



THE PROVINCE OF MPUMALANGA  
DIE PROVINSIE MPUMALANGA

## Provincial Gazette Provinsiale Koerant

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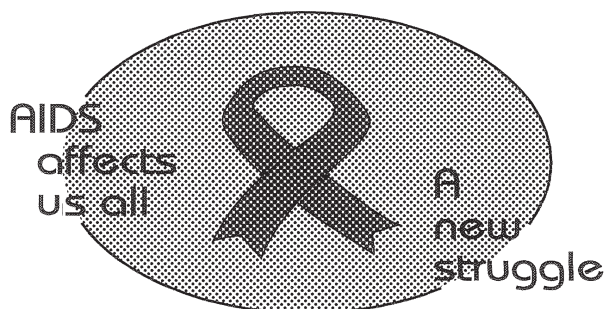
Vol: 28

NELSPRUIT

30 July 2021  
30 Julie 2021

No: 3284

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



**Prevention is the cure**

**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

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## IMPORTANT NOTICE:

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS****GENERAL NOTICE 44 OF 2021****STEVE TSHWETE AMENDMENT SCHEME 7, ANNEXURE A7****NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME, 2019, IN TERMS OF SECTION 62(1), AND 94(1)(a), & (2)(a) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016**

I, Johannes Petrus Coetzee (ID 750723 5047 088) of Urban Dynamics Mpumalanga (PTY) LTD being the authorised agent of the registered owner of Erven 12-15, Hendrina hereby gives notice in terms of Section 94(1)(a) and (2)(a) Chapter 6 of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that we have applied to the Steve Tshwete Local Municipality for the amendment of the town planning scheme known as the Steve Tshwete Town Planning Scheme, 2019, for the rezoning of the abovementioned property situated at 66, 68 and 70 Beukes Street and 30 Snyman Street by consolidating and rezoning the property from "Residential 1" to "Industrial 1", "Business 1" to "Industrial 1" and "Business 2" to "Industrial 1" for the purpose of fuel depot. Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the Municipal Manager, PO Box 14, Middelburg 1050 within 30 days from **23 July 2021** in the manner as described in Section 99 of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016. Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013 249 7000, for a period of 30 days from **23 July 2021**. Inquiries can be addressed to Mr Meshack Mahamba, Head of Town Planning and Human Settlements at telephone number 013 – 249 7000. Any person who cannot read or write may consult with any staff member of the office of the Senior Manager: Town Planning and Human Settlement during office hours and assistance will be given to transcribe that person's objections or comments.

Address of the Applicant: 7 Dolerite Crescent, Aerorand, 1070, Postal address P.O. Box 11677, Aerorand, Middelburg, 1070, Telephone no. 013 244 1598, email: mail@urbanmbg.co.za.

23-30

**ALGEMENE KENNISGEWING 44 VAN 2021****STEVE TSHWETE WYSIGINGSKEMA 7 EN BYLAAG 7A****KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE DORPSBEPLANNINGSKEMA 2019, INGEVOLGE ARTIKEL 62(1) EN 94(1)(a) & 2(a) VAN DIE STEVE TSHWETE RUIMTELIKE BEPLANNING EN GRONDGEBRUIKSBESTUUR BYWET, 2016**

Ek, Johannes Petrus Coetzee (ID 750723 5047 088) van Urban Dynamics Mpumalanga (PTY) LTD, synde die gemagtigde agent van die geregistreerde eienaar van Erve 12-15, Hendrina gee hiermee ingevolge artikel 94(1)(a) en (2)(a) Hoofstuk 6 van die Steve Tshwete Ruimtelike Beplanning en Grondgebruikbestuur bywet, 2016 kennis dat ons by die Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die Steve Tshwete Dorpsbeplanningskema, 2019, vir die hersonering van bogenoemde eiendom geleë te 66, 68 en 70 Beukesstraat en 30 Snymanstraat, Hendrina deur die eiendomme te konsolideer en hersoneer vanaf "Residensieël 1" na "Industrieel 1", "Besigheid 1" na "Industrieel 1" en "Besigheid 2" na "Industrieel 1" vir die doel van 'n brandstofdepot. Geskrewe kommentaar of besware ten opsigte van die aansoek en die gronde van die besware of verhoë met volledige kontakbesonderhede moet skriftelik ingedien word by die Munisipale Bestuurder, Posbus 14, Middelburg, 1050 binne 30 dae vanaf **23 Julie 2021** soos uiteengesit in Artikel 99 van die Steve Tshwete Ruimtelike Beplanning en Grondgebruikbestuur bywet, 2016. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete Plaaslike Munisipaliteit, Munisipale Gebou, Hoek van Wandererslaan, Middelburg, 1050, Tel: 013 249 7000, vir 'n tydperk van 30 dae vanaf **23 Julie 2021**. Navrae kan gerig word aan Mnr Meshack Mahamba, Hoof van Stadsbeplanning en Menslike Nedersettings by telefoonnommer 013 – 249 7000. Enige persoon wat nie kan lees of skryf nie mag enige personeelid van die kantoor van die Senior Bestuurder: Stadsbeplanning en Menslike Nedersettings gedurende kantoor ure raadpleeg en bystand sal aan sodanige persoon verleen word om die beswaar of kommentaar saam te stel.

Adres van Applicant: 7 Doleriet Singel, Aerorand, 1070, Posbus 11677, Aerorand, Middelburg, 1070, Tel: 013-244 1598, email: mail@urbanmbg.co.za

23-30

**PROCLAMATIONS • PROKLAMASIES**  
**PROCLAMATION NOTICE 52 OF 2021**

**CITY OF MBOMBELA PLOCAMATION NOTICE**

**CITY OF MBOMBELA LAND USE SCHEME AMENDMENT SCHEME NO 56**

The City of Mbombela hereby in terms of the provisions of Section 49 of the Mbombela By-law on Spatial Planning and Land Use Management the City of Mbombela, 2015, declares that it has approved an amendment scheme, being an amendment of the City of Mbombela Land Use Management Scheme, 2019, comprising of the same land as included in the Township of Kamagugu Extension 4.

The Amendment Scheme Maps are filed with the Municipal Manager, No 1 Nel Street, Civic Centre, Mbombela, and are open for inspection at all reasonable times.

This amendment is known as the City of Mbombela Land Use Scheme Amendment Scheme No 56 and shall come into operation on date of publication hereof.

A copy of this notice will be provided in Afrikaans or English to anyone requesting such in writing within 30 days of this notice.

Mr Wiseman Khumalo  
Municipal Manager  
City of Mbombela  
PO Box 45  
Mbombela  
1200

**CITY OF MBOMBELA NOTICE**

**DECLARATION OF KAMAGUGU EXTENSION 4 AS AN APPROVED TOWNSHIP**

In terms of Section 44 of the Mbombela By-law on Spatial Planning and Land Use Management the City of Mbombela, 2015 hereby declares the township of Kamagugu Extension 4 to be an approved township, subject to the conditions set out in the schedule hereto.

A copy of this notice will be provided in Afrikaans or English to anyone requesting such in writing within 30 days of this notice.

Mr Neil Diamond  
Municipal Manager  
City of Mbombela  
PO Box 45  
Nelspruit  
1200

**STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY FRIEDENHEIM LANDGOED PTY LTD (HEREINAFTER REFERRED TO AS THE APPLICANT) IN TERMS OF THE PROVISIONS OF CHAPTER 5 (PART B) OF THE MBOMBELA BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 1 OF PORTION 85 & PORTION 1 OF PORTION 86 OF THE FARM FRIEDENHEIM 282-J.T., PROVINCE OF MPUMALANGA HAS BEEN GRANTED.**

**1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE DECLARATION OF THE TOWNSHIP AS AN APPROVED TOWNSHIP IN TERMS OF THE REQUIREMENTS OF SECTION 49 OF THE MBOMBELA BYLAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2015 (HEREINAFTER REFERRED TO AS MBOMBELA SPLUM BY-LAW)**

**1.1. GENERAL**

1.1.1. The applicant shall satisfy the Council of the City of Mbombela that:

- 1.1.1.1 the relevant amendment scheme is in order and may be published simultaneously with the declaration of the township as an approved township;
- 1.1.1.2 satisfactory access is available to the township and that a public street system is available to all erven in the township;
- 1.1.1.3 certificate, signed by a qualified and registered engineer, be submitted with every building plan to certify that the foundations are adequate with respect to the prevalent soil conditions. Such a certificate must accompany building plans related to improvements on each stand in the township;
- 1.1.1.4 the name of the township as well as the street names have been approved;
- 1.1.1.5 the zonal map for the Geotechnical Report must be submitted to Council in Shapefile format to be included in the City of Mbombela Land Use Scheme;
- 1.1.1.6 the consent has been obtained from the mineral rights holder;
- 1.1.1.7 an approved copy of the General Plan as well as an electronic copy must be submitted to the Local Municipality.

**1.2 The applicant shall comply with the provisions of sections 45, 46, 47, and 48 of Mbombela SPLUM By-law.**

**1.3 No approval will be given for the endorsement of compliance in terms of Section 70 of the Mbombela SPLUM Bylaw if all conditions regarding the provision of service infrastructure have not been fully complied with to the satisfaction of the Department of Technical Services.**

**1.4 The Developer will provide guarantees to the Council in lieu of payment of Bulk Sewer and Water Service Contributions in respect of erven or portions prior to the issuing by the Council of the necessary certificates in terms of Section 68 read with Section 70 of the Mbombela SPLUM Bylaw.**

**1.5 PUBLIC WORKS, ROADS, AND TRANSPORT**

This Department has no objection against the application as no roads are affected. The D725 now falls under the jurisdiction of the Local Municipality.

**1.6 AGRICULTURE, RURAL DEVELOPMENT, LAND, AND ENVIRONMENTAL AFFAIRS**

According to the information provided by you, the land development application is for the purposes of establishing a township on an area measuring 101.1188 ha, currently zoned "Agriculture". A number of activities associated with the development of the proposed township on the subject property require an environmental authorisation, including, inter alia, the following:

- 1.6.1 " Activity 15 of GNR 984 (as amended): The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for -
  - 1.6.1.1 the undertaking of a linear activity; or
  - 1.6.1.2 maintenance purposes undertaken in accordance with a maintenance management plan.

- 1.6.2 " Activity 27 of GNR 983 (as amended): The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for -
- 1.6.2.1 the undertaking of a linear activity; or
  - 1.6.2.2 maintenance purposes undertaken in accordance with a maintenance management plan.
- 1.6.3 " Activity 28 of GNR 983 (as amended): Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development:
- 1.6.3.1 will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or
  - 1.6.3.2 will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.
- 1.6.4 "Activity 19 of GNR 983 (as amended): The infilling or depositing' of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse.
- 1.6.5 "Activity 12 of GNR 983 (as amended): The development of infrastructure or structures with a physical footprint of 100 m<sup>2</sup> or more; where such development occurs-
- 1.6.5.1 within a watercourse;
  - 1.6.5.2 in front of a development setback; or
  - 1.6.5.3 if no development setback exists, within 32m of a watercourse, measured from the edge of a watercourse.
- 1.6.6 Authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA) and the Environmental Impact Assessment (EIA) Regulations therefore has to be obtained from this Department before such an activity can commence. You are advised that "commencement" is defined as follows: the start of any physical implementation in furtherance of a listed activity or specified activity, including site preparation and any other action on the site or physical implementation of a plan, policy, programme or process, but does not include any action required for the purposes of an investigation or feasibility study as long as such investigation or feasibility study does not constitute a listed activity or specified activity".
- 1.6.7 You are further advised that:
- 1.6.7.1 The Environmental Impact Assessment process must inform the layout of the proposed township. This must be done through the analysis of all potential impacts following the integration of the results of specialist studies, including inter alia, wetland studies and riparian zone delineation, ecological and hydrological studies, a heritage assessment, geotechnical and geohydrological investigations, a storm water management plan noting that storm water may not alter the hydrology or morphology of any watercourse through the direct introduction of storm water into it and a slope analysis.
  - 1.6.7.2 The impact of infrastructure proposed within or close to a wetland/watercourse, including access, storm water attenuation, or any other activity, must be thoroughly analysed as part of the environmental impact assessment process.
  - 1.6.7.3 Where buffer zones are recommended by various specialists to be applied to sensitive areas, it is expected that these recommendations will be analysed and accordingly incorporated.
  - 1.6.7.4 All necessary services, including storm water management and the provision of water and the treatment of sewage, with appropriate capacity, must be demonstrated to be available.
  - 1.6.7.5 Access to the proposed township must be demonstrated to be acceptable to the relevant roads authority.

## 1.7 ESKOM

- 1.7.2 This wayleave application for township establishment on portion 85 and 86 of the farm Friedenheim 282-JT as indicated on your drawing affects Eskom Distribution Paarklip/Nelsrivier 11 kV overhead power line which runs on the boundary of portion 85 of the subject farm.
- 1.7.3 Eskom Distribution will raise no objection to the above mentioned application, provided Eskom's rights and services are acknowledged and respected at all times.
- 1.7.4 Further to the above the following conditions must be adhered to and accepted in writing;
- 1.7.4.1 There is a 9 metres building and tree restriction either side of the center line of the 11kV, which must be adhered to in all future development. No construction will be allowed in these restriction areas and closer to the supporting mechanisms. Eskom rights are protected by wayleave agreement and servitude.
  - 1.7.4.2 All work within Eskom's servitude areas will have to comply with the relevant Eskom earthing standards at the time of construction.
  - 1.7.4.3 No construction or excavation work shall be executed within 11 metres from any Eskom power line structure, and/or within 11 metres from any stay wire.
  - 1.7.4.4 All work within Eskom Distribution reserve area and servitude must be done in accordance with the requirements of the Occupational Health and Safety Act No. 85 of 1993 as amended. Special attention must be given to the clearances between Eskom's conductors, structures, cables and electrical apparatus and proposed work as stipulated by Regulation R15 of the Electrical Installations Regulations of the aforementioned Act or any other legal requirement.
  - 1.7.4.5 Eskom cannot guarantee the exact position of the underground electrical cables and therefore the applicant's site representatives must expose the cables by hand, in order to establish their location. Eskom's cables must be placed in sleeves encased in concrete across the width of the servitude, at the applicant's expense where frequent excavations occur in the cable area.
  - 1.7.4.6 Eskom Distribution shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the area where Eskom Distribution has its services, by the applicant, his/her agent, contractors, employees, successors in title and assigns.
  - 1.7.4.7 Eskom Distribution's services and equipment must be acknowledged at all times and may not be tampered or interfered with. It is important to acknowledge and respect Eskom's Distributions services at all times. It will be required of the developer to familiarize himself/herself with all safety hazards related to electrical plant.
  - 1.7.4.8 Eskom's rights and duties in the servitude shall be accepted as having prior right at all times and shall not be obstructed or interfered with. Please note: Where an electrical outage is required, at least fourteen working days is required for arrangement.
  - 1.7.4.9 Eskom is not the landowner thus Eskom's consent doesn't relieve the applicant from obtaining the necessary statutory, landowner's and or municipal approvals.
  - 1.7.4.10 If and where applicable: Wherever any pipe crosses the Eskom services, the edge of the excavation shall not come within 10 metres of the Eskom services and structures. Any angles crossing should preferably be from 45° degrees to 90°. Cathodic protection must be installed to prevent corrosion of the pipe. Pipeline markers to be situated at 30 metre intervals and where the pipeline is crossing Eskom's servitude, the pipeline must be clearly marked.
  - 1.7.4.11 The effective management and handling of waste is of crucial importance. No dumping shall be allowed within Eskom Distribution Servitudes. All unwanted waste (gaseous, liquid or solids) should be disposed of at a registered waste disposal site as stipulated under Section 20 of the Environmental Conservation Act (Act 73 of 1989). The applicant will adhere to all relevant environmental legislation. Any cost incurred by Eskom as a result of non-compliance will be charged to the applicant.
  - 1.7.4.12 The use of explosives of any type within 500 metres of Eskom's services shall only occur with Eskom's previous written permission .If and whenever the applicant apply



and if permission for the blasting process is granted the applicant must give at least fourteen work days prior notice of the commencement of blasting to Eskom's authorized area representative for the Kamagagu Area: Mr. Philly Maluka (Snr. Supervisor) Tel: 013 778 2919/076 617 9997. This allows time for arrangements to be made for supervision of and/or precautionary instructions to be issued in terms of the blasting operation.

