



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

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**PART 1 OF 3**

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**No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.**

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government  
printing

Department:  
Government Printing Works  
REPUBLIC OF SOUTH AFRICA

## HIGH ALERT: SCAM WARNING!!!

### TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

[PROCUREMENT@GPW-GOV.ORG](mailto:PROCUREMENT@GPW-GOV.ORG)

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

*GPW* has an official email with the domain as [@gpw.gov.za](mailto:@gpw.gov.za)

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

*GPW* will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

*Government Printing Works* gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

## Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

### How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at [www.gpwonline.co.za](http://www.gpwonline.co.za)
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.  
Email: [Annamarie.DuToit@gpw.gov.za](mailto:Annamarie.DuToit@gpw.gov.za)

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.  
Email: [Bonakele.Mbhele@gpw.gov.za](mailto:Bonakele.Mbhele@gpw.gov.za)

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.  
Email: [Daniel.Legoabe@gpw.gov.za](mailto:Daniel.Legoabe@gpw.gov.za)

# Closing times for **ORDINARY WEEKLY** **2023** **GOVERNMENT GAZETTE**

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

- **08 December**, Thursday for the issue of Thursday **15 December 2022**
- **15 December**, Thursday for the issue of Friday **23 December 2022**
- **22 December**, Thursday for the issue of Friday **30 December 2022**
- **29 December**, Thursday for the issue of Friday **06 January 2023**
- **06 January**, Friday for the issue of Friday **13 January 2023**
- **13 January**, Friday for the issue of Friday **20 January 2023**
- **20 January**, Friday for the issue of Friday **27 January 2023**
- **27 January**, Friday for the issue of Friday **03 February 2023**
- **03 February**, Friday for the issue of Friday **10 February 2023**
- **10 February**, Friday for the issue of Friday **17 February 2023**
- **17 February**, Friday for the issue of Friday **24 February 2023**
- **24 February**, Friday for the issue of Friday **03 March 2023**
- **03 March**, Friday for the issue of Friday **10 March 2023**
- **10 March**, Friday for the issue of Friday **17 March 2023**
- **16 March**, Thursday for the issue of Friday **24 March 2023**
- **24 March**, Friday for the issue of Friday **31 March 2023**
- **30 March**, Thursday for the issue of Thursday **06 April 2023**
- **05 April**, Wednesday for the issue of Friday **14 April 2023**
- **14 April**, Friday for the issue of Friday **21 April 2023**
- **20 April**, Thursday for the issue of Friday **28 April 2023**
- **26 April**, Wednesday for the issue of Friday **05 May 2023**
- **05 May**, Friday for the issue of Friday **12 May 2023**
- **12 May**, Friday for the issue of Friday **19 May 2023**
- **19 May**, Friday for the issue of Friday **26 May 2023**
- **26 May**, Friday for the issue of Friday **02 June 2023**
- **02 June**, Friday for the issue of Friday **09 June 2023**
- **08 June**, Thursday for the issue of Thursday **15 June 2023**
- **15 June**, Thursday for the issue of Friday **23 June 2023**
- **23 June**, Friday for the issue of Friday **30 June 2023**
- **30 June**, Friday for the issue of Friday **07 July 2023**
- **07 July**, Friday for the issue of Friday **14 July 2023**
- **14 July**, Friday for the issue of Friday **21 July 2023**
- **21 July**, Friday for the issue of Friday **28 July 2023**
- **28 July**, Friday for the issue of Friday **04 August 2023**
- **03 August**, Thursday for the issue of Friday **11 August 2023**
- **11 August**, Friday for the issue of Friday **18 August 2023**
- **18 August**, Friday for the issue of Friday **25 August 2023**
- **25 August**, Friday for the issue of Friday **01 September 2023**
- **01 September**, Friday for the issue of Friday **08 September 2023**
- **08 September**, Friday for the issue of Friday **15 September 2023**
- **15 September**, Friday for the issue of Friday **22 September 2023**
- **21 September**, Thursday for the issue of Friday **29 September 2023**
- **29 September**, Friday for the issue of Friday **06 October 2023**
- **06 October**, Friday for the issue of Friday **13 October 2023**
- **13 October**, Friday for the issue of Friday **20 October 2023**
- **20 October**, Friday for the issue of Friday **27 October 2023**
- **27 October**, Friday for the issue of Friday **03 November 2023**
- **03 November**, Friday for the issue of Friday **10 November 2023**
- **10 November**, Friday for the issue of Friday **17 November 2023**
- **17 November**, Friday for the issue of Friday **24 November 2023**
- **24 November**, Friday for the issue of Friday **01 December 2023**
- **01 December**, Friday for the issue of Friday **08 December 2023**
- **08 December**, Friday for the issue of Friday **15 December 2023**
- **15 December**, Friday for the issue of Friday **22 December 2023**
- **20 December**, Wednesday for the issue of Friday **29 December 2023**

# LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2018**

## NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

| Pricing for National, Provincial - Variable Priced Notices |                          |               |
|--|--------------------------|---------------|
| Notice Type  | Page Space               | New Price (R) |
| Ordinary National, Provincial                              | 1/4 - Quarter Page       | 252.20        |
| Ordinary National, Provincial                              | 2/4 - Half Page          | 504.40        |
| Ordinary National, Provincial                              | 3/4 - Three Quarter Page | 756.60        |
| Ordinary National, Provincial                              | 4/4 - Full Page          | 1008.80       |

## EXTRA-ORDINARY

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

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

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**No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.**

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

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

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

**All notices received after the closing time will be rejected.**

| Government Gazette Type                       | Publication Frequency          | Publication Date                          | Submission Deadline                     | Cancellations Deadline                               |
|---|--------------------------------|---|---|--|
| National Gazette                              | Weekly                         | Friday                                    | Friday 15h00 for next Friday            | Tuesday, 15h00 - 3 working days prior to publication |
| Regulation Gazette                            | Weekly                         | Friday                                    | Friday 15h00 for next Friday            | Tuesday, 15h00 - 3 working days prior to publication |
| Petrol Price Gazette                          | Monthly                        | Tuesday before 1st Wednesday of the month | One day before publication              | 1 working day prior to publication                   |
| Road Carrier Permits                          | Weekly                         | Friday                                    | Thursday 15h00 for next Friday          | 3 working days prior to publication                  |
| Unclaimed Monies (Justice, Labour or Lawyers) | January / September 2 per year | Last Friday                               | One week before publication             | 3 working days prior to publication                  |
| Parliament (Acts, White Paper, Green Paper)   | As required                    | Any day of the week                       | None                                    | 3 working days prior to publication                  |
| Manuals                                       | Bi- Monthly                    | 2nd and last Thursday of the month        | One week before publication             | 3 working days prior to publication                  |
| State of Budget (National Treasury)           | Monthly                        | 30th or last Friday of the month          | One week before publication             | 3 working days prior to publication                  |
| <i>Extraordinary Gazettes</i>                 | As required                    | Any day of the week                       | <i>Before 10h00 on publication date</i> | <i>Before 10h00 on publication date</i>              |
| Legal Gazettes A, B and C                     | Weekly                         | Friday                                    | One week before publication             | Tuesday, 15h00 - 3 working days prior to publication |
| Tender Bulletin                               | Weekly                         | Friday                                    | Friday 15h00 for next Friday            | Tuesday, 15h00 - 3 working days prior to publication |
| Gauteng                                       | Weekly                         | Wednesday                                 | Two weeks before publication            | 3 days <b>after</b> submission deadline              |
| Eastern Cape                                  | Weekly                         | Monday                                    | One week before publication             | 3 working days prior to publication                  |
| Northern Cape                                 | Weekly                         | Monday                                    | One week before publication             | 3 working days prior to publication                  |
| North West                                    | Weekly                         | Tuesday                                   | One week before publication             | 3 working days prior to publication                  |
| KwaZulu-Natal                                 | Weekly                         | Thursday                                  | One week before publication             | 3 working days prior to publication                  |
| Limpopo                                       | Weekly                         | Friday                                    | One week before publication             | 3 working days prior to publication                  |
| Mpumalanga                                    | Weekly                         | Friday                                    | One week before publication             | 3 working days prior to publication                  |

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

| Government Gazette Type              | Publication Frequency | Publication Date                               | Submission Deadline          | Cancellations Deadline                          |
|--------------------------------------|-----------------------|--|------------------------------|---|
| Gauteng Liquor License Gazette       | Monthly               | Wednesday before the First Friday of the month | Two weeks before publication | 3 working days <b>after</b> submission deadline |
| Northern Cape Liquor License Gazette | Monthly               | First Friday of the month                      | Two weeks before publication | 3 working days <b>after</b> submission deadline |
| National Liquor License Gazette      | Monthly               | First Friday of the month                      | Two weeks before publication | 3 working days <b>after</b> submission deadline |
| Mpumalanga Liquor License Gazette    | Bi-Monthly            | Second & Fourth Friday                         | One week before publication  | 3 working days prior to publication             |

### EXTRAORDINARY GAZETTES

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

### NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za).
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
  - 8.1. Each of the following documents must be attached to the email as a separate attachment:
    - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
      - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
      - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
    - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
    - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
    - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
    - 8.1.5. Any additional notice information if applicable.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES**

