



Western Cape Government • Wes-Kaapse Regering

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

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Provinsiale Koerant

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CONTENTS

INHOUD

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No. Page

Nr. Bladsy

Provincial Notices

181 Stellenbosch Municipality: Seventh Draft Amendment Notice	1215
182 Overstrand Municipality: Removal of Restrictions	1214
183 Knysna Municipality: By-Elections in Wards 9 and 10	1218
184 Langeberg Municipality: By-Election in Ward 10	1219
185 Matzikama Municipality: By-Election in Ward 2	1220
186 Cederberg Municipality: Removal of Restrictions	1214
187 City of Cape Town (Table Bay District): Removal of Restrictions	1214
188 Western Cape Government: Commencement of Spatial Implementation Frameworks	1221

Tenders:

Notices	1221
---------------	------

Local Authorities

Beaufort West Municipality: By Law on Municipal Land Use Planning	1280
Breede Valley Municipality: Public Notice	1223
Cape Agulhas Municipality: Special Consent	1222
Cape Agulhas Municipality: Subdivision	1222
Cederberg Municipality: Closure	1234
City of Cape Town (Blauwberg District): Rezoning	1226
City of Cape Town (Khayelitsha/Mitchell's Plain District): Closure and Amendment	1228
City of Cape Town (Northern District): Removal of Restrictions	1238
City of Cape Town (Southern District): Removal of Restrictions and Subdivision	1237
City of Cape Town (Southern District): Rezoning, Departures and Approval	1233
City of Cape Town (Southern District): Rezoning, Subdivision and Departures	1234
City of Cape Town (Tygerberg District): Rezoning	1225
City of Cape Town (Table Bay District): Closure	1233
City of Cape Town (Table Bay District): Removal of Restrictions and Departure	1230
George Municipality: Departure	1221

Provinsiale Kennisgewings

181 Stellenbosch Munisipaliteit: Sewende Konsep Wysigingskennisgewing	1216
182 Overstrand Munisipaliteit: Opheffing van Beperkings	1214
183 Knysna Munisipaliteit: Tussenverkiesings in Wyke 9 en 10	1218
184 Langeberg Munisipaliteit: Tussenverkiesing in Wyk 10	1219
185 Matzikama Munisipaliteit: Tussenverkiesing in Wyk 2	1220
186 Cederberg Munisipaliteit: Opheffing van Beperkings	1214
187 Stad Kaapstad (Tafelbaai-Distrik): Opheffing van Beperkings	1214
188 Western Cape Government: Commencement of Spatial Implementation Frameworks (English Only)	1221

Tenders:

Kennisgewings	1221
---------------------	------

Plaaslike Owerhede

Beaufort West Municipality: By Law on Municipal Land Use Planning (English Only)	1280
Breedevallei Munisipaliteit: Publieke Kennisgewing	1223
Kaap Agulhas Munisipaliteit: Vergunning	1222
Kaap Agulhas Munisipaliteit: Onderverdeling	1222
Cederberg Munisipaliteit: Sluiting	1234
Stad Kaapstad (Blauwberg-Distrik): Hersonerings	1226
Stad Kaapstad (Khayelitsha/Mitchell's Plain-Distrik): Sluiting en Wysiging	1228
Stad Kaapstad (Noordelike Distrik): Opheffing van Beperkings	1239
Stad Kaapstad (Suidelike Distrik): Opheffing van Beperkings en Onderverdeling	1237
Stad Kaapstad (Suidelike Distrik): Hersonerings, Afwykings en Raadsgoedkeuring	1233
Stad Kaapstad (Suidelike Distrik): Hersonerings, Onderverdeling en Afwykings	1234
Stad Kaapstad (Tygerberg-Distrik): Hersonerings	1225
Stad Kaapstad (Tafelbaai-Distrik): Sluiting	1233
Stad Kaapstad (Tafelbaai-Distrik): Opheffing van Beperkings en Afwyking	1231
George Munisipaliteit: Afwyking	1221

(Continued on page 1360)

(Vervolg op bladsy 1360)

PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.

ADV. B. GERBER,
UMLAWULI-JIKELELE

iSakhiwo sePhondo,
Wale Street,
eKapa.

P.N. 182/2015

19 June 2015

OVERSTRAND MUNICIPALITY**HERMANUS ADMINISTRATION****REMOVAL OF RESTRICTIONS ACT, 1967**

I, André John Lombaard, in my capacity as Chief Land Use Management Regulator in the Department of Environmental Affairs and Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owner of Erf 1269, Sandbaai remove conditions B.2.c) and B.2.d) contained in Deed of Transfer No. T. 14827 of 2014.

P.N. 186/2015

19 June 2015

CEDERBERG MUNICIPALITY**REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)**

Notice is hereby given that the Minister of Local Government, Environmental Affairs and Development Planning, properly designated as competent authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owner of Erf 836, Lamberts Bay, removes condition D.4. contained in Deed of Transfer No. T 43038 of 2006.

P.N. 187/2015

19 June 2015

CITY OF CAPE TOWN (TABLE BAY DISTRICT)**REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)**

Notice is hereby given that the Minister of Local Government, Environmental Affairs and Development Planning, properly designated as competent authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owner of Erf 2277, Oranjezicht, amends condition B.4. (d) contained in Deed of Transfer No. T. 35760 of 2010 to read as follows:

Condition B.4. (d) "No building or structures or any portion thereof, except boundary walls, retaining walls and fences, shall be erected nearer than 7.87 metres to the street line which forms a boundary of this erf, nor within 3.15 metres of the lateral or rear boundary common to any adjoining erf, provided that with the consent of the local authority an outbuilding not exceeding 3.05 metres in height, measured from the floor to the wall plate, may be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 3.15 metres reckoned from the rear boundary. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf."

P.K. 182/2015

19 Junie 2015

OVERSTRAND MUNISIPALITEIT**HERMANUS ADMINISTRASIE****WET OP OPHEFFING VAN BEPERKINGS, 1967**

Ek, André John Lombaard, in my hoedanigheid as Hoof Grondgebruikbestuur Reguleerder in die Departement van Omgewingsake en Ontwikkelingsbeplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoortlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdhede, 1994, en op aansoek van die eienaar van Erf 1269, Sandbaai hef voorwaardes B.2.c) en B.2.d) vervat in Transportakte Nr. T. 14827 van 2014, op.

P.K. 186/2015

19 Junie 2015

CEDERBERG MUNISIPALITEIT**WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)**

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoortlik aangewys as bevoegde gesag ingevolge paragraaf (a) van Staatspresident Proklamasie No 160 van 31 Oktober 1994 kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eienaar van Erf 836, Lambertsbaai, hef voorwaarde D.4. vervat in Transportakte Nr. 43038 van 2006, op.

P.K. 187/2015

19 Junie 2015

STAD KAAPSTAD (TAFELBAAI-DISTRIK)**WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)**

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoortlik aangewys as bevoegde gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eienaar van Erf 2277, Oranjezicht, wysig voorwaarde B.4. (d) soos vervat in Transportakte Nr. T.35760 van 2010 om soos volg te lees:

Voorwaarde B.4. (d) "No building or structures or any portion thereof, except boundary walls, retaining walls and fences, shall be erected nearer than 7.87 metres to the street line which forms a boundary of this erf, nor within 3.15 metres of the lateral or rear boundary common to any adjoining erf, provided that with the consent of the local authority an outbuilding not exceeding 3.05 metres in height, measured from the floor to the wall plate, may be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 3.15 metres reckoned from the rear boundary. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf."

P.N. 181/2015

19 June 2015

THE STELLENBOSCH MUNICIPALITY (WCO24) ESTABLISHMENT SEVENTH DRAFT AMENDMENT NOTICE

Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended: Seventh Amendment of the existing Establishment Notice of Stellenbosch Municipality.

Any person or organization wishing to comment on the said draft section 16 Notice is requested to lodge such comment in writing before or on 13 July 2015:

- (a) by posting it to:
The Acting Director
Department: Local Government
Directorate: Municipal Governance
Private Bag X9076
CAPE TOWN
8000
Attention: Mr K Makan
- (b) by delivering it to:
Waldorf Building
Eight Floor
80 St Georges Mall
CAPE TOWN
8000
- (c) by faxing it to:
Fax No. (021) 483-4058
or
- (d) by e-mailing it to:
Kamal.Makan@westerncape.gov.za

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT 117 OF 1998)**THE STELLENBOSCH MUNICIPALITY (WCO24) ESTABLISHMENT SEVENTH AMENDMENT NOTICE**

In terms of section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I hereby further amend the Stellenbosch Municipality (WCO24) Establishment Notice, Provincial Notice 489/2000 published in Provincial Gazette 5590 dated 22 September 2000 (the principal Notice) as set out in the Schedule.

In this notice "principal Notice" means the Stellenbosch Municipality (WCO24) Establishment Notice, Provincial Notice 489/2000 published in Provincial Gazette 5590 dated 22 September 2000, as amended by Provincial Notice 675/2000 published in the Provincial Gazette Extraordinary No. 5642 dated 4 December 2000, Provincial Notice 456/2002 published in the Provincial Gazette Extraordinary No. 5968 dated 19 December 2002, Provincial Notice 184/2003 published in the Provincial Gazette Extraordinary No. 6020 dated 28 May 2003, Provincial Notice 11/2006 published in the Provincial Gazette Extraordinary No. 6333 dated 3 January 2006, Provincial Notice 117/2008 published in the Provincial Gazette 6511 dated 28 March 2008, Provincial Notice 55/2011 published in the Provincial Gazette No. 6852 dated 25 February 2011 and Provincial Notice 283/2014 published in the Provincial Gazette No. 7320 dated 24 October 2014.

Dated this day of 2015.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

SCHEDULE**Amendment of the Schedule of the principal Notice****1. Section 9 of the principal Notice is amended by the substitution of the following subsection:**

"Full-time Councillors

9. The Local Municipality may designate the following councillors as full-time councillors:—

- (a) the executive mayor;
- (b) the members of the mayoral committee;
- (c) the speaker;
- (d) a single whip appointed for Council, and
- (e) Chairperson of Committee established in terms of section 79 (MPAC)."

2. Short title and commencement

This Notice is called the Stellenbosch Municipality (WCO24) Establishment Seventh Amendment Notice and comes into operation on the date of publication.

P.K. 181/2015

19 Junie 2015

**STELLENBOSCH MUNISIPALITEITSEWENDE KONSEP WYSIGINGSKENNISGEWING VAN DIE MUNISIPALITEIT
STELLENBOSCH (WCO24) INSTELLINGSKENNISGEWING**

Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), soos gewysig: Sewende Wysiging van die bestaande Instellingskennisgewing van die Munisipaliteit Stellenbosch.

Enige persoon of organisasie wat kommentaar oor die genoemde konsep artikel 16-kennisgewing wens te lewer word versoek om sodanige kommentaar skriftelik te lewer voor of op 13 Julie 2015:

- (a) deur dit te pos aan:
Die Waarnemende Direkteur
Departement: Plaaslike Regering
Direktoraat: Munisipale Regering
Privaatsak X9076
KAAPSTAD
8000
Aandag: Mnr K Makan
- (b) deur dit in te handig by:
Waldorf Gebou
Agtste Vloer
St Georges Wandelhal 80
KAAPSTAD
8000
- (c) deur dit te faks na:
Faks Nr. (021) 483-4058
of
- (d) deur dit te e-pos na:
Kamal.Makan@westerncape.gov.za

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998 (WET 117 VAN 1998)

DIE MUNISIPALITEIT STELLENBOSCH (WCO24) INSTELLINGSKENNISGEWING SEWENDE WYSIGINGSKENNISGEWING

In terme van artikel 16 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), wysig ek hierby verder die Munisipaliteit Stellenbosch (WCO24) Instellingskennisgewing, Provinsiale Kennisgewing 489/2000 gepubliseer in Provinsiale Koerant 5590 van 22 September 2000 (die hoofkennisgewing) soos uiteengesit in die Bylaag.

In hierdie kennisgewing beteken "hoofkennisgewing" die Munisipaliteit Stellenbosch (WCO24) Instellingskennisgewing, Provinsiale Kennisgewing 489/2000 gepubliseer in Provinsiale Koerant 5590 van 22 September 2000, soos gewysig deur Provinsiale Kennisgewing 675/2000 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5642 van 4 Desember 2000, Provinsiale Kennisgewing 456/2002 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5968 van 19 Desember 2002, Provinsiale Kennisgewing 184/2003 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6020 van 28 Mei 2003, Provinsiale Kennisgewing 11/2006 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6333 van 3 Januarie 2006, Provinsiale Kennisgewing 117/2008 gepubliseer in die Provinsiale Koerant Nr. 6511 van 28 Maart 2008, Provinsiale Kennisgewing 55/2011 gepubliseer in die Provinsiale Koerant Nr. 6852 van 25 Februarie 2011 en Provinsiale Kennisgewing 283/2014 gepubliseer in die Provinsiale Koerant Nr.7320 van 24 Oktober 2014.

Gedateer op hierdie dag van 2015.

**AW BREDELL, PROVINISALE MINISTER VAN PLAASLIKE REGERING, OMGEWINGSKE EN
ONTWIKKELINGSBEPLANNING**

BYLAAG

Wysiging van die Bylaag tot die hoofkennisgewing

1. Artikel 9 van die hoofkennisgewing word gewysig deur die vervanging deur die volgende subartikel:

"Voltydse Raadslede

9. Die Plaaslike Munisipaliteit mag die volgende raadslede as voltydse raadslede aanwys:—

- (a) die uitvoerende burgemeester;
- (b) lede van die burgemeesterskomitee;
- (c) die speaker;
- (d) 'n enkele sweep aangewys vir die Raad, en
- (e) Voorsitter van Komitee ingestel ingevolge artikel 79 ('MPAC')."

2. Korttitel en inwerkingtreding

Hierdie Kennisgewing word die Munisipaliteit Stellenbosch (WCO24) Instellingskennisgewing Sewende Wysigingskennisgewing genoem en tree in werking op die datum van publikasie.

I.S. 181/2015

19 kweyeSilimela 2015

ISAZISO SESIXHENXE SOLUNGISO SEZICWANGCISO-ZIKHUNDLA U MASIPALA WASESTELLENBOSCH (WCO24)

Urhulumente weNgingqi: uMthetho oyilwayo wamaSebe ooMasipala, 1998 (uMthetho 117 ka-1998) njengoko ulungisiwe: Isaziso Sesixhenxe soLungiso ngokoMiselo IwesiNe osele ulungiso lwesithandathu lwesaziso soku Misela uMasipala waseStellenbosch.

Nabani na okanye nawuphi na umbutho onqwenela ukunika izimvo malunga noyilo lweSaziso zeCandelo 16 oseluxeliwe, iyacelwa ukuba izithumele ezo zimvo ngembalelwano ngaphambi okanye ngomhla we-13 uJulayi 2015.

- (a) Izithumele ngeposi ku:
The Acting Director
Department: Local Government
Directorate: Municipal Governance
Private Bag X9076
CAPE TOWN
8000
Attention: Mr K Mekan
- (b) Uzise kwa:
Waldorf Building
Eights Floor
80 St Georges Mall
CAPE TOWN
8000
- (c) Uzithumele ngefeksi kule nombolo:
Inombolo yeFeksi. (021) 483-4058
Okanye
- (d) Uzithumele nge-e-mail ku:
Kamal.Mekan@westerncape.gov.za

UMTHETHO OYILOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (UMTHETHO 117 KA-1998)**ISAZISO SESIXHENXE SOLUNGISO SEZICWANGCISO-ZIKHUNDLA U MASIPALA WASESTELLENBOSCH (WCO24)**

Ngokwemiqathango yecandelo 16 loMthetho oyiLocal Government: Municipal Structures Act, 1998 (uMthetho 117 ka-1998), apha ke ndenza ezi-nye izilungiso kwiSaziso esiyiStellenbosch Municipality (WCO24) Establishment Notice, iSaziso sePhondo esinguNomb. 489/2000 esapapashwa kwiGazethi yePhondo enguNomb. 5590 yomhla wama-22 Septemba 2000 (iSaziso satanci) njengoko kucaciswa kwiShedyuli.

Kwesi saziso “iSaziso satanci” sibhekisele kwiSaziso esiyiStellenbosch Municipality (WCO24) Establishment Notice, iSaziso sePhondo esinguNomb. 489/2000 esapapashwa kwiGazethi yePhondo enguNomb. 5590 yomhla wama-22 Septemba 2000, njengoko senziwa izilungiso ngeSaziso sePhondo esinguNomb. 675/2000 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 5642 yomhla we-4 Disemba 2000, iSaziso sePhondo esinguNomb. 456/2002 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 5968 yomhla we-19 Disemba 2002, iSaziso sePhondo esinguNomb. 184/2003 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 6020 yomhla wama- 28 Meyi 2003, iSaziso sePhondo esinguNomb. 11/2006 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 6333 yomhla we-3 Januwari 2006 neSaziso sePhondo esinguNomb. 117/2008 esapapashwa kwiGazethi yePhondo enguNomb. 6511 yomhla wama-28 Matshi 2008 yePhondo esinguNomb. 55/2011 esapapashwa kwiGazethi yePhondo enguNomb 6852 yomhla wama-25 kuFebhuwari 2011 neSaziso sePhondo esinguNomb. 283/2014 esapapashwa kwiGazethi yePhondo enguNomb 7320 yomhla wama-24 kuOktobha 2014.

Ngalo mhla wama- ku 2015.

AW BREDELL, UMPHATHISWA WEPHONDO WOLAWULO LWEEDOLOPHU NEZITHILI, IMICIMBI YOKUSINGQONGILEYO NOCWANGCISO LOPHUHLISO**ISHEDULI****Izilungiso kwiShedyuli yeSaziso satanci****1. ICandelo 9 leShedyuli leSaziso esiyintloko siyalungiswa ngokufakela eli candelo lilandelayo endaweni yecandelo 9:****“OoCeba abasebenza isigxina****9. Umasipala weSithili angamisela aba ceba balandelayo njengooceba besigxina**

- (a) Usodolophu wesigqeba solawulo;
- (b) Amalungu ecandelo lekomiti yosodolophu;
- (c) nosomlomo;
- (d) Umbhexeshi omnye onyulelewe iBhunga, kunye
- (e) Usihlalo wekomiti eyasekwa ngokwecandelo 79.”

2. Isihloko esifutshane nomhla wokuqalisa

Esi Saziso sibizwa ngokuba nguMasipala waseStellenbosch (WCO24) esisekiweyo ngokwesilungiso seSixhenxe kwaye siya kuqalisa ukusebenza ngomhla esiya kupapashwa ngaso.

P.N. 183/2015

19 June 2015

KNYSNA MUNICIPALITY (WCO48)**BY-ELECTIONS IN WARDS 9 AND 10: 22 JULY 2015**

Notice is hereby given in terms of section 25(4) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) that by-elections will be held in Wards 9 and 10 of the Knysna Municipality on Wednesday, 22 July 2015, to fill the vacancies in these wards.

Furthermore, notice is hereby given in terms of section 11(1)(b) of the Local Government: Municipal Electoral Act, 2000 (Act 27 of 2000) that the timetable for the by-elections will soon be published in the Provincial Gazette of the Western Cape Province by the Independent Electoral Commission.

For enquiries, please contact Mr DJ Adonis at tel (044) 302 6300.

Signed on this 17th day of June 2015.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

P.K. 183/2015

19 Junie 2015

KNYSNA MUNISIPALITEIT (WCO48)**TUSSENVERKIESINGS IN WYKE 9 EN 10: 22 JULIE 2015**

Kennis geskied hiermee ingevolge artikel 25(4) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) dat tussenverkiesings in Wyke 9 en 10 van die Munisipaliteit Knysna gehou sal word op Woensdag, 22 Julie 2015, om die vakatures in hierdie wyke te vul.

Kennis geskied hiermee verder ingevolge artikel 11(1)(b) van die Wet op Plaaslike Regering: Munisipale Verkiesingwet, 2000 (Wet 27 van 2000) dat die tydtafel vir die tussenverkiesings eersdaags deur die Onafhanklike Verkiesingskommissie in die Provinsiale Koerant van die Provinsie Wes-Kaap gepubliseer sal word.

Enige navrae kan gerig word aan Mnr DJ Adonis by tel (044) 302 6300.

Geteken op hierdie 17de dag van Junie 2015.

AW BREDELL, PROVINSIALE MINISTER VAN PLAASLIKE REGERING, OMGEWINGSKE EN ONTWIKKELINGSBEPLANNING

I.S. 183/2015

19 kweyeSilimela 2015

U MASIPALA WASEKNYSNA (WCO48)**UNYULO LOVALO-SIKHEWU KWIIWADI 9 NAKU 10: 22 UJULAYI KA-2015**

Ngolu xwebhu kwaziswa, ngokweCandelo 25(4) loMthetho wooRhulumente beNgingqi: amaSebe ooMasipala, 1998 (uMthetho 117 wonyaka we-1998), ukuba kuza kubanjwa unyulo lovalo sikhewu kwiiWadi 9 naku 10 kummandla uMasipala waseKnysna ngoLwesithathu umhla we-22 uJulayi ka-2015, ukuvala isikhewu ezithe savela ngenxa yokushiya ooceba beziwadi.

Ngokunjalo, ngolu xwebhu kwaziswa, ngokweCandelo 11(1)(b) loMthetho wooRhulumente beeNgingqi: Unyulo looMasipala, 2000 (uMthetho 27 wonyaka wama-2000), ukuba uludwe lwamaxesha okubanjwa konyulo lovalo zikhewu luya kupapashwa kuqala yiKomishoni eZimeleyo yoNyulo kwiGazethi yePhondo leNtshona Koloni.

Nayiphi na imibuzo ekhoyo ingabhekiswa kuMr DJ Adonis, kwnombolo yefowuni ethi (044) 302 6300.

Lusayinwe ngalo mhla we-17 kuJuni ka- 2015.

AW BREDELL, UMPHATHISWA WEPHONDO LOORHULUMENTE BOMMANDLA, IMICIMBI YENDALO NOCWANGCISO LOPHUHLISO

P.N. 184/2015

19 June 2015

LANGEBERG MUNICIPALITY (WCO26)**BY-ELECTION IN WARD 10: 22 JULY 2015**

Notice is hereby given in terms of section 25(4) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) that a by-election will be held in Ward 10 of the Langeberg Municipality on Wednesday, 22 July 2015, to fill the vacancy in this ward.

Furthermore, notice is hereby given in terms of section 11(1)(b) of the Local Government: Municipal Electoral Act, 2000 (Act 27 of 2000) that the timetable for the by-election will soon be published in the Provincial Gazette of the Western Cape Province by the Independent Electoral Commission.

For enquiries, please contact Mr SA Mokweni at tel (023) 615 8000.

Signed on this 17th day of June 2015.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

P.K. 184/2015

19 Junie 2015

LANGEBERG MUNISIPALITEIT (WCO26)**TUSSENVERKIESING IN WYK 10: 22 JULIE 2015**

Kennis geskied hiermee ingevolge artikel 25(4) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) dat 'n tussenverkiesing in Wyk 10 van die Munisipaliteit Langeberg gehou sal word op Woensdag, 22 Julie 2015, om die vakature in hierdie wyk te vul.

Kennis geskied hiermee verder ingevolge artikel 11(1)(b) van die Wet op Plaaslike Regering: Munisipale Verkiesingwet, 2000 (Wet 27 van 2000) dat die tydtafel vir die tussenverkiesing eersdaags deur die Onafhanklike Verkiesingskommissie in die Provinsiale Koerant van die Provinsie Wes-Kaap gepubliseer sal word.

Enige navrae kan gerig word aan Mnr SA Mokweni by tel (023) 615 8000.

Geteken op hierdie 17de dag van Junie 2015.

AW BREDELL, PROVINSIALE MINISTER VAN PLAASLIKE REGERING, OMGEWINGSKE EN ONTWIKKELINGSBEPLANNING

19 Junie 2015

I.S. 184/2015

19 kweyeSilimela 2015

U MASIPALA WASELANGEBERG (WCO26)**UNYULO LOVALO-SIKHEWU KUWADI 10: 22 UJULAYI KA-2015**

Ngolu xwebhu kwaziswa, ngokweCandelo 25(4) loMthetho wooRhulumente beNgingqi: amaSebe ooMasipala, 1998 (uMthetho 117 wonyaka we-1998), ukuba kuza kubanjwa unyulo lovalo sikhewu kuWadi 10 kummandla uMasipala waseLangeberg ngoLwesithathu umhla we-22 uJulayi ka-2015, ukuvala isikhewu kule wadi.

Ngokunjalo, ngolu xwebhu kwaziswa, ngokweCandelo 11(1)(b) loMthetho wooRhulumente beeNgingqi: Unyulo looMasipala, 2000 (uMthetho 27 wonyaka wama-2000), ukuba uludwe lwamaxesha okubanjwa konyulo lovalo zikhewu luya kupapashwa kuqala yiKomishoni eZimeleyo yoNyulo kwiGazethi yePhondo leNtshona Koloni.

Nayiphi na imibuzo ekhoyo ingabhekiswa kuMr SA Mokweni, kwnombolo yefowuni ethi (023) 615 8000.

Lusayinwe ngalo mhla we- 17 kuJuni ka- 2015.

AW BREDELL, UMPHATHISWA WEPHONDO LOORHULUMENTE BOMMANDLA, IMICIMBI YENDALO NOCWANGCISO LOPHUHLISO

P.N. 185/2015

19 June 2015

MATIZIKAMA MUNICIPALITY (WCO11)**BY-ELECTION IN WARD 2: 22 JULY 2015**

Notice is hereby given in terms of section 25(4) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) that a by-election will be held in Ward 2 of the Matzikama Municipality on Wednesday, 22 July 2015, to fill the vacancy in this ward.

Furthermore, notice is hereby given in terms of section 11(1)(b) of the Local Government: Municipal Electoral Act, 2000 (Act 27 of 2000) that the timetable for the by-election will soon be published in the Provincial Gazette of the Western Cape Province by the Independent Electoral Commission.

For enquiries, please contact Mr D Marco at tel (021) 910 5700.

Signed on this 17th day of June 2015.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

P.K. 185/2015

19 Junie 2015

MATZIKAMA MUNISIPALITEIT WCO11)**TUSSENVERKIESING IN WYK 2: 22 JULIE 2015**

Kennis geskied hiermee ingevolge artikel 25(4) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) dat 'n tussen-verkiesing in Wyk 2 van die Munisipaliteit Matzikama gehou sal word op Woensdag, 22 Julie 2015, om die vakature in hierdie wyk te vul.

Kennis geskied hiermee verder ingevolge artikel 11(1)(b) van die Wet op Plaaslike Regering: Munisipale Verkiesingwet, 2000 (Wet 27 van 2000) dat die tydtafel vir die tussenverkiesing eersdaags deur die Onafhanklike Verkiesingskommissie in die Provinsiale Koerant van die Provinsie Wes-Kaap gepubliseer sal word.

Enige navrae kan gerig word aan Mnr D Marco by tel (021) 910 5700.

Geteken op hierdie 17de dag van Junie 2015.

AW BREDELL, PROVINSIALE MINISTER VAN PLAASLIKE REGERING, OMGEWINGSKE EN ONTWIKKELINGSBEPLANNING

I.S. 185/2015

19 kweyeSilimela 2015

U MASIPALA WASEMATZIKAMA (WCO11)**UNYULO LOVALO-SIKHEWU KUWADI 2: 22 UJULAYI KA-2015**

Ngolu xwebhu kwaziswa, ngokweCandelo 25(4) loMthetho wooRhulumente beNgingqi: amaSebe ooMasipala, 1998 (uMthetho 117 wonyaka we-1998), ukuba kuza kubanjwa unyulo lovalo sikhewu kuWadi 2 kummandla uMasipala waseMatzikama ngoLwesithathu umhla we-22 uJulayi ka-2015, ukuvala isikhewu kule wadi.

Ngokunjalo, ngolu xwebhu kwaziswa, ngokweCandelo 11(1)(b) loMthetho wooRhulumente beeNgingqi: Unyulo looMasipala, 2000 (uMthetho 27 wonyaka wama-2000), ukuba uludwe lwamaxesha okubanjwa konyulo lovalo zikhewu luya kupapashwa kuqala yiKomishoni eZimeleyo yoNyulo kwiGazethi yePhondo leNtshona Koloni.

Nayiphi na imibuzo ekhoyo ingabhekiswa kuMr D Marco, kwnombolo yefowuni ethi (021) 910 5700.

Lusayinwe ngalo mhla we-17 kuJuni ka- 2015.

AW BREDELL, UMPHATHISWA WEPHONDO LOORHULUMENTE BOMMANDLA, IMICIMBI YENDALO NOCWANGCISO LOPHUHLISO

P.N. 188/2015

19 June 2015

WESTERN CAPE GOVERNMENT**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING****COMMENCEMENT OF PROVINCIAL REGIONAL SPATIAL IMPLEMENTATION FRAMEWORKS FOR THE CAPE METRO AND GREATER SALDANHA FUNCTIONAL REGIONS**

On 31 March 2014, Minister Anton Bredell approved the Western Cape Provincial Spatial Development Framework (PSDF) as a Structure Plan, in terms of Section 4(6) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985). In order to grow the Provincial economy, the PSDF identifies the preparation of regional spatial implementation frameworks for certain urban priority areas in the Western Cape.

Notice is hereby given in terms of Section 8(1) of the Land Use Planning Act, 2014 (Act 3 of 2014) that the Department of Environmental Affairs and Development Planning will be commencing with the compilation of Provincial Regional Spatial Implementation Frameworks for the:

- (i) **Cape Functional Region** and;
- (ii) **Greater Saldanha Functional Region**

The intention of these regional frameworks is to:

- (a) Provide a spatial vision that strives to balance economic, social and environmental considerations;
- (b) Promote rational and predictable land use planning;
- (c) Facilitate the coordination, integration and alignment of provincial and municipal land use planning policy; and
- (d) Address specific economic, social, natural or unique features.

The process for the compilation of each of the regional frameworks is as follows:

- (a) A status quo baseline study will be conducted, from which a status quo report will be generated;
- (b) A First Draft Provincial Regional Spatial Development Framework will be published for two months for public comment;
- (c) Comments from the public will be addressed and a final Provincial Regional Spatial Development Framework will be submitted to the Minister: Local Government, Environmental Affairs and Development Planning for approval.

The involvement of interested and affected persons, stakeholders and the general public is a critical element of the process. You are invited to make written submissions to the Department by 31 July 2015.

Submissions in this regard, and if you have any further enquiries, please contact:

1. Mr Garron Campbell for the Cape Functional Region at (021) 483 5834 or e-mail: garron.campbell@westerncape.gov.za;
2. Ms Chrizelle Kriel for the Greater Saldanha Functional Region at (021) 483 0765 or e-mail: chrizelle.kriel@westerncape.gov.za.

TENDERS

N.B. Tenders for commodities/services, the estimated value of which exceeds R20 000, are published in the Government Tender Bulletin, which is obtainable from the Government Printer, Private Bag X85, Pretoria, on payment of a subscription.

TENDERS

L.W. Tenders vir kommoditeite/dienste waarvan die beraamde waarde meer as R20 000 beloop, word in die Staatstenderbulletin gepubliseer wat by die Staatsdrukker, Privaatsak X85, Pretoria, teen betaling van 'n intekengeld verkrygbaar is.

NOTICES BY LOCAL AUTHORITIES**GEORGE MUNICIPALITY****NOTICE NO 14/2015****PROPOSED TEMPORARY DEPARTURE:
ERF 23946, GEORGE**

Notice is hereby given that Council has received the following application on the abovementioned property:

Temporary Departure in terms of Section 15 of Ordinance 15 of 1985 on Erf 23946, George to use temporarily for 5 years for a indoor cricket academy.

Details of the proposal are available for inspection at the Council's office 5th Floor, York Street, George, 6530, during normal office hours, Mondays to Fridays.

Enquiries: Marisa Arries
Reference: Erf 23946, George

Motivated objections, if any, must be lodged in writing with the Registration Office, 1st floor, George Municipality by not later than **MONDAY, 20 JULY 2015**. Please note that no objections by e-mail will be accepted.

Any person, who is unable to write, can submit their objection verbally to the Council's offices where they will be assisted by a staff member to put their comments in writing.

T BOTHA, MUNICIPAL MANAGER, Civic Centre, York Street, GEORGE, 6530. Tel: (044) 801 9473, Fax: 086 570 1900
Email: marisa@george.org.za

19 June 2015

59676

KENNISGEWINGS DEUR PLAASLIKE OWERHEDE**GEORGE MUNISIPALITEIT****KENNISGEWING NR 14/2015****VOORGESTELDE TYDELIKE AFWYKING:
ERF 23946, GEORGE**

Kennis geskied hiermee dat die Raad die volgende aansoek op bogenoemde eiendom ontvang het:

Tydlike Afwyking ingevolge Artikel 15 van Ordonnansie 15 van 1985 om Erf 23946, George tydelik vir 5 jaar te gebruik vir 'n binnehuis krieket akademy.

Volledige besonderhede van die voorstel sal gedurende gewone kantoorure, Maandag tot Vrydag, ter insae wees by die Raad se kantoor te 5de Vloer, Yorkstraat, George, 6530.

Navrae: Marisa Arries
Verwysing: Erf 23946, George

Gemotiveerde besware, indien enige, moet skriftelik by die Registrasiekantoor, 1ste vloer, George Munisipaliteit ingedien word, nie later nie dan **MAANDAG, 20 JULIE 2015**. Let asseblief daarop dat geen e-pos besware aanvaar sal word nie.

Indien 'n persoon nie kan skryf nie, kan sodanige persoon sy kommentaar mondelings by die Raad se kantoor aflê, waar 'n personeellid sal help om die kommentaar/vertoë op skrif te stel.

T BOTHA, MUNISIPALE BESTUURDER, Burgersentrum, Yorkstraat, GEORGE, 6530. Tel: (044) 801 9473, Faks: 086 570 1900
Epos: marisa@george.org.za

19 Junie 2015

59676

CAPE AGULHAS MUNICIPALITY

NOTICE: APPLICATION FOR SPECIAL CONSENT

Notice is hereby given in terms of the Land Use Planning Ordinance, 1985 that the Municipality received the following application for consideration:

Owner: Voss Family Trust

Property: Portion 1 of Farm 397 Bredasdorp RD

Locality: ±4.7km north west from Napier

Existing zoning: Agriculture

Proposal: Special consent in terms of the Cape Agulhas Integrated Zoning Scheme for guest accommodation and conference facilities.

Details of the application can be obtained from Mr Donald October during office hours.

Motivated objections and/or comments with regards to the application must reach the Municipality in writing on or before **Monday, 20 July 2015**. Please note that any comments received after the closing date will not be taken into account.

Any person who cannot write are invited to visit under-mentioned office of the Municipality where Mr October will assist such person to transcribe his/her objections and/or comments.

DGI O'NEILL, MUNICIPAL MANAGER, Municipal Offices, PO Box 51, BREDASDORP, 7280. Tel: (028) 425 5500, Fax: (028) 425 1019

Hierdie kennisgewing is ook in Afrikaans beskikbaar op aanvraag. Esi saziso siyafumaneka ngesiXhosa xa kuceliwe.

19 June 2015

59675

CAPE AGULHAS MUNICIPALITY

NOTICE: APPLICATION FOR SUBDIVISION

Notice is hereby given in terms of the Land Use Planning Ordinance, 1985 that the Municipality received the following application for consideration:

Owner: Lorna Yvonne Young

Property: Erf 341 Napier

Locality: 2 Wouter Street, Napier

Existing zoning: Single Residential

Proposal: Subdivision of Erf 341 Napier in terms of Section 24 of the Land Use Planning Ordinance, 1985 into one portion (Portion A = ±2000m²) and Remainder = ±1,0381 ha.

Details of the application can be obtained from Mr Donald October during office hours.

Motivated objections and/or comments with regards to the application must reach the Municipality in writing on or before **Monday 20 July 2015**. Please note that any comments received after the closing date will not be taken into account.

Any person who cannot write are invited to visit under-mentioned office of the Municipality where Mr October will assist such person to transcribe his/her objections and/or comments.

Hierdie kennisgewing is ook in Afrikaans beskikbaar op aanvraag. Esi saziso siyafumaneka ngesiXhosa xa kuceliwe.

Notice nr.: N341/2015

DGI O'NEILL, MUNICIPAL MANAGER, Municipal Offices, PO Box 51, BREDASDORP, 7280. Tel: (028) 425 5500, Fax: (028) 425 1019

19 June 2015

59664

KAAP AGULHAS MUNISIPALITEIT

KENNISGEWING: AANSOEK OM VERGUNNING

Kennis geskied hiermee ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) dat die Munisipaliteit die volgende aansoek vir oorweging ontvang het:

Eienaar: Voss Familie Trust

Eiendom: Gedeelte 1 van Plaas 397 Bredasdorp LD

Ligging: ±4.7km noordwes van Napier

Huidige sonering: Landbou

Voorstel: Vergunning ingevolge die Kaap Agulhas Geïntegreerde Soneeringskema vir gaste akkommodasie en konferensie fasiliteite.

Besonderhede van die aansoek is gedurende kantoor ure by Mnr Donald October ter insae.

Skriftelik gemotiveerde kommentaar en/of besware ten opsigte van die voorstel moet voor of op **Maandag, 20 Julie 2015** by die Munisipaliteit ingedien word. Neem asb kennis dat enige kommentaar ontvang na die sluitingsdatum nie in aggeneem gaan word nie.

Enige persoon wat nie kan skryf nie kan gedurende die kantoor ure van die Munisipaliteit na ondergemelde kantoor kom waar Mnr October sodanige persoon sal help om sy/haar kommentaar en/of besware af te skryf.

DGI O'NEILL, MUNISIPALE BESTUURDER, Munisipale Kantore, Posbus 51, BREDASDORP, 7280. Tel: (028) 425 5500, Faks: (028) 425 1019

This notice is also available in English on request. Esi saziso siyafumaneka ngesiXhosa xa kuceliwe

19 Junie 2015

59675

KAAP AGULHAS MUNISIPALITEIT

KENNISGEWING: AANSOEK OM ONDERVERDELING

Kennis geskied hiermee ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) dat die Munisipaliteit die volgende aansoek vir oorweging ontvang het:

Eienaar: Lorna Yvonne Young

Eiendom: Erf 341 Napier

Ligging: Wouterstraat 2, Napier

Huidige sonering: Enkel Woonsonne

Voorstel: Onderverdeling van Erf 341 Napier ingevolge Artikel 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 in een gedeelte (Gedeelte A = ±2000m²) en Restant = ±1,0381 ha.

Besonderhede van die aansoek is gedurende kantoor ure by Mnr Donald October ter insae.

Skriftelik gemotiveerde kommentaar en/of besware ten opsigte van die voorstel moet voor of op **Maandag, 20 Julie 2015** by die Munisipaliteit ingedien word. Neem asb kennis dat enige kommentaar ontvang na die sluitingsdatum nie in aggeneem gaan word nie.

Enige persoon wat nie kan skryf nie kan gedurende die kantoor ure van die Munisipaliteit na ondergemelde kantoor kom waar Mnr October sodanige persoon sal help om sy/haar kommentaar en/of besware af te skryf.

This notice is also available in English on request. Esi saziso siyafumaneka ngesiXhosa xa kuceliwe

Kennisgewing no.: N341/2015

DGI O'NEILL, MUNISIPALE BESTUURDER, Munisipale Kantore, Posbus 51, BREDASDORP, 7280. Tel: (028) 425 5500, Faks: (028) 425 1019

19 Junie 2015

59664

BREEDE VALLEY MUNICIPALITY

PUBLIC NOTICE CALLING FOR INSPECTION OF FOURTH SUPPLEMENTARY VALUATION ROLL, FOR THE 2015/2016 FINANCIAL YEARS

Notice is hereby given in terms of Section 49(1)(a)(i) read together with Section 78(2) of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004), hereinafter referred to as the "Act", that the fourth Supplementary Valuation roll for the financial year 2015/2016 is open for public inspection at the **local municipal offices and libraries** from 18 June 2015 to 27 July 2015. The objection forms is also available at above mentioned stations and website: www.breedevallei.gov.za.

An invitation is hereby made, in terms of Section 49(1)(a)(ii) read together with Section 78(2) of the Act, that any owner of property or other person who so desires should lodge an objection with the municipal manager in respect of any matter reflected in, or omitted from, the supplementary valuation roll within the above-mentioned period. All owners of the properties that are on this Supplementary Valuation Roll will be contacted in writing to the postal addresses reflected on the Municipality's data base.

Attention is specifically made in terms of Section 50(2) of the Act an objection must be in relation to a specific individual property and not against the Supplementary Valuation Roll as such.

The completed objection forms must be dropped in the sealed boxes which will be available at the libraries and municipal offices or objections can be submitted electronically to valuations@breedevallei.gov.za.

Only objections on the prescribed forms will be considered. The closing date is **27 July 2015**.

Enquiries: B. Benjamin at 023 348 2662 during office hours or at email bbenjamin@bvm.gov.za or dwagner@bvm.gov.za

GF MATTHYSE
MUNICIPAL MANAGER

19 June 2015

59656

SWARTLAND MUNICIPALITY

NOTICE 143/2014/2015**PROPOSED SUBDIVISION ON ERF 1353, RIEBEEK KASTEEL**

Notice is hereby given in terms of section 24(1) of Ordinance 15 of 1985 that an application has been received for the subdivision of Erf 1353 (8310m² in extent), situated in Walter Street, Riebeeck Kasteel into a remainder (±3280m²), portion A (±1689m²), portion B (±1691m²) and portion C (±1650m²).

Further particulars are available during office hours (weekdays) at the Department Development Services, office of the Manager: Planning, Building Control and Valuations, Municipal Office, Church Street, Malmesbury.

Any comments whether an objection or support, may be lodged in writing with the undersigned not later than **20 July 2015 at 17:00**.

JJ SCHOLTZ, MUNICIPAL MANAGER, Municipal Offices, Private Bag X52, MALMESBURY, 7299

19 June 2015

59659

BREEDEVALLEI MUNISIPALITEIT

PUBLIEKE KENNISGEWING WAT INSPEKSIE VAN VIERDE AANVULLENDE WAARDASIEROL AANVRA, VIR DIE BOEKJARE 2015/2016

Kennis word hierby in terme van Artikel 49(1)(a)(i) saamgelees met Artikel 78(2) van die Plaaslike Regering: Munisipale Eiendomsbelasting Wet, 2004 (Wet 6 van 2004) gegee, hierin vernoem as die "Wet", dat die vierde Aanvullende Waardasierol vir die boekjaar 2015/2016 oop is vir publieke inspeksie by die **plaaslike munisipale kantore en biblioteke** vanaf 18 Junie 2015 tot 27 Julie 2015. Die beswaarvorms is ook beskikbaar by bogenoemde standplase en op webbladsy: www.breedevallei.gov.za.

'n Uitnodiging word hierby gemaak, in terme van Artikel 49(1)(a)(ii) saamgelees met Artikel 78(2) in die Wet, dat enige eienaar van eiendom of ander persoon wat so verlang 'n beswaar by die munisipale bestuurder kan indien vir enige aangeleentheid in die aanvullende waardasierol weergegee of weggelaat binne bogenoemde periode. Die eienaars van hierdie eiendomme sal skriftelik van hul aanvullende waardasie in kennis gestel word by hul posadres wat tans op die Munisipaliteit se databasis verskyn.