- 1.7.4.13 The contractor in charge of the construction or maintenance work on site must at all times be in possession of the letter of approval of the service concerned, and as well as all plans that are required and that are referred to in the correspondence, so that during and inspection the contractor can present the documentation to Eskom official(s) when requested to do so. If no approval can be presented Eskom representative can order the contractor to cease all works until such approval can be presented
- 1.7.4.14 Eskom will recover costs from the applicant where any damages of Eskom assets and or any penalties suffered by Eskom occur. The Applicant accepts costs if:
- Eskom pylons subside or are damaged as a result of blasting activities.
  - Eskom has to incur any costs to comply with statutory requirements because of the applicants or applicant's contractor work or the presence of the equipment or plant in the reserve area. Such proven costs shall be refunded on demand.
- 1.7.4.15 Any development, which necessitates the relocation of our services, will be to the account of the developer. If you decide on the option of relocation of the existing power lines, the Customer Services, Regional Key Customer Executive (08600 37566) should be contacted in connection with costs.

## **1.8 RECEIPT AND DISPOSAL OF STORMWATER**

- 1.8.2 A Stormwater Impact Assessment (SIA) must be submitted to Infrastructure Development: Road & Stormwater for approval. This assessment must also include a Stormwater Management Plan (SPM).
- 1.8.3 Storm water will be controlled and managed to follow natural watercourses and/or channels within road reserves to prevent erosion and damage to other properties.
- 1.8.4 It will be ensured that any existing storm water structures e.g. pipes, culverts etc. that have to collect storm water from the proposed development, have adequate capacity to accommodate such storm water. The applicant/owner shall be responsible for upgrading of such infrastructure if required.
- 1.8.5 This development will accept storm water from higher lying property or roads and will accommodate such storm water in the internal storm water system of the development where applicable.
- 1.8.6 Where stormwater needs to be discharged on or across adjacent property the applicant shall make his own arrangements with adjacent land owners for the compensation and registration of servitudes for the installation of storm water infrastructure.
- 1.8.7 If applicable the applicant shall provide proof of servitude registration prior to the issuing of clearance certificates.

## **1.9 ROADS**

- 1.9.2 A services agreement will be entered into with COM by the applicant prior to proclamation of the proposed township.
- 1.9.3 The principle that Engineering Services Contributions for Roads (ESC R) will be levied against this development in order to obtain funds for the upgrading and construction of external roads infrastructure in this area will apply.
- 1.9.4 The principle will apply that the cost for the upgrading of external municipal roads infrastructure may be constructed in lieu of services contribution payable towards roads, subject thereto that such cost do not exceed the amount of the services contribution payable and must be approved by the COM.



- 1.9.5 The roads master planning study that was done for the township is accepted with the following conditions
- 1.9.5.1 The various options for the roads linking the eastern and western portions township has reference, the option with Road 9 must be implemented,
  - 1.9.5.2 Road 9 must be built on an alignment that will accommodate the final proposed alignment for Friedenheim road, Vertical and horizontal
  - 1.9.5.3 The township layout as amended to accommodate this alignment is accepted and attached to the application.
- 1.9.6 An Engineering Services Report (ESR) submitted to COM is accepted with the following comments.
- 1.9.6.1 Considering the road reserve of 11 m and the topography of the township, any erf that does not have proper access from the public streets will not be allowed to be developed and no Endorsement in terms of the Section 68 and 70 of the Mbombela By-law and the Spatial Planning and Land Use Management will be supported for such erven.
  - 1.9.6.2 The final design of road 9 linking the western and eastern portion of the Township in accordance the master planning done shall be designed to correspond with the final design of the proposed Friedenheim road.
- 1.9.7 A Traffic Impact Assessment (TIA) submitted to COM is accepted with conditions that the recommendations of the TIA be implemented.
- 1.9.8 The latest revised Township layout is in principle supported and recommendations of the TIA must be implemented by the developer including amendments to the township layout should this be needed to ensure compliance with minimum standards and recommendations of the TIA, ESR and compliance to the COM RMP.
- 1.9.9 The minimum external roads infrastructure required in accordance with the TIA must be implemented by the developer.
- 1.9.10 Proper designs for all infrastructure and the related services drawings, certified by a professional engineer, will be submitted to COM for approval prior to commencement of the construction of any infrastructure. Services constructed without the design and drawings been formally approved by COM, will not be allowed to be connected to municipal infrastructure, will not be taken over by COM or be approved for commissioning and no clearance will be issued for the transfer of any
- 1.9.11 Where boundaries adjoin roads under the jurisdiction of other road authorities the Developer shall be responsible to acquire the building line standards directly from the relevant authority and ensure that the township layout and establishment condition is in compliance with these standards.
- 1.9.12 A Stormwater Impact Assessment (SIA) must be submitted to Infrastructure Development: Road & Stormwater for approval. This assessment must also include a Stormwater Management Plan (SPM).
- 1.9.13 Storm water will be controlled and managed to follow natural watercourses and/or channels within road reserves to prevent erosion and damage to other properties.
- 1.9.14 It will be ensured that any existing storm water structures e.g. pipes, culverts etc. that have to collect storm water from the proposed development, have adequate capacity to accommodate such storm water. The applicant/owner shall be responsible for upgrading of such infrastructure if required.
- 1.9.15 This development will accept storm water from higher lying property or roads and will accommodate such storm water in the internal storm water system of the development where applicable.
- 1.9.16 Where stormwater needs to be discharged on or across adjacent property the applicant shall make his own arrangements with adjacent land owners for the compensation and registration of servitudes for the installation of storm water infrastructure.

- 1.9.17 If applicable the applicant shall provide proof of servitude registration prior to the issuing of clearance certificates.
- 1.9.18 From the comments by Roads & Stormwater the following pre-proclamation conditions are evident and must be complied with:
- 1.9.18.1 Entering into a services agreement.
  - 1.9.18.2 Endorsement in terms of the Section 68 and 70 of the Mbombela By-law and the Spatial Planning and Land Use Management: Proof of payment of the Service Contribution for Roads
  - 1.9.18.3 Compliance with the conditions stipulated in this comments including a services agreement entered into between City of Mbombela and the Developer;
  - 1.9.18.4 Submission of proof of certification of completion of infrastructure issued by a professional engineer;
  - 1.9.18.5 Submission of as-built drawings and data certified by a professional engineer in an acceptable electronic format;
  - 1.9.18.6 Submission of proof of compliance with any condition stipulated in this comments.
  - 1.9.18.7 Proof of registration of servitude where applicable.

#### **1.10 SILULUMANZI**

- 1.10.2 Proposed area is located outside current Concession area of Silulumanzi.
- 1.10.3 As per submitted Ad-Hoc Study not all required Bulk municipal water and sewer services infrastructure are available to the proposed development. The bulk items required needs to be agreed and finalized in a Services Agreement.
- 1.10.4 Silulumanzi can provide essential engineering services to this property/development.
- 1.10.5 The proposed development has been considered into the Master Plan area. For Silulumanzi to be able to provide services, the Township Establishment process must be followed and other processes required by CoMLM or Provincial Government (EIA, etc).
- 1.10.6 Provide to be provided that the proposed Township has been accepted by CoMLM to be included into the Concession Area of Silulumanzi. Correspondence to be via CoMLM Monitoring Unit.
- 1.10.7 The Developer shall procure all bulk raw water rights required/equal to the water demand of the proposed development at a source of abstraction that may be practically incorporated at the Nelspruit water supply system. These water rights shall be converted to rights for primary water use and transferred to CoMLM by the Developer before the issue/approval of Section 68 and 70 Compliance Certificates according to Mbombela SPLUMA By-Laws.
- 1.10.8 All the costs of bulk services, internal bulk and link services to the existing infrastructures have to be funded by the township developer.
- 1.10.9 A Services Agreement has to be entered into with Mbombela Local Municipality and Silulumanzi for the provision and installation of engineering services before construction can commence if the development will be included into Silulumanzi Concession Area.
- 1.10.10 Bulk Service Contribution will be payable for connection to existing municipal services. The cost for upgrading the existing municipal infrastructures will be funded from the bulk services contributions and will be done by Silulumanzi as and when required. The developer will be allowed to install bulk services in lieu of payment of service contributions if agreed between CoMLM and Silulumanzi. Silulumanzi shall report on the services contribution payable, after the township layout, zonings and design report has been approved, should the development will be included into Silulumanzi Concession Area.
- 1.10.11 The design report with the preliminary layout design of the link, bulk & internal services required up to the existing Municipal services must be submitted by an engineering consultant and approved by Silulumanzi in writing if the development is included into Silulumanzi Concession Area.

1.10.12 All costs in regards to the above requirements will be for the applicant/developer's account.

## 1.11 ELECTRICAL

Should CoM ever have to supply this portion with power the following is applicable:

1.11.2 Service agreement must be signed between the owner/developer

1.11.3 ONLY BULK SUPPLY WILL BE PROVIDED

1.11.4 A bulk service contribution will be payable.

1.11.5 The design and equipment must conform to CoM's Specifications at that time.

1.11.6 There should be no cost to CoM in the provision of any equipment necessary to provide anything whatsoever up to the point of connection.

1.11.7 Servitudes shall be registered in CoM's favour in the title deed where municipal services are to be located.

1.11.8 The costs for any damage caused to any of the distribution network will be for the applicants account.

1.11.9 CoM must at all times have access to all of CoM's electrical equipment and all existing access right will be retained.

1.11.10 These conditions are applicable to all subsequent owners or developers of the property.

## 2 CONDITIONS OF ESTABLISHMENT (CONDITIONS WHICH WILL BE APPLICABLE TO THE APPROVED TOWNSHIP IN TERMS OF SECTION 49 OF THE MBOMBELA SPLUM BY-LAW)

### 2.6 NAME

The name of the township shall be **KAMAGUGU EXT 4**.

### 2.7 DESIGN

The township shall consist of erven and streets as indicated on the General Plan **S.G. No. 15/2021**.

### 2.8 ACCESS

The ingress and egress shall be provided by district road D725 road (Ingwenya Road) to the satisfaction of City of Mbombela Local Municipality.

### 2.9 REMOVAL AND/OR REPLACEMENT OF MUNICIPAL SERVICES

Should it become necessary to remove and/or replace any municipal services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

### 2.10 REMOVAL AND/OR REPLACEMENT OF ELECTRICAL SERVICES

Should it become necessary to remove and/or replace any of the existing Municipal and/or ESKOM electrical services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

## **2.11 REMOVAL AND/OR REPLACEMENT OF TELCOM AND/OR TRANSNET SERVICES**

Should it become necessary to remove and/or replace any existing services of Telkom or Transnet as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

## **2.12 RESPONSIBILITIES IN RESPECT OF ESSENTIAL SERVICES**

The township owner shall provide all essential services in terms of the provisions of sections 102 to 111 of the Mbombela SPLUM By-law prior to the registration of any stands in the township.

## **2.13 INTERNAL SERVICES**

The maintenance of internal services not taken over by the Municipality will be that of a legally liable Property Owners Association.

## **2.14 PROTECTION OF STAND PEGS**

The township owner shall comply with the requirements with regard to the protection of boundary pegs as determined by the local authority in this regard, when required to do so by the local authority.

## **2.15 DEMOLITION OF BUILDINGS AND STRUCTURES**

The applicant must, when required by the local authority to do so, see to the demolition of all existing buildings and structures located within building restriction areas, side spaces or joint boundaries, at his own expense and to the satisfaction of the local authority.

## **2.16 DISPOSAL OF LITTER**

The applicant must, at his own expense, remove all litter within the township boundaries.

## **2.17 SIGNAGE**

The applicant shall at his own expense erect the required signs to the satisfaction of the City of Mbombela Local Municipality and the township owner shall maintain such sign in a good state of repair, until such time as his responsibility is taken over by the City of Mbombela Municipality.

# **3 CONDITIONS OF TITLE**

**THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION AS INDICATED, LAID DOWN BY THE CITY OF MBOMBELA COUNCIL IN TERMS OF THE MBOMBELA BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2015**

## **3.6 ALL ERVEN**

- 3.6.2 The Erf is subject to a building line restriction 2m wide in favour of the City of Mbombela Council, for services and other municipal purposes along any two boundaries, and in the case of a panhandle erf, an additional building line restriction for municipal purposes 2m wide across the access portion of the erf, if and when required by the Council: Provided that the Council may dispense with any such building line restriction. The erf boundaries not utilised for services will have a 1 m building line restriction.
- 3.6.3 No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2m thereof.
- 3.6.4 The City of Mbombela Council shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude area such material as may be excavated by it during the course of construction, maintenance or removal of such sewerage mains and other works as it, to its

discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the Council.

- 3.6.5 The stand is situated in an area that has soil conditions that could detrimentally effect buildings and structures and be the cause of damage. Building plans which are submitted to the City of Mbombela Council for approval must contain remedial actions which are in accordance with the recommendations contained in the geo-technical report that was compiled for the township so as to eliminate possible damage to buildings and structures as a result of the unfavourable soil conditions, unless proof can be submitted to the City of Mbombela Council that such remedial actions are unnecessary or the same result could be achieved in a more effective manner.

#### **4 DISPOSAL OF EXISTING CONDITIONS OF TITLE**

##### **4.6 The following conditions will be disposed:**

- 4.6.2 ONDERWORPE aan die voorwaarde dat alle regte op minerale, minerale produkte, minerale olieë, metale en edelgesteentes op of onder die grond ten faveure van die staat gereserveerd is, welke minerale voorbehoud is ten opsigte van die voormalige Plaas FRIEDENHEIM 282, Registrasie Afdeling J.T., TRANVAAL;
- 4.6.3 Die Restant van GEDEELTE 4, groot as sodanig 315,8128 Hektaar ('n Gedeelte van die eiedom hierkragtens gehou), is onderworpe aan 'n servituut
- 4.6.3.1 Vir 'n watervoor en Reg van Oorweg 15,74 meter wyd en waarvoor die kromlyn luh op Kaart LG Nr A.4010/1991, geheg aan Sertifikaat van Verenigde Titel T. 82165/92 die middellyn voorstel;
- 4.6.3.2 Van Watervoor en Reg van Oorweg 9,45 meter wyd en waarvoor die kromlyn hj op die voornoemde Kaart L G Nr. A. 4010/1991, die middellyn voorstel;
- 4.6.3.3 Vir 'n pyplyn en Reg van Oorweg 4,72 meter wyd en waarvoor die reguitlyn hg op voornoemde Kaart L G Nr. A 4010./1991, die middellyn voorstel;
- 4.6.3.4 En soos meer ten volle sal blyk uit Notariële Akte Nr. 249/70-S en Kaart L G Nr. A.3878/68 daaraan geheg.
- 4.6.4 Die Restant van GEDEELTE 4, groot as sondanig 355,8433 Hektaar ('n Gedeelte van die eiedom hierkragtens gehou), is:
- 4.6.4.1 Geregtig tot 'n Servituut van Watervoor 3,78 meter wyd oor GEDEELTE 38 ('n Gedeelte van Gedeelte 13) van die genoemde Plaas Friedenheim 282, groot 12,840 Hektaar, soos aangedui op Kaart L G Nr. A 5540/59 en soos meer ten volle sal blyk uit Notariële Akte Nr. 186/63-S.
- 4.6.5 KRAGTENS endossement aangebring op Sertifikaat van Verenigde Titel Nr. 13473/1971 gedateer 26 April 1971, is die eiedom hiermee getranspoteer ONDERHEWIG aan en GEREGTIG tot die Volgende Servitude ten gunste van en oor GEDEELTE 77 ('n Gedeelte van Gedeelte 76) van die Plaas FRIEDENHEIM 282, Registrasie Afdeling J.T., distrik NELSPRUIT, groot 26,8458 Hektaar, gehou kragtens Akte van Transport 11347474, naamlik:
- 4.6.5.1 "PORTION 77 (a portion of Portion 76) is subject to Servitude of Water furrow and right of way 1, 5 (ONE comma FIVE) meters wide in favour of the Remaining Extent of PORTION 76, in extent 590, 3309 Hectares the North Eastern boundary of which shall run in as close proximity as allowed by the Nelspruit/Karino National Road to, and along the entire length of the boundary marked A B on diagram S.G. No. A1246/70, annexed to Deed of Transfer No. 13474/1971;
- 4.6.5.2 PORTION 77 (a portion of Portion 76) shall lead any excess water brought onto the said portion which cannot be used or stored on the said Portion, into the said water furrow

stipulated in Paragraph 1 hereof to avoid that such water causes damage to the cultivated land on the Remaining Extent of PORTION 76, in extent 590,3309 Hectares;

- 4.6.5.3 PORTION 77 (a portion of Portion 76) is entitled to a 21,4133 Hectares water right allocated or to be allocated to the transferor from the Crocodile River Minor Irrigation Board Canal and shall be entitled to a servitude of water leading and right of way 1,5 meters wide over the Remaining Extent of Portion 76, in extent 590,3309 Hectares, the South Western boundary of which is indicated by the straight lines 1flg, 1g1h, 1h1j, 1j1k, 1k11, 111m, Jmin and Inlp, on Diagram S.G. No. A 4010/1991, annexed Certificate of Consolidated Title T82165/92;
- 4.6.5.4 PORTION 77 (a portion of Portion 76) is entitled to a servitude of water storage over the Remaining Extent of Portion 76, in extent 590,3309 Hectares, indicated by the figure lglhljlqirlg on Diagram S.G. No. 4010/1991. The said Portion 77 and the remaining Extent of Portion 76 shall have the joint use of the said Servitude area and the owners of the said Remaining Extent of PORTION 76, their Executors, Administrators or Successors in the Title, shall be entitled to cancel this right with six months written notice to the owners of PORTION 77, their Executors, Administrator or Successors in Title.
- 4.6.5.5 PORTION 77 (a portion of Portion 76) is entitled to a servitude of water storage and pump house indicated by the figure rqtst and a servitude of pipeline and right of way 1,5 meters wide, the South Eastern boundary of which is indicated by straight line xw, wv, vu, us, on Diagram S.G. No. A. 4010.1991, over the Remaining Extent of Portion 76, in extent 590, 3309 Hectares. Where the said pipeline traverses cultivated land, same must be buried at least, 91 meters below the surface of the ground. If there is not sufficient water in the Crocodile River Minor Irrigation Board Canal, the property shall be entitled to supplement its water from the canal from the dam on the Remaining Extent of PORTION 76, indicated by the letters rqtst on Diagram S.G. No. A.4010/1991, annexed to Certificate of Consolidated Title T82165/92.

