



KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SAKWAZULU-NATALI

**Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe**

*(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)  
(Irejistiwee njengephephandaba eposihhovisi)*

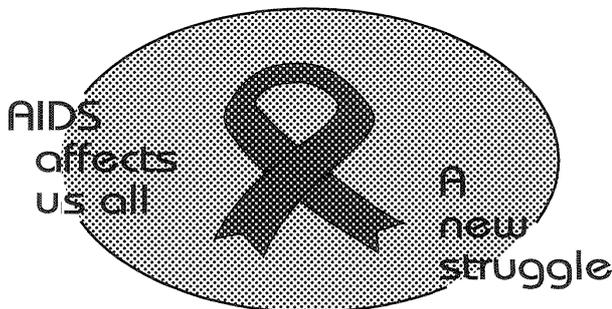
**Vol. 5**

**PIETERMARITZBURG,**

10 FEBRUARY 2011  
10 FEBRUARIE 2011  
10 kuNHLOLANJA 2011

**No. 548**

**We all have the power to prevent AIDS**



**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

**Prevention is the cure**

*N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes*



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**IMPORTANT NOTICE**

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Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

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# IMPORTANT NOTICE

The  
**KwaZulu-Natal Provincial Gazette** Function  
will be transferred to the  
**Government Printer** in Pretoria  
as from 26 April 2007

**NEW PARTICULARS ARE AS FOLLOWS:**

**Physical address:**

Government Printing Works  
149 Bosman Street  
Pretoria

**Postal address:**

Private Bag X85  
Pretoria  
0001

**New contact persons:** Louise Fourie Tel.: (012) 334-4686  
Mrs H. Wolmarans Tel.: (012) 334-4591

**Fax number:** (012) 323-8805

**E-mail addresses:** Louise.Fourie@gpw.gov.za  
Hester.Wolmarans@gpw.gov.za

**Contact persons for subscribers:**

Mrs J. Wehmeyer Tel.: (012) 334-4734  
Tel.: (012) 334-4753  
Fax.: (012) 323-9574

This phase-in period is to commence from **26 April 2007**, which is the closing date for all adverts to be received for the publication date of **3 May 2007**.

Subscribers and all other stakeholders are advised to send their advertisements directly to the **Government Printing Works**, one week (five working days) before the date of printing, which will be a Thursday.

**Payment:**

- (i) Departments/Municipalities: Notices must be accompanied by an order and official letterhead, including financial codes, contact person and address of Department.
- (ii) Private persons: Must pay in advance before printing.

Advertising Manager

IT IS THE CLIENTS RESPONSIBILITY TO ENSURE THAT THE CORRECT AMOUNT IS PAID AT THE CASHIER OR DEPOSITED INTO THE GOVERNMENT PRINTING WORKS BANK ACCOUNT AND ALSO THAT THE REQUISITION/COVERING LETTER TOGETHER WITH THE ADVERTISEMENTS AND THE PROOF OF DEPOSIT REACHES THE GOVERNMENT PRINTING WORKS IN TIME FOR INSERTION IN THE PROVINCIAL GAZETTE.

**No ADVERTISEMENTS WILL BE PLACED WITHOUT PRIOR PROOF OF PRE-PAYMENT.**

$\frac{1}{4}$  page **R 215.43**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt

$\frac{1}{4}$  page **R 430.87**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt

$\frac{1}{4}$  page **R 646.31**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt

$\frac{1}{4}$  page **R 861.74**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt



REPUBLIC  
OF  
SOUTH AFRICA

## LIST OF FIXED TARIFF RATES AND CONDITIONS

FOR PUBLICATION OF LEGAL NOTICES  
IN THE *KwaZulu-Natal PROVINCE*  
*PROVINCIAL GAZETTE*

**COMMENCEMENT: 1 JUNE 2011**

### CONDITIONS FOR PUBLICATION OF NOTICES

#### CLOSING TIMES FOR THE ACCEPTANCE OF NOTICES

1. (1) The *KwaZulu-Natal Provincial Gazette* is published every week on Thursday, and the closing time for the acceptance of notices which have to appear in the *KwaZulu-Natal Provincial Gazette* on any particular Thursday, is **15:00 one week prior to the publication date**. Should any Thursday coincide with a public holiday, the publication date remains unchanged. However, the closing date for acceptance of advertisements moves backwards accordingly, in order to allow for 5 working days prior to the publication date.
- (2) The date for the publication of an **Extraordinary KwaZulu-Natal Province Provincial Gazette** is negotiable.
2. (1) Notices received **after closing time** will be held over for publication in the next *KwaZulu-Natal Provincial Gazette*.
- (2) Amendments or changes in notices cannot be undertaken unless instructions are received **before 10:00 on Fridays**.
- (3) Notices for publication or amendments of original copy can not be accepted over the telephone and must be brought about by letter, by fax or by hand. The Government Printer will not be liable for any amendments done erroneously.
- (4) In the case of cancellations a refund of the cost of a notice will be considered only if the instruction to cancel has been received on or before the stipulated closing time as indicated in paragraph 2(2).

#### APPROVAL OF NOTICES (This only applies to Private Companies)

3. In the event where a cheque, submitted by an advertiser to the Government Printer as payment, is dishonoured, then the Government Printer reserves the right to refuse such client further access to the *KwaZulu-Natal Provincial Gazette* until any outstanding debts to the Government Printer is settled in full.

#### THE GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

4. The Government Printer will assume no liability in respect of—
  - (1) any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
  - (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;

- (3) any editing, revision, omission, typographical errors, amendments to copies or errors resulting from faint or indistinct copy.

### **LIABILITY OF ADVERTISER**

5. 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.

### **COPY**

6. Notices must be typed on one side of the paper only and may not constitute part of any covering letter or document.
7. At the top of any copy, and set well apart from the notice, the following must be stated:

Where applicable

- (1) The heading under which the notice is to appear.
- (2) The cost of publication applicable to the notice, in accordance with the "Word Count Table".

### **PAYMENT OF COST (This only applies to Private Companies)**

9. **With effect from 26 April 2007 no notice will be accepted for publication unless the cost of the insertion(s) is prepaid in CASH or by CHEQUE or POSTAL ORDERS. It can be arranged that money can be paid into the banking account of the Government Printer, in which case the deposit slip accompanies the advertisement before publication thereof.**
10. (1) The cost of a notice must be calculated by the advertiser in accordance with the word count table.  
  
(2) 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 **Advertising Section, Government Printing Works, Private Bag X85, Pretoria, 0001 [Fax: (012) 323-8805], before publication.**
11. 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 the notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or by cheque or postal orders, or into the banking account.

12. *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.*
13. The Government Printer reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the Word Count Table, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

#### **PROOF OF PUBLICATION**

14. **Copies of the *KwaZulu-Natal Provincial Gazette* which may be required as proof of publication, may be ordered from the Government Printer at the ruling price.** The Government Printer will assume no liability for any failure to post such *KwaZulu-Natal Provincial Gazette(s)* or for any delay in despatching it/them.

## **GOVERNMENT PRINTERS BANK ACCOUNT PARTICULARS**

Bank:	ABSA
	BOSMAN STREET
Account No.:	4057114016
Branch code:	632-005
Reference No.:	00000006
Fax No.:	(012) 323 8805

#### ***Enquiries:***

Mrs. L. Fourie	Tel.: (012) 334-4686
Mrs. H. Wolmarans	Tel.: (012) 334-4591

**PROVINCIAL NOTICES—PROVINSIALE KENNISGEWINGS—IZAZISO ZESIFUNDAZWE**

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The following notices are published for general information.