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

**QUOTATIONS**

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

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

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

**CANCELLATIONS**

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

**AMENDMENTS TO NOTICES**

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

**REJECTIONS**

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

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

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

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

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

**LIABILITY OF ADVERTISER**

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

**CUSTOMER INQUIRIES**

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

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

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

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

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

### PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za) before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
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37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

### PROOF OF PUBLICATION

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

## GOVERNMENT PRINTING WORKS CONTACT INFORMATION

**Physical Address:**
**Government Printing Works**

149 Bosman Street

Pretoria

**Postal Address:**

Private Bag X85

Pretoria

0001

**GPW Banking Details:**
**Bank:** ABSA Bosman Street

**Account No.:** 405 7114 016

**Branch Code:** 632-005

**For Gazette and Notice submissions:** Gazette Submissions:

**For queries and quotations, contact:** Gazette Contact Centre:

**E-mail:** [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za)
**E-mail:** [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)
**Tel:** 012-748 6200

**Contact person for subscribers:** Mrs M. Toka:

**E-mail:** [subscriptions@gpw.gov.za](mailto:subscriptions@gpw.gov.za)
**Tel:** 012-748-6066 / 6060 / 6058

**Fax:** 012-323-9574

## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

### DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3425

19 May 2023

#### GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 22 OF 1994, AS AMENDED

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act no. 22 of 1994 (as amended), that claims for the restitution of land rights on:

Reference No. : KRN6/2/2/436/C/0/0/8

Claimant : Mr Johannes Jurgen Grabe

Description of Properties : The properties under claim as described below are situated in the Harrismith Registration Division, Maluti-a-Phofung Local Municipal, under Thabo Mofustsanyane District Municipal, Free State Province and the Bethlehem Registration Division, Dihlabeng Local Municipal, under Thabo Mofustsanyane District Municipal, Free State Province.

| NO | FARM NAME<br>PORTION                                     | REGISTRATION<br>DIVISION | DEEDS<br>TRANSFER | EXTENT     | CURRENT<br>OWNER            |
|----|--|--------------------------|-------------------|------------|-----------------------------|
| 1  | Remaining Extent<br>of the Farm<br>Roodenbloem No<br>757 | Harrismith               | T10113/1981       | 722.3520ha | Republic of South<br>Africa |
| 2  | Remaining Extent<br>of the Farm<br>Mauriushoek<br>No.336 | Harrismith               | T10113/1981       | 124.8752ha | Republic of South<br>Africa |
| 3  | Remaining Extent<br>Known as La<br>Rochelle No 1324 a    | Harrismith               | T10113/1981       | 74.2271ha  | Republic of South<br>Africa |

|   |  |           |             |             |                             |
|---|--|-----------|-------------|-------------|-----------------------------|
|   | Portion of the Farm<br>Sloothoek No. 981                   |           |             |             |                             |
| 4 | Remaining Extent<br>of the Farm<br>Sloothoek No. 981       | Bethlehem | T10113/1981 | 171.3064ha  | Republic of South<br>Africa |
| 5 | Remaining Extent<br>of the Farm<br>Snowhills no. 711       | Bethlehem | T1231/1987  | 1022.4094ha | Republic of South<br>Africa |
| 6 | Farm Snowhills "A"<br>153 of the Farm<br>Rhebokkop No. 518 | Bethlehem | T1231/1987  | 145.6846ha  | Republic of South<br>Africa |

Date submitted : 15<sup>th</sup> December 1998

Current Land Use : Agricultural Activities and residential

Total Hectorage : 2 260,8547HA

The Regional Land Claims Commissioner

Free State Province

P O Box 4376

Bloemfontein,

9300

Tel: 051 430 0444

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3426

19 May 2023

**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS  
ACT, NO.22 OF 1994 AS AMENDED**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, Act No. 22 of 1994 as amended that claims for the restitution of land rights on:

**Reference No.** : **KRN6/2/2/436/C/0/0/08**

**Claimant** : **Mr. Daniel Jacobus Grabe**

**Property Description** : **Portion 0 of the Farm Barendina No.337 situated in the Registration Division of Harrismith, Maluti-A-Phofung Local Municipality under Thabo-Mofutsanyana District Municipality in the Free State Province.**

**Extent of Land** : **421.6678 Ha**

**Current Title Deed** : **T1148/1981**

**Date Submitted** : **23<sup>rd</sup> December 1998**

**Current Owner** : **Republic of South Africa**

**Current Land Use** : **Agricultural and Residential**

Has been submitted to the Regional Land Claims Commissioner for the Free State Province and that the Commission on Restitution of Land Rights will further investigate the claims in terms of the provisions of the Act, as amended in due course.

