



LIMPOPO PROVINCE
LIMPOPO PROVINSIE
XIFUNDZANKULU XA LIMPOPO
PROFENSE YA LIMPOPO
VUNDU LA LIMPOPO
IPHROVINSI YELIMPOPO

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu
Kuranta ya Profense • Gazethe ya Vundu**

*(Registered as a newspaper) • (As 'n nuusblad geregistreer) • (Yi rhijistariwile tanihi Nyuziphepha)
(E ngwadisits'we bjalo ka Kuranta) • (Yo redzhistariwa sa Nyusiphepha)*

Vol. 25

POLOKWANE,
30 MARCH 2018
30 MAART 2018
30 NYENYANKULU 2018
30 MATŠHE 2018
30 THAFAMUHWÉ 2018

No. 2893

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DEPARTMENT OF HEALTH

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ISSN 1682-4563



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Closing times for **ORDINARY WEEKLY** 2018

LIMPOPO PROVINCIAL GAZETTE

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

- **28 December 2017**, Thursday for the issue of Friday **05 January 2018**
- **05 January**, Friday for the issue of Friday **12 January 2018**
- **12 January**, Friday for the issue of Friday **19 January 2018**
- **19 January**, Friday for the issue of Friday **26 January 2018**
- **26 January**, Friday for the issue of Friday **02 February 2018**
- **02 February**, Friday for the issue of Friday **09 February 2018**
- **09 February**, Friday for the issue of Friday **16 February 2018**
- **16 February**, Friday for the issue of Friday **23 February 2018**
- **23 February**, Friday for the issue of Friday **02 March 2018**
- **02 March**, Friday for the issue of Friday **09 March 2018**
- **09 March**, Friday for the issue of Friday **16 March 2018**
- **15 March**, Thursday for the issue of Friday **23 March 2018**
- **23 March**, Friday for the issue of Friday **30 March 2018**
- **28 March**, Wednesday for the issue of Friday **06 April 2018**
- **06 April**, Friday for the issue of Friday **13 April 2018**
- **13 April**, Friday for the issue of Friday **20 April 2018**
- **20 April**, Friday for the issue of Friday **27 April 2018**
- **25 April**, Wednesday for the issue of Friday **04 May 2018**
- **04 May**, Friday for the issue of Friday **11 May 2018**
- **11 May**, Friday for the issue of Friday **18 May 2018**
- **18 May**, Friday for the issue of Friday **25 May 2018**
- **25 May**, Friday for the issue of Friday **01 June 2018**
- **01 June**, Friday for the issue of Friday **08 June 2018**
- **08 June**, Friday for the issue of Friday **15 June 2018**
- **15 June**, Thursday for the issue of Friday **22 June 2018**
- **22 June**, Friday for the issue of Friday **29 June 2018**
- **29 June**, Friday for the issue of Friday **06 July 2018**
- **06 July**, Friday for the issue of Friday **13 July 2018**
- **13 July**, Friday for the issue of Friday **20 July 2018**
- **20 July**, Friday for the issue of Friday **27 July 2018**
- **27 July**, Friday for the issue of Friday **03 August 2018**
- **02 August**, Thursday, for the issue of Friday **10 August 2018**
- **10 August**, Friday for the issue of Friday **17 August 2018**
- **17 August**, Friday for the issue of Friday **24 August 2018**
- **24 August**, Friday for the issue of Friday **31 August 2018**
- **31 August**, Friday for the issue of Friday **07 September 2018**
- **07 September**, Friday for the issue of Friday **14 September 2018**
- **14 September**, Friday for the issue of Friday **21 September 2018**
- **20 September**, Thursday for the issue of Friday **28 September 2018**
- **28 September**, Friday for the issue of Friday **05 October 2018**
- **05 October**, Friday for the issue of Friday **12 October 2018**
- **12 October**, Friday for the issue of Friday **19 October 2018**
- **19 October**, Friday for the issue of Friday **26 October 2018**
- **26 October**, Friday for the issue of Friday **02 November 2018**
- **02 November**, Friday for the issue of Friday **09 November 2018**
- **09 November**, Friday for the issue of Friday **16 November 2018**
- **16 November**, Friday for the issue of Friday **23 November 2018**
- **23 November**, Friday for the issue of Friday **30 November 2018**
- **30 November**, Friday for the issue of Friday **07 December 2018**
- **07 December**, Friday for the issue of Friday **14 December 2018**
- **13 December**, Thursday, for the issue of Friday **21 December 2018**
- **19 December**, Wednesday for the issue of Friday **28 December 2018**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1000 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

EXTRA-ORDINARY

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

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3000** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

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

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 15h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

EXTRAORDINARY GAZETTES

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

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice .
(Please see *Quotation* section below for further details)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (Please see the *Copy Section* below, for the specifications).
 - 8.1.5. Any additional notice information if applicable.
9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**QUOTATIONS**

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

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

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

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

AMENDMENTS TO NOTICES

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

REJECTIONS

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

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

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

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

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

LIABILITY OF ADVERTISER

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

CUSTOMER INQUIRIES

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

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

PROOF OF PUBLICATION

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

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

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

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 19 OF 2018

MOGALAKWENA MUNICIPALITY
NOTICE OF APPLICATION FOR THE ESTABLISHMENT OF TOWNSHIP IN TERMS OF SECTION 16(4) OF
THE MOGALAKWENA LAND USE MANAGEMENT BY-LAW, 2016

I, Floris Jacques du Toit of Jacques du Toit & Associates, being the authorized agent of the applicant hereby give notice in terms of Section 16(1)(f) of the Mogalakwena Municipality Land Use Management By-law, 2016, that I have applied to the Mogalakwena Municipality for the establishment of the township in terms of Section 16(4) of the Mogalakwena Land Use Management By-law, 2016 referred to in the Annexure hereto.

Any objection(s) and/or comment(s), including the grounds for such objection(s) and/or comment(s) with full contact details, without which the Municipality cannot correspond with the person or body submitting the objection(s) and/or comment(s), shall be lodged with or made in writing to: Planning and Development, PO Box 34, Mokopane, 0600 or to ntshanis@mogalakwena.gov.za from 30 March 2018 (the date of the first publication of the notice) until 30 April 2018.

Full particulars and plans may be inspected during normal office hours at the Municipal Offices, 54 Retief Street, Mokopane, for the period of 30 days from the date of first publication of the advertisement in the Provincial Gazette and Bosvelder. Closing date for any objections and/or comments: 30 April 2018.

Address of Agent: Jacques du Toit & Associates, 3 Windsor Street/PO Box 754, Tzaneen, 0850 Tel. 015-307 3710

Dates of Publication: 30 March & 6 April 2018

ANNEXURE***Name of township:***

Lakeview Estate

Full name of the applicant:

Jacques du Toit and Associates on behalf of the registered owners, Semmogo Property Development (Pty) Ltd and Lafata Investments (Pty) Ltd

Number of erven in proposed township:

Residential 1	:	627
Residential 3	:	3
Business 3	:	3
Educational	:	2
Institutional	:	2
RSA	:	1
Private Open Space	:	4
Street	:	11,82km

Description of the land:

Portions 14, 15, 16 and 18 of the farm Lisbon 288KR, extending over approximately 147,9ha.

Locality of the proposed township:

The proposed township is situated 4km west of the Mokopane CBD.

Remarks:

The application has as purpose the creation of a residential security estate with ancillary uses with erven ranging in extent from 500m² - 2 000m².

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KENNISGEWING 19 VAN 2018

MOGALAKWENA MUNISIPALITEIT
KENNISGEWING VAN VOORNEME OM DORP TE STIG IN TERME VAN ARTIKEL 16(4) VAN DIE
MOGALAKWENA GRONDGEBRUIKSBESTUURSVERORDENING, 2016

Ek, Floris Jacques du Toit van Jacques du Toit & Medewerkers, synde die gemagtigde agent van die Applikant gee hiermee kennis ingevolge Artikel 16(1)(f) van die Mogalakwena Munisipaliteit Grondgebruiksbestuursverordening, 2016, dat ek aansoek gedoen het by die Mogalakwena Munisipaliteit om 'n dorp te stig in terme Artikel 16(4) van die Mogalakwena, Grondgebruiksbestuursverordening, 2016 in die Bylae hierby genoem.

Enige besware en/of kommentaar, ingesluit die gronde vir sulke besware en/of kommentaar met volle kontakbesonderhede waarsonder die Munisipaliteit nie kan korrespondeer met die beswaarmaker nie, moet skriftelik gerig word aan: Beplanning en Ontwikkeling, Posbus 34 Mokopane, 0600 of ntshanis@mogalakwena.gov.za vanaf 30 Maart 2018 (die eerste datum van die publikasie) tot 30 April 2018.

Volle besonderhede en planne van die aansoek lê ter insae gedurende gewone kantoorure by die Munisipale Kantore, Retiefstraat 54, Mokopane, vir 'n tydperk van 30 dae vanaf datum van eerste publikasie van die kennisgewing in die Provinsiale Gazette en Bosvelde. Tyd vir besware of kommentare sluit op 30 April 2018.

Adres van agent: Jacques du Toit & Medewerkers, Windsorstraat 3/ Posbus 754, Tzaneen, 0850. Tel. 015-3073710
Datums van Publikasie: 30 Maart & 6 April 2018

BYLAE***Naam van dorp :***

Lakeview Estate

Volle naam van aansoeker:

Jacques du Toit & Medewerkers namens die geregistreerde eienaars Semmogo Property Development (Edms) Bpk en Lafata Investments (Edms) Bpk

Aantal erwe in voorgestelde dorp:

Residensieël 1	:	627
Residensieël 3	:	3
Besigheid 3	:	3
Opvoedkundig	:	2
Inrigting	:	2
RSA	:	1
Privaat Oop Ruimte	:	4
Straat	:	11,82km

Beskrywing van grond waarop dorp gestig staan te word:

Gedeeltes 14, 15, 16 en 18 van die plaas Lisbon 288KR, groot ongeveer 147,9ha.

Ligging van voorgestelde dorp: Die voorgestelde dorp is geleë 4km wes van Mokopane SBG.

Opmerkings :

Die aansoek het ten doel die stigting van 'n residensiële sekuriteitsdorp met verwante gebruike met residensiële erwe wat wissel in oppervlakte van 500m² - 2 000m².