4.6.6 Die binnegemelde eiendom is onderhewig aan 'n Waterhofbevel gedateer 1 April 1980 en geregistreer onder K.2165/80-S.

## 5 CONDITIONS WHICH, IN ADDITION TO THE EXISTING PROVISIONS OF THE RULING TOWN PLANNING SCHEME, HAVE TO BE INCORPORATED IN THE NELSPRUIT TOWN PLANNING SCHEME, 1989, IN TERMS OF SECTION 49 OF THE MBOMBELA BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2015.

### 5.6 RESIDENTIAL 1:

#### 5.6.2 Erven 2002 - 2516

- 5.6.2.1 The erf and the buildings erected thereon, or which are to be erected thereon shall only be used for a **Dwelling house.**
- 5.6.2.2 the height of buildings shall not exceed 2 storeys.
- 5.6.2.3 the coverage of buildings shall not exceed 50% of the area of the erf.
- 5.6.2.4 the density of the erf shall not exceed 1 Dwelling unit per Erf.
- 5.6.2.5 buildings, including outbuildings hereafter erected on the erf, shall not be located less than 2m from the street boundary, 2m from one other boundary and 1m from the remaining boundaries not utilized for services. Subject thereto that the Local Authority may relax any such building restriction requirement subject thereto that in its opinion the said relaxation would lead to an overall improvement in the development of the erf.
- 5.6.2.6 The stand is situated in an area that has soil conditions that could detrimentally affect buildings and structures and be the cause of damage. Building plans which are submitted to the City of Mbombela Council for approval must contain remedial actions which are in accordance with the recommendations contained in the geo-technical report that was compiled for the township so as to eliminate possible damage to buildings and structures as a result of the unfavourable soil conditions unless proof can

be submitted to the City of Mbombela Council that such remedial actions are unnecessary or the same result could be achieved in a more effective manner.

## **5.7 RESIDENTIAL 3**

### **5.7.2 Erven 2517 - 2519**

- 5.7.2.1 The erf and the buildings erected thereon, or which are to be erected thereon shall only be used for High Density Residential Purposes only
- 5.7.2.2 the height of buildings shall not exceed 2 storeys.
- 5.7.2.3 the coverage of buildings shall not exceed 30% of the area of the erf.
- 5.7.2.4 the FAR of the erf shall not exceed 0.4.
- 5.7.2.5 buildings, including outbuildings hereafter erected on the erf, shall not be located less than 2m from the street boundary, 2m from one other boundary and 1m from the remaining boundaries not utilized for services. Subject thereto that the Local Authority may relax any such building restriction requirement subject thereto that in its opinion the said relaxation would lead to an overall improvement in the development of the erf.
- 5.7.2.6 The stand is situated in an area that has soil conditions that could detrimentally affect buildings and structures and be the cause of damage. Building plans which are submitted to the City of Mbombela Council for approval must contain remedial actions which are in accordance with the recommendations contained in the geo-technical report that was compiled for the township so as to eliminate possible damage to buildings and structures as a result of the unfavourable soil conditions unless proof can be submitted to the City of Mbombela Council that such remedial actions are unnecessary or the same result could be achieved in a more effective manner.

## **5.8 SPECIAL**

### **5.8.2 Erf 2520**

- 5.8.2.1 The erven and the buildings erected thereon, or which are to be erected thereon shall only be used for Bus Stop purposes only.
- 5.8.2.2 The stand is situated in an area that has soil conditions that could detrimentally affect buildings and structures and be the cause of damage. Building plans which are submitted to the City of Mbombela Council for approval must contain remedial actions which are in accordance with the recommendations contained in the geo-technical report that was compiled for the township so as to eliminate possible damage to buildings and structures as a result of the unfavourable soil conditions unless proof can be submitted to the City of Mbombela Council that such remedial actions are unnecessary or the same result could be achieved in a more effective manner.

## **5.9 PUBLIC OPEN SPACE**

### **5.9.2 Erven 2521 - 2529**

- 5.9.2.1 The erf erven shall only be used for parks only.
- 5.9.2.2 The stand is situated in an area that has soil conditions that could detrimentally affect buildings and structures and be the cause of damage. Building plans which are submitted to the City of Mbombela Council for approval must contain remedial actions which are in accordance with the recommendations contained in the geo-technical report that was compiled for the township so as to eliminate possible damage to buildings and structures as a result of the unfavourable soil conditions unless proof can be submitted to the City of Mbombela Council that such remedial actions are unnecessary or the same result could be achieved in a more effective manner.



## 5.5 CONDITIONS APPLICABLE TO ALL ERVEN

- 5.9.2.3 Any written condition imposed by City of Mbombela, a Non-Governmental or Governmental Organization to which this township establishment application was referred to in terms of the requirements of Ordinance 15 of 1986, or to which City of Mbombela specifically requested that the application must be referred to, in respect of this township must be conformed to by the Township Establisher or any subsequent owners in title of stands within the township, to the satisfaction of that organization which originally set such condition. Any such condition remains legally binding in perpetuity upon the Township Establisher or any subsequent owners in title of stands within the township individually and/or collectively until it has been fulfilled or accomplished to the satisfaction of the organization which imposed such condition.

- 5.9.2.4 5.6 CONDITIONS WHICH, IN ADDITION TO THE EXISTING PROVISIONS OF THE RULING LAND USE SCHEME, HAVE TO BE INCORPORATED IN THE LAND USE SCHEME, IN TERMS OF THE MBOMBELA BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2015.

### 5.9.2.5

#### ALL ERVEN

### 5.9.2.6

- 5.9.2.7 If erf is situated in an area that has soil conditions that could detrimentally effect buildings and structures and be the cause of damage. Building plans which are submitted to the City of Mbombela for approval must contain remedial actions which are in accordance with the recommendations contained in the geo-technical report that was compiled for the township so as to eliminate possible damage to buildings and structures as a result of the unfavourable soil conditions, unless proof can be submitted to the City of Mbombela that such remedial actions are unnecessary or the same result could be achieved in a more effective manner.

**PROCLAMATION NOTICE 53 OF 2021****CITY OF MBOMBELA****WHITE RIVER AMENDMENT SCHEME AW/20/00464**

It is hereby notified in terms of Section 58 of the Mbombela By-Law on Spatial Planning and Land Use Management, 2019, that the City of Mbombela has approved an amendment of the City of Mbombela Land Use Scheme, 2019, by the rezoning of Portion 1 of the farm Witwater Forest Reserve 188-JT from "Agriculture" to "Agriculture" with increased development controls with specific reference to the Floor Area Ratio, the administration thereof and use related to the agricultural product.

Copies of the amendment scheme are filed with Municipal Manager, Civic Centre, Nel Street, Nelspruit, and are open for inspection at all reasonable times. This amendment scheme shall come into operation on date of publication hereof.

**WJ KHUMALO**  
**MUNICIPAL MANAGER**  
**City of Mbombela Local Municipality**  
**P O Box 45**  
**MBOMBELA**  
**1200**

## PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

## PROVINCIAL NOTICE 78 OF 2021



## THABA CHWEU LOCAL MUNICIPALITY



**APPROVED GENERAL RATES / TARIFFS IN RESPECT OF THE FINANCIAL YEAR  
1 JULY 2021 TO 30 JUNE 2022**

Notice is hereby given in terms of section 4(1)(c)(ii), section 21, 74 and 75 A of the Local Government Municipal Systems Act, Act 32 of 2000, Section 24(2)(c)(i) of the Municipal Finance Management Act, Act 56 of 2003, and Section 14 of the Local Government Municipal Property Rates Act, Act 6 of 2004, that Thaba Chweu Local Municipality at a meeting held on **28 May 2021**, determined and approved the following general rates as per **Resolution No A83/2021** in respect of the 2021/2022 financial year on a rateable property recorded in the valuation roll for all properties situated within the area of jurisdiction of Thaba Chweu Local Municipality.

THABA CHWEU LOCAL MUNICIPALITY						
1. APPROVED TARIFFS FOR THE PROVISION OF ELECTRICITY 2021/2022 FINANCIAL YEAR						
Description	Approved 2020/2021			Approved 2021/2022		
<b>RESIDENTIAL: HOUSES / FLATS (ALL TOWNS) CONVENTIONAL AND PREPAID CONSUMERS</b>						
<b>1.1 UNIT COST PER KWH :</b>						
Energy Rate (c/kwh) (<=50kwh)		R	1.1204		R	1.2583
Energy Rate (c/kwh) (51-350kwh)		R	1.4369		R	1.6178
Energy Rate (c/kwh) (351-600kwh)		R	2.0222		R	2.2769
Energy Rate (c/kwh) (>600kwh)		R	2.3401		R	2.6814
<b>RESIDENTIAL: INDIGENT (ALL TOWNS)</b>						
All indigent will be on a 20Amp circuit breaker with a 1 phase pre-paid meter.						
<b>1.2 UNIT COST PER KWH :</b>						
Energy Rate (c/kwh) (<=50kwh)		R	1.0687		R	1.2460
Energy Rate (c/kwh) (51-200kwh)		R	1.1204		R	1.2583
Energy Rate (c/kwh) (201-350kwh)		R	1.4369		R	1.6178
Energy Rate (c/kwh) (351-600kwh)		R	2.0222		R	2.2769
Energy Rate (c/kwh) (>600kwh)		R	2.3401		R	2.6814
		R	-			
<b>Availability Charge: (per month)</b>						
An availability charge will be levied whether electricity is consumed or not, per connection per month or part thereof.						
<b>1.3 Residential Availability</b>		R	64.15		R	73.51

<b>BUSINESS / PUBLIC SERVICE PURPOSES/ RESIDENTIAL WITH MORE THAN ONE DWELLING INCLUDING: SPECIAL CONSENT USE/GUESTHOUSES / B &amp; B / AGRI /</b>							
<b>2 ECT. (ALL TOWNS)</b>							
<b>Flats : As per residential step tariff</b>							
A fixed charge will be levied whether electricity is consumed or not, per connection per month or part thereof.							
<b>Low Season : Sept - Apr</b>							
<b>High Season : May - Aug</b>							
		<b>LOW SEASON UNIT CHARGE/MONTH</b>	<b>HIGH SEASON UNIT CHARGE/MONTH</b>	<b>FIXED CHARGE/ MONTH</b>	<b>LOW SEASON UNIT CHARGE/MONTH</b>	<b>HIGH SEASON UNIT CHARGE/MONTH</b>	<b>FIXED CHARGE/ MONTH</b>
		<b>2020/2021</b>	<b>2020/2021</b>	<b>2020/2021</b>	<b>2021/2022</b>	<b>2021/2022</b>	<b>2021/2022</b>
2.1	Up to 40A 1P (PRE-PAID METER ONLY)	R 1.6752	R 1.8427	R 306.00	R 1.9196	R 2.1116	R 350.64
2.2	41 to 60A 1P	R 1.6752	R 1.8427	R 665.55	R 1.9196	R 2.1116	R 762.65
2.3	61 to 80A 1P	R 1.6752	R 1.8427	R 871.43	R 1.9196	R 2.1116	R 998.57
2.4	Up to 60A 3P	R 1.6752	R 1.8427	R 1,089.62	R 1.9196	R 2.1116	R 1,248.60
2.5	61 to 80A 3P	R 1.6752	R 1.8427	R 1,507.04	R 1.9196	R 2.1116	R 1,726.92
		<b>LOW SEASON UNIT CHARGE/MONTH</b>	<b>HIGH SEASON UNIT CHARGE/MONTH</b>	<b>FIXED CHARGE/ MONTH</b>	<b>LOW SEASON UNIT CHARGE/MONTH</b>	<b>HIGH SEASON UNIT CHARGE/MONTH</b>	<b>FIXED CHARGE/ MONTH</b>
		<b>2020/2021</b>	<b>2020/2021</b>	<b>2020/2021</b>	<b>2021/2022</b>	<b>2021/2022</b>	<b>2021/2022</b>
2.6	Above 80Amps convert to KVA	R 1.38	R 1.52	R 3,115.50	R 1.58	R 1.74	R 3,570.05
	Maximum Demand (Low Voltage)						
	KVA - per KVA (Low Voltage)	R		234.95	R		269.22
<b>3 INDUSTRIAL (ALL TOWNS):</b>							
A fixed charge will be levied whether electricity is consumed or not, per connection per month or part thereof.							
		<b>LOW SEASON UNIT CHARGE/MONTH</b>	<b>HIGH SEASON UNIT CHARGE/MONTH</b>	<b>FIXED CHARGE/ MONTH</b>	<b>LOW SEASON UNIT CHARGE/MONTH</b>	<b>HIGH SEASON UNIT CHARGE/MONTH</b>	<b>FIXED CHARGE/ MONTH</b>
		<b>2020/2021</b>	<b>2020/2021</b>	<b>2020/2021</b>	<b>2021/2022</b>	<b>2021/2022</b>	<b>2021/2022</b>
3.1	Up to 80A 1P	R 1.5268	R 1.6794	R 1,820.69	R 1.7532	R 1.9251	R 2,086.32
3.2	Up to 60A 3P	R 1.5268	R 1.6794	R 2,119.04	R 1.7532	R 1.9251	R 2,428.22
3.3	61 to 80A 3P	R 1.5268	R 1.6794	R 2,417.39	R 1.7532	R 1.9251	R 2,770.09
		<b>LOW SEASON UNIT CHARGE/MONTH</b>	<b>HIGH SEASON UNIT CHARGE/MONTH</b>	<b>FIXED CHARGE/ MONTH</b>	<b>LOW SEASON UNIT CHARGE/MONTH</b>	<b>HIGH SEASON UNIT CHARGE/MONTH</b>	<b>FIXED CHARGE/ MONTH</b>
		<b>2020/2021</b>	<b>2020/2021</b>	<b>2020/2021</b>	<b>2021/2022</b>	<b>2021/2022</b>	<b>2021/2022</b>
3.4	Above 80 Amp convert to KVA	R 1.2962	R 1.4258	R 4,740.98	R 1.4853	R 1.6338	R 5,432.69
	Maximum Demand (Low Voltage)						
	KVA - per KVA (Low Voltage)	R 242.12			R 277.45		