Onderstaande kennisgewings word vir algemene inligting gepubliseer.

300 Langalibalele Street  
Pietermaritzburg  
10 February 2011

MR N.V.E. NGIDI  
Director-General

Langalibalelestraat 300  
Pietermaritzburg  
10 Februarie 2011

MNR. N.V.E. NGIDI  
Direkteur-generaal

Izaziso ezilandelayo zikhishelwe ulwazi lukawonkewonke.

300 Langalibalele Street  
Pietermaritzburg  
10 kuNhlojanja 2011

MNU. N.V.E. NGIDI  
Umqondisi-Jikelele

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**DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS****No. 17****10 February 2011****TOWN PLANNING ORDINANCE, 1949: PRIVATE TOWNSHIP; ERVEN 2060-2202 HILLCREST, ETHEKWINI MUNICIPALITY**

In terms of section 23 of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949), I declare Erven 2060-2202 Hillcrest (Portion 2 of Erf 673 Hillcrest), Registration Division FT, an approved private township.

**ML POVALL**, Manager: Development Administration

Date: 1 February 2011

File Reference: PTB29855(iii)

**UMNYANGO WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU****No. 17****10 kuNhlolanja 2011****I-ODINENSI YOKUHLELWA KWAMADOLOBHA, 1949: ILOKISHI ELIZIMELE; IZIZA 2060 KUYA KU 2202 E- HILLCREST, KUMASIPALA ETHEKWINI**

Ngokwesigaba 23 se-Odinensi yokuHlelwa kwamaDolobha, 1949 (i-Odinensi No. 27 ka 1949), ngimemezela iZiza 2060 kuya ku 2202 e-Hillcrest (Ingxenye 2 yeSiza 673 Hillcrest), isiGaba sokuBhaliswa ngu-FT, njengelokishi elizimele eligunyaziwe.

**ML POVALL**, uMphathi wezokuPhathwa kweNtuthuko

Usuku: 26 uNhlolanja 2011

File Reference: PTB29855(iii)

**DEPARTEMENT VAN KOÖPERATIEWE REGERING EN TRADISIONELE SAKE****No. 17****10 Februarie 2011****DORPBEPLANNINGSORDONNANSIE, 1949: PRIVAATDORP; ERWE 2060-2202 HILLCREST, ETHEKWINI MUNISIPALITEIT**

Ingevolge artikel 23 van die Dorpbepenningsordonnansie, 1949 (Ordonnansie No. 27 van 1949), verklaar ek erwe 2060-2202 Hillcrest (Gedeelte 2 van Erf 673 Hillcrest), Registrasie-afdeling FT, 'n goedgekeurde privaatdorp.

**ML POVALL**, Bestuurder: Ontwikkelingsadministrasie

Datum: 1 Februarie 2011

File Reference: PTB29855(iii)

No. 18

10 February 2011



**KWAZULU-NATAL GAMBLING BOARD**

**NOTICE OF APPLICATIONS RECEIVED**

**A. TYPE "A" SITE OPERATOR LICENCES: BATCH 27**

1. In terms of Regulation 15 of the Regulations published under the KwaZulu-Natal Gambling Act, 1996 (Act No. 10 of 1996), notice is hereby given of the applications for Type "A" Site Operator Licences received from the applicants mentioned below in terms of Section 52 of the aforesaid Act. The following list contains the names of the applicant companies and their addresses:

<b>ROUTE OPERATOR</b>	<b>SITE "A" OPERATOR APPLICANT</b>	<b>ADDRESS</b>
<b>Gold Circle KZN Slots (Pty) Ltd</b>	1. D and R Eating House cc t/a D and R Eating House	Shop 5, 99 Todd Street, Verulam
	2. Lindokuhle Tavern t/a Lindo's Sports Bar	Shop 4, Lot 195 Mndoni Road, Mtubatuba
	3. Nicole Naidoo t/a Rob's Tavern	60 Hannaford Drive, Sunford, Phoenix
	4. Petros Sithole t/a Emgodini Bar & Restaurant	61 Stretch Crescent, Vryheid
	5. Poobalan Govender t/a Pine Height Pub and Restaurant	Shop 4 Mod Centre, Motala Height, Pinetown
<b>Luck At It KZN (Pty) Ltd</b>	1. Duzi Corp 14 cc t/a Kwenchers	Shop 2A Solbeth Building, 250 Titren Road, Seaview
	2. Jason Theron t/a Q's Pool Bar	Shop 01, 121-123 Argyle Road, Durban
	3. JO's Pool Bar cc t/a JO's Pool Bar	63 Umhlanga Rocks Drive, Durban North.
	4. Nkosinathi Sydney Nkwanyana t/a Tshisa's Tavern	08 Loco Drive, Brake Village, Tongaat
	5. Phiwayinkosi Goefrey Mncwango t/a Jikelele Tavern	Lot 881, Hopewell, Thornville
	6. Rajendra Perumal t/a Cyberia	204 Kenyon Howden Road, Montclair
	7. Renier Van Den Berg t/a Gossip	1 <sup>st</sup> Floor Building 2, 210 Albert Street, Escourt
	8. Thavendran Reddy t/a Eyethu Tavern	Lot 86 of 39 Azalia Road, Stockville, Gillitts

<b>Thuo Gaming KZN (Pty) Ltd</b>	<ol style="list-style-type: none"> <li>1. Beauty Zanele Ximba t/a Ximba's Tavern</li> <li>2. Phumlani Andrew Xulu t/a Misty Morn Tavern</li> <li>3. Pooja Investments cc t/a L.J's Tavern</li> <li>4. Prakasaveni Chetty t/a Everest Tavern</li> <li>5. Shunmugam Kisten t/a Denzil's Tavern</li> <li>6. Sibusiso Mukeli Luthuli t/a Lindela Liquor Eating House</li> <li>7. Terence Wolfe Peate t/a Terry Peate Racing</li> </ol>	<p>H 440 Chakide Road, KwaMashu</p> <p>Lot 55 Old Main Road, Inchanga</p> <p>6 Sunford Drive, Sunford, Phoenix</p> <p>16/20 Everest Street, Shallcross</p> <p>396 South Coast Road, Rossburgh, Durban</p> <p>KwaNxamalala Reserve, Ward 14, Nkandla</p> <p>532 Chota Motala Road, Pietermaritzburg</p>
<b>Vukani Gaming KZN (Pty) Ltd</b>	<ol style="list-style-type: none"> <li>1. Daniel Jacobus Prinsloo t/a Carousel Holiday Resort/ Kelly's Pub &amp; Grill</li> <li>2. Luthuli Beverages CC t/a Luthuli Beverages</li> <li>3. Mveli Derric Zungu t/a Chwezi Restaurant and Bar</li> <li>4. Rajendra Ramcharam t/a Parkside Tavern</li> <li>5. Rickesh Ramsankar Maharaj t/a Palm Beach Hotel</li> <li>6. Victor Moonsamy Pillay t/a Gecko Lounge Sports Bar</li> <li>7. Yvonne Ganasagri Naidu t/a St James Hotel</li> </ol>	<p>723 Simpson Street, Hibberden</p> <p>M1337 uMlazi Township, M Section uMlazi</p> <p>Chwezi Reserve, Nkandla</p> <p>100 Impala Drive, Chatsworth</p> <p>106-108 Gillespie Street, Durban</p> <p>73 Beach Road, Amanzimtoti</p> <p>444 Mahatma Ghandi, Durban</p>