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 46 OF 2018**AMENDMENT OF POLOKWANE/PERSKEBULT TOWNPLANNING SCHEME, 2016
(AMENDMENT SCHEME 44)**

We, Hannes Lerm and Associates being the authorized agent of the owners of Erf 83 situated at No. 8 Braam Drive, Bendor, hereby give notice in terms of Section 56(1)(b) (i) of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) read together with Section 28 and 41 of Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013), that we have applied to the Polokwane Municipality for the amendment of the Polokwane/Perskebult Town-Planning Scheme, 2016, by rezoning the property from "Residential 1" to "Residential 2" with a further consent application made in terms of Clause 33 of the town planning scheme to relax the density from "31 units per hectare" to "44 units per hectare" in order to develop six (6) dwelling Units.

Particulars of the application will lie for inspection during normal office hours at the office of the Town Planners, Second Floor, West Wing, Civic Centre, Landdros Maré Street, Polokwane for a period of 28 days from 30th of March 2018.

Objections to or representations in respect of the applications must be lodged with or made in writing within a period of 28 days from 30th of March 2018 to the Manager : Spatial Planning and Land Use Management at the above address or at P.O. Box 111, Polokwane, 0700.

Address of Agent:

**Hannes Lerm & Associates
P O Box 2231
Polokwane
0700
30-06**

PROVINSIALE KENNISGEWING 46 VAN 2018**DIE WYSIGING VAN DIE POLOKWANE/PERSKEBULT DORPSBEPLANNINGSKEMA, 2016
(WYSIGINGSKEMA 44)**

Ons, Hannes Lerm en Medewerkers synde die gemagtigde agent van die eienaars van Erf 83, geleë te Braamrylaan No. 8, Bendor, gee hiermee ingevolge Artikel 56 (1) (b) (i) van die Dorpsbeplanning en Dorpe 1986 (Ordonnansie 15 van 1986) saamgelees met Artikel 28 en 41 van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur 2013 (Wet 16 van 2013), kennis dat ons by die Polokwane Munisipaliteit aansoek gedoen het om die wysiging van die Polokwane / Perskebult Town- Beplanningskema, 2016, deur die hersonering van die eiendom vanaf "Residensieel 1" na "Residensieel 2" met 'n verdere vergunningsgebruik ingevolge klousule 33 van die dorpsbeplanningskema om die digtheid van "31 eenhede per hektaar" te verslap na "44 eenhede per hektaar" ten einde ses (6) wooneenhede te ontwikkel.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Stadsbeplanners, Tweede Vloer, Wesvleuel, Burgersentrum, Landdros Marestraat, Polokwane, vir 'n tydperk van 28 dae vanaf 30 Maart 2018.

Besware teen of vertoe ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 30 Maart 2018 skriftelik by of tot die Bestuurder: Ruimtelike Beplanning en Grondgebruiksbestuur, by bovermelde adres of by P.O. Box 111, Polokwane, 0700.

Adres van agent:

**Hannes Lerm & Associates
Posbus 2231
Polokwane
0700
30-04**

PROVINCIAL NOTICE 47 OF 2018**NOTIFICATION OF LAND DEVELOPMENT APPLICATION IN TERMS OF SECTION 27(1) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW OF MOGALAKWENA LOCAL MUNICIPALITY, 2016**

We Masungulo Town and Regional Planners, being an authorized agent of the occupant of the site located at GPS co-ordinates **23° 52' 38, 73"S; and 28° 46' 38, 30"E** at Basogadi Village, Bakenberg, on Portion of the farm Vliegekraal 783-LR under Bakenberg Tribal Authority with Mogalakwena Local Municipality, hereby gives notice in terms of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), read together Sections 27(1) of the Spatial Planning and Land Use Management By-law of Mogalakwena Local Municipality, 2016 that we have applied to the Mogalakwena Local Municipality for the Land Development Application for the development of a Shopping Complex and a Filling Station with a maximum size of 12 hectares for the erf and a maximum of 12 932 m² Leasable Floor Area and that Land Use rezoned from "Agricultural" to "Business". Particulars of the applications will lie for inspection during normal office hours at the office of the Municipal Manager: Civic Centre, Mokopane, for a period of 30 days from 30 March 2018 (the date of the first publication of the notice). Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above-mentioned address or at P.O Box 34, Mokopane, 0600, within a period of 30 days from 30 March 2018. Address of agent: Masungulo Town & Regional Planners, First Floor, Bosveld Centre, 85 Thabo Mbeki Drive, Mokopane 0600 Tel: (015) 491 – 4521 fax: (015) 491 - 2221.

30-6

TSEBIŠO YA KGOPELA YA GO TLHABOLLA NAGA GO YA KA KAROLO YA SECTION 27(1) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT BY LAW OF MOGALAKWENA LOCAL MUNICIPALITY 2016.

Rena, Masungulo Town and Regional Planners, re bathusi (agents) ba tsa kgwebo ba mong wa setsha seo le go go GPS Co-ordinates 23° 52' 73" and 28° 46' 38 30" E go la Basogadi village, Bakenberg karolong ya polase ya Vliegekraal 783-LR ka fase ga Bakenberg tribal authority le Mogalakwena local municipality. Re tsebiša mang goba mang go ya ka karolwana ya Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), yeo e balwago Mmogo le section 27(1) of the spatial planning and land use management by law of Mogalakwena Local Municipality, 2016 gore re dirile kgopelo go Mogalakwena Local Municipality, ya go tlhabolla naga mabapi le go aga Shopping Complex le Filling Station, bogolo ba tekano ya dihethara tše Lesomepedi (12) setsheng sa Basogadi le gore tekano ya 12 932m² e tla bay a go lisiwa. Setsha se, se tla fetošwa go se sa bas a Bolemiši (Agricultural) ya ba sa Kgwebo. Tshedimošo ka moka ya kgopelo ye e tla nwetšagala dikantorong tša Mookamedi wa masepala wa Mogalakwena go: Civic centre, Mokopane, Tekano ya Matšatši a masometharo go tlogela ka la 30 Moranang 2018 (letšatši la mathomo la go kwalakwatša tsebišo ye). Dikganetšo goba ditshwayotshwayo mabapi le kgopelo ye di ka romelwa ka go ngwala go Mookamedi wa masepala wa Mogalakwena atereseng ya ka godimo goba go P.O Box 34, Mokopane 0600. Pele ga ge Matšatši ao a beilwego a masometharo go tlogela ka la 30 Moranang 2018, Fela aterese ya Masungulo Town and Regional Planners ke: First floor, Bosveld centre 85 Thabo Mbeki Drive Mokopane 0600 (015) 491-4521 Fax: (015) 491-2221

30-6

PROVINCIAL NOTICE 48 OF 2018**LIMPOPO GAMBLING BOARD****ACT 3 OF 2013****APPLICATION FOR RELOCATION OF BOOKMAKER SITE LICENCE**

Notice is hereby given that VBetSA Limpopo (Pty) Ltd, intends submitting an application for relocation of a Bookmaker Site Licence, in terms of Section 38 of the Limpopo Gambling Act 3 of 2013, on 03-04-2018.

The purpose of the application is to obtain permission to relocate and operate the Bookmaker Site Licence from location:

Tasty Snack Restaurant, 105 Burger Street, Makhado to Shop13, Seshego Plaza Shopping Centre, Seshego, Limpopo

If successful the duration of the licence is in perpetuity, subject to continuous suitability.

The application will be open for public inspections for 30 days at the office of the Limpopo Gambling Board at 08 Hans van Rensburg Street, Polokwane, Limpopo Province, South Africa, from 03-04-2018

Attention is drawn to the provisions of section 26(6) of the Limpopo Gambling Act 3 of 2013 which makes provision for lodging of written representations and objections in respect of this application. A person lodging written representation should indicate whether or not they wish to make oral representations when the application is heard.

Such objections should be lodged with the Chief Executive Officer of the Limpopo Gambling Board, 8 Hans van Rensburg Street, Polokwane, or Private Bag X9520, Polokwane 0700, within 30 days from 03-04-2018

PROVINCIAL NOTICE 49 OF 2018

DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM

NO. 12/6/9

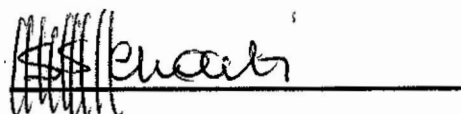
JANUARY 2018

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003

(ACT NO. 57 OF 2003)

DECLARATION OF ATTACHED RESPECTIVE LAND PARCELS AS NATURE RESERVES IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003(ACT NO 57 OF 2003)

I, Seaparo Sekoati, Member of the Executive Council for Economic Development Environment and Tourism, hereby declare by virtue of the power vested in me under section 28(1) of the National Environmental Management: Protected Areas Act, 2003(Act no 57 of 2003) respective land parcels, as listed in the attached schedules, as declared Protected Environment



Hon. Seaparo Sekoati, MPL

MEC: Economic Development, Environment and Tourism

Date 22/02/2018

NWANEDI NATURE RESERVE

1. Part of Remainder of the farm Ziska 122 MT.
2. Part of Portion 1 of the farm Ziska MT.
3. Part of the farm Magazand 123 MT.
4. Part of the Remainder of the farm Gaandrik 162 MT.
5. Part of Portion 1 of the farm Gaandrik 162.
6. Part of the farm Armstice 120 M T
7. Part of the remainder of the farm Travenna 119 M T and
8. Part of the farm Rambuda 128 M T

PROVINCIAL NOTICE 50 OF 2018

LIMPOPO PROVINCIAL GOVERNMENT

DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM

NO. 12/6/9


JANUARY 2018

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003

(ACT NO. 57 OF 2003)

DECLARATION OF ATTACHED RESPECTIVE LAND PARCELS AS NATURE RESERVES IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO 57 OF 2003)

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Hon. Seaparo Sekoati, MPL

MEC: Economic Development, Environment and Tourism

Date 22/02/2018

FARM SCHEDULE OF NATURE RESERVE

MACHAKA PROTECTED ENVIRONMENT MACHAKA FARM SCHEDULE

1. Part of portion 1 De Kaffersdrift No.510-LS
2. Remainder part of Klipbok No.767-LS
3. Part of farm Uitkyk No.768-LS
4. Remainder of De Gladde
5. Klipklop No.763-LS

