as new developable areas proposed to improve the existing Wild Coast SDF of 2005. These have been reviewed and are included in our report, as well as Phase 2 report.

4 SITUATIONAL ANALYSIS SUMMARY

Coffee Bay forms part of Ward 24 within the King Sabata Dalindyebo Municipality. Coffee Bay has been identified by both the Integrated Development Plan (IDP) and the Spatial Development Framework (SDF) as an area of high priority for economic activity (through tourism) and major infrastructural rehabilitation. In addition as a result of increased tourism on the Wild Coast there are growing trends towards “land use change and development” as well as a need to uplift the community through agricultural initiatives and various co-operatives.

Study Area

The primary study area (Coffee Bay) comprises of the two villages Rhini and Lower Nenga, Umtata Mouth, Mpako Rive and the area between those areas.

The town is approximately 8km north-east of Hole in the Wall and +/- 3km south-west of the Umtata River Mouth. The study area also accommodates two rural villages, Rhini and Lower Ngeni. The study area is approximately 100km from Mthatha and 75km south of Viedgesville where the national road N2 is positioned. Access to ward 24 is obtained on the DR08314 through Mqanduli. Coffee Bay is about 60km from Mqanduli. Map 3 below indicates the study area.



Map 1: Study Area Plan

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

9

There are approximately 180 dwellings that have been counted on the latest aerial mapping within our study area. With an average household size of 6 persons, therefore the permanent population is estimated at about 1080. This excludes tourists and visitors which frequent the study area.

There is a density of between 250 and 500 persons per square km in the study area.

There is no clinic in the study area. One Hospital exists in Zitulele, the Mpako Administrative Area. There is no ambulance service in Coffee Bay.

There is one combined school located in Coffee Bay that accommodates grade 1 to 10 pupils. There is also a vocational College the KSD Further Education Training College, which is situated in Coffee Bay. The schools are built with mud bricks and the accessibility of facilities varies between the schools, but in general, the availability of electricity, water and toilets is a major concern. The schools are located as follows:

- Lower Nenga: 10 schools
- Ntonjana: 2 schools,
- Lower Mpako: 3 schools
- Nzulweni: 2 schools.

The infrastructure in the schools is inadequate. The majority of the schools in Coffee Bay are situated on the crest of the hills in the area, and because there is no proper run-off system and sanitary method within these villages, the water runoff seeps through the ground and goes into the residential dwellings that are below the hills which adds to the pollutants in the area.

The majority of the schools use conservancy tanks but the problem with this sort of sanitary method is that the "honey suckers" are very inconsistent in the service they are providing to these educational facilities, which means that many of the conservancy tanks are overflowing and causing a stench to protrude within the school premises, this also causes many health problems (such as high fevers and cholera) for the children as they are exposed to various bacteria. Electricity is a major problem in these schools due to power shortages caused by illegal connections, storms and cable theft.

There is a need for more educational facilities (especially crèches) to be established in the study area and improved infrastructure at the existing schools.

There are no recreational or sporting facilities in the Coffee Bay study area. There are no halls for a sheltered community gathering. The youth of Coffee Bay have no formal place to undertake any constructive or recreational activities. Soccer is played on a make-shift field with an uneven and steep slope.

The community has indicated that there is a need for a community facility as the majority of the youth are interested in sports such as soccer and rugby, but because there are no adequate facilities to practice any (except for Arts and Cultural activities taking place including crafting and beadwork, for the tourism industry).

Coffee Bay is characterized by an economically inactive community (95%) and the lack of skills exacerbates this. Coffee Bay relies on its small tourism industry to create and sustain job provision, through the two main hotels, resorts, bed and breakfasts and backpacker establishments.

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

10

The existing tourism facilities in Coffee Bay and are summarized as follows:

- Coffee Bay: campsite for day visitors, two hotels, lodges and back packers
- Craft centre.
- Bomvu Backpackers
- Hiking
- Horse riding
- Kayaking
- Fish Processing Factory
- 4x4 adventure trials
- Xhosa pub

There are limited heritage sites within the study area and there is a general lack of facilities. The areas where Amakwetha undertake their traditional initiations next to woodlands has been considered. Due to the steep slopes and the undulating topography there are limited areas that have been identified for this.

This framework plan proposes that social facilities be located at strategic points of accessibility where higher order community facilities can be clustered together in order that a greater number of residents are served in a more effective and efficient way. Ideally, future Rural Service Centres should be located in close proximity to public transport routes to ensure maximum accessibility of facilities.

Clustering of new social facilities, where possible, at the identified nodes is also to be encouraged. This concept is supported due to the size of the study area, the scattered settlement formation and the insufficient social facilities. It is also recommended that financial support and stability be provided by local and provincial government in order facilitate and sustain such social infrastructure.

The growth of Coffee Bay will result in increased demands for accommodation to meet the needs of all sectors of the community attracted to the emerging town and coastal resort node. Land has to be set aside for public funded housing and associated facilities to meet the needs of people seeking employment in the area.

4.1 Infrastructure analysis

The construction of the second phase of the Coffee Bay Regional Water Supply Scheme will result in the delivery of potable water to RDP standards to all rural communities within the study area as well as the provision of a bulk supply to the Coffee Bay node. Therefore the issues to be addressed in respect of water supply are the provision of reticulation to any new developments as well as the rehabilitation and possible extension of the existing reticulation network serving the existing consumers in the node. Any housing or commercial developments will be required to fund their own water reticulation requirements but the issue of financing rehabilitation and/or any possible extensions to the system serving the existing consumers is complicated by the issues of land ownership and municipal jurisdiction.

Sanitation in the rural areas is being addressed in an on-going programme by the District Municipality to build VIPs for every household. The provision of water-borne sewer systems and sewage treatment works for the tourism nodes requires the implementation of a detailed study to determine issues such as appropriate sites, environmental impacts and the economics of one system serving both nodes versus a system for each node.

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

11

The main issue to be addressed in terms of the road network and these are to reconstruct the main feeder to the area, this is the DR18031 which links Coffee Bay to Viedgesville. This is a provincial road and is, as best known, not as yet included in the short term planning programme of the Department of Roads and Public Works.

The development of local and access roads to link all the communities in the study area will require the motivation of funding via existing channels such as the MIG programme by both the District Municipality and the King Sabata Dalindyebo Municipality. Stormwater issues can be addressed at the time of the design of the individual roads.

Given the existing situation in terms of location of the study area and the existing transportation infrastructure the only means of public transportation that can practically be considered are taxis and buses. The extension of the electricity supply to the area in general is dependent on the "roll-out" of this service by ESKOM, in particular to the rural communities. There already exists a supply to the tourism nodes but this is limited in capacity and any increase in demand in the short term will have to be catered for by use of alternative means such as the use of solar, wind or diesel generation. Solid Waste collection and disposal is a municipal service to be provided by the KSD Municipality.

4.2 Environmental assessment

Human Impact on Environment

There is lack of control over the pollution of estuaries, the marine zone and the rivers. Residents report problems with livestock and horses within the residential areas (fly nuisance). Activities like car washing in rivers, fish cleaning in streets, overflowing and filthy toilets, all need better control.

Coffee Bay has been classified as a first order node in the Wild Coast SDF.

Protection of the Coastline and estuaries

The area is renowned for its rugged coastline with few embayments with sandy beaches. Recent events have demonstrated how fragile these sandy beaches are (recent high seas have substantially altered the beach at Coffee Bay). The predicted rise in sea level will only result in further erosion of these areas and it is important that planning work with the environment to ensure that hard features within the 'zone of change' will not result in substantial loss of assets and sources. The Ngenga, Umthatha and Mpako estuaries are diverse habitats and these resources need to be protected by creating exclusions zones and managing activities within these areas. Specifically the following elements need urgent attention.

The coastal dune at Coffee Bay is in danger of being permanently lost, and if this happens the beach is likely to be lost as well. Active management by qualified professionals might prolong the life of this feature and provide opportunities to enhance the tourism potential of the area.

5 SPATIAL PLANNING AND LAND USE

5.1 Land Use Patterns

The Spatial pattern of the study area is characterised by the topography of the area. The settlements are located along ridges with a larger portion residing towards the east of the Ward attributed by the main tar road,

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

12

providing access to the coast. Other than the main tar road, access roads to the other Administration Area and villages are in a very bad condition and are in urgent need of repair.

The study area also consists of the two coastal resort towns i.e. Coffee Bay' and 'Hole in the Wall'. Holiday accommodation is predominantly evident in Coffee Bay, which comprises two hotels, lodges, cottages, camping sites and backpacker's facilities. Other facilities that serve the community are a Junior Secondary School, a filling station, a few craft shops and a Post Office. Areas with mixed land uses is scattered all over the town. An Agricultural site exists along the western side of the Mako River. There are no proper facilities e.g. Sports fields, community halls or churches within the study area.

5.2 Land Ownership and Tenure

- 1) The land in the study area is un-registered state land under the jurisdiction of the National Department of Rural Development and Land Reform.
- 2) There are some Leasehold Tenures in Coffee Bay.
- 3) Forestry land is owned by Department of Rural Development and Agrarian Reform and Department of Water Affairs and Forestry. The camping ground in Coffee Bay belongs to Department of Water Affairs and Forestry.
- 4) Farm 31 in Coffee Bay is subdivided and a portion is registered under the South African Bantu Trust, portion 1 is registered under JF Botha, and portion 2 is registered under KD Matanzima.
- 5) Farm 33 is registered under Dalindyebo Enterprises Pty Ltd.

6 KEY DEVELOPMENT ISSUES

The key issues arising out of the Situation Analysis can be summarised as follows:-

1. There is a need for Sport and Recreation facilities.
2. There is a lack of Tertiary education and training facilities.
3. There is a need for Crèches and Schools.
4. Existing clinics require improved facilities, medical supplies and additional staff.
5. Creation of more clinics and a few mobile clinic points.
6. Creation of more pension pay-out points.

Land and Settlement

- 1) There is a need for settlement planning and Land Use Management.
- 2) Shortage of land for cemeteries.
- 3) Ownership of land is unclear
- 4) Need for densification of settlement
- 5) Need for Housing for Urban (high and middle income) and rural areas.

Local Economic Development

1. Lack of skills,
2. No access to markets,
3. Insufficient implements to run projects effectively,

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

13

4. Need for tourist friendly businesses ie. Craft Shops and traditional
5. Villages

Agriculture

1. Livestock development through creating marketing opportunities,
2. Improved animal health, nutrition and improved genetics.
3. Limited Agricultural Opportunities.
4. Lack of Agricultural Infrastructure.
5. Lack of support services.
6. Lack of skills.

Environment

1. There is poor management of health services.
2. There is a need to manage land of low-lying areas.
3. New recreational areas need to be identified and developed appropriately.
4. There is a need to improve and control access to sensitive sites.
5. Large buffer areas to be provided for recreational areas.
6. Create environmental linkages and reduce pressure on the coastal strip.
7. Restructure facilities to rehabilitate the lagoon (Nenga) to create tourism zone below the tar road.
8. Redevelopment of coastal walks to accommodate changing coastlines.

Infrastructure

1. Access roads to Coffee Bay and within the study area is in serious need of repair and upgrading
2. A formal Municipal sanitation system should receive high priority
3. Septic Tank and soak-aways raise issue of concern to the environment
4. A solid waste disposal site is needed
5. There is a need for electricity to be upgraded
6. The low cause-way on the access road to the Ocean View Hotel needs to be raised by approximately 2m
7. There is a need for the existing water reticulation system serving the Coffee Bay node, which is sub-standard, to be improved in order to serve any future development.
8. There should be improvement of the quality of roads within Ward 24

7 DEVELOPMENT PERSPECTIVE**7.1 Development Trends**

KSD Municipality have advised that 22 land development applications have been received to undertake development in the study area. No further information has been provided.

7.2 Institutional Arrangements

The current situation means that the municipality has no income stream from this development through rates and service charges, with which it can start the process of upgrading and improvement of the study area. Almost

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

14

no services are available to the residents in the form of solid waste collection, firefighting, emergency response, sanitation, land use management and control.

The implication of this is that in order for the study area to realise its potential as a secondary node (per KSD SDF of 2012) on the Wild Coast (1st order in terms of the Wild Coast SDF), an appropriate system of governance, policies and procedures, institutional capacity and municipal “presence” needs to be introduced. This would then enable formalisation of the existing land use and allow appropriate management of future investment needed to build the resort nodes into the type of service centres they need to be.

7.3 Social Development

The study area is experiencing a slight decline in population growth which indicates it is becoming an exporter of people who are in search of a better quality of life, medical support and or employment elsewhere. This characteristic of many of the rural wards and unless there is a radical change in the nature of the economy of the area, the decline in population is likely to continue into the future.

Perhaps the greatest social development challenge facing all the rural communities is the widespread poverty being experienced by a predominantly young population. Inadequate social facilities (such as medical centres, community halls, resource centres, schools, libraries and sports facilities) with very little opportunity for upliftment, employment, or a rural livelihood; leads to social depression and often migration to other areas in search of a better quality of life. The implications of this situation include a number of social indicators relating to increased depression because of the departure of peers and a reduced hope of an improved lifestyle in the study area, subsistence living for survival, tendencies towards crime in order to survive, vulnerabilities to ill health and growing intolerance of visitors and tourists who have wealth and material goods and appear to take advantage of their privilege, whilst using the amenities of the area for leisure and holiday visits.

7.4 Infrastructure

The main road access to the coast from the N2 is in a poor condition and traffic is affected by the large number of pot holes and the narrow, winding character of the route. Whilst the Coffee Bay to Hole in the Wall link has improved the coastal linkage, cross Ward linkages in the hinterland are limited due to the rivers and steep topography and, development potential is affected by that situation. The poor road conditions have an impact on the economy of Ward 24 and the implications are that an improved economy will be dependent on improved access roads and transport facilities.

Sanitation in the area is a huge health issue and the municipality needs a major action plan to change the current situation. An approved solid waste site in the Ward should also be considered as a high priority issue. Recycling could create a small income stream for some community members but awareness needs to be raised in that regard. The limited supply of electricity is a further constraint on economic development in the area.

Current and planned projects

Roads:

1. Upgrading of main access road DR08031 linking Coffee Bay to N2 approximately 20km (Department of Roads & Public works).

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

15

2. Upgrading and surfacing of Coffee Bay – Hole-in-the-wall link road approximately 9km (Design is under way).
3. Upgrade and surfacing of future Coffee bay Town's Main Road including: Traffic calming infrastructure, Pedestrian infrastructure, Street lighting, Road markings, approximately 7.5km;
4. Upgrading and surfacing of existing interior town roadways approximately ± 15 km;
5. Construction of new roadways in identified town expansion zones ± 23 km;
6. Included with all the roads will be the associated storm water required.

Water infrastructure by MIG, Provincial Government and, District Government and Department of Water Affairs and Forestry over an estimated timeframe of ± 48 months:

1. Assessment and upgrade of the existing water Treatment Works on the Mthatha River;
2. Upgrading of Coffee Bay's water reticulation;
3. Assessment and upgrading of the bulk water supply network;
4. Upgrading of water supply to surrounding villages;
5. Design and construction of water reticulation systems to new developments around Coffee bay;
6. Design and construction of water supply to new public facilities;
7. The provision of firefighting capacity within the supply system.

Sanitation Infrastructure by MIG, Provincial Government and, District Government and Department of Water Affairs and Forestry over an estimated timeframe of ± 48 months:

1. Assessment, design and construction of suitable Waste Water Treatment Works for Coffee Bay;
2. Bulk sewer design and construction for Coffee Bay and surrounding area, excluding Hole in the Wall;
3. Positioning and construction of required pump station;
4. Internal reticulation for Coffee bay and future new developments around Coffee bay.

Electrical Municipal Infrastructure by MIG, Provincial Government and, District Government and ESKOM over an estimated timeframe of ± 48 months:

1. Upgrading the 66KV line to "Wilo" substation, (ESKOM);
2. Electrification of Coffee Bay only;
3. Electrification of new 3000 residential units;
4. Street Lighting;
5. Electrification of public facilities such as School, health care facilities, banks and shops, hotels, etc.

Infrastructure Construction projects by MIG, Provincial Government and District Government over an estimated timeframe of ± 48 months:

1. New police and fire station;
2. New primary and secondary school;
3. New clinic to cater for the residential and tourist market;
4. Sport fields;
5. New municipal office building;
6. New post office;
7. Shopping centre;
8. Community hall.

7.5 Environment

As mentioned above, the sanitation, pollution and solid waste situation are the most threatening environmental impacts in the Ward at present. Uncontrolled mixed use development in the coastal nodes and along the coast line is a growing problem affecting the environmental quality of the area. The resort nodes are becoming increasingly shabby, dilapidated, run down and unattractive and, detract from the inherent beauty of the coastline. The implications are that the potential tourism growth in future will tend to be attracted to more attractive, well maintained and cleaner destinations in other places on the coast. Accordingly, stakeholders will need to take control of their environment through a much stronger management programme in order to protect the local environment to try to build up a competitive image which will attract visitors and investors.

The physical environment in the study area is in many respects beautiful, scenic unique and exceptional and it could provide the focus for better opportunities for its people. It is therefore important that consensus is reached amongst stakeholders on those physical environmental attributes of the ward, which are considered to be precious. In turn, steps need to be taken to protect these assets. When once consensus has been reached on these protected areas, it will be easier to agree on the nature of land use for the remaining areas in the study area. Similarly the management of development becomes easier because all concerned will aspire to a common vision for the environment.

7.6 Local Economic Development

Most people in the area remain dependent on welfare and grants. The lack of banking services and shopping facilities in Coffee Bay results in people having to travel 100km at great cost in order for them to utilise much needed services. There is virtually no transport system in the area by which local entrepreneurs can import goods or send out fresh produce, manufactured goods or craft products. The high unemployment rate in the study area means that the Local Economic Development needs strategies to enhance rural livelihoods and open up opportunities for alternative employment outside of traditional business sectors like spaza shops (for example). The tourism industry is currently extremely limited and in its present form adds only a little to uplift the economy. Agriculture has some potential in a few small pockets, but it seems overall there are very limited options for upliftment of the economy unless a radical change of approach is adopted.

An assessment of coastal development trends along the South African coast line suggests that the development thrust in the Western Cape has reached saturation in many areas. There is a trend towards discouraging expensive, 'water hungry' Golfing Estates and the towns and resorts are finding there are limits to land value and land availability. In Kwa Zulu Natal, the south coast development surge in the 1970's and 1980's has been followed by a decline and there are signs of a growing resurgence of the coastal resort towns. These are now becoming densely developed and are offering up-market homes with a secure lifestyle in a coastal setting for a large number of investors from inland.

The Eastern Cape is seeing similar growth with Port Elizabeth, Jeffries Bay, Kenton on Sea and Port Alfred experiencing growth at considerable levels. The coastal resorts outside East London are also starting to show signs of growing investor interest, with at least five residential estates under investigation.

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

17

It is believed that the implications of this trend place Coffee Bay in a position of potential opportunity to grow into two very unique commercial/tourist service centres on the Wild Coast with associated opportunities for suitable residential, leisure resort and tourist related development.

7.7 Conceptual Development Strategy

The analysis of the municipal area's Spatial Development Framework (SDF) and notably the Integrated Development Plan (IDP), showed the local authority's development objectives for the area. These objectives were further augmented by the results of the situational analysis, which indicated certain key aspects that need to be dealt with. Together, the outcome of these two sets of analysis informed the Vision and specific development objectives for the municipality that might be considered. The objectives with the biggest impact on the development of the municipal area will be marked, so that they can take priority. Some objectives will remain problematic although not unimportant. The probability to achieve objectives informs the methodology below.

7.7.1 Vision

"Coffee Bay will be a town where the community has access to a high level of infrastructural services and employment opportunities. A sustainable economy resulting from economic development, land provision through security of tenure and development skills for the people."

Table 1: Objectives	
Objectives	Impact
1. Upgrade and construction of infrastructure (especially sanitation) to ensure that a decent level of services can be provided to residents in the town.	High impact
2. Provide a clinic for the community of Coffee Bay	High impact
3. Identify the strategic areas of opportunity that should be the focus areas for capital investment.	High impact
4. Improve road quality by undertaking road maintenance and/or rehabilitation.	High impact
5. Implementation of a well-designed storm water system that will reduce damage to road infrastructure.	High impact
6. Implement a sound spatial plan as well as lay the foundations for a comprehensive land use management system for the municipality. This will lead to investment and development in the medium to long term.	
7. Unlocking of strategic land.	High impact
8. To further promote and enhance investment to attract tourism and a stabilized economy within the study area.	High impact
9. Maintain the proposed urban edge for the next 10 years or more until such time that the area fully developed and serviced.	Medium impact

Table 2: Strategies to achieve objectives	
Targets	Strategy
1. Upgrade of urban infrastructure to ensure that a decent level of	Ensure the community has adequate water, waste disposal facilities, sanitation, and electricity. This will be done by suggesting a waste water treatment works to help service sanitation.

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

18

Table 2: Strategies to achieve objectives

Targets	Strategy
services can be provided to residents in the Coffee bay town.	<p>Upgrading the existing pit latrines, and ventilated pit latrine toilets and making sure that all dwellings within the urban edge have waterborne facilities, also ensuring that the KSD municipality provides proper and consistent sanitary services (calling in Vacuum suckers to clear out the solid waste) to the main town .</p> <p>Electricity supply is currently adequate, however, with future proposed developments, demand for power will increase and this demand must be satisfied.</p> <p>There is a need for oxidation ponds and construction of formal dumping sites.</p> <p>Ensure the provision of service infrastructure in accordance with spatial requirements (i.e. the integration of spatial planning and engineering services master planning).</p>
2. Provide a clinic for the community of Coffee Bay	The nearest hospital is Maweza hospital 20 Km away from the town, An appropriate site however has been allocated for a clinic.
3. Identify the strategic areas of opportunity that should be the focus areas for capital investment in engineering services infrastructure.	<p>This is the mapped CBD area that will facilitate medium density developments and intense economic activity.</p> <p>Maintain the proposed urban edge for the next 10 years or more until such time that the area has been developed to its full potential and densified to its full potential.</p>
4. Improve road quality by undertaking road maintenance and/or rehabilitation.	Tar the two main roads. Namely: King George and Armstrong street. And provide wide pavements that facilitate random street trading as well as people walking with their goods.
5. Implementation of a well-designed storm water system that will reduce damage to road infrastructure.	This will be costly and will disturb the everyday functioning of the town therefore careful planning is required and appropriate times for road work
6. Implement a sound spatial plan as well as lay the foundations for a comprehensive land use management system for the municipality. This will lead to investment and development in the medium to long term.	Channel development into a system of nodes and corridors, in accordance with the principles of the National Spatial Development Perspective.
7. Unlocking of strategic land.	Support and develop strategic locations that contain the right characteristics to enable sustainable economic development and which contribute to the overall spatial efficiency and sustainability.

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

19

Table 2: Strategies to achieve objectives	
Targets	Strategy
	Identify vacant land parcels which will have 1 st priority in terms of development and thereafter identify other land parcels that would facilitate ideal developments for the betterment of the town (this has been implemented on our conceptual plan). Those land parcels would then need to be acquired from the municipality or bought from private owner.
8. Improve image of Coffee bay(aesthetics)	Place special focus on the improvement of infrastructure in the Central Business area. Road marking and signage improvement could improve image of Coffee bay, and upgrading of the roads could not only improve aesthetics but attract more tourism than there is currently.
9. To support the business sector and facilitate its expansion.	Designate land specifically for mixed use which incorporates: shops, Resorts stores, restaurants etc. These are all located within the town of Coffee bay
10. Maintain the proposed urban edge for the next 10 years or more until such time that the area fully developed and serviced.	Densify the town of Coffee bay and compact development so that to avoid sprawl and an endless haphazardly occupied town.

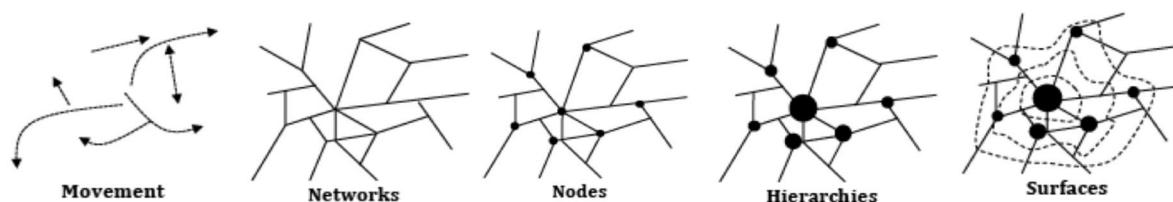
7.8 Conceptual Development Plan

This conceptual development plan will tie together the concepts regarding the urban edge, CBD, land uses, movement patterns, developments, zoning and integration of urban space. The maps below show how the broad development concept is applied in Coffee Bay. The conceptual development plan starts by restructuring the structuring elements that exist in Coffee Bay.

Natural structuring elements constitute pre-existing conditions in the area which to a large extent dictate spatial form and development patterns because of the restrictions that these elements often place on development. The natural structuring elements include physical barriers such as mountains, ridges, and rivers or natural resources such as conservation areas, mineral deposits, and high potential agricultural land.

Secondly, the conceptual development plan looks at the division between urban and rural environments through the application of an urban edge. The conceptual development plan, subsequently addresses the urban environment in terms of the CBD, land uses, movement patterns, developments, zoning and integration of urban space.