## B. FINANCIAL ACQUISITIONS IN LICENSED SITES

1. In terms of Regulation 15 of the Regulations published under the KwaZulu-Natal Gambling Act, 1996 (Act No. 10 of 1996), notice is hereby given of applications to acquire a financial interest in a Site Operator licensee received from the applicants mentioned below:

APPLICANT	LICENSEE	ADDRESS	ROUTE OPERATOR
1. Richard Ian Spiller t/a Hunters Rest Pub & Grill	Paul & ML's Hunters Rest cc t/a Hunters Rest Pub & Grill	Lot 47, Post Lane, 02 Anerly Road	Gold Circle KZN Slots (Pty) Ltd
1. Jaco Marchell Koortzen t/a The Slipway Cocktail Bar	Circle Seven Trading 487 cc t/a The Slipway Cocktail Bar	Pioneer Road, Tuzi Gazi Waterfront, Richards Bay	Luck At It KZN (Pty) Ltd
1. Yufeng Weng t/a Harding Liquorama	Brendall Selwyn Ullbricht t/a Harding Liquorama Tavern	16 Hawkins Street Harding	Vukani Gaming KZN (Pty) Ltd

### 2. Public inspection of application

All the above mentioned applications will, subject to any ruling by the Board to the contrary in accordance with the provisions of section 26(5) of the KwaZulu-Natal Gambling Act, 1996 (Act No. 10 of 1996), be open to public inspection at the offices of the Board at the address below for the period from **10 February 2011 to 11 March 2011**.

Ground Floor (South Tower)  
Room G135  
Natalia Building  
330 Longmarket Street  
PIETERMARITZBURG, 3201

### 3. Invitation to lodge representations

Interested persons are hereby invited to lodge any representations in respect of any or all of the applicants by no later than **16:00 on 11 March 2011**. Representations should be in writing and must contain at least the following information:

- (a) The name of the applicant to whom the representations relate
- (b) The ground(s) on which representations are made.
- (c) The name, address and telephone number of the person submitting the representations.

- (d) An indication as to whether or not the person making the representations wishes to make oral representations when the Board hears the application.

Any representations that do not contain all of the information referred to in paragraph 3 above, will be deemed not to have been lodged with the Board and will not be considered by the Board.

Representations should be addressed to:  
The Acting Chief Executive Officer  
KwaZulu-Natal Gambling Board  
Private Bag X9102  
PIETERMARITZBURG  
3200  
or faxed to: (033) 3427853

No. 18

10 kuNhlolanja 2011



**IBHODI YEZOKUGEMBULA YAKWAZULU-NATALI**

**ISAZISO NGEZICELO EZAMUKELIWE**

**A INDAWO ENGU "A" YOHLORO LWAMALAYISENSI: UMTHAMO WE 27**

1. Ngokomthethonqubo 15 weMithethonqubo ngaphansi koMthetho wezokuGembula waKwaZulu-Natali, (uMthetho No. 10 of 1996), ngalokhu lapha kunikezwa isaziso ngezicelo zeNdawo engu "A" yohlobo lwamaLayisensi okuqhuba ibhizinisi lokugembula ezimukelwe kubafakizicelo ababalulwe ngenzansi ngokwesigaba 52 soMthetho oshiwoyo. Ngenzansi amagama ezinkampani ezifake izicelo kanye namakheli azo:

UMUNTU OWENGAME LE IBHIZINISI LOKUGEMB ULA KULEYO NDAWO	UMFAKISICELO WOHLOBO "A" LWAMALAYISENSI	IKHELI
Gold Circle KZN Slots (Pty) Ltd	1. D and R Eating House cc t/a D and R Eating House  2. Lindokuhle Tavern t/a Lindo's Sports Bar  3. Nicole Naidoo t/a Rob's Tavern	Shop 5, 99 Todd Street, Verulam  Shop 4, Lot 195 Mndoni Road, Mtubatuba  60 Hannaford Drive, Sunford, Phoenix

	<ol style="list-style-type: none"> <li>4. Petros Sithole t/a Emgodini Bar &amp; Restaurant</li> <li>5. Poobalan Govender t/a Pine Height Pub and Restaurant</li> </ol>	<p>61 Stretch Crescent, Vryheid</p> <p>Shop 4 Mod Centre, Motala Height, Pinetown</p>
<b>Luck At It KZN (Pty) Ltd</b>	<ol style="list-style-type: none"> <li>1. Duzi Corp 14 cc t/a Kwenchers</li> <li>2. Jason Theron t/a Q's Pool Bar</li> <li>3. JO's Pool Bar cc t/a JO's Pool Bar</li> <li>4. Nkosinathi Sydney Nkwanyana t/a Tshisa's Tavern</li> <li>5. Phiwayinkosi Goefrey Mncwango t/a Jikelele Tavern</li> <li>6. Rajendra Perumal t/a Cyberia</li> <li>7. Renier Van Den Berg t/a Gossip</li> <li>8. Thavendran Reddy t/a Eyethu Tavern</li> </ol>	<p>Shop 2A Solbeth Building, 250 Titren Road, Seaview</p> <p>Shop 01, 121-123 Argyle Road, Durban</p> <p>63 Umhlanga Rocks Drive, Durban North.</p> <p>08 Loco Drive, Brake Village, Tongaat</p> <p>Lot 881, Hopewell, Thornville</p> <p>204 Kenyon Howden Road, Montclair</p> <p>1<sup>st</sup> Floor Building 2, 210 Albert Street, Escourt</p> <p>Lot 86 of 39 Azalia Road, Stockville, Gillitts</p>
<b>Thuo Gaming KZN (Pty) Ltd</b>	<ol style="list-style-type: none"> <li>1. Beauty Zanele Ximba t/a Ximba's Tavern</li> <li>2. Phumlani Andrew Xulu t/a Misty Morn Tavern</li> <li>3. Pooja Investments cc t/a L.J's Tavern</li> <li>4. Prakasaveni Chetty t/a Everest Tavern</li> <li>5. Shunmugam Kisten t/a Denzil's Tavern</li> <li>6. Sibusiso Mukeli Luthuli t/a Lindela Liquor Eating House</li> <li>7. Terence Wolfe Peate t/a Terry Peate Racing</li> </ol>	<p>H 440 Chakide Road, KwaMashu</p> <p>Lot 55 Old Main Road, Inchanga</p> <p>6 Sunford Drive, Sunford, Phoenix</p> <p>16/20 Everest Street, Shallcross</p> <p>396 South Coast Road, Rossburgh, Durban</p> <p>KwaNxamalala Reserve, Ward 14, Nkandla</p> <p>532 Chota Motala Road, Pietermaritzburg</p>

<b>Vukani Gaming KZN (Pty) Ltd</b>	1. Daniel Jacobus Prinsloo t/a Carousel Holiday Resort/ Kelly's Pub & Grill	723 Simpson Street, Hibberden
	2. Luthuli Beverages CC t/a Luthuli Beverages	M1337 uMlazi Township, M Section uMlazi
	3. Mveli Derric Zungu t/a Chwezi Restaurant and Bar	Chwezi Reserve, Nkandla
	4. Rajendra Ramcharam t/a Parkside Tavern	100 Impala Drive, Chatsworth
	5. Rickesh Ramsankar Maharaj t/a Palm Beach Hotel	106-108 Gillespie Street, Durban
	6. Victor Moonsamy Pillay t/a Gecko Lounge Sports Bar	73 Beach Road, Amanzimtoti
	7. Yvonne Ganasagri Naidu t/a St James Hotel	444 Mahatma Gandhi, Durban

## B. UKUHLOMULA NGOKWEZIMALI KUBANINI LAYISENSI

- Ngokomthethonqubo 15 weMithethonqubo eshicilelwe ngaphansi komthetho wezokuGembula waKwaZulu-Natali, 1996 (uMthetho No. 10 of 1996) lapha kukhishwa isaziso ngezicelo ezamukeliwe zelungelo lokuhlomula ngokwezimali.