Any party who has an interest in the abovementioned land claim is hereby invited to submit, within 30 days from the date of the publication of this Notice, any comments / information to:

**The Regional Land Claims Commissioner  
Free State Province  
P.O. Box 4376  
Bloemfontein  
9300**

**Tel: (051) 403 0700  
Fax: (051) 430 3930**

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3427

19 May 2023

**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 22 OF 1994, AS AMENDED**

NOTICE FOR AN AMENDMENT OF GAZETTE NOTICE 5 OF 2014 [WHICH AMENDED GAZETTE NOTICE 1168 OF 1995] AS CONTAINED IN GOVERNMENT GAZETTE NUMBER 37205 IN RESPECT OF THE FARM KNOWN AS BETHANY NO. 16 SITUATED IN KOPANO LOCAL MUNICIPALITY, XHARIEP DISTRICT, FREE STATE PROVINCE.

Notice is hereby given in terms of Section 11(1) read with Section 11A ( 4) of the Restitution of Land Rights Act no. 22 of 1994 (as amended),

The above-mentioned gazette notice is hereby amended to include the following two claimants:

1.Claimant: Mr. Molahlei Gibson Jong

Reference No. :KRN6/2/2/C/11/0/0/1/2

2.Claimant: Mr. Tshepo Peter Emmanuel Phetlhu

Reference No. :KRN6/2/2/C/11/0/0/1/3

Claimants: Mr. Johannes Kraalshoek (1965 dispossessions) and  
Mr. Raymond Beddy (1925 dispossessions)

Reference Number: N6/2/2/C/1/1/0/0/1

| <b>NO</b> | <b>FARM NAME PORTION</b>                      | <b>DEEDS TRANSFER</b> | <b>EXTENT</b> | <b>CURRENT OWNER</b>   |
|-----------|---|-----------------------|---------------|------------------------|
| 1         | Remaining Extent of Cotzee's Rust No. 543     | T25137/1998           | 359.7434ha    | Coertzen Johannes June |
| 2         | Portion 1 of the farm Cotzee's No. 543        | T10155/1996           | 99.3106ha     | Asareel Trust          |
| 3         | Remaining Extent of the farm Fairview No. 546 | T12601/1990           | 482.0006ha    | Viviers Francois       |

|    |  |              |            |  |
|----|--|--------------|------------|--|
| 4  | Portion 1 of the farm Fairview No. 546   | T31944/2007  | 6.1041ha   | SANRAL                                   |
| 5  | Portion 2 of the farm Fairview No 546  | T31499/2007  | 22.079ha   | SANRAL                                   |
| 6  | Portion 0 of the farm Eben No. 547   | T1782/2001   | 428.6500ha | Kruger Hendrik<br>Andries Gustav         |
| 7  | Remaining extent of the farm De Hoop No. 548   | T 3806/1997  | 457.3560ha | De Hoop Trust                            |
| 8  | Portion 1 of the farm De Hoop No. 548  | T 31945/2007 | 13.815ha   | SANRAL                                   |
| 9  | Portion of the farm Karoo No. 459  | T462/1986    | 428.7014ha | Cooper Lucille                           |
| 10 | Remaining Extent of farm Elim No. 550  | T3937/1989   | 437.1360ha | Kruger Hendrik<br>Andries Gustav         |
| 11 | Remaining Extent of the farm Elim No. 550  | T 32105/2005 | 33.8853ha  | SANRAL                                   |
| 12 | Remaining Extent of Geluksdam No. 551  | T 2302/1995  | 455.748ha  | Asareel Trust                            |
| 13 | Portion 1 of the farm Geluksdam No. 551  | T 7118/2008  | 4.4862ha   | SANRAL                                   |
| 14 | Portion 2 of the farm Geluksdam No.551   | T 31244/2007 | 10.7251ha  | SANRAL                                   |
| 15 | Portion of the farm Overshot No.554 now Overshot No.615                              | T 31966/2007 | 515.653ha  | Dirk Jacobus &<br>Maria Sophia Kriger    |
| 16 | Remaining Extent of the farm Pokkiespoort No. 563                                    | T 9095/1983  | 321.0959ha | Noordman Coert<br>Anton                  |
| 17 | Portion 1 of the farm Pokkiespoort No. 563 now consolidated to farm Telpoort No. 601 | T 2808/2007  | 134.7977ha | Hendrik Jacobus<br>Johannes              |
| 18 | Remaining Portion of the Louispos No. 546  | T 9094/1983  | 428.2660ha | Noordmn Gottlieb<br>Anton                |
| 19 | Portion 0 of the farm Mooihoek No. 567   | T 22625/2007 | 894.9689ha | SJR Family Trust                         |
| 20 | Portion 0 of the farm Groenvlei No. 568  | T 22625/2007 | 427.5894ha | SJR Family Trust                         |
| 21 | Portion 0 of the farm Fortuin No. 569  | T 1613/1930  | 431.5736ha | Van Der Merwe<br>Christana Johanna       |
| 22 | Remaining of the farm Reservoir No. 591  | T 1613/1930  | 8360       | Transnet LTD                             |
| 23 | Portion 1 of the farm Bethany No. 16   | T 7082/1964  | 257.9538ha | Provincial<br>Government of Free<br>Sate |
| 24 | Portion 2 of farm Bethany No. 16   | T6648/1968   | 2.538ha    | Transnet                                 |