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<b>2.TARIFFS FOR THE PROVISION OF WATER</b>			
<b>Description</b>	<b>2020 / 2021(VAT excl)</b>	<b>Approved 2021/ 2022(VAT excl)</b>	
<b>2.1 RESIDENTIAL: HOUSES (ALL TOWNS)</b>			
From 0 kilolitres -10 kilolitres	R 8.87	<b>9.40</b>	
From 11kilolitres - 30 kilolitres	R 11.88	<b>12.59</b>	
31 kilolitres and above	R 16.00	<b>16.96</b>	
Basic Charge	R 59.13	<b>62.68</b>	
<b>2.2 RESIDENTIAL: HOUSES (ALL TOWNS) PREPAID WATER</b>			
From 0 kilolitres -10 kilolitres	R 8.87	<b>9.40</b>	
From 11kilolitres - 30 kilolitres	R 11.88	<b>12.59</b>	
31 kilolitres and above	R 16.00	<b>16.96</b>	
Basic Charge	R 59.13	<b>62.68</b>	
<b>2.3 RESIDENTIAL: INDIGENT (ALL TOWNS)</b>			
For the first 10 kilolitres	Free	<b>Free</b>	
From 11 kilolitres - 30 kilolitres	R 11.88	<b>12.59</b>	
31 kilolitres and above	R 16.00	<b>16.96</b>	
Basic charge	R 59.13	<b>62.68</b>	
<b>RESIDENTIAL WITH MORE THAN ONE DWELLING INCLUDING: SPECIAL CONSENT USE/GUESTHOUSES /FLATS / B &amp; B / AGRI / ECT.(ALL TOWNS)</b>			
<b>2.4</b>			
Cost per kl	R 13.88	<b>14.71</b>	
Basic Charge	R 98.55	<b>104.46</b>	
<b>PUBLIC BENEFIT ORGANISATIONS:LISTED IN THE NINTH SCHEDULE TO THE INCOME TAX ACT(ALL TOWNS)</b>			
<b>2.5</b>			
Cost per kl	R 13.88	<b>14.71</b>	
Basic charge	R 98.55	<b>104.46</b>	
<b>2.6 MUNICIPAL BUILDINGS (ALL TOWNS)</b>			
Cost per kl	R 13.62	<b>14.44</b>	
<b>BUSINESS / INDUSTRIAL / MINING / PUBLIC SERVICE PURPOSES / ECT. (ALL TOWNS)</b>			
<b>2.7</b>			
For the first 100 kilolitres	R 15.37	<b>16.68</b>	
101 kilolitres and above	R 30.74	<b>33.35</b>	
Basic Charge	R 138.28	<b>150.03</b>	
<b>2.8 RAW WATER</b>			
Cost per kl	R 2.82	<b>3.38</b>	
<b>UNDEVELOPED STANDS/ TOWNSHIP OWNER ACCOUNT(PER REGISTERED STAND)</b>			
<b>2.9</b>			
Availability charge per month:	R 60.23	<b>63.84</b>	
<b>ALL AVAILIBTY CHARGES WILL BE CHARGED AGAINST THE OWNERS ACCOUNT.</b>			
<b>NB: Monthly consumption is based upon the period between monthly readings. Where a monthly reading cannot be taken for any reason, the consumption will be based on the average calculated from the three previous months consumption. When the meter is next read any estimation (over / under) will be automatically incorporated into the corrected bill.</b>			

<b>3. TARIFFS FOR THE PROVISION OF SEWERAGE</b>			
<b>Description</b>		<b>Approved 2020 / 2021 (VAT excl)</b>	<b>Approved 2021/ 2022(VAT excl)</b>
<b>3.1</b>	<b><u>RESIDENTIAL: HOUSES</u></b>		
	Availability Charge: - per month	R 123.14	<b>130.53</b>
<b>3.2</b>	<b><u>INDIGENTS</u></b>		
	Availability Charge: - per month	R 123.14	<b>130.53</b>
<b>3.3</b>	<b><u>RESIDENTIAL WITH MORE THAN ONE DWELLING INCLUDING: SPECIAL CONSENT USE/ GUESTHOUSES / FLATS / B &amp; B / MULTIPLE USE PROP / AGRI(ECT.(ALL TOWNS)</u></b>		
	Availability charge - per month	R 137.64	<b>145.90</b>
<b>3.4</b>	<b><u>PUBLIC BENEFIT ORGANISATIONS:LISTED IN THE NINTH SCHEDULE TO THE INCOME TAX ACT(ALL TOWNS)</u></b>		
	Availability Charge: - per month	R 137.64	<b>145.90</b>
<b>3.5</b>	<b><u>MUNICIPAL BUILDINGS (ALL TOWNS)</u></b>		
	Availability charge - per month	R 0.00	<b>R 0.00</b>
<b>3.6</b>	<b><u>BUSINESS / INDUSTRIAL / MINING / PUBLIC SERVICE PURPOSES / ECT. (ALL TOWNS)</u></b>		
	Availability Charge: - per month	R 154.84	<b>168.00</b>
<b>3.7</b>	<b><u>UNDEVELOPED STANDS/ TOWNSHIP OWNER ACCOUNT(PER REGISTERED STAND)</u></b>		
	Availability Charge: - per month	R 125.43	<b>136.09</b>
<b>ALL AVAILIBTY CHARGES WILL BE CHARGED AGAINST THE OWNERS ACCOUNT.</b>			
<b>ALL TARIFFS EXCLUDING VAT</b>			



<b>4. TARIFFS FOR THE PROVISION OF REFUSE REMOVAL</b>		
<b>Description</b>	<b>Approved 2020 / 2021 (VAT excl)</b>	<b>Approved 2021/ 2022(VAT excl)</b>
<b>4.1 RESIDENTIAL: HOUSES (ALL TOWNS)</b>		
Availability charge per month	R 123.14	<b>130.53</b>
<b>4.2 RESIDENTIAL : INDIGENT (ALL TOWNS)</b>		
Availability charge per month	R 123.14	<b>130.53</b>
<b>IF REQUIRED MORE THAN ONCE A WEEK TARIFFS FOR BUSINESS WILL APPLY</b>		
<b>RESIDENTIAL WITH MORE THAN ONE DWELLING INCLUDING: SPECIAL CONSENT USE/ GUESTHOUSES / FLATS / B &amp; B / MULTIPLE USE PROP /</b>		
<b>4.3 AGRI(ECT.(ALL TOWNS)</b>		
Availability charge per month	R 175.38	<b>185.90</b>
<b>IF REQUIRED MORE THAN ONCE A WEEK TARIFFS FOR BUSINESS WILL APPLY</b>		
<b>PUBLIC BENEFIT ORGANISATIONS:LISTED IN THE NINTH SCHEDULE TO THE INCOME TAX ACT(ALL TOWNS)</b>		
<b>4.4</b>		
1 X week	R 198.33	<b>215.19</b>
2 X week	R 402.10	<b>436.28</b>
3 X week	R 604.95	<b>656.37</b>
<b>4.4.1 Mass Containers</b>		
1 X week	R 977.47	<b>1,060.56</b>
2 X week	R 1,953.85	<b>2,119.93</b>
3 X week	R 2,932.41	<b>3,181.66</b>
4 X week	R 3,907.70	<b>4,239.85</b>
5 X week	R 4,887.35	<b>5,302.77</b>
<b>4.5 MUNICIPAL USE (ALL TOWNS)</b>		
per month		
<b>BUSINESS / INDUSTRIAL / MINING / PUBLIC SERVICE PURPOSES ECT. (ALL TOWNS)</b>		
<b>4.6</b>		
1 X week	R 202.02	<b>219.19</b>
2 X week	R 409.58	<b>444.40</b>
3 X week	R 616.21	<b>668.59</b>
<b>4.6.1 Mass Containers</b>		
1 X week	R 995.66	<b>1,080.29</b>
2 X week	R 1,990.20	<b>2,159.37</b>
3 X week	R 2,986.97	<b>3,240.86</b>
4 X week	R 3,980.40	<b>4,318.73</b>
5 X week	R 4,978.28	<b>5,401.43</b>
<b>UNDEVELOPED STANDS/ TOWNSHIP OWNER ACCOUNT(PER REGISTERED STAND)</b>		
<b>4.7</b>		
Availability charge per month	R 125.43	<b>136.09</b>
<b>ALL TARIFFS EXCLUDE VAT</b>		
<b>REFUSE WILL BE CHARGED AGAINST THE OWNERS ACCOUNT.</b>		

5 ASSESSMENT RATES															
PROPOSED TARIFFS FOR THE BOOK YEAR 2021/2022															
	That the baseline assessment rate for Thaba Chweu Municipality of 0.01325 amount in the rand increase to 0.01405 and be levied on the market value of the property.														
5.1	<b><u>RESIDENTIAL (Only one dwelling and or one flat per property)</u></b> That the assessment rate of 0.01325 amount in the rand increase to 0.01405 and be levied on the market value of the property.														
5.2	<b><u>BUSINESS / INDUSTRIAL / COMMERCIAL / SPECIAL / PRIVATE OPEN SPACE / MINING / UTILITIES / PUBLIC SERVICE INFRASTRUCTURE/ PUBLIC SERVICE PURPOSES / ECT.(ALL TOWNS)</u></b> That the assessment rate of 0.01325 amount in the rand increase to 0.01405 and be levied on the market value of the property. That the assessment rate ratio of 1:0.25 be applied on the market value of properties categorised as PSI														
5.3	<b><u>VACANT / UNDEVELOPED / TOWNSHIP OWNER ACCOUNT</u></b> That the assessment rate of 0.01956 amount in the rand increase to 0.02112 and be levied on the market value of the property.														
5.4	<b><u>AGRICULTURAL :</u></b> That the assessment rate of 0.01325 amount in the rand increase to 0.01405 and be levied on the market value of the property. That the assessment rate ratio of 1:0.25 be applied on the market value of properties categorised as AGR														
5.5	<b><u>RESIDENTIAL WITH MORE THAN ONE DWELLING INCLUDING: SPECIAL CONSENT USE/GUESTHOUSES / FLATS / B &amp; B / ECT.(ALL TOWNS)</u></b> That the assessment rate of 0.01325 amount in the rand increase to 0.01405 and be levied on the market value of the property. <b><u>PUBLIC BENEFIT ORGANISATION PROPERTY:</u></b> That the assessment rate of 0.01325 amount in the rand increase to 0.01405 and be levied on the market value of the property. That the assessment rate ratio of 1:0.25 be applied on the market value of properties prescribed in Part I of the Ninth Schedule to the Income Tax Act. <b><u>MULTIPLE USE PROPERTY</u></b> Rates will be charged as per the category.														
5.6	<b><u>NEWLY RATEBLE PROPERTIES</u></b> That the assessment rate of 0.01325 amount in the rand increase to 0.01405 and be levied on the market value of the property.														
5.7	<b><u>Exemptions, Rebates and Reductions on Rates</u></b> <b><u>That the following Exemptions, Rebates and Reductions on Rates be granted</u></b>														
5.7.1	<b><u>Exemptions</u></b> The first R15,000 of the market value of all residential properties and of all properties used for multiple purposes, provided one or more components of such properties are used for residential purposes, is exempt from the payment of rates in terms of Section 17(1)(h) of the Property Rates Act.														
5.7.2	<b><u>Rebates and Reductions</u></b>														
5.7.2.1	<b><u>Residential</u></b> A rebate of 50% will be given on the assessment rate for all residential properties. <b><u>RESIDENTIAL WITH MORE THAN ONE DWELLING INCLUDING: SPECIAL CONSENT USE/GUESTHOUSES / FLATS / B &amp; B / ECT.(ALL TOWNS)</u></b> A rebate of 25% will be given on the assessment rate for residential with more than one dwelling including: special consent/guesthouses/flats/B & B/ect. properties.														
5.7.2.2	<b><u>Indigents</u></b> Indigents will be subsidized in accordance with the indigent policy adopted by Council and will not form part of a rebate in terms of the MPRA.														
5.7.2.3	<b><u>Pensioners and Medical unfit applicant (disabled)</u></b> Owners who qualify in terms of the criteria determined in the policy will be granted a rebate based on the tariff applicable on residential properties. The maximum income and rebate on the category of income for the 2021/2022 financial year are determined as follows:														
5.7.2.4	<table> <tr> <th><b><u>Average Monthly Earning in Respect of Preceding 12 Months</u></b></th><th><b><u>% Rebate</u></b></th></tr> <tr> <td>R 0 - R 4 000.00</td><td>100%</td></tr> <tr> <td>R 4001.00 - R 5 000.00</td><td>80%</td></tr> <tr> <td>R 5001.00 - R 6 000.00</td><td>60%</td></tr> <tr> <td>R 6001.00 - R 7 000.00</td><td>40%</td></tr> <tr> <td>R 7001.00 - R 9 000.00</td><td>20%</td></tr> <tr> <td>Above R 9 001.00</td><td>No rebate</td></tr> </table>	<b><u>Average Monthly Earning in Respect of Preceding 12 Months</u></b>	<b><u>% Rebate</u></b>	R 0 - R 4 000.00	100%	R 4001.00 - R 5 000.00	80%	R 5001.00 - R 6 000.00	60%	R 6001.00 - R 7 000.00	40%	R 7001.00 - R 9 000.00	20%	Above R 9 001.00	No rebate
<b><u>Average Monthly Earning in Respect of Preceding 12 Months</u></b>	<b><u>% Rebate</u></b>														
R 0 - R 4 000.00	100%														
R 4001.00 - R 5 000.00	80%														
R 5001.00 - R 6 000.00	60%														
R 6001.00 - R 7 000.00	40%														
R 7001.00 - R 9 000.00	20%														
Above R 9 001.00	No rebate														

The amount due for rates as contemplated in section 26(1)(a) of the Local Government: Municipal Property Rates Act, Act no 6 of 2004, shall be payable in equal monthly instalments as from July 2021. Interest on arrears will be charged at prime plus 1 percent as determined by the municipality.

By order

**Ms S S Matsi**  
**Municipal Manager**

**P O BOX 61**  
**LYDENBURG**  
**1120**

**Notice no: 49/2020-2021**



## THABA CHWEU LOCAL MUNICIPALITY CREDIT CONTROL AND DEBT COLLECTION BY-LAW

### 1. Preamble

**WHEREAS** section 229(1) of the Constitution authorises a municipality to impose rates on properties and surcharges on fees for the services provided by or on behalf of the municipality.

**AND WHEREAS** section 4 (1) (c) of the Municipal Systems Act provides that a municipality has a right to finance its affairs by charging fees for services, imposing surcharges on fees, rates on property and, subject to national legislation, other taxes, levies and duties.

**AND WHEREAS** section 5 (1) (g) provides that the members of the community have a right to have access to municipal services which the municipality provides; section 5 (2) (b) places a duty on the members of the community to pay promptly for services fees, surcharges on fees and other taxes, levies and duties imposed by the municipality.

**AND WHEREAS** section 95 of the Municipal Systems Act provides for the municipality to, within its financial and administrative capacity, establish a total responsive Customer Relations Management System to cater for:

- Positive and reciprocal relationship with the Rates Payers and Users of municipal services who are liable for payment thereof.
- Mechanism for Rate Payers and Users of municipal services to give a feedback on the quality services.
- Informing the Users of services of the costs of services, the reasons for payment for services and the utilisation of the money raised from services.
- Measurement and accurate/verifiable quantification of consumption of services.
- Regular and accurate accounts to Rate Payers/Users of services, showing the basis of the calculation of the due to municipality.
- Accessible pay points and other mechanism for settling accounts including pre-payments for services.
- Query and Complaints management and procedure thereof for prompt response and corrective action on one hand and monitoring thereof on the other

**AND WHEREAS** section 96 of the Municipal Systems Act and section 62 (1) (f) of Municipal finance Management Act read with section 21 (2) of Water Services Act, 1997, place an obligation on the municipality to collect all money due and payable to the municipality; and, for this purpose, must adopt, maintain and implement a credit control and debt collection policy which is consistent with rates and tariff policies and compliant with the Act.

**AND WHEREAS** section 100 of the Municipal Systems Act places obligation on the Municipal Manager or the Service Provider to implement and enforce the Municipality's Credit Control Policy and the By-law enacted in terms of section 98 of the Municipal Systems Act.