Finally, the conceptual development plan looks at the movement network that exists and connects the different elements, and how this should be strengthened to enhance the interaction between the various elements.

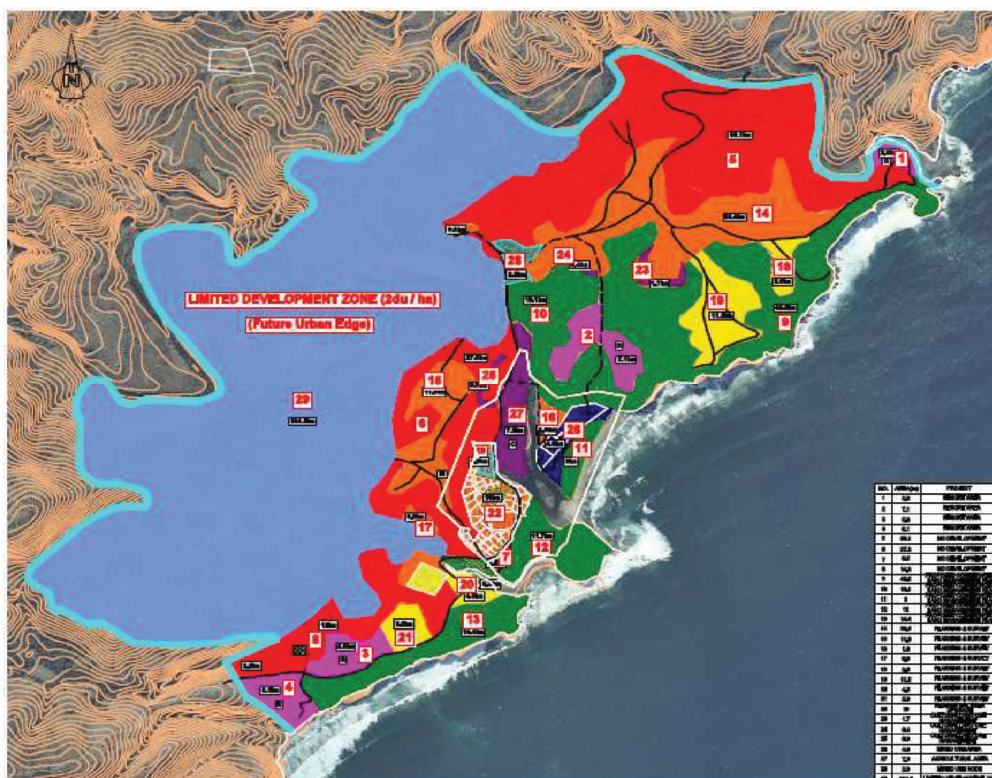


COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

20

When considering the current growth and movement dynamics in Coffee Bay, it is clear that they are lively enough to be highly considered, as they have been, in the conceptual development plan. Only a few key changes have been made. The plan follows the idea of efficiency and harmony therefore all the elements contributing to the functioning of the town have to be comprehensive and must not conflict with one another.

7.8.1 Urban edge



Map 1: Conceptual plan

The urban area is shown in the map above as encompassed by the urban edge which has been determined by a number of factors: Commonage, economic activities, and access to roads. Coffee Bay is the area's most affected by possible urban growth because it attracts a large number of people daily. The current urban edge is cutting through properties and cultivated land, the proposed urban edge follows a hard boundary (rivers and significantly visible landscape such as dongas etc.) which makes it easier to identify the urban edge for future development. It has also been adjusted to incorporate the proposed waste water treatment works so that it is situated as far as possible from the residents of the town.

7.8.2 CBD

The CBD (Allotment Area) is shown as the area encompassed by the thick orange line. This has been identified as the area that will (and currently) facilitate medium density developments and intense economic activity.

Efforts must be put into maintaining the proposed urban edge for the next 10 years or more until such time that the area has been developed to its full potential and densified to its full potential.

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

21

7.8.3 Cultural/Heritage sites

A 10m buffer has been implemented on all of the protected conservation areas to maintain and continuously cultivated the areas for traditional purposes. These areas are considered very important as they help with the aesthetics of the study area and promote good governance with the surrounding residents of the study area.

7.8.4 Land uses

Land uses are strategically mapped so that they form a land use pattern that best suits this small town. Commercial, business, trade, and mixed usage of space is concentrated centrally so that people can travel to a central location for their goods and services. Residential land usage is within a 2km radius which allows people to walk or drive to the city centre. Open spaces, recreational areas and schools are provided but they can take-up a large amount of land which is why the bigger schools and recreational areas are located outside of the CBD.

7.8.5 Movement patterns

KSD can be accessed using the R61 and various district roads give access, DR 08031 accesses Coffee bay. In order to facilitate development an integrated, well-functioning, and maintained network system is very important. The road running from Mthatha to Coffee Bay plays an important role in the town and has also been identified as a mobility route. Therefore it is important that the potholes on this route are attended to reduce travelling times. The portion of the road traversing through Coffee bay is in a bad state and is in need of drainage, pothole filling, marking and traffic control.

The movement network connects the different elements listed here: CBD, nodes, land uses and developments in an integrated manner. Once the main roads have been fixed, they can be linked with distribution roads to form a network that can be easily used by both vehicles and pedestrians to access all amenities and places within the town.

7.9 Integration of urban space

To function well, the CBD will have to act as a compact space therefore land parcels which lie within the CBD boundary and that were not being used properly will have to be integrated into the new land use plan so that they can form part of the compact future development of the CBD.

The residential area to the west of the town, on the periphery of the urban edge needs to be integrated into the urban edge so that the city has a distinct boundary and does not sprawl uncontrollably. After that land has been integrated, development must be restricted within the urban boundary for the next 10 years.

7.10 Conservation

According to the Eastern Cape Biodiversity Conservation Plan the municipality contains large environmentally sensitive areas. These are mostly areas along the river buffers. It is important to ensure that these areas are not negatively affected by development and that all future growth in these areas is done in a sustainable manner. Conservation underlies all development activities.

8 DETAILING OF THE LSDF PLAN

The KSD draft Spatial Development Framework of 2012 designates Coffee Bay as a First Order Tourism node with good potential for the development of the node into a unique coastal resort town and preferred Wild Coast tourist destination. At present, Coffee Bay is mostly rural in nature but does comprise of resorts, hotels and a few shops with arts and crafts centres. There are a number of development applications in the municipal system, which are experiencing delays due to the lack of land use management which plagues this coastal area. This gives us an indication of the high level of investment that investors seek to place in the Coffee Bay area. Investment and revitalisation are key to ensuring that Coffee Bay is reformed into a highly functional urban town. The kwaTshezi Development Plan has been finalised and provides a way forward to achieving goals that will ensure the development of Coffee Bay.

Coffee bay is a rural settlement within KSD situated in the Wild Coast 100Km from Mthatha and 75km south of Viedgesville. Its current functions and typical land uses are: Agriculture, grazing areas for substance farming, commercial and mixed use shops and centres, informal trade, backpackers, hotels and camping sites (this being where the majority of the economic activity is being facilitated), vacant land parcels providing potential for infill development, and residential sites (this only makes up 3% of the entire study area), this being due to lack of government tenure as the majority of the land is communal. Although the settlement of Coffee Bay has tremendous tourism potential, due to lack of infrastructure and government infrastructure the small town cannot optimally make use of this potential as there isn't enough basic infrastructure (roads, electricity, sewerage, which will be elaborated further in this document) within Coffee bay. Renewal is needed as well as planned and a orderly urban built environment. The settlements density pattern is reciprocal to the sustainability and educational facilities that Coffee Bay encapsulates. Coffee Bay is not an overly dense population; in fact it is rather sparse and scattered in nature due to mainly two reasons. The first is lack of tenure, most of the land within Coffee Bay is communal owned, hence the chief or royal custodian will be delegated with the task of distributing the land to the inhabitants of Coffee Bay, although this method has been used for decades, the consequences of this method is evident today (lack of sewerage, water etc.). There aren't any formal channels in which land is obtained legally in which the municipality can endorse, this causes major complications as not many investors are willing to invest money without security of land as this is not true ownership (because you do not own a title deed, thus in reality this makes you a custodian of the land not its legal land owner).

The second reason (refer to *phase 1 and 2*) is transportation or roads (or lack hereof). Transport systems go beyond providing opportunities of mobility in that their design and performance also directly influences patterns of growth and economic activities. The quality of a given transport system thus influences not only its primary function of transporting people and goods in an urban area, but also its capacity to initiate and sustain certain growth centres in within the urban context (*Infrastructure and Transport Planning, 88*), thus due to the lack of road infrastructure within Coffee Bay the small town cannot fully utilize its tourism attributes to generate income and economic stability. Most of the traditional dwellings are self-built without any government financial support/aid, the IDP however has indicated a renewal programme that is targeted at refurbishing the housing sector and roads within 2014.

Development needs identified through site visits, consultation with stakeholders and statistics analysis are:

1. Completion of road rehabilitation to Coffee Bay (DR08031).

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

23

2. Upgrading and installation of basic infrastructure to facilitate further growth.
3. Social facilities such as crèches and a mobile clinic are needed.
4. New solid waste site to be established.
5. Establishment of one viable economic hub.
6. More co-ops to be established.
7. Abattoir to re-instated/made active.
8. More resorts and low density housing needed to bring economic stability
9. Land use management system needs to be modernised and implemented.
10. Improving the image of Coffee Bay.

8.1 Mobility Routes

On a broader scale, access to Coffee Bay is gained via a series of District Roads linking to the N2 roadway. These District Roads pass through the towns of Mqanduli and Kwaaiman. The main access road to Coffee Bay is the DR08031, which is currently being refurbished. The tarred section of this District Road stops within Coffee Bay. Other mobility routes within the study area are in poor condition and in need of refurbishing in order to encourage tourism activity in the area. These routes also provide access to Hole in the Wall. Road marking and signage will also improve the image of this area. Coffee Bay is directly linked via a 5 km gravel road built some 5 years ago along the coastline between the two nodes. This road is now in a poor condition and needs to be tarred. DR18031 from Viedgesville to Coffee Bay is a surfaced road but to a very low standard of alignment, major potholes and is in serious need of repair and upgrading. This is acknowledged by the Department of Roads and Public Works

8.2 Settlement/Residential Areas

The majority of the land is communal land and would need to be made available for purchase to improve the economy of Coffee Bay.

It would be unrealistic to expect the property market, to operate well where there are no clear land and property rights, or where there are no state institutions to register land and transactions. After investigation, there is some information on land ownership within Coffee bay, however many improvements must be made because the current system does not support intense economic growth and many usable and valuable land is being incorrectly used, underutilised or left vacant. A working system to sell and rent out land to people and businesses will help improve the land use system and ultimately the functioning of the town Areas have been identified for residential use. The existing Coffee Bay town is to include low, medium and high density residential. This area is approximately 10hectares in extent.

Low density residential areas identified total approximately 22.6hectares, while low density rural residential (government funded) areas total approximately 53.4hectares.

8.3 Resort Areas/Tourism Activity

The main attraction to Coffee Bay is its tremendous tourism potential, its estimated that Coffee Bay has the potential to produce up to R40, 000,000.00 per annum on tourism alone (provided that the infrastructure and spatial planning is properly in place), this means that the majority of the businesses and land uses within Coffee Bay have to be designed to accentuate that attraction (even if its on the subliminal level).There are already Camp

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

24

sites and hotels (Blue Lagoon etc) situated within Coffee bay however the majority of these establishments need to be upgraded if they are able to meet the demands that are expected to generate this sort of yearly income. Tourism activity is key to develop the Coffee Bay area; therefore 21.1hectares of land has been allocated for resort use.

8.4 Cultivation Areas

There is a small area which is ideally located for cultivation. This area measures approximately 7.3hectares in extent. The area is situated along the river.

8.5 Cultural Areas

Cultural areas have been identified and these are demarcated on the LSDF plan. An area of 3hectares has been allocated for this use. The traditional Amakwetha will make use of this.

8.6 Mixed Use Areas

Within Coffee bay there aren't any major stores or outlets, meaning that the majority of the capital that is being accumulated by the existing businesses is being spent outside the town and not being reinvested in. Spatial planning must be put in place in order to encourage these major outlets to open businesses within Coffee bay to keep the capital in circulation within the town. This type of circulation will lead to more economic opportunities as there is less need for anyone to leave Coffee bay hence encouraging a more sustainable economy. An existing area of ± 4.6 hectares is has mixed uses. These include a petrol filling station and various bed and breakfast establishments.

8.7 Protected Areas

Due to the diverse natural beauty of the Coffee Bay area, a large amount of land has been allocated to be conserved and protected. The total area is ± 94 hectares.

8.8 Proposed facilities

An area has been identified for a waste water treatment works. This is to be located in the southern tip of the study area. A mobile clinic has also been proposed at a suitable location.

8.9 Urban Edge

The proposed urban edge is aligned, where possible, to natural boundaries such as rivers and undevelopable valleys. No urban type land uses or densities will be permitted outside of the urban edge. The prevention of urban sprawl is one of the main aims of the urban edge. The proposed urban edge has been identified as a development horizon of between 5 to 10 years, and will need periodic review.

9 SPATIAL STRATEGIES

The following development strategies, which are also in line with the King Sabata Dalindyebo IDP, as well as the kwaTshezi Development Plan, are envisaged for Coffee Bay:

- Develop infrastructure

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

25

- Stimulate job creation targeting mainly tourism
- Identify tourism development opportunities
- Ensure linkages to tourism development areas
- Protection of the special and valuable environmentally sensitive resources, views and vistas making Coffee Bay and its environs unique
- Establishment of a stable investor friendly environment with formalised access to land under either a head lease or free-hold tenure managed in accordance with the Municipal Finance Management Act procurement process, the SDF and Land Use Management Guidelines and the community rules of the Land Administrative Committee (to be formed) for the Nenga Administrative Area
- Reticulation of appropriate water services infrastructure and establishment of treatment works to meet the needs of the growing node
- Upgrading of municipal services and social facilities to meet the needs of the community
- Revitalisation of the tourism based economy through creation of a unique tourist village overlooking the Nenga River lagoon
- Establishment of a commercial core with provision for retail, offices, mixed uses, service industries and residential accommodation on identified land around and above the tourist village

Those interventions with spatial aspects are translated spatially using the focused minimalist approach described above. This Rural SDF acknowledges that Coffee Bay is an important tourism node within the OR Tambo District Municipality.

Keeping OR Tambo District Municipality, KSD Local Municipality, key components of the spatial proposals contained in this document will be to consider the greater economy, regional and local accessibility, residential needs and sustainability. A key spatial structuring element within the study area is the tourism potential this node withholds. Below are Land use Management guidelines that have been outlined that pertain to this particular study area

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

26

<u>Land Use Type</u>	<u>Name</u>	<u>Statement of Intent</u>	<u>Key issues Priorities</u>	<u>Land Use management Guidelines</u>
<u>Secondary Node</u>	Coffee Bay	Identified as having important local level development functions relating to commerce.	Developing the town as tourism destination.	Development and management of transport hub (taxi rank) that is well located in relation to commercial and administrative functions to be a priority.
		Serve a service centre function to the surrounding rural areas	Range of land developments anticipated include administrative facilities, retail and commerce, health and education facilities of a higher order and residential accommodation for local residents and people requiring accommodation associated with the service functions of the town	<p>The upgrading and extension of the infrastructure network is deemed priority and the level of service to be strived for is the highest level that is determined to be economically feasible.</p> <p>Land uses: Residential, business, commercial, industrial, public service, infrastructure, sport, leisure and recreation, small-scale agriculture, tourism facilities including higher order tourism and recreation facilities and a full range of tourist accommodation, including hotels, resorts, bed and breakfast accommodation, backpacker lodges, camp sites and caravan parks.</p>
		Fully serviced town with higher densities and full range of facilities. High order investment in infrastructure	<p>Infrastructure provision.</p> <p>Maintenance of all infrastructure.</p> <p>Provision of full range facilities and services for local and visiting communities.</p> <p>Promote tourism and encourage the development of a greater diversity of tourism product, facilities and enterprises.</p> <p>Protection of sensitive, vulnerable, highly dynamic</p>	<p>The Scheme for town should address <i>inter alia</i> the following management elements:</p> <ul style="list-style-type: none"> - Coverage (to prevent over development of a site); - Height (safety, climatic control – shade caused by high buildings, effect of wind, protection of views); - Floor area ratio requirements (to control the size of buildings); - Building density limits (to ensure that the area is not overdeveloped causing strain on social facilities and services); - Side and rear space requirements and building lines (to ensure access to the rear of properties for fire safety purposes and to lay service infrastructure, space around buildings to ensure unrestricted airflow, adequate lighting, privacy, an area for recreation, and possibly future road widening); - Parking and loading requirements (to ensure that vehicles can safely be accommodated off the street to facilitate smooth traffic flow); - External appearance of buildings (to promote a sense of place); - Erection of signage (for safety and aesthetic reasons); - Existing indigenous vegetation (to ensure that the clearing of indigenous vegetation is limited to what

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

<u>Land Use Type</u>	<u>Name</u>	<u>Statement of Intent</u>	<u>Key Issues Priorities</u>	<u>Land Use management Guidelines</u>
			<p>or stressed ecosystems.</p> <p>Development of new public funded housing areas.</p> <p>Infill planning and development.</p> <p>Sporting, cultural, market, transportation and social, community and economic services and infrastructure.</p>	<p>is absolutely necessary) and stormwater runoff (to reduce the impact of increased stormwater runoff). 25% of the area of any site should have a permeable surface, preferably existing or rehabilitated indigenous vegetation. This excludes the CBD as 100% coverage is permitted.</p> <p>Level of infrastructure and Services:</p> <ul style="list-style-type: none"> - Water – municipal potable water reticulation with individual connections to all properties and inside dwelling - Only Water borne sewerage or Conservancy Tanks in the urban area. Minimum plot size where septic tank is used to be determined through geo-technical study with absolute minimum of 1500m². - Approved VIP systems permitted in peri-urban areas (informal areas and in-situ upgrade areas). - Solid Waste – municipal collection to transfer station and from there to a licensed disposal site. - Road Access (maintenance is needed) – tar and gravel - Electricity – full reticulation. Supplementation through use of solar panels should be encouraged - Telecommunication – full telecommunication and cellular network - Measures to deal with increased run-off due to development to the satisfaction of the relevant managing authority. See Wild Coast Tourism Policy (2001) section 3.5.4 Guideline 6 - Off-site impacts of all infrastructure development must be considered in any development application (power lines, roads, water abstraction, sewer lines and treatment works, solid waste transportation and disposal, telecommunication lines and masts). <p>Other:</p> <ul style="list-style-type: none"> - Development must not impact on any special features or symbols of the Wild Coast and should not limit access to these features. - Urban edge / urban fence / limit to development of towns needs to be determined through detailed planning and public participation. The Wild Coast SDF recommends outer limits representing the recommended cadastral footprint of the peri-urban area (see section 7.6.2 and Appendices 1 and 2). - The interface area around towns needs to be determined and managed to protect adjacent important areas of biodiversity and other sensitive areas. - Emphasis should be on clustering development within existing built-up areas and maximising the natural open space provision. - A linked open space system should be embedded in detailed plans to ensure the operation of



COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

<u>Land Use Type</u>	<u>Name</u>	<u>Statement of Intent</u>	<u>Key Issues Priorities</u>	<u>Land Use management Guidelines</u>
				ecological corridors as development in the area intensifies. Land use management that focuses on establishing the CBD as an attractive area to do business in. Facilitate the orderly development of office and retail premises as well as the required range of accommodation to support the administrative and service functions in the area.
<u>Resort Nodes</u>	Hole in the wall	Intensively developed nodes to cater for holiday and leisure activities with large hotels and cluster developments Private sector investment encouraged in a diverse range of holiday and leisure products, facilities and enterprises. Primary attraction is the amenities provided by the built environment.	Promote tourism and encourage the development of a greater diversity of holiday and leisure products, facilities and enterprises. Provide appropriate level of services and facilities to attract developers and tourists. Protection of sensitive, vulnerable, highly dynamic or stressed ecosystems. The outer limits of these nodes should be defined, surveyed and the area administered by the municipality	Land Uses: <i>All forms of residential use including estates, tourism and recreation facilities, hotels and other tourist accommodation such as family resorts, bed and breakfast, backpacker lodges, camp sites and caravan parks; walking and horse-riding trails.</i> <i>Commercial and service facilities that support holiday and leisure type development including bottle stores, petrol stations, doctors, banks, laundries, recreation and entertainment venues.</i> <i>Boat launching sites may be considered (in coastal resort nodes) subject to a full EIA and the full involvement of DWAF, DEAT and its relevant divisions and agencies including the provincial Coastal Management Sub-directorate.</i> <i>Continued survey of individual site i.e.</i> 1. Coverage (to prevent over-development of a site); 2. Height (safety, climatic control – shade caused by high buildings, effect of wind, protection of views); 3. Floor area ratios (to control the size of buildings); 4. Development density limits (to ensure that the area is not over-developed causing strain on social facilities and services); 5. Side and rear space requirements and building lines (to ensure access to the rear of properties for fire safety purposes and to lay service infrastructure, space around buildings to ensure unrestricted airflow, adequate lighting, privacy, an area for recreation, and possibly future road widening); 6. Parking and loading requirements (to ensure that vehicles can safely be accommodated off the street to facilitate smooth traffic flow);

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

<u>Land Use Type</u>	<u>Name</u>	<u>Statement of Intent</u>	<u>Key issues Priorities</u>	<u>Land Use management Guidelines</u>
				<p>7. External appearance of buildings (to promote a sense of place);</p> <p>8. Erection of signage (for safety and aesthetic reasons);</p> <p>9. The need for an Environmental Management Plan to accompany any building or development application (to control impacts during and after construction);</p> <p>10. Existing indigenous vegetation (to ensure that the clearing of indigenous vegetation is limited to what is absolutely necessary) and stormwater runoff (to reduce the impact of increased stormwater runoff). 25% of the area of any site should have a permeable surface, preferably existing or rehabilitated indigenous vegetation.</p> <p>If there is no cadastral certainty a simple scheme should be developed that addresses these issues through appropriate policies or regulations. (informal municipal cadastre based on Google Earth or equivalent)</p> <p>Level of infrastructure and Services:</p> <p>Prioritise bulk water, sanitation, electricity, telecommunications and solid waste disposal.</p> <ol style="list-style-type: none"> 1. Water – municipal water reticulation with individual connections to all properties; 2. Water borne sewerage, conservancy or septic tanks. Minimum plot size where septic tank is used to be determined through geo-technical study - with absolute minimum of 1500m². 3. Solid Waste – municipal collection to transfer station and from there to a licensed disposal site; 4. Road Access – surfaced tar recommended or gravel. Internal traffic flow should be minimized and pedestrian access prioritised; 5. Public parking to be provided in appropriate locations that do not compromise the 100m coastal buffer zone; 6. Electricity – full reticulation. Supplementation through use of solar panels should be encouraged; 7. Telecommunication – full telecommunication and cellular network; 8. Increased storm water run-off should be minimised and measures to deal with increased run-off due to development must be to the satisfaction of the relevant managing authority. See Wild Coast Tourism Development Policy (WCTDP, 2001) section 3.5.4 Guideline 6; 9. Off-site impacts of all infrastructure development must be considered in any development application (power lines, roads, water abstraction, sewer lines and treatment works, French drain



COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

30

<u>Land Use Type</u>	<u>Name</u>	<u>Statement of Intent</u>	<u>Key Issues Priorities</u>	<u>Land Use management Guidelines</u>
				<p>discharges, solid waste transportation and disposal, telecommunication lines and masts).</p> <p>Building form/ aesthetic / design guidelines:</p> <ol style="list-style-type: none"> 1. Coastal nodes often develop in an ad-hoc manner that can be "messy" and un-coordinated. It is recommended that an urban design plan be prepared for each node. This plan should have as its primary aim the creation of a sense of place and a framework for orderly development that will provide investors with a level of certainty and attract visitors and residents to the node; 1. 'Eastern Cape beach house' architectural vernacular to be encouraged; 2. Minimum set-backs or interface area to be used to protect environmentally sensitive areas. A 100m buffer must be maintained between the high-water mark and any development site. No clearing of coastal forests or disturbance of dunes or dune vegetation is permitted in this buffer area; 3. Developments should not disturb/break existing tree lines i.e. height restriction – 5 storey for hotels where the view shed is protected and 2 storeys for all other developments; 4. Development should be planned so as to avoid impacting on the skyline and prominent open hillsides and should not be visibly intrusive from popular tourism view sites or from the beach; 5. Development should be designed to blend into the landscape. The use of natural/local building materials are encouraged where the extraction of such materials does not have negative environmental impacts; 6. Development must not impact on any special features or symbols of the Wild Coast and should not limit access to these features; 7. Minimal development / building footprint to be encouraged; 8. Facilities to be tailored to the specific characteristics of the local geographical area; 9. Cut and fill levelling of sites should be avoided wherever possible; 10. Special attention should be given to the coastal frontage, which is a dynamic environment where human activities need to be carefully managed. In particular the urban design plan must address the need for appropriate public parking and public ablution facilities, lighting, approaches to the beach, boat launching sites and the provision of refuse bins.