|    |                                       |              |             |  |
|----|---------------------------------------|--------------|-------------|--|
| 25 | Remaining Portion of farm Bethany 610 | T 14430/2009 | 6429.291ha  | Evangelical Lutheran Church of Southern Africa |
| 26 | Portion 1 of the farm Bethany No. 610 | T 6779/2008  | 47.0486ha   | SANRAL   |
| 27 | Portion 2 of the farm Bethany No. 610 | T 20890/1992 | 1.3709ha    | SANRAL   |
| 28 | Portion 4 of the farm Bethany No. 610 | T 20890/1992 | 19.7715ha   | TRANSNET LTD                                   |
| 29 | Portion 5 of the farm Bethany No. 610 | T 1436/2000  | 5333.6245ha | Bethany Communal Property Association          |

Date submitted : Mr. Jong Land Claim Lodged on 03/12/1998  
 Mr. Tshepo Samuel Phetihu land claim lodged on 30/12/1998

Current Land Use : Agricultural Activities

Total Hectorage : 18 448.8427

The Regional Land Claims Commissioner  
 Free State Province  
 P O Box 4376  
 Bloemfontein,  
 9300  
 Tel: 051 430 0444



**Lebjane Maphutha**  
**Regional Land Claims Commissioner**

Date: 2023/03/17

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3428

19 May 2023

**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT,  
1994 (ACT NO.22 OF 1994)**

Notice is hereby given in terms of section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No.22 of 1994 as amended) that a claim for restitution of land rights on:

|                             |   |  |
|-----------------------------|---|--|
| <b>Reference</b>            | : | <b>6/2/3/D/51/797/1158/138</b>   |
| <b>Claimant</b>             | : | <b>Thamsanqa Gladman Mpehlo (On behalf of Mpehlo family)</b>   |
| <b>Property Description</b> | : | <b>Erf 2282, Korsten, Gqeberha, Nelson Mandela Metropolitan Municipality, Sarah Bartman District, in the Eastern Cape Province</b> |
| <b>Extent of Land</b>       | : | <b>229 Square Metres</b>   |
| <b>Title Deed</b>           | : |  |
| <b>Current Owner</b>        | : | <b>Department of Agriculture, Land Reform and Rural Development</b>  |
| <b>Date claim submitted</b> | : | <b>29 July 1998</b>  |

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course.

Any person who has an interest in the above-mentioned land is hereby invited to submit, within fourteen (90) days from the publication of this notice, any comments/information to:

**Office of the Regional Land Claims Commissioner : Eastern Cape  
Department of Agriculture, Land Reform and Rural Development  
PO Box 1375  
East London  
5200  
Tel : 043 700 6000, Fax : 043 743 3687**

  
**Mr. L.H. Maphutha  
Regional Land Claims Commissioner**

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3429

19 May 2023

**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT,  
1994 (ACT NO.22 OF 1994)**

Notice is hereby given in terms of section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No.22 of 1994 as amended) that a claim for restitution of land rights on:

REFERENCE : 6/2/3/D/51/797/1158/129  
CLAIMANT : Thenjiwe Elizabeth Ntshuntshe  
PROPERTY DESCRIPTION : Erf 50, Korsten in Port Elizabeth, situated in the Nelson Mandela Bay Metropolitan Municipality, Eastern Cape Province  
EXTENT OF LAND : 8562 sqm  
TITLE DEED : T53830/2010 CTN  
DATE CLAIM SUBMITTED : 12 February 1998  
CURRENT OWNER : Nelson Mandela Bay Metropolitan Municipality

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course.