THABINA PROTECTED ENVIRONMENT

1. Remainder of the farm Yosemite 11 KT,
2. Portion 1 of the farm Yosemite 11 KT,
3. Portion 2 of the farm Yosemite 11 KT
4. Portion 3 of the farm Yosemite

FARM SCHEDULE THENGWE NATURE RESERVE

1. Thengwe No 439-MT

DOORNDRAAI NATURE RESERVE

1. The farm Doorndraai 282 K R
2. Remaining extent of the farm Sterkstroom 310 KR
3. Portion 1 of the farm Sterkstroom 301 KR
4. Remaining extent of the farm Paardedrift 303 KR
5. Portion 1 of the farm Paardegift 303 KR
6. Portion 2 of the farm Paardedrift 303 KR
7. Portion 3 of the farm Paardedrift 303 KR
8. Portion 4 of the farm Paardedrift 303 KR
9. Portion 5 of the farm Paardedrift 303 KR
10. Remaining extent of portion 6 of the farm Paardedrift 303 KR
11. Remaining extent of portion 7 of the farm Paardedrift 303 KR
12. Portion 8 of the farm Paardedrift 303 KR
13. Portion 9 (- 6) of the farm Paardedrift 303 KR
14. Portion 10 (-6) of the farm Paardedrift 303 KR
15. Portion 11 (-7) of the farm Paardedrift 303 KR
16. Portion 12(-7) of the farm Paardedrift 304 KR
17. Portion 13 (-7) of the farm Paardedrift 303 KR.

NZALAMA PROTECTED ENVIRONMENT FARM SCHEDULE

1. Chester 756LT (portion 1)
2. Thiergarten 531LT (Remainder)
3. Eden 757LT (Remainder)
4. Eden 757LT (Portion 1)
5. Eden 757 LT (Portion 2)
6. Beacon 769LT (Remainder)

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 34 OF 2018**POLOKWANE/PERSKEBULT AMENDMENT SCHEME 038**

Aurecon South Africa (Pty) Ltd. and/or Willem Gabriel Davel and/or Mari Romijn, being the authorized agent of the owners of the Remaining Extent of Erf 1530 Pietersburg Extension 4 township, hereby give notice in terms of Section 56(1) of the Town Planning and Townships Ordinance (Ord. 15 of 1986), read together with the Spatial Planning and Land Use Management Act (Act 16 of 2013), that we have applied to the Polokwane Municipality for the amendment of the Town Planning Scheme known as the Polokwane/Perskebult Town Planning Scheme, 2016 by the rezoning of the property described above, situated at 100 Kleinenberg Street Polokwane, from "Special" for Overnight Accommodation to "Educational". The consent in terms of certain conditions in Title Deed T000143/2018 read together with Section 45(6) of the Act (supra), to use the erf for a Place of Instruction, is also requested with this. Particulars of the application will lie for inspection during normal office hours at the office of the Town Planners, Second floor, West wing, Civic Centre, Polokwane, for the period of 28 days from 3 April 2018. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at PO Box 111, Polokwane, 0700, within a period of 28 days from 3 April 2018 but no later than 2 May 2018. Address of agent: PO Box 3519 Polokwane, 0700; Tel. (015) 287 3800; e-mail: polokwane@aurecongroup.com.

30-6

PLAASLIKE OWERHEID KENNISGEWING 34 VAN 2018**POLOKWANE/PERSKEBULT WYSIGINGSKEMA 038.**

Aurecon South Africa (Edms) Bpk. en/of Willem Gabriel Davel en/of Mari Romijn, synde die gemagtigde agent van die eienaars van die Resterende Gedeelte van Erf 1530, Pietersburg Uitbreiding 4 dorpsgebied, gee hiermee ingevolge Artikel 56(1) van die Ordonnansie op Dorpsbeplanning en Dorpe (Ord. 15 van 1986), saamgelees met die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, (Wet 16 van 2013), kennis dat ons by die Polokwane Munisipaliteit aansoek gedoen het om die wysiging van die Dorpsbeplanningskema bekend as die Polokwane/Perskebult Dorpsbeplanningskema, 2016, deur die hersonering van genoemde eiendom gelee in Kleinenbergstraat 100 Polokwane, vanaf "Spesiaal" vir Oornagakkommodasie na "Opvoedkundig". Die toestemming in terme van bepalings van Titellakte T000143/2018 saamgelees met Artikel 45(6) van die Wet (supra) om die erf vir 'n Onderrigplek te gebruik, word ook hiermee gevra. Besonderhede van die aansoek le te insae gedurende gewone kantoorure by die kantore van die stadsbeplanners, Tweede vloer, Wesvleuel, Burgersentrum, Polokwane, vir 'n tydperk van 28 dae vanaf 3 April 2018. Besware teen of vertoe ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 3 April 2018, maar nie later as 2 Mei 2018 nie, skriftelik by of tot die Munisipale Bestuurder, by bovermelde adres of by Posbus 111, Polokwane, 0700, ingedien of gerig word. Adres van agent: Posbus 3519 Polokwane 0700; Tel. (015) 287 3800; e-pos: polokwane@aurecongroup.com.

30-6

LOCAL AUTHORITY NOTICE 35 OF 2018**POLOKWANE/ PERSKEBULT AMENDMENT SCHEME 51**

I, Rian Beukes of the firm Rian Beukes Town & Regional Planners and Property Consultants being the authorized agent of the owner of the Remainder of Erf 367 Annadale, hereby gives notice in terms of Section 56(1) of the Town Planning and Townships Ordinance (Ordinance 15 of 1986) read together with the provisions of the Spatial Planning and Land Use Management Act, (Act No 16 of 2013) that we have applied to the Polokwane Municipality for the amendment of the Polokwane/ Perskebult Town Planning Scheme, 2016 for the rezoning of the above-mentioned property which is situated at 94 Railway Street, Annadale from "Residential 1", to "Residential 3" to permit a residential building comprising of 28 rooms on the property.

Particulars of the application will lie for inspection during normal office hours at the office of the Town Planners or at the office of the Manager: Spatial Planning and Land Use Management, second floor, West wing, Civic Centre, c/o Landdros Maree Street and Bodenstein Street, Polokwane for a period of 28 days from 30 March 2018. Objections to or representations in respect of the application must be lodged with or made to The Manager: Spatial Planning and Land Use Management at the above address or at PO Box 111 Polokwane, 0700, within a period of 28 days from 30 March 2018. Address of applicant: Rian Beukes Town & Regional Planners and Property Consultants, PO Box 12417, BENDOR, 0713. (015) 230 0010, Fax 086 602 1851. Date of first notice: 30 March 2018.

30-6

PLAASLIKE OWERHEID KENNISGEWING 35 VAN 2018**POLOKWANE/ PERSKEBULT WYSIGINGSKEMA 51**

Ek, Rian Beukes van die firma Rian Beukes Stads en Streekbeplanners en Eiendomskonsultante, synde die gemagtigde agent van die eienaar van die Restant van Erf 367 Annadale, geleë te Spoorwegstraat 94, gee hiermee kennis ingevolge Artikel 56(1) van die Ordonansie op Dorpsbeplanning en Dorpe (Ordonnansie 15 van 1986) saamgelees met die bepalings van die Wet op Ruimtelike Beplanning en Grondgebruikbeheer, (Wet 16 van 2013) dat ek by die Polokwane Munisipaliteit aansoek gedoen het vir die herosnering van die bogendoemde eiendom vanaf "Residensieël 1" na "Residensieël 3" ten einde 'n residensiële gebou, bestaande uit 28 kamers, toe te laat. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Stadsbeplanner of die Bestuurder, Ruimtelike Beplanning en Grondgebruikbeheer, Tweede vloer, Wesvleuel, Burgersentrum, h/v Landdros Marestraat en Bodensteinstraat, Polokwane, vir 28 dae vanaf 30 Maart 2018. Besware en of verhoë ten opsigte van die aansoek moet binne 28 dae vanaf 30 Maart 2018 skriftelik tot die Bestuurder, Ruimtelike Beplanning en Grondgebruikbeheer by bovermelde adres of by Posbus 111, Polokwane, 0700, ingedien, of gerig word. Adres van applikant: Rian Beukes Stads en Streekbeplanners en Eiendomskonsultante, Posbus 12417, Bendor, 0713 (Tel 015 230 0010), e-pos: rian.beukes@telkomsa.net. Datum van eerste publikasie: 30 Maart 2018.

30-6

LOCAL AUTHORITY NOTICE 36 OF 2018**EPHRAIM MOGALE LOCAL MUNICIPALITY
CONFLICTING BUILDINGS/PROPERTY BY-LAW**

Ephraim Mogale Local Municipality, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal System Act, 2000(Act no. 32 of 2000), hereby Publishes its Encroachment on Property Bylaws.

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Introductory provisions

1. Preamble

Whereas section 156(2) and (5) of the Constitution of the Republic of South Africa Act 108 of 1996 (the Constitution) provides that a municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

And whereas Part B of Schedule 4 to the Constitution lists building regulations as a local Government matter to the extent set out in section 155(6)(a) and (7)

And Whereas Ephraim Mogale Local Municipality seeks to identify, control and manage dilapidated and conflicting properties within its area of jurisdiction to ensure that such properties comply with the relevant legislation by formulating a coordinated and integrated strategic plan, processes and procedures which address the current challenges faced within its jurisdiction.