SEPTEMBER 2014

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

31

<u>Land Use Type</u>	<u>Name</u>	<u>Statement of Intent</u>	<u>Key Issues Priorities</u>	<u>Land Use management Guidelines</u>
				<p>11. In preparing or revising existing Schemes particular attention must be given to the height of buildings near the coastal frontage to ensure that views are safeguarded and sunlight and shadows are considered. The municipality may want to consider using a step-back or angle approach whereby buildings near the beach are single storey with the height restriction increasing as distance from the beach increases.</p> <p>Other:</p> <ol style="list-style-type: none"> 1. Development must not impact on any special features or symbols of the Wild Coast and should not limit access to these features; 1. The limit to development of each node needs to be determined through detailed planning and public participation. 2. New developments are subject to an EIA which must include landscaping (indigenous to be encouraged) and rehabilitation plans to mitigate impacts of construction activities. 3. The interface area around nodes needs to be determined and managed to protect adjacent important areas of biodiversity and other sensitive areas. 4. Emphasis should be on clustering development within existing built-up areas and maximising the natural open space provision. 5. A linked open space system should be embedded in detail plans to ensure the operation of ecological corridors as development in the area intensifies. <p>Carrying Capacity:</p> <p>To be determined for each node and not to be exceeded (constraints to include facilities, bed numbers, day visitors, size of beach, capacity of the services infrastructure etc). See WCTDP section 3.5.2 Guideline 4</p>



SEPTEMBER 2014

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

32

LSDF Guidelines								
No.	Land use	Zoning	Max height	Building lines	Max coverage (%)	Proposed density	Far	Parking / gla
1	Commonage (cultivation & grazing)	Future land use	2	-	-	-	-	-
2	Extension of residential	Proposed low density residential	2	Str 5m, sides 3m	50	Minimum erf size of 500m ²	-	2 bays
3	Business node	-	3	-	-	-	3	Retail: 6 bays per 100m ² / other: 2.5 bays per 100m ²
4	Proposed office & business use	General business	3	0m	90	-	3	Retail: 6 bays per 100m ² / other: 2.5 bays per 100m ²
5	Proposed public space	Open space	-	-	-	-	-	6 bays per 100m ²
6	Proposed mixed use	Mixed land use	3	-	90	-	3	6 bays per 100m ²
7	Filling station	General business	2	Str 5m, 3m other	80	-	3	6 bays per 100m ²
8	Recreational park	Open space	3	-	-	-	-	-
9	Apartments	Medium density residential	3	Str 5m	70	Max of 100 du/hectare	3	1 bay per unit
10	Town houses	Medium density residential	3	Str 5m	70	Max of 50 du/hectare	2	1.5 bays per unit
11	creche use	Institutional	2	Str 5m, 3m other	60	-	2	4 bays per 100m ²
12	Proposed primary & high school	Institutional	2	Str 5m	60	-	2	4 bays per 100m ²
13	Proposed Clinic	Municipal	2	Str 5m, 3m other	60	-	-	0.3 bays per bed
14	Police station	Municipal	2	Str 5m	60	-	2	6 bays per 100m ²
15	Proposed new refuse waste dumpsite	Municipal	-	500m from residential and town area	-	-	2	6 bays per 100m ²
16	Expansion of public transport facility	Municipal	-	Str 5m	-	-	2	6 bays per 100m ²

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

33



Map 22: Coffee Bay Study Area plan (Phase 3)

Coffee Bay

- Located along DR08031 district road.
- Secondary Node
- First-order tourism node in terms of the district-scale
- High level of tourism activity
- Unstable economic activity
- Spatial pattern provides opportunities for further growth and development



Map 23: Proposed Urban Edge (Phase 3)

Urban Edge

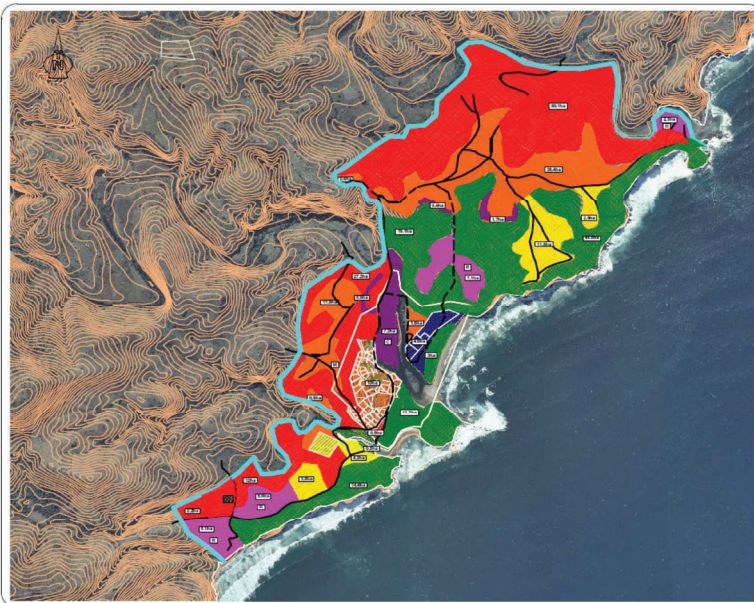
The proposed urban edge is aligned to cadastral boundaries, and as such some portions of properties included in the urban edge may be undevelopable due to topography, environmental sensitivities or other factors.

The primary aim of the urban edge is to direct new development to areas that are serviceable by the Municipality, and to prevent urban sprawl.

The proposed urban edge has been identified as a development horizon of between 15 to 20 years, and will need periodic review.

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

34

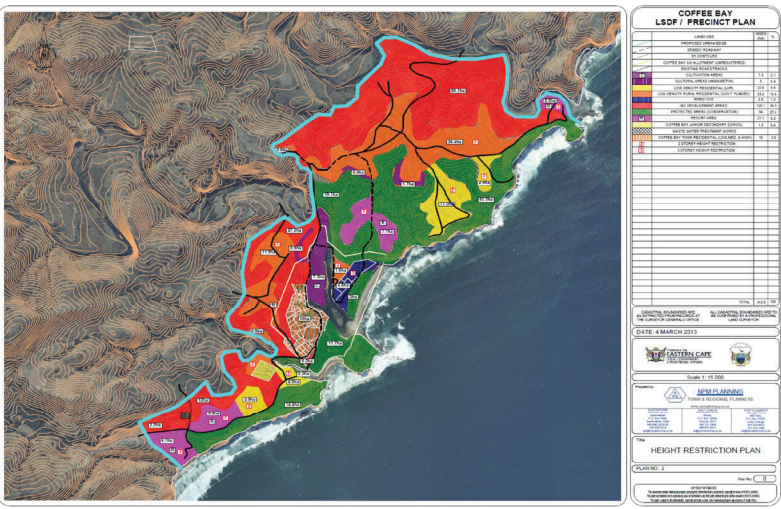


Map 24: Draft Conceptual Plan (Phase 3)

Identify the strategic areas of opportunity that should be the focus areas for capital investment in engineering services infrastructure.

The plan illustrates where proposed development and investment should be focused. The intended illustrations are as follows:

- Resort development areas
- Low density residential areas
- Public funded housing
- No development areas
- Agriculture areas
- A regularised Cultural Area
- Demarcated land for Conservation
- A more stable and consistent mixed use development
- New water treatment works
- Demarcated land for junior secondary school
- A clinic
- Proposed Urban Edge



Map 25: Coffee Bay Height restriction plan

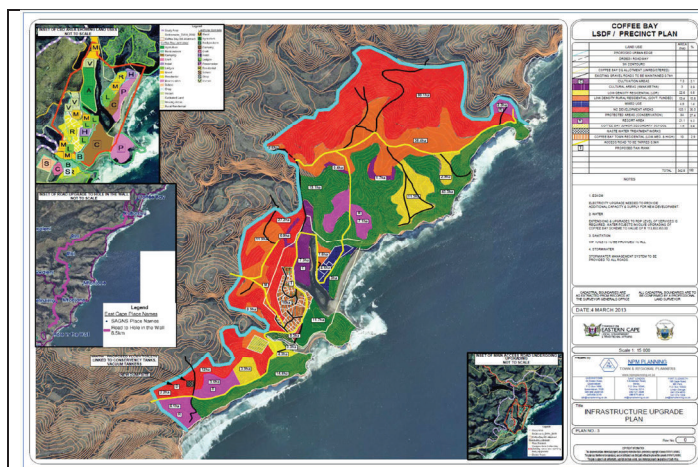
Coffee Bay height restriction plan

This plan indicates the proposed height restrictions for Coffee Bay.

34

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

35

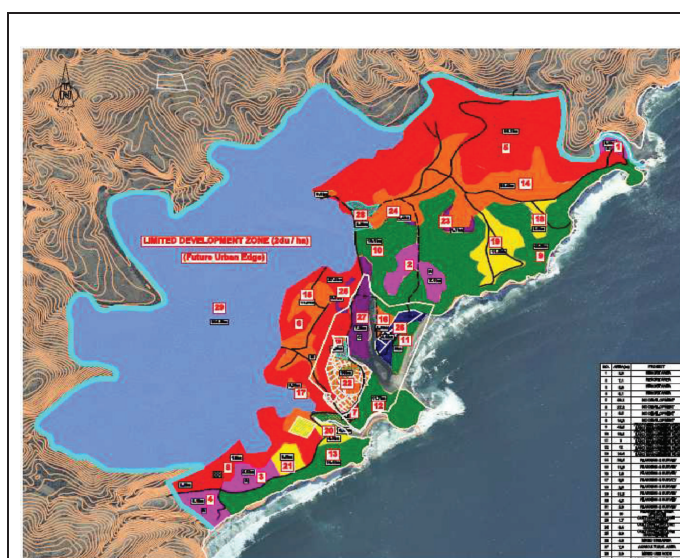


Map 26: Proposed Infrastructure Upgrade (Phase 3)

Infrastructure Upgrade

This plan represents the infrastructure upgrade that must take place within Coffee Bay, some of the upgrades are as follows:

- 1) ESKOM: Electricity upgrade needed to provide additional capacity and supply for new development.
- 2) WATER: Extensions and upgrades to RDP level of service are required. Water projects involve upgrading of Coffee Bay scheme to the value of R 113, 653, 953.00
- 3) Sanitation
- 4) VIP toilets need to be installed
- 5) Stormwater

**Future Project Plan**

This map shows the projects that are needed in order to be able to carry out these objectives:

No	Area(ha)	Project
1	2.3	Resort Area
2	7.1	Resort Area
3	5.6	Resort Area
4	6.1	Resort Area
5	80.1	No Development
6	27.2	No Development
7	0.5	No Development
8	14.2	No Development
9	45.5	Proposed Conservation land management plan
10	19.1	Proposed Conservation land management plan
11	3	Proposed Conservation land management plan
12	12	Proposed Conservation land management plan
13	14.4	Proposed Conservation land management plan
14	38.4	Planning and Survey
15	11.9	Planning and Survey
16	1.6	Planning and Survey
17	0.9	Planning and Survey
18	2.9	Refurbishment of current primary school
19	11.5	Refurbishment of current primary school
20	4.3	Refurbishment of current primary school
21	3.9	Refurbishment of current primary school
22	10	Primary Node/business Node
23	1.7	Cultural land use management
24	0.4	Cultural land use management
25	0.9	Cultural land use management

35

COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

10. IMPLEMENTATION PROGRAMME AND COSTING

Project No.	Project Description	Project Prioritization	Time Frames	Budget	Responsible Department
1	Re tarring of current roads/ Road infrastructure (Splays, road storm water management system) in Coffee Bay Urban Edge 9km	High	36 months	29 000 000	KSD, Dept Roads and Public Works
2	Upgrading of tourism facilities within study area	High	24 months	10 000 000	DEDEA, KSD, OR Tambo DM
3	Water provision upgrades	High	36 months	113 000 000	OR Tambo DM
4	Upgrade of all properties to waterborne system / conservancy tanks (incl. pumpstation)	High	24 months	15 000 000	OR Tambo DM
5	Agriculture Support (establishing Co-ops within the community and providing equipment, fertiliser and tractors)	Medium	24 months	10 000 000	DoA, DRD&LR
6	Strategic land development and release	Medium	24 months	2 000 000	KSD
7	New waste water treatment works	Medium	24 months	14 000 000	OR Tambo
8	Business Area Development and transport facility	Medium	24 months	6 000 000	OR Tambo, DEDEA, KSD
9	New Clinic	Medium	24 months	4 000 000	DoH
10	New business sector development (mixed use node)	Medium	36 months	5 000 000	DEDEA/KSD
11	Low density residential development	Medium	36 months	2 000 000	KSD
12	Improvement of Internal linkages	Low	24 months	3 500 000	KSD, DEDEA and Public Works/Roads
13	Investment in refurbishing the current educational facilities	Low	12 months	2 000 000	DoE
15	Commonage management plan	Low	12 months	300 000	KSD/DRD&LR
16	Comprehensive land use management system	Low	12 months	250 000	KSD/DRD&LR
17	Formalisation of Coffee Bay, survey of new town allotment and registration/promulgation as a town	Low	24 months	500 000	DEDEA, RD&LR, KSD
18	Improve general aesthetics of Coffee Bay	Medium	36 months	15 000 000	KSD, OR Tambo DM, DEDEA
19	Road from Coffee Bay to Hole in the Wall – 8.5km	High	24 months	20 000 000	Public Works and Roads
20	Access Road from Kwaaiaman to Coffee Bay – 19 km (tarring)	High	18 months	57 000 000	Coega/Public Works & Roads
21	Electricity bulk upgrade and extensions	Medium	24 months	15 000 000	Eskom
22	New public funded housing developments	Medium	48 months	25 000 000	DoHS
23	New solid water refuse site	Medium	36 months	4 000 000	KSD/DEDEA
24	Public accessibility infrastructure upgrade	High	36 months	3 273 000	KSD/DEDEA



COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

11. PUBLIC ACCESSIBILITY INFRASTRUCTURE UPGRADE










Pictures above showing existing public access areas and the table below details the proposals for the Coffee bay area. The table below must be viewed with attached Plan

Public accessibility Infrastructure				
Infrastructure	Description	Symbol	Material	Estimated Cost
Existing environmental constraints: Protected Area	±4,484 ha		N/A	N/A
Open Space with Benches	±1658 m ²		Timber benches Cement Foundation	R 100 000
Open Space with Benches & Viewing + Bicycle & Hiking	This public open space exist but can be improved and be used by day visitors and overnight visitors ±4,105 ha		Timber benches Timber viewing decks	R 100 000











COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

Trails	A public open space with benches can be used by day visitors and overnight visitors		Cement Foundation	
Disabled People Ramps	±315 m		Cement/Motar	R 130 000
Proposed Parking	20 bays in total		Paving	R 180 000
Pedestrian Pathways	Length = ± 5,1 km		Paving	R 1 800 000
Upgrade Existing Staircase	The existing staircase accessing the beach from the public open space has dilapidated and is need of upgrading. 		Timber	R 15 000
Upgrade Bridge	The bridge is the only link from the West to the Eastern in Coffee Bay. The bridge needs to be upgraded to improve this link. The bridge must have a path for pedestrians and be usable during high-tide.		Concrete	R 500 000
Lagoon Crossing	The lagoon crossing would access the viewing decks and hiking trails.		N/A	N/A



COFFEE BAY LSDF/PRECINCT PLAN EXECUTIVE SUMMARY

					
Hiking Trail 1	± 699 m			Natural Materials	R 140 000
Hiking Trail 2	± 1,14 km			Natural Materials	R 228 000
Cul de Sac	The end of the road where cars can turn around and head back into town.			Paving	R 45 000
<u>SIGNAGE</u> Fishing Signage Surfing Signage Boat Launching Infrastructure & Signage Swimming Signage	Signs and symbols to communicate a message to tourists, visitors and residents who want to Fish, Surf, Swim or use their boats.	   	Fishing Signage Surfing Signage Boat Launching Infrastructure Swimming Signage	Signage material	R 35 000
				Total	R 3 273 000



LOCAL AUTHORITY NOTICE 173 OF 2019

NOVEMBER 2016

**MQANDULI & VIEDGESVILLE LOCAL SPATIAL DEVELOPMENT
FRAMEWORK: EXECUTIVE SUMMARY****1. BACKGROUND AND KEY PROJECT OBJECTIVES**

Concepts Urban Design (Pty) Ltd was appointed by the King Sabata Dalindyebo Municipality (KSDM), to undertake the preparation of a 'LOCAL SPATIAL DEVELOPMENT FRAMEWORK (LSDF)' for the nodal areas of Viedgesville and Mqanduli within KSD.

The LSDFs for the two areas aim to create a medium to long-term development strategy and vision for the two areas, which will realize and provide strategic guidance to the urban-rural interface, strategic use of land, use of the environmental and agricultural asset base & economic and poverty alleviation potentials. The LSDF seeks to deal innovatively and appropriately with broad development challenges as well as specific needs of the community, integrating transportation, environment, education, economic development, social and residential development.

Overarching planning objectives of the project include the following:

- To put in place a desired development pattern and guidelines for development at the two nodes.
- To identify strategic interventions, public & private sector actions necessary to facilitate economic growth, investor confidence and enhanced quality of life in Mqanduli and Viedgesville.
- To promote well-designed settlements where residents can live, work, shop and play in close proximity to services.
- To create a Spatial Development Framework as the development planning tool and land use management guide to achieve positive development and change in the area with the aims of achieving environmental, social and economic objectives.

2. LEGISLATIVE CONTEXT

The LSDF project aims to give effect to the Spatial Planning and Land Use Management Act (SPLUMA), Act No.16 of 2013. In adhering to the fundamental planning principles laid out in SPLUMA, the LSDF seeks to promote Spatial Justice, Spatial Sustainability, Spatial Resilience, Efficiency and Good Administration. It is held that through the interaction of all spheres of government in the preparation of a local area plan, development implementation processes can be coordinated and in harmony with each other across spheres of government as well as across all areas within municipalities.

3. STUDY AREA

The Viedgesville and Mqanduli nodes are located 13km apart from each other. Viedgesville is strategically located on the N2 National Road, which passes through the Municipality and is situated 21km's south-west of Mthatha. Mqanduli is located on the DR08031 coastal route, which runs south-east from Viedgesville towards Coffee Bay. Figure 1 below provides the context of the two nodes in relation to each other.

The study area for the Viedgesville Node includes an area of 4km around the Viedgesville intersection on the N2. Ward 32 forms the greater part of the study area. Portions of Wards 33,35,29 and 28 also fall within the 4km study area radius. See figure 2 below.

The study area of the Mqanduli includes the Mqanduli CBD and the surrounding commonage administered by the KSDM. The study area falls within Ward 29 and Wards 23 and 28 lie south of the study area. See Fig. 3 below.

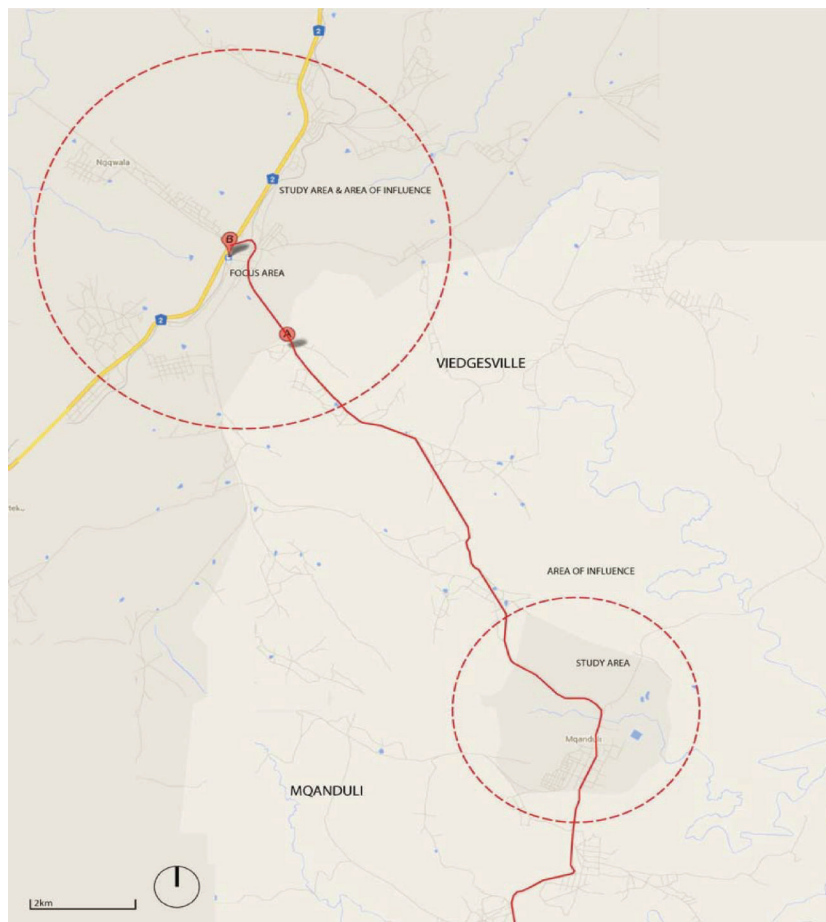


Figure 1:Viedgesville and Mqanduli in context



Figure 2: Aerial photo: Viedgesville study area



4. REGIONAL & SUB-REGIONAL CONTEXT



Figure 4: District and Regional Context (Source: National Demarcations Board and Concepts Urban Design (Pty) Ltd

The Viedgesville and Mqanduli areas are strategically located both from a natural and urban point of view. Mqanduli Town is identified as a primary node in the Municipality alongside Mthatha. Viedgesville and Coffee Bay are identified as secondary nodes in the Municipality.

The study areas are also central to historic, cultural and heritage resources centred on the life of Late Icon and Father of the Nation Nelson Mandela. Qunu Village, hometown of Nelson Mandela, the Mandela Museum in Mthatha, Mvezo Village and Mqhekezweni Great Place, all have significance to the cultural heritage of the area. These areas fall within a 40 km radius of Viedgesville.

4.1 VIEDGESVILLE: SUB-REGIONAL CONTEXT

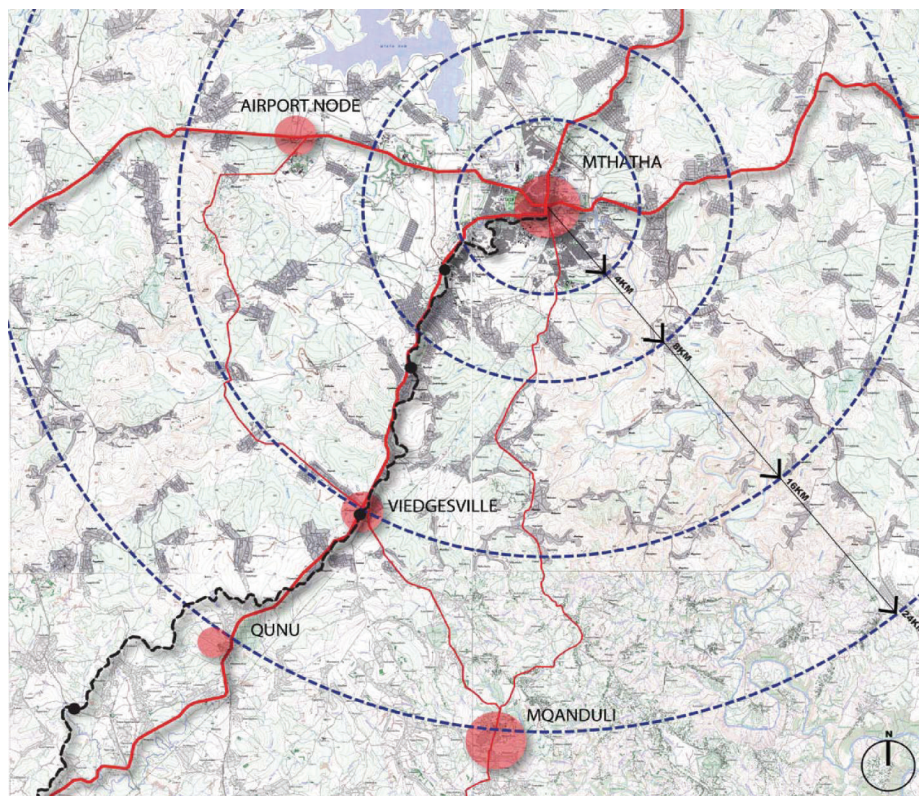


Figure 5: Viedgesville: Sub-Regional Context

At a sub-regional level, a number of projects and initiatives have significance for the role of Viedgesville.

1. The **Integrated Wild Coast Development Programme (IWCDP)**, driven by the Department of Economic Development, Environmental Affairs and Tourism. The programme is built around three pillars of agro-processing, green industry and tourism.
2. Aligned to this, is the proposal for the Mthatha **Special Economic Zone (SEZ)**, which will focus on Agro-processing at the Mthatha Airport Node. Also being considered is an innovation hub tied to the University (WSU), which looks at new technologies to support agricultural development and innovation
3. The 2015 State of the Nation address announced the start of **Agri-Parks**, aimed at revitalizing agro-processing and agriculture in the country. Within the Eastern Cape Province, the KSD area has been identified for the development of Agri-Parks, which aims to support small holder farmers through the creation of agricultural value chains related to various kind of farming / livestock development.
4. **Qunu: Home for Humanity Project** is a planned development for the Qunu node, south of Viedgesville. The project is in honour of the legacy of Nelson Mandela and explores the potential for the development of a world-class and unique node at the village of Qunu. The pre-feasibility study for this project proposes the development of a Global Centre for Negotiation and Reconciliation, a Centre

for Arts and Culture, a Hotel and Wellness Centre, an International Institute for Humanities, and a World Environment Forum. A Tourism Gateway is proposed at the node and will include a Welcome Home Centre which consists of residential accommodation in the form of Homestays. A Nelson Mandela Leadership College is also proposed for the Node (Development of Qunu City: Pre-feasibility Study, Department of Human Settlements, Eastern Cape, 2013).

