



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)*

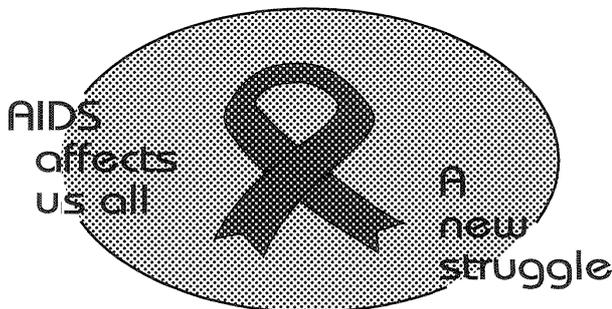
**Vol. 5**

**PIETERMARITZBURG,**

14 APRIL 2011  
14 kuMBASA 2011

**No. 570**

**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

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

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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

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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 2007**

### 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 |

**MUNICIPAL NOTICES**

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The following notices are published for general information.

Onderstaande kennisgewings word vir algemene inligting gepubliseer.

300 Langalibalele Street  
Pietermaritzburg  
14 April 2011

MR N.V.E. NGIDI  
Director-General

Langalibalelestraat 300  
Pietermaritzburg  
14 April 2011

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

Izaziso ezilandelayo zikhishelwe ulwazi lukawonkewonke.

300 Langalibalele Street  
Pietermaritzburg  
14 kuMbaso 2011

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

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**No. 40****14 April 2011****EMNAMBITHI/ LADYSMITH POUND BYLAWS**

Be it enacted by the Council of the Emnambithi/Ladysmith Municipality, and approval of the Member of the Executive Council responsible for local government in terms of Section 156 of Constitution of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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## Definitions

1. In these bylaws, unless inconsistent with the context –

**"animal"** means any equine or bovine animal or any donkey, sheep, goat, pig or domesticated ostrich, or any hybrid of such animals, or any poultry;

**"Council"** means the council of the Emnambithi/Ladysmith Municipality;

**"impounded animal"** means any animal received into a pound as contemplated in section 5;

**"owner"** in relation to any animal includes the agent of the owner or any other person having lawful custody of the animal;

**"owner"** in relation to any land includes the registered owner, the lessee and any lawful occupier of such animal;

**"pound"** means any premises on which a pound has been established by or on behalf of the Council for the impounding of animals under these bylaws; and

**"pound manager"** means the person appointed from time to time by the Council to manage a pound established by the Council and any other person appointed by such person to act in his or her stead during his absence from the pound.

**"public place"** any place to which the public has access including, without limiting the generality of the foregoing, any square, park, recreation ground, sports ground, open space, beach, shopping centre on municipal land, unused/vacant municipal land or cemetery; and

**"public road"** shall mean a public road as described under Section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

## Application

2. Nothing prevents any animal detained in terms of these bylaws from being impounded in a pound or any similar facility established by any other municipality, the provincial government or other lawful authority.

## Establishment of pound

3(1) The Council may establish a pound at any convenient place within its area of jurisdiction and, whenever the Council deems it necessary, may disestablish such pound.

(2) The Council shall give notice of the establishment of a pound, or the disestablishment thereof, by publishing a notice in at least two newspapers circulating in the area of jurisdiction of the Council.

## Detention and removal of animals

4(1) Any animal –

- (a) found trespassing on land; or
- (b) straying or wandering unattended in a public road or other public place,

may be detained and removed to a pound by the owner of such land, an official of the Council, a member of the South African Police Services or the pound manager.

(2) Any person who has detained an animal for the purpose of impounding shall -

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- (a) remove such animals to a pound within 24 hours after seizure; and
- (b) ensure that proper care is taken of the seized animal until the animal is received at the pound.

**Receipt of animals**

5(1) Any person removing an animal to a pound shall provide the pound manager with-

- (a) his or her name and permanent residential address;
- (b) the time and place of detention of the animal; and
- (c) the capacity in which he or she detained the animal.