**AND WHEREAS** section 97 of the Municipal Systems Act requires that the said policy must provide for the:

- Credit control procedure and mechanisms
- Debt collection procedure and mechanisms
- Provision for the indigent debtors which is consistent with the rate and tariff policies and national policy on indigents
- Interest on arrears, where appropriate
- Extension of time for the payment of accounts
- Termination of services or restriction of services when the payments are in arrears
- Illegal consumption of services and damage to municipal infrastructure
- The credit control and debt collection policy may differentiate between different categories of ratepayers, users, debtors, taxes, services, service standards and other matters as long as the differentiation does not amount to unfair discrimination

**AND WHEREAS** section 102 of the Municipal Systems Act permits the municipality to consolidate the accounts of a debtor liable for payment to the municipality; credit payment from such debtor against any of the debtor's accounts; and implement any of the credit control and debt collection measures provided for in the Act in respect of any of the debtor's accounts which remains in arrears; subject to subsection 2 of the said section.

**AND WHEREAS** section 62 of the Municipal Systems Act, makes provisions for consumers or debtors to appeal decisions or actions of municipal officials in instances of disagreement with such decisions or actions.

**AND WHEREAS** section 98 of the Municipal Systems Act requires the municipality to adopt a By-law to give effect to the municipality's credit control and debt collection policy including its implementation and enforcement.

**NOW THEREFORE** the Council of the municipality in terms of section 156 of the Constitution of the Republic of South Africa read with section 11 of the Municipal Systems Act hereby makes and enacts the following By-law:

## **2. Definitions**

**“Act”** means Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended

**“Constitution”** means the Constitution of the Republic of South Africa

**“Council”** means Municipal Council of Municipality

**“Councillor”** means a sitting Councillor of Municipality

**“Credit Control and Debt Collection By-law and Policy”** means Credit Control and Debt Collection Policy and By-law of the Municipality

**“Municipal Council”** means Municipal Council of the Municipality

**“Municipal Equipment”** means any part of the reticulation supply system, water meter (smart, post & prepaid), electricity meter (smart post & prepaid), including any other devices municipality uses to measure consumption

**“Municipal Finance Management Act”** means Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) as amended

**“Municipal Property Rates Act”** means Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004)

**“Municipal Systems Act”** means Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended

**“Municipality”** means Thaba Chweu Local Municipality

**“Official”** means employee of the municipality or/and employee of the Service Provider of the Municipality

**“Policy”** means Credit Control and Debt Collection Policy

**“Rate”** means property rate in terms of Municipal Property Rates Act

**“Tariff”** means fees, charges and surcharges on tariffs levied by the municipality in respect of any function or service provided by the municipality or on behalf of the municipality, but excludes levying of property rates in terms of Municipal Property Rates Act

**Water Services Act** means Water Services Act, 1997 (Act No. 108 of 1997) as amended

### **3. Object**

The Object of this By-law is to:

- a. Give effect to the implementation and enforcement of the Credit Control and Debt Collection Policy of the municipality as contemplated in section 96 of the Municipal Systems Act
- b. Provide enforcement instrument for the collection of all money due and payable to the municipality in terms of the mechanism and procedure more fully set out in the policy referred to in paragraph 5 hereof and other enforcement mechanism which the municipality may adopt from time-to-time subject to compliance with Municipal Systems Act.

### **4. Adoption and Implementation of Credit Control and Debt Collection Policy**

- a. The municipality shall in terms of section 96 of the Municipal Systems Act, adopt, maintain and implement Credit Control and Debt Collection Policy for the purpose of collecting all money due and payable to the municipality
- b. The Credit Control and Debt Collection Policy adopted in terms of sub-paragraph 5(a) hereof shall be reviewed annually as part of the Annual Budget Process of the municipality, for either confirmation and reiteration or amendment; which reiteration or amendment shall have the force and effect as contemplated in section 96 of the Municipal Systems Act.

### **5. Enforcement**

This By-law shall be enforced through:

- a. The Credit Control and Debt Collection Policy of the municipality adopted in terms of paragraph 4 hereof and;
- b. The Property Rates and Tariff Policies of the municipality, including the By-laws thereof.

### **6. Offences and penalties**

Any person who:

- 1) contravenes or fails to comply with the provisions of this By-law or the Policy;
- 2) fails to comply with a notice served in terms of this By-law or the Policy;
- 3) tampers with any municipal equipment or breaks any seal on a meter;
- 4) uses or consumes municipal service(s) unlawfully;



- 5) interferes unlawfully with municipal equipment or the supply system of municipal service(s) in one way or another; or
- 6) obstructs or hinders any official or councillor of the municipality in the execution of her/his duties under this By-law or the Policy, is
  - (a) in respect of residential consumer, guilty of an offence and liable to imprisonment for a period not exceeding 6 months for the first offence or 12 months for the second offence or to a fine not exceeding **R6 400.00** for a first offence or **R12 700.00** for the second offence.
  - (b) in respect of business consumer, guilty of an offence and liable on conviction to imprisonment for a period not exceeding 6 months for the first offence or 12 months for the second offence or to a fine not exceeding **R38 000.00** for a first offence or **R87 000.00** for the second offence.
  - (c) in respect of industrial consumer, guilty of an offence and liable to imprisonment for a period not exceeding 6 months for the first offence or 12 months for the second offence or to a fine not exceeding **R175 000.00** for a first offence or **R200 000.00** for the second offence.

#### **Reconnection**

Reconnection will only be done upon receipt of the penalty amount

Including all costs related to the discontinuation of services.

#### **7. Repeal**

This By-law hereby repeals all previous by-laws on Credit Control and Debt Collection of the municipality hitherto the promulgation of this by-law

#### **8. Delegation**

The Municipal Manager may delegate any of his or her powers in terms of this By-Law or the policy to any employee or official of the municipality subject to applicable legislation

#### **9. Short title**

This By-law is be called Credit Control and Debt Collection By-law, and takes effect on the date of the publication hereof in the provincial gazette or as otherwise indicated in the Notice hereof.



**THABA CHWEU LOCAL MUNICIPALITY  
PROPERTY RATES BY-LAW**



Thaba Chweu Local Municipality hereby, in terms of section 6 of the Local Government: Municipal Property Rates Act, 2004, has by way of (No of the resolution) adopted the Municipality's Property Rates By-law set out hereunder.

**Thaba Chweu Local Municipality**

**MUNICIPAL PROPERTY RATES BY-LAW**

**PREAMBLE**

**WHEREAS** section 229(1) of the Constitution requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality;

**AND WHEREAS** section 13 of the Municipal Systems Act read with section 162 of the Constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province;

**AND WHEREAS** section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a municipality to adopt by-laws to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates;

**NOW THEREFORE BE IT adopted** by the Council of the Thaba Chweu Local Municipality, as follows:

## 1. DEFINITIONS

In this by-law, any word or expression to which a meaning has been assigned in the Thaba Chweu Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), shall bear the same meaning unless the context indicates otherwise.

**‘Act’** means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004);

**‘Municipality’** means (Local Municipality);

**‘Rates Policy’** means the policy on the levying of rates on rateable properties of the (Thaba Chweu Local Municipality), contemplated in chapter 2 of the Municipal Property Rates Act.

## 2. OBJECTS

The object of this by-law is to give effect to the implementation of the Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

## 3. ADOPTION AND IMPLEMENTATION OF RATES POLICY

- 3.1. The Municipality shall adopt and implement its Rates Policy consistent with the Municipal Property Rates Act on the levying of rates on rateable property within the jurisdiction of the municipality; and
- 3.2. The Municipality shall not be entitled to levy rates other than in terms of its Rates Policy.

## 4. CONTENTS OF A RATE POLICY

The Rates Policy shall, *inter alia*:

- 4.1. Apply to all rates levied by the Municipality pursuant to the adoption of its Annual Budget;
- 4.2. Comply with the requirements for:
  - 4.2.1. the adoption and contents of a rates policy specified in section 3 of the Act;
  - 4.2.2. the process of community participation specified in section 4 of the Act; and
  - 4.2.3. the annual review of a Rates Policy specified in section 5 of the Act.
- 4.3. Provide for principles, criteria and implementation measures that are consistent with the Municipal Property Rates Act for the levying of rates which the Council may adopt; and
- 4.4. Provide for enforcement mechanisms that are consistent with the Municipal Property Rates Act and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

## **5. ENFORCEMENT OF THE RATES POLICY**

The Municipality's Rates Policy shall be enforced through the Credit Control and Debt Collection Policy and any other further enforcement mechanisms stipulated in the Act.

## **6. REPEAL OF THE PREVIOUS BY-LAWS**

This By-law hereby repeals all previous Property Rates By-laws of the municipality hitherto the promulgation of the By-law

## **7. SHORT TITLE AND COMMENCEMENT**

This By-law is called the Municipal Property Rates By-law, and takes effect on a date of the promulgation hereof



## THABA CHWEU LOCAL MUNICIPALITY TARIFF BY-LAW



### 1. Preamble

**WHEREAS** section 229(1) of the Constitution authorises a municipality to impose rates on properties and surcharges on fees for the services provided by or on behalf of the municipality.

**AND WHEREAS** section 75A of the Municipal Systems Act authorises a municipality to levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and recover collection charges and interest on any outstanding amount.

**AND WHEREAS** section 74(1) of the Municipal Systems Act requires a municipality to adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality or on behalf of the municipality which complies with the provision of the Municipal Systems Act, Municipal Finance Management Act and any other applicable legislation.

**AND WHEREAS** section 75 of the Municipal Systems Act, requires a municipality to adopt by-laws to give effect to the implementation and enforcement of its tariff policy.

**AND WHEREAS** by-law adopted in terms of the said section 75 of Municipal Systems Act may differentiate between different categories of users, debtors, service providers, services, service standards and geographic areas as long as such differentiation does not amount to unfair discrimination.

**NOW THEREFORE** the Municipal Council of the municipality in terms of section 156 of the Constitution of the Republic of South Africa read with section 11 of the Municipal Systems Act hereby makes and enacts the following By-law:

### 2. Definitions

**“Constitution”** means the Constitution of the Republic of South Africa

**“Council”** means Municipal Council of the Municipality

**“Credit Control and Debt Collection By-law and Policy”** means Credit Control and Debt Collection Policy and By-law of the Municipality

**“Municipal Council”** means Municipal Council of the Local Municipality

**“Municipal Finance Management Act”** means Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) as amended

**“Municipal Property Rates Act”** means Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004)

**“Municipal Systems Act”** means Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended

**“Municipality”** means Thaba Chweu Local Municipality

**“Policy”** means Tariff Policy of the Municipality

**“Rate”** means property rate in terms of Municipal Property Rates Act

**“Tariff”** means fees, charges and surges on tariffs levied by the municipality in respect of any function or service provided by the municipality or on behalf of the municipality, but excludes levying of property rates in terms of Municipal Property Rates Act

### 3. Objects

- 3.1 The object of this by-law is to give effect to the implementation and enforcement of the Tariff policy as contemplated in section 74(1) of the Municipal Systems Act.
- 3.2 Further, to give effect to the Credit Control and Debt Collection Policy and/or By-law of the municipality.

### 4. Adoption and Implementation of Tariff Policy

- 4.1 The municipality shall adopt and implement tariff policy on the levying of fees for municipal services provided by the municipality or on behalf of the municipality which complies with the provisions of the Municipal Systems Act read together with Municipal Finance Management Act and any other applicable legislation.
- 4.2 The tariff policy adopted in terms of 4.1 hereof shall reviewed annually as part of the Annual Budget Process; and be amended accordingly, if need be.
- 4.3 The municipality shall not impose tariffs other than in terms of a valid tariff policy

### 5. Tariff Policy

- 5.1 The tariff policy shall apply to all tariffs imposed by the municipality.
- 5.2 The tariff policy shall reflect the principles referred to in:
  - (a) Section 74(1) of the Municipal Systems
  - (b) Section 97 of the same Act
  - (c) section 4(2) of the same Act
- 5.3 The tariff policy shall specify the basis of differentiation, if any, for tariff purposes, between different categories of users, debtors, service providers, services, service standards and geographic areas as long as such differentiation does not amount to unfair discrimination.
- 5.4 The policy shall include such further enforcement mechanism, if any, as the municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection Policy and/or By-law

**6. Enforcement of Tariff Policy**

The tariff policy shall be enforced through Credit Control and Debt Collection Policy and Credit Control and Debt Collection Policy and Credit Control and Debt Collection By-law; and any further enforcement mechanisms set out in other relevant and applicable legislation or Policy of the municipality.

**7. Repeal of previous by-laws**

This By-law hereby repeals all previous by-laws on Tariff of the municipality hitherto the promulgation of this by-law

**8. Short Title and Commencement**

This By-law shall be called Tariff By-law and takes effect on the date of the publication hereof in the provincial gazette or as otherwise indicated in the Notice hereof



**THABA CHWEU****Lydenburg Head Office:**

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Tel: 013 235 1788

013 235 7370

Toll free: 0800 007 222

PO Box 61

Lydenburg 1120

Cnr. Viljoen &amp; Sentraal Streets

All Correspondence to be directed  
to the Municipal Manager**LOCAL MUNICIPALITY**

**RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF THE  
LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004.  
(ACT NO.06 OF 2004)**

**DATE: 28 MAY 2021**

**RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2021  
TO 30 JUNE 2022**

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that at its meeting of **28 May 2021**, the Council resolved by way of council resolution number **A83/2021** to levy the rates on property reflected in the schedule below with effect from 1 July 2021.

<b>Category of property</b>	<b>Rate ratio</b>	<b>Cent amount in the Rand rate determined for the relevant property category</b>
Residential property	1: 1	0.01405 (Less 50% rebate)
Business and commercial property	1: 2	0.01405
Industrial property	1: 2	0.01405
Agricultural property	1: 0.25	0.01405
Mining property	1: 2	0.01405
Public service infrastructure property	1: 0.25	0.01405
Public benefit organisation property	1: 0.25	0.01405
Undeveloped/Vacant		0.02112

**EXEMPTIONS, REDUCTIONS AND REBATES**

**Residential Properties:** For all residential properties, the municipality will not levy a rate on the first R 15 000 of the property's market value which is the statutory impermissible rate as per section 17(1)(h) of the Municipal Property Rates Act. Residential properties with only one(1) dwelling, 50% rebate. Residential properties with more than one(1) dwelling and or flat per property which includes residential properties for gain eg: guest houses, B & B, flats, rooms, special consent use etc. 25% rebate.

**Rebates in respect of a category of owners of property are as follows:**

Indigent owners: as per the indigent policy

Child headed households: as per the indigent policy

Owners who are dependent on Pension or Social Grants for their livelihood: as per the rates policy

Full details of the Council resolution and rebates, reductions and exemptions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy are available for inspection on the municipality's offices, website ([www.tclm.gov.za](http://www.tclm.gov.za)) and public libraries within the municipality's jurisdiction.

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**NAME: Ms SS MATSI**

**DESIGNATION: MUNICIPAL MANAGER**

**PO Box 61**

**LYDENBURG 1120**

**CNR. VILJOEN & SENTRAAL STREETS**

**NOTICE NO 49/2020-2021**

**PROVINCIAL NOTICE 79 OF 2021****STEVE TSHWETE AMENDMENT SCHEME No. 22****NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME, 2004, IN TERMS OF SECTION 62(1) AND 94(1) (A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016.**

I/we **Nomfundo Skhosana** being the authorized agent of the registered owner of **Erf/Erven 1276 Aerorand** hereby give notice in terms of **section 94(1)(a) of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016**, that I have applied to the Steve Tshwete Local Municipality for the amendment of the town planning scheme known as the Steve Tshwete Land Use Scheme, 2019, for the rezoning of the abovementioned property situated at (street address) 5 Tugela Street, by rezoning the property from **Residential 1 Zone** to **Residential 2 Zone** subject to certain conditions.

Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the Municipal Manager, PO Box 14, Middelburg 1050 within 30 days from **30 JULY 2021**.

Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013 2497000, for a period of 30 days from **30 JULY 2021**.

Address of the Applicant: [jalitownplanners@gmail.com](mailto:jalitownplanners@gmail.com)

Telephone no: +27783866314.

30-06

**PROVINSIALE KENNISGEWING 79 VAN 2021****STEVE TSHWETE WYSIGINGSKEMA No. 22****KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE DORPSBEPLANNINGSKEMA, 2019, IN TERME VAN ARTIKEL 62(1) EN 94(1)(a) VAN DIE STEVE TSHWETE RUIMTELIKE BEPLANNING EN GRONDGEBUIKBESTUUR BYWET, 2016**

Ek/ Ons, **Nomfundo Skhosana**, synde die gemagtigde agent van die geregistreerde eienaar van **Erf/Erwe 1276 Aerorand**, gee hiermee in terme van Artikel **94(1)(a) van die Steve Tshwete Ruimtelike Beplanning en Grondgebruiksbestuur Bywet, 2016** kennis om die wysiging van Steve Tshwete Dorpsbeplanningskema, 2004, deur die hersonering van die bogenoemde eiendom geleë te **5 Tugela Straat**, vanaf, **Residensiële 1 sone** na **Residensiële 2 sone**, onderworpe aan sekere voorwaardes.