2. Definitions

In this By-law, unless the context otherwise indicates, reference to:

- 1) "**area of jurisdiction**" means the area under the control of the local authority according to the legally determined and declared boundaries of the local authority.
- 2) "**authorised official**" means an employee of the local authority authorised by the local authority or authorised by any delegated official of the local authority, to implement and enforce the provisions of this By-laws.
- 3) "**building**" includes, but is not limited to:
 - a) any structure whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with the-
 - i) accommodation or convenience of human beings or animals;
 - ii) manufacture, processing, storage, display or sale of any goods;
 - iii) rendering of any service;
 - iv) destruction or treatment of refuse or other waste materials;
 - v) cultivation or growing of any plant or crop;
 - b) any wall or part of building;
 - c) a unit or common property as defined in the Sectional Titles Act, 1986 (Act no. 95 of 1986); or
 - d) any vacant or unoccupied erf of whatever nature and size, with or without walls, with or without a roof and if there is a structure, whether or not building plans for such structure are approved by the relevant authority in terms of any legislation;

- e) any advertising sign, advertising board or other structure as defined in the local authority's advertising sign By-laws, as promulgated from time to time;
- f) all structures which fall within the definition of "building" in:
 - i) the National Building Regulations and Building Standards Act, (Act 103 of 1977), any amendments thereto or substitutions thereof, as well as any Regulations promulgated thereunder or any deemed-to-satisfy or similar standards published by the Government Printers;
 - ii) any town planning scheme in operation in respect of the property;
 - iii) all regulations and standards issued by the South African Bureau of Standards or related authority.
- 4) "**Court**" means the Magistrates court or High Court or Municipal court having jurisdiction over an area falling within the local authority;
- 5) "**local authority**" means:
 - a) the Ephraim Mogale Local Municipality, a municipality duly established in terms of items 2 of the Provincial Notice No. 6766 of 1 October 2000, exercising its legislative and executive authority through its municipal council;
 - b) its successors in title or assigns; or
 - c) the Executive Committee of the Ephraim Mogale Local Municipality; or
 - d) any officer employed by the Ephraim Mogale Local Municipality in connection with these By-laws and delegated to him/her by the Ephraim Mogale Local Municipality in connection with these By-laws; or
 - e) any structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in Section 59 of the Municipal Systems Act, 2000 (Act no. 32 of 2000);
- 6) "**property**" means any piece of land registered as a separate entity of land in a deeds registry as an erf, lot, plot, farm, stand or agricultural holding and includes any unit and land contemplated in the Sectional Title Act, 1986 (Act No. 95 of 1986) and any public place depicted on the general plan of a township or any piece of land used as if registered as a separate entity of land in a deeds registry as an erf, lot, plot, farm, stand or agricultural holding and includes any unit and land contemplated in the Sectional Title Act, 1986 (act No. 95 of 1986) or used for a similar purpose, and includes any public road, park, private road or any piece of land of whatever nature.
- 7) "**Conflicting Property/Building**" includes any:
 - (a) Building or excavated land that have been abandoned or appears to have been abandoned by the owner with or without the consequence that rates or other service charges are not being paid;

- (b) Building or excavated land that is derelict in appearance, overcrowded or showing signs that it is unhealthy, unsanitary, unsightly or objectionable
- (c) Building or excavated land that is the subject of complaints from the public;
- (d) Building or excavated land that is illegally occupied;
- (e) Building partially completed or structurally unsound and that shows signs of any of the risks contemplated (a) to (d)

3. Application of the by-laws

This By-laws apply to all properties and buildings in the area and jurisdiction of the local authority.

Authorised official

4. Appointment or assignment of authorised official

The Town Planner/Building Inspector or any other person with the relevant authority delegated to him/her by the local authority or its delegated official, shall appoint so many authorised officials he/she may deem necessary to implement and enforce the provisions of this By-law.

5. Identification of authorised official

An authorised official shall at all times identify him/herself to the responsible person with an identification card as provided to him/her for this purpose by the local authority at the time of his/her appointment.

6. Entry and inspection by authorised official

- 1) Any authorised official may enter any property or building at any reasonable time with a view to:
 - a) inspect and/or determine whether the property or building complies with these By-laws and any other legislation;
 - b) inspect and determine whether the property or building is, in his/her opinion, a conflicting building/property;
 - c) serve the responsible person with a notice contemplated in these or any other By-laws or legislation.
- 2) No persons shall hinder or obstruct the authorised official in the exercise of his/her powers in terms of this By-law.

7. Powers of authorised official

- 1) The authorised official may, subject to the provisions of this section, declare a property or a building or any part thereof a Problem Property, provided that one or more of the following circumstances exist at the property:

- a) the building appears to have been abandoned by the registered owner or responsible person with or without the consequence that rates or other municipal services charges have not been paid for a period of more than three (3) months during any period of twelve (12) months.
 - b) the building does not comply with existing legislation and/or is not maintained in accordance with the health, fire-safety, Town Planning and building control By-laws;
 - c) the building has no or limited use of lifts installed in the building;
 - d) is overcrowded as envisaged in any laws, By-laws, town planning scheme in operation or any other relevant legislation;
 - e) is unhealthy, unsanitary, unsightly or objectionable as determined by the personnel in the Building control, section with formal build environment qualifications and experience ;
 - f) has overloaded or illegally connected electricity supply;
 - g) has illegally connected water supply;
 - h) if the occupants does not have an occupational certificate;
 - i) approved building plan;
 - j) has illegal connections to sewer mains;
 - k) has overflown or blocked sewer drains;
 - l) is subject to complaints of criminal activities, including but not limited to drug dealings, prostitution, money laundering;
 - m) is occupied illegally;
 - n) where refuse, waste material, rubble, scrap or any similar material is accumulated, dumped, stored or deposited, unless so stored in terms of a valid approval by the local authority;
 - o) is partially completed and the responsible person has not complied with a notice issued in terms of Section 11 of the National Building Regulations and Building Standards Act, 1977;
 - p) is structurally unsound;
 - q) is a threat or danger to the safety of the occupiers, registered owners, responsible person or the public in general.
- 2) The authorised official shall give notice in writing to the responsible person, before so declaring the building or property a Conflicting Property:
- a) stating his/her intention to declare the building or property a Conflicting Property;
 - b) providing brief reasons for such intention; and
 - c) granting the responsible person a period of not less than 10 (ten) days, excluding Saturdays, Sundays and Public Holidays, to provide written representations as to why the building or property is not to be declared a Conflicting Property
- 3) The authorised official shall:
- a) consider the written representations provided to him/her by the responsible person, and;

- b) declare the building as:
 - i) a Conflicting Building/Property; or
 - ii) declare it as not being a Conflicting Building/Property; and
 - c) forthwith provide the responsible person with his/her written decision by way of service in terms of section 9 below.
- 4) The decision taken in terms of section 7(3)(b) above shall not preclude the authorised official from having the authority to issue spot fines as envisaged in these By-laws or any relevant legislation or By-laws or to take any further action as provided for in this By-laws or any other relevant legislation.

Notice to comply and service of notice

8. Notice to comply

- 1) The authorised official shall serve a written notice on the responsible person that the property has been declared a Conflicting Property, requiring such responsible person within a specified period to comply with the provisions of this By-laws and any other relevant legislation or By-laws and the responsible person shall forthwith comply with the notice.
- 2) Despite the provisions of sub section (1), and subject to any applicable legislation, if the authorised official has reason to believe that the condition of any building or property is such that steps should immediately be taken to protect the safety and health of persons or property, he or she may take such steps as may be necessary in the circumstances to alleviate that condition, without serving or delivering such notice on or to the responsible person and may recover the cost of such steps from the responsible person.
- 3) If the authorised official deems it necessary for the safety of any person, he or she may, by notice in writing, and subject to any applicable legislation:
 - a) Order the responsible person of any Conflicting Property to remove, within the 15 days of such notice, any person occupying or working, or who for any other purpose is in or on the Conflicting Property, and to take care that no person who is not authorised by the local authority enters the Conflicting Property;
 - b) Order any person occupying, operating or working from, or who for any other purpose is in or on any Conflicting Property, to vacate the Problem Property.
- 4) No person shall occupy, use or permit the occupation or use of any Conflicting Property or continue to occupy, use or permit, the occupation or use of any Conflicting Property in respect of which a notice was given of sub section (3) or steps were taken by the local authority in terms of this section, unless he or she has been granted permission by the local authority in writing that the Conflicting Property may be occupied or used, as the case may be.

9. Service of notices

- 1) All and any notices to be given in terms of this By-laws shall be deemed to be duly given and effectively served on such person:
 - a) When it has been delivered to him/her personally;
 - b) When it has been delivered to a person, who accepts it on behalf of the responsible and who is apparently over the age of 16 years at found at the Conflicting Property or at the responsible person's place of residence or business in the Republic;
 - c) When it has been posted by prepaid registered or certified mail to the responsible person's last known residential or postal address as in possession of the local authority, 7 (seven) days after such posting;
 - d) If the responsible person's address in the Republic of South Africa is unknown, when it has been served on his/her representative in the manner set out in subclasses (1), (2) or (3) above;
 - e) If the responsible person's address and/or agent in the Republic of South Africa is unknown, when it has been posted in a conspicuous place, including but not limited to, the front door or gate to the property, to which it relates.
- 2) It shall be preferable to name the responsible person in the notice, but if his/her full names are unknown to the authorised official, it shall be sufficient if he or she is therein described as the "responsible person" of the property.

General provisions**10. Appointment of an administrator**

- 1) The local authority may apply to the Court for the appointment of an administrator, where the property or building has been declared a Conflicting Property, and in which event, the Court may in its discretion appoint the administrator on such terms as it deems fit in the circumstances.
- 2) The remuneration and expenses of the administrator shall be payable through cost recovery or responsible persons jointly and severally, excluding the local authority;
- 3) The administrator shall, to the exclusion of the responsible person or responsible persons, have the powers and duties of the registered owner of the property, including without limitation, those powers set out herein below, or such powers and duties as the Court may direct:
 - i) Collection of rental and other charges from the occupiers or the responsible person;
 - ii) Maintaining, repairing or renovating the Conflicting Property utilising the rental so collected or from other funding as obtained from whatever source;
 - iii) Payment of charges for the supply of electric current, gas, water, fuel and sanitary services, rates and taxes from such rental or other funding as obtained from whatever source;

- iv) Appointment of a committee to assist in the management of the Conflicting Property;
 - v) Open and operate an account with a banking institution or a building society;
 - vi) All other actions reasonably required to be taken in terms of managing the Conflicting Property; and
 - vii) Any and all actions which the responsible person would, in normal course of business and management of the Conflicting Property, have been able to take.
 - viii) The Court may, at its discretion and on the application of any interested party, remove from office or replace the administrator or on application by the administrator, replace the administrator.
- 4) Upon the expiry of the appointment of the administrator for any reason whatsoever, the administrator shall hand the property back to the responsible person, provided that all remuneration and expenses of the administrator have been paid by the responsible person or responsible persons jointly and severally.