<b>UMFAKISICELO</b>	<b>UMNINILAYISENSI</b>	<b>IKHELI</b>	<b>UMUNTU OWENGAMELE IBHIZINISI LOKUGEMBULA KULEYO NDAWO</b>
1. Richard Ian Spiller t/a Hunters Rest Pub & Grill	Paul & ML's Hunters Rest cc t/a Hunters Rest Pub & Grill	Lot 47, Post Lane, 02 Anerly Road	Gold Circle KZN Slots (Pty) Ltd
1. Jaco Marchell Koortzen t/a The Slipway Cocktail Bar	Circle Seven Trading 487 cc t/a The Slipway Cocktail Bar	Pioneer Road, Tuzi Gazi Waterfront, Richards Bay	Luck At It KZN (Pty) Ltd

1. Yufeng Weng t/a Harding Liquorama	Brendall Selwyn Ullbricht t/a Harding Liquorama Tavern	16 Hawkins Street Harding	Vukani Gaming KZN (Pty) Ltd
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## 2. Ukuhlolwa kwezicelo ngumphakathi

Zonke izicelo ezibalulwe ngenhla, kuye ngokuhambisana nanoma yisiphi isinqumo seBhodi esiphikisayo ngokwezinhlinzeko zesigaba 26(5) soMthetho wezokuGembula waKwaZulu-Natali ka1996 ( uMthetho No. 10 ka 1996), izicelo zizokwazi ukubonwa ngumphakathi emahhovisi eBhodi kuleli kheli elibhalwe ngezansi esikhathini esisukela kumhla **zinga 10 kuNhlolanja 2011 kuya mhla zi – 11 kuNdasa 2011.**

Ground Floor (South Tower)  
Room G135  
Natalia Building  
330 Longmarket Street  
PIETERMARITZBURG  
3201

## 3. Isimemo sokwenza izethulo

Abantu abanentshisekelo bayamenywa ukuba benze izethulo lungakadluli mhla zingama **11 kuNdasa 2011** ngaphambi **kwehora lesine ntambama**. Izethulo kufanele zibhalwe futhi zibe nale mininingwane elandelayo:

- (a) izethulo eziqondene naye;
- (b) Izizathu izethulo ezenziwa ngaphansi kwazo;
- (c) Igama, ikheli kanye nenombolo yocingo yomuntu oletha izethulo; kanye;
- (d) Nokubalula ukuthi umuntu owenza izethulo ufisa ukwenza izethulo ngomlomo uma iBhodi isilalela isicelo.

Noma iziphi izethulo ezingaluqukethe lonke lolu lwazi olubalulwe endimeni 3 ngenhla zizothathwa ngokuthi azikaze zethulwe kwiBhodi futhi iBhodi angeke izicubungule.

### Izethulo kufanele zithunyelwe ku:

The Acting Chief Executive Officer  
KwaZulu-Natal Gambling Board  
Private Bag X9102  
PIETERMARITZBURG  
3200

noma zifekselwe ku: (033) 342-7853

No. 18

10 Februarie 2011



### KWAZULU-NATAL DOBBELRAAD

#### KENNISGEWING VAN AANSOEKE ONTVANG

##### A. TIPE "A" PERSEELOPERATEURS LISENSIES: GROEP 27

1. Ingevolge regulasie 15 van die regulasies onder die KwaZulu-Natal Dobbelwet, 1996 (Wet No. 10 van 1996), word hierby kennis gegee van die aansoeke ontvang vir Tipe "A" perseeloperateurs lisensies ontvang van applikante soos onder genoem ingevolge artikel 52 van die genoemde Wet. Die volgende is die name en adresse van die applikante:

ROETE OPERATEUR	TIPE "A" OPERATEUR APPLIKANT	ADRES
<b>Gold Circle KZN Slots (Ebms) Bpk</b>	1. D and R Eating House cc t/a D and R Eating House	Shop 5, 99 Todd Street, Verulam
	2. Lindokuhle Tavern t/a Lindo's Sports Bar	Shop 4, Lot 195 Mndoni Road, Mtubatuba
	3. Nicole Naidoo t/a Rob's Tavern	60 Hannaford Drive, Sunford, Phoenix
	4. Petros Sithole t/a Emgodini Bar & Restaurant	61 Stretch Crescent, Vryheid
	5. Poobalan Govender t/a Pine Height Pub and Restaurant	Shop 4 Mod Centre, Motala Height, Pinetown

<b>Luck At It KZN (Ebms) Bpk</b>	<ol style="list-style-type: none"> <li>1. Duzi Corp 14 cc t/a Kwenchers</li> <li>2. Jason Theron t/a Q's Pool Bar</li> <li>3. JO's Pool Bar cc t/a JO's Pool Bar</li> <li>4. Nkosinathi Sydney Nkwanyana t/a Tshisa's Tavern</li> <li>5. Phiwayinkosi Goefrey Mncwango t/a Jikelele Tavern</li> <li>6. Rajendra Perumal t/a Cyberia</li> <li>7. Renier Van Den Berg t/a Gossip</li> <li>8. Thavendran Reddy t/a Eyethu Tavern</li> </ol>	<p>Shop 2A Solbeth Building, 250 Titren Road, Seaview</p> <p>Shop 01, 121-123 Argyle Road, Durban</p> <p>63 Umhlanga Rocks Drive, Durban North.</p> <p>08 Loco Drive, Brake Village, Tongaat</p> <p>Lot 881, Hopewell, Thornville</p> <p>204 Kenyon Howden Road, Montclair</p> <p>1<sup>st</sup> Floor Building 2, 210 Albert Street, Escourt</p> <p>Lot 86 of 39 Azalia Road, Stockville, Gillitts</p>
<b>Thuo Gaming KZN (Ebms) Bpk</b>	<ol style="list-style-type: none"> <li>1. Beauty Zanele Ximba t/a Ximba's Tavern</li> <li>2. Phumlani Andrew Xulu t/a Misty Morn Tavern</li> <li>3. Pooja Investments cc t/a L.J's Tavern</li> <li>4. Prakasaveni Chetty t/a Everest Tavern</li> <li>5. Shunmugam Kisten t/a Denzil's Tavern</li> <li>6. Sibusiso Mukeli Luthuli t/a Lindela Liquor Eating House</li> <li>7. Terence Wolfe Peate t/a Terry Peate Racing</li> </ol>	<p>H 440 Chakide Road, KwaMashu</p> <p>Lot 55 Old Main Road, Inchanga</p> <p>6 Sunford Drive, Sunford, Phoenix</p> <p>16/20 Everest Street, Shallcross</p> <p>396 South Coast Road, Rossburgh, Durban</p> <p>KwaNxamalala Reserve, Ward 14, Nkandla</p> <p>532 Chota Motala Road, Pietermaritzburg</p>