5. **Kei Rail Corridor Project** launched in 2003 was intended to facilitate the development of a cost effective alternative mode of transport in regard to freight and passenger services between East London and Mthatha. Although this project is not functional at the present time, its resuscitation will play a significant role in the development of agriculture and agro-processing in the broader area.

4.2 MQANDULI: SUB-REGIONAL CONTEXT

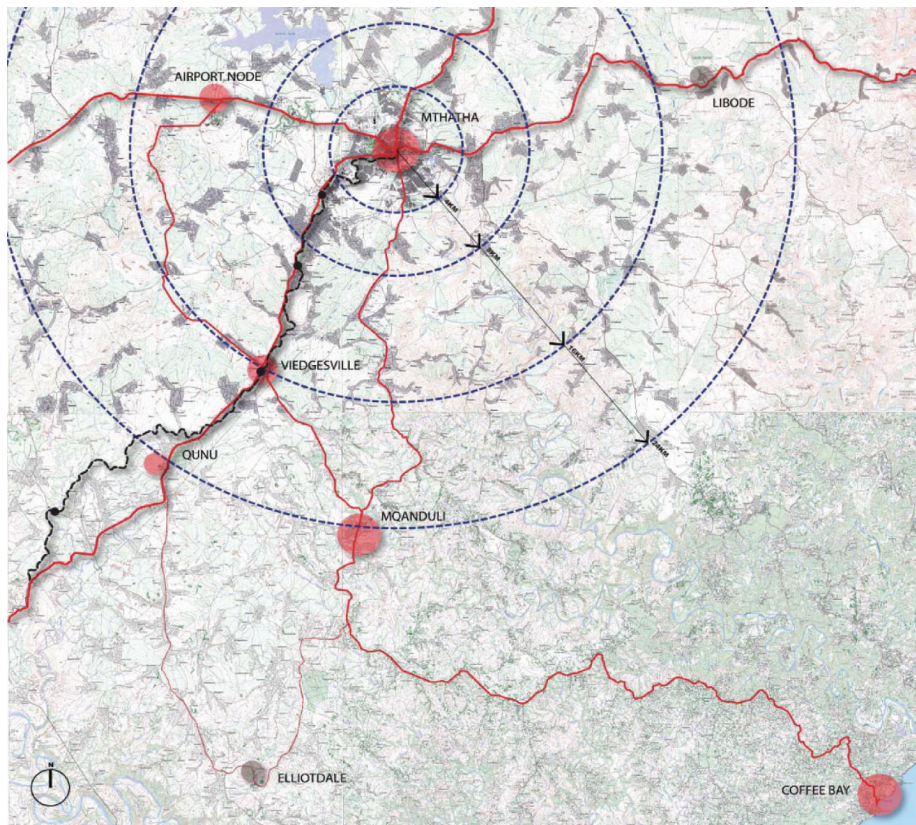


Figure 6: Mqanduli: Sub-Regional Context

At a sub-regional level, in addition to the projects and initiatives that are of significance to Viedgesville the proximity of Mqanduli to the Coffee Bay implies that appropriate economic linkages need to be made between the two nodes where synergies exist. Route DR08031, which connects Mqanduli to Coffee Bay needs to be strengthened and reinforced as a Tourism route. Also of significance in a sub-regional context is the direct route, which links Mqanduli Town to Mthatha via Qokolweni. With the improved road connectivity on this route, it forms an alternative to travelling on the N2. Both routes are similar in travel distance to Mthatha.

5. KEY ISSUES EMERGING FROM THE STATUS QUO ANALYSIS:

KEY ISSUES: ENVIRONMENT

- Need to ensure a 32m buffer where no development takes place within a watercourse and 500 m from a wetland, without environmental authorisation.
- CBA 2 areas form part of the province's bioregional plan (ECBCP). No development is allowed by DEDEA to take place within any of these areas.
- The construction/expansion of cemeteries close to rivers is problematic.
- Environmental management of commonage is required.
- Loss of vegetation cover results in erosion..
- High sediment load in rivers due to erosion.
- Poor sanitation services that may cause water pollution.
- Poor sanitation as the majority of households still uses VIP's and no sewage treatment facility, which is hazardous to health.
- Land erosion as a result of vegetation clearance, overgrazing and uncontrolled stormwater runoff.
- Poor stormwater management
- Poor maintenance of roads
- Poor management may increase the potential of ground and ground water contamination

KEY ISSUES: PLANNING

- Need for regularization of formal processes in terms of land release and development as per the Spatial Planning and Land Use Management Act (2013)
- Need for proactive planning for future development in both Viedgesville and Mqanduli;
- No land reservation for future development
- Need for regularization of existing land uses and tenure arrangements especially in Viedgesville
- Inappropriate usage of prime land at Viedgesville
- Release of large land parcels without controls in terms of development guidelines resulting in ad-hoc and piece-meal development on prime land parcels.
- No implementable zoning scheme for Viedgesville and existing Scheme for Mqanduli outdated;
- Need for enforcement of illegal land uses;
- Lack of demarcated areas for Informal traders;
- Poor maintenance of existing buildings;
- Inadequate tertiary and social facilities especially at Viedgesville;

KEY ISSUES: URBAN DESIGN

- Ad hoc development and development that does not enhance character and sense of place especially in Viedgesville.
- Lack of quality public spaces, parks and facilities.
- Lack of a good quality public realm- continuous sidewalks, shelter, shade and facilities for pedestrians
- Lack of formal tree planting within the urban area.
- Poor design of sidewalks and parking areas exacerbating pedestrian and vehicular conflict
- Lack of spatial definition of key urban spaces, entrances / gateways in both areas.
- Abundance of underutilized land within the Mqanduli CBD both publicly owned and private properties.
- Poorly integrated public facilities
- Older built interfaces and facades are dull, unattractive and offer limited pedestrian interest or shelter.
- New residential development is focused on provision of housing only as opposed to creation of integrated human settlements

KEY ISSUES: TRANSPORTATION VIEDGESVILLE

- Speeding traffic on main road (DR08031) through the town.
- Pedestrians crossing the N2 at grade.
- No adequate motorised or non-motorised access to rail station platform.
- Limited surface roads in town and the unsurfaced / informal roads that are in a fair the very poor state.
- Vandilisation/removal of the rail station buildings.
- Building of informal structure within the N2 southbound on-ramp road reserve.
- Redundant taxi shelters due to the realignment of the DR08031.
- Lack of formalised taxi bays in the town and in close proximity to the N2/DR08031 interchange.
- Restricted access to properties along the N2 and the rail line.
- Spare road capacity exists as the Average Daily Traffic (ADT) on the DR08031 is approximately 3,000 vehicles per day.

KEY ISSUES: TRANSPORTATION MQANDULI

- Lack of a formal stormwater system has led to major scouring along the majority of the unsurfaced sidewalks and roads.
- Limited surfaced sidewalks.
- Pedestrians generally walking in the roads and not on the sidewalks due to the state of the sidewalks.
- Hardware stores trading from the sidewalks.
- Informal traders on the sidewalks thus obstructing the free flow of pedestrians.
- Speed humps on the main road (DR08031) none standard and unpainted.
- Small informal traders in close proximity to the public transport facility and major pedestrian activity areas.
- Well utilised public transport facility, with spare capacity.
- Washing of taxis on the public roadway.
- Informal taxi rank at the BP garage to the southern end of the town.
- Taxis stopping within intersection along the DR08031 south of the town due to the very deep open lined culverts that do not allow for a vehicle to pull off the roadway.
- No pedestrian crossing at school along the main road.
- Access road to sports stadium in poor state with no signage.
- Spare road capacity exists on the DR08031 as the ADT is approximately 3,700 vehicles per day.

KEY ISSUES INFRASTRUCTURE: VIEDGESVILLE**ROADS AND STREETS**

- Street network must be expanded and formalized to provide proper access to all residential and other properties.
- Stormwater control systems must be provided
- All streets must be reshaped and regravelled with an all-weather riding surface.

WATER SERVICES

- Very limited water provision exists and only a few households benefit from it.
- Very likely that the borehole water does not comply with SANS standards for potable water – to be verified
- Water provision from rainwater harvesting is insufficient in dry seasons and storage capacity needs to be tested for sufficiency to cater for year round supplies, even in years of normal rainfall.
- Water to be tested to verify compliance with health standards

SANITATION SERVICES

- VIPs have generally been provided but it must be verified if all households were supplied
- Health awareness and proper sanitation usage should be verified and if lacking it should be promoted and provided
- DWA sanitation protocol should be verified to ensure borehole[s] won't be contaminated by the usage of pit toilets

KEY ISSUES INFRASTRUCTURE: MQANDULI**ROADS AND STREETS**

- Most streets must be reshaped and regavelled with an all-weather riding surface.
- Stormwater control systems must be provided

WATER SERVICES

- The current bulk water supplies, extracting water from a weir on a stream and treat in a WTW plant, is insufficient and water shortages are being experienced, especially in times of drought.

SANITATION SERVICES

- The town has different sanitation systems but is currently in the process of being upgraded.

6. SUMMARY OF SWOT ANALYSIS FROM PUBLIC WORKSHOP**VIEDGESVILLE****STRENGTHS**

- Excellent access-road and rail
- Springboard / gateway to Wild Coast Tourism & Gateway to Mthatha
- Natural Small Business Node
- Multi-nodal transport interchange – rail, N2 & regional road
- Existing public facilities
- Proximity to Mthatha
- N2 as potential Transit route
- Access to land
- Existing Businesses

WEAKNESSES

- Land grabbing
- Grazing areas along N2
- Lack of shelters for people when waiting for taxi –people getting wet in the rain
- Water shortage
- Uncoordinated land uses
- Lack of clarity on land ownership
- Complex land tenure system
- Poor land management (no surveyed land)
- Uncontrolled land use
- No approved plan
- No settlement plan
- No police station
- Un-integrated infrastructure
- No trees, dry land

OPPORTUNITIES

- Tourism / Ultra-City Stop or similar service station—one stop shop accommodating SMME's
- Growth in Logistics / One stop shop
- Tourism – proximity to Mvezo, Qunu and Bumbane Cultural Village

THREATS

- Households too close to N2
- Crime / No visible policing
- Taverns open 24 hours
- Accidents
- Existing land uses appear fairly entrenched – change may prove difficult

<ul style="list-style-type: none"> • Gateway to the coast – Coffee Bay • Fairly high level buying power • Revival of railway line • Bus/ Taxi Rank & Railway Station • Garage / Service station • SMME Development • Milling facility • Warehousing potential • Regional Shopping Centre • Possible Regional Cemetery • A place for Truck Stops / Parking • Integrated Wild Coast Development Programme • Mthatha Special Economic Zone 	<ul style="list-style-type: none"> • Un-integrated infrastructure • Failure to manage land ownership / tenure systems • Mushrooming of criminal activity • Encroachment of unplanned land • Illegal ribbon development • Social problems: misuse of grants prompting school drop-outs • Land claims
--	--

MQANDULI**STRENGTHS**

- Strategic Location within the region
- Highly Accessible due to N2
- Abundance of unencumbered commonage land in the CBD
- Existing business interest and developments
- Functional rural service centre and existing administrative facilities

WEAKNESSES

- Infrastructure – lack of adequate water services, poor maintenance of toilet systems (water and sanitation)
- No paved surfaces for pedestrians to walk
- No public hospital
- Uncontrolled land use
- Uncontrolled informal landuses
- Outdated Zoning Scheme
- Lack of capacity of water supply (Pipeline from Mthatha under construction)
- Poor planning in the past resulting in prime land being used for solid waste disposal
- Lack of agricultural infrastructure-farming equipment/ shearing sheds
- Inadequate access across rivers
- Lack of taxi-washing facilities

OPPORTUNITIES

- Province already putting resources into developing agro-processing and a green agenda in the region
- Strategically placed in relation to the Wild Coast
- Linkage of agriculture and tourism
- Agricultural training facilities
- Employment / job opportunities related to the above
- Abundance of land / good agricultural land

THREATS

- No police visibility
- Land grabbing
- Lack of veld management and veld fires
- Possible resistance to change – (private land ownership)
- Unregulated informal trading disrupting the public environment.
- Implications of climate change
- Land claims

<ul style="list-style-type: none"> • Can be a 'dormitory town' for Mthatha • Potential for Residential development • Potential for Agricultural related facilities (because of abundance of land) • Business opportunities • Trading activities • Upgrade of existing facilities – sports and recreational 	
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7. VIEDGESVILLE: ROLE & VISION

In light of projects and initiatives in the broader area, it is possible to determine the role that the Viedgesville Node needs to play so that there is synergy between what is proposed at the node and its surrounding context as well as broader initiatives and policy intentions for the area. The table below summarizes the role of the Viedgesville Node from an Environmental, Socio-economic and Built Environment point of view.

REGIONAL ROLE		
BIOPHYSICAL ENVIRONMENT	SOCIO-ECONOMIC	BUILT-ENVIRONMENT
<ul style="list-style-type: none"> • <u>Building climate change resilience</u> through sound ecological governance • <u>Reduced carbon footprint</u> through renewable energy and energy efficiency (RE&EE) 	<ul style="list-style-type: none"> • <u>Potential to develop agricultural activities</u> to link into the regional agricultural supply chain and value chain. • <u>Potential agri-processing hub</u> and livestock related farming area • <u>Resuscitation of Kei Rail</u> and strengthened role of rail based logistics • <u>Gateway from the N2 to the Wild Coast Tourism Zone</u> - convenience facilities for travellers and tourists as a stop over • <u>Energy security</u> and revenue generation through renewable energy projects: solar, wind, biomass 	<ul style="list-style-type: none"> • <u>Potential future multi-modal interchange</u> - Viedgesville should be developed along principles of transit oriented development i.e densification and mixed use development within an 800m walking distance of the settlement node. • A sustainable, compact, high density, <u>mixed use settlement node</u> developed in line with principles of transit oriented development. • A <u>secondary service centre</u>, which should provide access to a range of facilities & amenities • <u>Potential Regional Cemetery</u>
LOCAL ROLE		
<ul style="list-style-type: none"> • <u>Provision of ecological services</u> including water supply, food production, raw materials etc. • <u>Provision of parks and recreational amenities</u> 	<ul style="list-style-type: none"> • <u>Reinforcing of Wholesale and Retail:</u> <ul style="list-style-type: none"> - Builders merchandise - Fresh produce market • The existing <u>Thusong Centre</u> & facilities offer community and business development /support to the local farmers. A plant 	<ul style="list-style-type: none"> • Role as a <u>transport hub</u> should include: <ul style="list-style-type: none"> - facilities for multi-modal interchange, i.e. taxi to bus to rail. - Facilities for SMME'S in proximity to the multi-modal interchange. • <u>Densification and Mixed Land Use in support of transit oriented development:</u>

<ul style="list-style-type: none"> • Development of Irrigated cooperative farms in the arable hinterland. 	<p>nursery function is also a part of the facilities.</p> <ul style="list-style-type: none"> • <u>Development of Sport, Education & other amenities</u> in the form of new facilities to support development of the node: <ul style="list-style-type: none"> - ICT facilities - Education facilities, Primary and High schools - Skills training facilities - Police station - Post office - Sports facilities - Community Parks - Municipal facilities - Churches • • <u>Existing health care services</u> • <u>Convenience facilities</u> for travellers and tourists as a stop over / gateway to the Wild Coast. 	<ul style="list-style-type: none"> - sustainable infrastructure - affordable higher density housing - office space - social amenities
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The vision for the Viedgesville Node is drawn from its role within a broader context as discussed above. The vision also aligns with broader District and Municipal Frameworks, which guide the proposed nature of the node.

VISION STATEMENT

BIOPHYSICAL ENVIRONMENT: ...an agrarian hinterland where the existing natural resources and cultivated lands surrounding the core urban node are preserved and improved through the promotion of sustainable farming activity around the node as well as through new development which occurs in a compact, managed and ecologically sound manner.

SOCIO-ECONOMIC: ...a place where the advantages of strategic location are harnessed so that the core urban area of Viedgesville becomes a centre for retail, trade, rail-based logistics, agri-processing, and a gateway into the Wild Coast Tourism zone. The peripheral area also offers opportunities for the harvesting of renewal energy such as wind and solar energy.

BUILT ENVIRONMENT: ...a sustainable higher density transit oriented village node where higher density affordable housing, a range of social, educational, skills training, health facilities and services are clustered within an 800m radius around the transport interchange so that core urban area of Viedgesville becomes developed along principles of transit oriented development and smart growth.

8. VIEDGESVILLE DEVELOPMENT CONCEPT

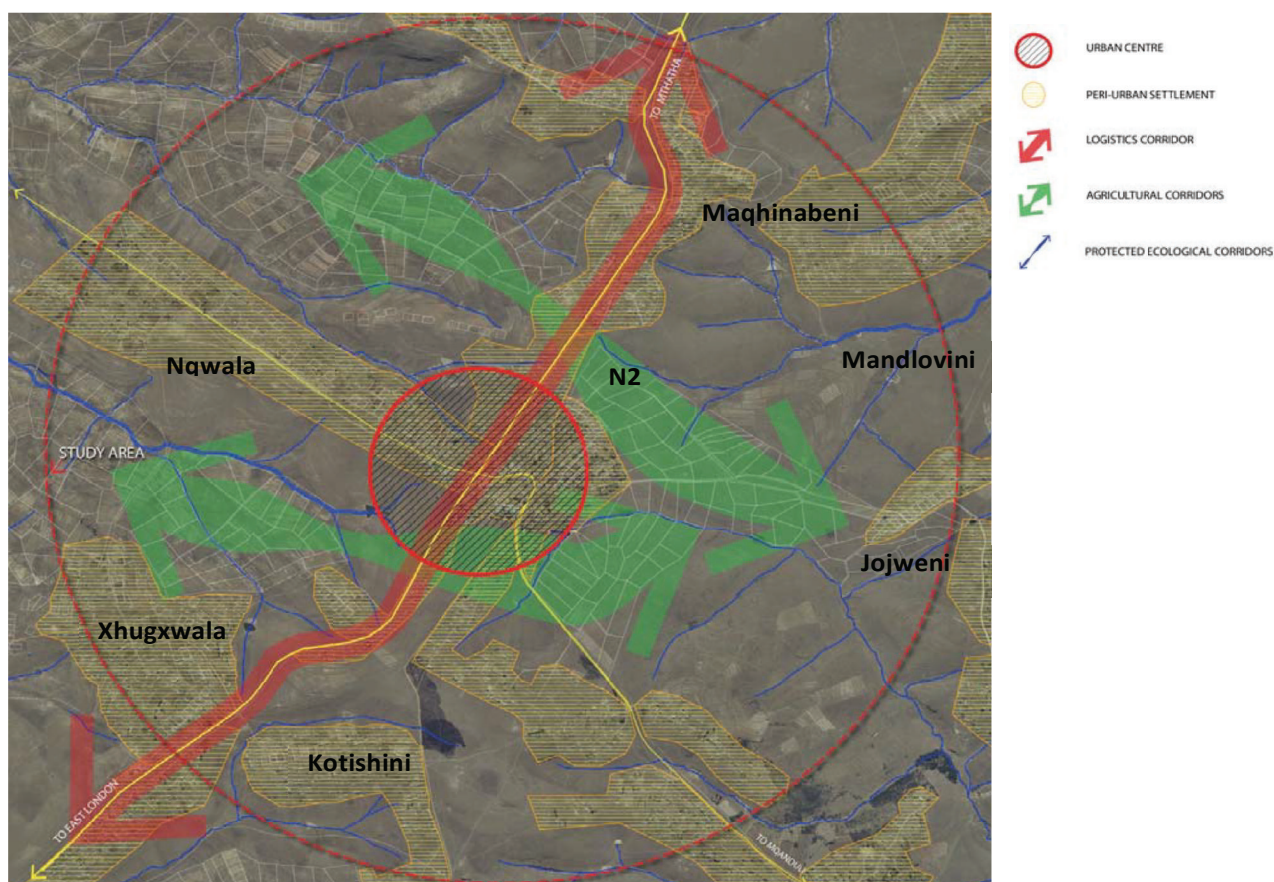


Figure 7: Viedgesville Vision Diagram

The development concept for the Viedgesville node is based on a few key concepts, which originate from the Vision developed for the area.

N2 Logistics Corridor and Public Transport Route

The N2 together with the railway line running parallel to the N2, forms both an important logistics corridor as well as public transport route which links Mthatha to the surrounding region. It is envisaged that development along this route should take the form of **'beads on a string'** where concentrated urban nodes are developed at strategic points such as at where road access and railway access in the form of stations come together at one node.

Urban Core: Development Node

In line with principles of transit oriented development, a formal higher density mixed use urban node is envisaged following an 800m radius of the Viedgesville intersection. This area is seen as appropriate for targeted infill development and densification and should be provided with higher levels of infrastructure provision and services than its surrounding peri-urban settlement.

Protected Biological Corridors

Riverine systems and wetlands form ecological corridors through the study area and remain protected by law in terms of development rights within riverine buffers.

Peripheral Area: Peri-Urban Settlement

A number of existing peri-urban settlements form part of the peripheral area of the study area. These are seen as defined areas with defined edges, which need to continue to be managed so as not to illicit continued settlement sprawl.

Peripheral Area: Agricultural Corridors

In line with broader policies and strategies for the area, surrounding rural areas need to continue to be actively targeted for the development of agricultural activities. Along these principles a system of agricultural corridors need to be developed surrounding the Viedgesville node.

9. LOCAL SPATIAL DEVELOPMENT FRAMEWORK FOR THE VIEDGESVILLE NODE

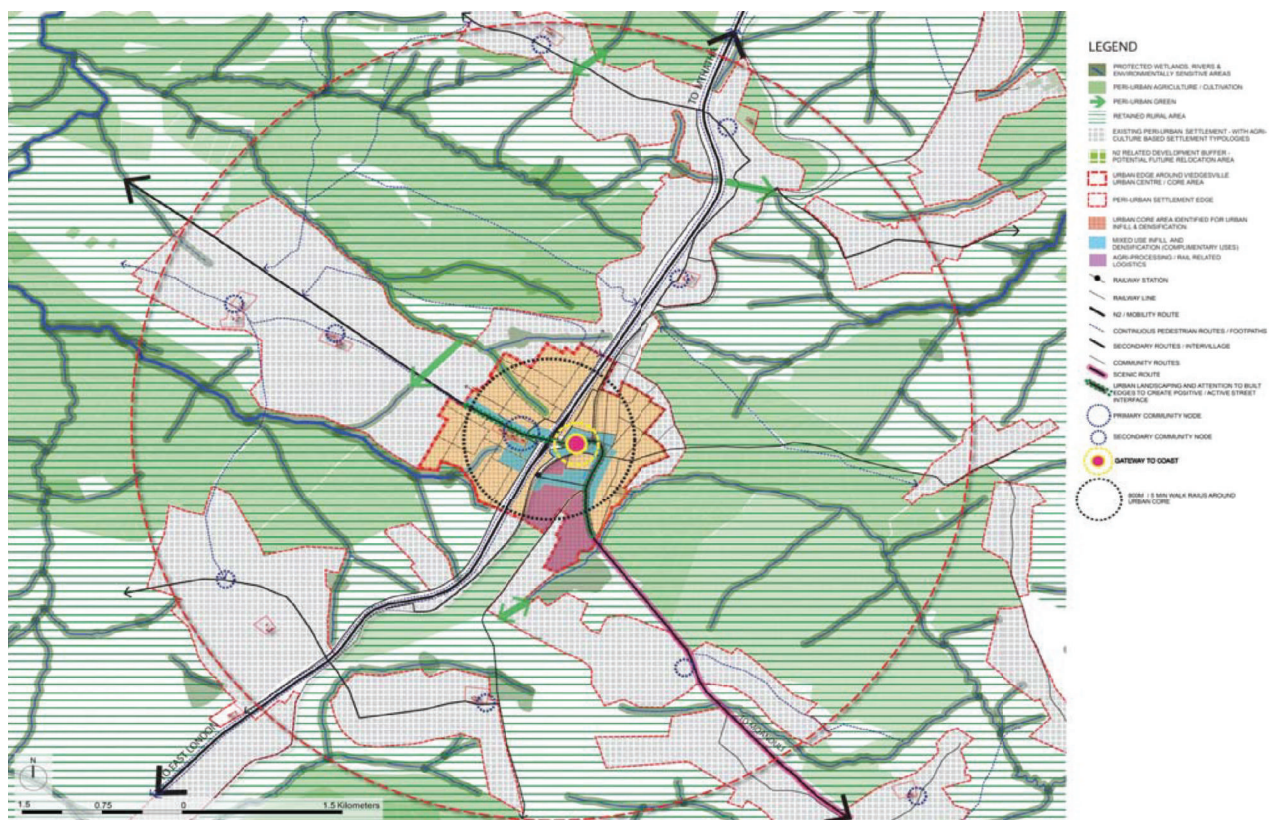


Figure 8: Viedgesville Node Local Spatial Development Framework

A number of structuring elements are seen as key to managing development within the node. These are further elaborated below.