Any person who has an interest in the above-mentioned land is hereby invited to submit, within fourteen (14) days from the publication of this notice, any comments/information to:

**Office of the Regional Land Claims Commissioner : Eastern Cape  
Department of Rural Development and Land Reform  
PO Box 1375  
East London  
5200  
Tel : 043 700 6000, Fax : 043 743 3687**

  
**Mr. L.H. Maphutha  
Regional Land Claims Commissioner**

**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

NO. 3430

19 May 2023

**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT,  
1994 (ACT NO.22 OF 1994)**

Notice is hereby given in terms of section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No.22 of 1994 as amended) that a claim for restitution of land rights on:

**Rerefence** : **6/2/3/D/51/797/1158/4**

**Claimant** : **Monde Herman Sokuyeka**

| <b>Property Description</b> | <b>Extent of Land</b> | <b>Title Deed</b>  | <b>Current Owner</b> |
|-----------------------------|-----------------------|--------------------|----------------------|
| <b>Erf 1465 Korsten</b>     | <b>261 sqm</b>        | <b>T28023/2002</b> | <b>Kemp Katie</b>    |

**Korsten, Gqeberha, Nelson Mandela Metropolitan Municipality, Sarah Baartman District, in the Eastern Cape Province**

**Date claim submitted** : **8 December 1998**

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course.

Any person who has an interest in the above-mentioned land is hereby invited to submit, within fourteen (90) days from the publication of this notice, any comments/information to:

**Office of the Regional Land Claims Commissioner : Eastern Cape**  
**Department of Agriculture, Land Reform and Rural Development**  
**PO Box 1375**  
**East London**  
**5200**  
**Tel : 043 700 6000, Fax : 043 743 3687**

  
**Mr. L.H. Maphutha**  
**Regional Land Claims Commissioner**

## DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 3431

19 May 2023

**SKILLS DEVELOPMENT ACT, 1998 (ACT NO. 97 OF 1998)**  
**DRAFT REGULATIONS FOR NATIONAL SKILLS AUTHORITY TO CONDUCT**  
**INVESTIGATIONS**

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science and Innovation intend after consultation with the National Skills Authority, in terms of section 36(s) of the Skills Development Act, 1998 (Act No. 97 of 1998), to intend to make the Regulations in the Schedule.

Interested persons are invited to submit, within 60 days from the date of the publication of this Notice, any written comments or representations on the proposed Regulations to the National Skills Authority by email or post to:

**E-mail:** [Lehula.D@dhet.gov.za](mailto:Lehula.D@dhet.gov.za) or [Mahlo.M@dhet.gov.za](mailto:Mahlo.M@dhet.gov.za)

**Post:** The Executive Officer: National Skills Authority  
Department of Higher Education and Training  
178 Francis Baard Street  
Private Bag X174  
Pretoria  
0001

Any enquiries in connection with this gazette notice can be directed to Ms. D Lehula, telephone: 012 312 6115/ 079 725 3295

**MINISTER OF HIGHER EDUCATION, SCIENCE AND INNOVATION**

**DATE:**

## **SCHEDULE**

### **ARRANGEMENT OF REGULATIONS**

1. Definitions
2. Application
3. Investigation by the NSA
4. Determination of merits of complaint
5. Decision to Investigate
6. Format of Investigations
7. Preliminary Investigation
8. Formal Investigation
9. Powers of Entry
10. Powers to Question and Inspect
11. Investigation Report
12. Liability of the NSA
13. Short title and commencement

## Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context otherwise indicates—

“**chairperson**” means the Chairperson of the National Skills Authority, unless stated otherwise;

“**day(s)**” means any day other than a Saturday, Sunday or public holiday, which shall be calculated excluding the first and including the last day.

“**entity**” means an institution or organisation established by the Act;

“**Executive Officer**” means a person appointed in terms of section 8 (2)(a) of the Act;

“**investigation letter**” means a letter which indicates the initiation of an investigation as contemplated in section 5(1)(d) of the Act;

“**investigation**” means an investigation as contemplated in section 5(1)(d) of the Act;

“**the Act**” means the Skills Development Act, 1998 (Act No. 97 of 1998).

## Application

2. These Regulations apply to all entities established or individuals appointed in accordance with the Act

**Investigation by NSA**

3. The NSA may—

- (a) investigate, on its own initiative, on receipt of a complaint, or request by the Minister, of any alleged—
- (i) maladministration in connection with the affairs of SETAs and other entities established in terms of the Act;
  - (ii) abuse or unjustifiable exercise of power or other improper conduct or undue delay by any person performing a function in accordance with the Act;
  - (iii) improper or unlawful enrichment of members of the Accounting Authority of SETAs and any other entities established in terms of the Act.
  - (iv) mismanagement of finances of a SETA or any other entity established in terms of the Act; and
  - (v) reported poor performance of a SETA; and
- (b) to investigate any other matter related to the application of the Act, including matters not specified in paragraph (a) above, if directed to by the Minister in terms of section 14A(4)(c) of the Act.

**Determination of merits of complaint**

4. (1) Upon receipt of a complaint and before deciding to investigate, the NSA—
- (a) may request additional information from the complainant as the NSA may deem necessary;

- (b) must inform the person or entity against whom the complaint is made of the nature of the complaint and enquire whether he, she or it desires to provide a written submission on the complaint; and
  - (c) may make enquiries as it may deem necessary to determine the merits of the complaint.
- (2) Complaints must be lodged in writing and addressed to the Executive Officer or the Chairperson.
  - (3) If requested by the NSA, the complainant must, when a complaint is lodged, provide credible evidence to the NSA in support his or her submission and representation.