U aandag word spesifiek daarop gevestig dat in terme van Artikel 50(2) van die Wet dat 'n beswaar teen 'n spesifieke individuele eiendom ingedien word, en nie teen die aanvullende waardasierol in sy geheel nie.

Die voltooië beswaarvorms moet in die verseëlde busse wat by die biblioteke en munisipale kantore beskikbaar sal wees gegooi word, of besware kan ook elektronies ingedien word by valuations@breedevallei.gov.za.

Let asseblief daarop dat daar slegs besware op die voorgeskrewe vorms sal oorweeg word. Die sluitingsdatum is **27 Julie 2015**.

Navrae: B. Benjamin by 023 348 2662 gedurende kantoorure of epos bbenjamin@bvm.gov.za of dwagner@bvm.gov.za

GF MATTHYSE
MUNISIPALE BESTUURDER

19 Junie 2015

59656

SWARTLAND MUNISIPALITEIT

KENNISGEWING 143/2014/2015**VOORGESTELDE ONDERVERDELING VAN ERF 1353, RIEBEEK KASTEEL**

Kennis geskied hiermee ingevolge artikel 24(1) van Ordonnansie 15 van 1985 dat 'n aansoek ontvang is vir die onderverdeling van Erf 1353 (groot 8310m²), geleë te Walterstraat, Riebeeck Kasteel in 'n restant (±3280m²), gedeelte A (±1689m²), gedeelte B (±1691m²) en gedeelte C (±1650m²).

Verdere besonderhede is gedurende gewone kantoorure (weekdae) by Departement Ontwikkelingsdienste, die kantoor van die Bestuurder: Beplanning, Boubesker en Waardasies, Munisipale Kantoor, Kerkstraat, Malmesbury beskikbaar.

Enige kommentaar, hetsy beswaar of ondersteuning, kan skriftelik by die ondergetekende ingedien word nie later nie as **20 Julie 2015 om 17:00**.

JJ SCHOLTZ, MUNISIPALE BESTUURDER, Munisipale Kantore, Privaatsak X52, MALMESBURY, 7299

19 Junie 2015

59659

OVERSTRAND MUNICIPALITY

REMAINDER OF FARM 970 CALEDON, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE AND DEPARTURE: B BLOUNT ON BEHALF OF MOIWAY (PTY) LTD

Notice is hereby given in terms of Section 2.2 of the Overstrand Zoning Scheme Regulations that an application has been received for a consent use on Remainder of Farm 970, Caledon in order to erect 3 (three) additional dwelling units on the property.

Notice is hereby also given in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that an application has been received for a departure from the relevant Scheme Regulations in order to relax the 30m building line to 21m in order to accommodate the existing cottage on the property.

Full details regarding the proposal are available for inspection at the Gansbaai Library (Main Road, Gansbaai) and the Department: Town Planning (16 Paterson Street, Hermanus) Monday to Friday during normal office hours.

Any comments on the proposal should be submitted in writing to reach the undersigned by not later than **Friday, 24 July 2015**. A person who cannot read or write but wishes to comment on the proposal may visit the Department Town Planning where a member of staff would assist them to formalize their comment.

Municipal Notice No. 69/2015

MUNICIPAL MANAGER, OVERSTRAND MUNICIPALITY, PO Box 20, HERMANUS, 7200

19 June 2015

59657

OVERSTRAND MUNISIPALITEIT

RESTANT VAN PLAAS 970 CALEDON, OVERSTRAND MUNISIPALE AREA: VOORGESTELDE VERGUNNINGSGEBRUIK EN AFWYKING: B BLOUNT NAMENS MOIWAY (PTY) LTD

Kennis geskied hiermee ingevolge Gedeelte 2.2 van die Overstrand Soneringskema-regulasies dat 'n aansoek ontvang is vir 'n vergunningsgebruik op Restant Plaas 970, Caledon ten einde 3 (drie) addisionele wooneenhede op die eiendom op te rig.

Kennis geskied hiermee verder ingevolge Artikel 15 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) dat 'n aansoek ontvang is vir 'n afwyking van die relevante Skema-regulasies om sodoende die 30m boulyn te verslap na 21m ten einde die bestaande kothuis op die eiendom te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie by die Gansbaai Biblioteek (Hoofweg, Gansbaai) en die Departement: Stadsbeplanning (Patersonstraat 16, Hermanus) Maandag tot Vrydag.

Enige kommentaar aangaande die voorstel moet op skrif gestel word ten einde die ondergetekende te bereik teen nie later nie as **Vrydag, 24 Julie 2015**. Persone wat wil kommentaar lewer maar nie kan lees of skryf nie mag die Departement Stadsbeplanning besoek waar hul deur 'n amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

Munisipale Kennisgewing Nr 69/2015

MUNISIPALE BESTUURDER, OVERSTRAND MUNISIPALITEIT, Posbus 20, HERMANUS, 7200

19 Junie 2015

59657

UMASPALA WASE OVERSTRAND

INTSALELA YEFAMA ENGUNOMNOLO 970 ECALEDON, KWINGIGQI YOMASIPALA WASE OVERSTRAND: ISICELO SOKUPHAMBUKA NESI NDULULO: B BLOUNT EGAMENI LIKA MOIWAY (PTY) LTD

Isaziso sikhutshwa kwakho ngokwemi miselo yeCandelo lweSibini lineziqingatha eziMbini (Section 2.2) lweSikimu sikaMasipala wase-Overstrand zokuZonwa ukuba isicelo sifunyenwe ngokwe Mvumelwano yokuSebenzisa iNxalenye yeFama u-970, eCaledon khona ukuze kwakhiwe iindawo ezongezelweyo zokuhlala kwindawo leyo yobango.

Isaziso kananjalo sikhutshwa ngokwemi miselo yeCandelo lweShumi elineSihlanu loMthetho Mmiselo wokuSetyenziswa koMhlaba, ka-1985, (Mmthetho Mmiselo weShumi elinesihlanu, ukuba isicelo sifunyenwe sokundululwa kweMiqathango yeSikimu khona ukuze kunyenyiswe umgca wolwakhiwo oyimida engamaShumi amaThathu ukuya kwimida engamaShumi amaBini anaNye, khona ukuze kube nokulungiselelwa iindawo leyo yokuhlala abaSebenzi kwindawo yobango.

Naziphina izimvo kwisiphakamiso kufanele zibhalwe zize zifakwe zifikelele kobhalwe ngezantsi kungadlulanga uLwesihlanu womhla **we-24 July 2015**. Umntu ongakwaziyo ukufunda okanye ukubhala kodwa onqwenela ukuvakalisa uluvo lwakhe kwisiphakamiso angandwendwela uLawulo: Lwesebe lezoCwangciso lwedolophu apho omnye wabasebenzi uyakuthi amncede abhale ngokusesikweni izimvo zabo.

Isaziso sikaMasipala iNombolo. 69/2015

UMASIPALA WASEOVERSTRAND, IMANEJALA YOMASIPALA WEOVERSTRAND, P.O. Box 20, HERMANUS, 7200

19 kweyeSilimela 2015

59657

SWARTLAND MUNICIPALITY

NOTICE 142/2014/2015

**PROPOSED REZONING AND SUBDIVISION
ON PORTION OF UNREGISTERED ERF 11280,
MALMESBURY**

Notice is hereby given in terms of section 17(1) of Ordinance 15 of 1985 that an application has been received for the rezoning of Erf 11280 (portion of portion 1 of Farm De Hoop no. 697, 1,9 ha in extent). The property is situated directly west of Malmesbury and the purpose of the application is to rezone the property from agricultural zone 1 to subdivisinal area in order die provide for the following land uses:

103 single residential zone 4 erven (total extent of $\pm 9300\text{m}^2$);

1 business zone 2 erf ($\pm 554\text{m}^2$ in extent);

1 community zone 1 erf – crèche ($\pm 563\text{m}^2$ in extent);

1 community zone 2 erf – church ($\pm 563\text{m}^2$ in extent);

2 open space zone 1 erven – open spaces (total extent of $\pm 1700\text{m}^2$);

transport zone 1 – roads ($\pm 6500\text{m}^2$ in extent).

Further particulars are available during office hours (weekdays) at the Department Development Services, office of the Manager: Planning, Building Control and Valuations, Municipal Office, Church Street, Malmesbury.

Any comments whether an objection or support, may be lodged in writing with the undersigned not later than **20 July 2015 at 17:00**.

JJ SCHOLTZ, MUNICIPAL MANAGER, Municipal Offices, Private Bag X52, MALMESBURY, 7299

19 June 2015

59658

CITY OF CAPE TOWN (TYGERBERG DISTRICT)

REZONING• **Erf 3044, Goodwood**

Notice is hereby given in terms Sections 17 of the Land Use Planning Ordinance, 15 of 1985 that the undermentioned application has been received and is open to inspection at the office of the District manager at 3rd Floor, Municipal Office, Voortrekker Road, Parow. Enquiries may be directed to Erhard Pienaar, Private Bag X4, Parow, 7499 or 3rd Floor, Municipal Office, Voortrekker Road, Parow, telephone no: 021 444 7507 and fax number 021 938 8509 week days during the hours of 08:00 to 14:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned District manager (or by using the following email address: comments_objections.tygerberg@capetown.gov.za) on or before **20 July 2015**, quoting the above relevant legislation, the application number and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid.

Applicant: Mlanjane Family Trust

Case ID: 70244845

Address: 30 Surrey Street, Townsend Estate, Goodwood

Nature of application: Rezoning from Single Residential 1 to General Residential 2 to permit a block of flats containing 6 units.

ACHMAT EBRAHIM, CITY MANAGER

19 June 2015

59668

SWARTLAND MUNISIPALITEIT

KENNISGEWING 142/2014/2015

**VOORGESTELDE HERSONERING EN ONDERVERDELING
VAN GEDEELTE VAN ONGEREGISTREERDE ERF 11280,
MALMESBURY**

Kennis geskied hiermee ingevolge artikel 17(1) van Ordonnansie 15 van 1985 dat 'n aansoek ontvang is vir die hersonering van Erf 11280 (gedeelte van gedeelte 1 van Plaas De Hoop nr 697, 1,9 ha groot). Die eiendom is geleë direk wes van Malmesbury en die doel van die aansoek is om die eiendom te hersoneer vanaf landbousone 1 na onderverdelingsgebied ten einde vir die volgende gebruike voorsiening te maak:

103 enkelresidensiële sone 4 erwe (totale grootte van $\pm 9300\text{m}^2$);

1 sakesone 2 erf ($\pm 554\text{m}^2$);

1 gemeenskapsone 1 erf – crèche ($\pm 563\text{m}^2$);

1 gemeenskapsone 2 erf – kerk ($\pm 563\text{m}^2$);

2 oopruimtesone 1 erwe – oopruimtes (totale grootte van $\pm 1700\text{m}^2$);

Vervoersone 1 – paaie ($\pm 6500\text{m}^2$).

Verdere besonderhede is gedurende gewone kantoorure (weeksdæ) by Departement Ontwikkelingsdienste, die kantoor van die Bestuurder: Beplanning, Boubeheer en Waardasies, Munisipale Kantoor, Kerkstraat, Malmesbury beskikbaar.

Enige kommentaar, hetsy beswaar of ondersteuning, kan skriftelik by die ondergetekende ingedien word nie later nie as **20 Julie 2015 om 17:00**.

JJ SCHOLTZ, MUNISIPALE BESTUURDER, Munisipale Kantore, Privaatsak X52, MALMESBURY, 7299

19 Junie 2015

59658

STAD KAAPSTAD (TYGERBERG-DISTRIK)

HERSONERING• **Erf 3044, Goodwood**

Kennisgewing geskied hiermee ingevolge artikel 17 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) dat onderstaande aansoek ontvang en ter insae beskikbaar is by die kantoor van die distriksbestuurder, derde verdieping, munisipale kantore, Voortrekkerweg, Parow. Navrae kan weksdæ tussen 08:00 en 14:30 gerig word aan Erhard Pienaar, Privaatsak X4, Parow 7499 of derde verdieping, munisipale kantore, Voortrekkerweg, Parow, tel: 021 444 7507 en faksnummer 021 938 8509. Enige besware, met volledige redes daarvoor, kan voor of op **20 Julie 2015** skriftelik by die kantoor van bogenoemde distriksbestuurder ingedien word, of per e-pos na comments_objections.tygerberg@capetown.gov.za gestuur word, met vermelding van die toepaslike wetgewing, die aansoeknummer en die beswaarmaker se erf- en telefoonnummer en adres. Enige besware wat na die sluitingsdatum ontvang word, kan ongeldig geag word.

Aansoeker: Mlanjane Familietrust

Saaknummer: 70244845

Adres: Surreystraat 30, Townsend Estate, Goodwood

Aard van aansoek: Hersonering van enkelresidensiële 1 na algemeen-residensiële 2 om 'n woonstelblok bestaande uit ses eenhede toe te laat.

ACHMAT EBRAHIM, STADSBESTUURDER

19 Junie 2015

59668

SWARTLAND MUNICIPALITY

NOTICE 144/2014/2015

**PROPOSED SUBDIVISION ON ERF 129,
ABBOTSDALE**

Notice is hereby given in terms of section 24(1) of Ordinance 15 of 1985 that an application has been received for the subdivision of Erf 129 (3915m² in extent), situated in Winkel Street, Abbottdale, into a remainder (±1126m²) and portion A (±2789m²).

Further particulars are available during office hours (weekdays) at the Department Development Services, office of the Manager: Planning, Building Control and Valuations, Municipal Office, Church Street, Malmesbury.

Any comments whether an objection or support, may be lodged in writing with the undersigned not later than **20 July 2015 at 17:00**.

JJ SCHOLTZ, MUNICIPAL MANAGER, Municipal Offices, Private Bag X52, MALMESBURY, 7299

19 June 2015

59660

CITY OF CAPE TOWN (BLAAUWBERG DISTRICT)

REZONING

• **Erf 5071, 168 Blaauwberg Road, Table View**

Notice is hereby given in terms Section 3(1) and 4(1)(d) and (e) of Promotion of Administrative Justice Act, that the undermentioned application has been received and be re-advertised. The application is open to inspection at the office of the District Manager, Municipal Offices 87 Pienaar Road, Milnerton. Enquiries may be directed to Johannes Franco Prins, PO Box 35, Milnerton, 7435, 87 Pienaar Road, Milnerton, 7441 and street, e-mail johannesfranco.prins@capetown.gov.za, tel: 021 444 0566 or fax: 021 444 0558 week days during 08:00–14:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned District Manager (or by using the following email address: comments_objections.blaauwberg@capetown.gov.za) on or before **20 July 2015**, quoting the above relevant legislation, the application number and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid.

Applicant: Elco Property Development

Owner: Concord Employment Contractors (Pty) Ltd

Application number: 70074116

Nature of application: Proposed Rezoning from General Residential (GR3) to General Business (GB2) in terms of Section 3(1) and 4(1)(d) and (e) of Promotion of Administrative Justice Act.

ACHMAT EBRAHIM, CITY MANAGER

19 June 2015

59673

SWARTLAND MUNICIPALITY

NOTICE 145/2014/2015

**PROPOSED CONSENT USE ON PORTION
1 OF FARM DOORKRAAL NO 831, DIVISION
MALMESBURY**

Notice is hereby given in terms of section 7, Chapter 14.4.1 of the Swartland Integrated Zoning Scheme Regulations that an application has been received for a consent use on portion 1 of farm Doornkraal No. 831 (±244,0685 ha in extent), division Malmesbury. The property is situated ±10km south of Malmesbury and the purpose of the application is to operate a sand mine (±57,4 ha) from the property.

Further particulars are available during office hours (weekdays) at the Department Development Services, office of the Manager: Planning, Building Control and Valuations, Municipal Office, Church Street, Malmesbury.

Any comments whether an objection or support, may be lodged in writing with the undersigned not later than **20 July 2015 at 17:00**.

JJ SCHOLTZ, MUNICIPAL MANAGER, Municipal Offices, Private Bag X52, MALMESBURY, 7299

19 June 2015

59661

SWARTLAND MUNISIPALITEIT

KENNISGEWING 144/2014/2015

**VOORGESTELDE ONDERVERDELING VAN ERF 129,
ABBOTSDALE**

Kennis geskied hiermee ingevolge artikel 24(1) van Ordonnansie 15 van 1985 dat 'n aansoek ontvang is vir die onderverdeling van Erf 129 (groot 3915m²), geleë te Winkelstraat, Abbottdale in 'n restant (±1126m²) en gedeelte A (±2789m²).

Verdere besonderhede is gedurende gewone kantoorure (weeksdag) by Departement Ontwikkelingsdienste, die kantoor van die Bestuurder: Beplanning, Boubeheer en Waardasies, Munisipale Kantoor, Kerkstraat, Malmesbury beskikbaar.

Enige kommentaar, hetsy beswaar of ondersteuning, kan skriftelik by die ondergetekende ingedien word nie later nie as **20 Julie 2015 om 17:00**.

JJ SCHOLTZ, MUNISIPALE BESTUURDER, Munisipale Kantore, Privaatsak X52, MALMESBURY, 7299

19 Junie 2015

59660

STAD KAAPSTAD (BLAAUWBERG-DISTRIK)

HERSONERING

• **Erf 5071, Blaauwbergweg 168, Table View**

Kennisgewing geskied hiermee ingevolge artikel 3(1) en 4(1)(d) en (e) van die Wet op die Bevordering van Administratiewe Geregtheid dat ondergemelde aansoek ontvang is en weer geadverteer word. Die aansoek is ter insae beskikbaar is by die kantoor van die distriksbestuurder, munisipale kantore, Pienaarweg 87, Milnerton. Navrae kan gerig word aan Johannes Franco Prins, Posbus 35, Milnerton 7435, Pienaarweg 87, Milnerton 7441 of e-pos johannesfranco.prins@capetown.gov.za, tel: 021 444 0566 of faks: 021 444 0558 op weeksdag tussen 08:00 en 14:30. Enige besware, met volledige redes daarvoor, kan voor of op **20 Julie 2015** skriftelik by die kantoor van bogenoemde distriksbestuurder ingedien word, of per e-pos na comments_objections.blaauwberg@capetown.gov.za gestuur word, met vermelding van die toepaslike wetgewing, die aansoeknommer en die beswaarmaker se erf- en telefoonnommer en adres. Enige besware wat na die sluitingsdatum ontvang word, kan ongeldig geag word.

Aansoeker: Elco Property Development

Eienaar: Concord Employment Contractors (Edms.) Bpk.

Aansoeknommer: 70074116

Aard van aansoek: Voorgestelde hersonering van algemeenresidensieel (GR3) na algemeensake (GB2) ingevolge artikel 3(1) en 4(1)(d) en (e) van die Wet op die Bevordering van Administratiewe Geregtheid.

ACHMAT EBRAHIM, STADSBESTUURDER

19 Junie 2015

59673

SWARTLAND MUNISIPALITEIT

KENNISGEWING 145/2014/2015

**VOORGESTELDE VERGUNNINGSGEBRUIK OP GEDEELTE
1 VAN PLAAS DOORKRAAL NR 831, AFDELING
MALMESBURY**

Kennis geskied hiermee ingevolge artikel 7, Hoofstuk 14.4.1 van die Swartland Geïntegreerde Soneringskema-regulasies dat 'n aansoek ontvang is vir 'n vergunningsgebruik op gedeelte 1 van plaas Doornkraal No. 831 (groot ±244,0685 ha), Afdeling Malmesbury. Die eiendom is geleë ±10km suid van Malmesbury en die doel van die aansoek is om 'n sandmyn (±57,4 ha) vanaf die eiendom te bedryf.

Verdere besonderhede is gedurende gewone kantoorure (weeksdag) by Departement Ontwikkelingsdienste, die kantoor van die Bestuurder: Beplanning, Boubeheer en Waardasies, Munisipale Kantoor, Kerkstraat, Malmesbury beskikbaar.

Enige kommentaar, hetsy beswaar of ondersteuning, kan skriftelik by die ondergetekende ingedien word nie later nie as **20 Julie 2015 om 17:00**.

JJ SCHOLTZ, MUNISIPALE BESTUURDER, Munisipale Kantore, Privaatsak X52, MALMESBURY, 7299

19 Junie 2015

59661

KNYSNA MUNICIPALITY

LAND USE PLANNING ORDINANCE, 1985

(ORDINANCE 15 OF 1985)

APPLICATION NUMBER: 1016, 210161000, Walker Street, Buffalo Bay

Notice is hereby given in terms of Sections 17(1) and 24(1) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that the under mentioned application has been received and is open for inspection during office hours at: Municipal Town Planning Offices, Old Main Building, 3 Church Street, Knysna. Any objections, with full reasons therefor, should be lodged in writing with the Municipal Manager, PO Box 21, Knysna, 6570 on or before **Friday 24 July 2015**, quoting the above Ordinance and objector's erf number.

Notice is further given in terms of Section 21(4) of the Local Government: Municipal Systems Act, (Act 32 of 2000) that people who cannot write may approach the Municipal Town Planning Office at 3 Church Street, Knysna during normal office hours where the Secretary will refer you to the responsible official who will assist you in putting your comments or objections in writing.

Applicant: VPM Planning (Lizemarie Botha)

Nature of application:

Sub-Division and Rezoning

1. Rezoning of Erf 161, Buffalo Bay from "Open Space 1" to "Residential 1" in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985);
2. Subdivision of Erf 161, Buffalo Bay into two portions (Portion A 107.7m² and Portion B 24.8m²).

File reference: 161 BB

G. EASTON, MUNICIPAL MANAGER

19 June 2015

59663

GEORGE MUNICIPALITY

NOTICE NO 15/2015

**PROPOSED REZONING AND DEPARTURE:
ERF 24120, GEORGE**

Notice is hereby given that Council has received the following application on Erf 24120, George:

Rezoning in terms of Section 17 of Ordinance 15 of 1985 of the Remainder of Erf 24120, George from Business Zone II to Institutional Zone II.

Details of the proposal are available for inspection at the Council's office 5th Floor, York Street, George, 6530, during normal office hours, Mondays to Fridays.

Enquiries: MARISA ARRIES

Reference: ERF 24120, GEORGE

Motivated objections, if any, must be lodged in writing with the Registration Office, 1st floor, George Municipality by not later than **MONDAY, 20 JULY 2015**. Please note that no objections by e-mail will be accepted.

Any person, who is unable to write, can submit their objection verbally to the Council's offices where they will be assisted by a staff member to put their comments in writing.

T BOTHA, MUNICIPAL MANAGER, Civic Centre, York Street, GEORGE, 6530. Tel: (044) 801 9473, Fax: 086 570 1900
Email: marisa@george.org.za

19 June 2015

59679

KNYSNA MUNISIPALITEIT

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985

(ORDONNANSIE 15 VAN 1985)

AANSOEK NOMMER: 1016, 210161000, Walkerstraat, Buffelsbaai

Kennis geskied hiermee ingevolge Artikel 17(1) en 24(1) van die Grondgebruik Beplannings Ordonnansie (Ordonnansie 15 van 1985) dat die onderstaande aansoek deur die Munisipale Bestuurder ontvang is en ter insae lê, gedurende kantoorure by: Munisipale Stadsbeplanning Kantore, Old Maingebou, Kerkstraat 3, Knysna. Enige besware met volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Posbus 21, Knysna, 6570 ingedien word op of voor **Vrydag 24 Julie 2015**, met vermelding van bogenoemde Ordonnansie en beswaarmaker se ernommer.

Ingevolge Artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels 2000 (Wet 32 van 2000) word verder kennis gegee dat persone wat nie kan skryf nie die Stadsbeplanningsafdeling (Kerkstraat 3) kan nader tydens normale kantoorure waar die Sekretaresse u sal verwys na die betrokke amptenaar wat u sal help om u kommentaar of besware op skrif te stel.

Aansoeker: VPM PLANNING (Lizemarie Botha)

Aard van Aansoek:

Onderverdeling, en Hersonerig

1. Hersonerig van Erf 161, Buffelsbaai vanaf "Oopruimte 1" na "Residensiële 1" in terme van Artikel 17 van die Grondgebruik Beplanning Ordonnansie, 1985 (Ordonnansie 15 van 1985);
2. Die onderverdeling van Erf 161, Buffelsbaai na 2 residensiële erwe (Verdeling A 107.7m² en Verdeling B 24.8m²).

Leërvyng: 161 BB

G. EASTON, MUNISIPALE BESTUURDER

19 Junie 2015

59663

GEORGE MUNISIPALITEIT

KENNISGEWING NR 15/2015

**VOORGESTELDE HERSONERING EN AFWYKING:
ERF 24120, GEORGE**

Kennis geskied hiermee dat die Raad die volgende aansoek ontvang het op Erf 24120, George:

Hersonering in terme van Artikel 17 van Ordonnansie 15 van 1985 van die Restant van Erf 24120, George vanaf Sakesone II na Institusio- nelesone II.

Volledige besonderhede van die voorstel sal gedurende gewone kantoor- ure, Maandag tot Vrydag, ter insae wees by die Raad se kantoor te 5de Vloer, Yorkstraat, George, 6530.

Navrae: MARISA ARRIES

Verwysing: ERF 24120, GEORGE

Gemotiveerde besware, indien enige, moet skriftelik by die Registrasie- kantoor, 1ste vloer, George Munisipaliteit ingedien word, nie later nie dan **MAANDAG, 20 JULIE 2015**. Let asseblief daarop dat geen e-pos besware aanvaar sal word nie.

Indien 'n persoon nie kan skryf nie, kan sodanige persoon sy kommentaar mondelings by die Raad se kantoor aflê, waar 'n personeellid sal help om die kommentaar/vertoë op skrif te stel.

T BOTHA, MUNISIPALE BESTUURDER, Burgersentrum, Yorkstraat, GEORGE, 6530. Tel: (044) 801 9473, Faks: 086 570 1900
Epos: marisa@george.org.za

19 Junie 2015

59679

CITY OF CAPE TOWN (KHAYELITSHA/MITCHELL'S PLAIN DISTRICT)

PUBLIC PLACE CLOSURE AND AMENDMENT OF GENERAL PLAN

• Erf 673 Philippi

Notice is hereby given in terms of section 6(1) of the By-law relating to the Management and Administration of the City of Cape Town's Immovable Property and section 30(1) of Ordinance 15 of 1985 that the undermentioned application has been received and is open for inspection at the office of the District Manager at the Khayelitsha/Mitchells Plain District office (Stocks & Stocks Complex, corner of Ntlazane and Ntlakohlaza Streets, Ilitha Park, Khayelitsha). Direct enquiries to Gerhard Hanekom (Gerhard.hanekom@capetown.gov.za): tel: 021 360 1150, fax: 021 360 1101 and Private Bag X93, Bellville 7535 weekdays from 08:00 to 14:30. Any objections, with full reasons therefor, may be lodged in writing with the office of the abovementioned District Manager (or by using the following e-mail address: comments_objections.khayemitch@capetown.gov.za on or before **20 July 2015** quoting the above relevant legislation, the application number and the objector's erf and phone numbers and address. Any objections received after the aforementioned closing date may be considered invalid.

Applicant: City of Cape Town (Directorate: Human Settlements)

Address: Bristol Road

Nature of application:

- Application for the amendment in terms of section 30(1) of Ordinance 15 of 1985 of general plan no L17/1991 to accommodate the closure of Erf 673 Philippi as public place and indication thereof as an ordinary erf.
- Closure of Erf 673 Philippi shown as public place on general plan no L17/1991 in terms of section 6(1) of the By-law relating to the Management and Administration of the City of Cape Town's Immovable Property.

The purpose of the above applications would be to permit the registration of the General Plan drafted for the Less Formal Township Establishment Act, 1991 layout approval on Erf 673 Philippi granted by the Department of Environmental Affairs and Development Planning on 17/11/05 (ref E17/2/2/7/BP2/Erf 673 Philippi). (Surveyor General reference number PHIL 747/1/1 v1 p. 70).

ACHMAT EBRAHIM, CITY MANAGER

19 June 2015

59665

STAD KAAPSTAD (KHAYELITSHA-/MITCHELL'S PLAIN-DISTRIK)

SLUITING VAN OPENBARE PLEK EN WYSIGING VAN ALGEMENE PLAN

• Erf 673 Philippi

Kennis geskied hiermee ingevolge artikel 6(1) van die Verordening met betrekking tot die Bestuur en Administrasie van die Stad Kaapstad se Onroerende Eiendom en artikel 30(1) van Ordonnansie 15 van 1985 dat die ondergenoemde aansoek ontvang is en ter insae beskikbaar is by die kantoor van die distriksbestuurder, Khayelitsha/Mitchells Plain-distrikskantoor (Stocks en Stocks-kompleks, hoek van Ntlazane- en Ntlakohlazastraat, Ilitha Park, Khayelitsha). Rig navrae aan Gerhard Hanekom (Gerhard.hanekom@capetown.gov.za): tel: 021 360 1150, faks 360 11013 en Privaatsak X93, Bellville 7535 weksdae van 08:00 tot 14:30. Enige besware, met volledige redes, kan skriftelik ingedien word by die kantoor van die bogenoemde distriksbestuurder (of deur die volgende e-posadres te gebruik): comments_objections.khayemitch@capetown.gov.za voor of op **20 Julie 2015** met vermelding van die bogenoemde toepaslike wetgewing, die aansoeknommer en die beswaarmaker se erf- en foonnummers en adres. Enige besware wat na die voormelde sluitingsdatum ontvang word, kan as ongeldig geag word.

Aansoeker: Stad Kaapstad (direktoraat: menslike nedersettings)

Adres: Bristolweg

Aard van aansoek:

- Aansoek om die wysiging van die algemene plan, no. L17/1991, ingevolge artikel 30(1) van Ordonnansie 15 van 1985 om voorsiening te maak vir die sluiting van Erf 673, Philippi as 'n openbare plek en die aanwysing daarvan as 'n gewone erf.
- Die sluiting van Erf 673 Philippi, aangetoon as 'n openbare plek op die algemene plan, no. L17/1991, ingevolge artikel 6(1) van die Verordening met betrekking tot die Bestuur en Administrasie van die Stad Kaapstad se Onroerende Eiendom.

Die doel van die bogenoemde aansoek is om die registrasie toe te laat van die algemene plan opgestel ingevolge die Wet op Minder Formele Dorpsstigting, 1991, vir die goedkeuring van die uitleg ten opsigte van erf 673, Philippi, verleen deur die departement omgewingsake en ontwikkelingsbeplanning op 17/11/05 (verw. E17/2/2/7/BP2/Erf 673 Philippi). (Verwysingsnommer van landmeter-generaal PHIL 747/1/1 v1 p. 70)

ACHMAT EBRAHIM, STADSBESTUURDER

19 Junie 2015

59665

CITY OF CAPE TOWN (KHAYELITSHA/MITCHELL'S PLAIN DISTRICT)

ISIPHAKAMISO SESICELO SOKUVALWA KWENDAWO YOLUNTU NOKULUNGISWA KWEPLANI NGOKUPHANGALELEYO NGOKUJOLISWE KWISIZA-673 ESISE-PHILIPPI

Kukhutshwa isaziso ngokwecandelo-6(1) loMthetho kaMasipala ophathelene nokuPhathwa nezoLawulo lwePropati kaMasipala engenakuswa nangokwecandelo-30(1) loMmiselo ongunomb.15 wangowe-1985, sokuba isicelo esikhankanywe ngezantsi apha sifunyenwe kwaye sivulelekile ukuba sihlolwe kwi-ofisi yoMphathi wesithili ekwisithili sase-Khayelitsha/Mitchells Plain (Stocks & Stocks Complex, kwikona ye-Ntlazane ne-Ntlakohlaza Streets, Ilitha Park, eKhayelitsha). Jolisa imibuzo ku-Gerhard Hanekom (Gerhard.hanekom@capetown.gov.za): umnxeba 021 360 1150, ifeksi 021 360 1101 nakwa Private Bag X93, Bellville 7535 kwiintsuku eziphakathi evekini ukususela ngeye-08:00 ukuya kweye-14:30. Naziphina izichaso ezinezizathu ezivakalayo zingangeniswa ngokubhaliweyo kwi-ofisi ekhanakanywe ngentla apha engeyoMphathi weSithili (okanye ngokusebenzisa le dilesi ye-imeyile ilandelayo: comments_objections.khayemitch@capetown.gov.za ngomhla okanye ngaphambi kowama-**20 Julayi 2015**, ucaphule umthetho ongentla apha ofanelekileyo, inombolo yesicelo nesiza somchaso, iinombolo zomnxeba nedilesi yakhe. Naziphina izichaso ezifunyenwe emva komhla wokuvalwa zisenokuthatyathwa njengezingekho-mthethweni.

Umfaki-sicelo: ICandelo loLawulo lezokuHlaliswa koLuntu leSixeko saseKapa

Idilesi: Bristol Road

Ubume besicelo:

- Isicelo sokulungiswa ngokwecandelo-30(1) loMmiselo woCwangciso lokuSetyenziswa koMhlaba, kweplani ngokuphangaleleyo engunomb. L17/1991 ukuze kuvumeleke ukuvalwa kwesiza-673 esise-Philippi njengendawo yoluntu kwakhona emva koko sibonakaliswe njengesiza nje sesiqhelo.
- Ukuvalwa kwesiza-673 esise-Philippi esibonakaliswe njengendawo yoluntu kwiplani ngokuphangaleleyo engunomb. L17/1991 ngokwecandelo-6(1) loMthetho kaMasipala weSixeko saseKapa ophathelene nokuPhathwa nezoLawulo lwePropati kaMasipala engenakuswa.

Injongo yezi zicelo zingentla apha iyakuthi ivumele ukubhaliswa kwePlani ngokuphangaleleyo eyilwe ngokoMthetho ongokuMiselwa kweLokishi engekshosikweni ngokupheleleyo wango-1991, isiphumezo soyilo kwisiza-673 Philippi sinikezelwe lwiSebe leMicimbi yokuSingqongileyo noCwangciso loPhuhliso ngowe- 17/11/05 (isalathiso E17/2/2/7/BP2/Erf 673 Philippi). (Inombolo yesalathiso yoMhloli woMhlaba Jikelele ngu-PHIL 747/1/1 v1 p. 70)

ACHMAT EBRAHIM, CITY MANAGER

19 kweyeSilimela 2015

59665

GEORGE MUNICIPALITY

NOTICE NO: 060/2015**TEMPORARY DEPARTURE: ERF 1519, ENKULULEKWENI STREET, THEMBALETHU**

Notice is hereby given that Council has received the following application on the abovementioned property:

1. Temporary Departure in terms of Regulation 7(1) of the Regulations promulgated in terms of the Black Communities Development Act, 1984 (Act 4 of 1984) to temporarily, for 5 years, utilize the property for a restaurant.

Details of the proposal are available for inspection at the Council's office, Civic Centre, 5th Floor, York Street, George, during normal office hours, Monday to Friday. **Enquiries:** Keith Meyer, **Reference:** Erf 1519, Thembaletu.

Motivated objections, if any, must be lodged in writing with the abovementioned office by not later than **Monday, 20 July 2015**. Please take note that no objections by e-mail will be accepted.

Any person, who is unable to write, can submit their objection verbally to the Council's office where they will be assisted by a staff member to put their comments in writing.

T BOTHA, MUNICIPAL MANAGER, Civic Centre, York Street, GEORGE, 6530. Tel: (044) 801 9435, Fax: 086 529 9985
Email: keith@george.org.za

19 June 2015

59678

GEORGE MUNISIPALITEIT

KENNISGEWING NR: 060/2015**TYDELIKE AFWYKING: ERF 1519, ENKULULEKWENISTRAAT, THEMBALETHU**

Kennis geskied hiermee dat die Raad die volgende aansoek op bogenoemde eiendom ontvang het:

1. Tydelike Afwyking in terme van Regulasie 7(1) van die Regulasies uitgevaardig in terme van die Swart Gemeenskap Ontwikkelings Wet, 1984 (Wet 4 van 1984) om die eiendom tydelik vir 5 jaar te gebruik vir 'n restaurant.

Volledige besonderhede van die voorstel sal gedurende gewone kantoorure, Maandag tot Vrydag, ter insae beskikbaar wees by die Raad se kantoor, Burgersentrum, 5de Vloer, Yorkstraat, George. **Navrae:** Keith Meyer, **Verwysing:** Erf 1519, Thembaletu.

Gemotiveerde besware, indien enige, moet skriftelik by die bogenoemde kantoor ingedien word nie later nie as **Maandag, 20 Julie 2015**. Let asseblief daarop dat geen e-pos besware aanvaar word nie.

Indien 'n persoon nie kan skryf nie, kan sodanige persoon sy kommentaar mondelings by die Raad se kantoor aflê waar 'n personeel lid sal help om die kommentaar/vertoë op skrif te stel.

T BOTHA, MUNISIPALE BESTUURDER, Burgersentrum, Yorkstraat, GEORGE, 6530. Tel: (044) 801 9435, Faks: 086 529 9985
Epos: keith@george.org.za

19 Junie 2015

59678

CITY OF CAPE TOWN (TABLE BAY DISTRICT)

REMOVAL OF RESTRICTIONS AND DEPARTURE

• **Erf 3082 Camps Bay, 15a the Drive Avenue** (*second placement*)

Notice is hereby given in terms of Section 3 (6) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), Section 15 of the Land Use Planning Ordinance 15 of 1985 and Section 2.2.1 of the Cape Town Zoning Scheme Regulations that the undermentioned application has been received and is open for inspection between 08:00–14:30 week-days at the office of the District Manager: Planning & Building Development Management, 2nd Floor, Media City Building, corner Hertzog Boulevard & Heerengracht, Cape Town. The application is also open to inspection at the office of the Director: Integrated Environmental Management, Department of Environmental Affairs & Development Planning, Provincial Government of the Western Cape at the Utilitas Building, 1 Dorp Street, Cape Town week-days from 08:00–12:30 and 13:00–15:30. Telephonic enquiries in this regard may be made at 021 4834589 and the Directorate's fax number is 021 483 3098.

Applicant: Merike Lerm

Case id: 70181706

Erf Number: Erf 3082 Camps Bay

Address: 15A the Drive Avenue

Nature of the application: Removal of restrictive title conditions applicable to Erf 3082, 15A The Drive Avenue, Camps Bay, to enable the owner to erect a double garage on the property, a terrace balcony on the first storey and a covered entrance that will form part of the floor of terrace/balcony. The lateral and rear building line restrictions will be encroached.

The following departures from the Cape Town Zoning Scheme Regulations have been applied for:**Departures:**

Section 5.1.2(c):

- To permit the height of the proposed garage to be 3.695m in lieu of 3.500m.

Section 5.1.2(d)

- To permit the proposed double garage to and first storey balcony to be setback 0.00m in lieu of 3.50m from the street boundary (The Drive Avenue).
- To permit the first storey pool to be setback 0.00m in lieu of 1.0m from the north common boundary and street boundary (The Drive Avenue), respectively.

Written objections or comments with full reasons therefor, may be directed to the office of the Director: Planning & Building Development Management, Cape Town Region, City of Cape Town, PO Box 4529, Cape Town, 8000, or 021 400 6456 or fax: 021 419-4694 or email comments_objections.tablebay@capetown.gov.za, on or before the closing date, quoting, the above Ordinance, the abovementioned reference number, and the objector's erf and phone numbers and address. A copy must also be sent to the Director: Integrated Environmental Management, Department of Environmental Affairs & Development Planning, Provincial Government of the Western Cape at the Utilitas Building, 1 Dorp Street, Cape Town, 8001 or Private Bag X9086, Cape Town, 8000 or fax: 021 483 3098. Objections and comments may also be hand delivered to the abovementioned street addresses by no later than the closing date. The closing date for objections and comments is **20 July 2015**. If your objection is not submitted at the above address or fax on or before the closing date it may be disregarded. If you are not in position to provide a written objection or presentation you may by appointment, during office hours request a staff member to assist you with the transcription of your objection or presentation. Any enquiries in the above regard should be directed to Beverley Soares, tel: 021 400 6456.

ACHMAT EBRAHIM, CITY MANAGER

19 June 2015

59666

STAD KAAPSTAD (TAFELBAAI-DISTRIK)

OPHEFFING VAN BEPERKINGS EN AFWYKING

• Erf 3082 Kampsbaai, The Drive-laan 15a (tweede plasing)

Kennisgewing geskied hiermee ingevolge artikel 3(6) van die Wet op die Opheffing van Beperkings (Wet 84 van 1967), artikel 15 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) en artikel 2.2.1 van die Kaapstadse soneringskemaregulasies dat onderstaande aansoek ontvang en weksdae van 08:00 tot 14:30 ter insae beskikbaar is by die kantoor van die distriksbestuurder, beplanning- en bou-ontwikkelingsbestuur, tweede verdieping, Media City-gebou, h.v. Hertzog-boulevard en Heerengracht, Kaapstad. Die aansoek is ook weksdae tussen 08:00 en 12:30 en 13:00 en 15:30 ter insae beskikbaar by die kantoor van die direkteur, geïntegreerde omgewingsbestuur, departement van omgewingsake en ontwikkelingsbeplanning, Wes-Kaapse regering, Utilitas-gebou, Dorpsstraat 1, Kaapstad. Telefoniese navrae in dié verband kan aan 021 483 4589 gerig word en die direktoraat se faksnommer is 021 483 3098.

Aansoeker: Merike Lerm

Saaknommer: 70181706

Erfnommer: Erf 3082 Kampsbaai

Adres: The Drive-laan 15a

Aard van aansoek: Opheffing van beperkende titelvoorwaardes van toepassing op erf 3082, The Drive-laan 15a, Kampsbaai om die eienaar in staat te stel om 'n dubbelmotorhuis, 'n terras/balkon op die eerste verdieping en 'n bedekte ingang, wat deel van die verdieping met die terras/balkon sal vorm, op die eiendom op te rig. Die sy- en agterste boulynbeperkings sal oorskry word.

Daar is om die volgende afwykings van die Kaapstadse soneringskemaregulasies aansoek gedoen:

Artikel 5.1.2(c):

- Om toe te laat dat die hoogte van die voorgename dubbelmotorhuis 3,695 m in plaas van 3,500 m is.

Artikel 5.1.2(d):

- Om toe te laat dat die voorgename dubbelmotorhuis en eerste verdieping 'n terugsetting van 0,00 m in plaas van 3,50 m vanaf die straatgrens (The Drive-laan) het.
- Om toe te laat dat die swembad op die eerste verdieping 'n terugsetting van 0,00 m in plaas van 1,0 m vanaf die noordelike gemeenskaplike grens en straatgrens (The Drive-laan) onderskeidelik het.

Besware of kommentaar, met volledige redes daarvoor, moet voor of op die sluitingsdatum skriftelik aan die kantoor van die direkteur, beplanning en bou-ontwikkelingsbestuur, Kaapstadstreek, Stad Kaapstad, Posbus 4529, Kaapstad 8000 gestuur word, tel: 021 400 6456 of faks: 021 419 4694, of e-pos comments_objections.tablebay@capetown.gov.za, met vermelding van bogenoemde toepaslike wetgewing, bogenoemde verwysingsnommer en die beswaarmaker se erf- en telefoonnommer en adres. 'n Afskrif moet ook gestuur word aan die direkteur, geïntegreerde omgewingsbestuur, departement van omgewingsake en ontwikkelingsbeplanning, Wes-Kaapse regering, Utilitas-gebou, Dorpsstraat 1, Kaapstad 8001 of Privaatsak X9086, Kaapstad 8000 of faksnommer 021 483 3098. Besware en kommentaar kan ook voor of op die sluitingsdatum per hand by bogenoemde straatadresse afgelewer word. Die sluitingsdatum vir besware en kommentaar is **20 Julie 2015**. Indien u beswaar nie voor of op die sluitingsdatum aan bogenoemde adres of faksnommer gestuur word nie, kan dit buite rekening gelaat word. Indien u nie 'n skriftelike beswaar of verhoë kan voorlê nie, kan u volgens afspraak gedurende kantoorure 'n personeellid versoek om u behulpsaam te wees met die skryf van u beswaar of verhoë. Enige navrae in bogenoemde verband moet gerig word aan Beverley Soares, tel: 021 400 6456.