Retained Rural Areas:

Retained rural areas include large undeveloped rural areas, and encompass:

- Environmentally sensitive areas that are protected by law.
- Peri-urban farming / agricultural areas which should be promoted for agricultural use.
- Other rural undeveloped / wilderness areas that must be retained, and improved (alien clearing etc.) to ensure sensitive and sustainable development of land in line with smart growth principles.

- Retained rural areas are critical to ensure that agriculture as the future basis of the local regional economy remains viable.

Peri-urban farming areas:

Peri-urban farming areas include areas, which fall within the umbrella of 'retained rural areas'. These farming areas are specially demarcated for cultivation / agriculture (including livestock farming), and could be suitable for small scale / co-operative farming and /or other large scale commercial agricultural projects

Urban Settlement Edge:

The Urban Edge is a proposed development edge to formal urban settlement and is seen as the boundary within which highest levels of municipal infrastructure services will endeavor to be provided. Higher density developments and urban densification should take place within the Urban Edge. The Urban Settlement Edge for Viedgesville has been proposed following the guidance of an 800m radius or 10min walk which is an ideal size for the development of a high density transit oriented nodal development.

Peri-urban settlement Edge:

This development edge is proposed around the existing peri-urban settlement surrounding the Viedgesville urban node. These boundaries to peri-urban settlement define an edge to peri-urban settlement so that residential intensification occurs within the existing development footprint where planned bulk infrastructure services can meet existing need. These areas are envisaged as lower in density to the urban core area and also serve as a transition to the proposed retained rural areas.

Mixed use densification areas:

These occur within the urban core area and are identified to accommodate a mix of compatible activities and uses including commercial, office, business and residential. A mix of uses within a single building should also be promoted within this zone e.g. retail on the ground floor with commercial and / or residential above.

Primary community nodes and routes:

Primary community nodes are strategic points on continuous public transport routes, which connect villages or settlements. Public facilities, which serve a larger population are planned and clustered at these nodes. The Viedgesville Core Urban Area is seen as such a node.

Secondary community nodes and routes

Secondary community nodes are points on continuous routes within a settlement area. Public facilities, which serve this settlement are planned and clustered at these nodes. A number of these nodes are identified in the LSDF for Viedgesville. See Figure 8 above.

Gateways:

These are entrance points to urban settlements and / or scenic routes, which require urban design intervention in the form of tree-planting, signage and landscaping to enhance the quality and character of the area. The Viedgesville Intersection due to its nature as an entry point to the coast is seen as a Gateway.

Scenic routes:

Scenic routes refer to routes that provide views over scenic landscapes and which provide a sense of place that is unique to the area or region. The route from Viedgesville to Coffee Bay becomes increasingly more scenic as one moves closer to the coast. In order to promote this route and node further, it is proposed that the route from Viedgesville to Coffee Bay be promoted as a scenic route.

The above structuring elements form the basis of the LSDF for Viedgesville. Further details on the proposals are found in the final compiled Mqanduli and Viedgesville LSDF report.

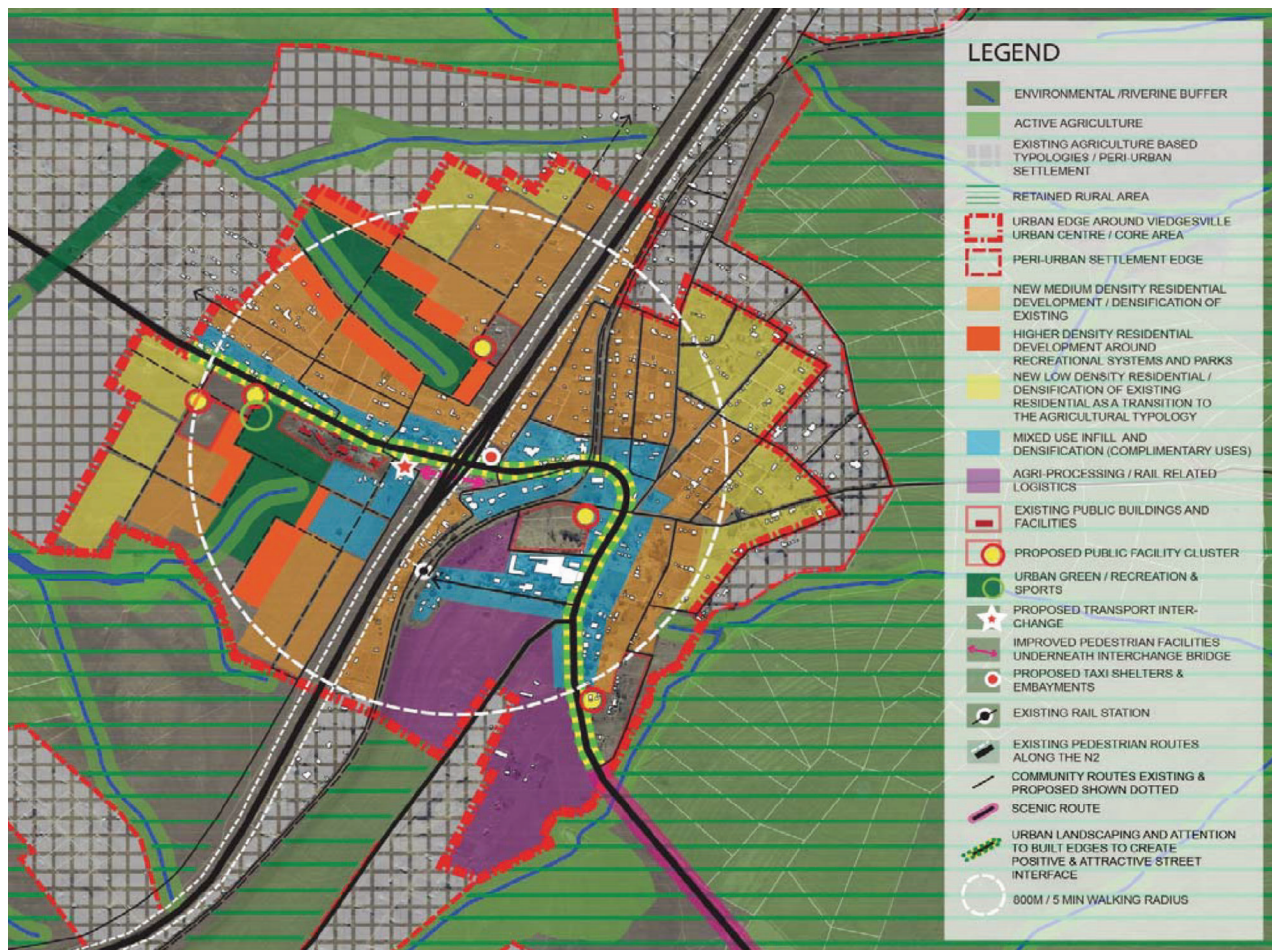


Figure 9: Viedgesville Urban Core Area: Land Use and Activity Framework

10. MQANDULI ROLE & VISION:

REGIONAL ROLE		
BIOPHYSICAL ENVIRONMENT	SOCIO-ECONOMIC	BUILT ENVIRONMENT
<ul style="list-style-type: none"> • <u>Building climate change resilience</u> through sound ecological governance • <u>Reduced carbon footprint</u> through renewable energy and energy efficiency (RE&EE) 	<ul style="list-style-type: none"> • <u>Primary service node in the municipality</u> providing access to a range of facilities and amenities to the surrounding sub-region. • <u>Agricultural training and skills development centre</u> for the sub-region. • <u>Expansion of pilot agricultural development zone</u> to link into the regional agricultural supply chain. Potential crops: <ul style="list-style-type: none"> - Maize and soya - Fisheries 	<ul style="list-style-type: none"> • <u>Enhanced Cultural and Tourism roles.</u> Through the urban upgrade of the Mqanduli CBD, and the development of B&B's the town should play a support role to the "Wild Coast" brand and be marketed in this way. • Provision of <u>quality lifestyle housing</u> options for those who prefer to live and work from Mqanduli • <u>Estate-type residential / B&B development:</u> Proximity to Mthatha and en-route location to Coffee Bay makes this a desirable location for the development of estate type / lifestyle

	<ul style="list-style-type: none"> - Bees (honey production) - Productive livestock farming and animal husbandry. • <u>Potential larger scale co-operative and commercial farming: maize, soya, chicken</u> • <u>Central Agri-processing hub linked to the above activities. Milling, fisheries storage, light manufacturing facilities.</u> • <u>Energy security and revenue generation through renewable energy projects: solar, wind, biomass</u> 	<p>low density housing and B&B's within the scenic areas of the town.</p> <p>• <u>Affordable social housing:</u> Provision of social housing through the unlocking of infrastructure should be prioritised for people living and working in the Mqanduli areas</p>
LOCAL ROLE		
<ul style="list-style-type: none"> • <u>Provision of ecological services including water supply, food production, raw materials etc.</u> • <u>Provision of parks and enhanced recreational amenities.</u> • <u>Development of irrigated cooperative farms in the arable hinterland</u> 	<ul style="list-style-type: none"> • <u>Primary social services hub providing access to</u> <ul style="list-style-type: none"> - High Schools - Community Health - Centre & Clinics - Welfare Services - Magistrates Court - Police station - Municipal facilities - Churches • <u>Enhanced quality of facilities to improve the overall quality of the node.</u> 	<ul style="list-style-type: none"> • <u>Town regeneration and upgrade of the public environment.</u> • <u>Densification and Mixed Land Use:</u> <ul style="list-style-type: none"> - Infrastructure - Affordable higher density housing - Office space - Social amenities

The vision for Mqanduli Town and surrounding commonage is drawn from its role within a broader context as discussed above. The vision also aligns with broader District and Municipal Frameworks, which guide the proposed nature of the node.

VISION STATEMENT

BIOPHYSICAL ENVIRONMENT: ...a place where the scenic landscape and existing natural resources surrounding the Town are enhanced and harnessed through the promotion of sustainable farming activity around the town as well as through the promotion of compatible new development which occurs in a managed and ecologically sound manner.

SOCIO-ECONOMIC: ...a place where strategic location is harnessed so that Mqanduli Town becomes a well established primary urban centre with further expansion of retail and economic activities, linked to expanded residential use, agriculture training and larger scale co-operative and commercial farming, agri-processing and enhanced tourism facilities. The commonage area also offers opportunities for the harvesting of renewal energy such as wind and solar energy.

BUILT ENVIRONMENT: ...a place where new, quality lifestyle housing opportunities, a range of social, educational, recreational, administrative and health facilities and services are available within a well connected, well functioning and attractive CBD environment.

11 MQANDULI DEVELOPMENT CONCEPT

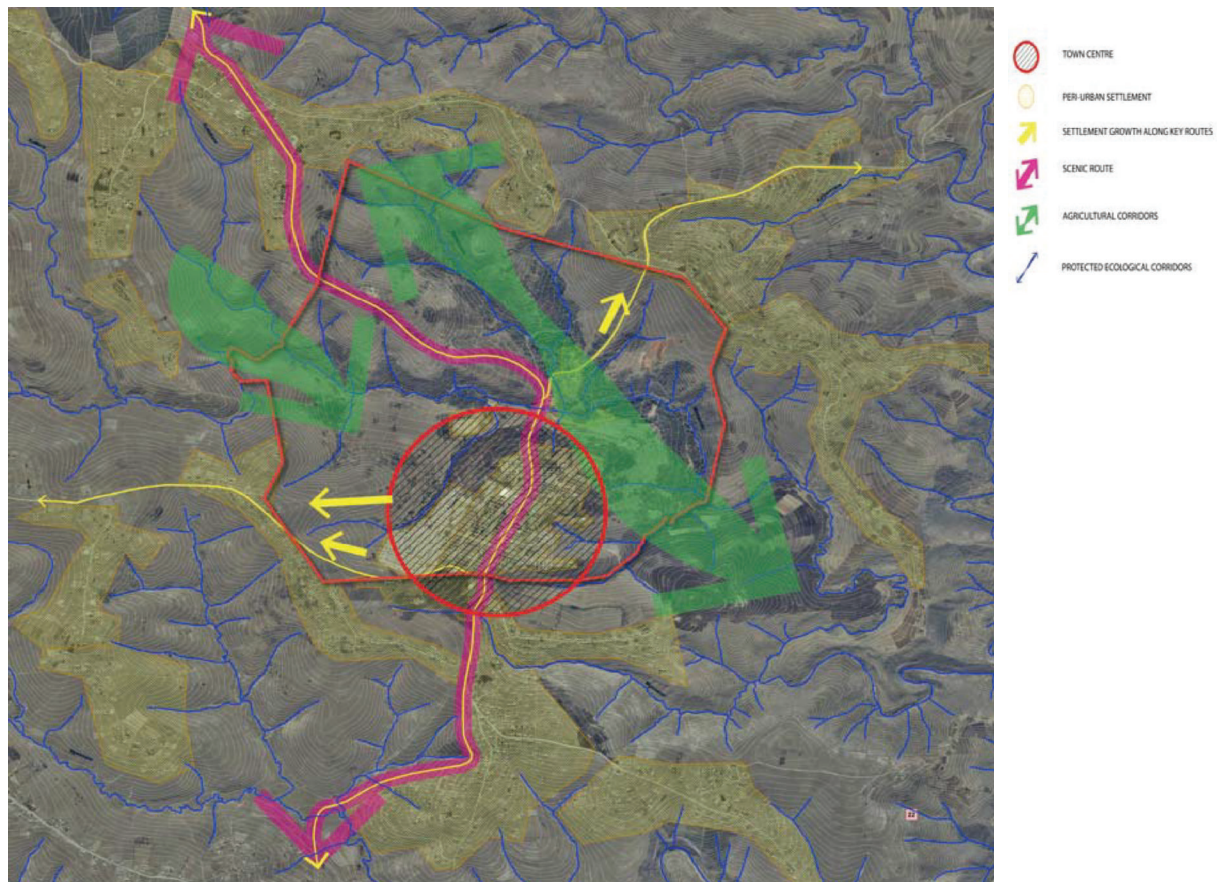


Figure 10: Mqanduli Vision Diagram

The development concept for the Mqanduli node is based on a few key concepts, which originate from the Vision developed for the area.

Upgraded Town Centre

This includes improving the quality of the public and built environment in the CBD. Residential and mixed-use densification forms an important component of the upgraded Town Centre.

Settlement Growth Areas

These are formal future settlement expansion areas to the north and to the west of the CBD linked to strategic routes. This is seen to accommodate a large number of civil servants requiring middle-income accommodation.

Provision of quality lifestyle housing options including estate type development is envisaged around the entrance to the town, which is the most scenic part of the study area along the river edge.

Scenic Route

The route from Viedgesville through Mqanduli towards Coffee Bay is seen as a scenic route and development along this route needs to follow design guidelines.

Protected Biological Corridors

Riverine systems and wetlands form ecological corridors through the study area and remain protected by law in terms of development rights within riverine buffers.

Peripheral Area: Agricultural Corridors

In line with broader policies and strategies for the area, surrounding rural areas need to continue to be actively targeted for the development of agricultural activities. Along these principles a system of agricultural corridors need to be developed surrounding the town. Formalized agricultural training facilities are envisaged close to the existing milling plant and surrounding agricultural area thereby assisting to revitalize the town centre. It is also envisaged that commonage land be prioritized for agricultural purposes.

Peripheral Area: Peri-Urban Settlement

A number of existing peri-urban settlements form part of the peripheral area of the study area. These are seen as defined areas with defined edges, which need to continue to be managed so as not to illicit continued settlement sprawl.

12 LOCAL SPATIAL DEVELOPMENT FRAMEWORK FOR MQANDULI

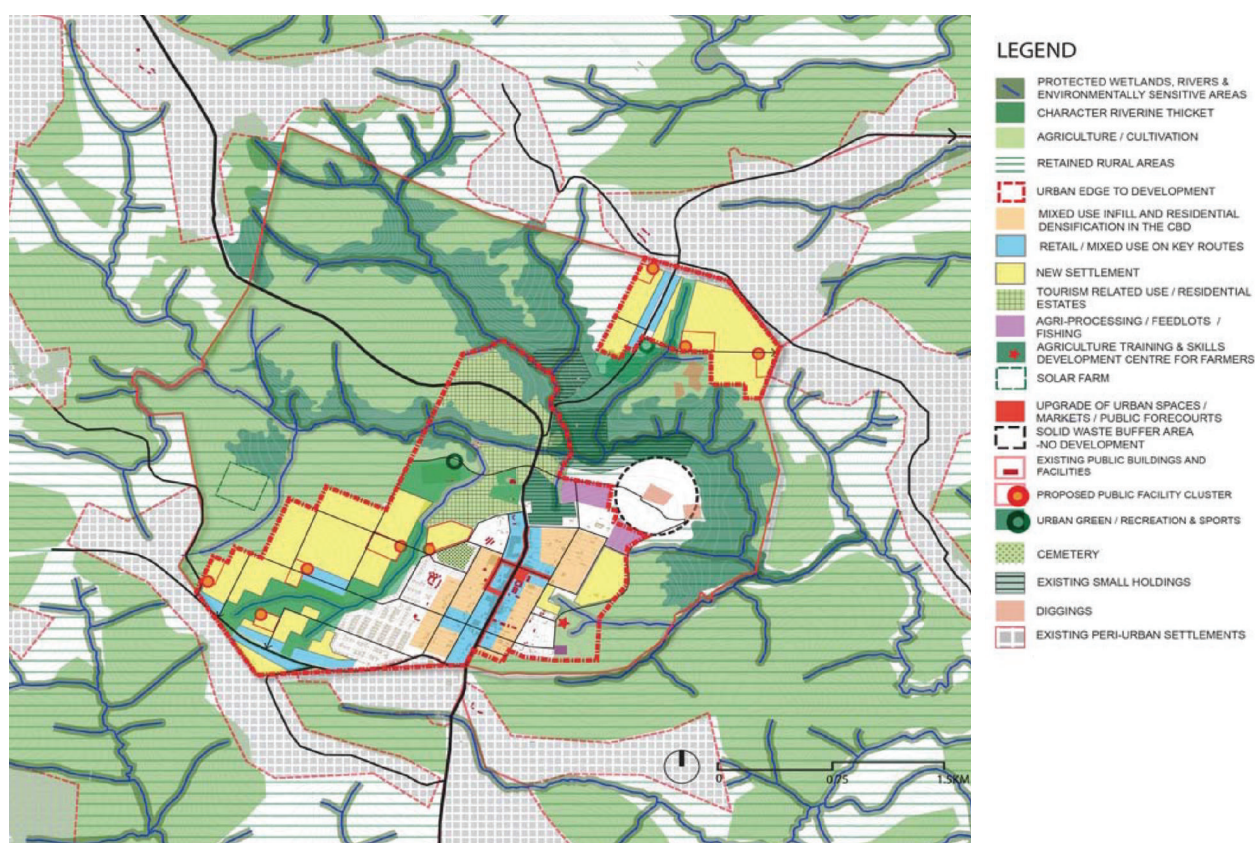


Figure 11. Mqanduli Node Local Spatial Development Framework

As with Viedgesville, key structuring elements are seen as critical in managing development within the Mqanduli Commonage. These follow the same principles as described similarly for Viedgesville above. In addition to the above, specific aspects which relate to Mqanduli are described below. The section therefore needs to be read together with descriptions of the same structuring elements described in Section 9 above.

Retained Rural Areas: As above

Peri-urban farming areas:

For the Mqanduli Node, the areas outside the proposed urban settlement edges are seen as suitable for cultivation and agricultural development. The proposed Agricultural Training Centre is located to the south east of the study area close to surrounding agricultural activity as well as the existing Mill. Location within the CBD area is also seen to boost related residential and hostel development close to the Training Centre. This also becomes a catalyst to densification within the existing urban area.

Urban Settlement Edge:

As per the development concept for Mqanduli, these areas are aligned to existing key development routes and aim to create development linkage to surrounding peri-urban settlement.

Peri-urban settlement Edge: As above

Mixed use densification areas: As above

Residential densification areas:

The CBD residential footprint is identified for residential densification, as these sites are currently underutilized.

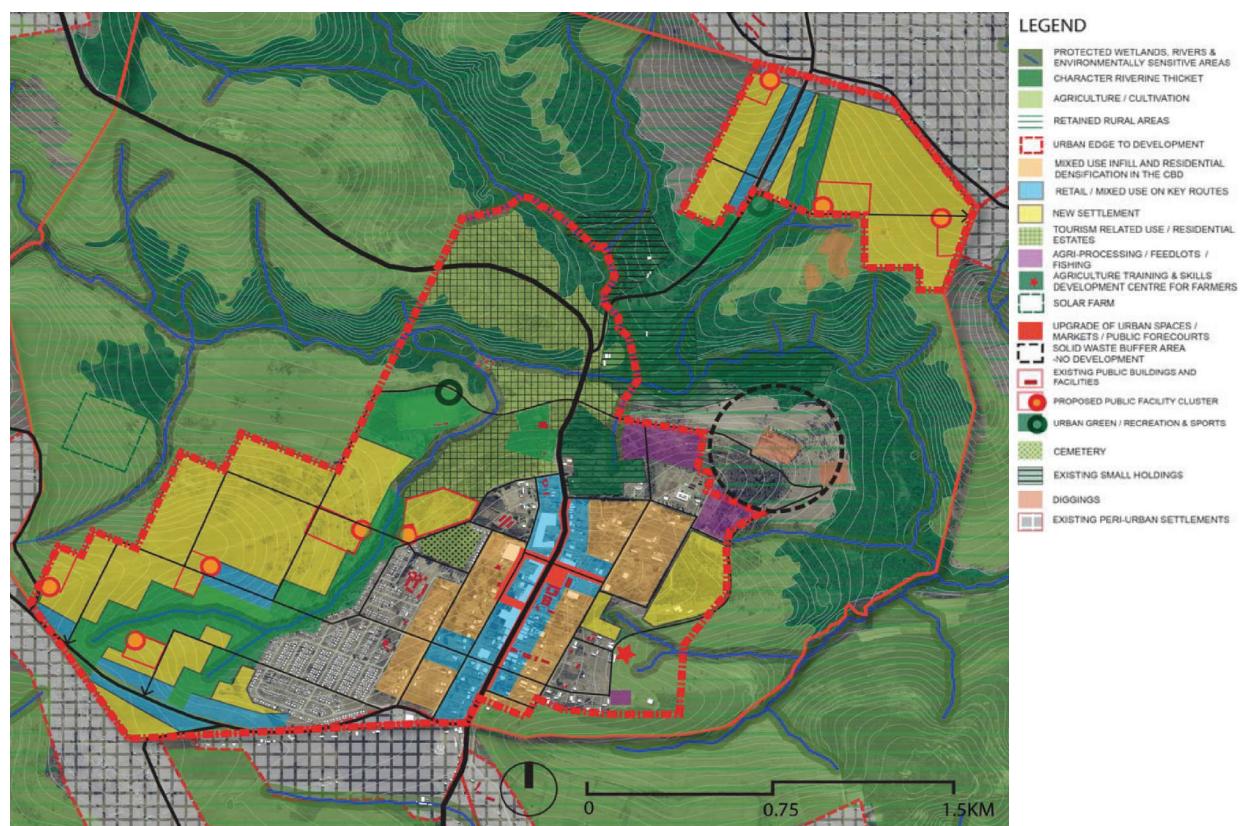


Figure 12. Mqanduli CBD and proposed expansion areas

9. IMPLEMENTATION FRAMEWORK

In order for the vision and proposed development frameworks for Viedgesville and Mqanduli to be realized, a number of concurrent processes need to unfold.

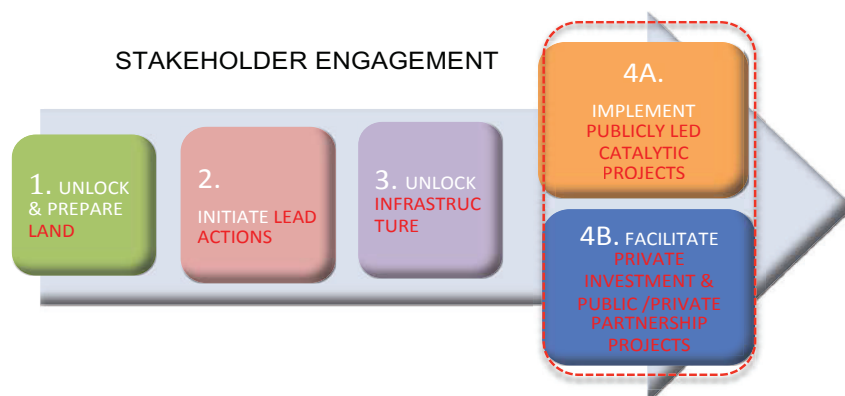


Figure.13 Implementation Processes

1. LAND PREPARATION PROCESSES

This is perhaps the most critical aspect for the unlocking of land for development, especially with respect to the Viedgesville Node. A number processes need to take place in this regard.

- A land audit of existing uses and tenure needs to be compiled.
- A methodology or model for the release of land for development, which is aligned to the Spatial Planning and Land Use Management Act, needs to be developed.
- An updated Land Use Management Scheme needs to be put in place for both the Viedgesville and Mqanduli Nodes.

In addition to the above, Municipal by-laws need to be put in place to manage illegal land uses which are taking place at the two nodes.

2. LEAD ACTIONS NECESSARY TO FACILITATE INTEGRATED DEVELOPMENT

Stakeholder Management

The alignment of Municipal stakeholders is necessary in order to coordinate and pool funding for projects, integrate design as well as to ensure smooth project implementation. Other key public stakeholders who play a role in the development of the hub include Provincial and National Government Departments.