(2) The pound manager shall, upon receipt of a detained animal -

- (a) record the particulars furnished in terms of section 5(1) and enter the same in a book maintained for the purpose;
- (b) furnish the person delivering the animal with a receipt reflecting –
  - (i) his or her name;
  - (ii) a description of the animal; and
  - (iii) the date and time of receipt of the animal at the pound; and
- (c) keep a copy of each receipt issued in terms of section 5(2)(b).

(3) No person shall release or attempt to release, otherwise than in accordance with these bylaws, any animal which has been received at a pound.

**Care of animals**

6.(1) The pound manager shall take proper care of any animal impounded in terms of these bylaws.

- (2) The pound manager shall not use or cause or permit to be used any animal impounded in terms of these bylaws.
- (3) In the event of the injury or death of any impounded animal, the pound manager shall record the cause of such injury or death and shall retain any veterinary certificate issued.
- (4) The pound manager shall keep records of any expense incurred in respect of an impounded animal including, but not limited to, the feeding and veterinary care of the animal.

**Release of animals**

7. The pound manager shall release an impounded animal to any person who has –

- (1) satisfied the pound manager that he or she is the owner of the impounded animal;
- (2) paid the conveyance and pound fees prescribed by resolution of the council of the Council from time to time; and
- (3) paid any veterinary or other expenses incurred in the impounding of the animal.

**Disposal of animals**

8(1) The pound manager may sell by public auction and for cash any impounded animal which has not been claimed within 30 days of being impounded, and in respect of which –

- (a) the Council has taken all reasonable steps to locate and notify the owner;

## 4

- (b) the owner has not been located or, despite having been given 10 day's notice, has failed to remove the impounded animal; and
- (c) 10 day's prior notice of the proposed sale has been given in terms of section 8(2).

(2) The sale of an impounded animal shall be advertised by placing a notice on a public notice board at a place designated by the Council for that purpose –

- (a) describing the animal, its sex, its approximate age and any particular brands or marks; and
- (b) stating that the animal will be sold by public auction if not claimed within 10 days.

(3) The proceeds of any sale shall be applied in defraying the fees and expenses referred to in section 7 and the balance, if any, shall be forfeited to the Council if not claimed within three months by a person who establishes to the satisfaction of the pound manager that he or she is the owner of the impounded animal.

(4) If the pound manager is for any reason unable to sell any impounded animal or if, in the opinion of the pound manager the animal is so dangerous, vicious, diseased or severely ill or in such a physical condition that it ought to be destroyed, the pound manager may cause the animal to be destroyed subject to any applicable law relating to the protection of animals or otherwise dispose of the animal in a manner approved by the Council.

(5) Any shortfall between the proceeds of sale, if any, and the fees and expenses referred to in section 7, or the costs of destruction as contemplated in clause 8(4), may be claimed by the Council from the owner.

#### **Indemnity**

9. The Council, the pound manager and any officer, employee, agent or councillor of the Council shall not be liable for the death of or injury to any animal arising as a result of its detention, impounding or release, or arising during its impoundment.

#### **Offences and penalties**

10. Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and liable for a fine not exceeding the amount stated in the tariffs (as attached) or imprisonment for a period not exceeding two months or for both, such fine and imprisonment, as amended by the Municipality by publication in the Government Gazette from time to time.

#### **Repeal of existing By-laws**

11. The Council's existing Pound by-laws are hereby repealed.

#### **Short title and commencement**

12. These by-laws shall be called the Emnambithi/ Ladysmith Pound By-laws, 2011, and shall come into operation on the date of publication in the Government Gazette.