<b>Vukani Gaming KZN (Ebms) Bpk</b>	1. Daniel Jacobus Prinsloo t/a Carousel Holiday Resort/ Kelly's Pub & Grill	723 Simpson Street, Hibberden
	2. Luthuli Beverages CC t/a Luthuli Beverages	M1337 uMlazi Township, M Section uMlazi
	3. Mveli Derric Zungu t/a Chwezi Restaurant and Bar	Chwezi Reserve, Nkandla
	4. Rajendra Ramcharam t/a Parkside Tavern	100 Impala Drive, Chatsworth
	5. Rickesh Ramsankar Maharaj t/a Palm Beach Hotel	106-108 Gillespie Street, Durban
	6. Victor Moonsamy Pillay t/a Gecko Lounge Sports Bar	73 Beach Road, Amanzimtoti
	7. Yvonne Ganasagri Naidu t/a St James Hotel	444 Mahatma Gandhi, Durban

## B. FINANSIELE BELANGSTELLINGS IN 'N LISENSIE

1. Ingevolge regulasie 15 van die regulasies gepubliseer kragtens die KwaZulu-Natal Dobbelwet, 1996 (Wet No. 10 van 1996), word hierby kennis gegee van die aansoeke om finansiële belangstelling in 'n lisensie verkry deur die ondergenoemde applikante:

<b>APPLIKAANT</b>	<b>LISENSIE</b>	<b>ADRES</b>	<b>ROETE OPERATEUR</b>
1. Richard Ian Spiller t/a Hunters Rest Pub & Grill	Paul & ML's Hunters Rest cc t/a Hunters Rest Pub & Grill	Lot 47, Post Lane, 02 Anerly Road	Gold Circle KZN Slots (Ebms) Bpk
1. Jaco Marchell Koortzen t/a The Slipway Cocktail Bar	Circle Seven Trading 487 cc t/a The Slipway Cocktail Bar	Pioneer Road, Tuzi Gazi Waterfront, Richards Bay	Luck At It KZN (Ebms) Bpk

1. Yufeng Weng t/a Harding Liquorama	Brendall Selwyn Ullbricht t/a Harding Liquorama Tavern	16 Hawkins Street Harding	Vukani Gaming KZN (Ebms) Bpk
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## 2. Openbare inspeksie van aansoek

Die aansoek lê, behoudens enige teenstrydige reëling deur die raad in ooreenstemming met die bepalings van artikel 26(5) van die KwaZulu-Natal Dobbeltwet, 1996 (Wet No. 10 van 1996), vir openbare inspeksie ter insae by die kantoor van die Raad by die ondergemelde adres vir die tydperk van **10 Februarie 2011 tot 11 Maart 2011**:

Grondvloer (Suid Toring)  
Kamer G135  
Natalia Gebou  
Langmarkstraat 330  
Pietermaritzburg  
3201

## 3. Uitnodiging om vertoë te rig

Belanghebbende persone word hierby uitgenooi om enige vertoë ten opsigte van enige of al die aansoekers te rig teen nie later as **16:00** op **11 Maart 2011**. Vertoë moet skriftelik geskied en moet minstens die volgende inligting bevat:

- (a) Die name van die aansoeker waarop die vertoë betrekking het;
- (b) Die grond(e) waarop die vertoë berus;
- (c) Die naam, adres en telefoonnommer van die persoon wat die vertoë rig en
- (d) 'n Aanduiding of die persoon wat die vertoë rig ook mondelikse vertoë wil rig, aldan nie, wanneer die raad die aansoek aanhoor.

Enige vertoë wat nie al die besonderhede bevat wat in paragraaf 3 vermeld word nie, sal geag word nie by die raad ingedien te wees nie en sal nie deur die raad oorweeg word nie.

Vertoë moet gerig word aan:  
Die waarnemende Hoof- Uitvoerende Beampte  
KwaZulu-Natal Dobbeltraad  
Private sak 9102  
Pietermaritzburg  
3200  
Of per faks gestuur word na: (033) 342-7853.

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**MUNICIPAL NOTICE**

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**No. 22****10 February 2011**

**PLEASE PLACE THE FOLLOWING ADVERTISEMENT IN THE PROVINCIAL GAZETTE OF 10 FEBRUARY 2011**

**CITY OF uMHLATHUZE****PUBLIC NOTICE**

The uMhlathuze Municipality has, in terms of section 156(2) of the Constitution, 1996 (Act No 108 of 1996), read with section 11(3)(M) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) made the following bylaws:

**CITY OF uMHLATHUZE****BY-LAWS RELATING TO STORMWATER MANAGEMENT**

*The Council of uMhlathuze Municipality has in terms of Section 156 of the Constitution, 1996 (Act 108 of 1996), read in conjunction with section 11 of the Municipal Systems Act, 2000 (Act no 32 of 2000), made the following bylaws;*

**CHAPTER ONE: GENERAL PROVISIONS****1. Definitions**

In this by-law, unless inconsistent with the content: -

**“Act”** means the Water Services Act No, 1997 (Act No. 108 of 1997);

**“Approval or Approved”** means approval or approved in writing by the Municipality either by resolution of the Council or by a Council officer;

**“Authorized Official”** means any official of the Council who has been authorized by the Council as the case may be to administer, implement and enforce the provisions of these By-Laws acting within the scope of such authorization as per **section 76 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);**

**“Best Practicable Environmental Option”** means the option that provides the most benefit or causes the least damage to the environment as a whole, in both the long and the short term;

**“Building Control Officer”** means any person appointed or deemed to be appointed as building officer by the municipality in terms of section 5 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977)

**“Building Regulations”** means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977)

**“Chemical”** is a substance that is produced by or used in a chemical process;

**“Contaminant”** includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) either by itself or in combination with the same, similar, or other substances that when discharged into water, changes or is likely to change the physical, chemical or biological condition of water;

**“Council”** means the municipal council of the uMhlathuze Local Municipality, or any political structure, political office bearer, committee, councillor or official of the Council, delegated to exercise powers or perform duties in terms of this by-law;

**“Day”** means a 24-hour period commencing at 00:00 and ending at 24:00;

**“Drain”** means that portion of the drainage installation that conveys storm water within any premises;

**“Duly Qualified Sampler”** means a person who takes samples for analysis from the storm water disposal systems and from public waters and who has been certified to do so by an authorized official;

**“ECA”** means the Environment Conservation Act, 1989 (Act No. 73 of 1989) and any regulations made in terms thereof, or any superseding legislation;

**“EIA”** means an environmental impact assessment as contemplated in NEMA, and/or the ECA and the EIA Regulations as published in Government Notice R 1183 on 5 September 1997, as amended from time to time;

**“Emergency”** means any situation that poses a risk or potential risk to life, health, the environment, or property, or declared to be emergency under any law;

**“Enforcement Notice”** Means any notice issued by an authorized official under these By-Laws, which instruct the person to whom it is issued to comply with terms of the notice, and includes a compliance notice contemplated in **Chapter 3, section 9** of this By-Law;

**“Environmental Cost”** means the full cost of all measures necessary to restore the environment to its condition prior to an incident, which causes damage to it and, in the event of this being possible, the value of the cost benefit that has been lost through the damage to or destruction of the environment;

**“Floodplain”** means the land adjoining a water- course, which, in the opinion of the Council, is susceptible to inundation by floods up to the one hundred year recurrence interval;

**“Industrial Effluent”** means any liquid, whether or not containing matter in a solution or suspension, which is given off in the course of or as a result of any trade, manufacturing, mining, chemical or other industrial process or in any laboratory, or in the course of research, or agricultural activity, and includes any liquid or effluent emanating from the use of water, other than standard domestic effluent or storm water, and bears the same meaning;

**“Law”** means any law, including the common law;

**“Measuring Device”** means any method, procedure, process, device, apparatus, or installation that enables the quantity and/or quality of water services provided to be quantified or evaluated.