Ongoing stakeholder engagement with private landowners, community stakeholders and local organisations and committees are key in ensuring that developments are integrated and in the best interests of all stakeholders.

Sound Project Preparation and Urban Design Guidance

The sound pre-planning of implementation projects including feasibility studies, preparation of detailed design and urban design frameworks and guidelines are necessary to bring about a visible change in the built environment quality from the status quo and business as usual planning and implementation processes.

2. UNLOCKING OF INFRASTRUCTURE

A significant precursor to implementation of projects includes planning for and ensuring that bulk infrastructure can support the development Vision and Concept for the two nodes.

It is also necessary to ensure that planned infrastructure upgrades occur simultaneously with identified priority projects in order to avoid future disturbance of projects to accommodate infrastructure upgrade

3. IMPLEMENTATION OF INTEGRATED PROJECTS

Implementation of integrated projects are of two types, firstly, publicly led catalytic type of projects which have the potential to kick start further development as well as create investor confidence in the area. Projects in this category include public realm upgrade projects such as the creation of high quality public spaces, streets and places, which have the potential to create a high impact in an area. The second type of project is the privately led development or public / private partnership project. These projects if implemented well, also have the potential to transform the face of an area. These special projects should over an above retail development include alternative models of housing provision which look at creating higher densities, varying tenure options as well as varying models of housing, which meet the needs of different income brackets.

A series of actions and strategic projects related to the two nodes as well as high-level costs of identified projects, key role players and roles in the project delivery process are provided in the Final Compiled LSDF Report.

LOCAL AUTHORITY NOTICE 174 OF 2019

**KING SABATA DALINDYEBO
MUNICIPALITY**

**LOCAL SPATIAL DEVELOPMENT
FRAMEWORK FOR THE
MTHATHA NODAL AREA**

EXECUTIVE SUMMARY

MARCH 2017

Draft

tshani
CONSULTING CC




tshani


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INTRODUCTION



1. INTRODUCTION

1.1 PURPOSE OF THE SPATIAL DEVELOPMENT FRAMEWORK

King Sabata Dalindyebo Local Municipality (hereinafter referred to as "KSDLM") appointed Tshani Consulting C.C. to assist them with the preparation of the Western Mthatha Local Spatial Development Framework, hereinafter referred to as the 'WM LSDF'.

In terms of Section 26 (e) of the Municipal Systems Act (Act No. 32 of 2000), a Spatial Development Framework (SDF) in respect of a Municipality's area of jurisdiction is a legally required component of a Municipality's Integrated Development Plan (IDP).

This document serves as an Executive Summary of the WM LSDF which encapsulates the context and development proposals for the study area as determined through the LSDF formulation process.

1.2 BACKGROUND

Nodal development areas for which the LSDF's must be developed are not necessarily formal administrative areas in terms of current planning legislation and local government demarcation arrangements. The planning must be carried out for designated development nodes which are geographically smaller areas with specific characteristics that require detailed planning due to their potential for growth.

The LSDF must be developed to provide a new desired pattern, alter existing land use disparities, protect and promote existing predominant or preferred future dominant land uses and associated or compatible land uses.

The LSDF is a planning tool that must set out a vision for the future development trajectory of an area. It establishes a planning and land use management framework to guide development and land use change and aims to achieve environmental, social and economic objectives.

The plan will inform interventions by both public and private sectors in order to facilitate economic growth and development through social, spatial and economic development. The aim is to initiate, stabilize, consolidate and promote economic development in the nodal area and to enhance business efficiencies and opportunities as a response to various government initiatives by proposing appropriate land-use interventions and/or densities within the nodal area.

The development proposals should inform the overall development of a nodal area in terms of medium to long-term strategic interventions required to promote the development of spatially and economically integrated areas that are attractive, efficient, convenient, safe and effectively managed. The interventions will also promote restructuring, sustainable communities, economic development, poverty alleviation and environmental sustainability.

The primary aim is the arrangement of land use and infrastructure associated with the needs of specific communities. It must integrate transportation, environment, education, economic development, social residential development and other developmental requirements. It is a process that must be community driven.

1.3 PROJECT OBJECTIVES

The following objectives were identified as part of the scope of works:

- Give effect to the development principles contained in the Draft Spatial Planning & Planning Land Use Management Bill including:-
 - Spatial Justice
 - Spatial Sustainability
 - Efficiency
 - Spatial Resilience; and
 - Good Administration
- Set out objectives that reflect desired spatial form of a rural municipality
- Contain policies and plans which must:-
 - Indicate desired patterns of land use within the development node
 - Address the spatial reconstruction of the location and nature of development within the development node; and
 - Provide strategic guidance in respect of the nature of development within the development node
 - Set out basic guidelines for a land use management system in the nodal development area
 - Identify programmes, projects and restructuring elements of the development of land within the nodal development area
- Provide a visual presentation of the desired spatial form
 - Must indicate where public and private land development and infrastructure investment should take place
 - Must indicate desired or undesired utilization of space in a particular area
 - May delineate land use parcels and precincts

- May identify areas where strategic intervention is required; and
- Must provide urban design interventions and guidelines to enhance aesthetic appeal.

The plan must demonstrate the relationship between nodal planning intent and other planning initiatives such as local economic development strategies, infrastructure planning, natural resource management plan and environmental management strategies and should encourage and support rural economic development opportunities.

In terms of the Act, the SDF, once approved by the Municipal Council, has the status of a Statutory Plan that serves to guide and inform all decisions made by the Municipality with regard to spatial development and land use management, in its area of jurisdiction.

1.4 METHODOLOGY FOLLOWED

Phase 1: Project Initiation and finalization of Terms of Reference

An introduction meeting was held with representatives of the Local Municipality and other immediate stakeholders where the proposed methodology to followed was presented. This session was also used to collect any data that the local municipality had which could assist the process. It was also imperative that we consulted with the immediate stakeholders so that collecting information was unchallenged. During this phase Tshani Consulting CC collected various documents and available digital data from KSD Local Municipality and companies responsible for various projects, as indicated in the scope of work. Graphics, graphs and plans were used to convey the LSDF preparation.

Phase 2: Data Collection and Analysis

An analysis of the exiting tourism potential, settlement areas, accessibility, land use, economic and environmental consideration, infrastructure and institutional context was completed. Community and stake holder input was critical during this phase. All opportunities, constraints, problems and, key informants relating to the study area was identified.

Phase 3: Compile Draft LSDF

In terms of a vision exercise, two separate visions was to be formulated for each LSDF. The vision for the two study areas will also have to bear in mind the objective which forms part of the terms of reference that says that the LSDF must set out a vision that provides development in a new desired pattern, alters existing land use disparities, protects and promotes existing predominant or preferred future dominant land uses and associated or compatible land uses.

Based on the spatial implications/imperatives of the vision and issues identified in the phase 2 a study area conceptual framework will be produced. This will be a blob diagram indicating how the vision of the study area is envisaged spatially. In response to the conceptual framework, Mthatha Nodal Area LSDF's will explain clear and detailed objectives and related planning tools for the management and direction of spatial development and land use management in the area according to the proposals. This will assist to manage development in future in order to guide new investment to achieve the proposed development vision. In this phase a consolidated framework plan will be prepared and the phase will be closed out with an implementation plan.

Phase 4: Review of Development Proposals

Submit Draft LSDFs, planning reports, and draft town planning scheme amendments for review by the municipality to assess alignment issues. Project Steering Committee meeting will consider the proposal.

Phase 5: Incorporation and Amendments

Amend the draft plans, planning reports and draft town planning scheme amendments to incorporate more comments.

Phase 6: Public Participation

The LSDF will be advertised in the local newspaper, in two official languages, for a period of 21 days for the public to submit their comments.

The LSDF Report will be placed in the public library and the municipal office's to allow easy access of the report to the stakeholders and the public.

On receipt of comments from the public, all submissions will be considered and the Draft LSDF will be amended accordingly.

Council Approval

Tshani Consulting CC will present the Final Draft LSDF Report to the Portfolio Committee and Council.

After the presentation the final Mthatha Nodal Area Local Spatial Development Framework will be submitted to municipality for Council approval.

All GIS files and reports in text formats will be submitted to KSD Local Municipality. The shapefiles will have clear attribute information.

Phase 7: Consideration and Submissions

Consider all submissions and amend the Draft LSDF and draft town planning scheme accordingly.

Phase 8: Final Submission and approval of LSDFs

Submit the final LSDFs to the municipality for review and approval. Submit the final Town Planning Scheme amendments to the municipality and minister for approval and incorporation into the existing Town Planning Scheme.

1.5 THE CONSULTATIVE PUBLIC PARTICIPATION PROCESS FOLLOWED

Public participation and consultation internally and externally were an important part of the preparation of this LSDF. Stakeholders involved were representing different organisations and civil society in general.

Table 1 below indicates relevant meetings and workshops held during the consultative period.

MEETINGS AND WORKSHOPS HELD	
Meeting/Workshop	Date
Inception Meeting – Munitata Building	12 May 2014
Situation Analysis Workshop	17 June 2014
Project Steering Committee Meeting – Council Chambers	07 July 2014
Stakeholder Workshop/Presentation - Town hall	09 September 2015
Stakeholder Workshop/Presentation - Town hall	30 September 2015
Project Steering Committee Meeting – Mthatha Stadium	03 November 2015
Alternative Scenarios and visioning exercise Workshop – Mthatha Stadium	03 November 2015
Presentation of Alternative Scenarios – Mthatha Airport and Country Club	17 February 2016
Presentation of Draft LSDF	22 June 2016

From BCM's side, the formulation of the Local Spatial Development Framework was managed and co-ordinated by a Task Team comprising Officials and councillors from different Municipal departments.

LOCALITY



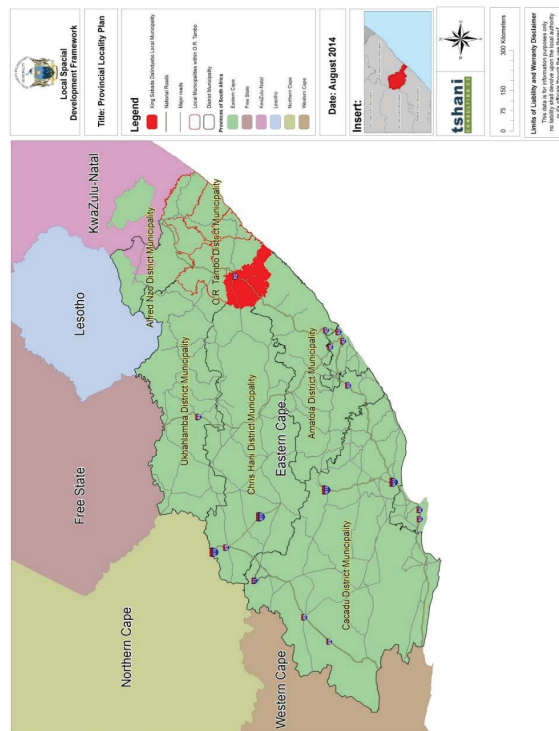
2. LOCALITY

The following section provides an overview of the study area in relation to Mthatha's position from Provincial, Regional and Municipal Perspective.

2.1 PROVINCIAL LOCALITY

King Sabata Dalindyebo Local Municipality is situated within the OR Tambo District Municipality, which in turn is situated within the Eastern Cape Province of South Africa.

The Eastern Cape Province is divided into six (6) district municipalities, Alfred Nzo, Amathole, Cacadu, Chris Hani, OR Tambo and Joe Gqabi District; and two (2) metropolitan municipalities, being Nelson Mandela and Buffalo City Metropolitan Municipality. The six (6) district municipalities are divided into thirty-seven (37) local municipalities.

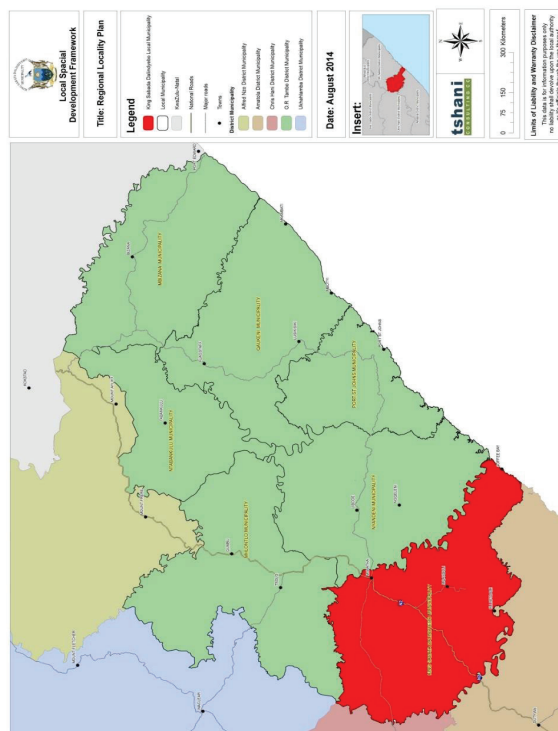


PLAN NO. 1: Provincial Locality

2.2 REGIONAL LOCALITY

The OR Tambo District is situated in the eastern portion of the Eastern Cape Province and is surrounded by Alfred Nzo District to the north, Joe Gqabi District to the north-west, Chris Hani District to the west and Amathole District to the south-west (see plan below King Sabata Dalindyebo Local Municipality is situated within the OR Tambo District Municipality, which in turn is situated within the Eastern Cape Province of South Africa).

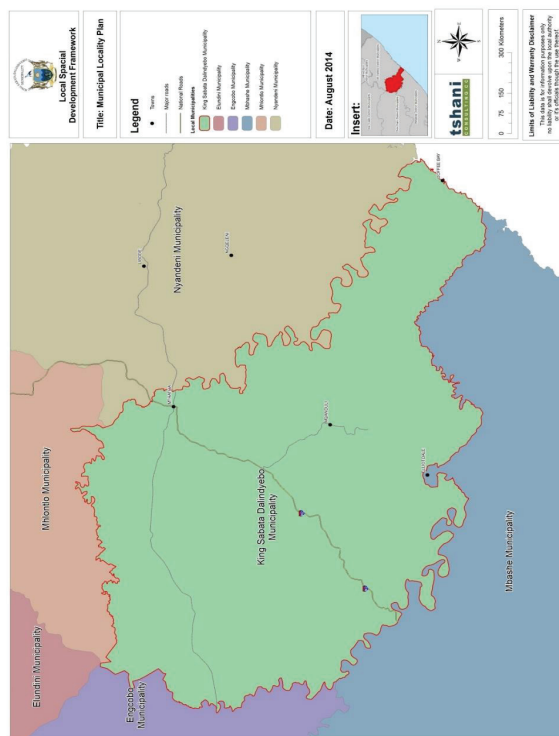
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PLAN NO. 2: Regional Locality

2.3 MUNICIPAL LOCALITY

The King Sabata Dalindyebo Local Municipality is one of the seven local municipalities situated within the OR Tambo District Municipality. The local municipality covers an area of 3 027km in extent and consists of 35 wards, which are characterized by a range of settlements forms and land uses that include urban, agricultural rural aspects. The N2 traverses the local municipality, linking KwaZulu-Natal with the Western Cape. The Municipality includes the towns and rural hinterlands of Mthatha, Mqanduli, Coffee Bay and Viedgiesville (see plan below).



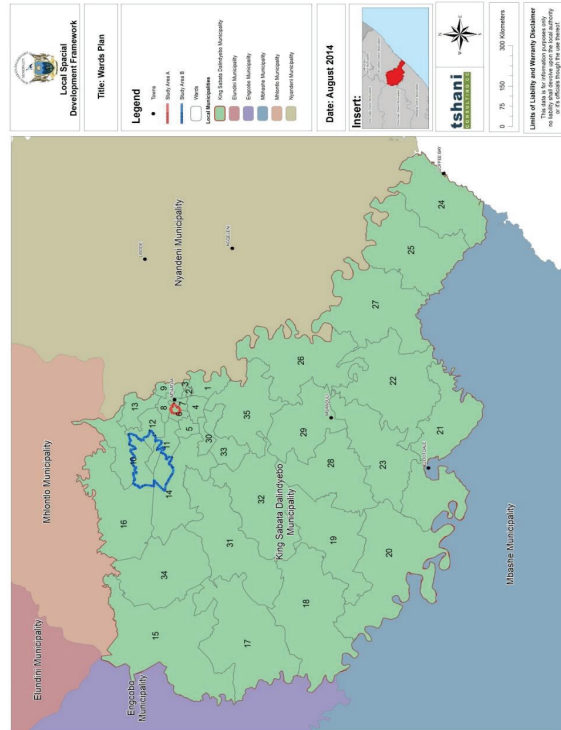
PLAN NO. 4: Municipal Locality

2.4 STUDY AREAS

The study area is made up of the following two components:

- Study Area A: comprising Ward 6
- Study Area B: comprising Wards 10, 11, 12 and 14

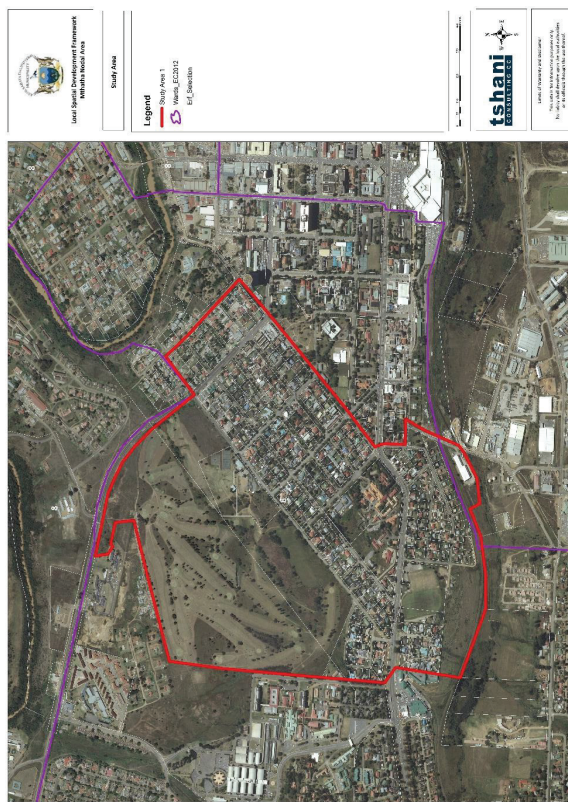
Study Area A (Ward 6) is urban in nature and situated in a south-west direction to Mthatha, which is known as the main centre of the KSMD. Study Area B (Wards 10, 11, 12 and 14) is made up more of the rural settlements of the KSMD.



PLAN NO. 5: Study Areas

Study Area A

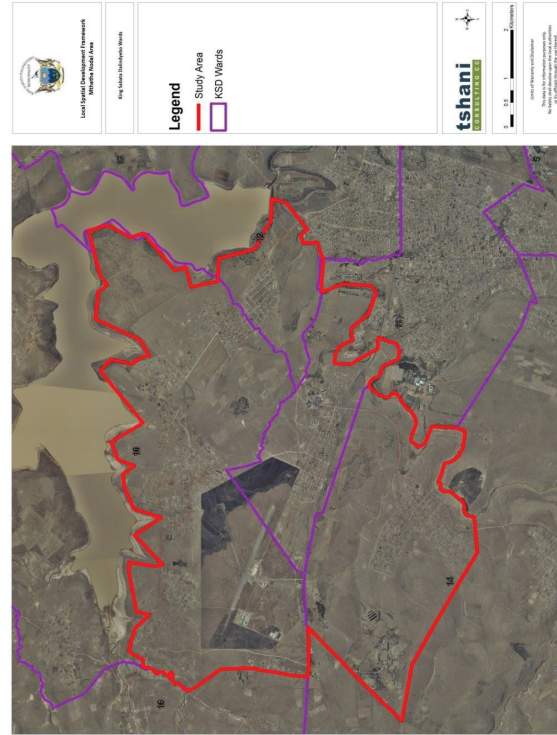
Study Area A includes the areas known as the Hill (Deville Road to the north-west, Stanford Terrace to the south-east, Park Road and Lowry Street to the east, the railway line to the south, Stanley Nelson Drive, Miller Street and the Golf Course); and measures approximately ± 180 Ha.



PLAN NO. 6: Study Area A

Study Area B

Study Area B includes the area bounded by the Cicira River starting at Mthatha River (clockwise) until it reaches the Farm Hampson Hope, then along the southern boundaries of Hampson Hope and Argenton, then along the western boundaries of the farms Argenton and Hillside to the R61, then along R61 westwards to the western boundary of the Administrative area Ncise1, then along the western boundary of A/A Ncise1 to the western most point of the Mthatha Dam, then along the southern and western reaches of the Mthatha Dam and Mthatha River to where it meets the Cicira River. The area measures approximately ± 5200 HA.



PLAN NO. 7: Study Area B

SWOT ANALYSIS & KEY ISSUES



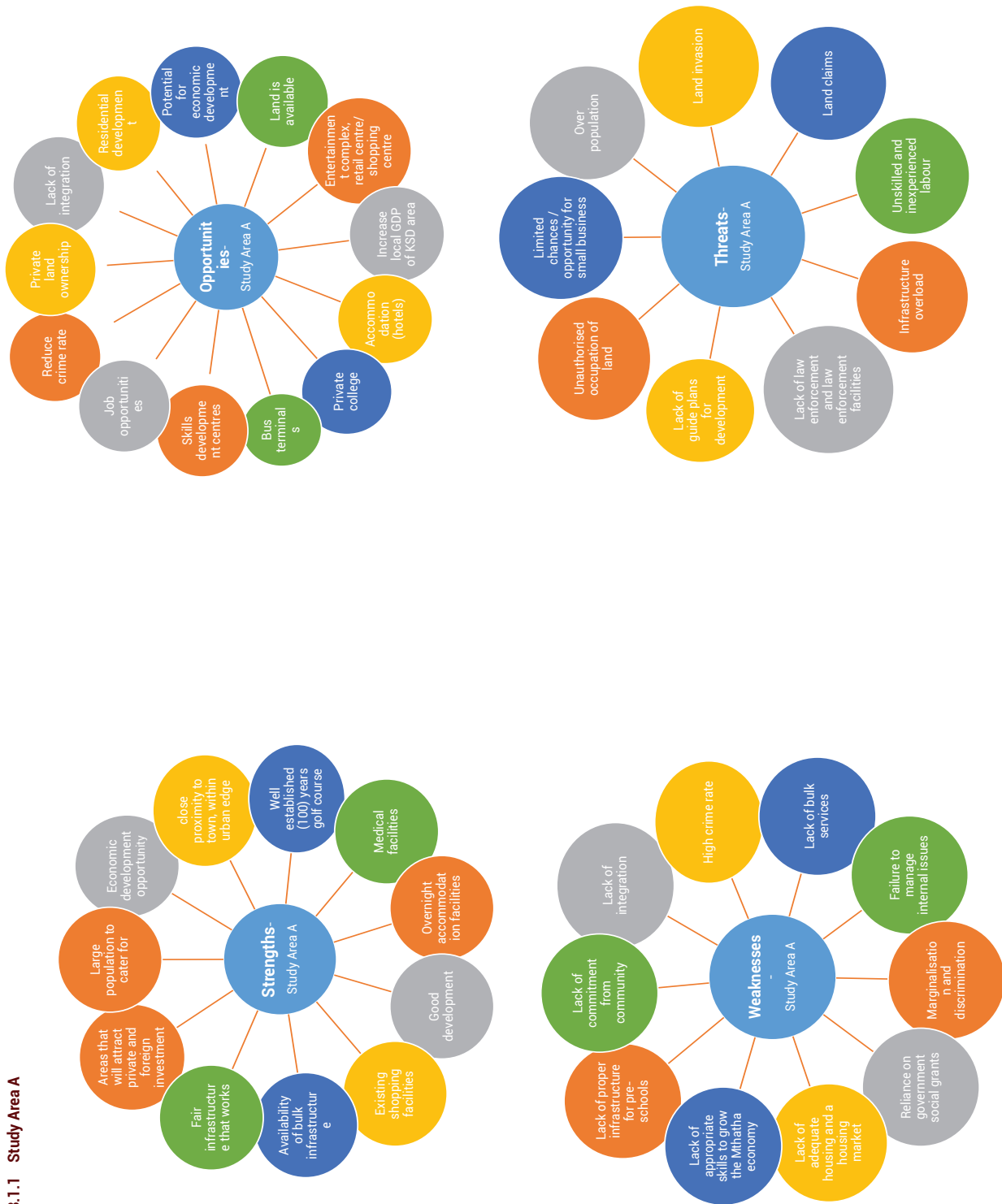
3. SITUATION ANALYSIS: SYNOPSIS

A detailed Situation Analysis was completed and documented in Phase 2. However, for the purposes of this phase a synopsis is provided to give this Executive Summary significant context. .