**EMNAMBITHI/LADYSMITH POUND BYLAWS TARIFFS****Driving Fees**

R 2.27 p/km

On delivery of animals to the pound the pound keeper shall issue a receipt therefore and pay to the person delivering such animals, driving fees at the rate of R2.27 per km per animal or part thereof, of the distance between the place where such animals were seized and the pound, by the shortest practicable route, but in no case in excess of 12 km, or in respect of more than one person; provided that, if it is shown to the satisfaction of the pound keeper that more than one person were necessarily employed in the driving of such animals, he shall pay driving fees in respect of each such person so employed, provided further that no driving fees shall be payable in respect of the return journey after delivery of the animals. A receipt shall be obtained from the person to whom the driving fees are paid.

**Fees and costs payable to the Pound Keeper**

(1) The Pound Keeper shall be entitled to charge the owner of impounded animals with fees at the following rates:

**(a) Pound Fees:**

- For every sheep, goat, calf or pig R 36.16

- For every bull, stallion, ridgel, horse, mule, ass, ox or cow R 57.15

**(b) Herding and tending fees:**

-For every stallion or bull, every head of cattle, horse, mule or donkey, per day or part thereof R 25.65

For every sheep, goat or pig, per day or part thereof provided that all stallions, bulls and rams shall at all times be kept apart from mares, cows and ewes respectively; provided further that no fees shall be charged for herding and tending for any period in excess of forty-two days reckoned from the day of the impounding of the animal concerned

R 11.66

(c)When no grazing is available and the impounded animals must be fed by the Pound Keeper, the owner shall pay an additional per day per head for fodder.

R 9.34

(d) If any animal is required to be dipped, dressed,

## 6

inoculate, sprayed or otherwise treated in accordance with any law, the cost thereof, plus law, the cost thereof, plus R 7.02

(e) An additional amount of R 19.87 per animal shall be charged when animals are brought to or collected from the Pound outside normal working hours; being in respect of administrative purposes.

(f) Collecting and impounding of animals by Council employees:

|                           |         |
|---------------------------|---------|
| Working hours, per animal | R 8.21  |
| After hours, per animal   | R 22.19 |

(2) Whenever the sale of the impounded animals has been advertised, the advertising costs shall be paid by the owner upon release of the animals or alternatively the advertising costs shall be deducted from the proceeds of the sale.

NOTICE NO. 66/2011 DATED 5 APRIL 2011

N J MDAKANE  
MUNICIPAL MANAGER

No. 41

14 April 2011



## MUNICIPAL NOTICE NO. 63 of 2011

PUBLIC NOTICE CALLING FOR INSPECTION OF THE SUPPLEMENTARY  
VALUATION ROLL AND LODGING OF OBJECTIONS

In terms of the Municipal Property Rates Act, 2004 (Act No. 6 of 2004), hereinafter referred to as the "Act", it is advised that the Supplementary Valuation Roll 4 for the financial years 01 July 2008 to 30 June 2012 is open for public inspection at the office of the Chief Financial Officer, Lot 1000, Dan Pienaar Square, Margate, during office hours 07:30 to 16:00 from **07 April 2011 to 30 June 2011**.

In addition the valuation roll is available at website:- [www.hcm.gov.za](http://www.hcm.gov.za).

An invitation is hereby made in terms of section 49(l)(a)(ii) and 78(2) of the Act that any owner of property or other person who so desires should lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from, the supplementary valuation roll within the above-mentioned period. Attention is specifically drawn to the fact that in terms of section 50(2) of the Act an objection must be in relation to a specific individual property and not against the supplementary valuation roll as such. The form for the lodging of an objection is obtainable at the following address: Treasury Office, Lot 1000, Dan Pienaar Square, Margate, Treasury Office, Old Post Office, Port Shepstone or website [www.hcm.gov.za](http://www.hcm.gov.za).

The completed forms must be returned to the following address: Municipal Manager, Hibiscus Coast Municipality, "Valuation Roll", P O Box 5, Port Shepstone, 4240. Completed forms can also be emailed to [objections@hcm.gov.za](mailto:objections@hcm.gov.za).

For enquiries please phone (039) 312-8300.