ACHMAT EBRAHIM, STADSBESTUURDER

CITY OF CAPE TOWN (TABLE BAY DISTRICT)

UKUSUSWA KWEZITHINTELO NOTYESHELO LOMQATHANGO

- **Isiza-3082 e-Camps Bay, 15a the Drive Avenue** (*sikhutshwa okwesibini*)

Kukhutshwa isaziso ngokweCandelo-3(6) loMthetho wokuSuswa kweZithintelo onguNomb.84 wango-1967, ngokwecandelo-15 loMmiselo woCwangciso lokuSetyenziswa koMhlaba onguNomb.15 wangowe-1985 nangokweCandelo-2. 2. 1 leMigaqo yeNkqubo yezoCando yaseKapa sifunyenwe isicelo esikhankanywe ngezantsi apha kwaye sivulelekile ukuba sihlolwe phakathi kweye-08:00 ukuya kweye-14:30 kwiintsuku eziphakathi evelini kwi-ofisi yoMphathi weSithili kuLawulo loCwangciso noPhuhliso loLwakhiwo, kuMgangatho wesibini, kwiSakhiwo i-Media City, kwikona ye-Hertzog Boulevard ne-Heerengracht, eKapa. Isicelo kwakhona sivulelekile ukuba sihlolwe kwi-ofisi yoMlawuli woLawulo lokuSingqongileyo ngokuHlangeneyo, iSebe leMicimbi yokuSingqongileyo noCwangciso loPhuhliso, kubuRhulumente bePhondo laseNtshona Koloni, kwiSakhiwo i-Utilitas, 1 Dorp Street, eKapa, kwiintsuku eziphakathi evelini ukususela ngeye-08:00–12:30 nokususela ngeye-13:00–15:30. Imibuzo ngomnxeba ngokuphathelele nalo mbandela ingenziwa kwa-021 4834589 nakwinombolo yefeksi yoMlawuli engu-021 483 3098.

Umfaki-sicelo: Merike Lerm

Isazisi sombandela: 70181706

Inombolo yesiza: Isiza-3082 e-Camps Bay

Idilesi: 15A the Drive Avenue

Ubume besicelo:

Ukususwa kwemiqathango yesithintelo setayitile yobunini ngokujoliswe kwisiza-3082, 15A The Drive Avenue, Camps Bay, ukuze umnini abaneakho ukwakha iigaraji ezimbini kwipropati, ibhalkhoni ephezulu ekumgangatho wokuqala nendawo engaphantsi yokungena eyakuthi ibeyinxal'enye yomgangatho weqonga okanye ibhalkhoni. Kuyakuthi kufakelelwe izithintelo zomda wesakhiwo osecaleni nongasemva.

Kwenziwe isicelo sotyeshele lwemiqathango elandelayo esusela kwiMigaqo yeNkqubo yezoCando yeSixeko saseKapa:

Utyeshelo lwemiqathango:

ICandelo-5.1.2(c):

- Ukuba kuvumeleke ubude besiphakamiso segaraji ukuba bubesi-3.695m endaweni yesi-3.500m.

ICandelo-5.1.2(d):

- Ukuba kuvumeleke isiphakamiso seegaraji ezimbini nebhalkhoni ekumgangatho wokuqala ukuba icuthwe ibengu-.00m endaweni yesi-3.50m ukususela kumda wesitalato (kwi-Drive Avenue).
- Ukuba kuvumeleke ukucuthwa kwequla lokuqubha elikumgangatho wokuqala ukuba ubengu-0.00m endaweni yesi-1.0m ukususela kumda ophakathi kumntla nomad wesitalato (kwi-Drive Avenue). Izichaso okanye izimvo ngokubhaliweyo ezinezizathu ngokupheleleyo zingajoliswe kuMlawuli woLawulo loCwangciso noPhuhliso loLwakhiwo, kwiNgqingqi yaseKapa, kwiSixeko saseKapa, PO Box 4529, Cape Town, 8000, okanye kumnxeba 021 400 6456 okanye kwifeksi 021 419–4694 okanye kwi-imeyile comments_objections.tablebay@capetown.gov.za, ngomhla okanye ngaphambi kowokuvalwa, ucaphule uMmieslo ongentla apha, inombolo yesalathiso engentla apha nenombolo yesiza somchasi, inombolo zomnxeba nedilesi yakhe. Ikopi kufuneka ithunyelwe kuMlawuli woLawulo lokuSingqongileyo ngokuHlangeneyo, iSebe leMicimbi yokuSingqongileyo noCwangciso loPhuhliso, kubuRhulumente bePhondo laseNtshona Koloni, kwiSakhiwo i-Utilitas, 1 Dorp Street, eKapa, 8001 okanye Private Bag X9086, Cape Town, 8000 okanye kwifeksi engu-021 483 3098. Izichaso nezimvo zingangeniswa ngokunokwakho/ubuqu kwezi dilesi zesitalato zikhankanywe ngentla apha ungadlulanga umhla wokuvalwa. Umhla wokuvalwa kokungeniswa kwezichaso nezimvo **ngowama-20 Julayi 2015**. Ukuba isichaso sakho asingeniswanga kule dilesi ingentla apha okanye ngaphambi komhla wokuvalwa, siyakuthi singahoywa. Ukuba awunakho ukubonelela ngesichaso esibhaliweyo okanye ingxelo-nkcaza, ungenza idinga ngexesha leeyure zomsebenzi ukuba ucele igosa lincedisane nawe ekubhaleni phantsi uluvo olusisichaso sakho okanye ingxelo-nkcaza yakho. Nayiphina imibuzo ephathelene noku kungentla, ingajoliswa ku-Beverley Soares, umnxeba 021 400 6456.

ACHMAT EBRAHIM, CITY MANAGER

19 kweyeSilimela 2015

59666

CITY OF CAPE TOWN (TABLE BAY DISTRICT)

CLOSURE

• **Portions of Heerengracht and Rau Bartholomeu Dias Streets adjoining Erf 245, Roggebaai**

Notice is hereby given in terms of Section 137(1) of the Municipal Ordinance No 20 of 1974 and Section 6(1) of the By-Law Relating to the Management and Administration of the Municipality's Immovable Property that portions of Heerengracht and Rau Bartholomeu Dias Streets adjoining Erf 245, Roggebaai has been closed.

(Surveyor General Ref No: S/9390/1 v11 p267)

ACHMAT EBRAHIM, CITY MANAGER

19 June 2015

59667

CITY OF CAPE TOWN (SOUTHERN DISTRICT)

REZONING, DEPARTURES AND COUNCIL'S APPROVAL

• **Erf 173487, Kalk Bay**

Notice is hereby given in terms of Sections 15 and 17 of the Land Use Planning Ordinance No 15 of 1985 and Section 2.2.1 of the Cape Town Zoning Scheme Regulations that the undermentioned application has been received and is open to inspection at the office of the District Manager at Department: Planning & Building Development Management, City Of Cape Town, Ground Floor, 3 Victoria Road, Plumstead, and that any enquiries may be directed to Pierre Evard, Private Bag X5, Plumstead, 7801, 3 Victoria Road, Plumstead, 7800, email Pierre.Evard@capetown.gov.za, tel: 021 444 7726, fax: 021 710 8039. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned District Manager or by using the following email address: comments_objections.southern@capetown.gov.za on or before **20 July 2015**, quoting the above relevant legislation, the application number and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid. The closing date for comments and objections is **20 July 2015**.

Location address: 9 Windsor Road

Applicant: Duncan Bates Professional Land Surveyor

Owner: Occipital Share Block Proprietary Limited

Case ID: 70176094

Nature of application:

1. To rezone the property from Single Residential Zone 1 to Local Business Zone 2.
2. Council's approval for work within a Heritage Protection Overlay Zone.
3. Application for departures from the following sections of the Cape Town Zoning Scheme:
 - (a) Section 8.2.2(d) to permit the existing buildings sited 4.15m from the street centre line in lieu of 8m.
 - (b) Section 19.1 for the provision of 2 on-site parking bay (with no visitors parking) in lieu of 24 on-site parking bays (21 parking bays + 3 visitor's parking bays).
 - (c) Section 19.2.3(b) to permit a vehicle to reverse across the sidewalk.

ACHMAT EBRAHIM, CITY MANAGER

19 June 2015

59670

STAD KAAPSTAD (TAFELBAAI-DISTRIK)

SLUITING

• **Gedeeltes van Heerengracht en Rau Bartholomeu Diasstraat aangrensend Aan Erf 245, Roggebaai**

Kennis geskied hiermee ingevolge artikel 137(1) van Munisipale Ordonnansie no. 20 van 1974 en artikel 6(1) van die Verordening met betrekking tot die Bestuur en Administrasie van die Munisipaliteit se Onroerende Eiendom dat gedeeltes van Heerengracht en Rau Bartholomeu Diasstraat aangrensend aan Erf 245, Roggebaai, gesluit is.

(Landmeter Generaal Verw. No: S/9390/1 v11 p267)

ACHMAT EBRAHIM, STADSBESTUURDER

19 Junie 2015

59667

STAD KAAPSTAD (SUIDELIKE DISTRIK)

HERSONERING, AFWYKINGS EN RAADSGOEDKEURING

• **Erf 173487, Kalkbaai**

Kennisgewing geskied hiermee ingevolge artikel 15 en 17 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) en artikel 2.2.1 van die Kaapstadse soneringskema regulasies dat onderstaande aansoek ontvang en ter insae beskikbaar is by die kantoor van die distriksbestuurder, departement beplanning en bou-ontwikkelingsbestuur, Stad Kaapstad, grondverdieping, Victoriaweg 3, Plumstead en dat enige navrae gerig kan word aan Pierre Evard, Privaatsak X5, Plumstead 7801 of Victoriaweg 3, Plumstead 7800, e-pos Pierre.Evard@capetown.gov.za, tel: 021 444 7726 of faks: 021 710 8039. Enige besware, met volledige redes daarvoor, kan voor of op die sluitingsdatum skriftelik by die kantoor van bogenoemde distriksbestuurder ingedien word, of per e-pos na comments_objections.southern@capetown.gov.za gestuur word, met vermelding van die toepaslike wetgewing, die aansoeknommer en die beswaarmaker se erf- en telefoonnommer en adres. Enige besware wat na die sluitingsdatum ontvang word, kan ongeldig geag word. Die sluitingsdatum vir besware en kommentaar is **20 Julie 2015**.

Liggingsadres: Windsorweg 9

Aansoeker: Duncan Bates Professionele Landmeter

Eienaar: Occipital Share Block (Edms.) Bpk.

Saaknommer: 70176094

Aard van aansoek:

1. Om die eiendom van enkelresidensiële sone 1 na plaaslikesake-sone 2 te hersoneer.
2. Raadsgoedkeuring vir werk binne 'n oorlegselsonne vir erfenisbewaring.
3. Aansoek om afwykings van die volgende artikels van die Kaapstadse soneringskema:
 - (a) Artikel 8.2.2(d) om toe te laat dat die bestaande geboue 4,15m in plaas van 8m vanaf die straatmiddellyn geleë is.
 - (b) Artikel 19.1 vir die voorsiening van twee parkeerplekke op die terrein (met geen parkeerplek vir besoekers nie) in plaas van 24 parkeerplekke op die terrein (21 parkeerplekke en drie parkeerplekke vir besoekers).
 - (c) Artikel 19.2.3(b) om toe te laat dat 'n voertuig in trurat oor die sygaardjie ry.

ACHMAT EBRAHIM, STADSBESTUURDER

19 Junie 2015

59670

CITY OF CAPE TOWN (SOUTHERN DISTRICT)
REZONING, SUBDIVISION AND DEPARTURES

• **Portion 6 of the Farm No: 944 Noordhoek, corner Kommetjie Main Road and Lekkerwater Road**

Notice is hereby given in terms of Sections 15, 17 and 25 of the Land Use Planning Ordinance 15 of 1985 and Section 2.2.1 of the Cape Town Zoning Scheme Regulations that the undermentioned application has been received and is open to inspection at the office of the District Manager, Department: Planning & Building Development Management, City of Cape Town, Ground Floor, 3 Victoria Road, Plumstead (Counter 1.3). Enquiries may be directed to Michelle Walker, 08:30–14:30 Monday to Friday. Any objections and/or comments, with full reasons therefor, must be submitted in writing at the office of the District Manager, Department: Planning & Building Development Management, City of Cape Town, Private Bag X5, Plumstead, 7801 or fax: 021 710 8039 or email comments_objections.southern@capetown.gov.za on or before the closing date, quoting, the Ordinance, the below-mentioned reference/application number, and the objectors erf and phone numbers and address. Objections and comments may also be hand-delivered to the abovementioned street address by no later than the closing date. If your response is not sent to the above address and/or fax number, or email address, and if, as a consequence it arrives late, it will be deemed to be invalid. For any further information, contact Michelle Walker, tel: 021 444 7725. The closing date for objections and comments is **Monday 20th July 2015**.

File Reference: LUM/76/944–6(2)

Case Id No: 70182820

Owner: Bay Ridge Textiles CC

Applicant: InterActive Town & Regional Planning

Address: Corner Kommetjie Main Road and Lekkerwater Road Noordhoek

Nature of application:

- Subdivision of the property into 3 portions
- Rezoning of 2 General Industrial Subzone GI1 portions (Portions A and B) to General Business Subzone GB1
- Departures in terms of the General Business Subzone GB1 (Portion A)
 - Section 9.1.2(e)(i) to permit a street building line along Lekkerwater Road of 3m in lieu of 4,5m
 - Section 9.1.2(k)(ii) to permit parking bays to be 7,580m in lieu of 10m from Kommetjie Main Road
- Departure in terms of the General Industrial Subzone GI1 (Portion C)
 - Section 10.1.2(d) to permit a common building line of 0m in lieu of 3m
- Departures in terms of
 - Section 19.1.1 to permit 2 bays in lieu of 6 bays per 100m² for a shopping centre (52 parking bays in lieu of 156 bays) and 1 bays in lieu of 4 bays per 100m² for shops and offices in lieu of 4 bays per 100m² (38 parking bays for in lieu of 153 bays for shops and offices) (Portions A).
 - Section 19.1.1 to permit 1 bay in lieu of 4 bays per 100m² for shops and offices (54 parking bays in lieu of 215 bays) (Portion B)
 - Section 19.1.1 to permit 1 bays in lieu of 2 bays per 100m² for industry (62 parking bays in lieu of 123 bays) (Portion C)
 - Section 19.2.2(c) to permit a carriageway crossing of 11,050m in lieu of 8m on Lekkerwater Road.

ACHMAT EBRAHIM, CITY MANAGER

19 June 2015

59669

CEDERBERG MUNICIPALITY

CLOSING OF PUBLIC PLACE – ERF 195 ELANDS BAY

Notice is hereby given in terms of Section 137(1) of Ordinance 20 of 1974 that Public Place, Erf 195 Elands Bay, has been closed. (S/4220/1VIP194)

MUNICIPAL MANAGER, CEDERBERG MUNICIPALITY, PRIVATE BAG X2, CLANWILLIAM, 8135

19 June 2015

59681

STAD KAAPSTAD (SUIDELIKE DISTRIK)

HERSONERING, ONDERVERDELING EN AFWYKINGS

• **Gedeelte 6 van plaasnommer 944 Noordhoek, hoek van Hoofweg, Kommetjie en Lekkerwaterweg**

Kennisgewing geskied hiermee ingevolge artikel 15, 17 en 25 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) en artikel 2.2.1 van die Kaapstadse soneringskema-regulasies dat onderstaande aansoek ontvang en ter insae beskikbaar is by die kantoor van die distriksbestuurder, departement beplanning en bou-ontwikkelingsbestuur, Stad Kaapstad, grondverdieping, Victoriaweg 3, Plumstead (toonbank 1.3). Navrae kan weksdae tussen 08:30 en 14:30 aan Michelle Walker gerig word. Enige besware en kommentaar, met volledige redes daarvoor, moet voor of op die sluitingsdatum skriftelik aan die kantoor van die distriksbestuurder, departement beplanning en bou-ontwikkelings bestuur, Stad Kaapstad, Privaatsak X5, Plumstead 7801 gerig word, na 021 710 8039 gefaks word, of per e-pos na comments_objections.southern@capetown.gov.za gestuur word, met vermelding van bovermelde wetgewing, onderstaande verwysings-/aansoeknommer en die beswaarmaker se erf- en telefoonnommer en adres. Besware en kommentaar kan ook voor of op die sluitingsdatum per hand by bogenoemde straatadres afgelewer word. As u reaksie nie na hierdie adres, faksnommer en/of e-posadres gestuur word nie en gevolglik laat ontvang word, sal dit ongeldig geag word. Skakel Michelle Walker by tel: 021 444 7725 vir nadere inligting. Die sluitingsdatum vir besware en kommentaar is **Maandag 20 Julie 2015**.

Lêerverwysing: LUM/76/944–6(2)

Saaknommer: 70182820

Eienaar: Bay Ridge Textiles BK

Aansoeker: InterActive Town & Regional Planning

Adres: Hoek van Hoofweg, Kommetjie en Lekkerwaterweg, Noordhoek

Aard van aansoek:

- Onderverdeling van die eiendom in drie gedeeltes.
- Hersonerings van twee algemeenindustriële subsone GI1-gedeeltes (gedeelte A en B) na algemeenskakesubsone GB1.
- Afwykings ingevolge die algemeenskakesubsone GB1 (gedeelte A):
 - Artikel 9.1.2(e)(i) om n straatboulyn van 3m in plaas van 4,5m langs Lekkerwaterweg toe te laat.
 - Artikel 9.1.2(k)(ii) om toe te laat dat die parkeerplekke 7,580m in plaas van 10 m vanaf Hoofweg, Kommetjie geleë is.
- Afwykings ingevolge die algemeenindustriële subsone GI1 (gedeelte C):
 - Artikel 10.1.2(d) om n gemeenskaplike boulyn van 0m in plaas van 3m toe te laat.
- Afwykings ten opsigte van:
 - Artikel 19.1.1 om twee in plaas van ses parkeerplekke per 100m² vir n winkelsentrum toe te laat (52 in plaas van 156 parkeerplekke) en een in plaas van vier parkeerplekke per 100m² vir winkels en kantore toe te laat (38 in plaas van 153 parkeerplekke) (gedeelte A).
 - Artikel 19.1.1 om een in plaas van vier parkeerplekke per 100m² vir winkels en kantore toe te laat (54 in plaas van 215 parkeerplekke) (gedeelte B).
 - Artikel 19.1.1 om een in plaas van twee parkeerplekke per 100m² vir industrie toe te laat (62 in plaas van 123 parkeerplekke) (gedeelte C).
 - Artikel 19.2.2(c) om 'n kruising oor 'n voertuigrypad van 11,050m in plaas van 8m op Lekkerwaterstraat toe te laat.

ACHMAT EBRAHIM, STADSBESTUURDER

19 Junie 2015

59669

CEDERBERG MUNISIPALITEIT

SLUITING VAN OPENBARE PLEK – ERF 195 ELANDSBAAI

Kennis geskied hiermee ingevolge Artikel 137(1) van Ordonnansie 20 van 1974 Openbare Plek, Erf 195 Elandsbaai gesluit is. (S/4220/1VIP194)

MUNISIPALE BESTUURDER, CEDERBERG MUNISIPALITEIT, PRIVAATSAK X2, CLANWILLIAM, 8135

19 Junie 2015

59681

WESTERN CAPE GAMBLING AND RACING BOARD

OFFICIAL NOTICE

RECEIPT OF AN APPLICATION FOR A BOOKMAKER PREMISES LICENCE

In terms of the provisions of Section 32(2) of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996), as amended, the Western Cape Gambling and Racing Board hereby gives notice that the following application for a bookmaker premises licence, as provided for in Sections 27(kA) and 55(A) of the Act, has been received.

Applicant for new bookmaker premises licences:	Savage Racing CC
Registration number:	CK 2000/058158/23
Address of current bookmaker premises to move to new address:	7 Hibernia Street, George
Address of proposed new bookmaker premises:	Shop Number 4, 17 Hibernia Street, George
Person having a direct financial interest of 5% or more in the applicant:	Mr Hilton Ivan Lissack (100%)
Erf number:	4292

Section 33 of the Western Cape Gambling and Racing Act, 1996 (hereinafter "the Act") requires the Western Cape Gambling and Racing Board (hereinafter "the Board") to ask the public to submit comments and/or objections to gambling licence applications that are filed with the Board. The conduct of gambling operations is regulated in terms of both the Act and the National Gambling Act, 2004. This notice serves to notify members of the public that they may lodge objections and/or comments to the above application on or before the closing date at the undermentioned address and contacts. Since licensed gambling constitutes a legitimate business operation, moral objections for or against gambling will not be considered by the Board. An objection that merely states that one is opposed to gambling, without much substantiation, will not be viewed with much favour. You are hereby encouraged to read the Act and learn more about the Board's powers and the matters pursuant to which objections may be lodged. These are outlined in Sections 28, 30, 31 and 35 of the Act. Members of the public can obtain a copy of the objection guidelines, which are an explanatory guide through the legal framework governing the lodgement of objections and the Board's adjudication procedures. The objection guidelines are accessible from the Board's website at www.wcgrb.co.za and copies can also be made available on request. The Board will consider all comments and objections lodged on or before the closing date during the adjudication of the application.

In the case of written objections to an application, the grounds on which such objections are founded must be furnished. Where comment in respect of an application is furnished, full particulars and facts to substantiate such comment must be provided. The name, address and telephone number of the person submitting the objection or offering the comment must also be provided. Comments or objections must reach the Board by no later than **16:00 on Friday, 10 July 2015**.

Objections or comments must be forwarded to the Chief Executive Officer, Western Cape Gambling and Racing Board, P.O. Box 8175, Rogge Bay 8012 or handed to the Chief Executive Officer, Western Cape Gambling and Racing Board, Seafare House, 68 Orange Street, Gardens, Cape Town or faxed to the Chief Executive Officer on 021 422 2602, or emailed to objections.racingandbetting@wcgrb.co.za

19 June 2015

59684

WES-KAAPSE RAAD OP DOBBELARY EN WEDRENNE

AMPTELIKE KENNISGEWING

ONTVANGS VAN 'N AANSOEK VIR 'N BOEKMAKERSPERSEELLISENSIE

Ingevolge die bepalings van Artikel 32(2) van die Wes-Kaapse Wet op Dobbeldary en Wedrenne, 1996 (Wet 4 van 1996), soos gewysig, gee die Wes-Kaapse Raad op Dobbeldary en Wedrenne hiermee kennis dat die volgende aansoek vir 'n boekmakersperseellisensie, soos waarvoor voorsiening gemaak word in Artikels 27(kA) en 55(A) van die Wet, ontvang is.

Aansoeker vir nuwe boekmakersperseellisensies:	Savage Racing BK
Registrasienommer:	BK 2000/058158/23
Adresse van bestaande boekmakerspersele wat na nuwe adres gaan skuif:	Hiberniastraat 7, George
Adres van voorgestelde nuwe boekmakersperseel:	Winkel Nummer 4, Hiberniastraat 17, George
Persoon met 'n direkte finansiële belang van 5% of meer in die aansoeker:	Mnr Hilton Ivan Lissack (100%)
Erf Nummer:	4292

Artikel 33 van die Wes-Kaapse Wet op Dobbeldary en Wedrenne, 1996 (hierna "die Wet" genoem) bepaal dat die Wes-Kaapse Raad op Dobbeldary en Wedrenne (hierna "die Raad" genoem) die publiek moet vra om kommentaar te lewer op en/of besware aan te teken teen dobbellisensie-aansoeke wat by die Raad ingedien word. Dobbeldarysaamhede word kragtens die Wet sowel as die Nasionale Wet op Dobbeldary, 2004 geregleer. Hierdie kennisgewing dien om lede van die publiek in kennis te stel dat hulle voor die sluitingsdatum by ondergemelde adres en kontakte op bogenoemde aansoek beswaar kan aanteken teen en/of kommentaar kan lewer. Aangesien gelisensieerde dobbeldary 'n wettige besigheidsbedryf uitmaak, word morele besware ten gunste van of teen dobbeldary nie deur die Raad oorweeg nie. 'n Beswaar wat bloot meld dat iemand teen dobbeldary gekant, is sonder veel stawing, sal nie gunstig oorweeg word nie. U word hiermee aangemoedig om die Wet te lees en meer inligting te verkry oor die Raad se magte en die aangeleenthede op grond waarvan besware ingedien kan word. Dit word in Artikel 28, 30, 31 en 35 van die Wet uitgestippel. Lede van die publiek kan 'n afskrif van die riglyne vir besware bekom, wat 'n gids is wat die werking van die regsraamwerk verduidelik wat die indiening van besware, publieke verhore en die Raad se beoordelingsprosedures reguleer. Die riglyne vir besware is verkrygbaar op die Raad se webwerf by www.wcgrb.co.za en afskrifte kan ook op versoek beskikbaar gestel word. Die Raad sal alle kommentaar en besware oorweeg wat op of voor die sluitingsdatum tydens die beoordeling van die aansoek ingedien word.

In die geval van skriftelike besware teen 'n aansoek moet die gronde waarop sodanige besware berus, verskaf word. Waar kommentaar ten opsigte van 'n aansoek gegee word, moet volle besonderhede en feite om sodanige kommentaar te staaf, verskaf word. Die persoon wat die beswaar of kommentaar indien se naam, adres en telefoonnommer moet ook verstrek word. Kommentaar of besware moet die Raad bereik teen nie later nie as **16:00 op Vrydag, 10 Julie 2015**.

Besware of kommentaar moet gestuur word aan die Hoof-Uitvoerende Beampte, Wes-Kaapse Raad op Dobbeldary en Wedrenne, Posbus 8175, Roggebaai 8012, of ingehandig word by die Hoof-Uitvoerende Beampte, Wes-Kaapse Raad op Dobbeldary en Wedrenne, Seafare Huis, Oranjestraat 68, Tuine, Kaapstad 8001 of aan die Hoof-Uitvoerende Beampte gefaks word na 021 422 2602 of per e-pos na objections.racingandbetting@wcgrb.co.za gestuur word.

19 Junie 2015

59684

WESTERN CAPE GAMBLING AND RACING BOARD

OFFICIAL NOTICE

RECEIPT OF AN APPLICATION FOR A NATIONAL MANUFACTURER LICENCE

In terms of the provisions of the National Gambling Act, 2004 ("the Act"), as amended, the Western Cape Gambling and Racing Board hereby gives notice that the following application for a national manufacturer licence, as provided for in Chapter 3 (Part B)(38) of the Act, has been received.

Applicant for a national manufacturer licence:	Powerbet Gaming (Pty) Ltd – A South African registered company
Registration number:	2008/014410/07
Persons having a direct financial interest of 5% or more in the applicant:	Sun International (South Africa) Ltd (100%)
Persons having an indirect financial interest of 5% or more in the applicant:	Sun International (South Africa) Holdings (Pty) Ltd Sun Air Limited Sun International Co. Inc Stardust Enterprises Inc Sun International Limited

Section 33 of the Western Cape Gambling and Racing Act, 1996 (hereinafter "the Act") requires the Western Cape Gambling and Racing Board (hereinafter "the Board") to ask the public to submit comments and/or objections to gambling licence applications that are filed with the Board. The conduct of gambling operations is regulated in terms of both the Act and the National Gambling Act, 2004. This notice serves to notify members of the public that they may lodge objections and/or comments to the above application on or before the closing date at the undermentioned address and contacts. Since licensed gambling constitutes a legitimate business operation, moral objections for or against gambling will not be considered by the Board. An objection that merely states that one is opposed to gambling, without much substantiation, will not be viewed with much favour. You are hereby encouraged to read the Act and learn more about the Board's powers and the matters pursuant to which objections may be lodged. These are outlined in Sections 28, 30, 31 and 35 of the Act. Members of the public can obtain a copy of the objection guidelines, which are an explanatory guide through the legal framework governing the lodgement of objections and the Board's adjudication procedures. The objection guidelines are accessible from the Board's website at www.wcgrb.co.za and copies can also be made available on request. The Board will consider all comments and objections lodged on or before the closing date during the adjudication of the application.

In the case of written objections to an application, the grounds on which such objections are founded must be furnished. Where comment in respect of an application is furnished, full particulars and facts to substantiate such comment must be provided. The name, address and telephone number of the person submitting the objection or offering the comment must also be provided. Comments or objections must reach the Board by no later than **16:00 on Friday, 10 July 2015**.

Objections or comments must be forwarded to the Chief Executive Officer, Western Cape Gambling and Racing Board, P.O. Box 8175, Rogge Bay 8012 or handed to the Chief Executive Officer, Western Cape Gambling and Racing Board, Seafare House, 68 Orange Street, Gardens, Cape Town or faxed to the Chief Executive Officer on 021 422 2602, or emailed to objections.racingandbetting@wcgrb.co.za

19 June 2015

59685

WES-KAAPSE RAAD OP DOBBELARY EN WEDRENNE

AMPTELIKE KENNISGEWING

ONTVANGS VAN 'N AANSOEK VIR 'N NASIONALE VERVERVAARDIGERSLISENSIE

Kragtens die bepalings van die Nasionale Wet op Dobbeldary, 2004 ("die Wet"), soos gewysig, gee die Wes-Kaapse Raad op Dobbeldary en Wedrenne hiermee kennis dat die volgende aansoek vir 'n nasionale vervaardigerslisensie, soos beoog in Hoofstuk 3 (Deel B)(38) van die Wet, ontvang is.

Naam van aansoeker vir 'n nasionale vervaardigerslisensie:	Powerbet Gaming (Edms) Bpk – 'n Suid-Afrikaans geregistreerde maatskappy
Registrasienuommer:	2008/014410/07
Persone wat 'n direkte geldelike belang van 5% of meer in die aansoeker het:	Sun International (Suid-Afrika) Bpk (100%)
Persone met 'n indirekte finansiële belang van 5% of meer in die aansoeker:	Sun International (Suid-Afrika) Holdings (Edms) Bpk Sun Air Beperk Sun International Co. Geïnk. Stardust Enterprises Geïnk. Sun International Beperk

Artikel 33 van die Wes-Kaapse Wet op Dobbeldary en Wedrenne, 1996 (hierna "die Wet" genoem) bepaal dat die Wes-Kaapse Raad op Dobbeldary en Wedrenne (hierna "die Raad" genoem) die publiek moet vra om kommentaar te lewer op en/of besware aan te teken teen dobbellisensie-aansoeke wat by die Raad ingedien word. Dobbeldarysaamhede word kragtens die Wet sowel as die Nasionale Wet op Dobbeldary, 2004 geregleer. Hierdie kennisgewing dien om lede van die publiek in kennis te stel dat hulle voor die sluitingsdatum by ondergemelde adres en kontakte op bogenoemde aansoek beswaar kan aanteken teen en/of kommentaar kan lewer. Aangesien gelisensieerde dobbeldary 'n wettige besigheidsonderneming uitmaak, word morele besware ten gunste van of teen dobbeldary nie deur die Raad oorweeg nie. 'n Beswaar wat bloot meld dat iemand teen dobbeldary gekant, is sonder veel stawing, sal nie gunstig oorweeg word nie. U word hiermee aangemoedig om die Wet te lees en meer inligting te verkry oor die Raad se magte en die aangeleenthede op grond waarvan besware ingedien kan word. Dit word in Artikel 28, 30, 31 en 35 van die Wet uitgestippel. Lede van die publiek kan 'n afskrif van die riglyne vir besware bekom, wat 'n gids is wat die werking van die regsraamwerk verduidelik wat die indiening van besware, publieke verhore en die Raad se beoordelingsprosedures geregleer. Die riglyne vir besware is verkrygbaar op die Raad se webwerf by www.wcgrb.co.za en afskrifte kan ook op versoek beskikbaar gestel word. Die Raad sal alle kommentaar en besware oorweeg wat op of voor die sluitingsdatum tydens die beoordeling van die aansoek ingedien word.

In die geval van skriftelike besware teen 'n aansoek moet die gronde waarop sodanige besware berus, verskaf word. Waar kommentaar ten opsigte van 'n aansoek gegee word, moet volle besonderhede en feite om sodanige kommentaar te staaf, verskaf word. Die persoon wat die beswaar of kommentaar indien se naam, adres en telefoonnommer moet ook verstrek word. Kommentaar of besware moet die Raad bereik teen nie later nie as **16:00 op Vrydag, 10 Julie 2015**.

Besware of kommentaar moet gestuur word aan die Hoof-Uitvoerende Beampte, Wes-Kaapse Raad op Dobbeldary en Wedrenne, Posbus 8175, Roggebaai 8012, of ingehandig word by die Hoof-Uitvoerende Beampte, Wes-Kaapse Raad op Dobbeldary en Wedrenne, Seafare Huis, Oranjestraat 68, Tuine, Kaapstad 8001 of aan die Hoof-Uitvoerende Beampte gefaks word na 021 422 2602 of per e-pos na objections.racingandbetting@wcgrb.co.za gestuur word.

19 Junie 2015

59685

CITY OF CAPE TOWN (SOUTHERN DISTRICT)
REMOVAL OF RESTRICTIONS AND SUBDIVISION

• **Erf 900, Constantia** (*second placement*)

Notice is hereby given in terms of Section 3(6) of the Removal of Restrictions Act, Act 84 of 1967 and Section 24 of the Land Use Planning Ordinance, no. 15 of 1985, and, that the undermentioned application has been received and is open to inspection at the office of the District manager at Department: Planning & Building Development Management, City Of Cape Town, Ground Floor, 3 Victoria Road, Plumstead, and that any enquiries may be directed to Muneerah Slamati, Private Bag X5, Plumstead, 7801, 3 Victoria Road, Plumstead, 7800, email: muneerah.slamati@capetown.gov.za, telephone: 021 444-9541, fax: 021 710-8039. The application is also open to inspection at the office of the Chief Director Land Management: Region 2, Provincial Government of the Western Cape at Room 601, 1 Dorp Street, Cape Town from 08:00-12:30 and 13:00-15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at 021 483-4634 and the Directorate's fax number is 021 483-3098. Any objections, with full reasons therefor, should be lodged in writing at both (1) the office of the District Manager, Department: Planning & Building Development Management, City of Cape Town, Private Bag X5, Plumstead 7801 or faxed to 021 710-8039 or e-mailed to comments_objections.southern@capetown.gov.za and (2) Director: Land Management, Region 2, at Private Bag X9086, Cape Town, 8000 or fax: 021 483-3098 on or before the closing date of **20 July 2015**, quoting the above Act and the objector's erf number, phone numbers and address. Any objections received after aforementioned closing date may be disregarded. For any further information, contact Miss Muneerah Slamati, tel: 021 444-9541 or email: muneerah.slamati@capetown.gov.za.

Closing date: 20 July 2015.

Application property: Erf 900, Constantia

Location address: 1 Silvertree Lane, Constantia

Applicant: Biff Lewis Geomatics Inc

Owner: Neil Patrick McCarthy

Case ID: 70191434

Nature of application: Removal of restrictive title deed conditions to enable the owner to subdivide the property into 2 portions (Portion 1: $\pm 4000\text{m}^2$ and Portion 2: $\pm 4696\text{m}^2$).

Subdivision of the property into 2 portions (Portion 1: $\pm 4000\text{m}^2$ and Portion 2: $\pm 4696\text{m}^2$)

ACHMAT EBRAHIM, CITY MANAGER

19 June 2015

59671

STAD KAAPSTAD (SUIDELIKE DISTRIK)

OPHEFFING VAN BEPERKINGS EN ONDERVERDELING

• **Erf 900 Constantia** (*tweede plasing*)

Kennisgewing geskied hiermee ingevolge artikel 3(6) van die Wet op die Opheffing van Beperkings (Wet 84 van 1967) en artikel 24 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) dat onderstaande aansoek ontvang en ter insae beskikbaar is by die kantoor van die distriksbestuurder, departement beplanning en bou-ontwikkelingsbestuur, Stad Kaapstad, grondverdieping, Victoriaweg 3, Plumstead en dat enige navrae gerig kan word aan Muneerah Slamati, Privaatsak X5, Plumstead 7801, Victoriaweg 3, Plumstead 7800, e-pos muneerah.slamati@capetown.gov.za, tel: 021 444 9541 of faks: 021 710 8039. Die aansoek is ook weekdae van 08:00 tot 12:30 en 13:00 tot 15:30 ter insae beskikbaar by die kantoor van die hoofdirekteur, grondbestuur: streek 2, Wes-Kaapse regering, kamer 601, Dorpstraat 1, Kaapstad. Telefoniese navrae in dié verband kan aan 021 483 4634 gerig word en die direktoraat se faksnommer is 021 483 3098. Enige besware, met volledige redes daarvoor, moet voor of op die sluitingsdatum skriftelik aan sowel (1) die kantoor van die distriksbestuurder, departement beplanning en bou-ontwikkelingsbestuur, Stad Kaapstad, Privaatsak X5, Plumstead 7801 gerig word, gefaks word na 021 710 8039 of per e-pos gestuur word na comments_objections.southern@capetown.gov.za as (2) die direkteur, grondbestuur, streek 2, Privaatsak X9086, Kaapstad 8000 of faksnommer 021 483 3098 gestuur word, met vermelding van die toepaslike wetgewing en die beswaarmaker se erf- en telefoonnommer en adres. Enige besware wat na voormelde sluitingsdatum ontvang word, kan buite rekening gelaat word. Skakel me. Muneerah Slamati by tel. 021 444 9541 om nadere inligting te bekom of stuur e-pos na muneerah.slamati@capetown.gov.za. Die sluitingsdatum vir besware en kommentaar is **20 Julie 2015**.

Eiendom: Erf 900 Constantia

Liggingsadres: Silvertree-laan 1, Constantia

Aansoeker: Biff Lewis Geomatics Ingelyf

Eienaar: Neil Patrick McCarthy

Saaknommer: 70191434

Aard van aansoek: Die opheffing van beperkende titelvoorwaardes om die eienaar in staat te stel om die eiendom in twee gedeeltes te onderverdeel (gedeelte 1: ongeveer 4000m^2 en gedeelte 2: ongeveer 4696m^2).

Onderverdeling van die eiendom in twee gedeeltes (gedeelte 1: ongeveer 4000m^2 en gedeelte 2: ongeveer 4696m^2).

ACHMAT EBRAHIM, STADSBESTUURDER

19 Junie 2015

59671

CITY OF CAPE TOWN (SOUTHERN DISTRICT)

UKUSUSWA KWEZITHINTELO NOLWAHLULWA-HLULO LOMHLABA

- Isiza-900, esise-Constantia** (*sikhutshwa okwesibini*)

Kukhutshwa isaziso ngokwecandelo-3(6) loMthetho wokuSuswa kweZithintelo ongunomb.84 wango-1967 nangokwecandelo-24 loMmiselo woCwangciso lokuSetyenziswa koMhlaba ongunomb.15 wangowe-1985, sokuba sifunyenwe isicelo esikhankanywe ngezantsi apha kwaywe sivulelekile ukuba sihlolwe kwi-ofisi yoMphathi weSithili kwiSebe loLawulo loCwangciso noPhuhliso loLwakhiwo, kwiSixeko saseKapa, kuMgangatho wokuqala, 3 Victoria Road, Plumstead, kwakhona nayiphina imibuzo ingajoliswa ku-Muneerah Slamati, Private Bag X5, Plumstead, 7801, 3 Victoria Road, Plumstead, 7800, i-imeyile: muneerah.slamati@capetown.gov.za, umnxeba: 021 444-9541, fax: 021 710-8039. Esi sicelo kwakhona sivulelekile ukuba sihlolwe kwi-ofisi yoMlawuli oyiNtloko woLawulo loMhlaba, kwiNgqingqi-2, kwiPhondo laseNtshona Koloni, kwiGumbi-601, 1 Dorp Street, eKapa, ukususela ngeye-08:00–12:30 nakweyo-13:00–15:30(ngoMvulo ukuya ngoLwesihlanu). Imibuzo ngomnxeba ngokuphathelele nalo mbandela ingenziwa kwa- 021 483 4634 nakwinombolo yefeksi yoMlawuli engu-021 483 3098. Naziphina izichaso ezinezizathu ezivakalayo, zingangeniswa ngokubhaliweyo kuzo zombini ii-ofisi (1) kweyoMphathi weSithili, kwiSebe loLawulo loCwangciso noPhuhliso loLwakhiwo, kwiSixeko saseKapa, Private Bag X5, Plumstead 7801 okanye ifeksi 021 710 8039 okanye i-imeyile comments_objections.southern@capetown.gov.za kwakhona (2) kweyoMlawuli woLawulo lweMhlaba, kwiNgqingqi-2, Private Bag X9086, eKapa, 8000, okanye ifeksi engu- 021 483 3098 ngomhla okanye phambi kowokuvalwa, ucaphule uMthetho ongantla apha, nenombolo yesiza somchasi, iinombolo zomnxeba nedilesi yakhe. Naziphina izichaso ezifunyenwe emva komhla wokuvalwa okhankanywe ngezantsi apha, zisenokuba zingahoywa. Ngayo nangayiphina ingcaciso engenye, qhagamshelana noNksiz Muneerah Slamati, umnxeba 021 444 9541 okanye kwi-imeyile: muneerah.slamati@capetown.gov.za.

Umhla wokuvalwa: 20 Julayi 2015

Ipropati efakelwe isicelo: Isiza-900, e-Constantia

Idilesi yendawo: 1 Silvertree Lane, Constantia

Umfaki-sicelo: Biff Lewis Geomatics Inc

Umnini: Neil Patrick McCarthy

Isazisi sombandela: 70191434

Ubume besicelo: Ukususwa kwemiqathango yesithintelo setayitile yobunini ukuze umnini abenakho ukwahlukla-hlula ipropati ukuba ibeziziqephu ezi-2 (isiziqephu-1: $\pm 4000\text{m}^2$ nesiziqephu-2: $\pm 4696\text{m}^2$).

Uwahlulwa-hlulo lwepropati ukuba ibeziziqephu ezi-2 (isiziqephu-1 $\pm 4000\text{m}^2$ nesiziqephu- 2: $\pm 4696\text{m}^2$).

ACHMAT EBRAHIM, CITY MANAGER

19 kweyeSilimela 2015

59671

CITY OF CAPE TOWN (NORTHERN DISTRICT)

REMOVAL OF RESTRICTIONS

- Erf 1293, 22 Rosanna Crescent, Scottsdene, and Temporary Land Use Departure** (*second placement*)

Notice is hereby given in terms of Section 3(6) of the Removal of Restrictions Act, 1967 (Act 84 of 1967) that the undermentioned application has been received and is open to inspection at the office of the District Manager- Northern District at the Municipal Offices, Brighton Road, Kraaifontein and that any enquiries may be directed to Ms N Nodikida, Box 25, Kraaifontein, 7569, 021 980-6196, facsimile 021 980-6179 or Noxolo.Nodikida@capetown.gov.za, week-days during the hours of 08:00 to 14:30. The application is also open to inspection at the office of the Director: Integrated Environmental Management, Department of Environmental Affairs & Development Planning, Provincial Government of the Western Cape at the Utilitas Building, 1 Dorp Street, Room 601, Cape Town week-days from 08:00 to 12:30 and 13:00 to 15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at 021 483-4640 and the Directorate's fax number is 021 483-3633. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned Director: Integrated Environmental Management, Provincial Government at Private Bag X9086, Cape Town, 8000, with a copy to the abovementioned District Manager to comments_objections.northern@capetown.gov.za, on or before **20 July 2015**, quoting the above Act and the objector's erf number. Any objections received after aforementioned closing date may be disregarded.