**“Municipality”** means –

- (1) The uMhlathuze Local Municipality established in terms of the Local Government Municipal Structures Act, No. 117 of 1998 and its successors in title, and included a structure or person exercising a delegated power or carrying out an instruction in terms of these By-Laws and legislation applicable to Local Government; or
- (2) A service provider fulfilling a responsibility under these By-Laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act 2000, or any other law,

As the case may be;

**“National Water Act”** means the National Water Act, 1998, (Act No. 36 of 1998)

**“NEMA”** means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

**“Non-point Source Pollution”** is pollution from many diffuse sources caused by rainfall moving over and through the ground. As this runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas;

**“Person”** means any natural or juristic person, an unincorporated body, and included a voluntary association or trust, an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) and the Minister of Water Affairs and Forestry;

**“Pollution”** means the contamination or alteration of the physical, chemical or biological properties of surface water or storm water and includes any changes in temperature, taste, colour, turbidity or odour of water and the discharge of any liquid, gaseous, solid, radioactive or other that can make it harmful or potentially harmful to:

- (1) The welfare, health or safety of human beings;

- (2) To any aquatic or non-aquatic organisms;
- (3) To the resource quality.

**“Pollutant”** is waste matter that contaminates the water, air or soil;

**“Premises”** means any piece of land, with or without improvements, the external surface boundaries of which are delineated on –

- (1) A general plan or diagram registered in terms of the Land Survey Act, 1927 (Act 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No.47 of 1937); or
- (2) A sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986); or
- (3) A township plan in terms of any law of the area previously described as KwaZulu; or
- (4) A permission-to-occupy certificate in terms of customary law;

**“Prescribed”** means determined by resolution of the Municipality from time to time;

**“Prescribed Fee”** means a fee determined by the Municipality by resolution;

**“Private storm water system”** means a storm water system owned, operated or maintained by a person other than the Council;

**“Public Water”** means any river, watercourse, bay, estuary, the sea and any other water which the public has the right to use or to which the public has the right of access;

**“Service Provider”** means a person or institution or any combination of persons and institution which provide a municipal service as stipulated in **section 76 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)**;

**“Storm water”** means water resulting from natural precipitation and /or the accumulation thereof and includes ground water and spring water ordinarily conveyed by the storm water system, as well as sea water within estuaries, but excludes water in a drinking water or waste water reticulation system;

**“Storm water quality control”** means the control of the introduction of any pollutant into storm water and the process of separating any pollution from storm water, and including any source control, bio-filtration facility, wet pond, wetland, litter trap, oil/water separator, constructed wetland and any facility to control erosion and sediment;

**“Storm water system”** means both the constructed and natural facilities, including pipes, culverts, watercourses and their associated floodplains, whether over or under public or privately owned land, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use and disposal of storm water;

**“Water pollution incident”** means an incident or occurrence which has a detrimental impact or a potential detrimental impact on the quality of the water in the storm water system to such an extent that public health or the health of the natural ecosystems may be threatened, and

**“Watercourse”** means:-

- (1) A river, spring, stream, channel or canal in which water flows regularly or intermittently, and
- (2) A vlei, wetland, dam or lake into which water flows, and includes, where relevant, the bed and the banks of such watercourse.

**“Water Quality sensitive area”** means any area that is sensitive to a change in water quality and includes any lake, groundwater management area, aquifers defined in terms of the **National Water Act 36, 1998**, and a closed depression.

## **2. Application**

- (1) This by-law binds the community of the City of uMhlatuze.
- (2) Any provision in any other by-law dealing specifically with storm water is subject to the provisions of this by-law.

## **3. Prohibited discharges**

No person may, except with the written consent of the Council and subject to any conditions it may impose, discharge, and permit to enter or place anything other than storm water into the storm water system.

## **4. Protection of storm water system**

No person may, except with the written consent of the Council and subject to any conditions it may impose:-

- (1) Damage, endanger, destroy or undertake any action likely to damage, endanger or destroy, the storm water system or the operation thereof;
- (2) Construct or erect any structure or thing over or in such a position or in such a manner so as to interfere with or endanger the storm water system or the operation thereof; or
- (3) Make an opening into the storm water pipe, canal or culvert; or

- (4) Drain, abstract or divert any water directly from the storm water system, or
- (5) Fill, excavate, shape, landscape, open up or remove the ground above, within, under or immediately next to any part of the storm water system.

#### **5. Prevention of flood risk**

No person may, except with the written concern of the Council and subject to any conditions it may impose:-

- (1) Obstruct or reduce the capacity of the storm water system;
- (2) Change the design or the use of, or otherwise modify any aspect of the storm water system which, alone or in combination with other existing or potential land uses, may cause an increase in flood levels or create a potential flood risk; or
- (3) Undertake any activity, which, alone or in combination with other existing or future activities may cause an increase in flood levels or create a potential risk.

#### **6. Studies and assessments**

- (1) The conditions which the Council may impose in terms of **Chapter 1, sections 3, 4, and 5**, may include, but are not limited to:-
  - (a) The establishment of the flood lines,
  - (b) The undertaking of impact assessment, and
  - (c) Environmental impact studies or investigations, which may be required by any applicable legislation.
- (2) The costs of any study undertaken in terms of the provisions of subsection (1), will be for the account of the applicant.

#### **7. Storm water systems on private land**

- (1) owner of property on which private storm water system are located, shall:-
  - (a) not carry out any activity which will or which, in the opinion of the Council, could reasonably be expected to impair the effective functioning of the storm water system, and

- (b) at own cost, keep such storm water systems functioning effectively, including undertaking the refurbishment and reconstruction thereof if, in the opinion of the Council, it should be constructed or refurbished.
- (2) The provisions of subsection (a) do not apply to the extent that the Council has accepted responsibility for any of the duties contained therein, either in a formal maintenance agreement or in terms of a condition of servitude.

## **8. Provision of infrastructure**

- (1) The Council may:-
  - (a) Construct, expand, alter, maintain or lay any drains, pipes or other structures related to the storm water system on or under any immovable property, and ownership of these drains, pipes or structures shall vest in the municipality;
  - (b) Drain storm water or discharge water from any municipal service works into any natural watercourse, and
  - (c) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by subsection (1).
  - (d) When the Council exercises its powers in terms of subsection (a) (1) in regard to immovable property not owned by the municipality, it shall comply with the provisions of the Bylaws Relating to the Management And Administration of the uMhlathuze Local Municipality immovable property.

## **9. Washing Vehicles and Equipment**

When vehicles are washed, the wash water should be contained through the use of wash pads and temporary seals over storm water drains.

## **CHAPTER TWO: STORM WATER POLLUTION**

## **10. Prohibition of Pollution**

No person may: -

- (1) Discharge any substance other than unpolluted storm water runoff and other unpolluted natural surface water runoff into the storm water system or and to a public road or other area from which such substance will be conveyed to a storm water system;
- (2) Make or allow any connection to be made to a storm water system which could result in the discharge to it of any pollutant; or

- (3) Make any connection to a storm water system from the interior of any building or other structure.
- (4) Discharge from any place onto any surface, any substance other than storm water, where that substance could reasonably be expected to find its way into the storm water system;
- (5) Discharge permit to enter or place anything likely to damage the storm water system or interfere with the operation thereof or contaminate or pollute the water therein.

#### **11. Water pollution incidents**

In the event of an incident contemplated in Chapter 1, section 3 and 4:-

- (1) the owner of the property on which the incident took place, or is still in the process of taking place, or
- (2) the person responsible for the incident, if the incident is not the result of natural causes, shall immediately report the incident to council, and at own cost, take all reasonable measures which, in the opinion of the Council, will contain and minimize the effects of the pollution, by undertaking cleaning up procedures, including the rehabilitation of the environment, as required by the Council.