Enige beswaar of kommentaar insluitend gronde vir genoemde beswaar/ of kommentaar met volledige kontakbesonderhede, moet skriftelik binne 'n tydperk van 30 dae vanaf **30 JULIE 2021** aan die Munisipale Bestuurder, Posbus 14, Middelburg 1050, gerig word.

Volledige besonderhede en planne lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete Plaaslike Munisipaliteit, H/v Walter Sisulu en Wandererslaan, Middelburg, 1050, Tel: 013 2497000 vir 'n tydperk van 30 dae vanaf **30 JULIE 2021**.

Adres van Applikant: [jalitownplanners@gmail.com](mailto:jalitownplanners@gmail.com)

Tel no: +27783866314.

30-06

**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS****LOCAL AUTHORITY NOTICE 77 OF 2021****STEVE TSHWETE AMENDMENT SCHEME No: 21****NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME, 2004 IN TERMS OF SECTION 62 (1) AND 94 (1)(a) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016.**

We, Inkanyiso Planning Developments (Pty) Ltd. being the authorised agents of the registered owner of Portion 59 of Erf 1 Nasaret, hereby give notice in terms of section 94 (1) of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that I have applied to the Steve Tshwete Local Municipality for the amendment of the town planning scheme known as the Steve Tshwete Town Planning Scheme, 2004, for the rezoning of the abovementioned property situated at the corner Peterson and Philander Street, by rezoning from "Industrial 1" to "Business 2", including a Filling Station, subject to conditions.

Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the Municipal Manager, PO Box 14, Middleburg, 1050 within 30 days from **23 July 2021**.

Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middleburg, 1050, Tel: 0132497000, for a period of 30 days from **23 July 2021**.

**Address of the Agent:** Inkanyiso Planning Developments (Pty) Ltd. Postal Address: 1896 Mpane Street, Orlando East, 1804, (t) +27 11 935 1847, (c) +27 78 574 3228, (e) [mzinyanesp@gmail.com](mailto:mzinyanesp@gmail.com)

23-30

**PLAASLIKE OWERHEID KENNISGEWING 77 VAN 2021****STEVE TSHWETE WYSIGINGSKEMA No. 21****KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE DORPSBEPLANNINGSKEMA, 2004, IN TERME VAN ARTIKEL 62 (1) EN 94 (1)(a) VAN DIE STEVE TSHWETE RUIMTELIKE BEPLANNING EN GRONDGEBUIKBESTUUR BYWET, 2016.**

Ons, Inkanyiso Planning Developments (Pty) Ltd, snyde die gemagtigde agent van die eienaar Geddelte 59 van Erf 1 Nasaret, gee hiermee in terme van Grondgebruiksbestuur Bywet, 2016 kennis om die wysiging van Steve Tshwete Dorpsbeplanningskema, 2004, deur die hersonerings van die bogenoemde eiendom gelee te H/v Peterson en Philander Straat, vanaf, "Industriële 1" na "Besigheid 2", insluitende 'n Vulstasie, onderworpe aan sekere voorwaardes.

Einge beswaar of kommentaar insluitend gronde vir genoemde beswaar/ of kommentaar met volledige kontakbesonderhede, moet skriftelik binne 'n tydperk van 30 dae vanaf **23 Julie 2021** an die Munisipale Bestuurder, Posbus 14, Middleburg, 1050, gerig word.

Volledige besonderhede en planne le ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete Plaaslike Munisipaliteit, H/v Walter Sisulu en Wandererslaan, Middleburg, 1050, Tel: 013 2497000 vir 'n tydperk van 3 dae vanaf **23 Julie 2021**.

**Adres van aplikant:** : Inkanyiso Planning Developments (Pty) Ltd. Postal Address: 1896 Mpane Street, Orlando East, 1804, (t) +27 11 935 1847, (c) +27 78 574 3228, (e) [mzinyanesp@gmail.com](mailto:mzinyanesp@gmail.com)

23-30

**LOCAL AUTHORITY NOTICE 83 OF 2021****STEVE TSHWETE LOCAL MUNICIPALITY AMENDMENT SCHEME No. 32 (ANNEXURE 30)****NOTICE OF APPLICATIONS FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME, 2004, IN TERMS OF SECTIONS 62(1) AND 94(1)(a) AND CONSOLIDATION OF LAND UNITS IN TERMS OF SECTIONS 73(1) AND 94(1)(h) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016**

I, Willem Georg Groenewald (ID No. 700404 5221 08 7) of Landmark Planning CC (Reg. No. 2009/101412/23) being the authorized agent of the registered owner of Erven 121 and 122, Aerorand South hereby give notice in terms of Sections 94(1)(a) and 94(1)(h) of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that I have applied to the Steve Tshwete Local Municipality for the consolidation of Erven 121 and 122, Aerorand South and the amendment of the town planning scheme known as the Steve Tshwete Town Planning Scheme, 2004, for the rezoning of the abovementioned properties situated alongside Granite Street, on the south-western corner of the intersection of Sondagsrivier Street with Dr. Mandela Drive, by rezoning the properties from "Residential 2" and "Residential 3", respectively to "Residential 4", subject to certain proposed conditions.

Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the Municipal Manager, P.O. Box 14, Middelburg 1050 within 30 days from 30 July 2021.

Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013 2497000, for a period of 30 days from 30 July 2021.

Landmark Planning CC, E-mail address: [info@land-mark.co.za](mailto:info@land-mark.co.za), Physical Address of offices of applicant: 75 Jean Avenue, Centurion, 0157, Contact Telephone Number: 012 667 4773.

30-06

**PLAASLIKE OWERHEID KENNISGEWING 83 VAN 2021****STEVE TSHWETE PLAASLIKE MUNISIPALITEIT WYSIGINGSKEMA No. 32 (BYLAAG 30)  
KENNISGEWING VAN DIE AANSOEKE OM DIE WYSIGING VAN DIE STEVE TSHWETE  
DORPSBEPLANNINGSKEMA, 2004, IN TERME VAN ARTIKELS 62(1) EN 94(1)(a) EN KONSOLIDASIE VAN  
ERWE INGEVOLGE ARTIKELS 73(1) EN 94(1)(h) VAN DIE STEVE TSHWETE RUIMTELIKE BEPLANNING  
EN GRONDGEBUIKBESTUUR BYWET, 2016**

Ek, Willem Georg Groenewald (ID No. 700404 5221 08 7) van Landmark Planning CC (Reg. No. 2009/101412/23), synde die gemagtigde agent van die geregistreerde eienaar van Erwe 121 en 122, Aerorand South, gee hiermee ingevolge Artikels 94(1)(a) en 94(1)(h) van die Steve Tshwete Ruimtelike Beplanning en Grondgebruiksbestuur Bywet, 2016 kennis van die aansoek om konsolidasie van Erwe 121 en 122, Aerorand South en die wysiging van die Steve Tshwete Dorpsbeplanningskema, 2004, deur die hersonering van die bogenoemde eiendomme geleë te Granitestraat, op die suid-westelike hoek van die kruising van Sondagsrivierstraat en Dr. Mandelarylaan onderskeidelik vanaf, "Residensieël 2" en "Residensieël 3" na "Residensieël 4", onderworpe aan sekere voorgestelde voorwaardes.

Enige beswaar of kommentaar insluitend gronde vir genoemde beswaar/ of kommentaar met volledige kontakbesonderhede, moet skriftelik binne 'n tydperk van 30 dae vanaf 30 Julie 2021 aan die Munispale Bestuurder, Posbus 14, Middelburg 1050, gerig word.

Volledige besonderhede en planne lê ter insae gedurende gewone kantoorure by die kantoor van die Munispale Bestuurder, Steve Tshwete Plaaslike Munisipaliteit, H/v Walter Sisulu en Wandererslaan, Middelburg, 1050, Tel: 013 2497000 vir 'n tydperk van 30 dae vanaf 30 Julie 2021.

Landmark Planning CC, Epos adres: [info@land-mark.co.za](mailto:info@land-mark.co.za), Fisiese adres van die kantoor van die applikant: Jeanlaan 75, Centurion, 0157, Kontak telefoonnommer: 012 667 4773

30-06

**LOCAL AUTHORITY NOTICE 84 OF 2021****NOTICE OF APPLICATION MADE IN TERMS OF SECTION 98 OF THE MKHONDO SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016 READ WITH THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT NO 16 OF 2013): FOR THE ESTABLISHMENT OF A TOWNSHIP (EZINKONJENI) ON PORTION 67 OF THE FARM WELVERDIEND 148-HT IN THE MKHONDO LOCAL MUNICIPALITY, MPUMALANGA PROVINCE.**

Notice is hereby given in terms of Section 98 of the Mkhondo Spatial Planning and Land Use Management By-Law, 2016 that Isibuko Development Planners cc has lodged an application for the establishment of a township on Portion 67 of the Farm Welverdiend 148-HT Mpumalanga Province in Mkhondo Local Municipality, in terms of section 59 of the Mkhondo Local Municipality Spatial Planning and Land Use Management By-Law, 2016 on the instruction of the Department of Human Settlements, Mpumalanga Province.

The municipality in association with the Department of Human Settlement seeks to establish a residential township/sustainable human settlement (Ezinkonjeni) on the above-mentioned property. The project area is situated approximately 3km west of Piet Retief Town. Geographically, it is located on the following GIS coordinates: 27°0'1.24"S; 30°46'31.29"E.

Details about the number of erven and zoning in proposed township are as follows:

Land Use	Number of Erven
Residential 1	378
Business 1	1
Institutional	3
Educational	1
Public Open Space	2
Roads	-
TOTAL	385

A copy of the application may be inspected during normal office hours at the Town Planning Department, Mkhondo Local Municipality, 13 Kotze Street, Mkhondo, 2380, for a period of 30 days from 30 July 2021 to 10 September 2021. Contact details of relevant Municipal official: Fezile Mkhabela (Tel. 017 285 0245).

Any person or persons having any objection to or representation in respect of this application must lodge such written objection/representation, with the Municipal Manager at P.O. Box 23, Piet Retief, 2380, or delivered to Corporate Services Building, 33 Cnr Mark & De Wet Street, eMkhondo, 2380, within a period of 30 days from date of this notice and not later than 10 September 2021.

The details of the applicant are as follows:

Name of agent: Isibuko Development Planners cc  
Physical address of agent: Unit 2, Building 4, 141 Witch-Hazel Avenue,  
Techno Park, Highveld, Centurion, 0157  
Contact details of agent: 012-643 1154

30-06

**PLAASLIKE OWERHEID KENNISGEWING 84 VAN 2021****KENNISGEWING VAN AANSOEK INGEVOLGE AFDELING 98 VAN DIE VERORDENING OM RUIMTELIKE BEPLANNING EN GRONDGEBRUIKSBESTUUR, 2016 LEES MET DIE WET OP RUIMTELIKE BEPLANNING EN GRONDGEBRUIK, 2013 (WET NO 16 VAN 2013): VIR DIE STIGTING VAN 'N DORP (EZINKONJENI) OP GEDEELTE 67 VAN DIE PLAAS WELVERDIEND 148-HT IN DIE MKHONDO PLAASLIKE GEMEENTE, PROVINSIE MPUMALANGA.**

Kennis geskied hiermee ingevolge artikel 98 van die Mkhondo Verordening op Ruimtelike Beplanning en Grondgebruikbestuur, 2016 dat Isibuko Development Planners cc 'n aansoek ingedien het vir die stigting van 'n dorpsgedeelte op Gedeelte 67 van die plaas Welverdiend 148-HT Mpumalanga Provinsie. in Mkhondo Plaaslike Munisipaliteit, ingevolge artikel 59 van die Mkhondo Plaaslike Munisipaliteit Verordening op Ruimtelike Beplanning en Grondgebruikbestuur, 2016 in opdrag van die Departement van Menslike Nedersettings, Mpumalanga Provinsie.

Die munisipaliteit wil in samewerking met die Departement van Menslike Nedersetting 'n residensiële dorp / volhoubare menslike nedersetting (Ezinkonjeni) op die bogenoemde eiendom vestig. Die projekgebied is ongeveer 3 km wes van Piet Retief Town geleë. Geografies is dit op die volgende GIS-koördinate geleë: 27°0'1.24"S; 30°46'31.29"E .

Besonderhede oor die aantal erwe en sonering in die voorgestelde dorp is soos volg:

<b>Grondgebruik</b>	<b>Aantal erwe</b>
Residensieel 1	378
Besigheid 1	1
Institusioneel	3
Opvoedkundig	1
Openbare Oopruimte	2
Paaie	-
<b>TOTAAL</b>	<b>385</b>

'N Afskrif van die aansoek kan gedurende gewone kantoorure by die Stadsbeplanningsafdeling, Mkhondo Plaaslike Munisipaliteit, Kotzestraat 13, Mkhondo, 2380, besigtig word vir 'n tydperk van 30 dae vanaf 30 Julie 2021 tot 10 September 2021. Kontakbesonderhede van die betrokke munisipaliteit amptenaar: Fezile Mkhabela (Tel. 017 285 0245).

Enige persoon of persone wat beswaar teen of vertoe ten opsigte van hierdie aansoek het, moet sodanige skriftelike beswaar / vertoe by die Munisipale Bestuurder by P.O. Posbus 23, Piet Retief, 2380, of binne 30 dae vanaf die datum van hierdie kennisgewing en nie later nie as 10 September 2021 by die Korporatiewe Dienstebou, Marknr. & De Wetstraat 33, eMkhondo, 2380 afgelewer word.

Die besonderhede van die aansoeker is soos volg:

Naam van agent: Isibuko Development Planners cc  
 Fisiese adres van agent: Eenheid 2, Gebou 4, Witch-Hazellaan 141,  
 Techno Park, Highveld, Centurion, 0157  
 Kontakbesonderhede van agent: 012-6431154

30-06



**LOCAL AUTHORITY NOTICE 85 OF 2021****STEVE TSHWETE LOCAL MUNICIPALITY  
NUISANCE BY-LAWS, 2021**

Notice is hereby in terms of Section 13 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, read with Section 156 and 162 of the Constitution of the Republic of South Africa, 108 of 1996, that the Steve Tshwete Local Municipality resolved to adopt the following Nuisance By-Laws, with effect from the date of publication.

**PREAMBLE**

**WHEREAS** the Municipality has competence in terms of section 156 (2) of the Constitution of the Republic of South Africa to make and administer By-Laws for the effective administration of the matters which it has the right to administer.

**WHEREAS** the Municipality has competence in terms of Part B of Schedule 5 of the Constitution relating to such matters as the control of public nuisances, municipal roads, public places and traffic and parking's.