11. Offences and penalties

- 1) Any person who contravenes any provision or fails to comply with any notice issued in terms of this By-laws commits an offence and may, in the sole discretion of the local authority or the authorised official, be fined on the spot to the extent as stipulated by the local authority from time to time.
- 2) Any person who contravenes any provision or fails to comply with any notice issued in terms of this By-laws, commits an offence and shall be liable for criminal prosecution, in addition to the spot fines as contemplated in sub-section (1), and may, upon conviction be liable for a fine stipulated by the local authority or imprisonment for a period not exceeding three years or both such fine and imprisonment.

12. Civil action

- 1) In addition to or instead of the action set out above, the local authority may, in its sole discretion, proceed with civil action against any responsible person or person who contravenes or permits a contravention of the provisions of this By-law.
- 2) All costs of the civil action on an attorney and client scale shall be recoverable by the local authority from the responsible person or person who contravenes this By-law in respect of all legal action taken against such responsible person by the local authority.

13. Indemnity

The local authority or any authorised official shall not be liable to the responsible person or any person for any damages of whatever nature caused as a result of any lawful or authorised action of an authorised official or the local authority taken in terms of this By-law.

14. Damages

Any responsible person or person contravening this By-law shall be held liable for all damages and actual costs and disbursements the local authority incurs to repair, renovate, alter, close, demolish, remove, secure, maintain, or enforce compliance or payable in terms of this By-law and such damages, actual costs and/or disbursements shall be paid by the responsible person or responsible persons jointly and severally to the local authority upon demand.

15. Exemptions

- 1) Any person may by means of a written application, in which the reasons are given in full, apply to the local authority for exemption from any provision of this By-law.
- 2) The local authority may:-
 - a) Grant an exemption in writing and the conditions which includes the conditions under which, if any, and the period for which such exemption is granted;
 - b) Alter, or cancel any condition in an exemption; provided that the local authority must give reasonable notice of such intention and give the applicant reasonable time to make representations; or
 - c) Refuse to grant an exemption in which case the applicant must be informed of the reasons for such refusal.
 - d) In order to consider an application in terms of sub-section (1), the local authority may obtain the input or comments of the owners or occupants of surrounding premises.
- 3) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the local authority under sub-section (2). If an activity is commenced before such undertaking has been submitted to the local authority, the exemption lapses.
- 4) If any condition of an exemption is not complied with, the local authority may withdraw or cancel such exemption; provided that the local authority must give reasonable notice of such intention and give the applicant reasonable time to make representation.

LOCAL AUTHORITY NOTICE 37 OF 2018

EPHRAIM MOGALE LOCAL MUNICIPALITY
LAND INVASION BY-LAW

Ephraim Mogale Local Municipality, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal System Act, 2000 (Act no. 32 of 2000), hereby Publishes its Land Invasion By-law.

1. Preamble

Where section 156(2) and (5) of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996) provides that a municipality may make and administer by-laws for the effective administration of the matter which it has the right to administer, and to exercise any power concerning a matter necessary for, or incidental to, the effective performance of its functions.

And Whereas Ephraim Mogale Local Municipality seeks to identify, control and manage land invasion within its area of jurisdiction.

2. Definitions

(1) In this By-law, unless the context otherwise indicates-

“Authorized informal settlement” means an informal settlement which recognized by the municipality as an authorized informal settlement and which will be formalized and upgraded in terms of the Municipal existing policies and programmes;

“Court” mean any division of the High Court or the magistrate’s court in whose area of jurisdiction the land is situated;

“consent” means the express or implied consent by the owner person in charge of occupied land by an occupant of a structure irrespective of whether such consent was given in writing or otherwise;

“eviction” means the permanent removal, in accordance with the provision of a court order and PIE Act, of a person and his or her property from occupation of a structure or the land on which the structure is constructed, and includes a demolition and removal from the land of any structural materials used to construct the structure, and “evict” has a corresponding meaning;

“Head of the household” means any person in the household who has legal capacity to act and is recognized by the majority of the other persons in the household as the person responsible for the maintenance of the welfare and discipline with the household;

“Land” means any land within the area of jurisdiction of the Municipality;

“Land invasion” means the illegal occupation or trespassing of the land or any settlement or occupation of land by people without the express or tacit consent of the owner of the land or the person in charge of the land, or without any other right to settle on or occupy such land;

“Land Invasion Reaction Unit” means a group of officers or workers which may consist of any combination of one or more of the following components;-

- (a) Members of the Municipality’s Law Enforcement Unit
- (b) Member of the South African Police Services;
- (c) Members of the staff of the sheriff or messenger of the court with jurisdiction in the area;
- (d) Members of a private security company contractually engaged by the Municipality to perform certain duties on its behalf; and
- (e) Employees of the Municipality designated by the Municipal Manager;

“Municipality” means Ephraim Local Municipality, a municipality established in terms of Section 12 of the Municipal Structures Act, 1998 (Act No. 117 of 1998);

“Owner” means the registered owner of land;

“Person in charge” in relation to land, means a person who has the legal authority to give permission to another person to enter or reside on that land;

“shack” means any temporary shelter, building, hut, tent, dwelling or similar structure which does not comply with the provision of the National Building Regulation and Building Standard Act, 1977(Act 103 of 1977), the regulations promulgated under that Act and the Municipality’s By-laws and which is primarily used for residential purposes

“Unrecognized informal settlement” means any settlement which will not be formalized and upgraded in terms of the Municipality’s existing policies and whereat any structure constructed will be demolished and removed in terms of this By-law.

Legislations

Key legislation guiding the development of this policy include but not limited to:

- The Constitution of the Republic of South Africa, Act 108 of 1996
- Municipal System Act 32 of 2000
- Spatial Planning and Land Use Management Act, 16 of 2013
- Ephraim Mogale Local Municipality Land Use Management By-law, 2017
- National Building Regulation and Standards Act, 103 of 1997
- Health Act, 63 of 1977
- National Environmental Management Act (NEMA), 107 of 1998
- Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE), 19 of 1998

- Restitution of Land Right Act, 22 of 1994
- Housing Act, Act 107 of 1997 plus the Housing Amendment Act, 4 of 2001
- Land Titles Adjustment Act, 111 of 1993
- Distribution and Transfer of Certain Land Act, 119 of 1993
- Upgrading of Tenure Rights Act, 112 of 1991
- National Road Act, 1971
- Communal Property Associations Act, 28 of 1996
- Interim Protection of informal Land Right Act, 31 of 1966
- Extension of Security of Tenure Act, 62 of 1997 (ESTA)
- National House Consumer Protection Measure Act, 95 of 1998 (NHBRC)

3. Appointment or assignment of Authorised Official

- (1) The Town Planner/Building Inspector or any other person with the relevant authority delegated to him/her by the local authority or its delegated official, shall appoint so many authorised officials he/she may deem necessary to implement and enforce the provisions of these By-law.

4. Duties of the Authorised Official

- (1) The Authorised Official must ensure that all developments are in accordance with the spatial development framework and integrated development plan, Ephraim Mogale Local Municipality Land Use Management By-law and other related policies and by-laws, that the process of township establishment is followed in all cases and must and has the power to-
 - i) Determine, in consultation with his/her superior, whether an informal settlement is a recognized or unrecognized informal settlement;
 - ii) Conduct regular surveys to determine the location, origin and extent of and the conditions prevailing in each informal settlement;
 - iii) Monitor and control all informal settlements and take the necessary steps to prevent land invasion within the area of jurisdiction of the Municipality;
 - iv) Undertake and promote liaison and communication with local communities with view to obtaining their understanding and cooperation regarding the prevention of land invasion in the area of the jurisdiction of the Municipality;
 - v) Keep a register of all residents who are entitled to reside in each authorised informal settlement, and in such register the following details must be entered in respect of each shack in each authorized informal settlement –
 - (a) A unique number allocated to the stand or site on which the structure is constructed;
 - (b) The names, and identity number of the head of the household who is entitled to occupy the structure;

- (c) The names, identity number and relationships to the head of the household of each and every other person occupying the structure as a member of the household;
- (d) The reference number of the file of the Authorised Official that contains a copy of the contractual agreement in respect of the structure;
- (e) The number of the structure rental account;
- (f) The previous address of the household that is entitled to occupy the structure;
- (g) The names, addresses and telephone numbers, if any, of at least two family members of the head of the household who do not live at the same address as the household that is entitled to occupy the structure;
- vi) Ensure that all residents living in a recognized informal settlement are registered in the Municipality's Housing Waiting List;
- vii) Submit written report on the control and management of any informal settlement, or the conditions prevailing in the informal settlement, if and when required to do so by the Municipality;
- viii) For the purpose of informing residents of informal settlement and all other persons visiting informal settlements, ensure that-
 - (a) The contents of this By-law is communicated to all the residents of every informal settlement;
 - (b) A copy of this By-law is posted and maintained in every informal settlement in a prominent place at the venue where the Ward Committee contemplated in section 8 usually holds its meetings;
- ix) Allocate to each site or stand in an recognized informal settlement an individual number as temporary address of the site or stand and must ensure that such number is legibly painted or inscribed in a prominent place on the site or stand;
- x) Perform any other duty or function which may be necessary to ensure the proper management and control of an informal settlement.

5. Considerations regarding determination of status of informal settlements

- (1) The Authorised Official must take into account the following before making any determination whether an informal settlement is recognized or not:
 - (a) Existing and applicable municipality's policies;
 - (b) Application relevant pieces of legislation ;
 - (c) Municipality's land audit on informal settlement;
 - (d) Representations of the owner of the relevant land; and
 - (e) Representations of residents of the informal settlement.

6. Incidents of land invasion

- (1) The Authorised Official must, within a period of 24 hours after he or she becomes aware of an incident of land invasion or not-
 - (a) Commence with the process regarding the determination of the status of the informal settlement as a recognized or an unrecognized informal settlement; and

- (b) Inform the residents of the informal settlement of the status of the informal settlement in accordance with section 7 or section 9, whichever is applicable in the circumstances.
- (2) In the event of the status of an informal settlement contemplated in subsection (1) being determined as a recognized informal settlement, the Authorised Official must deal with the matter in accordance with the provisions of section 7.
- (3) In the event of the status of an unrecognized informal settlement being determined, the Authorised Official must deal with the matter in accordance with the provisions of section 9.