#### **Decision to investigate**

- 5. (1) When the NSA decides to investigate a matter, the NSA must, within seven days from the date of taking a decision to investigate, send an investigation letter to the Minister. The NSA must also, within 7 days from date of taking a decision to investigate, inform the complainant as well as the person, SETA or entity to be investigated, in writing, of such decision.
- (2) The investigation letter referred to in sub-regulation (1) must—
  - (a) be signed by the Chairperson of the NSA;
  - (b) reflect the details of the issues and allegations giving rise to the investigation;

- (c) indicate whether the decision to investigate is due to the NSA's own initiative, or as a result of a complaint received, or upon direction of the Minister; and
  - (d) the Terms of Reference for the investigation.
- (3) The processing of personal information during the investigation must comply with the provisions of POPIA.

### **Format of Investigations**

6. (1) The NSA must develop and approve the Terms of Reference for each investigation and set out an investigation plan.
- (2) The Terms of Reference must include details of the allegations and issues that will be investigated.
- (3) The investigation plan may provide for a preliminary investigation for the purpose of determining the merits of a complaint or a formal investigation.
- (4) The NSA may request, in writing, at any time after an investigation is initiated, for the individual, SETA or entity being investigated, to attend a meeting with the NSA and/or to produce, and make available for inspection, within 14 days from the date of request, any document as may be determined by the NSA, relating to the investigation.
- (5) The individual, SETA or other entity being investigated must notify the NSA, at least three days prior to the proposed meeting date, if the date identified for the meeting is not suitable.

- (6) The NSA may, if good cause is shown, postpone a scheduled meeting to a later date not more than 14 days from the proposed meeting.

### **Preliminary Investigation**

7. (1) A preliminary investigation may take place by way of a meeting between the NSA and the individual, the SETA or other entity being investigated and may include a consultation with the complainant.
- (2) The meeting will be held at the venue identified by the NSA.
- (3) The NSA must give written notice of the meeting scheduled in terms of sub-regulation (1) to the individual, SETA or other entity being investigated, at least 14 days before the proposed meeting.
- (4) The preliminary investigation Terms of Reference must be provided to the individual, SETA or other entity being investigated, at least 14 days prior to the meeting.
- (5) The NSA may, at any stage during the preliminary investigation, refer the matter for a formal investigation.

### **Formal Investigation**

8. (1) A formal investigation shall take place at an investigation hearing, on a date, and at a time and venue determined by the NSA.

- (2) Once the matter has been referred for a formal investigation, the Chairperson of the NSA must issue a notice to every person required to attend the investigation hearing.
- (3) The notice contemplated in sub-regulation (2) must contain—(a) the date, time and venue where the hearing is to be held;
- (b) the formal investigation Terms of Reference;
- (c) notice of the right to be represented; and
- (d) notice of the right to call witnesses.
- (4) The NSA may—
- (a) question the complainant and any possible witnesses; and
- (b) inspect any evidence relevant to the investigation.

#### **Powers of entry**

9. (1) The NSA may, for purposes of the investigation and after providing 14 days written notice and a copy of the investigation letter to the SETA, individual or other entity being investigated, enter at a reasonable time any building or premises of an individual, SETA or other entity on or in which anything connected with the investigation is or is suspected to be.
- (2) No person, SETA or entity shall, after receipt of the notice in sub-regulation (1), refuse the NSA entry to premises unless that person, SETA or entity is legally authorized to do so.

- (3) Upon entry to the premises, the NSA shall conduct itself in a professional manner, with due consideration for the staff and operations of the individual, SETA or entity in question.
- (4) The NSA must take all reasonable steps to ensure that it does not hinder the continued operations of the individual, SETA or entity in question, during the investigation.

### **Power to question and inspect**

10. (1) The NSA has the authority to—
  - (i) inspect all books, documents and records relating to the individual, SETA or the entity in question;
  - (ii) question any person whom it reasonably suspects of having information which has a bearing on a matter or person being investigated; and
  - (iii) request any person whom it reasonably suspects of having documentation, to produce or deliver to the NSA any book, document or record that must be kept in terms of this Act, or that is or was in the possession or in the custody or under the control of such person or employee of an individual, SETA or entity being investigated.
- (2) No individual, SETA or entity shall refuse the NSA access to:
  - (i) inspect books, documents and records relating to the individual, SETA or the entity in question unless legally authorized to do so; and

- (ii) question any person whom it reasonably suspects of having information which has a bearing on a matter involving an individual, SETA or entity being investigated.
- (3) If, during an investigation, it appears to the NSA that any other person is implicated in the matter being investigated and that such implication may be to the detriment of that person, the NSA shall afford such person the same rights as the individual, SETA or entity under investigation.