**AND WHEREAS** there is a need to develop legislation to deal with the prevention or minimisation of public nuisance and to regulate behaviour in public places;

**NOW THEREFORE** the Municipal Council of the Steve Tshwete Local Municipality, acting in terms of section 156 read with Schedule 5 Part B of the Constitution of the Republic of South Africa, and read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), hereby makes the following By-Law:

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2. Interpretation of By-Law
3. Objectives of By-Law
4. Application of By-Law

**CHAPTER 2****PROHIBITED CONDUCT**

5. GENERAL PROHIBITION AND NUISANCE BEHAVIOUR
6. OBSTRUCTING, BLOCKING OR DISTURBING OF TRAFFIC AND PEDESTRIANS
7. NUISANCE CAUSED BY ANIMALS
8. LITTER
9. VEGETATION
10. NOISE
11. CONDUCT REGARDING MOTOR-VEHICLE
12. NUISANCE RELATING TO PUBLIC HEALTH
13. POWERS OF AUTHORISED OFFICIALS

**CHAPTER 3****OFFENCES AND PENALTIES**

14. OFFENCES
15. PENALTIES

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17. REAPEALS
18. DELEGATIONS
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## CHAPTER 1

### 1. DEFINITIONS

In this by-law, unless the context otherwise indicates-

**“authorised official”** means a person authorised to implement the provisions of this By-Law, including but not limited to-

1. Peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Acct No.51 of 1977);
2. Municipal or metropolitan Police Officers as contemplated in the South African Police Service Act, 1995 (Act No.68 of 1995); and
3. Such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

**“construction”** means any building work or demolition and any activity ancillary to such building work or demolition;

**“heavy -duty vehicle”** means buses and earth- moving or earth.

**“motor vehicle”** means any self-propelled vehicle having an engine or motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such engine or motor for the purposes of transportation on any road of one or more persons or any material, item, substance or object, and includes a trailer, motor-bike, quad-bike or earth- moving or earth-working vehicle, but excludes any vehicle which is controlled by a pedestrian, or any vehicle with a mass not exceeding 230 kilograms which is specially designed and constructed solely for mobility of any person suffering from some physical defect or disability;

**“municipal council”** or **“council”** means the Steve Tshwete Local Municipality council, a municipal council referred to in section 157(1) of the Constitution;

**“municipality”** means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998);

**“municipal manager”** means a person appointed in terms of section 54A of the Municipal Systems Act, 2000 (Act No.32 of 2000) as the head of administration of the municipal council;

**“nuisance”** means any conduct or behaviour by any person or the use, keeping, producing, harbouring or conveying, as the case may be, of any item, substance, matter, material, equipment, tool or condition in or on private property or in a public place or anywhere in the Municipality which causes damage, annoyance, inconvenience or discomfort to the public or to any person in the exercise of rights common to all or of any person;

**“overnight”** means the period from 20h00 in the evening to 06h00 in the morning;

**“public place”** means includes any public street or place, any public conveyance, any place of public entertainment, any place of public gathering or any place of which the public has unhindered usage of the right of way and any place that is open to public view;

**“environment”** means the surrounding within which humans exist and that are made up of-

1. The land, water and atmosphere of the earth;
2. Micro-organisms, plant and animal life;
3. Any part or combination of (a) and (b) and the interrelationships among and between them; and
4. The physical, chemical, aesthetic and cultural properties and conditions of the foregoing and influence human health and wellbeing.

**“person”** means a natural or juristic person and includes an organ of state;

**5. INTERPRETATION OF BY-LAW**

if there is a conflict of interpretation between the English version of this By-Law and a translated version, the English version prevails.

**6. OBJECTS OF BY-LAW**

The objects of this By-Law are to provide-

1. Measures to regulate and control conduct or behaviour which causes or is likely to cause discomfort, annoyance or inconvenience to the public or users of any public place, so as ensure that any such discomfort, annoyance or inconvenience is avoided, and where total avoidance is impossible or impractical, that it is minimised and managed; and
2. Penalties for breach of its provisions.

**3. APPLICATION OF BY-LAW**

This By-Law applies to all areas which fall under the jurisdiction of the Steve Tshwete Local Municipality and is binding on all persons to the extent applicable.

**CHAPTER 2  
PROHIBITED CONDUCT****4. GENERAL PROHIBITION AND NUISANCE BEHAVIOUR**

1. No person may in a public place-
1. Act in a manner which is dangerous to life or which may damage property;
2. Unlawfully enter a public place to which access has been restricted in terms of this By-law or any other;
3. Cause a nuisance; or
4. Behave in an indecent, offensive or objectionable manner.
5. No person may in public place-
1. Use abusive, threatening or foul language or gestures;
2. Fight or act in a riotous or physically threatening manner;
3. Urinate or defecate, except in a facility provided for such purpose;
4. Bathe or wash himself or herself, except in a bath or shower; or As part of a religious or cultural ceremony in an area where such ceremony is lawfully taking place: provided no nuisance is caused thereby;
5. Bathe or wash clothes, animals, or other articles;
6. Spit;
7. Perform any sexual act;
8. Appear in the nude or expose his or her genitalia;
9. Consume any liquor or be under the influence of drugs;
10. Solicit or importune any person for the purpose of prostitution, human trafficking or other illegal business;
11. Engage in gambling or wagering;
12. Start or keep a fire unless for the purposes of making a braai in an area where such activity is permitted, unless that person is authorised to make and keep such fire by the Municipality or in terms of law;
13. Other than a peace officer or other official or person acting in terms of the law, deposit, pack, unpack or leave any goods or articles in a public place, other than for a reasonable period during the course of the loading, off-loading or removal of such good and articles;
14. Discharge fireworks except in accordance with the By-law of the Municipality dealing with fire and other applicable law;

15. Lie or sleep on any beach, seating place, street or sidewalk, or use it in such a manner that it prevents others from using it;
16. Beg for money or goods whether by gesture, words or otherwise;
17. Associate or act in concert with other persons for any purpose or in any manner which causes or is likely to cause breach of the peace;
18. Behave in a manner which causes or is likely to cause a danger to himself, herself or the public;
19. Loiter for the purpose of or with the intention of committing an offence; or;
20. In any way cause a nuisance.

21. The Municipality may erect signage indicating prohibited or permissible conduct in a public place for the purposes of section 5.

## **22. OBSTRUCTING, BLOCKING OR DISTURBING OF TRAFFIC AND PEDESTRIANS**

1. No person May-
  1. In a public place, intentionally block or interfere with the safe or free passage of a pedestrian or motor vehicle, unless to the extent authorised by law; or
  2. Approach any pedestrian or a person inside a motor vehicle on any public road or public road intersection or any other public place for the purposes of begging from such pedestrian or person in a motor- vehicle or offer to wash the windows of the vehicle.
3. Any person, who unlawfully blocks, occupies or reserves a public parking space, or begs, stands, sits, lies in a public place, or does anything which hinders or disturbs the flow of pedestrian or road traffic must immediately cease to do so when directed by an authorised official.

## **4. ANIMALS**

1. No person shall allow any animal owned or controlled by him or her to cause a noise nuisance or disturb the neighbourhood;
2. No person shall permit any animal, of which he/she is the owner or in charge of, to rush pedestrian, motor cars or cyclists, or permit such animal to interfere with the comfort or safety of the public;
3. No person shall keep on any premises in the jurisdiction of the Council any wild, ferocious or dangerous animal unless such animal is securely tied up or confined;

## **4. LITTER**

1. No person may within a public place, deposit, dump or discard any waste or litter-
  1. In a manner that detracts from the cleanliness of such public place or which causes a nuisance; and
  2. Anywhere other than in a receptacle provided by the Municipality for that purpose.
3. No person may permit any waste or litter from any land or premises to be discarded, dumped, stored, kept or disposed of in such a manner that such waste or litter causes a nuisance;

## **4. VEGETATION**

1. No person may allow any tree or other growth on any premises under his or her control to-
  1. Interfere with any public service infrastructure such as, but not limited to, overhead wires, storm water drainage or sewerage system; or
  2. Become a source of annoyance, danger, inconvenience or discomfort to person using a public road.

3. The Municipality may by written notice direct the owner, occupier or person in control of premises contemplated in subsection (1) to prune or remove such tree or growth to the extent and within the period specified in such notice.
4. If the person contemplated in subsection (2) fails to take measures contemplated in the notice issued in terms of that subsection, the Municipality may act and recover costs from that person.

**5. NOISE**

1. No person may in a public place cause or permit to be caused any disturbance or impairment of the convenience or peace of any person by shouting, screaming or making any other loud or persistent noise or sound, including amplified noise or sound, except where such noise or sound is emanating from-
  1. An authorised public meeting, gathering, congregation or event; or
  2. An emergency or rescue announcement, which noise or sound is normally associated with such meeting, gathering, congregation, event or situation and in accordance with the conditions of authorisation of any such meeting, gathering, congregation, event or situation.
3. That no person may rev the engine of a motorbike or quad bike whilst driving in a residential area in such a way that it causes a nuisance.

4. Notwithstanding subsections (1) and (2), no person may cause or permit to be caused any disturbance or impairment of the convenience or peace of any person within the following times:

1. From Sunday to Thursday, between 22h00 to 06h00; and
2. From Friday to Saturday, between 22h00 to 06h00

3. No driver or person in control of a motor vehicle may permit any amplified sound or noise to emanate from the motor vehicle such that it is audible at more than 50 meters.
4. No person may rev the engine of a stationary motor vehicle in such a way that it causes nuisance in a public place: provided that a person may rev an engine for the purposes of repairing such motor vehicle which has broken down in near a public place.

**5. CONDUCT REGARDING MOTOR VEHICLE**

1. No person may in a public place-
  1. Wash or clean any motor-vehicle, except in an area designated by the Municipality for that purpose; or
  2. Effect any repairs to a motor-vehicle or boat, except where repairs are necessary for the purpose of removing such motor-vehicle from the place where it was involved in an accident or had a breakdown.
3. No person may in public place-
  1. Sleep in a stationary motor-vehicle except in an emergency, where such person is the driver of a public transportation motor-vehicle, is guarding a motor-vehicle, or is in a designated rest area; or
  2. Reside in a motor for longer than 24 hours,  
Unless that person sleeps for the purposes of resting after a long journey using that vehicle: provided that an authorised official may at any time direct that person to move the vehicle away from such place or to desist from sleeping or residing from sleeping or residing in the vehicle.

**3. NUISANCE RELATING TO PUBLIC HEALTH**

1. A person may not keep deposit or allow on any premises owned or occupied by him or her, or which he or she is in charge, any matter or thin, solid or liquid, which is, likely to become offensive or dangerous to public health.
2. A person may not carry or convey, or cause or permit to be carried or conveyed, across or in any public place, any matter or thing, solid or liquid, which is or likely to become offensive or dangerous or injurious to public health, unless such matter or thing is carried or conveyed in a closed vehicle or receptacle closed and covered with a lid or other material approved by an Authorised Official;
3. A person may not keep any dead body or corpse in any premises other than a mortuary or other similar place designated for that purpose;
4. A person may not permit the carcass of any animal to remain on his or her premises for a longer period than is necessary to arrange for the removal of such carcass;
5. Any person may not place or permit to be placed, any carcass or any decomposable or offensive material or object which is his or her property or under his or her control, on his or her premises or elsewhere and to remain thereon so as to cause any nuisance;
6. A person may not cause or permit any stream, drain, gutter, watercourse, sink, bar, tank, water closet, urinal, compost heap or swimming bath on any land or premises owned or occupied by him or her of which he or she is in control to be or to become so foul or in such a state or to be situated or constructed so as to be offensive or dangerous or injurious to public health;
7. Any person may not cause or permit any foul or polluted water or any foul liquid or matter to run or flow from any premises occupied by him or her, into any street or onto any land so as to be offensive or dangerous or injurious to public health;
8. A person may not commit or cause or permit to be committed, any act causing or contributing to the pollution of any water;
9. A person may not deposit human excrement or urine in any place not designated for such purpose;
10. A person may not foul or misuse any public convenience or any convenience provided in any public building or place of public entertainment;
11. Every person who is the owner or occupier or in charge of any premises or vacant land shall take all possible precautions to prevent conditions favouring the multiplication and prevalence of, and shall take steps for the eradication of rodents, mosquitoes, flies, fleas, bugs, cockroaches or other vermin or pests on such premises or vacant land and shall, when so required by an Authorized Official, comply with any requirements relating to the preventing or eradication of any such vermin or pests within a time specified in such notice;

**12. POWERS OF AUTHORISED OFFICIALS**

1. The authorised official may, in respect of premises, at all reasonable times enter any land or premises on which a nuisance in terms of this By-law occurs or is alleged to occur or to have occurred and-
  1. Inspect or monitor the land or premises;
  2. Question the owner, occupier or person in control of the land or premises;
  3. Serve any compliance notice to the owner, occupier or person in control;
  4. Take photos of any items used on the land or in the premises to cause a nuisance; and
  5. Take samples or other evidence in respect of any nuisance caused.
6. A duly authorised official may, in respect of a nuisance caused or alleged to be caused in a public place, instruct a person to cease an act or conduct which causes such nuisance, with immediate effect.
7. It appears to the authorised official that it is not possible for the offending person to comply with his or her instructions forthwith, the enforcement officer must issue a warning notice in the form prescribed by the Municipality, instructing the offending person to cease an act or conduct causing nuisance within a reasonable time period.
8. When issuing a warning notice the authorised official must procure the signature of the offending person confirming receipt of a warning notice.
9. The authorised official must inform the offending person that-
  1. A signature of the offending party in terms of subsection (3) does not on its own constitute an admission of guilt; and
  2. It is an offence in terms of this By-law to refuse to sign a warning notice issued by an authorised official.

**CHAPTER 3  
OFFENCES AND PENALTIES****3. OFFENCES**

1. A person commits an offence if he or she-
  1. Contravenes any provision of this By-law;
  2. Contravenes any conditions, restrictions or prohibitions imposed in terms of this By-law;
  3. Fails to comply with the terms of any notice or signage displayed in terms of this By-law;
  4. Obstructs, hinders, or in any manner interferes with an authorised official who is acting or entitled to act in terms of this By-law;
  5. Fails to obey any lawful instruction or direction given to him or her in terms of this By-law; or
  6. Fails to obey any lawful instruction or direction given to him or her in terms of this By-law;
7. A person is guilty of a continuing offence if he or she continues with an offence after notice has been served on him or her in terms of this By-law requiring him or her to cease committing such offence.

**8. PENALTIES**

1. Any person who is convicted of an offence under this By-law is liable to a fine of an amount not exceeding R 40 000 or to imprisonment for a period not exceeding 2 years, or to both such fine and imprisonment.



2. In the case of a counting offence, an additional fine of an amount not exceeding R 2000.00 or imprisonment for a period not exceeding 90 days, for each day on which such offence continues or both such fine and imprisonment, will be imposed.

## **CHAPTER 4 GENERAL PROVISIONS**

### **3. APPEALS**

1. A person whose rights are affected by a decision taken by the Municipality in terms of this By-law may appeal against that decision in terms of the Appeals provision contained in the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) by giving written notice of the appeal and reasons thereof to the municipal manager within 21 days of the date of the notification of the decision.
2. The Municipal Manager must promptly submit the appeal to the appropriate appeal authority.
3. The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable authority.
4. The appeal authority must confirm, vary or revoke the decision, but no such variation of a decision may detract from any rights which may have accrued as a result of the decision.
5. The appeal authority must furnish written reasons for its decision on all appeal matters.

### **6. REPEALS**

The By-laws and Notices listed in the Schedule to this By-law are hereby repealed to the extent mentioned in the third column of the said Schedule.

### **7. DELEGATIONS**

1. Subject to the Constitution and applicable national and provincial laws, any-
  1. Power, excluding a power referred to in section 160(2) of the Constitution;
  2. Function; or
  3. Duty conferred, in terms of this By-law, upon the council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor, or staff member, to any entity within, or a staff member employed by the Municipality.
4. Any delegation contemplated in this section must be recorded in the Registrar of Delegations, which must contain information on the-
  1. Entity or person issuing the delegation or sub-delegation;
  2. Recipient of the delegation or sub-delegation;
  3. Conditions attached to the delegation or sub-delegation.

### **4. SHORT TITLE AND COMMENCEMENT**

1. This By-law is called the Steve Tshwete Local Municipality Nuisances By-law, 2021 and takes effect on the date of publication thereof in the Provincial Gazette.

**LOCAL AUTHORITY NOTICE 86 OF 2021****STEVE TSHWETE LOCAL MUNICIPALITY****NUISANCE BY-LAWS, 2021**

Notice is hereby in terms of Section 13 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, read with Section 156 and 162 of the Constitution of the Republic of South Africa, 108 of 1996, that the Steve Tshwete Local Municipality resolved to adopt the following Nuisance By-Laws, with effect from the date of publication.

**PREAMBLE**

**WHEREAS** the Municipality has competence in terms of section 156 (2) of the Constitution of the Republic of South Africa to make and administer By-Laws for the effective administration of the matters which it has the right to administer.

**WHEREAS** the Municipality has competence in terms of Part B of Schedule 5 of the Constitution relating to such matters as the control of public nuisances, municipal roads, public places and traffic and parking's.