7. Procedure relating to the management and monitoring of recognized informal settlements

- (1) As soon as a determination of the status of a recognized informal settlement has been made, the Authorised Official must, together with the Ward Committee or the Ward Councilor, visit the informal settlement and notify the residents of the status of recognized informal settlement by means of holding community meetings in the area.
- (2) The Authorised Official must implement measure to manage and monitor the occupancy of residents in the settlement area in order to prevent the construction of unauthorized structures in the recognized informal settlement and the taking up of residence by unrecognized residents in the informal settlement.
- (3) Any unauthorized occupancy in the recognized informal settlement contemplated in subsection (2) must be dealt with in accordance with the provisions of section 9 of this by-law.
- (4) In respect of a recognized informal settlement contemplated in subsection (1), the Authorised Official must, as and when required, inform the Finance Department of the Municipality of such settlement and make information contemplated in section 4 (v) available to that Department.
- (5) The Finance Department of the Municipality must-
 - (a) Institute, operate and maintain an appropriate account for services rendered by the Municipality to each registered shack in the authorised informal settlement and for any charges levied for the right of occupation of a particular site or stand in the authorised informal settlement, subject to relevant legislation; and
 - (b) Ensure that such an account is supplied to the head of the household of each registered shack in the authorised informal settlement, subject to relevant legislation.

8. Ward committee's role

- (1) A ward Committee, of which a Ward Councillor is a chairperson, and the Authorised Official, should meet on quarterly basis, and at such meetings the Authorised Official should provide progress reports on all matters relating to the recognized settlement and communicate matters of general concern to the Ward Committee.

- (2) Special public meetings of residents may be convened from time to time by the Ward Committee to communicate with and inform the residents of matters relating to the informal settlement
- (3) Notwithstanding the provision of subsection (1), (2) and above, the Ward Councillor may, in terms of this subsection, call a community meeting of residents to inform them of matters concerning the informal settlement.

9. Procedure relating to the termination of unrecognized informal settlements

- (1) As soon as a determination of the status of an informal settlement has been made, the Authorised Official must together with the Ward Committee or the Ward Councilor visit the informal settlement and notify the occupants of the status of the informal settlement by means of holding community meeting in the area.
- (2) If the informal settlement is on land that does not belong to the Municipality, a copy of the notice contemplated in subsection (1) must also be delivered to such owner.
- (3) If the residents notified in terms of subsection (1) cooperate and vacate their structure and remove their structural materials and other personal property from the site or stand in the unrecognized informal settlement, the Authorised Official must take such steps as he or she may deem appropriate to prevent a recurrence of any incident of land invasion or illegal land occupation on that site, stand or unauthorized informal settlement, land invasion or illegal land occupation.
- (4) If the residents notified in terms of subsection (1) fail to cooperate and vacate their structure and remove their structural materials and other personal property from the site or stand in the informal settlement, the Authorised Official must immediately institute the necessary legal procedures to obtain an eviction order contemplated in subsection (5)
- (5) Within a period of 24 hours after the expiry of the period in the written notice contemplated in subsection (1), the Authorised Official must commence the process to obtain an eviction order contemplated in section 4, 5 or 6 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998), against any person or persons jointly or severally, occupying or residing in a structure or on a site or stand in the informal settlement.
- (6) The Authorised Official must, within a period of 24 hours after obtaining the eviction order referred to in subsection (5), deploy the Land Invasion Reaction Unit to execute the eviction order and to terminate the unrecognized informal settlement.

10. Disposal of building material and personal property

- (1) In the execution of any building materials and other personal property belonging to a resident or occupier of a shack in an unauthorized informal settlement must be removed and stored in a safe place by the Municipality.
- (2) If the building materials and other personal property are not claimed by their owner within a period of three months after the date of the removal and storage, the building materials and personal property must be sold to the best advantage by the Municipality.

- a) Subject to the laws governing the administration and distribution of estates, nothing in this subsection contained may deprive the heir of any deceased person of his or her right to the balance of the proceeds of the property;
- (3) The Authorised Official must compile and maintain a register in which is recorded and appears
 - a) Particulars of all building materials or other personal property and stored in terms of this by-law;
 - b) The date of the removal and storage of building materials or other personal property in and the name and site or stand number of the owner of the building materials or personal property;
 - c) The signature or left thumb print of the person who is claiming ownership and to whom delivery of building materials or other personal property has been made;
 - d) Full details of the amount realized on the sale of building materials or other personal property and the date of the sale; and
 - e) If building materials or other personal property has been destroyed, abandoned, dumped or otherwise disposed a latter by the Municipality to the effect that the building materials or personal property was valueless.

11. Liability

- (1) Neither the Municipality nor any of its officials acting within the reasonable scope of their authority are liable for any loss or damage to property or injury to any resident or occupier of a structure in an unrecognized informal settlement or any other person for any reason whatsoever.

12. Prohibition of receipt or solicitation of consideration in respect of unlawful occupation of land

- (1) No person may directly or indirectly receive or solicit payment of any money or other consideration as a fee or change for arranging or organizing or permitting a person to occupy land without the consent of the owner or person in charge of that land.
- (2) Any person who contravenes is guilty of an offence and liable on conviction to a fine or to imprisonment or to both such fine and such imprisonment.
- (3) The court that convicts any person of a contravention of this section must order any money or other consideration which was received by that person and which has been seized to be forfeited, and the money and the proceeds of the consideration may be paid to the person or persons from whom the money or consideration must be paid to the person or persons from whom the money or consideration was received, and where such person or persons cannot be positively identified, such money or proceeds of the consideration must be paid to the Municipality
- (4) If any money or other consideration has been received, but has not been seized or made available for the purposes of confiscation, the court that convicts a person of a contravention of this section may order the amount proved to the satisfaction of the court to have been received by such person to be paid to the person or persons from whom the money or consideration was received, and where such person or persons cannot be

positively identified, the money or proceeds of the consideration must be paid into the Municipality. Such order has the effect of a civil judgment and may be executed against such person who received the money or consideration as if it were a civil judgment in favor of the person or persons from whom the money or other consideration was received or in favor of the Municipality.

13. Offences

- (1) Any person who incites, assists and/or abets persons to occupy land unlawfully shall be guilty of an offence.
- (2) Any person who directly or indirectly receives or solicits payment of any money or other consideration as a fee or charge for arranging or organizing or permitting a person to occupy land without the consent of the owner or person in charge of that land shall be guilty of an offence.
- (3) Any person who wilfully or in a grossly negligent manner hinders or obstructs Authorized Official, Ward Councillor, Ward Committee, Land Invasion Reaction Unit or any other official of the Municipality in the execution of their duties in terms of this By-law shall be guilty of an offence.

14. Any person found guilty of an offence in terms of the provisions of section 13 (1) and (2) shall be liable to a fine, not exceeding (R1 000. 00 or three (3) months imprisonment or both such fine and imprisonment.

15. Any person found guilty of an offence in terms of the provisions of section 13 (2) shall be liable to:-

- (i) Refund any money or other consideration which was received by that person and which has been seized to be forfeited, and the money and the proceeds of the consideration may be paid to the person or persons from whom the money or consideration was received, and where such person or persons cannot be positively identified, such money or proceeds of the consideration must be paid into the Municipality's Revenue Account. purposes of confiscation,
- (ii) If any money or other consideration has been received in contravention of subsection 13 (2), but has not been seized or made available for the court that convicts a person of a contravention of this section may order the amount provided to the satisfaction of the court to have been received by such person to be paid to the person or persons from whom the money or consideration was received, and where such person or persons cannot be positively identified, the money or proceeds of the consideration must be paid into the Municipality's Revenue Account.
- (iii) Such order has the effect of a civil judgment and may be executed against such person who received the money or consideration as if it were a civil judgment in favor of the person or persons from whom the money or other consideration was received or in favor of the Municipality.

16. Short title

This by-law shall be called Ephraim Mogale Local Municipality Land Invasion By-law and comes into operation on the date of promulgation

17. Application of by-laws

- (1) This by-law applies to all informal settlements within the jurisdiction of the Ephraim Mogale Local Municipality

LOCAL AUTHORITY NOTICE 38 OF 2018**EPHRAIM MOGALE LOCAL MUNICIPALITY
ENCROACHMENT ON PROPERTY BY-LAW**

Ephraim Mogale Local Municipality, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal System Act, 2000(Act no. 32 of 2000), hereby Publishes its Encroachment on Property By-law.

1. Definitions
2. Application of this bylaw
3. Council permission required
4. Rules for the construction of projections
5. Columns
6. Balconies and bay windows
7. Plinths, pilasters, corbels and cornices
8. Verandas around corners
9. Pavement opening
10. Maintenance, removal and tenancy of projection
11. Encroachment erected in front of building
12. Encroachment
13. Prescribed fee for special services
14. Offences and penalties

1. Definitions

1) In this by-laws unless the context otherwise indicates, reference to:

“Council” means the council of Ephraim Mogale Local Municipality as contemplated in section 18 of the Local Government: Municipal Structure Act, 1997 (Act 117 of 1997) and include any committee or employee of the council exercising powers or performing duties delegated to that committee or employee by the council.

“Council property” means any property, including, but not limited to public roads

- (i) Which is owned by council;
- (ii) Controlled by council;
- (iii) In respect of which a servitude or other property right has been registered in favor of the council.

“Encroachment” means any physical object, be it either of temporary or a permanent nature, which intrudes on or over municipal property, or property which the Council has control over or other property in respect of which a servitude, building line or other property right has been registered in favor of the council;

“m” Means metre;

“mm” means millimetre;

“

“Municipality” means the Ephraim Mogale Local Municipality established in terms of section 12 of the Local Government: Municipal Structure Act, 1998 (Act 117 of 1998).

“Prescribed” means a fee determined by the Council by resolution.

“Public road” means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and include-

- (i) The verge of any such road, street or thoroughfare
- (ii) Any bridge, ferry or drift traversed by such road, street or thoroughfare; and
- (iii) Any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

2. Application of this by-law

This by-law applies to a person who intrudes, or intends to intrude on municipal property by means of an encroachment in a manner specified in this By-laws

This by-law applies to all properties and buildings in the jurisdiction of Ephraim Mogale Local Municipality.