S W MKHIZE  
MUNICIPAL MANAGER

HIBISCUS COAST MUNICIPALITY  
10 Connor Street  
P O Box 5  
Port Shepstone  
4240

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**ADVERTISEMENT**

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**DEVELOPMENT TRIBUNAL  
KWAZULU-NATAL**

**DEVELOPMENT APPLICATION NUMBER: 2010/44  
SUBMITTED BY ELLIOTT DUCKWORTH ASSOCIATES  
ON BEHALF OF RICCLA 1735 (PTY) LTD  
AND HEARD ON THE 4 JUNE 2010**

**SECTION B**

Application for an Industrial Estate development area in terms of the Development Facilitation Act no. 67 of 1995, Chapter V Section 31 (2) on Portion 43 of the Farm Lot 72 No. 1526, Registration Division FU, situated in the Kwadukuza Municipality commonly known as Driftwood Industrial Estate, is approved subject to the following conditions

**A. SPECIAL CONDITIONS**

1. Access to the land development area will be obtained over the adjacent erf 1588 Shakas Head and Rem of 12 and to be read in conjunction with in terms of the servitude agreement entered into between Imbonini Park Phase 2 (Pty) Ltd and Riccla 1735 (Pty) Ltd on 20 November 2008.

**B. CONDITIONS OF ESTABLISHMENT****1. Applicability of Laws**

- (a) Sections 10(1), 23(1), 40(1), 75(1)(b) and 75(1)(c) of the KwaZulu-Natal Planning Development Act (Act 6 of 2008), shall not apply to the land development area for the purpose of the development thereof in accordance with these conditions of township establishment.
- (b) The Provisions of the National Building Regulations and building Standards Act, 1977 (Act 103 of 1977), and any other law that governs the erection of buildings within the land development area shall continue to apply to the land development area.
- (c) The KwaDukuza Municipality Bylaws and Umhlali Beach Town Planning Scheme shall apply to the land development area.
- (d) National Home Builders Registration Council Building Regulations shall continue to apply to the land development area
- (e) **Suspension of restrictive conditions**

In terms of section 33(2)(d) the following conditions of title are suspended subject to section 33(4) and will be removed on the opening of the Township Registers in terms of section 34(3) of the Development Facilitation Act:

The following conditions are suspended from Certificate of Consolidated Title numbered T 05 45226 pertaining to Portion 43 of the Farm Lot 72 No. 1526:

- (a) condition 5 that is an expropriation already exercised
- (b) condition 6(b) that restricts the use of the land to agriculture
- (c) condition 7 - 12 that is an expropriation already exercised

**2. Designation**

The Surveyor General's designations of the township are portions 55 (of 43) to 73 (of 43) of The Farm Lot 72 No. 1526.

The layout of the township depicted on Drawing No. 3020/06 Revision 06 dated June 2010 shall be commonly known as Driftwood Industrial Estate.

### 3. Approval of Layout

The land development area shall be laid out substantially in accordance with the layout plan Drawing No. 3020/06 Rev 06 dated June 2010, prepared by Elliott Duckworth Associates cc, which plan is hereby approved.

The approximate dimensions as scaled on the layout plan are to be observed, although the layout may be modified slightly during the survey of the township if it is found desirable to do so and provided any divergence from the layout plan is not more than 10% in the area of an erf.

### 4. Minor Amendments to the Layout Plan

Prior to lodging the general plan as contemplated in condition C4 herein, minor amendments to the layout plan may be approved by the KwaDukuza Municipality in consultation with the KZN Development Tribunal.

Any specific servitude that is required for any purpose by the local authority or any relevant service authority is to be surveyed in accordance with the survey regulations and shown on the general plan of the township with the specified width for the purpose of defining such servitude.

### 5. Lodging of general Plans

A General Plan for the land development area shall be lodged with the Surveyor-General for approval in terms of section 37(a) of the Development Facilitation Act No. 67 of 1995 and subject to regulation 23(1).