#### **12. Maintenance of Pollution Control Device**

Any owner or user of:-

- oil/water separator,
- wet pond,
- bio-filtration facility,
- erosion and sediment storm water control facility,
- filtration system, and
- any other device to control pollution of storm water,

must operate and maintain such device to ensure that the performance thereof meets the level of pollutant removal intended by the manufacturer, in accordance with the maintenance schedule for such devices supplied by the manufacturer.

#### **13. Exemption to Chapter 2, Section 10**

The following discharges are exempt from the provisions of **Chapter 2, section 10**:-

- (1) Regulated effluent from any commercial or Municipal facility if the discharge of such effluent is authorized in terms of the **National Water Act, 1998, or any other law**;

- (2) Any discharge resultant upon an act of GOD or natural occurrence not compounded by human negligence;
- (3) Any discharge from a properly operating on-site domestic sewage system approved by the **Department: Water Affairs and Environmental** and the Council; and
- (4) Any discharge from land on which agricultural chemicals and materials have been applied.

### **CHAPTER THREE: ENFORCEMENT OF BY-LAWS AND LEGAL MATTERS**

#### **14. Exceptions to application of these By-laws**

- (1) If authorization was given before the date of commencement of this By-Law, or if authorised work is in progress on such a date, such work must comply with any applicable laws, which were in force in the area of jurisdiction of the Municipality, immediately prior to such date.

#### **15. Exemptions**

- (1) The Municipality may by resolution exempt any person from complying with a provision of this By-Law, subject to conditions, if the provision is considered to be unreasonable, provided that an exemption may not be granted which will result in:
  - (a) a danger for public health, safety or the environment
  - (b) non-compliance with the **National Water Act, 1998 (Act No. 107 of 1998)** and regulations made in terms thereof.
- (2) The Municipality may at any time withdraw an exemption given in terms of subsection (1), provided that it must give the person concerned reasonable notice in writing of its intention to withdraw an exemption previously granted.

#### **16. Offences and penalties**

- (1) Any person who:-
  - (a) contravenes or fails to comply with any provisions of this By-Law;
  - (b) fails or refuses to comply with any lawful instruction given in terms of this By-Law,

- (c) hinder any authorised official of the Municipality in the execution of his or her duties under this By-Law; is guilty of an offence and is:-
  - (i) liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months or to both the period of imprisonment and the fine ;
  - (ii) For every day the offence continues after the date on which he or she has been given written notice to perform or discontinue an act, such person is deemed guilty of a continuing offence and liable on conviction to a fine not exceeding R1 000 per day or to imprisonment for a period not exceeding 10 days or to both such fine and such imprisonment.
- (2) It is an offence for any person to: -
  - (a) refuse to grant an authorised official access to premises to which that authorised official is duly authorised to have access;
  - (b) obstructs, hinders or interferes with an authorized official in the exercise of any power of the performance of any duty under this By-Law;
  - (c) uses foul, abusive or insulting language towards or at a Councillor or an employee of the Council or contractor of the Council in the exercise of any powers or performance of any duties or function in terms of this by-law;\
  - (d) fails or refuses to furnish an authorized official with any documentation or information required for the purposes of this By-Law;
  - (e) furnishes false or misleading documentation or false or misleading information;
  - (f) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of this By-law;
  - (g) pretend to be an authorised official;
  - (h) falsely alter an authorization to an authorized official or written authorization, compliance notice or compliance certificate issued in terms of this Chapter;
  - (i) enter any premises without a written authorization in circumstances requiring such authorization;\

- (j) act contrary to a written authorization issued in terms of this By-Law;
- (k) without authority enter or inspect premises;
- (l) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of this By-Law, except –
  - (i) to a person who requires that information in order to perform a function or exercise a power in terms of this By-Law;
  - (ii) if the disclosure is ordered by a court of law; or
  - (iii) if the disclosure is in compliance of the provisions of any law.

#### **17. Powers of the Council**

- (1) The Council may:-
  - (a) Demolish, alter or otherwise deal with any building, structure or other thing constructed, erected or laid in contravention of the provisions of this by-law;
  - (b) Fill in, remove and make good any ground excavated, removed or placed in contravention with the provisions of this by-law;
  - (c) Repair and make good any damage done in contravention of the provisions of this by-law or resulting from a contravention;
  - (d) Remove anything discharged, permitted to enter into the storm water system or natural water course in contravention of the provisions of this by-law;
  - (e) Remove anything damaging, obstructing or endangering or likely to obstruct, endanger or destroy any part of the storm water system;
  - (f) Seal off or block any point of discharge from any premises if such discharge point is in contravention of the provisions of this by-law, irrespective of whether the point is used for lawful purposes;
  - (g) Cancel any permission granted in terms of this by-law if the conditions under which the permission was granted are not complied with;

- (h) By written notice, direct any owner of property to allow the owner of a higher lying property to lay a storm water drain pipe or gutter over his or her property for the draining of concentrated storm water;
  - (i) By written notice, direct any owner of property to retain storm water on such a property or, at the cost of such owner, to lay a storm water drain pipe or gutter to a suitable place indicated by Council, irrespective of whether the course of the pipe or gutter will run over private or not, and
  - (j) Discharge storm water into any watercourse, whether on private land or not.
- (2) The Council may in any case where it seems that any action or neglect by any person or owner of property may lead to a contravention of the provisions of this by-law, give notice in writing to such person or owner of property to comply to such requirements as the Council may deem necessary to prevent the occurrence of such contravention.
- (3) The Council may recover all reasonable costs incurred as a result of action taken in terms of sub-section (1) from a person who was responsible for a contravention of the provisions of this by-law or owner of the property on which a contravention occurred.

#### **18. Authorization of an authorised official**

A service provider as contemplated in the definition of the Municipality and in section 76 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), may authorize any person in its employ to be an authorised official.

#### **19. Functions of an authorised official**

- (1) An authorised official may execute work, conduct an inspection and monitor and enforce compliance with this By-Law.
- (2) Subject to the provision of any other law, an authorised official must carry out the functions contemplated in this section and the powers set out in section 15(1), in accordance with the procedure outlined in sections 17 and 18.

#### **20. Additional powers of an authorised official**

- (1) An authorised official, in addition to any power conferred upon the authorised official in terms of this By-Law, may: –
  - (a) execute work on or inspect premises;
  - (b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;

- (c) question a person whom the authorised official believes may have information relevant to the work or inspection;
  - (d) inspect any document that a person is required to maintain in terms of any law or that may be relevant to work or inspection;
  - (e) copy any document referred to in paragraph (d) or if necessary, remove the document in order to copy it;
  - (f) take samples of any substance that is relevant to the work or inspection;
  - (g) monitor and take readings or make measurements;
  - (h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises; and
  - (i) do what is necessary for the execution of work or the conducting of an inspection that the Municipality is required to undertake in terms of this By-Law.
- (2) An authorized official who removes anything other than a substance contemplated in subsection (1)(f) from the premises being worked upon or inspected, must: -
- (a) issue a receipt for it to the owner or person in control of the premises; and
  - (b) Return it as soon as is practicable after achieving the purpose for which it was removed.
- (3) Procedure to execute work or conduct an inspection: entry with a written authorization
- (a) An authorized official may subject to section 101 of the Systems Act, enter any premises if a justice of peace as contemplated in section 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963) has issued a written authorization to enter and execute work or inspect the premises, and the written authorization is still valid.
  - (b) A justice of peace may issue a written authorization to enter and execute work or inspect any premises if, from information on oath, there are reasonable grounds to believe that: –
    - (i) in the interest of the public, it is necessary to execute work or obtain information that cannot be obtained without entering those premises;