Applicant/Owner: Mr M C Levitt

Erf No and Address: Erf 1293, 22 Rosanna Crescent, Scottsdene

Application No: 70236770

Nature of application: Removal of a restrictive title conditions applicable to Erf 1293 Scottsdene to enable the owner to operate a liquor store on the property. The street building line restriction will be encroached upon..

ACHMAT EBRAHIM, CITY MANAGER

19 June 2015

59672

STAD KAAPSTAD (NOORDELIKE DISTRIK)

OPHEFFING VAN BEPERKINGS

- **Erf 1293, Rosanna-singel 22, Scottsdene en tydelike grondgebruikafwyking** (*tweede plasing*)

Kennisgewing geskied hiermee ingevolge artikel 3(6) van die Wet op die Opheffing van Beperkings (Wet 84 van 1967) dat onderstaande aansoek ontvang en op weksdae van 08:00 tot 14:30 ter insae beskikbaar is by die kantoor van die distriksbestuurder, noordelike distrik, munisipale kantore, Brightonweg, Kraaifontein en dat enige navrae gerig kan word aan me. N. Nodikida, Posbus 25, Kraaifontein 7569, tel: 021 980 6196, faks: 021 980 6179 of e-pos noxolo.nodikida@capetown.gov.za. Die aansoek is ook weksdae tussen 08:00 en 12:30 en 13:00 en 15:30 ter insae beskikbaar by die kantoor van die direkteur, geïntegreerde omgewingsbestuur, departement van omgewingsake en ontwikkelingsbeplanning, Wes-Kaapse regering, kamer 601, Utilitas-gebou, Dorpsstraat 1, Kaapstad. Telefoniese navrae in dié verband kan aan 021 483 4640 gerig word en die direktoraat se faksnommer is 021 483 3633. Enige besware, met volledige redes daarvoor, kan skriftelik voor of op **20 Julie 2015** aan die kantoor van bogenoemde direkteur, geïntegreerde omgewingsbestuur, Wes-Kaapse regering, Privaatsak X9086, Kaapstad 8000 gerig word, met 'n afskrif aan bogenoemde distriksbestuurder na comments_objections.northern@capetown.gov.za, met vermelding van die toepaslike wetgewing en die beswaarmaker se erfnummer. Enige besware wat na voormelde sluitingsdatum ontvang word, kan buite rekening gelaat word.

Aansoeker/eienaar: Mnr. M.C. Levitt

Erfnummer en adres: Erf 1293, Rosanna-singel 22, Scottsdene

Aansoeknummer: 70236770

Aard van aansoek: Opheffing van 'n beperkende titelvoorwaarde van toepassing op erf 1293 Scottsdene om die eienaar in staat te stel om 'n drankwinkel op die eiendom op te rig. Die straatboulynbeperking sal oorskry word.

ACHMAT EBRAHIM, STADSBESTUURDER

19 Junie 2015

59672

CITY OF CAPE TOWN (NORTHERN DISTRICT)

UKUSUSWA KWEZITHINTELO

- **Isiza-1293, 22 Rosanna Crescent, e-Scottsdene nokutyeshelwa komqathango wokusetyenziswa komhlaba okwexeshana** (*sikhutshwa okwesibini*)

Kukhutshwa isaziso ngokwecandelo-3(6) loMthetho wokuSuswa kweZithintelo ongunomb.84 wangowe-1967 sokuba isicelo esikhankanywe ngezantsi apha sifunyenwe kwaye sivulelekile ukuba sihlolwe kwi-ofisi yoMphathi weSithili ekwiSithili esiseMntla kwii-Ofisi zikaMasipala, Brighton Road, e-Kraaifontein kwakhona nayiphina imibuzo ingajoliswa kuNksz N Nodikida, Box 25, Kraaifontein, 7569, umnxeba 021 980-6196, i-facsimile 021 980-6179 okanye Noxolo.Nodikida@capetown.gov.za kwiintsuku eziphakathi evekini ngeeyure ezisusela kweye-08:00 ukuya kweye-14:30. Isicelo kwakhona sivulelekile ukuba sihlolwe kwi-ofisi yoMlawuli woLawulo lokuSingqongileyo ngokuHlangeneyo, iSebe leMicimbi yokuSingqongileyo noCwanciso loPhuhliso, ubuRhulumente bePhondo laseNtshona Koloni, kwiSakhiwo i-Utilitas, 1 Dorp Street, iGumbi-601, eKapa kwiintsuku eziphakathi evekini ukususela kweye-08:00 ukuya kweye-12:30 nokususela kweye-13:00 ukuya kweye-15:30 (ngoMvulo ukuya ngoLwesihlanu). Imibuzo ngomnxeba ngokuphathelele nalo mbandela ingenziwa kwa- 021 483-4640 nakwinombolo yefeksi yoMlawuli engu-021 483-3633. Naziphina izichaso ezinezizathu ngokupheleleyo zingangeniswa ngokubhaliweyo kwi-ofisi ekhankanywe ngentla apha engeyoMlawuli woLawulo lokuSingqongileyo ngokuHlangeneyo kubuRhulumente bePhondo, Private Bag X9086, Cape Town, 8000, kunye nekopi ijoliswe kuMphathi weSithili okhankanywe ngentla apha, okanye kwa Comments_Objections.northern@capetown.gov.za, ngomhla okanye phambi **kowama-20 Julayi 2015**, lucatshulwe uMthetho ongentla apha nenombolo yesiza somchasi. Naziphina izichaso ezifunyenwe emva komhla wokuvalwa okhankanywe ngentla apha, zisenokungahoywa.

Umfaki-sicelo/umnini: Mnu M C Levitt

Inombolo yesiza nedilesi: Isiza-1293, 22 Rosanna Crescent, e-Scottsdene

Inombolo yesicelo: 70236770

Ubume besicelo: Ukususwa kwemiqathango yesithintelo setayitile yobunini ngokujoliswe kwisiza-1293 e-Scottsdene ukuze umnini abenakho ukuqhuba ushishino lwevenkile yotywala kwipropati. Kuyakuthi kufakelelwe isithintelo somda wesitrato osusela kwisakhiwo.

ACHMAT EBRAHIM, CITY MANAGER

19 kweyeSilimela 2015

59672

WITZENBERG MUNICIPALITY

BY-LAW RELATING TO POUNDS

To provide for the provision, management, maintenance and control of any facility set aside for the impoundment of animals.

Under the provisions of Section 156(2) of the Constitution of the Republic of South Africa, 1996, Witzenberg Municipality enacts as follows:-

1. DEFINITIONS

- (1) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates-

"animal" includes a horse, bovine, donkey, sheep, goat, pig, ostrich, dog, cat or other domestic animal or bird, or the hybrid of any such animal, and "animals" will have a corresponding meaning;

"authorised official" means an employee of the municipality or any other person who is appointed or authorised thereto by the municipality to perform any act, function or duty related to the provisions of this by-law, or exercise any power in terms of this by-law; and "officer" has a corresponding meaning;

"court" means a Magistrate's Court as referred to in Section 166(d) of the Constitution, 1996, having jurisdiction in the area in which the pound is situated;

"municipality" means the Municipality of Witzenberg established in terms of Section 12 of the Municipal Structure Act, 1998 (Act No. 117 of 1998), and includes any duly authorised agent, service provider or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such agent, service provider or employee;

"owner" includes an owner who is known or whose identity, with the exercise of reasonable diligence, can be ascertained, and in relation to any-

(a) animal includes the agent of the owner or other person having the lawful custody or possession of such animal, and

(b) land includes the owner, lessee or lawful occupier of such land or his agent;

"pound" means a pound established as contemplated in Section 3 being a fenced-off area consisting of one or more camps, and placed under the control of a pound keeper, for the housing and care of animals which are astray, lost or at large;

"pound keeper" means the person appointed from time to time as contemplated in Section 5 and includes any person acting for or on behalf of the appointed pound keeper;

"public place" means any place to which the public has access including, without limiting the generality of the foregoing, any-

(a) square, park, recreation ground, sports ground, open space, and

(b) beach, bridge, cemetery, shopping centre on municipal land, unused or vacant municipal land, commonage or public road;

"public road" means a public road as contemplated in Section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996) and includes any street, thoroughfare and verge thereof, shoulder of such road and street reserve;

"service delivery agreement" means a service delivery agreement as defined in Section 1 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and

"veterinary surgeon" means a person who is qualified as such in accordance with the provisions of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982).

2. PURPOSE OF BY-LAW

The purpose of this by-law is to provide facilities for the housing and care of animals which are astray, lost or at large and for procedures, methods and practices to manage the impoundment of such animals.

3. APPLICATION

This by-law applies to the area of jurisdiction of the municipality, provided that nothing prevents any animal detained in terms of this by-law from being impounded in a pound or any similar facility established by any other municipality, or other lawful authority.

4. ESTABLISHMENT OF POUND

- (1) The municipality may establish a pound at any convenient place within its area of jurisdiction, provided that the municipality may enter into a service delivery agreement with an animal welfare organisation or institution or person mentioned in Section 76(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to provide for the establishment and operation of a pound to service its area of jurisdiction.
- (2) The municipality may close any pound under its control.

5. APPOINTMENT OF POUND KEEPER

The municipality must appoint a suitably skilled and experienced person as a pound keeper, unless the pound is established and operated in terms of a service level agreement contemplated in Section 3(1).

6. TRESPASSING OR STRAYING ANIMALS MAY BE IMPOUNDED

- (1) Any animal found straying or wandering unattended upon any public road or public place may be seized for impounding by-
 - (a) a member of the South African Police Services;
 - (b) a member of the Provincial Road Traffic Inspectorate;
 - (c) an authorised municipal official or member of the Municipal Protection Services or official of an animal welfare society;
 - (d) the pound keeper; and/or
 - (e) a land owner on whose property the animals trespass, with the written permission of the pound keeper.

- (2) A person may not keep an animal, seized for purposes of impounding in terms of subsection (1), for a period longer than eight hours without supplying such animal with adequate food and water.
- (3) Any person who has seized an animal for purposes of impounding must comply with the applicable provisions of the Code of Good Practice on the Handling and Transportation of Impounded Animals contained in Schedule 1.
- (4) A person may not work, use or ill-treat an animal found trespassing on any land or whilst it is in the process of being removed to a pound.
- (5) An animal seized for the purposes of impounding as contemplated in Section 5 must be removed to the nearest accessible pound by the shortest practical route and within the shortest practical time.

7. INFORMATION TO BE SUPPLIED TO THE POUND KEEPER

A person sending animals to the pound must supply the pound keeper with the necessary information to complete Part I of the pound register.

8. ACCEPTANCE AT POUND OF ANIMALS TO BE IMPOUNDED

- (1) The pound keeper may not refuse to accept an animal for impounding unless the person envisaged in Section 7 deliberately refuses to cooperate by supplying information for the completion of Part I of the pound register.
- (2) A pound keeper must give the person delivering an animal into his or her charge a written receipt, indicating the number and description of animals so delivered.

9. POUND REGISTER

- (1) The pound keeper must-
 - (a) maintain a pound register containing the information contemplated in Schedule 2, which must be available for public inspection at all reasonable times;
 - (b) complete Part I of the pound register immediately upon the acceptance into the pound of any animal; and
 - (c) complete Part II of the pound register in due course.
- (2) The pound keeper is guilty of an offence if he -
 - (a) neglects or refuses to comply with any of the provisions of subsection (1);
 - (b) knowingly makes a false entry in the pound register;
 - (c) fraudulently destroys or erases any previous entry in the pound register; or
 - (d) wilfully delivers a false copy or extract from the pound register to any person.

10. NOTICE TO OWNERS OF ANIMALS BY POUND KEEPER

(1) After complying with the provisions of Section 9(1), the owner of an impounded animal must be notified of impoundment by-

(a) addressing a written notice to him reflecting the address of the pound, a description of and the number of animals impounded and the fees and costs due and informing him that the impounded animals must be claimed within 10 days and that, upon failure to do so, the animals will be sold within 4 days after the due date; and

(b) placing a copy of the notice to the owner-

(i) on the municipal notice board at the main municipal office;

(ii) at the offices of the pound; and

(iii) on the notice board of the SA Police Services office nearest to the pound.

(2) If the address of the owner is unknown, a notice as envisaged in subsection (1)(a) must be published in a newspaper of general circulation in the municipality's area of jurisdiction.

11. CARE OF THE IMPOUNDED ANIMALS

(1) The pound keeper-

(a) is responsible for the proper care of all impounded animals;

(b) must ensure that fresh water and sufficient food are available to impounded animals at all times; and

(c) is liable to the owner of an impounded animal for any damage caused by his wilful or negligent acts or omissions.

(2) (a) If the pound keeper is of the opinion that an impounded animal is dangerously vicious, permanently disabled or terminally ill, he must request a report from the State Veterinarian, and if there is no State Veterinarian available, must request a report from a private veterinarian who may authorise the destruction or other disposal of the impounded animal, if the veterinarian is satisfied that the condition of such animal warrants its destruction or disposal, after giving written notice and reasons therefore to the pound keeper.

(b) Where the veterinarian authorises the destruction or disposal of an animal on application by the pound keeper, the pound keeper must immediately notify the owner in writing of the notice, and with full details of the method of disposal of the carcass.

(c) If the owner of a destroyed animal cannot be found, the pound keeper shall cause a notice containing particulars of the animal concerned and method of disposal of the carcass to be published.

12. ISOLATION OF THE INFECTED ANIMALS

(1) If the pound keeper suspects, or is aware, that an impounded animal, or an animal to be impounded, is infected with any disease contemplated in the Animal Diseases Act, 1984 (Act No. 35 of 1984), he must-

- (a) provide separate accommodation for such animal;
 - (b) immediately isolate the animal and report the disease to the nearest State Veterinarian; and
 - (c) immediately notify the owner of the animal of such disease in the quickest way of communication possible.
- (2) If there is no State Veterinarian available, the pound keeper may-
- (a) request a report from a private veterinarian; and
 - (b) if such a veterinarian is not available, he may apply to the court, which may authorise the destruction or other way of disposal of the impounded animal.

13. TREATMENT OF THE IMPOUNDED ANIMAL

The pound keeper-

- (a) may not work or in any way make use of an impounded animal or permit any such animal to be worked or made use of by any other person; and
- (b) must ensure that all impounded male animals are at all times kept separate from female animals.

14. DEATH OF OR INJURY TO IMPOUNDED ANIMALS

If an impounded animal is injured or dies, the pound keeper must record-

- (a) the injury or cause of death in the pound register referred to in Section 9;
- (b) the details of all steps taken and precautionary measures put in place;
- (c) in case of death, record full details of the method of disposal of any carcass; and
- (d) without delay, notify the owner of the animal and the municipality in writing of the injury or death and the method of disposal of the carcass.

15. COPIES OF THE BY-LAW

The pound keeper must ensure that copies of this by-law are available at the pound for inspection.

16. FEES AND COSTS PAYABLE

The pound keeper must-

- (a) charge the owner of an impounded animal the fees as determined by the municipality from time to time as contemplated in Section 75A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- (b) recover the cost of any dipping, medical treatment, inoculation or other treatment that may be necessary or required in terms of this by-law or in accordance with any other law; and

(c) recover all costs and expenses relevant to the impoundment.

17. RELEASE OF IMPOUNDED ANIMALS

- (1) The pound keeper must immediately release an impounded animal, and give the owner a receipt, upon the owner-
 - (a) providing proof of ownership of such animal; **AND**
 - (b) paying the fees and costs contemplated in Section 16.
- (2) If the owner of an impounded animal is unable to pay the fees or costs contemplated in Section 16, the pound keeper may sell such animal in order to recover such fees or costs as may be due and payable in accordance with the prescribed process.

18. SALE OF ANIMALS

- (1) If the owner of an impounded animal fails to claim such animal and/or pay the prescribed fees and monies due within 14 days of the impoundment of an animal, the pound keeper must-
 - (a) apply to the court for authorisation to sell the animal; and
 - (b) in the application contemplated in subparagraph (a), provide the court-
 - (i) with a statement under oath containing, inter alia, the particulars envisaged in subsection (2), and
 - (ii) with proof that he lodged a statement as contemplated in subsection (2) with the owner.
- (2) The statement contemplated in subsection (1)(b) must include-
 - (a) copies of the pages from the pound register containing the relevant entries regarding the animals;
 - (b) copies of the Section 10(1)(a) notice and all other notices sent to the owner; and
 - (c) the fees and costs of impoundment as may be due and payable in terms of this by-law.
- (3) The court, whether the amounts set forth in the statement contemplated in subsection (1)(b) are disputed or not, must-
 - (a) summarily enquire into the matter; and
 - (b) make such order as it considers just and equitable, including an order-
 - (i) as to fees and costs, and
 - (ii) on the process to be followed by the pound keeper if the sale of the animal is not approved.

19. POUND KEEPER MAY NOT PURCHASE IMPOUNDED ANIMALS

The pound keeper, or a family member, or an associate of the pound keeper, a municipal official or councillor or spouse or child of such official or councillor, may not purchase an animal offered for sale at an offered sale, either personally or through any other person, directly or indirectly.

20. ANIMALS UNSUCCESSFULLY OFFERED FOR SALE

In the event that any animal is not sold during the authorised public sale as contemplated in Section 18-

(a) the pound keeper must immediately advise the court and the owner of its estimated value and the fees and costs incurred; and

(b) the court may make such order as it may deem just and equitable.

21. PROCEEDS

All proceeds from the collection of fees and costs contemplated in this by-law must be paid into the municipal revenue fund, provided that in the event that any impounded animal is sold at a price in excess of the fees and costs incurred, such excess must be paid to the owner within 30 days of the sale, unless the identity of the owner has not been established, in which event the excess must be paid into the municipal revenue fund.

22. PROCEDURE TO BE FOLLOWED IN APPLICATION TO COURT

An application to court must comply with the procedures contemplated in the Magistrates' Courts Act, 1944 (Act No. 32 of 1944) and the Rules of Court.

23. ACTION FOR RECOVERY OF DAMAGES

Nothing in this by-law prevents the owner of land or any other person from instituting action against the owner of a trespassing animal, in any court with jurisdiction, for the recovery of damages suffered by reason of such trespassing animal.

24. INDEMNITY

The municipality, pound keeper and any officer, employee or agent of the municipality acting in accordance with this by-law will not be liable for the death of or injury to any animal missing as a result of its detention, impounding or release, or arising during its impoundment.

25. OFFENCES AND PENALTIES

A person who-

(a) releases or attempts to release an animal that was lawfully seized for the purpose of being impounded or which has been lawfully impounded;

(b) unlawfully seizes an animal for the purpose of impounding it;

(c) unlawfully impounds or attempts to impound an animal; or

(d) contravenes any provision of this by-law, commits an offence and is liable upon conviction to-

- (i) a fine or imprisonment, or to both such fine and such imprisonment, and
- (ii) in the case of a continuing offence, to an additional fine or an additional period of imprisonment, or to both such additional fine and imprisonment for each day on which such offence is continued, and
- (iii) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

26. SCHEDULES 1 AND 2

Schedules 1 and 2 to this by-law form part of this by-law.

27. REPEAL OF EXISTING BY-LAWS

The provisions of any by-laws previously promulgated by the municipality, or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law.

28. SHORT TITLE AND COMMENCEMENT

This by-law will be called the Witzenberg Municipality's Pound By-law and will come into effect upon publication in the Provincial Gazette.

SCHEDULE 1

CODE OF GOOD PRACTICE FOR THE HANDLING AND TRANSPORTATION OF IMPOUNDED ANIMALS AS PER SECTION 6(3)

PART I: PADDOCK REQUIREMENTS

1. Different species of animals must be kept in separate paddocks.
2. Animals may not be penned in overcrowded paddocks, and penning space provided for in each paddock must be sufficient to permit all animals to lie down at the same time and must not be less than 1,5 square metres of floor area for each animal.
3. Fractious animals may not be kept with other animals.
4. Young, weaned juvenile animals may not be penned with adult animals, except in the case of mother and offspring.
5. Provision must be made in paddocks for-
 - (a) facilities such as racks, mangers or other suitable feed containers that are easy to clean, which will allow the feeding of an animal off the floor, and which can be serviced without disturbing the animals;
 - (b) water troughs with an adequate supply of suitable fresh water at all times;
 - (c) sufficient facilities for the adequate cleaning of paddocks; and
 - (d) facilities for the safe handling of animals.
6.
 - (a) The paddocks must at all times be maintained in a good state of repair.
 - (b) Sharp points such as wire ends, broken boards, jagged ends or protruding hinges or bolts, which could cause injury to animals, must be removed or otherwise suitably covered.
7. The floor of the entire paddock, including the off-loading banks, races and passages, must be so constructed as to provide adequate non-slip surfaces that can be efficiently and suitably cleaned and kept dry and in a condition fit for the holding of animals.

PART II: HANDLING OF ANIMALS

8. Animals must at all times be handled humanely and with patience and tolerance.
9. The following must be kept in mind when handling animals-
 - (a) animals respond more readily to being driven when the driver stands behind the animal but within its field of vision; and
 - (b) herd animals respond more readily to being driven when in a group rather than singly.
10. Animals may not be dragged by their legs, or carried by their head, ears or tail.

11. Young calves must be carried, if they cannot walk with ease, by lifting the calf around the chest and hindquarters. Alternatively, they must be guided with one hand on the hindquarters and the other near the shoulder or neck, and walked in the required direction at an appropriate and comfortable pace.
12. Only sticks with canvas or belting flaps may be used when driving animals and it is preferable to strike the ground behind the animal rather than to hit the animal.
13. Electric prodders, sticks or goads may not be used on young calves.
14. Electric prodders may not be used excessively or indiscriminately or applied to the face, anal or genital areas of animals.

PART III: MOVEMENT OF ANIMALS

15. Animals driven on the hoof must at all times be under proper and competent supervision.
16. Animals on the hoof must be driven in a calm manner at a gait that is relaxed and comfortable, natural to that animal, and not faster than the pace of the slowest animal.
17. Animals may not be driven for periods in excess of eight hours without being given rest of at least one hour and provided with sufficient suitable fresh water that is available to all the animals.
18. No animal on the hoof may be moved in excess of the following distances-
 - (a) during a journey of not more than one day's duration-
 - (i) 20 kilometres for sheep and goats, and
 - (ii) 30 kilometres for cattle; and
 - (b) during a journey of more than one day's duration-
 - (i) 20 kilometres during the first day and 15 kilometres during each subsequent day for sheep and goats, and
 - (ii) 25 kilometres during the first day and 20 kilometres during each subsequent day for cattle.
19. Animals must be watered and fed immediately on reaching their night camp or final destination, with sufficient food of a quality and of a type compatible with the species.
20. Animals may not be moved in the dark.
21. No sick, injured or disabled animal may be moved on the hoof.

PART IV: VEHICLES USED IN TRANSPORTING ANIMALS

22. Vehicles and all trailers used in the transport of hooved animals must be suitable for the transport of such animals and in a roadworthy condition.
23. All vehicles and trailers referred to in item 22 must be such as to ensure-

- (a) a suitable non-slip floor, adequate ventilation and light and adequate protection from exhaust gasses;
 - (b) sidewalls high enough to prevent animals from escaping or falling out of the vehicle in multi-tier vehicles, and heights between decks must be adequate and floors must be solid and impervious;
 - (c) gates, with or without partitions-
 - (i) of a design and construction strong enough and suitable for the conveyance of the intended consignment, and
 - (ii) that open and close freely and are able to be well-secured.
24. The density of animals packed into any given space must be such as to ensure the safety and comfort of the animals during transport, and the recommended floor space per animal is-
- (a) 1,4 square metres per large animal; and
 - (b) 0,5 square metre per small animal.

PART V: WATERING AND FEEDING OF LIVE ANIMALS PRIOR TO LOADING

25. Animals must be provided with sufficient and suitable food and fresh water until the commencement of the journey.

PART VI: LOADING AND OFF-LOADING PROCEDURE

26. Loading and off-loading into or out of a vehicle must be accomplished as quietly and calmly as possible, with patience and tolerance and without undue harassment, terrifying of the animals, bruising, injury, suffering or undue stress.
27. No animal may be loaded or off-loaded by lifting by the head, fleece, skin, ears, tails, horns or legs.
28. Ramps must be correctly adjusted to the exact height of the vehicle's floor.
29. Journeys must commence as soon as possible after the live animals have been loaded and the animals must be promptly off-loaded upon arrival at the destination.
30. When there is reason to believe that an animal is likely to give birth in the course of a proposed journey, the animal may not be loaded onto a vehicle.
31. In the case of an animal giving birth during transport, the necessary measures must be taken to ensure the protection of the mother and offspring from being trampled or otherwise injured or harassed by other animals.
32. In the event of-
- (a) a breakdown of the transport vehicle;
 - (b) an accident or collision in which the transport vehicle is involved; or

- (c) injury to, or death of, any animal in transit, the carrier must immediately report the details to, and request assistance from-
 - (i) in the case of paragraph (a), a breakdown service,
 - (ii) in the case of paragraph (b), the South African Police Services and the traffic authorities, or
 - (iii) in the case of paragraph (c), a veterinarian.

PART VII: RESTRAINING OF ANIMALS DURING TRANSPORTATION

- 33. Where the transport of any animal may cause injury to itself or any other animal, it must be restrained in such a manner as to prevent such injury.
- 34. No animals may be kept in restraint for more than four hours in any 24-hour period.
- 35. No wire or bailing twine may be used for tying the animal's legs or feet.
- 36. To avoid strangulation or neck-break, a slipknot may not be used where animals are secured to the vehicle by its horns or neck and the rope must be attached to the vehicle at the level of the animal's knees so that in the event of the animal falling, the possibility of serious injury or death is reduced, with the rope being long enough to allow the animal to lie comfortably in a natural position with its head upright.

SCHEDULE 2**POUND REGISTER INFORMATION (Section 9)**

A pound register must, at least, contain the following information-

PART I

1. Date of receipt of animal
2. Number and description of animals
3. Brands or markings on animal, detail of any disease or injuries
4. Name and address of person who seized the animal
5. Name and address of person who delivered the animal to the pound
6. Name and address of owner of land where animal was seized
7. Name and address of owner of animal if determinable
8. Description of place where animal was found
9. Distance between place where animal was seized and pound

PART II

11. Ear tag number assigned by the pound keeper
12. Transport fees payable
13. Description and amount of pound fees
14. Details of destruction or disposal of animal
15. Cause of death or injury of impounded animal
16. Date of release of animal
17. Date of sale of animal
18. Proceeds of sale of animal
19. Name and address of purchaser
20. Excess amount (if any) paid to owner or municipality
21. Receipt number
22. Details of Order of Court with regard to animal not sold in execution

WITZENBERG MUNISIPALITEIT**VERORDENING INSAKE DIE SKUT VAN DIERE**

Om bepalings neer te lê vir die voorsiening, bestuur, instandhouding en beheer van enige fasiliteit wat vir die skut van diere geormerk is.

Ingevolge die bepalings van artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika, 1996, verorden Witzenberg Munisipaliteit as volg:-

1. OMSKRYWINGS

- (1) In hierdie verordening sal woorde wat op die manlike geslag dui ook die vroulike insluit, enkelvoud die meervoud en omgekeerd insluit, die Engelse teks in die geval van teenstrydighede tussen die verskillende tekste van krag wees en, tensy die konteks anders aandui, sal-

"diensleweringsooreenkoms" 'n diensleweringsooreenkoms soos omskryf in artikel 1 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) beteken;

"dier" sluit in 'n perd, bees, donkie, skaap, bok, vark, volstruis, 'n hond of kat, of enige ander huisdier of voël, of die baster van enige sodanige dier, en "diere" het 'n ooreenstemmende betekenis;

"eienaar" sluit in 'n eienaar van wie die identiteit bekend is of wie se identiteit met redelike ywer vasgestel kan word, en verband hou met enige-

(a) dier, met inbegrip van die agent van die eienaar of enige ander persoon aan wie regmatige toesig oor of besit van sodanige dier toegesê is, en

(b) grond die eienaar, huurder of regmatige bewoner van sodanige grond of sy agent;

"gemagtigde amptenaar" beteken 'n werknemer van die munisipaliteit of enige ander persoon wat deur die munisipaliteit aangestel of daartoe gemagtig is om enige handeling, funksie of plig uit te voer wat met die bepalings van hierdie verordening verband hou, of om enige mag ingevolge hierdie verordening uit te voer; en "beampte" sal die ooreenstemmende betekenis hê;

"hof" 'n landdroshof, soos verwys na in artikel 166(d) van die Grondwet, 1996, in wie se regsgebied die skut geleë is, beteken;

"munisipaliteit" beteken die Witzenberg Munisipaliteit wat ingevolge artikel 12 van die Munisipale Strukturewet, 1998 (Wet 117 van 1998) opgerig is en enige behoorlik gemagtigde agent, diensverskaffer of enige werknemer insluit wat derhalwe ooreenkomstig hierdie verordening handel uit hoofde van 'n mag wat aan die munisipaliteit verleen is en aan sodanige agent, diensverskaffer of werknemer gedelegeer of gesubdelegeer is;

"openbare pad" beteken 'n openbare pad soos beoog in artikel 1 van die Padverkeerswet, 1996 (Wet 93 van 1996) en sluit enige straat, deurgang en soom daarvan, skouer van sodanige pad en straatreserwe in;

"openbare plek" beteken enige plek waartoe die publiek toegang het, met inbegrip van, en sonder om enige perk op die algemene aard van die voorgaande te plaas, enige-

(a) plein, park, ontspanningsterrein, sportgronde, oop ruimte, en

(b) strand, brug, begraafplaas, inkopiesentrum op munisipale grond, ongebruikte of onbesette munisipale grond, meentgrond of openbare pad insluit;

"**skut**" 'n skut soos beoog in artikel 3 beteken, synde 'n omheinde area wat uit een of meer kampe bestaan en wat onder beheer van 'n skutopsigter geplaas is en gebruik word om rondloper, verlore en loslopende diere te huisves;

"**skutopsigter**" beteken die persoon wat, soos in artikel 5 beoog, van tyd tot tyd aangestel word en sluit enige persoon in wat namens die aangestelde skutopsigter optree; en

"**veearts**" beteken 'n persoon wat ooreenkomstig die bepalings van die Wet op Veterinêre en Para-veterinêre Beroepe, 1982 (Wet 19 van 1982) as sodanig gekwalifiseerd is.

2. DOEL MET VERORDENING

Die doel met hierdie verordening is om bepalings neer te lê vir fasiliteite wat ten doel het om rondloper, verlore en loslopende diere te huisves en te versorg, en prosedures, metodes en praktyke om die skutting van sulke diere te bestuur.

3. TOEPASSING

Hierdie verordening is van toepassing op die munisipaliteit se regsgebied, met dien verstande dat niks verhoed dat enige dier wat ingevolge hierdie verordening aangehou word in 'n skut of enige soortgelyke fasiliteit wat deur enige ander munisipaliteit, of ander regmatige gesag, daargestel is, geskut kan word nie.

4. OPRIGTING VAN 'N SKUT

(1) Die munisipaliteit kan 'n skut op enige geleë plek binne sy regsgebied oprig, met dien verstande dat die munisipaliteit 'n diensleweringsooreenkoms kan aangaan met 'n dieresorgorganisasie of -instansie of persoon waarvan in artikel 76(b) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) melding gemaak word om voorsiening te maak vir die oprigting en bedryf van 'n skut om 'n diens aan sy regsgebied te lewer.

(2) Die munisipaliteit kan enige skut onder sy beheer sluit.

5. AANSTELLING VAN 'N SKUTOPSIGTER

Die munisipaliteit moet 'n toepaslik bedrewe en ervare persoon as skutopsigter aanstel, tensy die skut ooreenkomstig 'n diensooreenkoms soos in artikel 3(1) beoog, opgerig is en bedryf word.

6. DIERE WAT OORTREE OF AFGEDWAAL HET, KAN GESKUT WORD

(1) Enige dier wat na enige openbare pad of openbare plek afgedwaal het of wat oënskynlik sonder toesig daar ronddwaal, mag met die oog op skutting op beslag gelê word deur:

(a) 'n lid van die Suid-Afrikaanse Polisiediens;

(b) 'n lid van die provinsiale padvervoerinspektoraat;

(c) 'n gemagtigde munisipale amptenaar of 'n lid van die munisipale beskermingsdienste of 'n amptenaar van 'n dieresorgvereniging;

- (d) die skutopsigter; en/of
 - (e) 'n grondeienaar op wie se eiendom die diere oortree, met die skriftelike toestemming van die skutopsigter.
- (2) 'n Persoon mag nie 'n dier waarop ingevolge die bepalings van subartikel (1) beslag gelê is, vir 'n tydperk langer as agt ure aanhou sonder om sodanige dier van voldoende kos en water te voorsien nie.
- (3) Enige persoon wat vir die doeleindes van skutting op 'n dier beslag gelê het, moet aan die tersaaklike bepalings voldoen soos uiteengesit in Bylae 1 tot hierdie verordening getitel "Kode vir Goeie Praktyk ten opsigte van die Hantering en Vervoer van Geskutte Diere".
- (4) Geen persoon wat 'n rondloper dier op enige grond aantref, mag daardie dier laat werk, gebruik of mishandel nie en ook nie onderwyl dit in die proses is om na die skut verwyder te word nie.
- (5) 'n Dier waarop vir die doeleindes van skutting, soos beoog in artikel 5, beslag gelê is, moet langs die kortste roete moontlik, en binne die kortste praktiese tyd moontlik, na die naaste toeganklike skut verskuif word.

7. INLIGTING WAT AAN SKUTOPSIGTER VOORSIEN MOET WORD

'n Persoon wat diere na die skut stuur, moet die skutopsigter van die inligting voorsien wat benodig word om Deel I van die skutregister te voltooi.

8. AANVAARDING BY SKUT VAN DIERE WAT GESKUT MOET WORD

- (1) Die skutopsigter kan nie weier om 'n dier vir skutting te aanvaar nie tensy die persoon, soos in artikel 7 beoog, opsetlik weier om sy/haar samewerking ten opsigte van inligting wat vir die voltooiing van Deel I van die skutregister benodig word, te verskaf.
- (2) 'n Skutopsigter moet 'n skriftelike kwitansie aan die persoon wat die 'n dier in sy of haar sorg plaas, gee waarop die aantal en beskrywing van die diere wat op hierdie wyse oorhandig word, aangedui word.

9. SKUTREGISTER

- (1) Die skutopsigter moet-
- (a) 'n skutregister byhou waarin die inligting, soos beoog in Bylae 2, vervat is en hierdie register moet op alle redelike tye vir openbare insae beskikbaar wees;
 - (b) Deel I van die skutregister voltooi sodra enige dier by die skut opgeneem word; en
 - (c) Deel II van die skutregister met ~~verdrag~~ met verloop van tyd voltooi.
- (2) Die skutopsigter sal aan 'n oortreding skuldig wees indien hy-
- (a) nalaat of weier om aan enige van die bepalings van subartikel (1) te voldoen;
 - (b) willens en wetens 'n bedrieglike inskrywing in die skut se register aanbring;
 - (c) op bedrieglike wyse enige vorige inskrywing in die skutregister vernietig of uitwis; of

(d) opsetlik 'n vervalste afskrif van of uittreksel uit die skutregister aan enige persoon verskaf.

10. KENNISGEWING DEUR SKUTOPSIGTER AAN DIERE-EIENAARS

(1) Na voldoening aan die bepalings van artikel 9(1) moet die eienaar van 'n geskutte dier van die beslaglegging in kennis gestel word deur -

(a) 'n skriftelike kennisgewing aan hom te rig waarin die adres van die skut, 'n beskrywing van en die aantal diere en die gelde wat betaalbaar is, verstrekk word en waarin duidelik gestel word dat die geskutte diere binne 10 dae opgeëis moet word en indien die eienaar sou versuim, sal die diere binne 4 dae na die keerdatum verkoop word; en

(b) 'n afskrif van die kennisgewing aan die eienaar moet aangebring word-

(i) op die munisipale kennisgewingbord by die hoof- munisipale kantoor;

(ii) by die skut se kantore; en

(iii) op die kennisgewingbord van die SA Polisiedienskantoor naaste aan die skut.

(2) Indien die adres van die eienaar onbekend is, moet 'n kennisgewing, soos beoog in subartikel 1(a), in 'n koerant met 'n algemene sirkulasie binne die munisipaliteit se regsgebied gepubliseer word.

11. VERSORGING VAN GESKUTTE DIERE

(1) Die skutopsigter-

(a) is verantwoordelik vir die behoorlike versorging van alle geskutte diere;

(b) moet verseker dat vars water en genoegsame kos te alle tye beskikbaar is vir die geskutte diere; en

(c) sal aan die eienaar van 'n geskutte dier aanspreeklik wees vir enige skade wat deur sy opsetlike of nalatige optrede of gebrek aan optrede veroorsaak word.

(2) (a) Indien die skutopsigter van mening is dat 'n geskutte dier gevaarlik ~~wreed~~^{wreed}, permanent ongeskik of terminaal siek is, moet hy 'n verslag vanaf die staatsveearts, en as daar geen staatsveearts beskikbaar is nie, 'n verslag vanaf 'n privaatveearts aanvra, wat die vankantmaking of ander wyse van beskikking oor die geskutte dier kan magtig, mits die veearts oortuig is dat die toestand van sodanige dier sy vankantmaking of beskikking daarvoor regverdig, nadat skriftelike kennis en redes daarvoor aan die skutopsigter verstrekk is.

(b) Waar die veearts die vankantmaking van of wegdoening met 'n dier op aanvraag van die skutopsigter magtig, moet die skutopsigter die eienaar onmiddellik skriftelik in kennis stel van sodanige kennisgewing, en met volle besonderhede van die wyse waarop daar van die karkas onslae geraak is.

(c) As die eienaar van 'n dier wat van kant gemaak is, nie opgespoor kan word nie, sal die skutopsigter sorg dat 'n kennisgewing gepubliseer word waarin die besonderhede van die betrokke dier en die metode waarmee daar oor die karkas beskik is, vervat is.

12. AFSONDERING VAN BESMETTE DIERE

- (1) As die skutopsigter vermoed, of daarvan bewus is dat 'n geskutte dier, of 'n dier wat geskut moet word, met enige siekte soos beoog in die Wet op Dieresiektes, 1984 (Wet 35 van 1984) besmet is, moet hy-
 - (a) afsonderlike akkommodasie vir sodanige dier voorsien;
 - (b) die dier onmiddellik afsonder, en die siekte by die naaste staatsveearts aanmeld; en
 - (c) op die vinnigste manier van kommunikasie moontlik die eienaar van die dier oor sodanige siekte inlig.
- (2) Indien 'n staatsveearts nie beskikbaar is nie, kan die skutopsigter-
 - (a) 'n verslag vanaf 'n privaatveearts aanvra; en
 - (b) indien sodanige veearts nie beskikbaar is nie, mag hy by die hof aansoek doen, wat die vankantmaking van of ander manier van beskikking oor die geskutte dier kan magtig.

13. BEHANDELING VAN GESKUTTE DIERE

Die skutopsigter-

- (a) mag nie 'n geskutte dier laat werk of sodanige dier op enige manier gebruik of toelaat dat enige ander persoon sodanige dier laat werk of gebruik nie; en
- (b) moet verseker dat alle geskutte manlike diere te alle tye afsonderlik van vroulike diere gehou word.

14. VREKTES VAN OF BESERINGS AAN GESKUTTE DIERE

Indien 'n geskutte dier beseer word of vrek, moet die skutopsigter die volgende in skutregister, soos na verwys in artikel 9, opteken-

- (a) die besering of oorsaak van die vrek;
- (b) die besonderhede van alle stappe wat geneem is en voorsorgmaatreëls wat in plek gestel is; en
- (c) in geval van 'n vrek, die volledige besonderhede oor die metode wat gevolg is om oor enige karkas te beskik; en
- (d) die eienaar van die dier en die munisipaliteit onverwyld skriftelik in kennis stel van die besering of vrek en die metode wat gevolg is om oor die karkas te beskik.

15. AFSKRIFTE VAN VERORDENING

Die skutopsigter moet verseker dat afskrifte van hierdie verordening by die skut ter insae beskikbaar is.

16. GELDE EN KOSTE BETAALBAAR

Die skutopsigter moet-

(a) die gelde soos van tyd tot tyd deur die munisipaliteit bepaal en soos beoog in artikel 75A van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) van die eienaar van die geskutte dier verhaal; en

(b) die koste van enige dip, mediese behandeling, inenting of ander behandeling wat dalk nodig mag wees of ingevolge hierdie verordening of enige ander wet genoodsaak word, verhaal; en

(c) alle koste en uitgawes verwant aan die skutting verhaal.

17. VRYLATING VAN GESKUTTE DIERE

(1) Die skutopsigter moet 'n geskutte dier onmiddellik vrylaat, en aan die eienaar 'n kwitansie gee, nadat die eienaar-

(a) bewys van eienaarskap van sodanige dier gelewer het; **EN**

(b) die gelde en koste, soos beoog in artikel 16, vereffen het.

(2) Indien die eienaar nie in staat is om die gelde of koste soos beoog in artikel 16 te betaal nie, mag die skutopsigter sodanige dier verkoop ten einde sodanige gelde of koste wat verskuldig en betaalbaar mag wees, te verhaal.

18. VERKOOP VAN DIERE

(1) Indien die eienaar van 'n geskutte dier nalaat om binne 14 dae vanaf skutting sodanige dier op te eis en/of die voorgeskrewe gelde te betaal, moet die skutopsigter-

(a) by die hof om magtiging vir die verkoop van die dier aansoek doen; en

(b) in die aansoek beoog in subparagraaf (a) die hof-

(i) van 'n beëdigde verklaring wat, inter alia, die besonderhede beoog in subartikel (2) voorsien; en

(ii) bewys lewer dat hy 'n verklaring, soos beoog in subartikel (2), by die eienaar aanhangig gemaak het.

(2) Die verklaring beoog in subartikel (1)(b) moet die volgende insluit -

(a) afskrifte van die bladsye uit die skutregister waarin die inskrywings ten opsigte van die diere vervat is; en

(b) afskrifte van die kennisgewing beoog in artikel 10(1)(a) en alle ander kennisgewings wat aan die eienaar gestuur is; en

(c) die koste van skutting wat ingevolge hierdie verordening verskuldig en betaalbaar is.

(3) Die hof, ongeag of die bedrae soos uiteengesit in die verklaring beoog in subartikel (1)(b) betwis word of nie, moet-

(a) summier ondersoek na die saak gelas;

(b) 'n bevel wat na die oordeel van die hof regverdig en billik is, gelas met inbegrip van 'n bevel-

(i) rakende die gelde en koste, en

- (ii) die proses wat deur die skutopsigter gevolg moet word indien verkoop van die dier nie goedgekeur word nie.