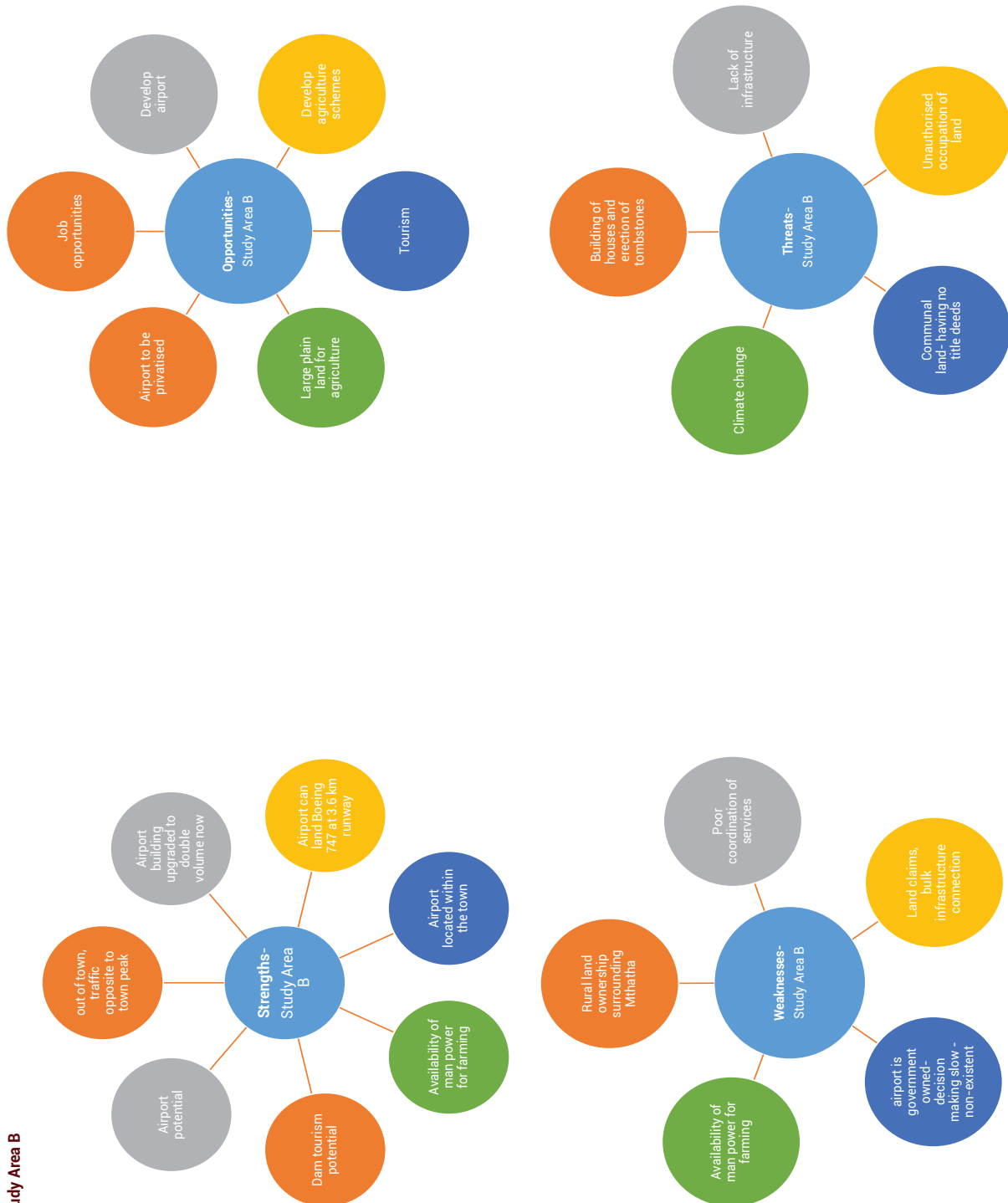
3.1 SWOT ANALYSIS

The following section will assess the Strengths, Weaknesses, Opportunities and Threats relating to the study areas. The SWOT analysis helps understand the issues pertaining to the study areas. The strengths and opportunities of the study areas are the themes that would be able to be expanded upon and promoted whereas the weaknesses and threats would require further emphasis to be able to develop them into opportunities.

3.1.1 Study Area A



3.1.2 Study Area B



3.2 SUMMARY OF KEY ISSUES

The Situation Analysis Phase comprised of an in-depth analysis as well as intensive Public Participation within the study area. As a result of that the following Key Issues were highlighted, which also form the basis for the Development Strategy.

The key issues outlined below list the issues pertaining to each study areas. These issues are identified problems which will be addressed in the proposed spatial frameworks section.

3.2.1 Study area A

- Lack of mentoring entrepreneurs on good business methods
- No legislation
- Lack of public participation and involvement of stakeholders
- Insufficient accommodation
- Lack of secure housing at the country club
- Mushrooming of B&B's vs lack of infrastructure
- Lack of conference centres near country club
- Lack of commitment and cooperation from key drivers
- Improper/unplanned development
- Increased population growth
- Lack of understanding of Land use management

3.2.2 Study area B

- Lack of bulk services
- Lack of business hub
- Lack of mentoring farmers on good farming methods
- No legislation
- Negative proposals at the airport
- Insufficient accommodation
- Lack of conference centres and hotels near airport
- Lack of commitment and cooperation from key drivers
- Population growth
- Floodplains and wetlands
- Communal land vs development
- Lack of shopping facilities
- Existing land claims



STRATEGIC OBJECTIVES, VISIONING, AND CONCEPTUAL FRAMEWORK



4.1 STRATEGIC OBJECTIVES, VISIONING, AND CONCEPTUAL FRAMEWORK

4.1.1 STUDY AREA A Objectives and Strategies

OBJECTIVES	STRATEGIES
Promote mixed use development	-Amend the zoning scheme to align with LSDF Proposals
Improve road infrastructure	-Upgrade key road links and implement measures to control traffic in developed areas
To ensure that all development is controlled	-Update the Zoning Scheme with proposals from the LSDF
Improve transport infrastructure	-Alignment and Upgrading of bulk infrastructure -Allow for wide paving and slopes rather than steps to include users with a disability. -Develop a public transport plan for the area
Ensure sustainable development	Promote the use of Green Technology
Increase the number of residential units	Incorporate densification strategies for identified areas

4.1.2 STUDY AREA A Vision

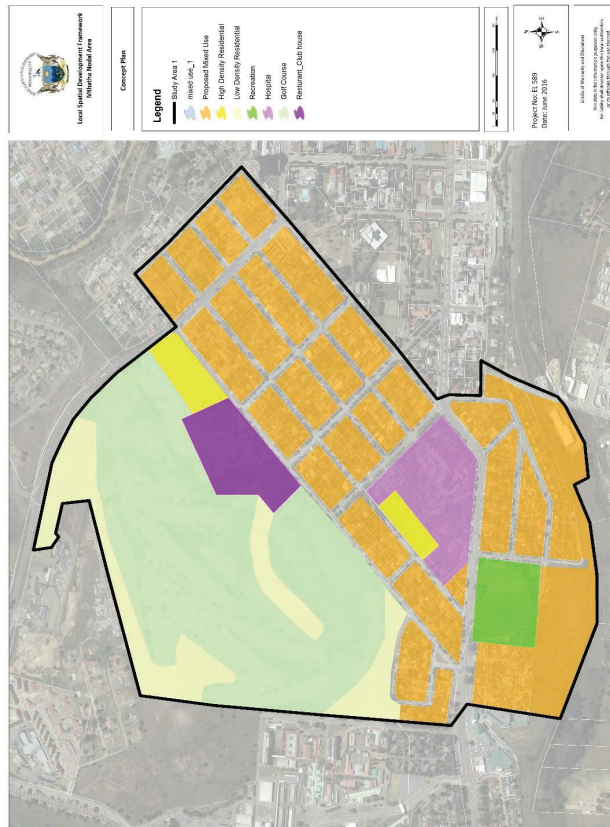
"To create a neighbourhood which has a mix of land uses and densities, supporting the CBD and integrated with surrounding uses."

4.1.3 Conceptual Framework Plan

The idea of the concept below is to focus on a range of land uses namely: Golf course, estate development, hospital, mixed use development, offices and tourism. Been focused within a CBD that experiences a high degree of activity and congestion. The proposals aim to approach the LSDF in a manner that will give rise to high quality urban spaces and amenities for people to experience. The mixed use developments aim to introduce densification to the CBD and maximize land usage. The aim is to foster the views and vistas of the golf course by creating a lifestyle environment for occupants of the



proposed developments. Mixed use proposals were also considered in the core of the study area as there is a high demand for this office space, retail activity and commercial land usage within Mthatha. The golf course is envisioned to maintain its function within Mthatha as it is well supported, however improvements need to be made in the forms of Estate developments alternate uses to be considered.



PLAN NO. 8: Conceptual Framework Plan

4.1.4 STUDY AREA B Objectives and Strategies

OBJECTIVES	STRATEGIES
Develop the airport precinct into a destination	-Promote mixed use activities within the Precinct
Monitor land development in and around the airport	-Apply the noise contours to assessing all developments
Improve infrastructure to service the area.	-Service the R61 and other main roads within the area to increase access into the area. -Implement bulk infrastructure to align to development proposals
To create a linkage of study area with the city centre.	-Develop the R61 as proposed by SANRAL Promote mixed use activities along the corridor
To ensure the SEZ is successful and sustainable	Implement the principles of the Feasibility Study

4.1.5 Study Area B Vision

"To have a well-developed Airport Precinct and Special Economic Zone (SEZ), catering for the needs of the surrounding communities and creating employment respectively"

4.1.6 Conceptual Framework Plan

The airport precinct concept took consideration of the following land uses: airport expansion, chicken farm, military base, mixed use, tourism and a trade port. The need for the above mentioned land uses was intended to support the growth of the airport and give rise to an aerotropolis kind of setting. This sparked the need for work and accommodation facilities in close proximity which justifies the inclusion of densified mixed use development. Exiting use were also considered and maintained such as the military base and chicken farm. A trade port was included for the agro processing and manufacturing activities which may rise from growth in the agricultural sector within this area. Been located close to the airport and high intensity transport routes makes logistics and transportation of processed goods that much more cost effective and efficient. Lastly, the Mthatha Dam was fostered as an asset which

hold the potential to act as a catalyst for tourism activity in Mthatha in the forms of day visitor open spaces, eco-tourism, accommodation & resort development etc.



PREFERRED SCENARIOS



5.1 STUDY AREA A: PREFERRED SCENARIO - DOMINANT MIXED USE DEVELOPMENT



PLAN NO. 9: Scenario 4: Mixed Use Focus

Managed development would generally cluster land uses in a planned format to ensure that there is a positive relationship between land uses and to ensure that there are no conflicting land uses located within close proximity to each other. Managed development would also ensure that there is an increase in building density to cater for the growing population in Mthatha. Managed development in the case of Mthatha is believed to be achieved through mixed use development. The mixed use typology limits development to 3 storeys and aims to accommodate varied uses within the developments. This allows a live work play environment to emanate within the CBD. Since retail and commercial activity is dominant within the study area mixed use development was a desirable scenario as it allows the continuity of existing business owner whilst allowing for future expansion without any wastage of land. Hotel and residential developments are targeted on the golf course precinct. This is aimed at creating a market for the high income earners within Mthatha that also seek security and privacy. The residential

development on the Golf course is positioned along the fairways which is aimed at developing into golf estate. This is a great alternative to B&B's for visitors into the town.

5.2 STUDY AREA B: PREFERRED SCENARIO - MIXED DEVELOPMENT GUIDED BY SEZ PROPOSALS



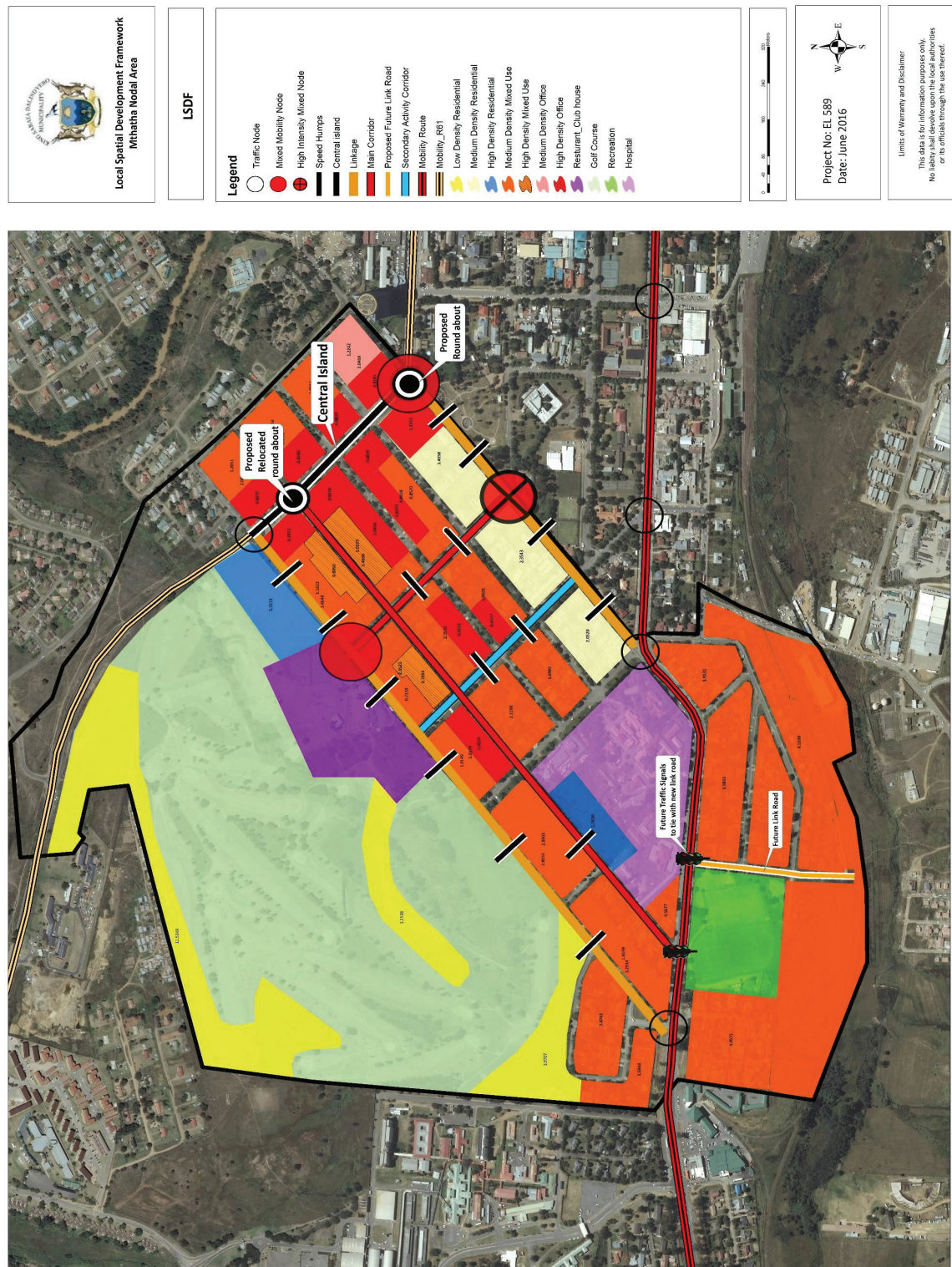
PLAN NO. 10: Scenario 4: Mixed Development, Preferred Scenario

The scenario was deemed most viable as it introduced a range of uses around the airport. This gives rise to the aerropolis concept as all sectors of production from Extraction to distribution is found in the same vicinity. The aim of the preferred scenario is to develop the area as an economic hub for agro-processing whilst also creating sustainable human settlements which provides accommodation, work opportunities and leisure.

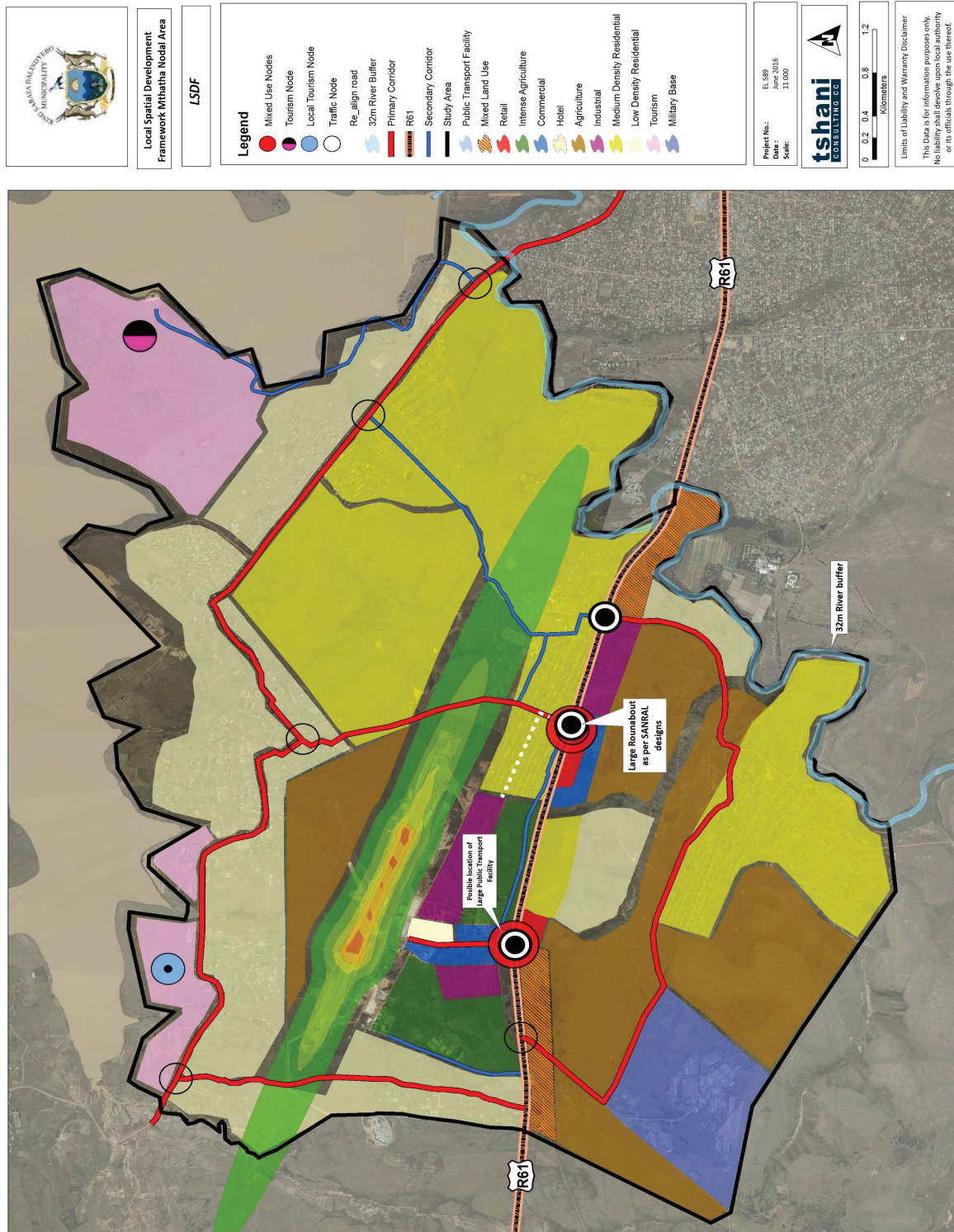
LOCAL SPATIAL DEVELOPMENT FRAMEWORKS



6.1 STUDY AREA A - LOCAL SPATIAL DEVELOPMENT FRAMEWORK



6.2 LOCAL SPATIAL DEVELOPMENT FRAMEWORK



CONTINUES ON PAGE 258 - PART 3



PROVINCE OF THE EASTERN CAPE
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PROVINSIE OOS-KAAP

Provincial Gazette Igazethi Yephondo Provinsiale Koerant

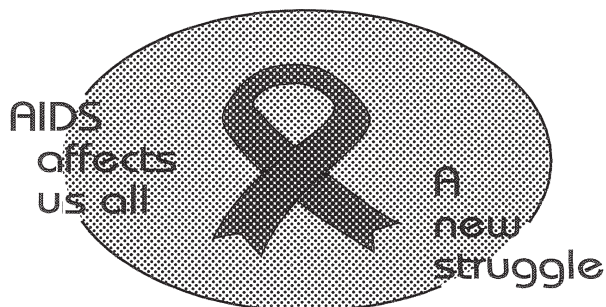
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PART 3 OF 3

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IMPLEMENTATION PLAN



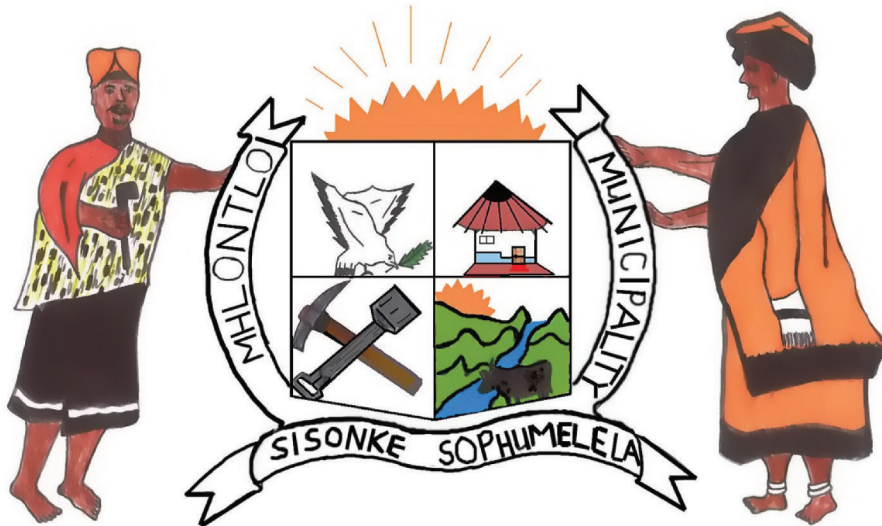
7 IMPLEMENTATION PLAN

ENVIRONMENTAL						
PROJECT	LOCATION	FUNDING	BUDGET	2017/18	2019/20	2020/2021
Investigate feasibility for installation of solar geysers to residential areas	Study area A & B	DBSA may fund feasibility	R 750 000 000	R 425 000 000	R 325 000 000	
Greening programme and wetland revitalisation	Study Area B	KSD	R 600 000	R 400 000	R 200 000	
Renewable Energy Master Plan (Focus on 21 st century technology for Agro processes)	Study Area B	KSD, DEDEA	R 450 000			
Solar Street Lighting	Study Area A	KSD	R 3 500 000			
TOWN PLANNING AND LAND SURVEYING						
Public Environment Upgrade to Delville & Blakeway Road		KSD	R 20 000 000	R 10 000 000	R 10 000 000	
Establishment of Medium Density Housing @ R700 per site	Study Area B (4011 Sites)	KSD	R 2 807 700	R 2 000 000	R 807 700	
Establishment of Low Density Housing @ R700 per site	Study Area B (1391)	KSD	R 973 700	R 500 000	R 473 000	
Tourism sector Plan	KSD LM	DEDEA	R 500 000	R 250 000	R 250 000	
Urban Design Plan	Study Area A	KSD	R 350 000	R 250 000	R 100 000	
	Study Area B	KSD	R350 000	R 250 000	R 100 000	
Golf Course Establishment	Study Area A	Private Sector	N/A	N/A		
TRAFFIC						

Pedestrian facilities along Main Road	Study Area A	KSD	R750 per m ²		
Blakeway Road/N2 intersection upgrade	Study Area A	KSD	R 600 000	R 300 000	R 300 000
Road east of Blakeway Road/N2 intersection upgrades (Road to Vulindlela)	Study Area A	KSD/DOT/DPW	R 600 000	R 300 000	R 300 000
Traffic Calming (15 Speed Humps @ R20 000 each)	Study Area A	KSD/DOT/DPW	R 300 000	R 150 000	R 150 000

LOCAL AUTHORITY NOTICE 175 OF 2019

PROPERTY RATES BYLAW



MHLONTLO LOCAL MUNICIPALITY

(FOR IMPLEMENTATION ON 1 JULY 2019)

INDEX

	<u>Page</u>
1. LEGISLATIVE CONTEXT	3
2. DEFINITIONS	3
3. BYLAW PRINCIPLES	8
4. SCOPE OF THE BYLAW	9
5. APPLICATION OF THE BYLAW	9
6. PRINCIPLES APPLICABLE TO FINANCING OF SERVICES	9
7. CATEGORIES OF PROPERTY	9
8. CATEGORIES OF OWNERS	10
9. PROPERTIES USED FOR MULTIPLE PURPOSES	11
10. DIFFERENTIAL RATING	11
11. EXEMPTIONS AND IMPERMISSIBLE RATES	11
12. REDUCTIONS	13
13. REBATES	14
14. PAYMENT OF RATES	18
15. ACCOUNTS TO BE FURNISHED	19
16. PHASING IN OF RATES	19
17. FREQUENCY OF VALUATION	20
18. COMMUNITY PARTICIPATION	20
19. REGISTER OF PROPERTIES	20
20. BY-LAWS TO GIVE EFFECT TO THE RATES BYLAW	21
21. REGULAR REVIEW PROCESSES	21
22. ENFORCEMENT/IMPLEMENTATION AND ENQUIRIES	22

MHLONTLO LOCAL MUNICIPALITY**PROPERTY RATES BYLAW****1. LEGISLATIVE CONTEXT**

- 1.1 This bylaw is mandated by Section 3 of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004), which specifically provides that a municipality must adopt a Rates Bylaw.
- 1.2 In terms of Section 229 of the Constitution of the Republic of South Africa, 1996 (No.108 of 1996), a municipality may impose rates on property.
- 1.3 In terms of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) a local municipality in accordance with-
- a. Section 2(1), may levy a rate on property in its area; and
 - b. Section 2(3), must exercise its power to levy a rate on property subject to-
 - i. Section 229 and any other applicable provisions of the Constitution;
 - ii. the provisions of the Property Rates Act and the regulations promulgated in terms thereof; and
 - iii. the rates bylaw.
- 1.4 In terms of Section 4 (1) (c) of the Local Government: Municipal Systems Act, 2000 (No. 32 of 2000), the Council of a municipality has the right to finance the affairs of the municipality by imposing, *inter alia*, rates on property.
- 1.5 In terms of Section 62(1)(f)(ii) of the Local Government: Municipal Finance Management Act, 2003 (No. 56 of 2003) the municipal manager must ensure that the municipality has and implements a rates bylaw.
- 1.6 This bylaw must be read together with, and is subject to the stipulations of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) and any regulations promulgated in terms thereof.