- (ii) there is non-compliance with any provision of this By-Law in respect of the premises; and
  - (iii) significant environmental degradation or water pollution has taken, or is likely to take place, or is suspected.
- (c) A justice of peace may issue a written instruction to the owner or person in control of the premises to do work, at the expense of such owner or person, which is necessary to enable an authorised official to: –
  - (i) determine whether or not there has been a contravention of this By-Law on such premises;
  - (ii) properly or effectively execute work or inspect premises, as contemplated in subsection (1).
- (d) If, after the work contemplated in subsection (3) has been performed, it is established that no contravention of these By-laws has taken place, the expenses incurred in performing the work and restoring the premises to its former condition, shall be paid by the Municipality.
- (e) A written authorization in terms of subsection (2) may be issued at any time and must specifically: –
  - (i) identify the premises that may be worked on or inspected; and
  - (ii) authorize the authorized official to enter and execute work or inspect the premises and do anything listed in **Chapter 3, section 20(1)**.
- (f) A written authorization issued in terms of subsection (2) is valid until one of the following events occur:-
  - (ii) it is carried out;
  - (iii) is cancelled by the person who issued it or, in that person's absence, by a person with similar authority;
  - (iv) the purpose for which it was issued, has lapsed; and
  - (v) 3 (three) months have passed since the date of issue.
- (g) A written authorization issued in terms of subsection (2) may only be carried out between 07:00 and 19:00, unless the justice of peace who issues it states in writing that it may be carried out at a different time reasonable in the circumstances.

- (h) Before commencing any work or inspection, an authorised official who carries out a written authorization must either: –
  - (i) if the owner of or a person apparently in control of the premises is present:
    - (i) identify him or herself and explain his or her authority to that person or furnish proof of such authority; and
    - (ii) hand a copy of the written authorization to that person;
  - (4) if the owner or person apparently in control of the premises is absent or refuses to accept a copy, attach a copy of the written authorization to the premises in a prominent and visible place.

**21. Procedure to execute work or conduct an inspection: entry without a written authorization**

- (1) An authorized official who does not have a written authorization may, subject to section 101 of the Municipal Systems Act, enter and execute work or inspect: –
  - (2) any premises with the consent of the owner or person apparently in control of the premises; or
  - (3) any premises, except residential premises, on a routine basis
  - (4) no more frequently than 6 (six) times during a 12 (twelve) month period; or
  - (5) more frequently if permitted by this By-Law for the purposes of any work or inspection;
  - (6) any premises, if there are reasonable grounds to suspect that there is an emergency, and/or that any delay in commencing any work or inspection may: -
  - (7) have significant detrimental effects on public or private health and safety;
  - (8) Unless the emergency and/or delay in commencing any work or inspection referred to in subsection (1)(c) was caused by an act or omission of the Municipality, the cost of any remedial action taken in connection with subsections (c), (d), (e) and (f) must be paid by the owner of the premises.
  - (9) In addition to the entry permitted in terms of subsection (1), an authorized official may enter any premises without a written authorization in respect of which there is an outstanding compliance notice, issued in terms of **Chapter 3, section 25** for the purposes of determining whether that notice has been complied with.

- (10) Before commencing work or inspecting any premises in terms of this section, an authorised official must identify him or herself and explain his or her authority or furnish proof of such authority to the person apparently in control of the premises or the person who gave permission to enter.
- (11) Any entry and execution of work or inspection without a written authorization must be carried out at a reasonable time in the circumstances.

## **22. Using force to enter**

- (1) An authorised official carrying out a written authorization in terms of **Chapter 3, section 20(3)** may overcome any resistance to entry, execution of work or inspection by using as much force as is reasonably required, including breaking a lock, door or window of the premises to be entered.
- (2) Before resorting to force, the person carrying out the written authorization must audibly demand admission and must announce his or her purpose, unless he or she reasonably believes that doing so may induce someone to destroy, dispose of, or tamper with, an article or document that is the object of the inspection.
- (3) The Municipality must compensate anyone who suffers damage because of forced entry during the execution of any work or any inspection when no one responsible for the premises was present.
- (4) Force may not be used to affect an entry or execute work or conduct an inspection in terms of **section 16(1)** unless an emergency arises.

## **23. Authorised official may be accompanied**

During the execution of any work or an inspection, an authorised official may be accompanied by a member of the South African Police Services or by any other person reasonably required to assist in executing the work or conducting the inspection.

## **24. Duty to produce document**

Any person who holds any document relevant to the execution of any work or inspection contemplated in this Chapter must produce it at the request of an authorised official.

## **25. Compliance notice**

- (1) An authorized official, who becomes aware that any provision of this By-Law has not been complied with, may issue a compliance notice to the owner or person apparently in control of the relevant premises.

- (2) An authorized official who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that effect.
- (3) A compliance notice remains in force until an authorized official has issued a compliance certificate in respect of that notice.
- (4) A compliance notice must set out: -
- (5) the provision that has not been complied with;
- (6) details of the nature and extent of non-compliance;
- (7) any steps that are required to be taken and the period within which those steps must be taken; and
- (8) any penalty that may be imposed in terms of this By-Law in the event of non-compliance with these steps.

**26. Complaints against persons other than the Municipality**

- (1) Anyone may lodge a complaint with an authorized official, either directly or through any other channel established by the Municipality, that another person:-
  - (a) is likely to act or has acted contrary to the provisions of this By-Law; in which event the authorised official, unless that authorised official has reasonable grounds to believe that the complaint is frivolous, must investigate the complaint and, take any necessary action which is competent in terms of this By-Law.

**27. Official address**

- (1) For the purposes of the service of any notice, order or other document relating to legal proceedings: –
  - (a) the address of the owner of the premises on which storm water is generated is deemed to be the official address of such owner; and
  - (b) the address of the user, as referred to in accounts sent for services provided is deemed to be the official address of the user.
- (2) Where any notice or other document is required by this By-Law to be served on any person other than for the purpose of criminal proceedings, it must be served on that person, failing which it may be served on an employee, at the place of business of that person, or if sent by registered post, to the official address contemplated in

**subsection 1(a)**, it will constitute prima facie proof of the service of such notice.

**28. Recovery of costs and fees**

Any costs which the Municipality is entitled to recover from a user, owner or other person in terms of this By-Law include, where applicable, any prescribed fees, expenses incurred to remedy the pollution of water, the cost of any exploratory investigation, survey, plan, specification, or schedule of quantities compilation, supervision, administration or authorization charges, including the cost of any ancillary work associated therewith, wear and tear on plant and equipment utilised in any of these activities, the provision of labour and the costs, including environmental costs, involved in the disturbing and making good of any part of any street, ground or water services work.

**29. Legal compliance warranty**

Notwithstanding any provisions to the contrary, any user by making application for discharge into the storm water system, warrants that he or she will :-

- (1) comply with all relevant laws, regulations and standards governing the environment, health and safety;
- (2) take all reasonable measures to prevent pollution or environmental degradation from occurring, continuing or recurring;
- (3) in so far as such harm to the environment is authorised by law, or cannot reasonably be avoided or stopped, minimize and rectify such pollution or degradation of the environment; and
- (4) bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

**30. False statement or information**

No person may make a false statement or furnish false information to the Municipality, an authorised official or an employee of the Municipality or falsify a document issued in terms of this By-Law.

**MN11/2011**

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