19. SKUTOPSIGTERS MAG NIE GESKUTTE DIERE KOOP NIE

Die skutopsigter, of 'n familielid of enigeen met wie die skutopsigter 'n verwantskap het, 'n munisipale amptenaar of raadslid of 'n kind van sodanige amptenaar of raadslid mag nie, regstreeks of onregstreeks, 'n dier wat te koop by 'n skutvendusie aangebied word, koop nie, hetsy persoonlik of deur 'n ander persoon.

20. DIERE WAT ONSUKSESVOL TE KOOP AANGEBIED IS

In geval enige dier nie tydens die gemagtigde openbare vendusie, soos beoog in artikel 18, verkoop kon word nie-

(a) moet die skutopsigter die hof en die eienaar onmiddellik oor die dier se beraamde waarde en die gelde en koste wat aangegaan is, inlig; en

(b) kan die hof 'n bevel uitvaardig wat na sy mening regverdig en billik is.

21. OPBRENGSTE

Alle opbrengste uit die vordering van gelde en koste, soos beoog in hierdie verordening, moet aan die munisipale inkomstefonds oorbetaal word, met dien verstande dat sou enige geskutte dier verkoop word teen 'n prys wat die gelde en koste wat aangegaan is, oorskry, sodanige saldo binne 30 dae vanaf verkope aan die eienaar oorbetaal moet word, tensy die identiteit van die eienaar nie vasgestel kon word nie, in welke geval die saldo aan die munisipale inkomstefonds oorbetaal moet word.

22. PROSEDURES WAT GEVOLG MOET WORD OM 'N AANSOEK VOOR DIE HOF TE BRING

'n Aansoek by die hof moet voldoen aan die vereistes soos beoog in die Wet op Landdroshowe, 1944 (Wet 32 van 1944) en reëls van die hof.

23. GEDINGE TER SKADEVERGOEDING

Niks in hierdie verordening weerhou 'n grondeienaar of enige ander persoon daarvan om, in enige hof met jurisdiksie, 'n geding aanhangig te maak teen die eienaar van 'n dier wat 'n oorlas is nie met die oog daarop om enige skade te verhaal wat weens sodanige oorlas gely is.

24. AANSPREEKLIKHEID

Die munisipaliteit, skutopsigter of enige beampte, werknemer, of agent van die munisipaliteit wat ooreenkomstig hierdie verordening handel, sal nie aanspreeklik wees vir die vrekte van of besering aan enige dier wat uit die aanhouding, skutting of vrylating van sodanige dier voortspruit nie, of wat aan die skutting daarvan toegeskryf kan word nie.

25. OORTREDINGS EN STRAWWE

'n Persoon wat-

(a) 'n dier waarop wettig met die oog op skutting beslag gelê is of wat wettig geskut is, vrylaat of poog om daardie dier vry te laat;

(b) onwettig beslag lê op 'n dier met die doel om dit te skut;

(c) 'n dier onwettig skut of poog om dit te skut; of

(d) strydig met die bepalings van hierdie verordening optree, begaan 'n oortreding en is by skuldigebevinding strafbaar met-

(i) 'n boete of gevangenisstraf, of beide sodanige boete en gevangenisstraf, en

(ii) in die geval van 'n voorgesette oortreding, 'n bykomende boete of 'n verdere tydperk van gevangenisstraf, of beide bykomende boete en gevangenisstraf, vir elke dag waarop sodanige oortreding voortduur, en

(iii) 'n vergoedingsbevel wat gelykstaande is met enige koste en uitgawes wat, volgens die hof se bevinding, deur die munisipaliteit as gevolg van sodanige oortreding of nalating aangegaan is.

26. BYLAES 1 EN 2

Bylae 1 en 2 tot hierdie verordening maak 'n integrale deel van hierdie verordening uit.

27. HERROEPING VAN BESTAANDE VERORDENINGE

Die bepalings van enige verordeninge wat voorheen deur die munisipaliteit of deur enige van die ontbinde munisipaliteite wat nou by die munisipaliteit geïnkorporeer is, uitgevaardig is, word hiermee herroep in soverre dit die aangeleenthede waarvoor bepalings in hierdie verordening neergelê is, betref.

28. KORTTITEL EN DATUM VAN INWERKINGTREDING

Hierdie verordening sal bekend staan as Witzenberg Munisipaliteit se Verordening insake die Skut van Diere en sal in werking tree op die dag waarop dit in die Provinsiale Koerant gepubliseer word.

BYLAE 1:**KODE VIR GOEIE PRAKTYK TEN OPSIGTE VAN DIE HANTERING EN VERVOER VAN GESKUTTE DIERE
SOOS PER ARTIKEL 6(3)****DEEL I: VEEKAMPVEREISTES**

1. Diere van verskillende spesies moet in afsonderlike veekampe gehou word.
2. Diere mag nie in oorvol veekampe ingekamp word nie, en die ruimte wat binne elke veekamp vir die doeleindes van inkamping voorsien word, moet sodanig wees dat alle diere tegelyk kan lê en moet minstens 1,5 vierkante meter vloerruimte per dier toelaat.
3. Weerspannige diere mag nie saam met ander diere aangehou word nie.
4. Jong, pasgespeende onvolwasse diere mag nie saam met volwasse diere ingekamp word nie, behalwe in die geval van 'n ma en haar kroos.
5. Voorsiening moet in veekampe gemaak word vir-
 - (a) fasiliteite soos trôe, kribbe en ander geskikte voerbakke wat maklik skoongemaak kan word en wat verhoed dat diere van die vloer af hoef te vreet en wat, sonder om die diere te versteur, hervul kan word;
 - (b) watertrôe wat te alle tye toegang tot 'n voldoende hoeveelheid vars water bied;
 - (c) toereikende fasiliteite wat sal verseker dat veekampe na behore skoongemaak kan word; en
 - (d) fasiliteite wat die veilige hantering van diere sal verseker.
6.
 - (a) Die veekampe moet te alle tye na behore in stand gehou word.
 - (b) Skerp voorwerpe soos die punte van drade, stukkende planke en onafgewerkte skarniere of grendels en wat dalk kan veroorsaak dat diere hulself beseer, moet verwyder word of, so nie, op 'n gepaste manier bedek word.
7. Die veekamp se vloer, met insluiting van die aflaaihellings, gange en deurgange, moet gebruik maak van materiaal wat na behore sal verhoed dat die diere gly en van so 'n aard wees dat dit op 'n werkbare en doeltreffende wyse droog en in 'n goeie toestand gehou kan word wat gepas is vir die aanhou van diere.

DEEL II: HANTERING VAN DIERE

8. Diere moet te alle tye welwillend en met verdraagsaamheid en sorg hanteer word.
9. Die volgende moet in gedagte gehou word wanneer daar met diere gewerk word-
 - (a) diere reageer meer geredelik daarop om aangejaag te word wanneer die aanjaer 'n entjie agter die dier staan maar steeds binne die dier se sigveld is; en
 - (b) diere wat tropgewoontes volg, sal meer geredelik in 'n trop eerder as enkele diere aangejaag kan word.

10. Diere mag nie aan hul bene gesleep word nie, en hulle mag ook nie aan die kop, ore of stert gedra word nie.
11. Jong kalfies wat nog nie behoorlik kan loop nie, moet gedra word deur hulle met arms rondom die borskas en agterstewe op te tel. So nie, oorweeg dit om die kalfie met een hand of die agterstewe en die ander op die nek of skouer teen 'n gepaste en gemaklike pas in die verlangde rigting te stuur.
12. Wanneer diere in die verlangde rigting aangedryf word, mag slegs van seil- of dryfrieme gebruik gemaak word en dan moet daar verkieslik op die grond agter die dier geslaan word eerder as om die dier self te slaan.
13. Elektriese aanspoorders, stokke of sambokke mag nie op jong kalfies gebruik word nie.
14. Elektriese aanspoorders mag nie uitermatig of blindweg gebruik word op of aangewend word aan diere se gesigte of hul anale of genitale areas nie.

DEEL III: VERSKUIWING VAN DIERE

15. Diere wat lewend aangedryf word, moet te alle tye onder behoorlike en bevoegde supervisie wees.
16. Lewende diere moet op 'n kalme manier teen 'n ontspanne en gemaklike pas aangedryf word wat by die dier se aard pas, en moet nie die pas van die stadigste dier oorskry nie.
17. Diere mag nie vir tydperke langer as agt uur aangedryf word sonder dat hulle rus van minstens een uur vergun word en van genoegsame water, wat tot alle diere se beskikking is, voorsien word nie.
18. Geen lewende dier mag oor afstande wat die volgende oorskry, verskuif word nie-
 - (a) ten tye van 'n reis wat nie langer as een dag duur nie-
 - (i) 20 kilometer vir skape en bokke, en
 - (ii) 30 kilometer vir beeste, en
 - (b) ten tye van 'n trek wat langer as een dag duur-
 - (i) 20 kilometer op die eerste dag en 15 kilometer op elke daarop volgende dag vir skape en bokke, en
 - (ii) 25 kilometer op die eerste dag en 20 kilometer op elke daaropvolgende dag vir beeste.
19. Diere moet onmiddellik by bereiking van die nagkamp of finale bestemming van water en kos voorsien word, en die voer moet voldoende en van 'n gehalte wees wat gepas is vir die spesie.
20. Diere mag nie snags verskuif word nie.
21. Geen siek, beseerde of gestremde diere mag lewend verskuif word nie.

DEEL IV: VOERTUIE WAT VIR DIE VERVOER VAN DIERE GEBRUIK WORD

22. Voertuie en alle sleepwaens wat vir die vervoer van hoefdiere gebruik word, moet geskik vir die vervoer van sodanige diere en in 'n padwaardige toestand wees.
23. Alle voertuie en sleepwaens waarna in punt 22 verwys word, moet van so 'n aard wees dat-
- (a) 'n geskikte glyvaste vloer, toereikende ventilasie en lig en toereikende beskerming teen uitlaatgasse verseker word;
 - (b) sykante hoog genoeg is om te verhoed dat diere ontsnap of uit die voertuig val, en in voertuie met meer as een vlak moet die hoogte tussen dekke toereikend en die vloere solied en waterdig wees;
 - (c) hekke, met of sonder tussenskotte-
 - (i) só ontwerp en gebou is dat hulle sterk genoeg en geskik vir die vervoer van die bestemde lading is, en
 - (ii) vrylik oop en toe kan maak en behoorlik gegrendel kan word.
24. Die digtheid van diere wat in enige gegewe ruimte geprop word, moet van so 'n aard wees dat dit die veiligheid en gemak van die diere tydens vervoer verseker, en die aanbevole vloerruimte per dier is-
- (a) 1,4 vierkante meter per groot dier; en
 - (b) 0,5 vierkante meter per klein dier.

DEEL V: WATERVOORSIENING AAN EN VOER VAN LEWENDE DIERE VOORDAT HULLE GELAAI WORD

25. Diere moet van genoegsame en geskikte kos en vars water voorsien word totdat die reis 'n aanvang neem.

DEEL VI: LAAI- EN AFLAAIPROSEDURE

26. Laai en aflaai in of uit 'n voertuig moet so stil en rustig, met geduld en verdraagsaamheid, vermag word en sonder dat die diere oormatig getreiter, verskrik, gestamp en beseer word of onnodig ly of stres.
27. Geen dier kan op- of afgelaai word deur dit aan sy kop, vag, vel, ore, stert, horings of bene op te tel nie.
28. Laaibrûe moet korrek tot die presiese hoogte van die voertuig se vloer verstel word.
29. Reise moet so gou as moontlik begin nadat die lewende diere gelaai is en die diere moet onverwylde aankoms by die bestemming afgelaai word.
30. As daar rede is om te glo dat 'n dier waarskynlik in die loop van 'n voorgenome reis geboorte gaan skenk, mag die dier nie op 'n voertuig gelaai word nie.
31. In geval 'n dier geboorte skenk onderwyl sy vervoer word, moet die nodige maatreëls getref word om te verhoed dat die ma en haar kroos deur ander diere vertrap of andersins beseer of lastig geval word.

32. In geval-

- (a) die transportvoertuig onklaar raak;
- (b) 'n ongeluk of botsing plaasvind waarby die transportvoertuig betrokke is; of
- (c) enige dier in transito beseer word, of vrek, moet die karwyder onmiddellik die besonderhede rapporteer aan, en bystand versoek van-
 - (i) 'n teenspoed/insleepdiens, in die geval van paragraaf (a),
 - (ii) die Suid-Afrikaanse Polisie diens en verkeersowerhede, in die geval van paragraaf (b), of
 - (iii) 'n veearts, in die geval van paragraaf (c).

DEEL VII: VASMAAK VAN DIERE TYDENS VERVOER

- 33. Waar die vervoer van enige dier besering van die dier self of enige ander dier kan veroorsaak, moet die dier op so 'n manier vasgemaak word dat sodanige besering verhoed word.
- 34. Geen diere mag vir langer as vier ure in enige tydperk van 24 uur vasgemaak bly nie.
- 35. Geen draad of baal draad mag gebruik word om die dier se bene of pote vas te maak nie.
- 36. Om verwurging of 'n gebreekte nek te verhoed, mag 'n slipknoop nie gebruik word waar diere aan hulle horings of nek aan die voertuig vasgemaak word nie, en die tou mag nie op die vlak van die dier se knieë aan die voertuig vasgemaak word nie ten einde ernstige beserings of vrekte te verhoed in geval die dier sou val, en die tou moet lank genoeg wees sodat die dier gemaklik met sy kop regop in 'n natuurlike posisie kan lê.

BYLAE 2:**SKUTREGISTERINLIGTING (Artikel 9)**

’n Skutregister moet, ten minste, die volgende inligting bevat-

DEEL I

1. Datum van vrylating van dier
2. Aantal en beskrywing van diere
3. Brandmerke of merktekens op die dier, besonderhede van enige siekte of beserings
4. Naam en adres van persoon wat beslag op die dier gelê het
5. Naam en adres van persoon wat die dier by skut afgelewer het
6. Naam en adres van eienaar van die grond waarop daar op die dier beslag gelê is
7. Naam en adres van eienaar van die dier indien dit vasgestel kan word
8. Beskrywing van plek waar die dier gevind is
9. Afstand tussen plek waar daar op die dier beslag gelê is en die skut

DEEL II

11. Nommer van oorkenstrokie wat deur skutopsiener toegewys is
12. Vervoergelde betaalbaar
13. Beskrywing en bedrag van skutgelde
14. Gedetailleerde beskrywing van beskikking oor dier
15. Oorsaak van vrekke van of besering aan geskutte diere
16. Datum van vrylating van dier
17. Datum van verkoop van dier
18. Opbrengste uit verkoop van dier
19. Naam en adres van koper
20. Surplusbedrag (indien enige) wat aan eienaar of munisipaliteit betaal is
21. Kwitansienommer
22. Besonderhede van hofbevel ten opsigte van ’n dier wat nie per eksekuteursverkoop verkoop is nie

UMASIPALA WASEWITZENBERG**UMTHETHO KAMASIPALA OMALUNGA NEZIKITHI**

Ukunika imigaqo, ulawulo, ulungiso kunye nokulawulwa kwaso nasiphi isakhiwo esibekelwe bucala ukuba sibe sesokuthinjwa kwezilwanyana.

Phantsi kwemigaqo yecandelo 156(2) loMgaqo-siseko weRiphabliki yoMzantsi Afrika, ka-1996, uMasipala waseWitzenberg uphumeza ngolu hlobo lulandelayo:-

1. IINGCACISO

- (1) Kulo Mthetho kamasipala, amagama asetyenziselwe isini sobuduna akwaquka nesobukhomokazi, isinye sikwaquka nesininzi, njalo njalo, okubhalwe ngesiNgesi kokona kuthathwayo xa kunokubakho ukungahambelani phakathi kweentetho ezahlukeneyo ngaphandle kokuba umxholo uthetha enye into —

"isilwanyana" sithetha ihashe, inkomo, idonki, igusha, ibhokhwe, ihagu, inciniba,inja, ikati okanye esinye isilwanyana okanye intaka yasekhaya, kungenjalo esenziwe ngokudibanisa naziphi kwezo zilwanyana okanye ezo ntaka, yaye "izilwanyana"ziya kuthetha kwale nto inye;

"igosa elisemagunyeni" lithetha umsebenzi kaMasipala okanye nawuphi omnye umntu oqeshwe okanye ogunyaziswe kuloo ndawo nguMasipala ukuba enze nasiphi isenzo, umsebenzi onxulumene nemigaqo yalo Mthetho kamasipala, okanye asebenzise nawuphi amagunya ngokwaloMthetho kamasipala; yaye "igosa" likwathetha le nto inye;

"Inkundla" ithetha iNkundla kaMantyi njengoko kuthethwe ngayo kwicandelo 166[d] loMgaqo-siseko, ka-1996, elawula le ndawo isikithi sikuyo;

"Umasipala" uthetha uMasipala waseWitzenberg owasekwa ngokweCandelo le-12 loMthetho wamaCandelo kaMasipala (iMunicipal Structures Act), we-117 ka-1998 yaye uquka nayiphi iarhente egunyazisiweyo, umniki weenkonzo okanye nawuphi umsebenzi osebenza ngokunxulumene nalo Mthetho kamasipala ngokwamagunya anikwe uMasipala nomthunywa okanye uthunywa womthunjwa othunyelwe kuloo arhente, kuloo mniki weenkonzo okanye umsebenzi;

"umnini" uquka umnini owaziwayo, okanye ekunokuzanywa ngandlela zonke ukuqinisekisa ukuba ungubani ngokunxulumene -

(a) naso nasiphi isilwanyana, kuquka ummeli womnini okanye omnye umntu onemvume esemthethweni yobunini okanye oneso silwanyana; kunye

(b) nawo nawuphi umhlaba , kuquka umnini, umrenti okanye lowo uhleli kuloo mhlaba ngokusemthethweni kungenjalo ummeli wakhe; "isikithi" sithetha isikithi esakhiwe ngale ndlela ibekwe kwicandelo lesi-3;

"umgcini wesikithi" uthetha umntu oqeshwa amaxesha ngamaxesha njengoko kubekiwe kwicandelo lesi-5 yaye ukwaquka nawuphi umntu osebenza egameni laloo mgcini wesikithi;

"isikithi" sithetha indawo ebiyelweyo enenkampu enye nangaphezulu, eyakhiwe ngumasipala nebekwe phantsi kolawulo lomgcini-sikithi, isenzelwa ukugcina nokukhathalela izilwanyana ezingenabanini, ezilahlekileyo okanye ezingaziwayo;

"indawo yoluntu" ithetha nayiphi indawo uluntu olukwaziyo ukufikelela kuyo kuquka, ngaphandle kokuthintelwa kokusetyenziswa gabalala kwale ndawo kuthethwe ngayo, nawuphi -

a) indawo evulekileyo kumbindi wedolophu, ipaka, indawo yezolonwabo, ibala lezemidlalo, indawo evulekileyo

b) unxweme, ibhulorho, indawo yamangcwaba, isakhiwo seevenkile esikumhlaba kamasipala, umhlaba kamasipala ongasetyenziswayo okanye ongenanto, idlelo likawonke-wonke okanye umgaqo kawonke-wonke.

"umgaqo kawonke-wonke" uthetha umgaqo womntu wonke njengoko ucaciswe kwicandelo loku-1 loMthetho weziThuthi zeNdlela (iRoad Traffic Act) ka-1996 (uMthetho wama-93 ka-1996) yaye uquka nasiphi isitalatho, indlela enqumla phakathi kweendlela ezimbini kunye nongqameko lwazo, indlela engaphaya komgca oyelo yaloo ndlela kunye nendlela ekwithala lendalo lesitalato;

"isivumelwano sokunikwa kweenkonzo" sithetha isivumelwano sokunikwa kweenkonzo njengoko sicacisiwe kwicandelo loku-1 loRhulumente weNdawo: uMthetho weNdlela zokuSebenza zikaMasipala (Local Government: Municipal Systems Act) ka-2000 (UMthetho wama-32 ka-2000).

"ugqirha wezilwanyana" uthetha umntu onesiqinisekiso esifanelekileyo ngokwemigaqo yoMthetho woGqirha beziLwanyana nabaNtu abaQeqeshelwe ukuSebenza ngeziLwanyana (Veterinary and Para-Veterinary Professions Act) ka-1982 (uMthetho we-19 ka-1982).

2. INJONGO YOMTHETHO KAMASIPALA

Injongo yalo mthetho kamasipala kukunika izakhiwo zokugcina nokukhathalela izilwanyana ezingenabanini, ezilahlekileyo nezingaziwayo kunye neenkqubo, iindlela nezinto ezenziwayo ukulawula ukuthinjwa kwezo zilwanyana.

3. UKUSETYENZSIWA KWAWO

Lo Mthetho kamasipala usebenza kwindawo ephantsi kolawulo lukamasipala; ngokuxhomekeke ekubeni akukho nto ithintela naziphi izilwanyana ezivalelwe ngokwalo Mthetho kamasipala ukuba zithinjelwe esikithi okanye nayiphi indawo eyakhiwe nguye nawuphi omnye uMasipala, okanye iziko eligunyazisiweyo.

4. UKUSEKWA KWESIKITHI

(1) Umasipala unokuseka isikithi kuyo nayiphi indawo efanelekileyo ephantsi kolawulo lwakhe, ngokuxhomekeke ekubeni uMasipala lowo unokuba nesivumelwano sokunikwa kweenkonzo nombutho okanye iziko okanye umntu wentlalontle yezilwanyana ekuthethwe ngaye kwicandelo 76(b) loRhulumente weNdawo: uMthetho weNdlela zokuSebenza zikaMasipala, (iLocal Government: Municipal Systems Act) ka-2000 (UMthetho wama-32 ka-2000), ukulungiselela ukusekwa nokusebenza kwesikithi sisebenzela indawo esabelwe yona.

(2) UMasipala angavala nasiphi isikithi esiphantsi kolawulo lwakhe.

5. UKUQESHWA KOMGCINI WESIKITHI

UMasipala makaqeshe umntu onezakhono namava afanelekileyo, njengomgcini wesikithi, ngaphandle kokuba eso sikithi sisekwe saza sasebenza ngokwesivumelwano sokunikwa kweenkonzo ekuthethwe ngaso kwicandelo 3(1).

6. IZILWANYANA EZINGENE NGAPHANDLE KWEMVUME OKANYE EZIDAKASAYO ZINOKUTHINJWA

(1) Nasiphi isilwanyana esifunyenwe sidakasa singahoywanga mntu kuyo nayiphi indlela kawonkewonke okanye indawo yoluntu sinokubanjwa -

- (a) lilungu leNkonzo yesiPolisa saseMzantsi Afrika;
- (b) lilungu leCandelo lokuHlolwa kweziThuthi zeNdlela zePhondo (iProvincial Road Traffic Inspectorate);
- (c) ligosa likamasipala eligunyazisiweyo okanye ilungu leeNkonzo zoKhuselo zikaMasipala kungenjalo igosa lombutho wentlalontle yezilwanyana.
- (d) umgcini wesikithi;
- (e) umnini-mhlaba esifunyenwe sidakasa kuwo eso silwanyana, efumene imvume ebhaliweyo yomGcini Sikithi.

(2) Umntu akanakugcina isilwanyana, esibanjelwe ukuthinjwa ngokwecandelwana (1), ithuba elingaphezu kweeyure ezisibhozo engasiphaka kutya namanzi aneleyo eso silwanyana.

(3) Nawuphi umntu obambe isilwanyana ngenjongo zokusithimba makalandele imigaqo efanelekileyo yeNdlela yoKwenza kakuhle ukuPhatha nokuHambisa ngesiThuthi iziLwanyana ezithinjiweyo, ekwiShedyuli 1.

(4) Umntu akanakusebenza ngaso, asebenzise okanye aphaathe kakubi isilwanyana esifunyenwe singene ngaphandle kwemvume kuwo nawuphi umhlaba okanye ngethuba sikwinkqubo yokususwa sisiwe esikithi.

(5) Isilwanyana esibanjelwe ukuthinjwa ngale ndlela ibekwe kwicandelo lesi-5, masisuselwe kwisikithi esikufutshane ekunokufikelelwa kuso ngeyona ndlela ilula inokusetyenziswa ngelona xesha lifutshane linokuthathwa.

7. IINKCUKACHA EMAZINIKWE UMGCINI WESIKITHI

Umntu othumela izilwanyana esikithi makanike umgcini-sikithi iinkcukacha eziyimfuneko ukugcwalisa iCandelo I lerejista yasesikithi.

8. UKUVUNYWA KWEZILWANYANA EZIZA KUTHINJWA ESIKITHI

(1) Umgcini-sikithi akanakwala ukuvuma isilwanyana ukuba sithinjwe ngaphandle kokuba loo mntu kuthethwe ngaye kwicandelo lesi-7 wala ngokucacileyo ukusebenzisana naye ngokumnika iinkcukacha zokugcwalisa iNdawo yoku-I yerejista yasesikithi.

(2) Umgcini-sikithi makanike irisithi ebhaliweyo umntu ozise isilwanyana ukuba sigcinwe, risithi leyo ibonisa inani nengcaciso yezilwanyana ezizisiweyo.

9. IREJISTA YASESIKITHI

(1) Umgcini wesikithi kufuneka -

(a) agcine irejista yasesikithi eneenkcukacha ezibekwe kwiShedyuli 2, rejista leyo kufuneka ifumaneke ukuba uluntu lube nokuyihlola ngawo onke amaxesha afanelekileyo;

(b) agcwalise iNdawo yoku-I yerejista yasesikithi ngoko nangoko xa esamkelela nasiphi isilwanyana esikithi; yaye

(c) agcwalise iNdawo yesi-II yerejista yasesikithi ngokuya lihamba ixesha.

(2) Umgcini wesikithi unetyala lokophula umthetho ukuba -

(a) akahoyi okanye uyala ukulandela nayiphi imigaqo yecandelwana (1);

(b) ubhalisa into engeyiyo kwirejista yasesikithi;

(c) utshabalalisa ngobuqhetseba okanye acime naluphi ubhaliso olukwirejista yasesikithi; okanye

(d) uzisa ikopi okanye inxenye yekopi yerejista yasesikithi ebubuxoki kuye nabani na.

10. ISAZISO ESIKHUTSHELWA ABANINI BEZILWANYANA NGUMGCINI WESIKITHI

(1) Emva kokulandela imigaqo yecandelo 9(1), umnini wesilwanyana esithinjiweyo makaziswe ngoko kuthinjwa ngokuthi -

(a) abhalelwe isaziso esibonisa idilesi yeso siKithi, ingcaciso kunye nenali lezilwanyana, akrotyiswe kwiintlawulo kunye neendleko kunye nokubanga izilwanyana ezo zithinjiweyo zingaphelanga iintsuku ezili-10 kwanokuba akungayenzi loo nto, ezo zilwanyana ziya kuthengiswa zingaphelanga iintsuku ezi-4 emva komhla wokugqibela; yaye

(b) nangokubeka ikopi yeso saziso siya kumnini -

(i) kwibhodi yezaziso zikamasipala kwiOfisi engundoqo kaMasipala;

(ii) kwiofisi zeSikithi; kunye

(iii) nakwibhodi yezaziso yeyona Ofisi yeeNkonzo zesiPolisa saseMzantsi Afrika ikufutshane neso Sikithi.

(2) Ukuba idilesi yomnini ayaziwa, ukupapasha isaziso okucaciswe kwicandelwana (1)(a) kwiphephandaba elijikeleza kakhulu kwindawo ephantsi kolawulo lukaMasipala.

11. UKUKHATHALELWA KWEZILWANYANA EZITHINJIWEYO

(1) Umgcini wesikithi -

(a) unoxanduva lokhathalelo olululo lwazo zonke izilwanyana ezithinjiweyo;

(b) makaqinisekise ukuba izilwanyana ezithinjiweyo zinamanzi acocakileyo nokutya okwaneleyo ngawo onke amaxesha; yaye

(c) uya kuphendula kumnini wesilwanyana esithinjiweyo malunga nawo nawuphi umonakalo obangelwe sisenzo asenze ngokuzithandela okanye ngenxa yokungakhathali kungenjalo ngenxa yokungenzi okuthile.

(2) (a) Ukuba umgcini wesikithi ucinga ukuba isilwanyana esithinjiweyo sinobundlongo-ndlongo obuyingozi, silimele ngokusisigxina okanye sigula kakhulu, kufuneka acele ifomu kuGqirha weziLwanyana kaRhulumente, ukuba akukho Gqirha weziLwanaya kaRhulumente ukhoyo, makacele ingxelo kugqirha wezilwanyana wabucala, onokugunyazisa ukutshatyalaliswa okanye okunye ukulahlwa kwesilwanyana esithinjiweyo, ukuba uGqirha weziLwanyana wanelisekile ukuba imeko yeso silwanyana ifuna oko kutshatyalaliswa okanye ukulahlwa kwaso, emva kokunika isaziso esibhaliweyo kunye nezizathu zoko kumgcini wesikithi.

(b) Apho uGqirha weziLwanyana agunyazisa ukutshatyalaliswa okanye ukulahlwa kwesilwanyana emva kokufakwa kwesicelo ngumgcini wesikithi, umgcini wesikithi kufuneka azise umnini waso ngokubhaliweyo ngoko nangoko ngokumbhalela isaziso, afake iinkcukacha ezipheleleyo zendlela yokulahlwa kwesidumbu saso.

(c) Ukuba umnini wesilwanyana esitshatyalalisiweyo akafumaneki, umgcini wesikithi uya kwenza ukuba kupapashwe isaziso esineenkcukacha zeso silwanyana kunye nokulahlwa kwesidumbu sesilwanyana eso.

12. UKUBEKELWA BUCALA BESILWANYANA ESIGULAYO

(1) Ukuba umgcini wesikithi ucingela, okanye uyazi, ukuba isilwanyana esithinjiweyo, okanye isilwanyana esiza kuthinjwa, sosuleleke siso nasiphi isifo njengoko kubonisiwe kuMthetho weziFo zeziLwanyana (iAnimal Diseases Act) ka-1984 (UMthetho wama-35 ka-1984), kufuneka -

(a) aqiniseke ngokuba eso silwanyana sifumana indawo eyahlukileyo;

(b) asibekele bucala eso silwanyana ngoko nangoko aze axele eso sifo kuGqirha weziLwanyana kaRhulumente okufutshane; yaye

(c) azise umnini weso silwanyana ngoko nangoko malunga neso sifo ngeyona ndlela ilula yonxibelelwano.

(2) Ukuba akukho Gqirha weziLwanyana kaRhulumente ukhoyo, umgcini wezilwanyana unokuthi -

(a) acele ingxelo kuGqirha weziLwanyana wabucala; yaye

(b) ukuba loo gqirha wezilwanyana akekho, unokufaka isicelo enkundleni, nkundla leyo inokuthi igunyaziswe ukutshatyalaliswa okanye enye indlela yokulahla eso silwanyana sithinjiweyo.

13. UKUPHATHWA KWEZILWANYANA EZITHINJIWEYO

Umgcini wesikithi -

(a) akanakusebenzisa isilwanyana nangayiphi na indlela okanye avumele nasiphi isilwanyana ukuba senziwe sisebenze okanye sisetyenziswe nguye nawuphi omnye umntu; yaye

(b) makaqinisekise ukuba zonke izilwanyana ezithinjiweyo eziziinkunzi zisoloko zikhwethiwe kwizilwanyana eziziimazi namathokazi.

14. UKUFA OKANYE UKULIMALA KWEZILWANYANA EZITHINJIWEYO

Ukuba izilwanyana ezithinjiweyo ziyalimala okanye zife, umgcini wesikithi kufuneka abhale phantsi -

- (a) loo menzakalo okanye unobangela wokufa kwaso kwirejista yasesikithi ekuthethwe ngayo kwicandelo le-9;
- (b) iinkcukacha zawo onke amanyathelo athathiweyo njengeendlela zothintelo ezikhoyo;
- (c) xa sifile, abhale iinkcukacha ezipheleleyo zendlela yokulahlwa kwesidumbu; aze
- (d) ngaphandle kokulibazisa azise ngokubhaliweyo umnini wesilwanyana kunye noMasipala malunga noko kwenzakala okanye ukufa kunye nendlela yokulahla isidumbu.

15. IIKOPI ZOMTHETHO KAMASIPALA

Umgcini wesikithi makaqinisekise ukuba iikopi zalo Mthetho kamasipala ziyafumaneka esikithi ukuba zijongwe.

16. IIMALI NEENDLEKO EZIHLAWULWAYO

Umgcini wesikithi kufuneka -

- (a) ahlawulise umnini wesilwanyana esithinjiweyo iimali ezibekwa nguMasipala amaxesha ngamaxesha njengoko kubekiwe kwicandelo 75A likaRhulumente weNdawo: uMthetho weNdlela zokuSebenza zikaMasipala (Local Government: Municipal Systems Act) ka-2000 (UMthetho wama-32 ka-2000); yaye
- (b) afumane kumnini wesi silwanyana iindleko zoko nakuphi ukuditshwa, unyango lwamayeza, ukutofa okanye olunye unyango olunokuba yimfuneko okanye olufunekayo ngokwalo Mthetho kamasipala okanye ngokuhambelana nawo nawuphi omnye umthetho;
- (c) afune zonke iindleko kunye neenkcitho ezifanelekileyo ngoko kuthinjwa.

17. UKUKHULULWA KWEZILWANYANA EZITHINJIWEYO

- (1) Umgcini wesikithi kufuneka akhulule isilwanyana esithinjiweyo ngoko nangoko asinike umnini waso irisithi, aze anike umnini lowo irisithi, emva kokuba loo mnini wesilwanyana-
 - (a) ebonise ubungqina bokuba ngumnini weso silwanyana; **WAZA**
 - (b) wahlawula iimali neendleko ezibekwe kwicandelo le-16.
- (2) Ukuba umnini wesilwanyana esithinjiweyo akakwazi kuhlawula iimali neendleko ekuthethwe ngazo kwicandelo le-16, umgcini wesikithi angasithengisa eso silwanyana ukwenzela ukubuyisa ezo mali okanye iindleko ezinokufanela ukuba zihlawulwe zize zihlawulwe ngokwenkqubo ebekiweyo.

18 UKUTHENGISWA KWEZILWANYANA

- (1) Ukuba umnini wesilwanyana esithinjiweyo akaphumeleli ukusibanga eso silwanyana aze/okanye ahlawule iimali ezibekiweyo afanele ukuzihlawula zingaphelanga iintsuku ezili-14 zokuthinjwa kwesilwanyana, umgcini wesikithi kufuneka -
 - (a) afake isicelo sokugunyaziswa kokuthengiswa kwesilwanyana eNkundleni; yaye
 - (b) kweso sicelo kuthethwe ngaso kumhlathana (a), anike iNkundla -

- (i) ingxelo efungelweyo, phakathi kwezinye izinto, eneenkcukacha ekuthethwe ngazo kwicandelwana (2); kunye
 - (ii) nobungqina bokuba ufake ingxelo kumnini ngokubekwe kwicandelwana (2).
- (2) Le ngxelo kuthethwe ngayo kwicandelwana (1)(b) kufuneka iquke-
- (a) iikopi zamaphepha avela kwirejista yasesikithi anokubhalwa okufanelekileyo ngokunxulumene nezo zilwanyana;
 - (b) iikopi zesaziso esikwicandelo 10(1)(a) kunye nazo zonke ezinye izaziso ezithunyelwe kumnini;
 - (c) ixabiso leemali kunye neendleko zokuthinjwa ezinokuba ngokwendlela ebekukrotyiswe ngayo nangokufaneleka kokuhlawulwa kazo ngokwalo Mthetho kamasipala;
- [3] Nokuba amaxabiso abekiweyo kwingxelo ekuthethwe ngayo kwicandelwana (1)(b) ayaxoxisa na okanye hayi, iNkundla kufuneka -
- (a) iyiphande ngokufutshane le nto;
 - (b) yenze imiyalelo eyibona ifanelekile yaye ingathathi cala, kuquka umyalelo -
 - (i) malunga neemali kunye neendleko; ngokunjalo
 - (ii) nenkqubo eza kulandelwa ngumgcini wesikithi ukuba ukuthengisa eso silwanyana akuvunywanga.

19. UMGGINI WESIKITHI AKANAKUZITHENGA IZILWANYANA EZITHINJIWEYO

Umgcini wesikithi, okanye usapho lwakhe, kungenjalo umhlobo osondeleleneyo naloo mgcini wesikithi, igosa likamasipala okanye ilungu lebhunga okanye umlingane walo womtshato akanakusithenga isilwanyana esithengiswa kwintengiso yasesikithi, nokuba uzithengela ngokwakhe okanye uthenga ngomnye umntu okanye ngokungqalileyo kungenjalo ngokumayana.

20. IZILWANYANA EZINGATHENGWANGA NGEMPUMELELO KWINTENGISO

Xa kunokwenzeka ukuba isilwanyana singathengiswa kwintengiso yasesidlangalaleni egunyazisiweyo ngokwale ndlela ibekwe kwicandelo le-18 -

- (a) umgcini wesikithi makazise iNkundla nomnini wesilwanyana ngoko nangoko malunga nexabiso layo eliqikelelwayo kunye neemali ngokunjalo neendleko ezichithiweyo; yaye
- (b) iNkundla inokwenza umyalelo enokuwubona ulungile yaye ungathathi cala.

21. INGENISO

Yonke ingeniso eyenziwe ngokuqokelela iimali neendleko ekuthethwe ngazo kulo mthetho kamasipala mazi hlalulwe kwingxowa-mali yengeniso kaMasipala, ngokuxhomekeke ekubeni xa nasiphi isilwanyana esithinjiweyo sinokuthengiswa ngexabiso elingaphezulu kweemali neendleko ezichithiweyo, lo mali ingaphezulu iya kuhlawulwa umnini waso zingaphelanga iintsuku ezingama-30 emva kwintengiso, ngaphandle kokuba akafunyanwanga ukuba ngubani umnini waso,, kwimeko enjalo ke naloo mali igqithisileyo iya kuhlawulwa kwingxowa-mali yengeniso kaMasipala.

22. INKQUBO EMAYILANDELWE XA KUFakwa ISICELO ENKUNDLENI

Isicelo seNkundla masihambelane neenkqubo ezibekwe kuMthetho weNkundla kaMantyi (iMagistrate Court Act), ka-1944 (uMthetho wama-32 ka-1944), kunye nemiGaqo yeNkundla.

23. ISENZO SOKUBUYISELA IINDLEKO EZICHITHIWEYO

Kulo mthetho kamasipala akukho nto ithintela ukuba umnini womhlaba okanye nabani na osuka kwiziko elo ukuba aye kumangalela umnini wesilwanyana esingene endaweni ngaphandle kwemvume kuyo nayiphi inkundla efanelekileyo, esenzela ukufumana iindleko zomonakalo owenzeke ngenxa yoko kungena kweso silwanyana.

24. UKHUSELO KUMONAKALO

UMasipala, umgcini-sikithi kunye nalo naliphi igosa, umsebenzi, okanye iarhente kaMasipala elandela lo Mthetho kamasipala, akayi kuba naxanduva ngokufa okanye ukulimala kwaso nasiphi isilwanyana esilahlekileyo ngenxa yokuvalelwa kwaso, ukuthinjwa okanye ukukhululwa kwaso, okanye okwehle ngethuba sithinjiwe.

25. AMATYALA NEZOHLWAYO

Umntu -

(a) okhulula ozama ukukhulula isilwanyana ebesibanjwe ngokusemthethweni siza kuthinjwa okanye ebesithinjwe ngokusemthethweni;

(b) obamba ngokungekho mthethweni isilwanyana kuba efuna ukusithimba;

(c) othimba okanye azame ukuthimba isilwanyana ngokungekho mthethweni; kungenjalo

(d) owaphula nawuphi umgaqo walo Mthetho kamasipala, unetyala lokophula umthetho yaye ujongene nesigwebo -

(i) sentlawulo okanye ukuvalelwa entolongweni, okanye ibe zizo zombini intlawulo nokuvalelwa entolongweni; yaye

(ii) apho ikukophula umthetho okuqhubekayo, ajongane nentlawulo eyongezelelweyo okanye ithuba elongezelelweyo lokuvalelwa entolongweni, okanye ibe zizo zombini loo ntlawulo yongezelelweyo kunye nokuvalelwa entolongweni ngosuku ngalunye ekuqhutyekwa ngalo noko kophula umthetho; kunye

(iii) nexabiso elingaphezulu elilingana nazo naziphi iindleko nenkcitho ezifunyenwe yinkundla njengezichithwe ngumasipala ngenxa yoko kophulwa komthetho okanye ukungaphumeleli ukuwulandela.

26. ISHEDYULI YOKU-1 NEYESI-2

IShedyuli yoku-1 neyesi-2 zalo Mthetho kamasipala ziyinxalenye yalo Mthetho kamasipala.

27. UKUPHELELWA KOMTHETHO KAMASIPALA OKHOYO

Imigaqo yayo nayiphi imiThetho kamasipala ebibhengezwe ngumasipala okanye nguyeyi nawuphi koomasipala abayekisiweyo ngoku osele ephantsi kwalo Masipala, iyayekiswa ngokokunxulumana kwayo nemiba ekuthethwe ngayo kulo Mthetho kamasipala.

28 ISIHLOKO ESIFUTSHANE NOKUQALA UKUSEBENZA

Lo Mthetho kamasipala uya kubizwa ngokuba nguMthetho kaMasipala woMasipala waseWitzenberg omalunga neziKithi yaye uya kuqala ukusebenza emva kokupapashwa kwawo kwiGazethi yePhondo.

ISHEDYULI 1**IMIGAQO YOKUSEBENZA KAKUHLE EKUPHATHWENI NASEKUHANJISWENI KWEZILWANYANA
EZITHINJIWEKO ICANDELO 6(3)****INDAWO YOKU-I: IIMFUNO ZEDLELWANA**

1. Iintlobo ezahlukeneyo zezilwanyana mazigcinwe kumadlelwana ohlukeneyo.
2. Izilwanyana azinakubiyelwa kumadlelwana agcweleyo, yaye indawo ebiyelweyo elungiselelwe idlelwana ngalinye mayanele ukuvumela zonke izilwanyana ukuba zilale ngexesha elinye yaye akufunekanga ibe ngaphantsi kwezikwe-mitha eziyi-1,5 zendawo ephantsi yesilwanyana ngasinye.
3. Izilwanyana ezingalawulekiyo mazingagcinwa nezinye izilwanyana.
4. Izilwanyana ezisezincinci, ezilunyulweyo nezisezitsha, azinakubiyelwa nezilwanyana ezidala, ngaphandle kokuba ngumama nethole.
5. Makulungiselelwe amadlelwana -
 - (a) ezakhiwo ezifana namanqwanqwana ezityela kuwo izilwanyana, izitya zokutyela izilwanyana ezimile okwezikhephe okanye ezinye iindawo ezifanelekileyo zokudlisa izilwanyana ekulula ukuzicoca, neziya kwenza ukuba kube lula ukuba izilwanyana zityele phantsi, nezinokulungiswa zingaphazanyiswa izilwanyana;
 - (b) izitya zokuseza izilwanyana ezimile okwesikhephe nezinamanzi acocekileyo nawoneleyo ngawo onke amaxesha;
 - (c) izixhobo ezaneleyo zokucocwa kwamadlelwana; kunye
 - (d) nezixhobo zokuphathwa kakuhle kwezilwanyana.
6.
 - a) Amadlelo kufuneka ahlale elungiswa abe kwimeko elungileyo ngawo onke amaxesha.
 - (b) Iindawo ezibukhali ezifana nokuphela kcingo, iibhodi ezophukileyo, iziphelo ezirhabaxa okanye izinto ezixhonyiweyo okanye iibholithi eziphokelayo, nezinokubangela ukulimala kwezilwanyana, mazisuswe kungenjalo zogqunywe. ngokufanelekileyo.
7. Indawo ephantsi kwidlelwana lonke, kuquka iindawo zokothulela, iindawo zemidyarho, neepaseji, mazakhiwe zize zibe neendawo ezaneleyo ezingatyibilikisiyo nezinokucocwa kakuhle nangokufanelekileyo zize zigcinwe zomile yaye zibe kwimeko elungele ukugcina izilwanyana.