Provisionally approved General Plans are subject to regulation 20(2) of the Land Survey Act (Act 8 of 1997).

### 6. Opening of the Township Register

The owner shall lodge with the Registrar of Deeds a print of the approved General Plan and/or S G Diagrams certified by the Surveyor General together with a copy of the Development Tribunal Judgement signed by the Tribunal Chairman and the title under which the land is held in terms of section 37(b) and subject to regulation 23(10)(c).

### 7. Provisions and installation of services

Prior to the transfer of any Erf within the land development area or any sectional title unit the Designated Officer shall be supplied with:-

- A certificate signed by a Professional Engineer registered in terms of Act No. 46 of 2000 to the effect that the following services as listed in conditions 7.(1) – 7.(7) have been complied with.
- A certificate from the KwaDukuza and Ilembe District Municipality or relevant service provider that the services as listed in condition 7.(1) -7.(7) have been installed to their satisfaction.
- A certificate of compliance that Special Conditions A.1. has been complied with
- A certificate of compliance from KwaZulu-Natal Department of Agriculture Environmental Affairs and Rural Development for condition 8.
- A certificate of compliance from Drennan Maud and Partners for condition 9.
- A Professional Engineer has certified that the bulk infrastructure has also been complied with to the satisfaction of the relevant authority.
- When request by the land development applicant, the Designated Officer, if satisfied, shall provide the certificate contemplated in terms of section 38(1) (c) and (d) to the Registrar of Deeds

#### 7.(1) Water supply

A supply of potable water shall be provided to within the normal connection distance of the boundary of each section to be registered to the satisfaction of Siza Water.

7.(2) Sewage disposal

An efficient and sanitary system for the disposal of sewage and waste water shall be provided to within the normal connection distance for each of the section to be registered to the satisfaction of Siza Water.

7.(3) Electricity

The owner shall provide an efficient supply of electricity to within the normal connection distance of the boundary of each section to be registered to the satisfaction of the KwaDukuza Municipality.

7.(4) Roads

The owner shall construct the road as depicted on the layout plan Drawing No. 3020/06 Rev 06 dated June 2010 (erf 73) to Red Book Standards to the satisfaction of the KwaDukuza Municipality.

Any further subdivision of the erven must have access of not less than 14 metres.

7.(5) Stormwater drainage

The owner shall construct such facilities as are necessary for the control and disposal of storm-water from the township to the satisfaction of the KwaDukuza Municipality.

The building straddling the boundary and within the access to Imbonini Phase 2 is demolished.

7.(6) Refuse Removal and Disposal

A suitable arrangement will be made between the developer and the Kwadukuza Municipality/relevant service provider for the disposal of refuse.

**8. Department of Agriculture and Environmental Affairs**

The conditions subject to which the KwaZulu-Natal Department of Agriculture Environmental Affairs and Rural Development have issued an Environmental Authorization on environmental impact assessment reference No. DC29/0060/07 together with the requirements of the environmental management plan prepared by Sustainable Development Projects cc shall be adhered to.

**9. Geotechnical Report**

The development of the land development area shall adhere to the recommendations of the geotechnical investigation report prepared by Drennan Maud and Partners referenced 19184 and dated January 2008.

**10. Reservation of Erven**

Prior to or simultaneously with the first transfer, the following erven shall be transferred free of charge to:

- (i) The KwaDukuza Municipality: Erf 73 for road purposes.
- (ii) The KwaDukuza Municipality: erf 72 for conservation purposes and the control of stormwater drainage.

The numbering of the erven quoted herein refer to the numbering on the layout plan Drawing No. 3020/06 Rev 06 dated June 2010, prepared by Elliott Duckworth Associates cc

## **11. Land Use Control**

On publication of the approval of the land development application in the KwaZulu-Natal Provincial Gazette, the land development area is hereby incorporated into the area of the Umhlali Beach town planning scheme in the course of preparation and erven 55 to 71 are hereby zoned light industry, erf 72 is zoned conservation reserve and erf 73 is zoned road reserve. The development of the land development area will thereafter be subject to the appropriate development controls and all other relevant provisions of the Umhlali Beach town planning scheme.