**AND WHEREAS** there is a need to develop legislation to deal with the prevention or minimisation of public nuisance and to regulate behaviour in public places;

**NOW THEREFORE** the Municipal Council of the Steve Tshwete Local Municipality, acting in terms of section 156 read with Schedule 5 Part B of the Constitution of the Republic of South Africa, and read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), hereby makes the following By-Law:

**TABLE OF CONTENTS****CHAPTER 1**

1. Definitions
2. Interpretation of By-Law
3. Objectives of By-Law
4. Application of By-Law

**CHAPTER 2****PROHIBITED CONDUCT**

5. GENERAL PROHIBITION AND NUISANCE BEHAVIOUR
6. OBSTRUCTING, BLOCKING OR DISTURBING OF TRAFFIC AND PEDESTRIANS
7. NUISANCE CAUSED BY ANIMALS
8. LITTER
9. VEGETATION
10. NOISE
11. CONDUCT REGARDING MOTOR-VEHICLE
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13. POWERS OF AUTHORISED OFFICIALS

**CHAPTER 3****OFFENCES AND PENALTIES**

14. OFFENCES
15. PENALTIES

**CHAPTER 4****GENERAL PROVISIONS**

16. APPEALS
17. REAPPEALS
18. DELEGATIONS
19. SHORT TITLE AND COMMENCEMENT

## CHAPTER 1

### 1. DEFINITIONS

In this by-law, unless the context otherwise indicates-

**“authorised official”** means a person authorised to implement the provisions of this By-Law, including but not limited to-

- a) Peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Acct No.51 of 1977);
- b) Municipal or metropolitan Police Officers as contemplated in the South African Police Service Act, 1995 (Act No.68 of 1995); and
- c) Such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

**“construction”** means any building work or demolition and any activity ancillary to such building work or demolition;

**“heavy -duty vehicle”** means buses and earth- moving or earth.

**“motor vehicle”** means any self-propelled vehicle having an engine or motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such engine or motor for the purposes of transportation on any road of one or more persons or any material, item, substance or object, and includes a trailer, motor-bike, quad-bike or earth- moving or earth-working vehicle, but excludes any vehicle which is controlled by a pedestrian, or any vehicle with a mass not exceeding 230 kilograms which is specially designed and constructed solely for mobility of any person suffering from some physical defect or disability;

**“municipal council”** or **“council”** means the Steve Tshwete Local Municipality council, a municipal council referred to in section 157(1) of the Constitution;

**“municipality”** means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998);

**“municipal manager”** means a person appointed in terms of section 54A of the Municipal Systems Act, 2000 (Act No.32 of 2000) as the head of administration of the municipal council;

**“nuisance”** means any conduct or behaviour by any person or the use, keeping, producing, harbouring or conveying, as the case may be, of any item, substance, matter, material, equipment, tool or condition in or on private property or in a public place or anywhere in the Municipality which causes damage, annoyance, inconvenience or discomfort to the public or to any person in the exercise of rights common to all or of any person;

**“overnight”** means the period from 20h00 in the evening to 06h00 in the morning;

**“public place”** means includes any public street or place, any public conveyance, any place of public entertainment, any place of public gathering or any place of which the public has unhindered usage of the right of way and any place that is open to public view;

**“environment”** means the surrounding within which humans exist and that are made up of-

- a) The land, water and atmosphere of the earth;
- b) Micro-organisms, plant and animal life;
- c) Any part or combination of (a) and (b) and the interrelationships among and between them; and
- d) The physical, chemical, aesthetic and cultural properties and conditions of the foregoing and influence human health and wellbeing.

“person” means a natural or juristic person and includes an organ of state;

## **2. INTERPRETATION OF BY-LAW**

if there is a conflict of interpretation between the English version of this By-Law and a translated version, the English version prevails.

## **3. OBJECTS OF BY-LAW**

The objects of this By-Law are to provide-

- a) Measures to regulate and control conduct or behaviour which causes or is likely to cause discomfort, annoyance or inconvenience to the public or users of any public place, so as ensure that any such discomfort, annoyance or inconvenience is avoided, and where total avoidance is impossible or impractical, that it is minimised and managed; and
- b) Penalties for breach of its provisions.

## **4. APPLICATION OF BY-LAW**

This By-Law applies to all areas which fall under the jurisdiction of the Steve Tshwete Local Municipality and is binding on all persons to the extent applicable.

## CHAPTER 2

### PROHIBITED CONDUCT

#### 5. GENERAL PROHIBITION AND NUISANCE BEHAVIOUR

- 1) No person may in a public place-
  - a) Act in a manner which is dangerous to life or which may damage property;
  - b) Unlawfully enter a public place to which access has been restricted in terms of this By-law or any other;
  - c) Cause a nuisance; or
  - d) Behave in an indecent, offensive or objectionable manner.
  
- 2) No person may in public place-
  - a) Use abusive, threatening or foul language or gestures;
  - b) Fight or act in a riotous or physically threatening manner;
  - c) Urinate or defecate, except in a facility provided for such purpose;
  - d) Bathe or wash himself or herself, except in a bath or shower; or As part of a religious or cultural ceremony in an area where such ceremony is lawfully taking place: provided no nuisance is caused thereby;
  - e) Bathe or wash clothes, animals, or other articles;
  - f) Spit;
  - g) Perform any sexual act;
  - h) Appear in the nude or expose his or her genitalia;
  - i) Consume any liquor or be under the influence of drugs;
  - j) Solicit or importune any person for the purpose of prostitution, human trafficking or other illegal business;
  - k) Engage in gambling or wagering;
  - l) Start or keep a fire unless for the purposes of making a braai in an area where such activity is permitted, unless that person is authorised to make and keep such fire by the Municipality or in terms of law;
  - m) Other than a peace officer or other official or person acting in terms of the law, deposit, pack, unpack or leave any goods or articles in a public place, other than for a reasonable period during the course of the loading, off-loading or removal of such good and articles;
  - n) Discharge fireworks except in accordance with the By-law of the Municipality dealing with fire and other applicable law;
  - o) Lie or sleep on any beach, seating place, street or sidewalk, or use it in such a manner that it prevents others from using it;
  - p) Beg for money or goods whether by gesture, words or otherwise;
  - q) Associate or act in concert with other persons for any purpose or in any manner which causes or is likely to cause breach of the peace;
  - r) Behave in a manner which causes or is likely to cause a danger to himself, herself or the public;
  - s) Loiter for the purpose of or with the intention of committing an offence; or;
  - t) In any way cause a nuisance.

- 3) The Municipality may erect signage indicating prohibited or permissible conduct in a public place for the purposes of section 5.

## **6. OBSTRUCTING, BLOCKING OR DISTURBING OF TRAFFIC AND PEDESTRIANS**

1. No person May-
  - a) In a public place, intentionally block or interfere with the safe or free passage of a pedestrian or motor vehicle, unless to the extent authorised by law; or
  - b) Approach any pedestrian or a person inside a motor vehicle on any public road or public road intersection or any other public place for the purposes of begging from such pedestrian or person in a motor- vehicle or offer to wash the windows of the vehicle.
2. Any person, who unlawfully blocks, occupies or reserves a public parking space, or begs, stands, sits, lies in a public place, or does anything which hinders or disturbs the flow of pedestrian or road traffic must immediately cease to do so when directed by an authorised official.

## **7. ANIMALS**

- a) No person shall allow any animal owned or controlled by him or her to cause a noise nuisance or disturb the neighbourhood;
- b) No person shall permit any animal, of which he/she is the owner or in charge of, to rush pedestrian, motor cars or cyclists, or permit such animal to interfere with the comfort or safety of the public;
- c) No person shall keep on any premises in the jurisdiction of the Council any wild, ferocious or dangerous animal unless such animal is securely tied up or confined;

## **8. LITTER**

1. No person may within a public place, deposit, dump or discard any waste or litter-
  - a) In a manner that detracts from the cleanliness of such public place or which causes a nuisance; and
  - b) Anywhere other than in a receptacle provided by the Municipality for that purpose.
2. No person may permit any waste or litter from any land or premises to be discarded, dumped, stored, kept or disposed of in such a manner that such waste or litter causes a nuisance;

## **9. VEGETATION**

1. No person may allow any tree or other growth on any premises under his or her control to-
  - a) Interfere with any public service infrastructure such as, but not limited to, overhead wires, storm water drainage or sewerage system; or
  - b) Become a source of annoyance, danger, inconvenience or discomfort to person using a public road.
2. The Municipality may by written notice direct the owner, occupier or person in control of premises contemplated in subsection (1) to prune or remove such tree or growth to the extent and within the period specified in such notice.

3. If the person contemplated in subsection (2) fails to take measures contemplated in the notice issued in terms of that subsection, the Municipality may act and recover costs from that person.

## 10. NOISE

1. No person may in a public place cause or permit to be caused any disturbance or impairment of the convenience or peace of any person by shouting, screaming or making any other loud or persistent noise or sound, including amplified noise or sound, except where such noise or sound is emanating from-
  - a) An authorised public meeting, gathering, congregation or event; or
  - b) An emergency or rescue announcement, which noise or sound is normally associated with such meeting, gathering, congregation, event or situation and in accordance with the conditions of authorisation of any such meeting, gathering, congregation, event or situation.
  - c) That no person may rev the engine of a motorbike or quad bike whilst driving in a residential area in such a way that it causes a nuisance.
2. Notwithstanding subsections (1) and (2), no person may cause or permit to be caused any disturbance or impairment of the convenience or peace of any person within the following times:
  - a) From Sunday to Thursday, between 22h00 to 06h00; and
  - b) From Friday to Saturday, between 22h00 to 06h00
3. No driver or person in control of a motor vehicle may permit any amplified sound or noise to emanate from the motor vehicle such that it is audible at more than 50 meters.
4. No person may rev the engine of a stationary motor vehicle in such a way that it causes nuisance in a public place: provided that a person may rev an engine for the purposes of repairing such motor vehicle which has broken down in near a public place.

## 11. CONDUCT REGARDING MOTOR VEHICLE

1. No person may in a public place-
  - a) Wash or clean any motor-vehicle, except in an area designated by the Municipality for that purpose; or
  - b) Effect any repairs to a motor-vehicle or boat, except where repairs are necessary for the purpose of removing such motor-vehicle from the place where it was involved in an accident or had a breakdown.
2. No person may in public place-
  - a) Sleep in a stationary motor-vehicle except in an emergency, where such person is the driver of a public transportation motor-vehicle, is guarding a motor-vehicle, or is in a designated rest area; or
  - b) Reside in a motor for longer than 24 hours,



Unless that person sleeps for the purposes of resting after a long journey using that vehicle: provided that an authorised official may at any time direct that person to move the vehicle away from such place or to desist from sleeping or residing from sleeping or residing in the vehicle.

## **12. NUISANCE RELATING TO PUBLIC HEALTH**

1. A person may not keep deposit or allow on any premises owned or occupied by him or her, or which he or she is in charge, any matter or thin, solid or liquid, which is, likely to become offensive or dangerous to public health.
2. A person may not carry or convey, or cause or permit to be carried or conveyed, across or in any public place, any matter or thing, solid or liquid, which is or likely to become offensive or dangerous or injurious to public health, unless such matter or thing is carried or conveyed in a closed vehicle or receptacle closed and covered with a lid or other material approved by an Authorised Official;
3. A person may not keep any dead body or corpse in any premises other than a mortuary or other similar place designated for that purpose;
4. A person may not permit the carcass of any animal to remain on his or her premises for a longer period than is necessary to arrange for the removal of such carcass;
5. Any person may not place or permit to be placed, any carcass or any decomposable or offensive material or object which is his or her property or under his or her control, on his or her premises or elsewhere and to remain thereon so as to cause any nuisance;
6. A person may not cause or permit any stream, drain, gutter, watercourse, sink, bar, tank, water closet, urinal, compost heap or swimming bath on any land or premises owned or occupied by him or her of which he or she is in control to be or to become so foul or in such a state or to be situated or constructed so as to be offensive or dangerous or injurious to public health;
7. Any person may not cause or permit any foul or polluted water or any foul liquid or matter to run or flow from any premises occupied by him or her, into any street or onto any land so as to be offensive or dangerous or injurious to public health;
8. A person may not commit or cause or permit to be committed, any act causing or contributing to the pollution of any water;
9. A person may not deposit human excrement or urine in any place not designated for such purpose;

10. A person may not foul or misuse any public convenience or any convenience provided in any public building or place of public entertainment;
11. Every person who is the owner or occupier or in charge of any premises or vacant land shall take all possible precautions to prevent conditions favouring the multiplication and prevalence of, and shall take steps for the eradication of rodents, mosquitoes, flies, fleas, bugs, cockroaches or other vermin or pests on such premises or vacant land and shall, when so required by an Authorized Official, comply with any requirements relating to the preventing or eradication of any such vermin or pests within a time specified in such notice;

## **12. POWERS OF AUTHORISED OFFICIALS**

1. The authorised official may, in respect of premises, at all reasonable times enter any land or premises on which a nuisance in terms of this By-law occurs or is alleged to occur or to have occurred and-
  - a) Inspect or monitor the land or premises;
  - b) Question the owner, occupier or person in control of the land or premises;
  - c) Serve any compliance notice to the owner, occupier or person in control;
  - d) Take photos of any items used on the land or in the premises to cause a nuisance; and
  - e) Take samples or other evidence in respect of any nuisance caused.
2. A duly authorised official may, in respect of a nuisance caused or alleged to be caused in a public place, instruct a person to cease an act or conduct which causes such nuisance, with immediate effect.
3. It appears to the authorised official that it is not possible for the offending person to comply with his or her instructions forthwith, the enforcement officer must issue a warning notice in the form prescribed by the Municipality, instructing the offending person to cease an act or conduct causing nuisance within a reasonable time period.
4. When issuing a warning notice the authorised official must procure the signature of the offending person confirming receipt of a warning notice.
5. The authorised official must inform the offending person that-
  - a) A signature of the offending party in terms of subsection (3) does not on its own constitute an admission of guilt; and
  - b) It is an offence in terms of this By-law to refuse to sign a warning notice issued by an authorised official.

## **CHAPTER 3**

### **OFFENCES AND PENALTIES**

#### **13. OFFENCES**

1. A person commits an offence if he or she-
  - a. Contravenes any provision of this By-law;
  - b. Contravenes any conditions, restrictions or prohibitions imposed in terms of this By-law;
  - c. Fails to comply with the terms of any notice or signage displayed in terms of this By-law;
  - d. Obstructs, hinders, or in any manner interferes with an authorised official who is acting or entitled to act in terms of this By-law;
  - e. Fails to obey any lawful instruction or direction given to him or her in terms of this By-law; or
  - f. Fails to obey any lawful instruction or direction given to him or her in terms of this By-law;
2. A person is guilty of a continuing offence if he or she continues with an offence after notice has been served on him or her in terms of this By-law requiring him or her to cease committing such offence.

#### **14. PENALTIES**

1. Any person who is convicted of an offence under this By-law is be liable to a fine of an amount not exceeding R 40 000 or to imprisonment for a period not exceeding 2 years, or to both such fine and imprisonment.
2. In the case of a counting offence, an additional fine of an amount not exceeding R 2000.00 or imprisonment for a period not exceeding 90 days, for each day on which such offence continues or both such fine and imprisonment, will be imposed.

## **CHAPTER 4**

### **GENERAL PROVISIONS**

#### **15. APPEALS**

1. A person whose rights are affected by a decision taken by the Municipality in terms of this By-law may appeal against that decision in terms of the Appeals provision contained in the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) by giving written notice of the appeal and reasons thereof to the municipal manager within 21 days of the date of the notification of the decision.
2. The Municipal Manager must promptly submit the appeal to the appropriate appeal authority.
3. The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable authority.
4. The appeal authority must confirm, vary or revoke the decision, but no such variation of a decision may detract from any rights which may have accrued as a result of the decision.
5. The appeal authority must furnish written reasons for its decision on all appeal matters.

#### **16. REPEALS**

The By-laws and Notices listed in the Schedule to this By-law are hereby repealed to the extent mentioned in the third column of the said Schedule.

#### **17. DELEGATIONS**

1. Subject to the Constitution and applicable national and provincial laws, any-
  - a. Power, excluding a power referred to in section 160(2) of the Constitution;
  - b. Function; or
  - c. Duty conferred, in terms of this By-law, upon the council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor, or staff member, to any entity within, or a staff member employed by the Municipality.
2. Any delegation contemplated in this section must be recorder in the Registrar of Delegations, which must contain information on the-
  - a. Entity or person issuing the delegation or sub-delegation;
  - b. Recipient of the delegation or sub-delegation;
  - c. Conditions attached to the delegation or sub-delegation.

#### **18. SHORT TITLE AND COMMENCEMENT**

1. This By-law is called the Steve Tshwete Local Municipality Nuisances By-law, 2021 and takes effect on the date of publication thereof in the Provincial Gazette.







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