2. DEFINITIONS

- 2.1 “**Act**” means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);
- 2.2 “**Agent**”, in relation to the owner of a property, means a person appointed by the owner of the property-
- (a) to receive rental or other payments in respect of the property on behalf of the owner; or
 - (b) to make payments in respect of the property on behalf of the owner;
- 2.3 “**Agricultural purpose**” in relation to the use of a property, includes the use of a property for the purpose of eco-tourism or for the trading in or hunting of game;

- 2.4 **“Annually”** means once every financial year;
- 2.5 **“Category”**
- (a) in relation to property, means a category of properties determined in terms of Section 7 of this bylaw; and
 - (b) in relation to owners of properties, means a category of owners determined in terms of Section 8 of this bylaw.
- 2.6 **“Child-headed household”** means a household where the main caregiver of the said household is younger than 18 years of age. Child-headed household means a household headed by a child as defined in terms of section 28(3) of the Constitution.
- 2.7 **“Definitions, words and expressions”** as used in the Act are applicable to this bylaw document where ever it is used;
- 2.8 **“Land reform beneficiary”**, in relation to a property, means a person who -
- (a) acquired the property through -
 - (i) the Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993); or
 - (ii) the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);
 - (b) holds the property subject to the Communal Property Associations Act, 1996 (Act No 28 of 1996);
 - (c) holds or acquires the property in terms of such other land tenure reform legislation as may pursuant to section 25(6) and (7) of the Constitution (Act No.108 of 1996) be enacted after this Act has taken effect;
- 2.9 **“Land tenure right”** means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act, 2004 (Act No.11 of 2004);
- 2.10 **“Municipality”** means the Local Municipality of Mhlontlo;
- 2.11 **“Newly Rateable property”** means any rateable property on which property rates were not levied before the end of the financial year preceding the date on which this Act took effect, excluding –
- (a) a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date; and
 - (b) a property identified by the Minister by notice in the Gazette where the phasing-in of a rate is not justified;
- 2.12 **“Owner”-**
- (a) in relation to a property referred to in paragraph (a) of the definition of “property”, means a person in whose name ownership of the property is registered;

- (b) in relation to a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered;
- (c) in relation to a land tenure right referred to in paragraph (c) of the definition of “property”, means a person in whose name the right is registered or to whom it was granted in terms of legislation; or
- (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of “property”, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled”,

provided that a person mentioned below may for the purposes of this Act be regarded by a municipality as the owner of a property in the following cases: -

- (i) a trustee, in the case of a property in a trust excluding state trust land;
- (ii) an executor or administrator, in the case of a property in a deceased estate;
- (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in
- (iv) a judicial manager, in the case of a property in the estate of a person under
- (v) a curator, in the case of a property in the estate of a person under curatorship;
- (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
- (vii) a lessee, in the case of a property that is registered in the name of a municipality and is leased by it; or
- (viii) a buyer, in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

2.13 **“Property”** means -

- (a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
- (d) public service infrastructure.

2.14 **“Public service infrastructure”** means publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;

- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;
- (g) runways or aprons at national or provincial airports;
- (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
- (i) any other publicly controlled infrastructure as may be prescribed; or
- (j) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (i).

2.15 **“Residential property”** means improved property that: -

- (a) is used predominantly (60% or more) for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes.
- (b) Is a unit registered in terms of the Sectional Title Act and used predominantly for residential purposes.
- (c) Is owned by a share-block company and used solely for residential purposes.
- (d) Is a residence used for residential purposes situated on property used for or related to educational purposes.
- (e) Retirement schemes and life right schemes used predominantly (60% or more) for residential purposes.

And specifically exclude hostels, flats, old age homes, guest houses and vacant land irrespective of its zoning or intended use.

2.16 **“Rural communal settlements”** means the residual portion of rural communal land excluding identifiable and rateable entities within the property and excluding State Trust Land and land reform beneficiaries as defined in the Act.

2.17 **“state trust land”** means land owned by the state-

- (a) in trust for persons communally inhabiting the land in terms of a traditional system of land tenure;

- (b) over which land tenure rights were registered or granted; or
- (c) which is earmarked for disposal in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994).

3. BYLAW PRINCIPLES

- 3.1 Rates are levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll and supplementary valuation roll.
- 3.2 As allowed for in the Act, the municipality has chosen to differentiate between various categories of property and categories of owners of property as contemplated in clause 7 and 8 of this bylaw. Some categories of property and categories of owners are granted relief from rates. The municipality however does not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.
- 3.3 There would be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with clause 16 of this bylaw.
- 3.4 In accordance with section 3(3) of the Act, the rates bylaw for the municipality is based on the following principles:

(a) Equity

The municipality will treat all ratepayers with similar properties the same.

(b) Affordability

The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor/indigent ratepayers the municipality will provide relief measures through exemptions, reductions, rebates and cross subsidy from the equitable share allocation.

(c) Sustainability

Rating of property will be implemented in a way that:

- i. it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality;
- ii. Supports local, social and economic development; and
- iii. Secures the economic sustainability of every category of ratepayer.

(d) Cost efficiency

Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account surpluses generated on economic (refuse removal) services and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time.

4. SCOPE OF THE BYLAW

- 4.1 This bylaw document guides the annual setting (or revision) of property rates tariffs. It does not necessarily make specific property rates tariffs proposals. Details pertaining to the applications of the various property rates tariffs are annually published in the Provincial Gazette and the municipality's schedule of tariffs, which must be read in conjunction with this bylaw.

5. APPLICATION OF THE BYLAW

- 5.1 In imposing the rate in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners as allowed for in this bylaw document.

6. PRINCIPLES APPLICABLE TO FINANCING OF SERVICES

- 6.1 The municipal manager or his/her nominee must, subject to the guidelines provided by the National Treasury and the Executive Committee of the municipality, make provision for the following classification of services: -

(a) Economic services

- i. Refuse removal.

(b) Community and subsidised services.

These include all other services ordinarily being rendered by the municipality excluding those mentioned in 6.1(a).

- 6.2 Economic services as referred to in clause (a) must be ring fenced and financed from service charges while community and subsidised services referred to in clause (b) will be financed from surpluses on economic services, regulatory fees, rates and rates related income.

7. CATEGORIES OF PROPERTY

- 7.1 Different rates may be levied in respect of the following categories of rateable properties and such rates will be determined on an annual basis during the compilation of the annual budget: -

7.1.1 Residential properties;

7.1.2 Industrial properties;

7.1.3 Business properties;

7.1.4 Agricultural properties;

7.1.5 Small Holdings;

7.1.6 State owned properties;

- 7.1.7 Municipal properties;
- 7.1.8 Public service infrastructure referred to in the Act;
- 7.1.9 Properties owned by Public Benefit Organisations;
- 7.1.10 Places of Worship;
- 7.1.11 Educational;
- 7.1.12 Vacant Stands.

- 7.2 In determining the category of a property referred to in 7.1 the municipality shall take into consideration the dominant use of the property, regardless the formal zoning of the property.
- 7.3 Properties used for multiple purposes shall be categorised and rated as provided for in section 9 of the Act and as more fully described in clause 9 of this bylaw.

8. CATEGORIES OF OWNERS

- 8.1 For the purpose of granting exemptions, reductions and rebates in terms of clause 11, 12 and 13 respectively the following categories of owners of properties are determined: -
 - (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent bylaw of the municipality;
 - (b) Those owners who do not qualify as indigents in terms of the adopted indigent bylaw of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget;
 - (c) Owners of property situated within an area affected by-
 - i. a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - ii. serious adverse social or economic conditions.
 - (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget;
 - (e) Owners of agricultural properties as referred to in clause 13.1 (b); and
 - (f) Child headed families where any child of the owner or child who is a blood relative of the owner of the property, is responsible for the care of siblings or parents of the household.

9. PROPERTIES USED FOR MULTIPLE PURPOSES

- 9.1 Rates on properties used for multiple purposes will be levied in accordance with the “dominant use of the property”.

10. DIFFERENTIAL RATING

- 10.1 Criteria for differential rating on different categories of properties will be according to:-

- (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
- (b) The promotion of local, social and economic development of the municipality.

- 10.2 Differential rating among the various property categories will be done by way of: -

- (a) setting different cent amount in the rand for each property category; and
- (b) by way of reductions and rebates as provided for in this bylaw document.

11. EXEMPTIONS AND IMPERMISSIBLE RATES

- 11.1 The following categories of property are exempted from rates: -

- (a) Municipal properties

Municipal properties are exempted from paying rates as it will increase the rates burden or service charges to property owners or consumers. However, where municipal properties are leased, the lessee will be responsible for the payment of determined assessment rates in accordance with the lease agreement.

- (b) Residential properties

All residential properties with a market value of less than the amount as annually determined by the municipality are exempted from paying rates. **For the 2018/2019 financial year the maximum reduction is determined as R30 000.** The impermissible rates of R15 000 contemplated in terms of section 17(1) (h) of the Property Rates Act is included in the amount referred to above as annually determined by the municipality. The first R30 000 (thirty thousand) value of all residential properties and including farm properties used for residential purposes is exempt from being rated and is excluded from the market value when determining rates payable.

RDP houses are exempted from paying rates except when there has been building improvements wherein the normal rating will apply.

- (c) Public Service Infrastructure

The Municipality may not levy rates on the first 30% of the market value of public service infrastructure.

(d) Right registered against a property

Any right registered against a property as defined in clause 2.13(b) of this bylaw is exempted from paying rates.

11.2 Exemptions in clause 11.1 will automatically apply and no application is thus required.

11.3 Impermissible Rates: In terms of section 17(1) of the Property Rates Act the municipality may, inter alia, not levy a rate: -

- (a) On those parts of a special nature reserve, national park or nature reserve within the meaning of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) or of a national botanical garden within the meaning of the National Environmental Management: Biodiversity Act, 2004, which are not developed or used for commercial, business, or residential agricultural purposes.

(a) On mineral rights within the meaning of paragraph (b) of the definition of "property" in section 1 of the Act.

- (b) On a property belonging to a land reform beneficiary or his or her heirs, provided that this exclusion lapses ten years from the date on which such beneficiary's title was registered in the office of the Registrar of Deeds.
- (c) On a property registered in the name of and used primarily as a place of public worship by a religious community, including an official residence registered in the name of that community which is occupied by an office-bearer of that community who officiates at services at that place of worship.

11.4 Public Benefit Organisations (PBO's)

Taking into account the effects of rates on PBOs performing a specific public benefit activity and if registered in terms of the Income Tax Act, 1962 (No 58 of 1962) for tax reduction because of those activities, Public Benefit Organizations may apply for the exemption of property rates. Public Benefit Organizations may include, inter alia: -

(a) *Welfare and humanitarian*

For example, PBOs providing disaster relief.

(b) *Health Care*

For example, PBO's providing counselling and treatment of persons afflicted with HIV and AIDS including the care of their families and dependents in this regard.

(c) *Education and development*

For example, PBO's providing early childhood development services for pre-school children.

(d) *Sporting bodies*

Property used by an organization for sporting purposes on a non-professional basis:

(e) *Cultural institutions*

Property used for purposes declared in terms of the Cultural Institutions Act, Act 29 of 1969 or the Cultural Institutions Act, Act 66 of 1989.

(f) Museums, libraries, art galleries and botanical gardens

Property registered in the name of private persons, open to the public and not operated for gain.

(g) Animal welfare

Property owned or used by organizations whose exclusive aim is to protect birds, reptiles and animals on a not-for-gain basis.

(h) Cemeteries and crematoriums

Property used for cemeteries and crematoriums.

(i) Welfare institutions

Properties used exclusively as an orphanage, non-profit retirement villages, old age homes or benevolent/charitable institutions, including workshops used by the inmates, laundry or cafeteria facilities; provided that any profits from the use of the property are used entirely for the benefit of the institution and/or to charitable purposes within the municipality.

(j) Charitable institutions

Property owned or used by institutions or organizations whose aim is to perform charitable work on a not-for-gain basis.

11.5 All possible benefiting organisations in clause 11.4 must apply annually for exemptions. All applications must be addressed in writing to the municipality by 31 August for the financial year in respect of which the rate is levied. If the exemption applied for is granted the exemption will apply for the full financial year.

11.6 Public benefit organisations must attach a SARS tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Part 1 of the Ninth Schedule of the Income Tax Act, 1962 (No 58 of 1962) to all applications.

11.7 The municipality retains the right to refuse the exemption if the details supplied in the application form were incomplete, incorrect or false.

11.8 The extent of the exemptions implemented in terms of clauses 11.1 to 11.4 must annually be determined by the municipality and included in the annual budget.

12. REDUCTIONS

12.1 Reductions as contemplated in section 15 of the Act will be considered on an *ad-hoc* basis in the event of the following: -

12.1.1 Partial or total destruction of a property.

12.1.2 Disasters as defined in the Disaster Management Act, 2002 (Act 57 of 2002).

12.2 The following conditions shall be applicable in respect of clause 12.1: -

- 12.2.1 The owner referred to in clause 12.1.1 shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He/ she will also have to indicate to what extent the property can still be used and the impact on the value of the property.
- 12.2.2 Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).
- 12.2.3 A maximum reduction to be determined on an annual basis shall be allowed in respect of both clauses 12.1.1 and 12.1.2. For the 2017/2018 financial year the maximum reduction is determined as 80%.
- 12.2.4 An ad-hoc reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.
- 12.2.5 If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

13. REBATES

13.1. Categories of property

(a) Business, commercial and industrial properties

- i. The municipality may grant rebates to rateable enterprises that promote local, social and economic development in its area of jurisdiction. The following criteria will apply: -
- a. job creation in the municipal area;
 - b. social upliftment of the local community; and
 - c. creation of infrastructure for the benefit of the community.
- ii. A maximum rebate as annually determined by the municipality will be granted on approval, subject to: -
- a. a business plan issued by the directors of the company indicating how the local, social and economic development objectives of the municipality are going to be met;
 - b. a continuation plan issued by the directors and certified by auditors of the company stating that the objectives have been met in the first year after establishment and how the company plan to continue to meet the objectives; and
 - c. an assessment by the municipal manager or his/her nominee indicating that the company qualifies.

- iii. All applications must be addressed in writing to the municipality by 31 August for the financial year in respect of which the rate is levied. If the rebate applied for is granted the rebate will apply for the full financial year.

(b) Agricultural property rebate

- i. When considering the criteria to be applied in respect of any exemptions, rebates and reductions on any properties used for agricultural purposes the municipality must take into account: -
 - a. the extent of rates related services rendered by the municipality in respect of such properties.
 - b. the contribution of agriculture to the local economy.
 - c. the extent to which agriculture assists in meeting the service delivery and developmental objectives of the municipality; and
 - d. the contribution of agriculture to the social and economic welfare of farm workers.
- ii. In terms of section 84 of the Act the Minister for Provincial and Local Government, and in concurrence with the Minister of Finance as required through section 19 of the Act, may determine that a rate levied by the Council on a category of non-residential property may not exceed the ratio to the rate on residential property. In the absence of any such promulgation the municipality will apply the standard ratio for agricultural properties as 1:0.25 (75% rebate on the tariff for residential properties). For the 2018/2019 financial year the minister has promulgated a ratio of 1:0.25.
- iii. An additional rebate (based on the total property value) of maximum 10% will be granted by the municipality in respect of the following: -
 - a. 2,5% for the provision of accommodation in a permanent structure to farm workers and their dependents.
 - b. 2,5% if these residential properties are provided with potable water.
 - c. 2,5% if the farmer for the farm workers electrifies these residential properties.
 - d. 2,5% for the provision of land for burial to own farm workers or educational or recreational purposes to own farm workers as well as people from surrounding farms.
- vi. The granting of additional rebates is subject to the following: -
 - a. All applications must be addressed in writing to the municipality by 31 August indicating how service delivery and development obligations of the municipality and contribution to the social and economic welfare of farm workers were met. This application will be required as a once off requirement. Any new applications for the 2017/2018 financial year and onwards must be addressed in writing to the municipality by 31 August for the financial year in respect of which the rate is levied. If the rebate applied for is granted the rebate will apply for the full financial year and such application again regarded as a once off requirement.
 - b. Council reserves the right to send officials or its agents to premises/households receiving relief on annual basis for the purpose of conducting an on-site audit of the details supplied. The onus also rests on recipients to immediately notify Council of any changes in their original application.
 - c. The municipality retains the right to refuse the exemption if the details supplied in the application form were incomplete, incorrect or false.

- v. No other rebates will be granted to properties that qualify for the agricultural rebate. For the avoidance of doubt, properties that qualify for the agricultural rebate will not be entitled to the residential rate exemption as set out in clause 11.1(b) of this bylaw.

13.2 Categories of owners

Indigent owners and child headed families will receive a 100% rebate from payment of property tax: -

(a) Indigent owners

Owners who qualify and who are registered as indigents in terms of the adopted indigent bylaw of the municipality, regardless of the value of the property, will receive a 100% rebate from payment of property tax. If qualifying in terms of the indigent bylaw this 100% rebate will automatically apply and no further application is thus required by the owner.

(b) Child headed families

- i. Families headed by children will receive a 100% rebate for paying property tax, according to monthly household income. To qualify for this rebate, the head of the family must: -
 - a. occupy the property as his/her normal residence;
 - b. not be older than 18 years of age;
 - c. still be a scholar or jobless; and
 - d. be in receipt of a total monthly income from all sources not exceeding an amount to be determined annually by the Municipality. For the 2018/2019 financial year this amount is determined as R3 300 per month.
- ii. The family head must apply on a prescribed application form for registration as a child headed household and must be assisted by the municipality with completion of the application form. If qualifying, this rebate will automatically apply and no further application is thus required.

(c) Retired and Disabled Persons Rate Rebate

- i. Retired and Disabled Persons, not registered as indigents, qualify for special rebates according to monthly household income. To qualify for the rebate a property owner must: -
 - a. occupy the property as his/her normal residence;
 - b. be at least 60 years of age or in receipt of a disability pension from the Department of Welfare and Population Development;
 - c. be in receipt of a total monthly income from all sources as annually determined by the municipality (including income of spouses of owner);
 - d. not be the owner of more than one property; and

- e. provided that where the owner is unable to occupy the property due to no fault of his/her own, the spouse or minor children may satisfy the occupancy requirement.
- ii. Property owners must apply on a prescribed application form for a rebate as determined by the municipality. Applications must be accompanied by-
 - a. a certified copy of the identity document or any other proof of the owners age which is acceptable to the municipality;
 - b. sufficient proof of income of the owner and his/her spouse;
 - c. an affidavit from the owner;
 - d. if the owner is a disabled person proof of a disability pension payable by the state must be supplied; and
 - e. if the owner has retired at an earlier stage for medical reasons proof thereof must be submitted.
- iii. All applications must be addressed in writing to the municipality by 31 August for the financial year in respect of which the rate is levied. If the rebate applied for is granted the rebate will apply for the full financial year. The total monthly income and corresponding rebate is determined as follows: -

- a. R0 to R2 500 per month - 100%.
 - b. R2 501 to R5 000 per month - 50%.
 - c. R5 001 to R8 000 per month - 20%.
 - iv. The municipality retains the right to refuse the exemption if the details supplied in the application form were incomplete, incorrect or false.
- 13.3 Properties with a market value below a prescribed valuation level of a value to be determined annually by the Municipality may, instead of a rate being determined on the market value, be rated a uniform fixed amount per property.
- 13.4 The extent of the rebates granted in terms of clauses 13.1 and 13.2 must annually be determined by the municipality and included in the annual budget.

14. PAYMENT OF RATES

- 14.1 The rates levied on the properties shall be payable: -
- (a) On a monthly basis; or
 - (b) Annually, before 30 September each year.
- 14.2 Ratepayers may choose paying rates annually in one instalment on or before 30 September each year. If the owner of property that is subject to rates, notify the municipal manager or his/her nominee in writing not later than 30 June in any financial year, or such later date in such financial year as may be determined by the municipality that he/she wishes to pay all rates annually, such owner shall be entitled to pay all rates in the subsequent financial year and each subsequent financial year annually until such notice is withdrawn by him/her in a similar manner.
- 14.3 The municipality shall determine the due dates for payments in monthly instalments and the single annual payment and this date shall appear on the accounts forwarded to the owner/ tenant/ occupants/ agent.
- 14.4 Rates payable on an annual basis will be subject to a discount of 15% if paid in full on or before 30 September of each year. Rates payable on a monthly basis will be subject to 5% discount if paid in full by the 7th of every month.
- 14.5 Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the provisions of the Credit Control and Debt Collection Bylaw of the Municipality.
- 14.6 If a property owner who is responsible for the payment of property rates in terms of this bylaw fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control and Debt Collection By-law of the Municipality.
- 14.7 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act and the Municipality's credit control and debt collection by-law.

- 14.8 Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.
- 14.9 In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

15. ACCOUNTS TO BE FURNISHED

- 15.1 The municipality will furnish each person liable for the payment of rates with a written account, which will specify: -
- (i) the amount due for rates payable,
 - (ii) the date on or before which the amount is payable,
 - (iii) how the amount was calculated,
 - (iv) the market value of the property, and
 - (v) rebates, exemptions, reductions or phasing-in, if applicable.
- 15.2 A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he/she must make the necessary enquiries with the municipality.
- 15.3 In the case of joint ownership the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.

16. PHASING IN OF RATES

- 16.1 The rates to be levied on newly rateable property shall be phased in as explicitly provided for in section 21 of the Act.
- 16.2 The phasing-in discount on the properties referred to in section 21 shall be as follows: -
- First year : 75% of the relevant rate;
 - Second year : 50% of the relevant rate; and
 - Third year : 25% of the relevant rate.
- 16.3 No rates shall be levied on newly rateable properties that are owned and used by organisations conducting activities that are beneficial to the public and that are registered in terms of the Income Tax Act for those activities, during the first year. The phasing-in discount on these properties shall be as indicated below: -

- First year : 100% of the relevant rate;
- Second year : 75% of the relevant rate;
- Third year : 50% of the relevant rate; and
- Fourth year : 25% of the relevant rate.

17. FREQUENCY OF VALUATION

- 17.1 The municipality shall prepare a new valuation roll at least every 4 (four) years;
- 17.2 In accordance with the Act the municipality, under exceptional circumstances, may request the MEC for Local Government and Housing in the province to extend the validity of the valuation roll to 5 (five) years.
- 17.3 Supplementary valuations may be done on a continual basis but at least on an annual basis.

18. COMMUNITY PARTICIPATION

- 18.1 Before the municipality adopts the rates bylaw, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements: -
- 18.1.1 Council must establish appropriate mechanisms, processes and procedures to enable the local community to participate and will provide for consultative sessions with locally recognised community organisations and where appropriate traditional authorities.
- 18.1.2 Conspicuously display the draft rates bylaw for a period of at least 30 days (municipality to include period decided on) at the municipality's head and satellite offices, libraries and on the website.
- 18.1.3 Advertise in the media a notice stating that the draft rates bylaw has been prepared for submission to council and that such bylaw is available at the various municipal offices and on the website for public inspection.
- 18.1.4 Property owners and interest persons may obtain a copy of the draft bylaw from the municipal offices during office hours at a fee as determined by Council as part of its annual tariffs. Property owners and interest persons are invited to submit written comments or representations to the municipality within the specified period in the notice.
- 18.1.5 Council will consider all comments and/or representations received when considering the finalisation of the rates bylaw.
- 18.1.6 The municipality will communicate the outcomes of the consultation process in accordance with section 17 of the Municipal Systems Act 32 of 2000.

19. REGISTER OF PROPERTIES

- 19.1 The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.

- 19.2 Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.
- 19.3 Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:
- i. Exemption from rates in terms of section 15 of the Property Rates Act,
 - ii. Rebate or reduction in terms of section 15,
 - iii. Phasing-in of rates in terms of section 21, and
 - iv. Exclusions as referred to in section 17.
- 19.4 The register will be open for inspection by the public at the municipal main offices during office hours or on the website of the municipality.
- 19.5 The municipality will update Part A of the register during the supplementary valuation process.
- 19.6 Part B of the register will be updated on an annual basis as part of the implementation of the municipality's annual budget.

20. BY-LAWS TO GIVE EFFECT TO THE RATES BYLAW

- 20.1 The municipality will adopt By-laws to give effect to the implementation of the Rates Bylaw and such By-laws may differentiate between different categories of properties and different categories of owners of properties liable for the payment of rates.

21. REGULAR REVIEW PROCESSES

- 21.1 The rates bylaw must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the Integrated Development Plan and with legislation.

22. ENFORCEMENT/IMPLEMENTATION AND**ENQUIRIES**

This bylaw has been approved by the Municipality in terms of Council resolution dated and takes effect on the effective date of the general valuation roll on 1 July 2019.

. *Approved by*

Mayor

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Municipal Manager

Date

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