3. Council permission required

- (1) No person may, without prior written permission of the Council,
 - a) make or build any-
 - i) building
 - ii) colonnade,

- iii) veranda,
 - iv) balcony,
 - v) bay window,
 - vi) pavement light,
 - vii) showcase
 - viii) platform
 - ix) step
 - x) ramp
 - xi) sign
 - xii) carport
 - xiii) cat-crane/ lifting crane
 - xiv) window on a ground story level, if the window opens over a public place and the window is at any point lower than 2.3m measured from the surface of the public place; a gate or door which open outwards thus projecting over or across a portion of a public place; or other encroachment on or over any part of a public road, and pavement opening in or under any public road.
- b) alter an existing building or structure; or
 - c) allow a branch of a plant such as, but not limited to a tree or shrub, growing on his or her premises,

so as to encroach, hang over suspend or intrude in whatever manner, from his or her premises on, into, over, or under municipal property, such as, but not limited to encroachment beyond the street line into a public place or over a part of a public road or pavement opening in under a public road, and a permit issued by the Council includes approval by the Council of the design, arrangement and construction of an encroachment over a public road, as well as the paving, kerb and gutter thereof, and should a person fail to obtain a permit, the council may issue a demolition order, as contemplated in section 7, on the person.

- 2) A person who wishes to obtain a permit must submit to the Council for consideration a complete form similar to the form contained in Schedule 1 refers, which schedule refers, and the Council may require, for its consideration, drawings, plans or other information as it may deem fit.
- 3) The Council may refuse the permission required in terms of subsection (1) or may grant such permission either unconditionally or upon the conditions and subject to the payment of the prescribed fee annually or the performance of the works or services determined by the Council in each case and subject to payment of the prescribed fee.
- 4) The Council may, instead of issuing a permit or demolition order, require the owner of the premises to enter into a lease agreement with the Council over the portion of the municipality property into which the encroachment encroaches.
- 5) A permit is not required in the instances where
 - a) An owner has alienated to the Council an area reserve for road purposes in terms of Section 9 of Marble Hall Town planning scheme and has retained a right to project a portion of a building under or over such area; and
 - b) A flagpole is erected and used for the sole display of the national flag of a country on a building that is wholly or partly occupied by the consulate or embassy of that country.

4. Tenant at will

- 1) The owner of land and the person who has erected or constructed an encroachment, into, under or over municipal property is a tenant at will in respect of the encroachment.
- 2) The owner of the building in connection with which any encroachment existing must allow the Council to erect on, or attach to the encroachment anything require in connection with electrical or other services.
- 3) Where an encroachment has been erected or constructed in front of a building which adjoins a footway or building, the owner must at his or her expense, and in accordance with the provisions set out in Section 6, which schedule refers-
 - a) Pave the footway or pavement under the encroachment or in front of the building for the full width of the footway or pavement; and
 - b) Lay the street kerbing and guttering in front of the building for the full width of the footway or pavement.

5. Prescribed fee

- 1) The prescribed fee, as determined by the Council, is payable in advance at the beginning of each year which is calculated from date of approval or the period determined by the Council, and the owner of the encroachment is liable for the payment of the prescribed fee.
- 2) Where a person-
 - a) Requires a special service from the Council;
 - b) Requests the Council to attend at building to give advice as to the effect of this By-law on proposals put forward by architects, builders or owners; or
 - c) Has been ordered by the Council have the Council attend at a building to give advice as to the effect of this By-law on proposals put forward by architects, builders or owners, he or she must pay the prescribed fee before such special service is rendered or before the Council attends at a building.
- 3) The council, in determining the fee to be prescribed, may distinguish and differentiate between type and dimensions of encroachment and the nature of the municipal property.
- 4) The owner of an encroachment must within three months after the date of commencement of this By-law apply to the Council in writing for condemnation of:
 - (a) the existence of the encroachment; and
 - (b) the horizontal dimension of every encroachment measured - parallel to the road boundary on or over which the encroachment exists.
- 5) Until the Council is notified of the horizontal dimension of the encroachment mentioned in terms of subsection (4)(b), every encroachment relating to a building is deemed to have an aggregate horizontal dimension equal to the total road

frontage on or over which the encroachment exists, of the property on which the building concerned is situated.

6. Maintenance of encroachment

The owner of an encroachment must maintain the encroachment in proper repair and outward appearance, and where an encroachment is not being maintained in such state, the Council may act in terms of section 8.

7. Demolition order

- 1) A person on whom a demolition order has been served, must demolish so much of the encroachment as is encroaching in, into, under, over or on municipal property, and remove the materials and restore the surface of municipal property to its former condition
- 2) The Council may dispose of the whole or any part of the material from any building, where wholly or partly removed or demolished, by public auction or public tender
- 3) The exercise of any powers set forth in subsection (1) and (2) shall not prejudice or diminish the right of the Municipality to recover in terms of the provisions of this code.

8. Notice of compliance and representations

- 1) Where a person fails to comply with the provisions of section 7, the council may serve a notice of compliance on the person, which notice must state the following:
 - a) The name and residential or postal address of the affected person;
 - b) The measures required to restore the encroachment to the state contemplated in section 7;
 - c) That the person must within a specified period take the measure to comply with the notice and to complete the measures before a specified date; and that notice and to complete the measures before a specified date; and
 - d) That the person may within 14 days make written representations in the form of the sworn statement or affirmation to the Council at a specified place;
- 2) The Council, when considering any measure or period envisaged in subsection (1) (b) or (c), must have regard to the principles and objectives of this By-law, the nature of the non-compliance, and other relevant factors.
- 3) When a person does not make representations in terms of subsection (1)(d), and the person fails to take the measures before the date contemplated in subsection (1) ©, he or she commits an offence, and the Council may, irrespective of any fines which may be imposed under section 13, act in terms of subsection (5).
- 4)

- a) Representations not lodged within the time completed in subsection (1)(d) will not be considered, except where the person has shown good cause and the Council condones the late lodging of the representations,
 - b) The Council must consider the timely representations and any response thereto by an authorised official.
 - c) The Council may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to the permit holder, who must be given an opportunity of making a further response if he or she so wishes, and the Council must also consider the further response.
 - d) The Council must, after consideration of the representations and may response and further response make an order in writing and serve a copy of it on the person, which order must confirm, in whole or in part, alter, or set aside the notice of compliance is confirmed, in whole or in part, or altered, the Council must inform the person that he or she must, within the period specified in the order and that failure to do so constitutes an offence.
 - e) Where a person fails to discharge the obligated in subsection (4) (d), he or she commits an offence and Council may, irrespective of any fines which may be imposed under section 13 in terms of subsection (5).
- 5) The Council may take such measures as it deems necessary to remedy the situation, and the cost thereof must be paid to Council in accordance with section 10.

9. Coasts

- 1) Should a person fail to take the measures required of him or her by a notice of Compliance contemplated in section 8, the Council may, subject to subsection (3) recover, as a debt, all costs incurred as a result of it acting in terms of section 8(5) from that person and any or all the following persons:
 - a) The owner of the land, building or premises; or
 - b) The person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about.
- 2) The costs recovered must be reasonable and may include, without being limited to, costs relating to labor, water, equipment, administrative and overhead costs incurred by the Council under section 8(5).
- 3) If more than one person is liable for costs incurred, the liability must be apportioned as agreed among the persons concerned according to the degree to which each was responsible for the emergency resulting in their respective failures to take the required measures.
- 4) The owner of the building in connection with which any encroachment exists must defray any cost incurred in connection with wires or property of the Council.

10. Authentication and service of notices and other documents

- 1) A Notice issued by the Council in terms of these By-laws is deemed to be duly issued if it is signed by an official authorised by the Council.
- 2) Any notice or other document that is served on a person in terms of this By-laws is regarded as having been duly served-
 - a) When it has been delivered to that person personally;
 - b) When it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
 - c) When it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgement of the posting thereof from the postal service is obtained;
 - d) If that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - e) If that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
 - f) In the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate; or
 - g) When it has been delivered, at the request of that person, to his or her e-mail address
- 3) Service of a copy is deemed to be service of the original.
- 4) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other documents as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.

11. Appeal

- 1) A person whose right are affected by a decision of an official of the Council acting in terms of this By-law may appeal against that decision by giving written notice of the appeal and reason to the Municipal Manager within 21 days of the date of the notification of the decision.
- 2) The appeal authority contemplated in subsection (3) must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a result of the decision detract from any rights that may have accrued as a result of the decision.
- 3) When the appeal is against a decision taken by-
 - a) A staff member other than the Municipality Manager, the Municipal Manager is appeal authority;

- b) The Municipal Manager, the Execution Mayor is the appeal authority; or
 - c) A political structure or political officer bearer, or a Councilor the Council is the appeal authority
- 4) +The appeal authority must commence with an appeal within six weeks of receipt of the notice of appeal and decide the appeal within a reasonable time.

12. Penalties

- 1) A person who has committed an offence in terms of this By-law is, on conviction, and subject to penalties prescribed in any other law, liable to a fine or in default of payment, to imprisonment for a period not exceeding 3 months, or a fine of R1000.00 or to such imprisonment without the option of a fine, or to both such fine and imprisonment, and in the case of a successive or continuing offence, to a fine for everyday such offence continues, or in default of payment thereof, imprisonment for a period not exceeding 3 months.

13. Saving and transitional provisions

The owner of an encroachment in existence at the date of commencement of this By-laws and for which the council has not previously issued a permit must, within 6 (six) months after the date of commencement of this By-law, notify the Council and for this purpose must complete and submit the application to the Council, of the existence of the encroachment and must provide the particulars of the encroachment as specified in the form posted on the municipal website, and should the owner fail to comply with the provisions of this section, the Council may issue a demolition order as contemplated in section 7.

14. Short title and commencement

These By-law is called Empraim Mogale Local Municipality Encroachment on Municipal Property By-laws, and commence on the date determined by the Council.

15. Rules for the construction of encroachments

- 1) The design, arrangement and construction of verandas, balconies, bay windows and other encroachments over public roads, as well as the paving, kerb and gutter thereof must be to the satisfaction of and to the levels approved by the Council.
- 2) If corrugated iron is used for covering a veranda, its exposed surfaces must be painted.
- 3) A veranda over a public road must correspond in line, height and detail with existing adjoining verandas.