INDAWO YESI-II: UKUPHATHWA KWEZILWANYANA

8. Izilwanyana mazisoloko ziphathwa ngendlela enobuntu nangomonde nonyamezelo.
9. Makucingwe ngezi zinto zilandelayo xa kuphathwa izilwanyana -
 - (a) izilwanyana ziqhubeka lula xa umqhubi wazo esima emva kwesilwanyana kodwa kumgama wokuba azibone; yaye

- (b) izilwanyana ezisemhlambini ziqhubeka lula xa ziqhutywa njengeqela kunokuba ziqhutywe ngasinye ngasinye.
10. Izilwanyana azinakurhuqwa ngamanqina, okanye zitsalwe ngentloko, iindlebe okanye umsila.
11. Amankonyana makaphakanyiswe ukuba akakwazi kuhamba ngokulula, ngokuphakamisa inkonyane ujikelisa izandla esifubeni nakumanqina angemva, kungenjalo makakhokelwe ngokuba kubekho isandla esikumanqina angasemva size esinye sibe kufuphi namagxa okanye intamo, size sihanjiselwe kweli cala lifunekayo ngesantya esifanelekileyo nesililungeleyo.
12. Ziintongana ezogqunywe ngelaphu leseyle okanye izabhokhwe ezinokusetyenziswa xa kuqhutywa izilwanyana yaye kungcono ukubetha phantsi emva kwesilwanyana endaweni yokubetha kwisilwanyana eso.
13. Iintonga zombane, iintonga okanye iintonga ezitsolo azinakusetyenziswa kumathole amancinci.
14. Iintonga zombane azinakusetyenziswa ngokugqithisileyo okanye ngendlela engabonakalisi nkathalo kungenjalo zisetyenziswe ebusweni, ezimpundu okanye kwiindawo zamalungu obuni ezilwanyana.

INDAWO YESI-III: UKUQHUTYWA KWEZILWANYANA

15. Izilwanyana eziqhutywa zihamba ngeenyawo mazisoloko ziphantsi kweliso lomntu ofanelekileyo nonolwazi ngazo.
16. Izilwanyana ezihamba ngeenyawo maziqhutywe ngendlela ezolileyo ngesantya sokuhamba esipholileyo nesifanelekileyo, esisifaneleyo eso silwanyana, nesiingakhawuleziyo kunesantya sesona silwanyana sicothayo.
17. Izilwanyana azinakuqhutywa ithuba elingaphezu kweeyure ezili-10 zingakhange zinikwe kuphumla kobuncinane beyure enye zize zinikwe namanzi acocekileyo oneleyo naza kufunyanwa zizo zonke izilwanyana.
18. Akukho silwanyana zihamba ngeenyawo sinokuhanjiswa umgama ongaphezu kwale ilandelayo -

Ngethuba lohambo olungekho ngaphezu kolosuku olunye -

- (a) (i) iikhilomitha ezingama-20 ezigusheni nasezibhokhweni; kunye
- (ii) neekhilomitha ezingama-30 ezinkomeni; yaye
- (b) ngethuba lohambo olungaphezu koluthatha usuku olunye -
- (i) iikhilomitha ezingama-20 ngosuku lokuqala kunye neekhilomitha ezili-15 ngosuku ngalunye kwiintsuku ezilandelayo ezigusheni nasezibhokhweni; kunye
- (ii) neekhilomitha ezingama-25 ngosuku lokuqala kunye nezingama-20 kusuku ngalunye kwezilandelayo ezinkomeni.

19. Izilwanyana mazisezwe zityiswe ngoko nangoko zakufika kwiindawo eziza kuchitha ubusuku kuyo okanye eyona ndawo ziya kuyo, zinikwe ukutya okwaneleyo okusemgangathweni nokuluhlobo oluhambelana nolo hlobo lwesilwanyana.
20. Izilwanyana azinakuhanjiswa ebusuku.
21. Akukho silwanyana sigulayo, silimeleyo okanye sinomenzakalo ongenakunyangeka esinokuhanjiswa ngeempuphu (ngeenyawo).

INDAWO YESI-IV: IZITHUTHI EZISETYENZISELWA UKUHAMBISA IZILWANYANA

22. Izithuthi nazo zonke izikhoji (iitreyla) ezisetyenziselwa ukuhambisa izilwanyana ezineempuphu mazikufanele ukuhambisa ezo zilwanyana yaye zikufanele ukuba sendleleni.
23. Zonke izithuthi nezikhoji ekuthethwe ngazo kwindawana 22 mazibe nje ukwenzela ukuqinisekisa -
 - (a) ngomgangatho waphantsi ongatyibilikisiyo, ukungena okwaneleyo komoya nokukhanya kunye nokhuseleko olwaneleyo kwiigesi eziphuma ngasemva ezimotweni;
 - (b) iindonga ezisemacaleni mazibe nde ngokwaneleyo ukuthintela ukuba izilwanyana zingatsibi okanye ziwe esithuthini kwizithuthi ezinezikhotshi ngezikhotshi, ubude phakathi kwemiphezulu mabube bobaneleyo yaye phantsi kuqine kungawafunxi amanzi;
 - (c) neegeyithi, ezinezahlulo okanye ezingenazo -
 - (i) eziyilwe zakhiwa ngendlela eyomelele ngokwaneleyo nezifanele ukuhanjiswa kwezo zilwanyana zihanjiswayo; yaye
 - (ii) zivuleke zikwavaleka lula yaye zikwazi ukuvaleka ngci.
24. Ukuxinana kwezilwanyana ezifakwe kuso nasiphi isithuba mabube ngendlela eqinisekisa ukukhuseleka nokuphatheka kakuhle kwezo zilwanyana ngethuba lohambo, yaye isithuba sendawo ephantsi esicetyiswayo kwisilwanyana ngasinye sesi -
 - (a) ibe zizikwe-mitha eziyi-1,4 kwisilwanyana ngasinye esikhulu; kunye
 - (b) nezikwe-mitha eziyi-0,5 kwisilwanyana ngasinye esincinci.

INDAWO YESI-V: UKUSEZWA NOKUTYISWA KWEZILWANYANA EZIPHILAYO PHAMBI KOKUBA ZIKHWELISWE ESITHUTHINI

25. Izilwanyana mazinikwe ukutya namanzi acocekileyo oneleyo nafanelekileyo lude luqalise uhambo.

INDAWO YESI-VI: INDLELA YOKUKHWELISWA NOKOTHULWA

26. Ukukhweliswa nokothulwa kwezilwanyana esithuthini makwenziwe ngendlela ethule nezole kangangoko, ngomonde nonyamezelo kungekho kuxhaphaza, ukoyikisa izilwanyana,

- ukuzenza zikrentseke, ukuzilimaza, ukuzinika ukuzingcikiveka okanye uxinzelelo olungeyomfuneko.
27. Akukho silwanyana sinokukhweliswa okanye sothulwe ngokutsalwa ngentloko, uboya, isikhumba, iindlebe, imisila, iimpondo, okanye amanqina.
 28. Amaqonga makalungelelaniswe ngokuchanekileyo nomphakamo wendawo yaphantsi yesithuthi.
 29. Ihambo maziqale ngoko nangoko emva kokuba izilwanyana eziphilayo zikhwelisiwe yaye izilwanyana kufuneka zehliswe kwangoko xa zifika kuloo ndawo ziya kuyo.
 30. Apho kukho isizathu sokukholelwa ukuba isilwanyana sisenokuzala kolu hambo lucetywayo, isilwanyana eso asinakukhweliswa kweso sithuthi.
 31. Xa isilwanyana sizala ngethuba sihanjiswa, makuthathwe amanyathelo ayimfuneko okuqinisekisa ngokhuseleko lukanina nethole ukuze zinganyathelwa kungenjalo zilinyazwe okanye ziphathwe kakubi zezinye izilwanyana.
 32. Xa kunokwenzeka ukuba -
 - (a) kophuke isithuthi esihambisa izilwanyana;
 - (b) kwenzeke ingozi okanye kungqubane izithuthi kukho nesi sithwele izilwanyana; kungenjalo
 - (c) kulimale, okanye kufe, nasiphi isilwanyana esikhwelisiweyo, umqhubi osilayishileyo makanike ingxelo yeenkcukacha, aze acele uncedo -
 - (d) kwinkonzo yezithuthi ezophukileyo, kwimeko yomhlathi (a);
 - (ii) amaPolisa oMzantsi Afrika namagosa ezendlela, kwimeko yomhlathi (b); okanye
 - (iii) ugqirha wezilwanyana, kwimeko yomhlathi (c).

INDAWO YESI-VII: UKUBOTSHWA KWEZILWANYANA NGETHUBA LOKUHANJISWA KWAZO

33. Apho isithuthi saso nasiphi isilwanyana singabangela ukuba sizilimaze okanye silimaze ezinye izilwanyana, kufuneka sibotshwe ngendlela eya kuthintela oko kulimala.
34. Akukho silwanyana sinokugcinwa sibotshiwe ngaphezu kweeyure ezi-4 kwithuba leeyure ezingama-24.
35. Akunakusetyenziswa ucingo okanye ithwayini ukubopha imilenze namanqina esilwanyana.
36. Ukuthintela ukukhameka okanye ukophuka iintamo, akunakusetyenziswa iqhina elikhululeka ngokutsalwa ukubophelela iimpondo okanye intamo esithuthini, yaye intambo mayibotshelwe kwinqanaba ledolo lesilwanyana ukwenzela ukuba xa sinokuwa eso silwanyana, kunciphe amathuba okwenzakala kakhulu kweso silwanyana, intambo ibe nde ngokwaneleyo ukuvumela eso silwanyana silale phantsi ngendlela esiqhele ukulala ngayo, siphakamise intloko.

ISHEDYULI 2**IINKCUKACHA ZEREJISTA YASESIKITHI (ICandelo le-9)**

Irejista yasesikithi kufuneka, ubuncinane ibe nazo ezi nkcukacha zilandelayo - **INDAWO YOKU-I**

1. Umhla wokufunyanwa kwesilwanyana
2. Inani nengcaciso yezilwanyana
3. Amaphawu asesilwanyaneni, iinkcukacha zako nakuphi ukugula okanye ukulimala
4. Igama nedilesi yomntu obambe isilwanyana
5. Igama nedilesi yomntu ozise isilwanyana esikithi
6. Igama nedilesi yomnini womhlaba esibanjwe kuwo isilwanyana
7. Igama nedilesi yomnini wesilwanyana ukuba ziyafumaneka
8. Ingcaciso yendawo yendawo esifunyenwe kuyo isilwanyana
9. Umgama phakathi kwendawo esibanjwe kuyo isilwanyana kunye nesikithi

INDAWO YESI-II:

11. Inamba yethegi esendlebeni enikwe ngumgcini wesikithi
12. Imali zokuhanjiswa kwaso ezifuna ukuhlawulwa
13. Ingcaciso nexabiso leemali zokuthinjwa
14. Iinkcukacha zokutshatyalaliswa okanye ukulahlwa kweso silwanyana
15. Unobangela wokufa okanye ukulimala kwesilwanyana esithinjiweyo
16. Umhla wokukhutshwa kwesilwanyana
17. Umhla wokuthengiswa kwesilwanyana
18. Ingeniso yokuthengiswa kwesilwanyana
19. Igama nedilesi yomthengi
20. Imali eseleyo (ukuba ikhona) ehlawulwe umnini okanye umasipala
21. Inamba yesisithi
22. Iinkcukacha zoMyalelo weNkundla ngokunxulumene nesilwanyana esingathengiswanga ngokwemfuneko

**BEAUFORT WEST MUNICIPALITY****NOTICE NO. 72 /2015****BY-LAW ON MUNICIPAL LAND USE PLANNING FOR BEAUFORT WEST MUNICIPALITY****To regulate and control municipal land use planning.**

The Council of the Municipality of Beaufort West published the sub-joined by-law relating to the Municipal Land Use Planning for Beaufort West Municipality for general notice.

BY-LAW ON MUNICIPAL LAND USE PLANNING FOR BEAUFORT WEST MUNICIPALITY

WHEREAS the Municipality of Beaufort West is vested with legislative authority in terms of the Constitution of the Republic of South Africa, 1996, (Act 108 of 1996).

Be it therefore enacted by the Municipality of Beaufort West as follows:-

ARRANGEMENT OF SECTIONS AND SCHEDULES**CHAPTER I
INTERPRETATION AND APPLICATION**

1. Definitions
2. Application of By-law

**CHAPTER II
SPATIAL PLANNING**

3. Compilation or amendment of municipal spatial development framework
4. Establishment of project committee
5. Establishment of intergovernmental steering committee
6. Procedure with intergovernmental steering committee
7. Procedure without intergovernmental steering committee
8. Functions and duties
9. Local spatial development frameworks
10. Compilation, adoption, amendment or review of local spatial development frameworks
11. Status of local spatial development frameworks
12. Structure plans

**CHAPTER III
DEVELOPMENT MANAGEMENT**

13. Determination of zoning
14. Non-conforming uses
15. Land development requiring approval
16. Continuation of application after change of ownership
17. Rezoning of land
18. Departures
19. Consent uses
20. Subdivision
21. Confirmation of subdivision



22. Lapsing of subdivision
23. Amendment or cancellation of subdivision plan
24. Exemption of certain subdivisions and consolidations
25. Ownership of public places and land for municipal engineering services and social facilities
26. Closure of public places
27. Services arising from subdivision
28. Certification by Municipality
29. Owners' associations
30. Owners' associations that cease to function
31. Consolidation of land units
32. Lapsing of consolidation
33. Removal, suspension or amendment of restrictive conditions
34. Endorsements in connection with removal, suspension or amendment of restrictive conditions

CHAPTER IV APPLICATION PROCEDURES

35. Manner and date of notification
36. Procedures for applications
37. Pre-application consultation
38. Information required
39. Application fees
40. Grounds for refusing to accept application
41. Receipt of application and commencement of application process
42. Provision of additional information or documents
43. Withdrawal of application or power of attorney
44. Public notice in accordance with other laws and integrated procedures
45. Publication of notices
46. Serving of notices
47. Contents of notice
48. Other methods of public notice
49. Requirements for petitions
50. Requirements for submission of comments
51. Intergovernmental participation process
52. Amendments before approval
53. Further public notice
54. Liability for cost of notice
55. Right of applicant to reply
56. Written assessment of application
57. Decision-making period
58. Failure to act within period
59. Powers to conduct routine inspections
60. Decisions on application
61. Notification and coming into operation of decision
62. Duties of agent
63. Errors and omissions
64. Exemptions to facilitate expedited procedures

CHAPTER V CRITERIA FOR DECISION-MAKING

- 65. General criteria for consideration of applications
- 66. Conditions of approval

CHAPTER VI

EXTENSION OF VALIDITY PERIOD OF APPROVALS

- 67. Applications for extension of validity period

CHAPTER VII MUNICIPAL PLANNING DECISION-MAKING STRUCTURES

- 68. Municipal planning decision-making structures
- 69. Consideration of applications
- 70. Establishment of Tribunal
- 71. Composition of Tribunal for municipal area
- 72. Process for appointment of members for Tribunal for municipal area
- 73. Term of office and conditions of service of members of Tribunal for municipal area
- 74. Disqualification from membership of Tribunal
- 75. Meetings of Tribunal for municipal area
- 76. Code of conduct for members of Tribunal for municipal area
- 77. Administrator for Tribunal for municipal area
- 78. Functioning of Tribunal for municipal area
- 79. Appeals
- 80. Procedures for appeal
- 81. Consideration by Appeal Authority

CHAPTER VIII PROVISION OF ENGINEERING SERVICES

- 82. Responsibility for provision of engineering services
- 83. Development charges
- 84. Land for parks, open spaces and other uses

CHAPTER IX ENFORCEMENT

- 85. Enforcement
- 86. Offences and penalties
- 87. Serving of compliance notices
- 88. Contents of compliance notice
- 89. Objections to compliance notice
- 90. Failure to comply with compliance notice
- 91. Compliance certificates
- 92. Urgent matters
- 93. General powers and functions of authorised employees
- 94. Powers of entry, search and seizure
- 95. Warrant of entry for enforcement purposes
- 96. Regard to decency and order
- 97. Enforcement litigation

**CHAPTER X
MISCELLANEOUS**

- 98. Naming and numbering of streets
- 99. Repeal
- 100. Short title and commencement

**SCHEDULE 1
CODE OF CONDUCT FOR MEMBERS OF TRIBUNAL**

**SCHEDULE 2
BY-LAWS REPEALED BY SECTION 99**

CHAPTER I

INTERPRETATION AND APPLICATION

Definitions

1. In this By-law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), has the meaning assigned to it in that Act and—

“adopt”, in relation to a spatial development framework, zoning scheme, policy or strategy, means the approval thereof by a competent authority;

“agent” means a person authorised in terms of a power of attorney to make an application on behalf of the owner of land;

“Appeal Authority” means the Appeal Authority contemplated in section 79(1);

“applicable period”, referred to in sections 17(5) and (6), 18(2), 19(5), 22(1) and 32(1), means the period that may be determined by the Municipality in the conditions of approval subject to section 43(2)(b) of the Spatial Planning and Land Use Management Act or the period referred to in section 43(2)(a) of the Spatial Planning and Land Use Management Act;

“applicant” means a person referred to in section 15(2) who makes an application to the Municipality as contemplated in that section;

“application” means an application to the Municipality referred to in section 15(2);

“authorised employee” means a municipal employee who is authorised in terms of delegated or sub-delegated authority by the Municipality to exercise a power or perform a duty in terms of this By-law or to inspect land and buildings in order to enforce compliance with this By-law or the zoning scheme;

“base zoning” means the zoning before the application of any overlay zone;

“comments”, in relation to comments submitted by the public, municipal departments and other organs of state and service providers on an application or appeal, includes objections, representations and petitions;

“consolidation” in relation to land, means the merging of two or more adjacent land units into a single land unit, and includes the physical preparation of land for consolidation;

“Council” means the municipal council of the Municipality;

“date of notification” means the date on which a notice is served as contemplated in section 35 or published in the media or *Provincial Gazette*;

“development charge” means a development charge contemplated in section 83 as levied by the Municipality;

“emergency” includes a situation that arises from a flood, strong wind, severe rainstorm, fire, earthquake or industrial accident and that requires the relocation of human settlements;

“external engineering service” means an engineering service outside the boundaries of a land area referred to in an application and that is necessary for the utilisation and development of the land;

“Land Use Planning Act” means the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014);

“local spatial development framework” means a local spatial development framework contemplated in section 9;

“Municipal Manager” means the municipal manager of the Municipality;

“municipal spatial development framework” means a municipal spatial development framework adopted by the Municipality in terms of Chapter 5 of the Municipal Systems Act;

“Municipality” means the municipality of Beaufort West established by Establishment Notice PN694/2000 in *Provincial Gazette* 5645 of 04 December 2000 issued in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and where the context so requires, includes—

- (a) the Council;
- (b) another political structure or a political office bearer of the Municipality, authorised or delegated to perform a function or exercise a power in terms of this By-Law;
- (c) the Tribunal authorised or delegated to perform a function or exercise a power in terms of this By-Law;
- (d) the Municipal Manager; and
- (e) an authorised employee.

“non-conforming use” means an existing land use that was lawful in terms of a previous zoning scheme but that does not comply with the zoning scheme in force;

“occasional use”, in relation to departure, means a right to utilise land for a purpose granted on a temporary basis for a specific occasion or event;

“overlay zone” means a category of zoning that applies to land or a land unit in addition to the base zoning and that—

- (a) stipulates additional development parameters or use rights that may be more or less restrictive than the base zoning; and
- (b) may include provisions and development parameters relating to—
 - (i) primary or consent uses;
 - (ii) base zoning;
 - (iii) subdivision or sub divisional areas;

- (iv) development incentives;
- (v) density limitations;
- (vi) urban form or urban renewal;
- (vii) heritage or environmental protection;
- (viii) management of the urban edge;
- (ix) scenic drives or local areas;
- (x) coastal setbacks (where coastlines are involved); or
- (xi) any other purpose as set out in the zoning scheme;

“owners’ association” means an owners’ association contemplated in section 29;

“pre-application consultation” means a consultation contemplated in section 37;

“restrictive condition” means any condition registered against the title deed of land restricting the use, development or subdivision of the land concerned;

“service” means a service provided by the Municipality, any other organ of state or a service provider, including services for the provision of water, sewerage, electricity, refuse removal, roads, storm-water drainage, and includes infrastructure, systems and processes related to the service;

“site development plan” means a dimensioned plan drawn to scale that indicates details of the proposed land development, including the site layout, positioning of buildings and structures, property access, building designs and landscaping;

“social infrastructure” means community facilities, services and networks that meet social needs and enhance community well-being;

“Spatial Planning and Land Use Management Act” means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013);

“Spatial Planning and Land Use Management Regulations” means the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015 made under the Spatial Planning and Land Use Management Act published under Notice R239/2015 in *Government Gazette* 38594 of 23 March 2015;

“subdivisional area” means an overlay zone that permits subdivision for the purposes of a subdivision application involving a change of zoning;

“Tribunal” means the Municipal Planning Tribunal established in terms of section 70.

Application of By-law

2. This By-law applies to all land situated within the municipal area, including land owned by organs of state.

CHAPTER II

SPATIAL PLANNING

Compilation or amendment of municipal spatial development framework

3. (1) When the Council compiles or amends its municipal spatial development framework in accordance with the Municipal Systems Act, the Council must, as contemplated in section 11 of the Land Use Planning Act—
- (a) establish an intergovernmental steering committee to compile or amend its municipal spatial development framework; or
 - (b) refer its draft municipal spatial development framework or draft amendment of its municipal spatial development framework to the Provincial Minister for comment.
- (2) The Municipality must—
- (a) publish a notice in two of the official languages of the Province most spoken in the area in two newspapers circulating in the area concerned of—
 - (i) the intention to compile or amend the municipal spatial development framework; and
 - (ii) the process to be followed, in accordance with section 28(3) and 29 of the Municipal Systems Act;
 - (b) inform the Provincial Minister in writing of—
 - (i) the intention to compile or amend the municipal spatial development framework;
 - (ii) its decision in terms of subsection (1)(a) or (b); and
 - (iii) the process to be followed to compile or amend the municipal spatial development framework, including the process contemplated in subsection (2)(a)(ii); and
 - (c) register relevant stakeholders, who must be invited to comment on the draft municipal spatial development framework or draft amendment of the municipal spatial development framework as part of the process contemplated in subsection (2)(a)(ii).

Establishment of project committee

4. (1) The Municipality must establish a project committee to compile or amend its municipal spatial development framework.
- (2) The project committee must consist of—
- (a) the Municipal Manager or a municipal employee designated by the municipal manager; and
 - (b) municipal employees appointed by the Municipal Manager from at least the following municipal departments:

- (i) the integrated development planning office;
- (ii) the spatial planning department;
- (iii) the engineering department;
- (iv) the local economic development department; and
- (v) the housing department.

Establishment of intergovernmental steering committee

5. If the Council establishes an intergovernmental steering committee, the Municipality must, in writing, invite written nominations for representatives to serve on the intergovernmental steering committee from the following persons or organs of state:
- (a) the head of the provincial department responsible for land use planning;
 - (b) the head of the provincial department responsible for environmental affairs; and
 - (c) other relevant organs of state.

Procedure with intergovernmental steering committee

6. (1) If the Council establishes an intergovernmental steering committee, the project committee must compile a draft *status quo* report setting out an assessment of the existing levels of development and development challenges in the municipal area and must submit it to the intergovernmental steering committee for comment.
- (2) After consideration of the comments of the intergovernmental steering committee, the project committee must finalise the *status quo* report and submit it to the Council for adoption.
- (3) After finalising the *status quo* report the project committee must compile a first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework and submit it to the intergovernmental steering committee for comment.
- (4) After consideration of the comments of the intergovernmental steering committee, the project committee must finalise the first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework and submit it to the Council to approve the publication thereof for public comment in accordance with the process adopted in terms of sections 28 and 29 of the Municipal Systems Act.
- (5) After consideration of the comments and representations received by virtue of the publication contemplated in subsection (4), the project committee must compile a final draft of the municipal spatial development framework or final draft of the amendment of the

municipal spatial development framework and submit it to the intergovernmental steering committee for comment.

- (6) After consideration of the comments of the intergovernmental steering committee contemplated in subsection (5), the project committee must finalise the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework and submit it to the Council for adoption.
- (7) If the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework contemplated in subsection (6) is materially different to what was published in terms of subsection (4), the Municipality must in accordance with subsections (4), (5) and (6) read with the necessary changes, follow a further consultation and public participation process before the municipal spatial development framework or amendment of the municipal spatial development framework is adopted by the Council.
- (8) The Council or the project committee may at any time in the process of compiling a municipal spatial development framework or drafting an amendment of the spatial development framework request comments from the intergovernmental steering committee.
- (9) The Council must adopt the final draft municipal spatial development framework or final draft amendment of the municipal spatial development framework, with or without amendments and must within 14 days of its decision give notice of its decision in the media and the *Provincial Gazette*.

Procedure without intergovernmental steering committee

7. (1) If the Council does not establish an intergovernmental steering committee to compile or amend its municipal spatial development framework, the project committee must—
 - (a) compile a draft *status quo* report setting out an assessment of the existing levels of development and development challenges in the municipal area and submit it to the Council for adoption;
 - (b) after adoption of the *status quo* report, compile a first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework and submit it to the Council to approve the publication thereof for public comment;
 - (c) after approval of the first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework for publication contemplated in paragraph (b), submit the first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework to the Provincial Minister for comment in terms of section 13 of the Land Use Planning Act; and

- (d) after consideration of the comments and representations received from the public and the Provincial Minister, submit the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework, with any further amendments, to the Council for adoption.
- (2) If the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework contemplated in subsection (1) is materially different to what was published in terms of subsection (1)(b), the Municipality must follow a further consultation and public participation process before the municipal spatial development framework or amendment of the municipal spatial development framework is adopted by the Council.
- (3) The Council must adopt the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework, with or without amendments, and must within 14 days of its decision give notice of its decision in the media and the *Provincial Gazette*.

Functions and duties

- 8.
 - (1) The members of the project committee must, in accordance with the directions of the Council.
 - (a) oversee the compilation of the municipal spatial development framework or drafting of an amendment of the municipal spatial development framework for adoption by the Council;
 - (b) provide technical knowledge and expertise to the Council;
 - (c) ensure that the compilation of the municipal spatial development framework or drafting of the amendment of the municipal spatial development framework is progressing according to the process contemplated in section 3(2)(a)(ii);
 - (d) guide the public participation process and ensure that the registered stakeholders remain informed;
 - (e) oversee the incorporation of amendments to the draft municipal spatial development framework or draft amendment of the municipal spatial development framework based on the consideration of the comments received during the process of drafting thereof;
 - (f) oversee the drafting of—
 - (i) a report in terms of section 14 of the Land Use Planning Act setting out the response of the

Municipality to the provincial comments issued in terms of section 12(4) or 13(2) of that Act; and

(ii) a statement setting out—

(aa) whether the Municipality has implemented the policies and objectives issued by the national minister responsible for spatial planning and land use management and if so, how and to what extent the Municipality has implemented it; or

(bb) if the municipality has not implemented the policies and objectives, the reasons for not implementing it.

(g) ensure alignment of the municipal spatial development framework with the development plans and strategies of other affected municipalities and other organs of state as contemplated in section 24(1) of the Municipal Systems Act;

(h) facilitate the integration of other sector plans into the municipal spatial development framework; and

(i) if the Council establishes an intergovernmental steering committee—

(i) assist the Council in establishing the intergovernmental steering committee and adhering to timeframes; and

(ii) ensure the flow of information between the projectcommittee and the intergovernmental steering committee.

(2) The members of the intergovernmental steering committee must—

(a) provide the intergovernmental steering committee with the following:

(i) technical knowledge and expertise;

(ii) input on outstanding information that is required to compile the municipal spatial development framework or draft an amendment thereof;

(iii) information on budgetary allocations;

(iv) information on and the locality of any current or planned projects that have an impact on the municipal area; and

(v) written comments in terms of section 6; and

(b) provide the project committee with written comments in terms of section 6.

Local spatial development frameworks

9. (1) The Municipality may adopt a local spatial development framework for a specific geographical area in a part of the municipal area.
- (2) The purpose of a local spatial development framework is to, for a specific geographical area—
- (a) provide detailed spatial planning guidelines;
 - (b) provide more detail in respect of a proposal provided for in the municipal spatial development framework;
 - (c) meet specific land use planning needs;
 - (d) provide detailed policy and development parameters for land use planning;
 - (e) provide detailed priorities in relation to land use planning and, in so far as they are linked to land use planning, biodiversity and environmental issues; and
 - (f) guide decision-making on land use applications.

Compilation, adoption, amendment or review of local spatial development frameworks

10. (1) If the Municipality compiles, amends or reviews a local spatial development framework, it must adopt a process plan, including the public participation processes to be followed for the compilation, amendment, review or adoption of a local spatial development framework.
- (2) The Municipality must, within 21 days of adopting a local spatial development framework or an amendment of a local spatial development framework, publish a notice of the decision in the media and the *Provincial Gazette*.

Status of local spatial development frameworks

11. (1) A local spatial development framework or an amendment thereof comes into operation on the date of publication of the notice contemplated in section 10(2).
- (2) A local spatial development framework guides and informs decisions made by the Municipality relating to land development, but it does not confer or take away rights.

Structure plans

12. (1) If the Municipality intends to convert a structure plan to a local spatial development framework, the Municipality must comply with sections 9 to 11 and must—
- (a) review that structure plan and make it consistent with the purpose of a local spatial development framework contemplated in section 9(2); and

- (b) incorporate the provisions of the structure plan that are consistent with that purpose in the local spatial development framework.
- (2) The Municipality must, in terms of section 16(4) of the Land Use Planning Act, withdraw the relevant structure plan by notice in the *Provincial Gazette* when it adopts a local spatial development framework contemplated in subsection (1).

CHAPTER III

DEVELOPMENT MANAGEMENT

Determination of zoning

- 13.
- (1) The owner of land or his or her agent may apply in terms of section 15(2) to the Municipality for the determination of a zoning for land referred to in section 34(1), (2) or (3) of the Land Use Planning Act.
 - (2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:
 - (a) the lawful utilisation of the land, or the purpose for which it could be lawfully utilised immediately before the commencement of the Land Use Planning Act if it can be determined;
 - (b) the zoning, if any, that is most compatible with that utilisation or purpose and any applicable title deed condition;
 - (c) any departure or consent use that may be required in conjunction with that zoning;
 - (d) in the case of land that was vacant immediately before the commencement of the Land Use Planning Act, the utilisation that is permitted in terms of the title deed conditions or, where more than one land use is so permitted, one of such land uses determined by the Municipality; and
 - (e) where the lawful utilisation of the land and the purpose for which it could be lawfully utilised immediately before the commencement of the Land Use Planning Act cannot be determined, the zoning that is the most desirable and compatible with any applicable title deed condition, together with any departure or consent use that may be required.
 - (3) If the lawful zoning of land contemplated in subsection (1) cannot be determined, the Municipality must determine a zoning and serve notice of its intention in terms of section 46.
 - (4) A land use that commenced unlawfully, whether before or after the commencement of this By-law, may not be considered to be lawful.

Non-conforming uses

- 14.
- (1) A non-conforming use does not constitute an offence in terms of this By-law.

- (2) A non-conforming use may continue as long as it remains otherwise lawful, subject to the following:
 - (a) if the non-conforming use is ceased for any reason for a period of more than twenty-four consecutive months, any subsequent utilisation of the property must comply with this By-law and the zoning scheme, with or without departures;
 - (b) an appropriate application contemplated in section 15(2) must be made for the alteration or extension of buildings or structures in respect of the non-conforming use;
 - (c) the owner bears the onus of proving that the non-conforming use right exists; and
 - (d) the use right is limited to the area of the building or land in respect of which the proven use right exists.
- (3) Subject to subsection (2)(a) and (b), if an existing building that constitutes a non-conforming use is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building, the Municipality may grant permission for the reconstruction of such building subject to conditions.

Land development requiring approval

- 15. (1) No person may commence, continue, or cause the commencement or continuation of, land development, other than the subdivision or consolidation of land referred to in section 24, without the approval of the Municipality in terms of subsection (2).
- (2) The owner of land or his or her agent may apply to the Municipality in terms of this Chapter and Chapter IV for the following in relation to the development of the land concerned:
 - (a) a rezoning of land;
 - (b) a permanent departure from the development parameters of the zoning scheme;
 - (c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;
 - (d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;
 - (e) a consolidation of land that is not exempted in terms of section 24;
 - (f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;
 - (g) a permission required in terms of the zoning scheme;
 - (h) an amendment, deletion or imposition of conditions in respect of an existing approval;
 - (i) an extension of the validity period of an approval;

- (j) an approval of an overlay zone as contemplated in the zoning scheme;
 - (k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram ;
 - (l) a permission required in terms of a condition of approval;
 - (m) a determination of a zoning;
 - (n) a closure of a public place or part thereof;
 - (o) a consent use contemplated in the zoning scheme;
 - (p) an occasional use of land;
 - (q) to disestablish a home owner's association;
 - (r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;
 - (s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.
- (3) If section 53 of the Land Use Planning Act is applicable to the land development, the owner or agent must also apply for approval of the land development in terms of that Act.
 - (4) If section 52 of the Spatial Planning and Land Use Management Act is applicable to the land development, the owner or agent must also apply for approval of the land development in terms of that Act.
 - (5) When an applicant or owner exercises a use right granted in terms of an approval, he or she must comply with the conditions of the approval and the applicable provisions of the zoning scheme.
 - (6) When the Municipality on its own initiative intends to conduct land development or an activity contemplated in subsection (2), the decision on the application must be made by the Tribunal in accordance with this Chapter and Chapter IV and no official may be authorised to make such a decision.

Continuation of application after change of ownership

- 16.** If land that is the subject of an application is transferred to a new owner, the new owner may continue with the application as the successor in title to the previous owner and the new owner is regarded as the applicant for the purposes of this By-law.

Rezoning of land

- 17.** (1) The Municipality may, on its own initiative, rezone land of which it is not the owner to—
- (a) provide a public service or to provide a public recreational space; or

- (b) substitute a zoning scheme or part thereof for a zoning scheme in terms of which the land is not zoned in accordance with the utilisation thereof or existing use rights.
- (2) An applicant, who wishes land to be rezoned, must submit an application to the Municipality in terms of section 15(2).
- (3) When the Municipality creates an overlay zone for land it must comply with sections 12 and 13 of the Municipal Systems Act.
- (4) Zoning may be made applicable to a land unit or part thereof and zoning need not follow cadastral boundaries.
- (5) Subject to subsection (6), a rezoning approval contemplated in subsection (2) lapses after the applicable period from the date that the approval comes into operation if, within that period—
 - (a) the zoning is not utilised in accordance with the approval; or
 - (b) the following requirements have not been met:
 - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
 - (ii) commencement of the construction of the building contemplated in subparagraph (i).
- (6) An approval of a rezoning to subdivisional area contemplated in subsection 20(2) lapses after the applicable period from the date that the approval comes into operation if, within that period—
 - (a) a subdivision application is not submitted; and
 - (b) the conditions of approval are not complied with.
- (7) If a subdivision application is submitted in respect of land that is zoned as subdivisional area, the zoning of subdivisional area lapses on the later date of the following dates:
 - (a) the date on which the subdivision is approved; or
 - (b) the date after the applicable period contemplated in subsection (6) including any extended period approved in terms of section 67.
- (8) The approval of a rezoning to subdivisional area must include conditions that make provision for at least—
 - (a) density requirements;
 - (b) main land uses and the extent thereof; and
 - (c) a detailed phasing plan or a framework including—
 - (i) main transport routes;
 - (ii) main land uses;

- (iii) bulk infrastructure;
 - (iv) requirements of organs of state;
 - (v) public open space requirements; and
 - (vi) physical development constraints.
- (9) If a rezoning approval lapses, the zoning applicable to the land before the approval of the rezoning applies or, where no zoning existed before the approval of the rezoning, the Municipality must determine a zoning in terms of section 13.

Departures

18. (1) An applicant may apply to the Municipality in terms of section 15(2)—
- (a) for a departure from the development parameters of a zoning or an overlay zone; or
 - (b) to utilise land on a temporary basis for a purpose not permitted in terms of the primary rights of the zoning applicable to the land for a period not exceeding five years.
- (2) A departure contemplated in subsection (1)(a) lapses after the applicable period from the date that the approval comes into operation if, within that period—
- (a) the departure is not utilised in accordance with the approval; or
 - (b) the following requirements have not been met:
 - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved departure; and
 - (ii) commencement of the construction of the building contemplated in subparagraph (i).
- (3) The Municipality may approve a departure contemplated in subsection (1)(b) for a period shorter than five years but, if a shorter period is approved, the period together with any extension approved in accordance with section 67 may not exceed five years;
- (4) A temporary departure contemplated in subsection (1)(b) may not be approved more than once in respect of a particular use on a specific land unit.
- (5) A temporary departure contemplated in subsection (1)(b) may include an improvement of land only if—
- (a) the improvement is temporary in nature; and
 - (b) the land can, without further construction or demolition, revert to its previous lawful use upon the expiry of the use right.

Consent uses

- 19.** (1) An applicant may apply to the Municipality in terms of section 15(2) for a consent use contemplated in the zoning scheme.
- (2) If the development parameters for the consent use that is being applied for are not defined in the zoning scheme, the Municipality must determine the development parameters that apply to the consent use in terms of conditions of approval imposed in terms of section 66.
- (3) A consent use may be approved permanently or for a period specified in the conditions of approval imposed in terms of section 66.
- (4) A consent use approved for a specified period must not have the effect of preventing the property from being utilised in the future for the primary uses permitted in terms of the zoning of the land.
- (5) A consent use contemplated in subsection (1) lapses after the applicable period from the date that the approval comes into operation if, within that period—
- (a) the consent use is not utilised in accordance with the approval; or
 - (b) the following requirements have not been met:
 - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved consent use; and
 - (ii) commencement of the construction of the building contemplated in subparagraph (i).

Subdivision

- 20.** (1) No person may subdivide land without the approval of the Municipality in terms of section 15(2) unless the subdivision is exempted in terms of section 24.
- (2) No application for subdivision involving a change of zoning may be considered by the Municipality unless the land concerned is zoned as a subdivisational area.
- (3) An applicant may submit a subdivision application simultaneously with an application for rezoning.
- (4) The Municipality must impose appropriate conditions in terms of section 66 relating to engineering services for an approval of a subdivision.
- (5) If the Municipality approves a subdivision, the applicant must submit a general plan or diagram to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—
- (a) the Municipality's decision to approve the subdivision;
 - (b) the conditions of approval imposed in terms of section 66; and

- (c) the approved subdivision plan.
- (6) The Municipality must issue a certificate to the applicant or any other person on his or her written request to confirm that all the conditions of approval contemplated in subsection 21(1)(c) have been met, if the applicant has submitted the proof contemplated in that section.
- (7) If the Municipality issues a certificate referred to in subsection (6) in error, the owner is not absolved from complying with the obligations imposed in terms of the conditions.

Confirmation of subdivision

21. (1) A subdivision or part thereof is confirmed and cannot lapse when the following requirements are met within the period contemplated in section 22(1):
- (a) approval by the Surveyor-General of the general plan or diagram contemplated in section 20(5);
 - (b) completion of the installation of engineering services in accordance with the conditions contemplated in section 20(4) and other applicable legislation;
 - (c) proof to the satisfaction of the Municipality that all the conditions of the approved subdivision that must be complied with before compliance with paragraph (d) have been met in respect of the area shown on the general plan or diagram; and
 - (d) registration of the transfer of ownership in terms of the Deeds Registries Act of the land unit shown on the diagram or of at least one new land unit shown on the general plan.
- (2) Upon confirmation of a subdivision or part thereof in terms of subsection (1), zonings indicated on an approved subdivision plan are confirmed and cannot lapse.
- (3) The Municipality must in writing confirm to the applicant or any other person on his or her written request that a subdivision or part of a subdivision is confirmed if the applicant has to the satisfaction of the Municipality submitted proof of compliance with the requirements referred to in subsection (1)(a) to (d) for the subdivision or part thereof.
- (4) No building or structure may be constructed on a land unit forming part of an approved subdivision unless the subdivision is confirmed as contemplated in subsection (1) or the Municipality approved the construction before the confirmation of the subdivision.

Lapsing of subdivision

22. (1) An approved subdivision lapses after the applicable period from the date that the approval comes into operation if the requirements contemplated in section 21(1)(a) to (d) have not been met within that period.

- (2) If an applicant complies with section 21(1)(b) and (c) only in respect of a part of the land reflected on the general plan contemplated in section 21(1)(a), the applicant must withdraw the general plan and submit a new general plan to the Surveyor-General.
- (3) If an approval of a subdivision or part thereof lapses in terms of subsection (1)—
 - (a) the Municipality must—
 - (i) amend the zoning map and, where applicable, the register accordingly; and
 - (ii) notify the Surveyor-General accordingly; and
 - (b) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the notification that the subdivision has lapsed.

Amendment or cancellation of subdivision plan

- 23.** (1) The Municipality may in terms of section 15(2) approve the amendment or cancellation of a subdivision plan, including conditions of approval, the general plan or diagram, in relation to land units shown on the general plan or diagram of which no transfer has been registered in terms of the Deeds Registries Act.
- (2) When the Municipality approves an application in terms of subsection (1), any public place that is no longer required by virtue of the approval must be closed in terms of section 26.
- (3) The Municipality must notify the Surveyor-General of an approval in terms of subsection (1) and the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the amendment or cancellation of the subdivision.
- (4) An amended subdivision approval contemplated in subsection (1) is valid for the remainder of the period applicable to the initial approval of the subdivision before it was amended, reckoned from the date of approval of the amendment or cancellation in terms of subsection (1).

Exemption of certain subdivisions and consolidations

- 24.** (1) The subdivision or consolidation of land does not require the approval of the Municipality in the following cases:
- (a) a subdivision or consolidation that arises from the implementation of a court ruling;
 - (b) a subdivision or consolidation that arises from an expropriation;
 - (c) a minor amendment to the common boundary between two or more land units if the resulting change in area of any of the land units does not exceed 10 per cent;
 - (d) the consolidation of a closed public place with an abutting erf;
 - (e) the construction or alteration of a public or proclaimed street;

- (f) the registration of a servitude or lease agreement for—
 - (i) the provision or installation of water pipelines, electricity transmission lines, sewer pipelines, storm water pipes and canals, gas pipelines or oil and petroleum product pipelines by or on behalf of an organ of state or service provider;
 - (ii) the provision or installation of telecommunication lines by or on behalf of a licensed telecommunications operator;
 - (iii) the imposition of height restrictions; or
 - (iv) the granting of a right of habitation, private right of way or usufruct;
- (g) the exclusive utilisation of land for agricultural purposes if the utilisation—
 - (i) requires approval in terms of legislation regulating the subdivision of agricultural land; and
 - (ii) does not lead to urban expansion.
- (2) An owner of land or his or her agent must obtain a certificate from the Municipality that certifies in writing that the subdivision or consolidation is exempted from the application of section 15, and sections 20 to 23 in the case of a subdivision, or sections 15, 31 and 32 in the case of a consolidation.
- (3) The Municipality must indicate on the subdivision plan, or on the diagram in respect of the consolidation, that the subdivision or consolidation is exempted from the application of the sections referred to in subsection (2).