## **12. Registration of Servitudes**

- (i) Prior to the opening of the township register, a certificate by a registered professional land surveyor shall be lodged with the Designated Officer certifying that, where required, all services are covered by servitudes.

## **C CONDITIONS OF TITLE**

### **1. Omnibus Servitude for Services**

All erven shall be subject to the following condition relating to servitudes for the provision of stormwater drainage, water supply, sewerage, electricity, gas and/or fuel supply, telecommunications, radio and television services, over or under the land, along any boundary thereof, other than a road frontage and within a distance of 2 metres from such boundary.

Reasonable access shall be provided to such servitude at all times for the purpose of installation, maintenance, removal, or extension of such services. The owner of the land shall without compensation be obliged to allow the servicing of any other land or street to be conveyed along such servitude, provided that if the owner of the land be aggrieved by the unreasonable exercise of these rights, he shall have the right of appeal to the MEC for Cop-operative Governance and Traditional Affairs, whose decision shall be final.

Maintenance shall include cutting, trimming, or otherwise dealing with vegetation so as to prevent interference with any service. The right conferred by this condition shall be exercised by the KwaDukuza Municipality or relevant service provider or any other body or person legally authorized to provide such services for the benefit of the inhabitants of the township.

### **2. 10 metre right of way servitude**

A 10 metre right of way servitude, as shown on the layout plan of the township, shall be registered in favour of the following properties to provide them access over the land development area:

- a) Portion 153 (of 51) of Compensation No. 868
- b) Remainder of 52 (of 21) of Compensation No. 868
- c) Remainder of 53 (of 21) of Compensation No. 868
- d) Remainder of 54 (of 21) of Compensation No. 868

### **3. Deposit of Material**

The owner of any erf within the land development area shall, without compensation, be obliged to permit such deposit of material or excavation on the land as may, in connection with the formation of any street in the township and owing to the difference in levels between the land and the street, be deemed necessary by the local authority, in order to provide a safe and proper slope to the cut and fill commencing from the boundary of the land, unless he shall elect at his/her own cost to build a retaining wall to the satisfaction of the KwaDukuza Municipality.

#### 4. Property Owners' Association

No erf or unit thereon, as defined in the Sectional Titles Act, No 95 of 1986, shall be transferred to any person until such person has bound him or herself to become and remain a member of the Driftwood Estate Property Owners' Association for the duration of his or her ownership and shall comply with its articles of association. The latter shall specifically include a clause that ensures that an owner makes special arrangements for the disposal of any industrial effluent when such effluent cannot be accepted into the sewage reticulation.

### **SECTION C**

#### **REASON FOR JUDGEMENT**

1. The proposed development is in compliance with the general principles of Chapter 1 of the Development Facilitation Act in that it will be a fully sustainable and integrated development, being a logical extension of the existing industrial estates in the area of the subject site, it will provide for employment opportunities in close proximity to low cost housing development, it will prevent illegal occupation of land and it will form part of an extended Umhlali Beach Town Planning Scheme.
2. The development is supported by the KwaDukuza Municipality and also by Siza Water Company (Pty) Ltd the relevant water provider.
3. Transnet has not opposed the development.
4. The Department of Co-operative Governance and Traditional Affairs has not opposed the development.
5. The applicant has complied with the outstanding requirements highlighted by the tribunal at the public hearing.
6. There have been no objections to the proposed development.
7. The response for the Department of Agriculture to the development has been made a prerequisite to development taking place on the site.

**MR R A F SWART  
CHAIRMAN  
DEVELOPMENT TRIBUNAL  
KWAZULU-NATAL**

**3rd MARCH 2011  
DATE**