16. Columns

- 1) The Council may determine areas within the municipal boundary where no person is permitted to place veranda columns over any public road or pavement.
- 2) No person is permitted to place any veranda column over any pavement where such pavement is less than 2,6 m wide.
- 3) No person may place any veranda column more than 3 m from the building line measured to the outside of the column or at less than 3 m Centre to Centre.
- 4) No person may place any veranda column over any pavement at the corner of a public road that is beyond the alignment of the building lines.
- 5) No person may place a portion of any veranda column at a distance lesser than 600mm back from the front edge of any kerb.
- 6) No person may place a twin or double veranda column over any public road or pavement.
- 7) Where verandas are supported on columns, the columns may not have square arris, no base may project more than 50 mm beyond the bottom diameter of the column and the maximum horizontal axial dimensions of such base may not exceed 350 mm.
- 8) Where the form of a column is classic in character, the shaft must have suitable entasis and cap and base in due proportions.
- 9) Columns, including cap and base, may not be less than 3 m or more than 3,6 m in height and not more than 4,5 m including plinth.
- 10) No person may place a column on a public road where the footway or sidewalk is, or is likely to be occupied by cables, pipes or other municipal services, without the permission of the Council.
- 11) The minimum height from the footway or sidewalk to the underside of each cantilever or fascia girder is 3 m.
- 12) The cost of the notarial deed of servitude mentioned in subsection (11) is payable by the owner of the abutting property.
- 13) Plain piping or tubing must not be used for columns over or on public road verandas and balconies unless architecturally treated for aesthetic purposes.
- 14) The coping, blocking course or balustrade, if any, may not extend less than 750 mm nor more than 1,05 m above the floor of a balcony.
- 15) Nothing in these By-laws prohibits –
 - (a) the erection and use of a party column common to two adjoining verandas if the column stands partly on the extended boundary lines of two properties or adjoins the same; or
 - (b) in the case of adjoining verandas, the placement of any column upon a plinth if this is necessary for alignment and all the other provisions of these By-laws are observed.

17. Balconies and bay windows

- 1) Balconies, bay windows or encroachments may not overhang a public road if they are at a height of less than 3 m above the pavement.
- 2) Balconies may not encroach more than 1,35 m over any public road.
- 3) Bay windows may not encroach more than 900 mm over any public road.
- 4) The aggregate horizontal length of bay windows at any level over a public road may not exceed one-third of the length of the building frontage to that road.
- 5) Any balcony superimposed upon any veranda must be set back at least 1,2 m from the line of such veranda.
- 6) No part of any balcony that is attached to any veranda, may be carried up to a height greater than two storeys above the pavement level except that, where the top portion of the balcony is roofed with a concrete flat roof forming a floor, a balustrade not exceeding 1 m in height is allowed above the level of the floor.
- 7) Any dividing wall across a balcony over a public road may not exceed 1 m in height or 225 mm in thickness.
- 8) A balcony over any public road may not be the sole means of access to any room or apartment.
- 9) No person may place or permit or cause to be placed any article upon any balcony over a public road, except ornamental plants, tables, chairs, canvas blinds and awnings not used for signs or advertisements.
- 10) Where any floor of a building is used solely for the parking of a motor vehicle, bay windows at the level of the floor may not project over any public road for more than 1,35 m for the full length of the building frontage to that road.

18. Plinths, pilasters, corbels and cornices

- 1) No plinths, pilasters or other encroachments beyond building lines carried up from ground level are permitted to encroach on a public road.
- 2) Any pilaster, cornice, corbel or similar architectural feature that is at least 3 m above the ground may not exceed the following encroachment over a public road:
 - (a) A pilaster: 450 mm the total aggregate frontage length of the pilaster may not exceed one-fifth of the building frontage and bay windows in the same story must be included in the calculation of the maximum aggregate length for bay windows;
 - (b) a fire-resisting ornamental hood or pediment over a door : 600 mm and in any part not less than 2,75 m in height above the footway or pavement;
 - (c) a cornice : 1,05 m where not exceeding 10,5 m above the footway or pavement and one-tenth of the height from the footway or pavement if exceeding 10,5 m with a maximum of 1,8 m.

19. Verandas around corners

Where verandas are built around corners of public roads they must be properly splayed or rounded to follow the curves of the kerb.

20. Pavement openings

- 1) No pavement opening may be the sole means of access to any vault or cellar.
- 2) No pavement opening on any public road may extend more than 1,2 m beyond the building line.
- 3) Where flaps are permitted in pavement openings each flap may not exceed 0,75 square metres in area and must open upwards and while open, must be provided with stout iron guard rails and stanchions.
- 4) Flap openings may be opened and used only for the purpose of lowering and raising goods and must be kept closed except when lowering and raising operations are in progress.
- 5) The front wall or wall parallel to the kerb in every opening must be built with a suitable batter to the satisfaction of the Council. No pavement opening may be covered with metal bar gratings or with metal plates or with wood.

21. Cut cranes, lifting cranes and platforms

- 1) Cat- head, lifting crane, platfor and other such other contrivance may not overhang a sidewalk or street.
- 2) In the instance where the Council granted a permit, the contrivance contemplated in sub item(1) may be situated under a balcony and above first floor level, but the contrivance must be capable of being housed in the building to which it belong, and may only lift goods from outside the line or kerb

22. Slab footways or pavements

- 1) Paving must be of pre-cast slabs, 450mm by 450 mm in size with a minimum thickness of 50 mm.
- 2) The shape of all slabs must be rectangular, and the slabs must be laid with joints parallel and at right angle to kerbing.
- 3) The backing of the slabs must be 40mm thick and composed of concrete, of wich three volumes must bee 6mm stone, one volume 3 mm stone, free from dust, two volumes drift sand and one volume Portland cement, the toping must be 12mm thick composed of one and half volumes of granite chipping which pass through a 6 mm screen but are retained by a 3 mm screen, and one volume Portland cement, The proportion of any coloring matter introduced slabs must be such as not to impair the strength of the mixture.
- 4) Slabs must be laid to the grade, line and cross-fall point out by the Council and must conform to the following further requirements:
 - a) For ordinary slabs the minimum cross-fall must be 1:100 and the maximum cross-fall 1:25.

- b) Non-skid slabs of a type to be approved by the Council must be used for cross falls between 1:25 and 1:15, provided that the maximum cross-fall may not exceed 1:15.
 - c) Longitudinal grades may not be steeper than 1:20 ordinary slabs and Non-skid slabs must be used for longitudinal grades between 1:15 and 1:20, provided that when the longitudinal grade is steeper than 1:15, asphaltic concrete must be used.
 - d) Prior notice of at least three working days must be given to the Council of the intention to lay slabs or asphaltic concrete on any footway or Pavement.
- 5) When carriage opening are formed in kerbs and across footways or pavement, such slabs must be of sizes 300 mm by 150 mm in thickness. All such slabs must be solidly bedded in suitable material and joints between the slabs must be formed in lime mortar consisting of at least one volume lime to three volumes sand, provided that such joints may not exceed 20 mm nor be less than mm in width.
 - 6) Should any person desire to lay slabs, he or she must submit a sample to the Council for testing and approval in writing before any such materials are deposited upon a public footway or pavement. Should the materials be approved, all the provision of this schedule in regard to shape, size and laying must be observed as far as applicable.
 - 7) No person may lay or fix any concrete bedding under such paving slabs nor cause any joint thereof to e of cement mortar.
 - 8) No person shall lay asphalt, tar macadam, concrete or granolithic in situ in any pavement or any street or sidewalk or footway unless especially permitted in writing by the Council to do so.
 - 9) No person may slabs of any other kind, colour, size or shape, or in any manner other than as specified in this schedule, unless duly authorised thereto by the Council.

23. Maintenance, removal and tenancy of projections

- 1) The owner of any encroachment must maintain the encroachment in good order and repair.
- 2) Pavement openings, pavement lights, walls thereof and basement walls must be made and kept water-tight by the owner.
- 3) The owner of any encroachment on, under or over any public road or pavement, or sign or other fixture on or over any public road, is regarded a tenant in respect of the encroachment, sign or fixture and, if called upon by the Council to remove any or all of them, must do so within 30 days.

24. Encroachment erected in front of building

Where any encroachment has been erected or constructed in front of any building, the owner must at his, her or its own expense –

- 1) pave the whole of the footway or pavement under the encroachment or in front of the building in which the pavement opening is fixed; and
- 2) lay the road kerbing and guttering and paving in front of the building for the full width of the footway or pavement.
- 3) erect a fence conforming with Council's specification
- 4) maintain such fencing to satisfaction of council

25. Encroachments

(a) Any person other than the owner wishing to erect or construct an encroachment or any other fixture on, under or over any public road, or any immovable property owned by or vested in the Council, must apply to the Building Control Officer on a form provided by the Council for that purpose.

(b) Where in the opinion of the Building Control Officer drawings are required for the conclusion of an encroachment agreement, the prescribed charge in addition to any other prescribed charge is payable to the Council.

12.2 Any person erecting, constructing or possessing any encroachment or fixtures on, under or over any public road, is regarded as a tenant in respect of the encroachment or fixture, and, if notified in writing by the Council under the hand of the Building Control Officer to remove any such encroachment or fixture, must do so within the period stated in the notice.

12.3 The owner of the building in connection with which any encroachment or fixture exists, or is proposed –

(a) must defray any cost incurred in connection with wires or property of the Council;

(b) must allow the Council to erect on, or attach to the encroachment or fixture or anything required in connection with electrical or other activities.

26. Prescribed fee for special services

Any person who requires any special service from the Council, including the attendance necessary in respect of a dangerous building, must pay to the Council the prescribed fee with regard to the special service as well as a prepaid prescribed fee for the Council to attend at a building on request or for the Council to give advice as to the effect of these Bylaws on proposals put forward by architects, builders or owners.

27. Offences and penalties

Any person who –

- (a) contravenes or fails to comply with any provisions of these By-laws; or

- (b) fails to comply with any notice issued in terms of these By-laws; or
- (c) fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws, is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

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