Ownership of public places and land for engineering services and social facilities

- 25.** (1) The ownership of land that is earmarked for a public place as shown on an approved subdivision plan vest in the Municipality upon confirmation of the subdivision or a part thereof.
- (2) The Municipality may in terms of conditions imposed in terms of section 66 determine that land designated for the provision of municipal service infrastructure and amenities on an approved subdivision plan be transferred to the Municipality upon confirmation of the subdivision or a part thereof.

Closure of public places

- 26.** (1) The Municipality may, on own initiative or on application, permanently close a public place or any part thereof in accordance with Chapter IV.
- (2) An applicant who requires the closure of a public place, whether permanently or temporarily, must apply in terms of section 15(2) to the Municipality.

- (3) If any person lodges a claim against the Municipality for loss or damage that he or she has allegedly suffered due to wrongdoing on the part of the Municipality when it permanently closed a public place, the authorised employee must—
 - (a) require proof of negligence or any other wrongdoing on the part of the Municipality which resulted in the loss or damage; and
 - (b) before any claim is paid or settled, obtain a full technical investigation report in respect of the circumstances that led to the closure of the public place to determine whether or not there has been negligence on the part of the Municipality.
- (4) The Municipality may pay a claim if—
 - (a) the circumstances of the loss or damage reveal that the Municipality acted wrongfully;
 - (b) the claimant has proved his or her loss or damage;
 - (c) the claimant has provided proof of a fair and reasonable quantum;
 - (d) no claim has been paid by personal insurance covering the same loss; and
 - (e) any relevant information as requested by the authorised employee has been received.
- (5) The ownership of the land comprising any public place, or a part thereof, that is permanently closed in terms of this section continues to vest in the Municipality unless the Municipality determines otherwise.
- (6) The Municipal Manager may, without complying with Chapter IV, temporarily close a public place—
 - (a) for the purpose of, or pending, the construction, reconstruction or maintenance of the public place;
 - (b) for the purpose of, or pending, the construction, extension, maintenance or demolition of any building, structure, works or service alongside, on, across, through, over or under the public place;
 - (c) if the public place is in a state that is dangerous to the public;
 - (d) by reason of an emergency or public event that requires special measures for the control of traffic or crowds; or
 - (e) for any other reason that renders the temporary closing of the public place necessary or desirable.
- (7) The Municipality must notify the Surveyor-General of an approval in terms of subsection (1) and the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the closure of the public place.

Services arising from subdivision

27. Subsequent to the approval of an application for subdivision in terms of this By-law, the owner of any land unit originating from the subdivision must—
- (a) allow without compensation that the following be conveyed across his or her land unit in respect of other land units originating from the subdivision:
 - (i) gas mains;
 - (ii) electricity cables;
 - (iii) telephone cables;
 - (iv) television cables;
 - (v) other electronic infrastructure;
 - (vi) main and other water pipes;
 - (vii) foul sewers;
 - (viii) storm-water pipes; and
 - (ix) ditches and channels;
 - (b) allow the following on his or her land unit if considered necessary and in the manner and position as may be reasonably required by the Municipality:
 - (i) surface installations such as mini-substations;
 - (ii) meter kiosks; and
 - (iii) service pillars;
 - (c) allow access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works referred to in paragraph (a) or (b); and
 - (d) receive material or permit excavation on the land unit as may be required to allow use of the full width of an abutting street and to provide a safe and proper slope to its bank where necessitated by differences between the level of the street as finally constructed and the level of the land unit unless he or she elects to build retaining walls to the satisfaction of and within a period to be determined by the Municipality.

Certification by Municipality

28. (1) A person may apply to the Registrar of Deeds to register the transfer of a land unit in the instances referred to in subsection (3)(a) to (c), only if the Municipality has issued a certificate in terms of this section.
- (2) The Registrar of Deeds may register the transfer of a land unit in the instances referred to in subsection (3)(a) to (c) only if the Municipality has issued a certificate in terms of this section.

- (3) The Municipality must issue a certificate to transfer a land unit contemplated in subsections (1) and (2) if the owner provides the Municipality with the following:
- (a) where an owners' association has been established in respect of that land unit, a conveyancer's certificate confirming that money due by the transferor of the land unit to that owners' association has been paid, or that provision has been made to the satisfaction of the owners' association for the payment thereof;
 - (b) proof of payment of any existing contravention penalty due by the transferor of the land unit or proof of compliance with an instruction in a compliance notice issued to the transferor in terms of Chapter IX;
 - (c) in the case of the first transfer of a land unit arising from a subdivision, proof that—
 - (i) all common property arising from the subdivision has been transferred to the owners' association as contemplated in section 29(3)(e) or will be transferred to the owners' association simultaneously with the registration of the transfer of that land unit;
 - (ii) land needed for public purposes or other municipal infrastructure as contemplated in terms of a condition imposed under section 66 has been transferred to the Municipality or will be transferred to the Municipality simultaneously with the registration of the transfer of that land unit;
 - (iii) the engineering services and amenities that must be provided in connection with the subdivision are available; and
 - (iv) a certificate contemplated in section 20(6) has been issued by the Municipality.

Owners' associations

29. (1) The Municipality may, when approving an application for a subdivision of land, impose conditions relating to the compulsory establishment of an owners' association by the applicant for an area determined in the conditions.
- (2) An owners' association that comes into being by virtue of subsection (1) is a juristic person and must have a constitution.
- (3) The constitution of an owners' association must be approved by the Municipality before the transfer of the first land unit and must make provision for—
- (a) the owners' association to formally represent the collective mutual interests of the area, suburb or neighbourhood set out in the constitution in accordance with the conditions of approval;

- (b) control over and maintenance of buildings, services or amenities arising from the subdivision;
 - (c) the regulation of at least one annual meeting with its members;
 - (d) control over the design guidelines of the buildings and erven arising from the subdivision;
 - (e) the ownership by the owners' association of all common property arising from the subdivision, including—
 - (i) private open spaces;
 - (ii) private roads; and
 - (iii) land required for services provided by the owners' association;
 - (f) enforcement of conditions of approval or management plans;
 - (g) procedures to obtain the consent of the members of the owners' association to transfer an erf in the event that the owners' association ceases to function; and
 - (h) the implementation and enforcement by the owners' association of the provisions of the constitution.
- (4) The constitution of an owners' association may have other objectives as set by the association but may not contain provisions that are in conflict with any law.
- (5) The constitution of the owners' association takes effect on the registration of the first land unit.
- (6) An owners' association may amend its constitution when necessary, but if an amendment affects the Municipality or a provision referred to in subsection (3), the amendment must also be approved by the Municipality.
- (7) An owners' association that comes into being by virtue of subsection (1)—
- (a) has as its members all the owners of the land units arising from the subdivision and their successors in title, who are jointly liable for expenditure incurred in connection with the association; and
 - (b) is upon registration of the first land unit automatically established.
- (8) The design guidelines contemplated in subsection (3)(d) may introduce more restrictive development rules than the rules provided for in the zoning scheme.

Owners' associations that cease to function

- 30.** (1) If an owners' association ceases to function or carry out its obligations, the Municipality or any affected person, including a member of the association, may apply—

- (a) in terms of section 15(2)(q) to disestablish the owners' association subject to—
 - (i) the amendment of the conditions of approval to remove the obligation to establish an owners' association; and
 - (ii) the amendment of title conditions pertaining to the owners' association, to remove any obligation in respect of an owners' association;
 - (b) in terms of section 15(2)(r) for appropriate action by the Municipality to rectify a failure of the owners' association to meet any of its obligations in respect of the control over or maintenance of services contemplated in subsection 29(3)(b); or
 - (c) to the High Court to appoint an administrator who must exercise the powers of the owners' association to the exclusion of the owners' association.
- (2) In considering an application contemplated in subsection (1)(a)(i), the Municipality must have regard to—
- (a) the purpose of the owners' association;
 - (b) who will take over the control over and maintenance of services for which the owners' association is responsible; and
 - (c) the impact of the disestablishment of the owners' association on the members of the owners' association and the community concerned.
- (3) The Municipality or the affected person may recover from the members of the owners' association the amount of any expenditure incurred by the Municipality or that affected person, as the case may be, in respect of any action taken in terms of subsection (1).
- (4) The amount of any expenditure so recovered is, for the purposes of section 29(7)(a), considered to be expenditure incurred in connection with the owners' association.

Consolidation of land units

- 31.**
- (1) No person may consolidate land without the approval of the Municipality in terms of section 15(2) unless the consolidation is exempted in terms of section 24.
 - (2) If the Municipality approves a consolidation, the applicant must submit a diagram to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—
 - (a) the Municipality's decision to approve the consolidation;
 - (b) the conditions of approval imposed in terms of section 66; and
 - (c) the approved consolidation plan.

- (3) If the Municipality approves a consolidation, the Municipality must amend the zoning map and where applicable the register, accordingly.

Lapsing of consolidation

- 32. (1) An approved consolidation of land units lapses if the consolidation is not registered in terms of the Deeds Registries Act within the applicable period from the date that the approval comes into operation.
- (2) If an approval of a consolidation lapses in terms of subsection (1)—
 - (a) the Municipality must—
 - (i) amend the zoning map, and where applicable the register, accordingly; and
 - (ii) notify the Surveyor-General accordingly; and
 - (b) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the notification that the consolidation has lapsed.

Removal, suspension or amendment of restrictive conditions

- 33. (1) The Municipality may, on its own initiative or on application in terms of section 15(2), remove, suspend or amend a restrictive condition.
- (2) The Municipality may remove, suspend or amend a restrictive condition—
 - (a) permanently;
 - (b) for a period specified in the approval; or
 - (c) subject to conditions of approval.
- (3) In addition to the procedures set out in Chapter IV, the owner must—
 - (a) submit a certified copy of the relevant title deed to the Municipality; and
 - (b) where applicable, submit the bondholder's consent to the application.
- (4) The Municipality must cause a notice of an application in terms of subsection (1) to be served on—
 - (a) all organs of state that may have an interest in the restrictive condition;
 - (b) a person whose rights or legitimate expectations will be affected by the approval of the application; and
 - (c) all persons mentioned in the title deed for whose benefit the restrictive condition applies.

- (5) When the Municipality considers the removal, suspension or amendment of a restrictive condition, the Municipality must have regard to the following:
 - (a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;
 - (b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;
 - (c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is amended, suspended or removed;
 - (d) the social benefit of the restrictive condition remaining in place in its existing form;
 - (e) the social benefit of the removal, suspension or amendment of the restrictive condition; and
 - (f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.
- (6) An approval to remove, suspend or amend a restrictive condition comes into operation—
 - (a) if no appeal has been lodged, after the expiry of the period contemplated in section 79(2) within which an appeal must be lodged; or
 - (b) if an appeal has been lodged, when the Appeal Authority has decided on the appeal.
- (7) The Municipality must cause a notice of the decision to amend, suspend or remove a restrictive condition to be published in the *Provincial Gazette* after the decision comes into operation as contemplated in subsection (6) and notify the Registrar of the decision.

Endorsements in connection with removal, suspension or amendment of restrictive conditions

- 34.**
- (1) An applicant at whose instance a restrictive condition is removed, suspended or amended must, after the publication of a notice contemplated in section 33(7) in the *Provincial Gazette*, apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal suspension or amendment of the restrictive condition.
 - (2) The Registrar of Deeds may require proof of the removal, suspension or amendment of a restrictive condition from the applicant including the submission of the following to the Registrar of Deeds:
 - (a) a copy of the approval;

- (b) the original title deed; and
- (c) a copy of the notice contemplated in section 33(7) as published in the *Provincial Gazette*.

CHAPTER IV

APPLICATION PROCEDURES

Manner and date of notification

35. (1) Any serving of a notice or notification or acknowledgement given in terms of this By-law must be in writing and may be issued to a person—
- (a) by delivering it by hand to the person;
 - (b) by sending it by registered mail—
 - (i) to that person's business or residential address; or
 - (ii) in the case of a juristic person, to its registered address or principal place of business;
 - (c) by means of data messages contemplated in the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002), by sending a copy of the notice to the person, if the person has an email address or other electronic address; or
 - (d) where an address is unknown despite reasonable enquiry, by publishing it once in the *Provincial Gazette* and once in a local newspaper circulating in the area of that person's last known residential or business address.
- (2) The date of notification in respect of a notice served or given to a person in terms of this By-law—
- (a) when it was served by certified or registered post, is the date of registration of the notice; and
 - (b) when it was delivered to that person personally, is the date of delivery to that person;
 - (c) when it was left at that person's place of residence, work or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person;
 - (d) when it was displayed in a conspicuous place on the property or premises to which it pertains, is the date that it is posted on that place; or
 - (e) when it was e-mailed or sent to an electronic address, is the date that it was received by that person as contemplated in the Electronic Communications and Transactions Act, 2002.

- (3) The Municipality may determine specific methods of service and notification in respect of applications and appeals including—
 - (a) information specifications relating to matters such as size, scale, colour, hard copy, number of copies, electronic format and file format;
 - (b) the manner of submission and communication with the Municipality;
 - (c) the method by which a person may be notified;
 - (d) other information requirements; and
 - (e) other procedural requirements.

Procedures for applications

- 36. (1) An applicant must comply with the procedures in this Chapter and, where applicable, the specific procedures provided for in Chapter III of this By-law.
- (2) An applicant may apply simultaneously for different types of applications for land development in terms of section 15(2).

Pre-application consultation

- 37. (1) The Municipality may require an owner of land who intends to submit an application or his or her agent to meet with the authorised employee and, where applicable, with employees of other relevant organs of state for a pre-application consultation before he or she submits an application to the Municipality in order to determine the information and documents that must be submitted with the application.
- (2) The Municipality may issue guidelines regarding—
 - (a) applications that require a pre-application consultation;
 - (b) the nature of the information and documents that must be submitted with an application;
 - (c) the attendance of employees from the Municipality or other organs of state at a pre-application consultation; and
 - (d) the procedures at a pre-application consultation.
- (3) The Municipality must keep minutes of the proceedings of a pre-application consultation.

Information required

- 38. (1) Subject to subsection (2), an application must be accompanied by the following information and documents:
 - (a) an application form provided by the Municipality, completed and signed by the applicant;

- (b) if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
- (c) if the owner of the land is a company, closed corporation, trust, body corporate or owners' association, proof that the person is authorised to act on behalf of the company, closed corporation, trust, body corporate or owners' association;
- (d) proof of registered ownership or any other relevant right held in the land concerned;
- (e) the relevant bondholder's consent if any;
- (f) a written motivation for the application based on the criteria referred to in section 65;
- (g) a copy of the Surveyor-General's diagram of the property concerned or, if it does not exist, an extract from the relevant general plan;
- (h) a locality plan and site development plan, if required, or a plan showing the proposed land development in its cadastral context;
- (i) in the case of an application for the subdivision of land, copies of the subdivision plan showing the following:
 - (i) the location of the proposed land units;
 - (ii) the proposed zonings in respect of the proposed land units;
 - (iii) all existing structures on the property and abutting properties;
 - (iv) the proposed public places and the land needed for public purposes;
 - (v) the existing access points;
 - (vi) all servitudes;
 - (vii) contours with at least a one-meter interval or such other interval as may be approved by the Municipality;
 - (viii) the street furniture;
 - (ix) the lamp, electricity and telephone posts;
 - (x) the electricity transformers and mini-substations;
 - (xi) the storm-water channels and catchpits;
 - (xii) the sewerage lines and connection points;
 - (xiii) any significant natural features; and
 - (xiv) all distances and areas to scale;

- (j) proof of an agreement or permission if the proposed land development requires a servitude over land or access to a provincial or national road;
 - (k) any other documents or information that the Municipality may require;
 - (l) proof of payment of application fees;
 - (m) a copy of the title deed of the land concerned;
 - (n) a conveyancer's certificate indicating that the application is not restricted by any condition contained in the title deed pertaining to the application property or a copy of all historical title deeds; and
 - (o) where applicable, the minutes of a pre-application consultation in respect of the application.
- (2) The Municipality may at a pre-application consultation add or remove any information or documents contemplated in subsection (1) for a particular application.
- (3) The Municipality may issue guidelines regarding the submission of information, documents or procedural requirements.

Application fees

- 39.** (1) An applicant must pay the application fees determined by the Municipality before submitting an application in terms of this By-law.
- (2) Application fees paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

Grounds for refusing to accept application

- 40.** The Municipality may refuse to accept an application if—
- (a) there is no proof of payment of the applicable fees; or
 - (b) the application is not in the form or does not contain the information or documents referred to in section 38.

Receipt of application and commencement of application process

- 41.** (1) The Municipality must—
- (a) record the receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt;
 - (b) verify whether the application complies with section 38; and
 - (c) notify the applicant in writing within fourteen days of receipt of the application—
 - (i) that the application is complete and complies with section 38 and that the application process commences; or

- (ii) of any information, documents or fees referred to in section 38 that are outstanding and that the applicant must provide to the Municipality within 14 days of the date of notification.
- (2) The Municipality must within fourteen days of receipt of the outstanding information, documents or fees referred to in subsection (1)(c)(ii) notify the applicant in writing that the application is complete and that the application process commences.
- (3) The Municipality may refuse to consider the application if the applicant fails to provide the information or documents or pay the fees within the period contemplated in subsection (1)(c)(ii).
- (4) The Municipality must notify the applicant in writing of a refusal to consider an application under subsection (3) and must close the application.
- (5) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in subsection (3) to refuse to consider an application.
- (6) If an applicant wishes to continue with an application that the Municipality refused to consider under subsection (3), the applicant must apply again and pay the applicable application fees.
- (7) The municipality must cause notice of the application to be given within 21 days from date on which the application process commences as contemplated in subsection (1)(c)(i) or (2).

Provision of additional information or documents

- 42.**
- (1) The Municipality must, within 30 days of receipt of an application that complies with section 38, notify the applicant in writing of any information or documents it requires in addition to the requirements contemplated in section 38.
 - (2) The applicant must provide the Municipality with the additional information or documents contemplated in subsection (1) within 30 days of the date of notification or within the further period agreed to between the applicant and the Municipality.
 - (3) If the applicant fails to provide the additional information or documents within the period contemplated in subsection (2), the Municipality must consider the application without the information or documents and notify the applicant accordingly.
 - (4) The Municipality must, within 21 days of receipt of the additional information or documents, if the applicant provided all the required information or documents, acknowledge receipt thereof and notify the applicant in writing that the application process proceeds or that further information, documents or fees are required as a result of the information or documents received.

- (5) If the Municipality notified the applicant that further information or documents are required as contemplated in subsection (4), subsections (2) and (3) apply to the further submission of information or documents.

Withdrawal of application or power of attorney

- 43. (1) An applicant may, at any time before the Municipality makes a decision on an application submitted by the applicant, withdraw the application by giving written notice of the withdrawal to the Municipality.
- (2) The owner of land must in writing inform the Municipality if he or she has withdrawn the power of attorney given to his or her former agent and confirm whether he or she will personally proceed with the application.

Public notice in accordance with other laws and integrated procedures

- 44. (1) The Municipality may, on written request and motivation by an applicant, before notice is given of an application in terms of section 45 or 46, determine that—
 - (a) a public notice procedure carried out in terms of another law in respect of the application constitutes public notice for the purpose of an application made in terms of this By-law; or
 - (b) public notice of the application given in terms of this By-law may be published in accordance with the requirements for public notice applicable to a related application in terms of another law.
- (2) If the Municipality determines that an application may be published as contemplated in subsection (1)(b), an agreement must be entered into between the Municipality and the relevant organs of state to facilitate the simultaneous publication of notices.

Publication of notices

- 45. (1) Subject to section 44, the Municipality must, in accordance with subsection (2), cause public notice to be given of the following applications:
 - (a) an application for a rezoning or a rezoning on the initiative of the Municipality;
 - (b) the subdivision of land larger than five hectares inside the outer limit of urban expansion as reflected in the municipal spatial development framework;
 - (c) the subdivision of land larger than one hectare outside the outer limit of urban expansion as reflected in the municipal spatial development framework;
 - (d) if the Municipality has no approved municipal spatial development framework, the subdivision of land larger than five

- hectares inside the physical edge, including existing urban land use approvals, of the existing urban area;
- (e) if the Municipality has no approved municipal spatial development framework, the subdivision of land larger than one hectare outside the physical edge, including existing urban land use approvals, of the existing urban area;
 - (f) the closure of a public place;
 - (g) an application in respect of a restrictive condition;
 - (h) other applications that will materially affect the public interest or the interests of the community if approved.
- (2) Public notice of an application referred to in subsection (1) must be given by—
- (a) publishing a notice with the contents contemplated in section 47 in newspapers with a general circulation in the area concerned in at least two of the official languages of the Province most spoken in the area concerned;
 - (b) if there is no newspaper with a general circulation in the area, posting a notice with the contents contemplated in section 47, for at least the duration of the notice period, on the land concerned and on any other notice board, as may be determined by the Municipality; and
 - (c) publishing a notice with the contents contemplated in section 47 on the Municipality's website.
- (3) The Municipality may require the applicant to attend to the publication as contemplated in subsection (2) of the public notice of an application.
- (4) An applicant who publishes a notice in terms of this section must within the period determined by the Municipality of publication of the notice provide the Municipality with proof, as determined by the Municipality that the notice was published in accordance with this section.
- (5) When the municipality intends to conduct development or an activity contemplated in subsection (1)(a) to (h) it must cause a notice contemplated in subsection (2) to be published.

Serving of notices

- 46.** (1) The Municipality must cause a notice with the contents contemplated in section 47 to be served of at least the following applications:
- (a) an application referred to in section 45(1);
 - (b) a determination of a zoning contemplated in section 13;

- (c) an application for subdivision, amendment or cancellation of a subdivision contemplated in section 15(2)(d) and (k) respectively;
 - (d) an application for consolidation contemplated in section 15(2)(e);
 - (e) the amendment, deletion or imposition of a condition contemplated in section 15(2)(h).
- (2) A notice contemplated in subsection (1) must be served—
 - (a) in accordance with section 35;
 - (b) in at least two of the official languages of the Province most spoken in the area concerned;
 - (c) on each person whose rights or legitimate expectations will be affected by the approval of the application; and
 - (d) on every owner of land adjoining the land concerned.
- (3) The Municipality may require the serving of a notice as contemplated in this section for any other application made in terms of this By-law and that is not listed in subsection (1).
- (4) The Municipality may require the applicant to attend to the serving of a notice as contemplated in subsection (2).
- (5) An applicant who serves a notice in terms of this section must within the period determined by the Municipality of the service of that notice provide the Municipality with proof, as determined by the Municipality, of the service of the notice in accordance with subsection (2).
- (6) The Municipality may require the applicant to make the application available for inspection by members of the public at a public place determined by the Municipality.
- (7) When the municipality intends to conduct development or an activity contemplated in subsection (1)(a) to (e) it must cause a notice to be served as contemplated in subsection (2).

Contents of notice

- 47.** When notice of an application must be published or served in terms of this By-law, the notice must—
- (a) provide the name and contact details of the applicant and the owner;
 - (b) identify the land or land unit to which the application relates by giving the property description and the physical address;
 - (c) state the intent and purpose of the application;

- (d) state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
- (e) state the name and contact details of the person to whom comments must be addressed;
- (f) invite members of the public to submit written comments, together with the reasons therefor, in respect of the application;
- (g) state in which manner comments may be submitted;
- (h) state the date by which the comments must be submitted, which date may not be less than 30 days from the date on which the notice was given; and
- (i) state that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the Municipality will assist those persons by transcribing their comments.

Other methods of public notice

- 48.** (1) The Municipality may, cause public notice to be given by one or more of the methods referred to in subsection (2)—
- (a) to ensure additional public notice of applications listed in sections 45(1) if the Municipality considers notice in accordance with sections 45 or 46 to be ineffective or expects that the notice would be ineffective; or
 - (b) to give public notice of any other application in terms of this By-law.
- (2) Public notice contemplated in subsection (1) may be given by—
- (a) displaying a notice contemplated in section 47 of a size of at least 60 centimetres by 42 centimetres on the frontage of the erf concerned or at any other conspicuous and easily accessible place on the erf, provided that—
 - (i) the notice is displayed for a minimum of 30 days during any period that the public may comment on the application; and
 - (ii) the applicant, within 30 days from the last day of display of the notice, submits to the Municipality—
 - (aa) a sworn affidavit confirming the maintenance of the notice for the prescribed period; and
 - (bb) at least two photos of the notice, one from close up and one from across the street;

- (b) convening a meeting for the purpose of informing affected members of the public of the application;
 - (c) broadcasting information regarding the application on a local radio station in a specified language;
 - (d) holding an open day or public meeting to notify and inform affected members of the public of the application;
 - (e) publishing the application on the Municipality's website for the duration of the period within which the public may comment on the application; or
 - (f) obtaining letters of consent or objection to the application, provided that the letters are accompanied by acceptable evidence that the person signing the letter has been provided with correct and adequate information about the application.
- (3) Additional public notice can be given simultaneously with notice given in accordance with sections 45 or 46 or thereafter.
 - (4) The Municipality may require the applicant to attend to the publication of a notice as contemplated in subsection (2).
 - (5) An applicant who gives notice in terms of this section must within the period determined by the Municipality of giving notice provide the Municipality with proof, as determined by the Municipality that notice has been given in accordance with subsection (2).

Requirements for petitions

- 49. (1) Comments in respect of an application submitted by the public in the form of a petition must clearly state—
 - (a) the contact details of the authorised representative of the signatories of the petition;
 - (b) the full name and physical address of each signatory; and
 - (c) the comments and reasons therefor.
- (2) Notice to the person contemplated in subsection (1)(a) constitutes notice to all the signatories to the petition.

Requirements for the submission of comments

- 50. (1) A person may respond to a notice contemplated in sections 44, 45, 46 or 48 by commenting in writing in accordance with this section.
- (2) Any comment made as a result of a notice process must be in writing and addressed to the person mentioned in the notice and must be submitted within the period stated in the notice and in the manner set out in this section.

- (3) The comments must state the following:
 - (a) the name of the person concerned;
 - (b) the address or contact details at which the person or body concerned will receive notice or service of documents;
 - (c) the interest of the person in the application; and
 - (d) the reason for the comments.
- (4) The reasons for any comment must be set out in sufficient detail in order to—
 - (a) indicate the facts and circumstances that explain the comments;
 - (b) where relevant demonstrate the undesirable effect the application will have if approved;
 - (c) where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - (d) enable the applicant to respond to the comments.
- (5) The Municipality may refuse to accept comments submitted after the closing date.

Intergovernmental participation process

- 51. (1) Subject to section 44, the Municipality must, simultaneously with the notification to the applicant that an application is complete as contemplated in section 41(1)(c)(i) or (2) cause notice of the application together with a copy of the application concerned to be given to every municipal department and organ of state that has an interest in the application and request their comment on the application.
- (2) An organ of state must submit written comment on an application to the Municipal manager within 60 days of receiving a request therefor.

Amendments before approval

- 52. (1) An applicant may amend his or her application at any time before the approval of the application—
 - (a) at the applicant's own initiative;
 - (b) as a result of an objection, comment or representation submitted during the notice process; or
 - (c) at the request of the Municipality.

- (2) If an amendment to an application is material, the Municipality must give notice of the amendment of an application to all municipal departments and other organs of state and service providers who commented on the application and request them to submit comments on the amended application within 21 days of the date of notification.
- (3) If an amendment to an application is material, the Municipality may require that further notice of the application be published or served in terms of section 44, 45, 46 or 48.

Further public notice

- 53.**
- (1) The Municipality may require that notice of an application be given again if more than 18 months have elapsed since the first public notice of the application and if the Municipality has not considered the application.
 - (2) The Municipality may, at any stage during the processing of the application if new information comes to its attention that is material to the consideration of the application, require—
 - (a) notice of an application to be given or served again in terms of section 44, 45, 46 or 48; and
 - (b) an application to be re-sent to municipal departments, other organs of state or service providers for comment.

Liability for cost of notice

- 54.** The applicant is liable for the costs of publishing and serving notice of an application in terms of sections 44, 45, 46, 48, 52 or 53.

Right of applicant to reply

- 55.**
- (1) Copies of all comments and other information submitted to the Municipality must be given to the applicant within 14 days after the closing date for public comment together with a notice informing the applicant of his or her rights in terms of this section.
 - (2) The applicant may, within 30 days from the date on which he or she received the comments, submit a written reply thereto to the Municipality.
 - (3) The applicant may, before the expiry of the period of 30 days referred to in subsection (2), apply to the Municipality for an extension of the period to submit a written reply, to an additional period not exceeding 14 days.
 - (4) If the applicant does not submit a reply within the period of 30 days or within an additional period contemplated in subsection (3) if granted, the applicant is considered to have no comment.
 - (5) If the Municipality requires additional information from the applicant as a result of the comments received, the information must be

supplied within the further period as may be agreed upon between the applicant and the Municipality.

- (6) If the applicant does not provide the additional information within the period contemplated in subsection (5), section 42(3), read with the necessary changes, applies.

Written assessment of application

- 56. (1) An authorised employee must in writing assess an application in accordance with section 65 and make a recommendation to the decision-maker regarding the approval or refusal of the application.
- (2) An assessment of an application must include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

Decision-making period

- 57. (1) If the power to make a decision in respect of an application is delegated to an authorised employee and no integrated process in terms of another law is being followed, the authorised employee must decide on the application within 60 days, reckoned from—
 - (a) the last day for the submission of comments as contemplated in section 50(2) if no comments were submitted;
 - (b) the last day for the submission of the applicant's reply to comments submitted as contemplated in section 55(2) or (3); or
 - (c) the last day for the submission of additional information as contemplated in section 55(5).
- (2) If the power to make a decision is not delegated to an authorised employee and no integrated process in terms of another law is being followed, the Tribunal must decide on the application within 120 days, reckoned from the applicable date contemplated in subsection (1)(a) to (c).
- (3) The authorised employee or Tribunal, as the case may be, may extend the period contemplated in subsection (1) or (2) in exceptional circumstances including the following:
 - (a) if an interested person has submitted a petition for intervener status;
 - (b) in the case of the Tribunal, if an oral hearing is to be held.

Failure to act within period

- 58. Subject to sections 41(5), an applicant may lodge an appeal with the Appeal Authority if the authorised employee or the Tribunal fails to decide on an application within the period referred to in section 57(1) or (2).

Powers to conduct routine inspections

- 59.** (1) An authorised employee or the Tribunal may, in accordance with the requirements of this section, enter land or a building to conduct an inspection for the purpose of obtaining information to assess an application in terms of this By-law and to prepare a written assessment contemplated in section 56.
- (2) When conducting an inspection, the authorised employee may—
- (a) request that any record, document or item be produced to assist in the inspection;
 - (b) make copies of or take extracts from any document produced by virtue of paragraph (a) that is related to the inspection;
 - (c) on providing a receipt, remove a record, document or other item that is related to the inspection; or
 - (d) inspect any building or structure and make enquiries regarding that building or structure.
- (3) No person may interfere with a person referred to in subsection (1) who is conducting an inspection as contemplated in subsection (1).
- (4) The authorised employee or member of the Tribunal must, on request, produce identification showing that he or she is authorised to conduct the inspection.
- (5) An inspection under subsection (1) must take place at a reasonable time and after reasonable notice has been given to the owner or occupier of the land or building.

Decisions on applications

- 60.** An employee authorised by virtue of section 69, or the Tribunal, as the case may be, may in respect of an application contemplated in section 15(2)—
- (a) approve, in whole or in part, or refuse that application;
 - (b) upon the approval of that application, impose conditions in terms of section 66;
 - (c) conduct any necessary inspection to assess an application in terms of section 59;
 - (d) in the case of the Tribunal, appoint a technical adviser to advise or assist in the performance of the Tribunal's functions in terms of this By-law.

Notification and coming into operation of decision

- 61.** (1) The Municipality must, within 21 days of its decision, in writing notify the applicant and any person whose rights are affected by the decision of the decision, the reasons for the decision and their right to appeal, if applicable.
- (2) A notice contemplated in subsection (1) must inform an applicant when an approval comes into operation.
- (3) If the owner has appointed an agent, the owner must take steps to ensure that the agent notifies him or her of the decision of the Municipality.
- (4) An approval comes into operation only after the expiry of the period contemplated in section 79(2) within which an appeal must be lodged if no appeal has been lodged.
- (5) Subject to subsection (6), the operation of the approval of an application that is the subject of an appeal is suspended pending the decision of the Appeal Authority on the appeal.
- (6) If an appeal is lodged only against conditions imposed in terms of section 66, the Tribunal or the authorised employee who imposed the conditions may determine that the approval of the application is not suspended.

Duties of agent

- 62.** (1) An agent must ensure that he or she has the contact details of the owner on whose behalf he or she is authorised to act.
- (2) An agent may not provide information or make a statement in support of an application which information or statement he or she knows or believes to be misleading, false or inaccurate.

Errors and omissions

- 63.** (1) The Municipality may at any time correct an error in the wording of its decision if the correction does not change the decision or result in an alteration, insertion, suspension or deletion of a condition of approval.
- (2) The Municipality may, on its own initiative or on application by the applicant or interested party, upon good cause shown, condone an error in a procedure, if the condonation does not have a material adverse effect on, or unreasonably prejudice, any party.

Exemptions to facilitate expedited procedures

- 64** (1) The Municipality may in writing and subject to section 60 of the Land Use Planning Act—
- (a) exempt a development from compliance with a provision of this By-law to reduce the financial or administrative burden of—

- (i) integrated application processes contemplated in section 44;
 - (ii) the provision of housing with the assistance of a state subsidy; or
 - (iii) incremental upgrading of existing settlements;
- (b) in an emergency situation authorise that a development may depart from any of the provisions of this By-law.
- (2) If the Provincial Minister grants an exemption or authorisation to deviate from a provision of the Land Use Planning Act to the Municipality in terms of section 60 of the Land Use Planning Act, the Municipality is exempted from or authorised to deviate from any provision in this By-law that corresponds to the provision of the Land Use Planning Act in respect of which an exemption was granted or deviation was authorised.

CHAPTER V

CRITERIA FOR DECISION-MAKING

General criteria for consideration of applications

- 65.** (1) When the Municipality considers an application, it must have regard to the following:
- (a) the application submitted in terms of this By-law;
 - (b) the procedure followed in processing the application;
 - (c) the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;
 - (d) the comments in response to the notice of the application, including comments received from organs of state, municipal departments and the Provincial Minister in terms of section 45 of the Land Use Planning Act;
 - (e) the response by the applicant, if any, to the comments referred to in paragraph (d);
 - (f) investigations carried out in terms of other laws that are relevant to the consideration of the application;
 - (g) a registered planner's written assessment in respect of an application for—
 - (i) a rezoning;
 - (ii) a subdivision of more than 20 cadastral units;
 - (iii) a removal, suspension or amendment of a restrictive condition if it relates to a change of land use;
 - (iv) an amendment, deletion or imposition of additional conditions in respect of an existing use right;

- (v) an approval of an overlay zone contemplated in the zoning scheme;
 - (vi) a phasing, amendment or cancellation of a subdivision plan or part thereof;
 - (vii) a determination of a zoning;
 - (viii) a closure of a public place or part thereof;
 - (h) the impact of the proposed land development on municipal engineering services;
 - (i) the integrated development plan, including the municipal spatial development framework;
 - (j) the integrated development plan and spatial development framework of the district municipality, where applicable;
 - (k) the applicable local spatial development frameworks adopted by the Municipality;
 - (l) the applicable structure plans;
 - (m) the applicable policies of the Municipality that guide decision-making;
 - (n) the provincial spatial development framework;
 - (o) where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework;
 - (p) the policies, principles and the planning and development norms and criteria set by the national and provincial government;
 - (q) the matters referred to in section 42 of the Spatial Planning and Land Use Management Act;
 - (r) the principles referred to in Chapter VI of the Land Use Planning Act; and
 - (s) the applicable provisions of the zoning scheme.
- (2) Where required in terms of applicable development parameters or conditions of approval, the Municipality must approve a site development plan if the site development plan—
- (a) is consistent with the development rules of the zoning;
 - (b) is consistent with the development rules of an overlay zone, if applicable;
 - (c) complies with the conditions of approval; and
 - (d) complies with this By-law.

Conditions of approval

- 66.** (1) The Municipality may approve an application subject to reasonable conditions that arise from the approval of the proposed utilisation of land.
- (2) Conditions imposed in accordance with subsection (1) may include conditions relating to—
- (a) the provision of engineering services and infrastructure;
 - (b) requirements relating to engineering services as contemplated in section 82 and 83;
 - (c) the cession of land or the payment of money;
 - (d) settlement restructuring;
 - (e) agricultural or heritage resource conservation;
 - (f) biodiversity conservation and management;
 - (g) the provision of housing with the assistance of a state subsidy, social facilities or social infrastructure;
 - (h) energy efficiency;
 - (i) requirements aimed at addressing climate change;
 - (j) the establishment of an owners' association in respect of the approval of a subdivision;
 - (k) the provision of land needed by other organs of state;
 - (l) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the Municipality;
 - (m) the provision of land needed for public places or the payment of money in lieu of the provision of land for that purpose;
 - (n) the extent of land to be ceded to the Municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the Municipality;
 - (o) the registration of public places in the name of the Municipality;
 - (p) the transfer of ownership to the Municipality of land needed for other public purposes;
 - (q) the implementation of a subdivision in phases;
 - (r) requirements of other organs of state;
 - (s) the submission of a construction management plan to manage the impact of the construction of a new building on the surrounding properties or on the environment;
 - (t) agreements to be entered into in respect of certain conditions;

- (u) the phasing of a development, including lapsing clauses relating to such phasing;
 - (v) the delimitation of development parameters or land uses that are set for a particular zoning;
 - (w) the setting of a validity period and any extensions thereto;
 - (x) the setting of a period within which a particular condition must be met;
 - (y) requirements for an occasional use, which must include—
 - (i) parking and the number of ablution facilities required;
 - (ii) the maximum duration or occurrence of the occasional use; and
 - (iii) parameters relating to a consent use in terms of the zoning scheme;
 - (z) the payment of a contravention levy in respect of the unlawful utilisation of land.
- (3) If the Municipality imposes a condition contemplated in subsection (2)(a) or (b), an engineering services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of infrastructure commences on the land.
- (4) A condition contemplated in subsection (2)(c) may require only a proportional contribution to municipal public expenditure according to the normal need therefor arising from the approval, as determined by the Municipality in accordance with section 83(7) and any other applicable provincial norms and standards.
- (5) Municipal public expenditure contemplated in subsection (4) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—
 - (a) community facilities, including play equipment, street furniture, crèches, clinics, sports fields, indoor sports facilities or community halls;
 - (b) nature conservation;
 - (c) energy conservation;
 - (d) climate change; or
 - (e) engineering services.
- (6) Except for land needed for public places or internal engineering services, any additional land required by the Municipality or other organs of state arising from an approved subdivision must be acquired subject to the applicable laws that provide for the acquisition or expropriation of land.
- (7) An owners' association or home owners' association that came into being by virtue of a condition imposed under the Land Use Planning

Ordinance, 1985 (Ordinance 15 of 1985) and that exists immediately before the commencement of this By-law is regarded as an owners' association that came into being by virtue of a condition imposed by the Municipality in accordance with this By-law.

- (8) The Municipality may not approve a land use application subject to a condition that approval in terms of other legislation is required.
- (9) Conditions requiring a standard to be met must specifically refer to an approved or published standard.
- (10) No conditions may be imposed that rely on a third party for fulfilment.
- (11) If the Municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.
- (12) The Municipality may, on its own initiative in terms of section 15(6) or on application in terms of section 15(2), amend, delete or impose additional conditions after having given due notice to the owner and any persons whose rights may be affected.

CHAPTER VI

EXTENSION OF VALIDITY PERIOD OF APPROVALS

Applications for extension of validity period

67. (1) Subject to section 43(2) of the Spatial Planning and Land Use Management Act, the Municipality may approve an application for the extension of a validity period imposed in terms of a condition of approval, on a date before or after the expiry of the validity period of an approval, if the application for the extension of the period was submitted before the expiry of the validity period.
- (2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:
- (a) whether the circumstances prevailing at the time of the original approval have materially changed;
 - (b) whether the legislative or policy requirements applicable to the approval that prevailed at the time of the original approval have materially changed; and
 - (c) whether there is a pending review application in court which may have an effect on the date of implementation of the approval.
- (3) If there are material changes in circumstances or in legislative or policy requirements that will necessitate new conditions of approval if an extension of a validity period is approved, an application contemplated in section 15(2)(h) must be submitted for consideration before or simultaneously with the application for the extension of a validity period.

- (4) The extended validity period takes effect on and is reckoned from the expiry date of the validity period applicable to the original approval or from the expiry date of the previously extended validity period approved in terms of this By-law.

CHAPTER VII

MUNICIPAL PLANNING DECISION-MAKING STRUCTURES

Municipal planning decision-making structures

- 68.** Applications are decided by—
- (a) an authorised employee who has been authorised by the Municipality to consider and determine the applications contemplated in subsection 69(1);
 - (b) the Tribunal, where the powers and duties to consider and determine an application have not been delegated to an authorised employee contemplated in section 69(2); or
 - (c) the Appeal Authority where an appeal has been lodged against a decision of the authorised employee or the Tribunal.

Consideration of applications

- 69.** (1) The Municipality may categorise applications for consideration and determination by an authorised employee and must delegate the powers and duties to decide on those applications to that authorised employee.
- (2) The Tribunal considers and determines all applications, other than those in respect of which the powers and duties to consider and determine them have been assigned and delegated to an authorised employee in terms of subsection (1).

Establishment of Tribunal

- 70.** (1) The Municipality must—
- (a) establish a Municipal Planning Tribunal for its municipal area;
 - (b) by agreement with one or more municipalities establish a joint Municipal Planning Tribunal; or
 - (c) agree to the establishment of a district Municipal Planning Tribunal by the district municipality.
- (2) An agreement referred to in subsection (1)(b) or (c) must provide for—
- (a) the composition of the Tribunal;
 - (b) the terms and conditions of appointment of members of the Tribunal;
 - (c) the determination of rules and procedures at meetings of the Tribunal; and

- (d) other matters as may be prescribed in terms of the Spatial Planning and Land Use Management Act.

Composition of Tribunal for municipal area

- 71.** (1) A Tribunal established in terms of subsection 70(1)(a) must consist of at least the following members appointed by the Council:
- (a) three employees in the full-time service of the Municipality; and
 - (b) two persons who are not employees of the Municipality or councillors.
- (2) The members of the Tribunal must have knowledge and experience of land use planning or the law related thereto and be representative of a broad range of appropriate experience and expertise.
- (3) A member of the Tribunal appointed in terms of subsection (1)(b) may be—
- (a) an official or employee of—
 - (i) any department of state or administration in the national or provincial sphere of government;
 - (ii) a government business enterprise;
 - (iii) a public entity;
 - (iv) organised local government as envisaged in the Constitution;
 - (v) an organisation created by government to provide municipal support;
 - (vi) a non-governmental organisation; and
 - (vii) any other organ of state not provided for in subparagraph (i) to (iv); or
 - (b) an individual in his or her own capacity.

Process for appointment of members for Tribunal for municipal area

- 72.** (1) The members of the Tribunal referred to in subsection 71(1)(b) may be appointed by the Council only after the Municipality has—
- (a) in the case of an official or employee contemplated in section 71(3)(a), extended a written invitation to nominate an official or employee to serve on the Tribunal to the departments in the national and provincial sphere of government, other organs of state and organisations referred to in section 71(3)(a); and
 - (b) in the case of member contemplated in 71(3)(b), by notice in a newspaper in circulation in the municipal area, invited interested parties to submit, within the period stated in the

notice, names of persons who meet the requirements to be so appointed.

- (2) An invitation for nominations must—
 - (a) request sufficient information to enable the municipality to evaluate the knowledge and experience of the nominee;
 - (b) request a written nomination in the form that the Municipality determines that complies with subsection (3).
- (3) A nomination in response to an invitation must—
 - (a) permit self-nomination or provide for acceptance of the nomination by the nominee;
 - (b) include confirmation by the nominee that he or she is not disqualified from serving as a member in terms of section 74;
 - (c) include agreement by the nominee that the Municipality may verify all the information provided by the nominee;
 - (d) include a statement that the nominee will be obliged to commit to and uphold a code of conduct if her or she is appointed; and
 - (e) provide for a closing date for nominations which date may be no less than 14 days from the date of publication of the invitation in terms of subsection(1)(b) or the written invitation in terms of subsection (1)(a) and no nominations submitted after that date may be evaluated by the Municipality.
- (4) If no or insufficient nominations are received or if the nominees do not possess the requisite knowledge and skills or comply with any additional criteria which may have been determined by the Municipality, the Municipality must invite nominations for a second time and follow the process required for the invitation for nominations referred to in this section.
- (5) If after the second invitation for nominations, no or insufficient nominations are received or if the nominees do not possess the requisite knowledge and skills or comply with any additional criteria which may have been determined by the Municipality, the executive authority of the Municipality must designate persons who possess the requisite knowledge and skills and comply with any additional criteria which may have been determined by the Municipality and appoint the person.
- (6) Nominations submitted to the Municipality by virtue of subsection (1) must be submitted in writing in the form determined by the Municipality and must contain the contents referred to in subsection. (3).
- (7) The Municipality must convene an evaluation panel consisting of officials in the employ of the Municipality to evaluate nominations that

comply with this section as received by the Municipality and determine the terms of reference of that evaluation panel.

- (8) The Council must appoint the members of the Tribunal after having regard to—
 - (a) the recommendations of the evaluation panel;
 - (b) the knowledge and experience of candidates in respect of land use planning or the law related thereto;
 - (c) the requirement that the members of the Tribunal must be representative of a broad range of appropriate experience and expertise;
 - (d) the powers and duties of the Tribunal; and
 - (e) the policy of the Municipality in respect of the promotion of persons previously disadvantaged by unfair discrimination.
- (9) The Council may not appoint any person to the Tribunal if that person—
 - (a) was not nominated in accordance with the provisions of this section;
 - (b) is disqualified from appointment as contemplated in section 74; or
 - (c) if he or she does not possess the knowledge or experience required in terms of section 71(2).
- (10) The Council must designate from among the members of the Tribunal—
 - (a) the chairperson of the Tribunal; and
 - (b) another member as deputy chairperson, to act as chairperson of the Tribunal when the chairperson is absent or unable to perform his or her duties.
- (11) The Municipal Manager must—
 - (a) inform the members in writing of their appointment;
 - (b) obtain written confirmation from the Council that the Council is satisfied that the Tribunal is in a position to commence its operations; and
 - (c) after receipt of the confirmation referred to in paragraph (a), publish a notice in the *Provincial Gazette* of the following:
 - (i) the name of each member of the Tribunal;

- (ii) the date on which the appointment of each member takes effect;
- (iii) the term of office of each member; and
- (iv) the date that the Tribunal will commence its operation.

- (12) The Tribunal may commence its operations only after publication of the notice contemplated in subsection (11)(c).

Term of office and conditions of service of members of Tribunal for municipal area

- 73.** (1) A member of a Tribunal contemplated in section 70(1)(a)—
- (a) is appointed for five years or a shorter period as the Municipality may determine; and
 - (b) may be appointed for further terms, subject to section 37(1) of the Spatial Planning and Land Use Management Act.
- (2) The office of a member becomes vacant if—
- (a) the member is absent from two consecutive meetings of the Tribunal without the leave of the chairperson of the Tribunal;
 - (b) the member tenders his or her resignation in writing to the chairperson of the Tribunal;
 - (c) the member is removed from the Tribunal under subsection (3); or
 - (d) the member dies.
- (3) The Council may, after having given the member an opportunity to be heard, remove a member of the Tribunal if—
- (a) sufficient grounds exist for his or her removal;
 - (b) the member contravenes the code of conduct referred to in section 76;
 - (c) the member becomes subject to a disqualification from membership of the Tribunal as referred to in section 74.
- (4) A vacancy on the Tribunal must be filled by the Council in terms of section 71 and 72.
- (5) A member who is appointed by virtue of subsection (4) holds office for the unexpired part of the period for which the member he or she replaces was appointed.
- (6) Members of the Tribunal referred to in section 71(1)(b) must be appointed on the terms and conditions and must be paid the remuneration and allowances and be reimbursed for expenses, as determined by the Council.

- (7) An official of the Municipality appointed in terms of section 71(1)(a) as a member of the Tribunal—
 - (a) may only serve as member of the Tribunal for as long as he or she is in the full-time employ of the Municipality;
 - (b) is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick leave or any other employee benefit as a result of his or her membership on the Tribunal.
- (8) A person appointed in terms of section 71(1)(b) as a member of the Tribunal—
 - (a) is not an employee on the staff establishment of the Municipality;
 - (b) in the case of a person referred to in section 71(3)(a), is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick leave or any other employee benefit as a result of his or her membership of the Tribunal;
 - (c) performs the specific tasks in respect of the consideration of an application allocated to him or her by the chairperson of the Tribunal;
 - (d) sits at such meetings of the Tribunal that requires his or her relevant knowledge and experience as determined by the chairperson of the Tribunal;
 - (e) in the case of a person referred to in section 71(3)(b), is entitled to a seating and travel allowance as determined by the Municipality for each meeting of the Tribunal that he or she is required to attend; and
 - (f) in the case of a person referred to in section 71(3)(b), is not entitled to overtime, annual leave, sick leave, maternity leave, family responsibility leave, study leave, special leave, a performance bonus, medical scheme contribution, pension, motor vehicle or any other benefit to which a municipal employee is entitled to.
- (9) The allowances referred to in subsection (8)(e) are subject to taxation in accordance with the normal tax rules that are issued by the South African Revenue Service.

Disqualification from membership of Tribunal

- 74.** (1) A person may not be appointed or continue to serve as a member of the Tribunal if that person—
- (a) is not a citizen or permanent resident of the Republic of South Africa;

- (b) is a member of Parliament, a provincial legislature, a Municipal Council or a House of Traditional Leaders;
 - (c) is an unrehabilitated insolvent;
 - (d) has been declared by a court of law to be mentally incompetent or has been detained under the Mental Health Care Act, 2002 (Act 17 of 2002);
 - (e) has at any time been convicted of an offence involving dishonesty;
 - (f) has at any time been removed from an office of trust on account of misconduct;
 - (g) has previously been removed from a tribunal for a breach of the Spatial Planning and Land Use Management Act or this By-law;
 - (h) has been found guilty of misconduct, incapacity or incompetence; or
 - (i) fails to comply with the Spatial Planning and Land Use Management Act or this By-law.
- (2) A member must vacate office if that member becomes subject to a disqualification as contemplated in subsection (1).
- (3) A member of a Tribunal—
 - (a) must make full disclosure of any conflict of interest, including any potential conflict; and
 - (b) may not attend, participate or vote in any proceedings of the Tribunal in relation to any matter in respect of which the member has a conflict of interest.
- (4) For the purposes of this section, a member has a conflict of interest if—
 - (a) the member, a family member, partner or business associate of the member is the applicant or has a pecuniary or other interest in the matter before the Tribunal;
 - (b) the member has any other interest that may preclude or may reasonably be perceived as precluding the member from performing the functions of the member in a fair, unbiased and proper manner;
 - (c) the member is an official in the employ of national, provincial or local government, if the department by which such an official is employed, has a direct or substantial interest in the outcome of the matter.

- (5) The Council may at any time remove any member of the Tribunal from office—
 - (a) if there are reasonable grounds justifying the removal; or
 - (b) where a member has been disqualified in terms of subsection (1), after giving such a member an opportunity to be heard.
- (6) If a member's appointment is terminated or the member resigns, the Council may appoint a person to fill the vacancy for the unexpired portion of the vacating member's term of office, in accordance with sections 71 and 72.

Meetings of Tribunal for municipal area

- 75.**
- (1) Subject to section 78, the Tribunal contemplated in section 70(1)(a) must determine its own internal arrangements, proceedings and procedures and those of its committees by drafting rules for—
 - (a) the convening of meetings;
 - (b) the procedure at meetings; and
 - (c) the frequency of meetings.
 - (2) The Tribunal may constitute itself to comprise one or more panels to determine—
 - (a) applications in specific geographical areas;
 - (b) applications in specific areas within the municipality; or
 - (c) a particular application or type or category of application.
 - (3) In this section, unless the context indicates otherwise, 'the Tribunal' includes a panel of the Tribunal contemplated in subsection (2).
 - (4) The Tribunal must meet at the time and place determined by the chairperson or in the case of a panel, the presiding officer provided that it must meet at least once per month if there is an application to consider.
 - (5) If the Tribunal constitutes itself to comprise a panel, the Tribunal must designate at least three members of the Tribunal to be members of that panel, of whom one must at least be a member contemplated in section 71(1)(b).
 - (6) A quorum for a meeting of the Tribunal is the simple majority of its appointed members.
 - (7) A quorum for a meeting of a panel of the Tribunal is—
 - (a) the greater of a simple majority of its designated members or
 - (b) three, if the panel consist of only three members.

- (8) Meetings of the Tribunal or a panel of the Tribunal must be held as contemplated in this section and section 78 in accordance with the rules of the Tribunal.

Code of conduct for members of Tribunal for municipal area

- 76.**
- (1) The code of conduct in Schedule 1 applies to every member of a Tribunal contemplated in section 71(1).
 - (2) If a member contravenes the code of conduct, the Council may—
 - (a) in the case of member contemplated in section 71(1)(a), institute disciplinary proceedings against the member;
 - (b) remove the member from office.

Administrator for Tribunal for municipal area

- 77.**
- (1) The Municipal Manager must appoint or designate an employee as the Administrator and other staff for the Tribunal contemplated in section 70(1)(a) in terms of the Municipal Systems Act.
 - (2) The Administrator must—
 - (a) liaise with the relevant Tribunal members and the parties concerned regarding any application filed with, or other proceedings of, the Tribunal;
 - (b) maintain a diary of meetings of the Tribunal;
 - (c) allocate a meeting date for, and application number to, an application;
 - (d) arrange the attendance of members of the Tribunal at meetings;
 - (e) arrange venues for Tribunal meetings;
 - (f) perform the administrative functions in connection with the proceedings of the Tribunal;
 - (g) ensure that the proceedings of the Tribunal are conducted efficiently and in accordance with the directions of the chairperson of the Tribunal;
 - (h) arrange the affairs of the Tribunal so as to ensure that time is available to liaise with other organs of state regarding the alignment of integrated applications and authorisations;
 - (i) notify the parties concerned of decisions and procedural directives given by the Tribunal;
 - (j) keep a record of all applications submitted to the Tribunal as well as the outcome of each, including—
 - (i) decisions of the Tribunal;
 - (ii) on-site inspections and any matter recorded as a result thereof;

- (iii) reasons for decisions; and
- (iv) proceedings of the Tribunal; and
- (k) keep records by any means as the Tribunal may deem expedient.

Functioning of Tribunal for municipal area

- 78.**
- (1) The meetings of the Tribunal contemplated in section 75(1)(a) must be held at the times and places as the chairperson may determine.
 - (2) If an applicant or a person whose rights or legitimate expectations will be affected by the approval of an application, requests to make a verbal representation at a meeting of the Tribunal, he or she must submit a written request to the Administrator at least 14 days before that meeting.
 - (3) The Chairperson may approve a request contemplated in subsection (2), subject to reasonable conditions.
 - (4) An application may be considered by the Tribunal by means of—
 - (a) the consideration of the written application and comments; or
 - (b) an oral hearing.
 - (5) The application may be considered in terms of subsection (4)(a) if it appears to the Tribunal that the issues for determination of the application can be adequately determined in the absence of the parties by considering the documents or other material lodged with or provided to it.
 - (6) An oral hearing may be held—
 - (a) if it appears to the Tribunal that the issues for determination of the application cannot be adequately determined in the absence of the parties by considering the documents or other material lodged with or provided to it; or
 - (b) if such hearing would assist in the expeditious and fair disposal of the application.
 - (7) If appropriate in the circumstances, the oral hearing may be held by electronic means.

Appeals

- 79.**
- (1) The Council is the Appeal Authority in respect of decisions of the Tribunal or an authorised employee contemplated in sections 68(a) or (b) and a failure to decide on an application as contemplated in section 58.
 - (2) A person whose rights are affected by a decision contemplated in subsection (1) may appeal in writing to the Appeal Authority within 21 days of notification of the decision.

- (3) An applicant may appeal in writing to the Appeal Authority in respect of the failure of the Tribunal or an authorised employee to make a decision within the period contemplated in section 57(1) or (2), any time after the expiry of the period contemplated in those sections.
- (4) An appeal is lodged by serving the appeal on the Municipal Manager in the form determined by the Municipality and, in the case of an appeal contemplated in subsection(2), within the period contemplated in subsection (2).
- (5) When the Appeal Authority considers an appeal, it must have regard to—
 - (a) the provisions of section 65(1), read with the necessary changes; and
 - (b) the comments of the Provincial Minister contemplated in section 52 of the Land Use Planning Act.

Procedure for appeal

- 80.** (1) An appeal is invalid if—
- (a) in the case of an appeal contemplated in in section 79(2), it is not lodged within the period referred to in that section; and
 - (b) it does not comply with this section.
- (2) An appeal must set out the following—
- (a) the grounds for the appeal which may include the following grounds:
 - (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the Tribunal or authorised employee erred in coming to the conclusion that the Tribunal or authorised employee did, as the case may be;
 - (b) whether the appeal is lodged against the whole decision or a part of the decision;
 - (c) if the appeal is lodged against a part of the decision, a description of the part;
 - (d) if the appeal is lodged against a condition of approval, a description of the condition;
 - (e) the factual or legal findings that the appellant relies on;
 - (f) the relief sought by the appellant; and

- (g) any issue that the appellant wishes the Appeal Authority to consider in making its decision; or
 - (h) in the case of an appeal in respect of the failure of a decision-maker to make a decision, the facts that prove the failure;
- (3) An applicant who lodges an appeal must submit proof of payment of appeal fees as may be determined by the Municipality to the Municipal Manager.
- (4) An applicant who lodges an appeal must simultaneously serve notice of the appeal on any person who commented on the application concerned and any other person as the Municipality may determine.
- (5) The notice must be served in accordance with section 35.
- (6) The notice contemplated in subsection (5) must invite persons to comment on the appeal within 21 days of being notified of the appeal.
- (7) The appellant must submit proof of service of the notice as contemplated in subsection (5) to the Municipal Manager within 14 days of the date of notification.
- (8) If a person other than the applicant lodges an appeal, the Municipal Manager must give written notice of the appeal to the applicant within 14 days of receipt thereof.
- (9) An applicant who has received notice of an appeal in terms of subsection (8) may submit comment on the appeal to the Municipality within 21 days of being notified.
- (10) The Municipality may refuse to accept any comments on an appeal after the closing date for those comments.
- (11) The Municipal Manager—
 - (a) may request the Provincial Minister within 14 days of the receipt of an appeal to comment in writing on the appeal within 60 days of receipt of the request;
 - (b) must notify and request the Provincial Minister within 14 days of the receipt of an appeal to comment on the appeal within 60 days of receipt of the request in respect of appeals relating to the following applications:
 - (i) a development outside the Municipality's planned outer limit of urban expansion as reflected in its municipal spatial development framework;
 - (ii) if the Municipality has no approved municipal spatial development framework, a development outside the physical edge, including existing urban land use approvals, of the existing urban area;

- (iii) a rezoning of land zoned for agricultural or conservation purposes;
 - (iv) any category of land use applications as may be prescribed by the Provincial Minister; and
 - (c) must on receipt of an appeal in terms of this section notify the applicant in writing whether or not the operation of the approval of the application is suspended.
- (12) An authorised employee must draft a report assessing an appeal and must submit it to the Municipal Manager within—
 - (a) 30 days of the closing date for comment requested in terms of subsection (6) and (9), if no comment was requested in terms of subsection (11); or
 - (b) 30 days of the closing date for comments requested in terms of subsection (11).
- (13) The Municipal manager must within 14 days of receiving the report contemplated in subsection (12) submit the appeal to the Appeal Authority.
- (14) The Municipal Manager or an employee designated by him or her must—
 - (a) liaise with the Appeal Authority and the parties concerned regarding any appeal lodged with the Appeal Authority;
 - (b) maintain a diary of meetings of the Appeal Authority;
 - (c) allocate a meeting date for, and appeal number to, an appeal;
 - (d) arrange the attendance of members of the Appeal Authority at meetings;
 - (e) arrange venues for the Appeal Authority;
 - (f) perform the administrative functions in connection with the proceedings of the Appeal Authority;
 - (g) ensure that the proceedings of the Appeal Authority are conducted efficiently and in accordance with the directions of the Appeal Authority;
 - (h) arrange the affairs of the Appeal Authority so as to ensure that time is available to liaise with other organs of state regarding the alignment of integrated appeal procedures;
 - (i) notify the parties concerned of decisions and procedural directives given by the Appeal Authority;
 - (j) keep a record of all appeals lodged as well as the outcome of each, including—

- (i) decisions of the Appeal Authority;
 - (ii) on-site inspections and any matter recorded as a result thereof;
 - (iii) reasons for decisions; and
 - (iv) proceedings of the Appeal Authority; and
 - (v) keep records by any means as the Appeal Authority may deem expedient.
- (15) An appellant may, at any time before the Appeal Authority makes a decision on an appeal submitted by the appellant, withdraw the appeal by giving written notice of the withdrawal to the Municipal Manager.
- (16) The owner of land must in writing inform the Municipality if he or she has withdrawn the power of attorney given to his or her former agent and confirm whether he or she will personally proceed with the appeal.

Consideration by Appeal Authority

81. (1) An appeal may be considered by the Appeal Authority by means of—
- (c) the consideration of the written appeal and comments; or
 - (d) an oral hearing.
- (2) The appeal may be considered in terms of subsection (1)(a) if it appears to the Appeal Authority that the issues for determination of the appeal can be adequately determined in the absence of the parties by considering the documents or other material lodged with or provided to it.
- (3) An oral hearing may be held—
- (c) if it appears to the Appeal Authority that the issues for determination of the appeal cannot be adequately determined in the absence of the parties by considering the documents or other material lodged with or provided to it; or
 - (d) if such hearing would assist in the expeditious and fair disposal of the appeal.
- (4) If appropriate in the circumstances, the oral hearing may be held by electronic means.
- (5) If the Appeal Authority decides to hold an oral hearing, any party to the appeal proceedings may appear in person or may be represented by another person.

- (6) The Appeal Authority must ensure that every party to a proceeding before the Appeal Authority is given an opportunity to present his or her case, whether in writing or orally as contemplated in subsections (2) and (3) and, in particular, to inspect any documents to which the appeal authority proposes to have regard in reaching a decision in the proceeding and to make submissions in relation to those documents.
- (7) The Appeal Authority must—
 - (a) consider and determine all appeals lawfully submitted to it;
 - (b) confirm, vary or revoke the decision of the Tribunal or authorised employee;
 - (c) provide reasons for any decision made by it;
 - (d) give directions relevant to its functions to the Municipality;
 - (e) keep a record of all its proceedings; and
 - (f) determine whether the appeal falls within its jurisdiction.
- (8) Subject to subsection (12), the Appeal Authority must decide on an appeal within 60 days of receipt of the assessment report contemplated in section 80(13)
- (9) If the Appeal Authority revokes a decision of the Tribunal or authorised employee it may—
 - (a) remit the matter to the Tribunal or authorised employee—
 - (i) if there was an error in the process which is unfair and which cannot be corrected by the Appeal Authority; and
 - (ii) with instructions regarding the correction of the error; or
 - (b) replace the decision with any decision it regards necessary.
- (10) The Appeal Authority may appoint a technical adviser to advise or assist it with regard to a matter forming part of the appeal.
- (11) The Appeal Authority must within 21 days from the date of its decision notify the parties to an appeal in writing of—
 - (a) the decision and the reasons therefor; and
 - (b) if the decision on an appeal upholds an approval, notify the applicant in writing that he or she may act on the approval.
- (12) The Appeal Authority may extend the period contemplated in subsection (8) in exceptional circumstances including the following:

- (a) if an interested person has submitted a petition for intervener status;
- (b) if an oral hearing is to be held.

CHAPTER VIII

PROVISION OF ENGINEERING SERVICES

Responsibility for provision of engineering services

- 82.**
- (1) An applicant is responsible for the provision, installation and costs of internal engineering services required for a development once an application is approved.
 - (2) The Municipality is responsible for the provision and installation of external engineering services.
 - (3) If the Municipality is not the provider of an engineering service, the applicant must satisfy the Municipality that adequate arrangements have been made with the relevant service provider for the provision of that service.
 - (4) The Municipality may enter into a written agreement with an applicant to provide that—
 - (a) the applicant is responsible for the provision, installation and costs of external engineering service instead of paying the applicable development charges; or
 - (b) the applicant is responsible for the provision, installation and costs of external engineering service and that the fair and reasonable costs of the external engineering service may be set off against the development charges payable by the applicant.

Development charges

- 83.**
- (1) The applicant must pay development charges to the Municipality in respect of the provision and installation of external engineering services.
 - (2) These external engineering services for which development charges are payable must be set out in a policy adopted and annually reviewed by the Municipality.
 - (3) The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.
 - (4) The date by which development charges must be paid and the means of payment must be specified in the conditions of approval.
 - (5) The development charges imposed are subject to escalation at the rate calculated in accordance with the policy on development charges.

- (6) The Municipality must annually submit a report to the Council on the development charges paid to the Municipality, together with a statement of the expenditure of the amount and the purpose of the expenditure.
- (7) When determining the contribution contemplated in section 66(4) and (5), the Municipality must have regard to provincial norms and standards as well as—
 - (a) the municipal service infrastructure and amenities for the land concerned that are needed for the approved land use;
 - (b) the public expenditure on that infrastructure and those amenities incurred in the past and that facilitates the approved land use;
 - (c) the public expenditure on that infrastructure and those amenities that may arise from the approved land use;
 - (d) money in respect of contributions contemplated in section 66(4) paid in the past by the owner of the land concerned; and
 - (e) money in respect of contributions contemplated in section 66(4) to be paid in the future by the owner of the land concerned.

Land for parks, open spaces and other uses

- 84.**
- (1) When the Municipality approves an application for the use of land for residential purposes, the Municipality may require the applicant to provide land for parks or public open spaces.
 - (2) The extent of land required for parks or public open spaces is determined by the Municipality in accordance with a policy adopted by the Municipality.
 - (3) The land required for parks or public open spaces must be provided within the land area of the application or may, with the consent of the Municipality, be provided elsewhere within the municipal area.
 - (4) When an application is approved without the required provision of land for parks or open spaces within the land area of the development, the applicant may be required to pay money to the Municipality in lieu of the provision of land.

CHAPTER IX

ENFORCEMENT

Enforcement

- 85.**
- (1) The Municipality must comply and enforce compliance with—
 - (a) the provisions of this By-law;
 - (b) the provisions of a zoning scheme;
 - (c) conditions imposed in terms of this By-law or previous planning legislation; and

- (d) title deed conditions.
- (2) The Municipality may not do anything that is in conflict with subsection (1).

Offences and penalties

- 86.** (1) A person is guilty of an offence and is liable on conviction to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment if he or she—
- (a) contravenes or fails to comply with sections 15(1) and (5), 20(1), 21(4), 31(1), 59(3), 62(2) or 88(2);
 - (b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the Municipality;
 - (c) upon registration of the first land unit arising from a subdivision, fails to transfer all common property arising from the subdivision to the owners' association;
 - (d) supplies particulars, information or answers in an application, or in an appeal against a decision on an application, or in any documentation or representation related to an application or an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct;
 - (e) falsely professes to be an authorised employee or the interpreter or assistant of an authorised employee; or
 - (f) hinders or interferes with an authorised employee in the exercise of any power or the performance of any duty of that employee.
- (2) An owner who permits his or her land to be used in a manner set out in subsection (1)(b) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to contravene the zoning scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment.
- (3) A person convicted of an offence in terms of this By-law who, after conviction, continues with the action in respect of which he or she was so convicted, is guilty of a continuing offence and liable upon conviction to imprisonment for a period not exceeding three months or to an equivalent fine or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with that act or omission.
- (4) The Municipality must adopt fines and contravention penalties to be imposed in the enforcement of this By-law.

Serving of compliance notices

87. (1) The Municipality must serve a compliance notice on a person if it has reasonable grounds to suspect that the person or owner is guilty of an offence in terms of section 86.
- (2) A compliance notice must instruct the occupier and owner to cease the unlawful utilisation of land or construction activity or both, without delay or within the period determined by the Municipality, and may include an instruction to—
- (a) demolish, remove or alter any building, structure or work unlawfully erected or constructed or to rehabilitate the land or restore the building concerned to its original form or to cease the activity, as the case may be, within the period determined by the Municipal Manager;
 - (b) submit an application for the approval of the utilisation of the land or construction activity in terms of this By-law within 30 days of the service of the compliance notice and to pay the contravention penalty within 30 days after approval of the utilisation; or
 - (c) rectify the contravention of or non-compliance with a condition of approval within a specified period.
- (3) A person who has received a compliance notice with an instruction contemplated in subsection (2)(a) may not submit an application in terms of subsection (2)(b).
- (4) An instruction to submit an application in terms of subsection (2)(b) must not be construed as an indication that the application will be approved.
- (5) In the event that the application submitted in terms of subsection (2)(b) is refused, the owner must demolish, remove or alter the building, structure or work unlawfully erected or constructed and rehabilitate the land or restore the building.
- (6) A person who received a compliance notice in terms of this section may object to the notice by submitting written representations to the Municipality within 30 days of receipt of the notice.

Contents of compliance notice

88. (1) A compliance notice must—
- (a) identify the person to whom it is addressed;
 - (b) describe the alleged unlawful utilisation of land or construction activity concerned and the land on which it is occurring or has occurred;

- (c) state that the utilisation of land or construction activity is unlawful and inform the person of the particular offence contemplated in section 86 which that person allegedly has committed or is committing by the continuation of that activity on the land;
 - (d) state the steps that the person must take and the period within which those steps must be taken;
 - (e) state anything which the person may not do and the period during which the person may not do it;
 - (f) make provision for the person to submit representations in terms of section 89 with the contact person stated in the notice; and
 - (g) issue a warning to the effect that—
 - (i) the person may be prosecuted for and convicted of an offence contemplated in section 86;
 - (ii) on conviction of an offence, the person will be liable for the penalty as provided for;
 - (iii) the person may be required by an order of court to demolish, remove or alter any building, structure or work unlawfully erected or constructed or to rehabilitate the land or restore the building concerned or to cease the activity;
 - (iv) in the case of a contravention relating to a consent use or temporary departure, the approval may be withdrawn;
 - (v) in the case of an application for authorisation of the activity or development parameter, the contravention penalty in the amount as stated in the notice, including any costs incurred by the Municipality, may be imposed.
- (2) Any person on whom a compliance notice is served must comply with that notice within the period stated in the notice unless the person has objected to the notice in terms of section 89 and the Municipality has not decided on the matter in terms of that section or the Municipality has agreed to suspend the operation of the compliance notice in terms of section 89(2).

Objections to compliance notice

- 89.**
- (1) Any person or owner who receives a compliance notice in terms of section 87 may object to the notice by making written representations to the Municipality within 30 days of the date of notification.
 - (2) After consideration of any objections or representations made in terms of subsection (1) and any other relevant information, the Municipality—

- (a) may suspend, confirm, vary or withdraw a compliance notice or any part of the compliance notice; and
- (b) must specify the period within which the person to whom the compliance notice is addressed must comply with any part of the compliance notice that is confirmed or varied.

Failure to comply with compliance notice

90. If a person fails to comply with a compliance notice, the Municipality may—

- (a) lay a criminal charge against the person;
- (b) apply to the High Court for an order—
 - (i) restraining that person from continuing the unlawful utilisation of the land;
 - (ii) directing that person to, without the payment of compensation—
 - (aa) demolish, remove or alter any building, structure or work unlawfully erected or constructed; or
 - (bb) rehabilitate the land concerned;
- (c) in the case of consent use or a temporary departure, withdraw the approval granted and act in terms of section 87.

Compliance certificates

- 91.**
- (1) An authorised employee who is satisfied that the owner or occupier of any land or premises has complied with a compliance notice may issue a certificate, in the manner and form determined by the Municipality, to confirm the compliance.
 - (2) The authorised employee must submit a report to the Municipality regarding his or her findings contemplated in subsection (1) and the issuing of a compliance certificate.

Urgent matters

- 92.**
- (1) The Municipality does not have to comply with sections 87(6), 88(1)(f) and 89 in a case where an unlawful utilisation of land must be stopped urgently and may issue a compliance notice calling upon the person or owner to cease the unlawful utilisation of land immediately.
 - (2) If the person or owner fails to cease the unlawful utilisation of land immediately, the Municipality may apply to the High Court for an urgent interdict or any other relief necessary.

General powers and functions of authorised employees

93. (1) An authorised employee may, with the permission of the occupier or owner of land without a warrant and without previous notice, enter upon land or premises or enter a building at any reasonable time for the purpose of ensuring compliance with this By-law.
- (2) An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of subsection (1).
- (3) An authorised employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.

Powers of entry, search and seizure

94. (1) In ensuring compliance with this By-law in terms of section 87, an authorised employee may—
- (a) question any person on land or premises entered upon or in a building entered, who, in the opinion of the authorised employee, may be able to provide information on a matter that relates to the enforcement of this By-law;
- (b) question any person on that land or those premises or in that building about any act or omission in respect of which there is a reasonable suspicion that it constitutes—
- (i) an offence in terms of this By-law;
- (ii) a contravention of this By-law; or
- (iii) a contravention of an approval or a term or condition of that approval;
- (c) question that person about any structure, object, document, book, record, written or electronic information or inspect any structure, object, document, book or record which may be relevant for the purpose of this subsection;
- (d) copy or make extracts from any document, book, record, written or electronic information referred to in paragraph (c), or remove that document, book, record or written or electronic information in order to make copies thereof or extracts therefrom;
- (e) require that person to produce or deliver to a place specified by the authorised employee any document, book, record, written or electronic information referred to in paragraph (c) for inspection;
- (f) examine that document, book, record, written or electronic information or make a copy thereof or an extract therefrom;

- (g) require from that person an explanation of any entry in that document, book, record, written or electronic information;
 - (h) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
 - (i) take photographs or make audio-visual recordings of anything or any person on that land or those premises or in that building relevant to the purposes of the investigation; or
 - (j) seize a book, record, written or electronic information referred to in paragraph (c) or article, substance, plant or machinery referred to in paragraph (h) or a part or sample thereof that in his or her opinion may serve as evidence at the trial of the person to be charged with an offence under this By-law or the common law, provided that the user of the article, substance, plant or machinery on the land or premises or in the building concerned may make copies of that book, record or document before the seizure.
- (2) When an authorised employee removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated in this section, he or she must issue a receipt to the owner or person in control thereof.
- (3) An authorised employee may not have a direct or indirect personal or private interest in the matter to be investigated.

Warrant of entry for enforcement purposes

- 95.** (1) A judge of a High Court or a magistrate for the district in which the land is situated may, at the request of the Municipality, issue a warrant to enter upon the land or premises or building if—
- (a) the prior permission of the occupier or owner of land cannot be obtained after reasonable attempts; or
 - (b) the purpose of the inspection would be frustrated by the occupier or owner's prior knowledge thereof.
- (2) A warrant may be issued only if it appears to the Judge or Magistrate from information on oath that there are reasonable grounds for believing that—
- (a) an authorised employee has been refused entry to land or a building that he or she is entitled to inspect;
 - (b) an authorised employee will be refused entry to land or a building that he or she is entitled to inspect;

- (c) an offence contemplated in section 86 is occurring or has occurred and an inspection of the premises is likely to yield information pertaining to that offence; or
 - (d) the inspection is reasonably necessary for the purposes of this By-law.
- (3) A warrant must authorise the Municipality to enter upon the land or premises or to enter the building to take any of the measures referred to in section 94 as specified in the warrant, on one occasion only, and that entry must occur—
 - (a) within one month of the date on which the warrant was issued; and
 - (b) at a reasonable time, except where the warrant was issued on grounds of urgency.

Regard to decency and order

96. The entry upon land or premises or in a building under this Chapter must be conducted with strict regard to decency and order, which must include regard to—
- (a) a person's right to respect for and protection of his or her dignity;
 - (b) the right to freedom and security of the person; and
 - (c) a person's right to personal privacy.

Enforcement litigation

97. Whether or not the Municipality lays criminal charges against a person for an offence contemplated in section 86, and despite section 87, the Municipality may apply to the High Court for an interdict or any other appropriate order, including an order compelling that person to—
- (a) demolish, remove or alter any building, structure or work unlawfully erected or constructed;
 - (b) rehabilitate the land concerned; or
 - (c) cease the unlawful utilisation of land.

CHAPTER X MISCELLANEOUS

Naming and numbering of streets

98. (1) If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the naming of streets and must allocate a street number to each of the erven or land units located in such street or road.

- (2) The proposed names of the streets and numbers must be submitted as part of an application for subdivision.
- (3) In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering.
- (4) The Municipality must notify the Surveyor-General of the approval of new streets as a result of the approval of an amendment or cancellation of a subdivision in terms of section 23 and the Surveyor-General must endorse the records of the Surveyor-General's Office to reflect the amendment or cancellation of the street names on an approved general plan.

Repeal

99. The by-laws listed in Schedule 2 are repealed.

Short title and commencement

100. (1) This By-law is called the By-law on Municipal Land Use Planning.
- (2) This By-law comes into operation on the date that the Land Use Planning Act comes into operation in the municipal area of the Municipality.

SCHEDULE 1

CODE OF CONDUCT FOR MEMBERS OF TRIBUNAL

General conduct

1. A member of the Tribunal must at all times—
 - (a) act in accordance with the principles of accountability and transparency;
 - (b) disclose his or her personal interests in any decision to be made in the planning process in which he or she serves or has been requested to serve;
 - (c) abstain completely from direct or indirect participation as an advisor or decision-maker in any matter in which he or she has a personal interest and leave any chamber in which such matter is under deliberation unless the personal interest has been made a matter of public record and the Council has given written approval and has expressly authorised his or her participation.
2. A member of the Tribunal may not—
 - (a) use his or her position or privileges as Tribunal member or confidential information obtained as a Tribunal member, for private gain or to improperly benefit another person; and

- (b) participate in a decision concerning a matter in which that Tribunal member or that member's spouse, partner or business associate, has a direct or indirect personal interest or private business interest.

Gifts

3. A member of the Tribunal may not receive or seek gifts, favours or any other offer under circumstances in which it might reasonably be inferred that the gifts, favours or offers are intended or expected to influence that member's objectivity as an advisor or decision-maker in the planning process.

Undue influence

4. A member of the Tribunal may not—
- (a) use the power of his or her office to seek or obtain special advantage for private gain or to improperly benefit another person that is not in the public interest;
 - (b) use confidential information acquired in the course of his or her duties to further a personal interest;
 - (c) disclose confidential information acquired in the course of his or her duties unless required by law to do so or by circumstances to prevent substantial prejudice or damage to another person; and

commit a deliberately wrongful act that reflects adversely on the Tribunal, the Municipality, the government or the planning profession by seeking business by stating or implying that he or she is prepared, willing or able to influence decisions of the Tribunal by improper means.

SCHEDULE 2

BY-LAWS REPEALED BY SECTION 99

Notice No. 94/2003	By-law relating to the Management and Administration of the Municipality's Immovable Property	The whole of Sections 2 and 6
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Municipal Offices
112 Donkin Street
BEAUFORT WEST
6970

J. Booysen
Municipal Manager

SALDANHA BAY MUNICIPALITY

**SUBDIVISION, CLOSURE, REZONING AND
CONSOLIDATION OF ERVEN 1746, 1757, 1745, 1745 AND
11746, C/O PLEIN- AND PARK STREET, VREDENBURG**

Notice is hereby given that Council is considering the following:

- (a) The subdivision of Erf 1746 in 4 portions, namely Portion A; Portion B; Portion C and the Remainder;
The subdivision of Erf 1757 in 2 portions, namely Portion D and the Remainder;
The subdivision of Erf 1745 in 2 portions, namely Portion E and the Remainder, in terms of Section 24 (1) of the Land Use Planning Ordinance (No 15 of 1985).
- (b) The closure of Portions B; C and the Remainder of Erf 1746, as Public Open Space and the closure of Portion D as Public Road, in terms of Section 137 of the Municipal Ordinance (No 20 of 1974).
- (c) The rezoning of Portion C from Public Open Space to Local Authority Purposes;
The rezoning of Portion D from Public Road to Public Open Space;
The rezoning of Portion B from Public Open Space to Public Road;
The rezoning of Portion E from Public Open Space to Public Road;
The rezoning of Remainder Erf 1746 from Public Open Space to Business Zone; in terms of Section 17 of the Land Use Planning Ordinance (No 15 of 1985).
- (d) The consolidation of Remainder Erf 1757 (Public Road) with Portions B, E and Erf 11746, in order to create a Public Road;
The consolidation of Remainder Erf 1745 (Public Open Space) with Portions A and D, in order to create one Public Open Space.

Details are available for scrutiny at the Municipal Manager's office, Town Planning, 17 Main Street, Vredenburg. Weekdays: 08:00–13:00 and 13:30–16:30. Enquiries Carmen Simons (022 701-7107) & Doreen.Dunn@sbm.gov.za

Objections/comment to the proposal, with relevant reasons, must be lodged in writing before or on 29 June 2015, with the Municipal Manager, Private Bag X12, Vredenburg, 7380.

MUNICIPAL MANAGER

19 June 2015

59683

SALDANHABAAI MUNISIPALITEIT

**ONDERVERDELING, SLUITING, HERSONERING EN
KONSOLIDASIE VAN ERWE 1746, 1757, 1745, 1745 EN 11746,
H/V PLEIN- EN PARKSTRAAT, VREDENBURG**

Kennis geskied hiermee dat die Raad die volgende oorweeg:

- (a) Die onderverdeling van Erf 1746 in 4 gedeeltes, naamlik Gedeelte A; Gedeelte B; Gedeelte C en die Restant;
Die onderverdeling van Erf 1757 in 2 gedeeltes, naamlik Gedeelte D en die Restant;
Die onderverdeling van Erf 1745 in 2 gedeeltes, naamlik Gedeelte E en die Restant; ingevolge Artikel 24 (1) van die Ordonnansie op Grondgebruikbeplanning (Nr 15 van 1985),
- (b) Die sluiting van Gedeeltes B, C en die Restant Erf 1746, as Publieke Oopruimte asook die sluiting van Gedeelte D as Publieke Pad, in terme van Artikel 137 van die Munisipale Ordonnansie (Nr 20 van 1974).
- (c) Die hersonering van Gedeelte C vanaf Publieke Oopruimte na Plaaslike Owerheidsdoeleindes;
Die hersonering van Gedeelte D vanaf Publieke Pad na Publieke Oopruimte;
Die hersonering van Gedeelte B vanaf Publieke Oopruimte na Publieke Paddoeleindes;
Die hersonering van Gedeelte E vanaf Publieke Oopruimte na Publieke Paddoeleindes;
Die hersonering van Restant Erf 1746 vanaf Publieke Oopruimte na Besigheidsdoeleindes; in terme van Artikel 17 van die Ordonnansie op Grondgebruikbeplanning (Nr 15 van 1985).
- (c) Die konsolidasie van Restant Erf 1757 (Publieke Pad) met Gedeeltes B, E en Erf 11746 ten einde 'n Publieke Pad te vorm;
Die konsolidasie van die Restant van Erf 1745 (Publieke Oop Ruimte) met Gedeeltes A en D, ten einde een Publieke Oop Ruimte te vorm.

Nadere besonderhede lê ter insae by die Munisipale Bestuurder se kantoor, Stadsbeplanning, Hoofstraat 17, Vredenburg, Weekdae: 08:00–13:00 en 13:30–16:30. Navrae: Carmen Simons (022 701-7107) & Doreen.Dunn@sbm.gov.za

Kommentaar en/of besware met relevante redes, moet skriftelik voor of op 29 Junie 2015, by die Munisipale Bestuurder, Privaatsak X12, Vredenburg, 7380, ingedien word.

MUNISIPALE BESTUURDER

19 Junie 2015

59683

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CONTENTS—(Continued)

	Page
George Municipality: Departure	1229
George Municipality: Rezoning and Departure	1227
Knysna Municipality: Land Use Planning Ordinance	1227
Overstrand Municipality: Consent Use and Departure	1224
Saldanha Bay Municipality: Subdivision, Closure, Rezoning and Consolidation	1355
Swartland Municipality: Consent Use	1226
Swartland Municipality: Rezoning and Subdivision	1225
Swartland Municipality: Subdivision	1223
Swartland Municipality: Subdivision	1226
Western Cape Gambling and Racing Board: Official Notice	1235
Western Cape Gambling and Racing Board: Official Notice	1236
Witzenberg Municipality: By-Law: Relating to Pounds	1240

INHOUD—(Vervolg)

	Bladsy
George Munisipaliteit: Afwyking	1229
George Munisipaliteit: Hersonerling en Afwyking	1227
Knysna Munisipaliteit: Ordonnansie op Grondgebruikbeplanning	1227
Overstrand Munisipaliteit: Vergunningsgebruik en Afwyking	1224
Saldanhabaai Munisipaliteit: Onderverdeling, Sluiting, Hersonerling en Konsolidasie	1355
Swartland Munisipaliteit: Vergunningsgebruik	1226
Swartland Munisipaliteit: Hersonerling en Onderverdeling	1225
Swartland Munisipaliteit: Onderverdeling	1223
Swartland Munisipaliteit: Onderverdeling	1226
Wes-Kaapse Raad op Dobbelaar en Wedrenne: Amptelike Kennisgewing	1235
Wes-Kaapse Raad op Dobbelaar en Wedrenne: Amptelike Kennisgewing	1236
Witzenberg Munisipaliteit: Verordening: Insake die skut van diere	1253