### **Investigation report**

- 11. (1) Within 14 days after the completion of an investigation, the NSA must compile an investigation report and submit a copy thereof to the person, SETA or entity under investigation.
- (2) Where a preliminary investigation was conducted, the NSA must compile and submit a report of the preliminary investigation to the Minister, which may include a final close-out investigation report.
- (3) Where a formal investigation was conducted, the NSA must compile and submit a report of the formal investigation to the Minister which must include a final close-out investigation report.
- (4) An investigation will be deemed to be concluded if a final close-out investigation report is provided to the Minister.
- (5) The investigation close – out report must include—
  - (a) details of the allegations investigated;

- (b) details of the investigation as the NSA may deem relevant;
  - (c) the findings of the NSA;
  - (d) a recommendation and advice to the Minister; and
  - (e) full and transparent details of the investigation as undertaken by the NSA.
- (6) The NSA will take reasonable measures to ensure that all investigations are concluded at their earliest convenience.

### **Liability of the NSA**

12. A member, the Executive Officer or secretariat of the NSA and its delegation, shall not be liable in respect of any information reflected in any report, finding, point of view, advice or recommendation made or expressed in good faith and submitted to the Minister or made known in terms of the Act.

### **Short title and commencement**

13. These Regulations are called the Regulations for the National Skills Authority to Conduct Investigations and come into operation on the date of publication in the *Government Gazette*.

## DEPARTEMENT VAN HOËR ONDERWYS EN OPLEIDING

NO. 3431

19 Mei 2023

## WET OP VAARDIGHEIDSONTWIKKELING, 1998 (WET 97 VAN 1998)

KONSEPREGULASIES VIR NASIONALE VAARDIGHEIDSOWERHEID OM  
ONDERSOEKE UIT TE VOER

Ek, ,

ce170521

Minister van Hoër Onderwys, Wetenskap en Innovasie beoog om ná oorlegpleging met die Nasionale Vaardigheidsowerheid, ingevolge artikel 36(s) van die Wet op Vaardigheidsontwikkeling, 1998 (Wet No. 97 van 1998), die Regulasies in die Bylae te maak.

Belangstellendes word uitgenooi om binne drie maande vanaf die datum van publikasie van hierdie Kennisgewing enige skriftelike kommentaar of verhoë oor die voorgestelde Regulasies in te dien by die Direkteur-generaal, Departement van Hoër Onderwys en Opleiding, Privaatsak X 174, Pretoria, 0001 (vir die aandag van Me D Lehula, of per e-pos aan [Lehula.D@dhet.gov.za](mailto:Lehula.D@dhet.gov.za)) binne 60 dae vanaf die datum van publikasie van hierdie Kennisgewing.

**MINISTER VAN HOËR ONDERWYS, WETENSKAP EN INNOVASIE****DATUM:****BYLAE****RANGSKIKKING VAN REGULASIES**

1. Definisies
2. Aansoek
3. Ondersoek deur die NVO
4. Bepaling van meriete van klagte
5. Besluit om te ondersoek
6. Formaat van ondersoeke
7. Voorlopige ondersoek
8. Formele ondersoek
9. Mag van toegang
10. Mag om te ondervra en te inspekteer
11. Ondersoekverslag
12. Aanspreeklikheid van die NVO
13. Kort titel en aanvangsdatum

## Definisies

1. In hierdie regulasie sal enige woord of uitdrukking waaraan die Wet 'n betekenis heg, die betekenis hê wat die Wet daaraan heg tensy dit uit die samehang anders blyk—

“**dag/dae**” beteken enige dag buiten 'n Saterdag, Sondag of openbare vakansiedag, wat bereken word met die uitsluiting van die eerste en die laaste dag;

“**die Wet**” beteken die Wet op Vaardigheidsontwikkeling, 1998 (Wet No. 97 van 1998).

“**entiteit**” beteken 'n instelling of organisasie wat deur die Wet ingestel is;

“**ondersoekbrief**” beteken 'n brief wat die begin van 'n ondersoek aandui soos beoog in artikel 5(1)(d) van die Wet;

“**ondersoek**” beteken 'n ondersoek soos beoog in artikel 5(1)(d) van die Wet;

“**Uitvoerende beampte**” beteken 'n persoon wat ingevolge artikel 8(2)(a) van die Wet aangestel is;

“**voorsitter**” beteken die Voorsitter van die Nasionale Vaardigheidsowerheid, tensy anders vermeld;

## Toepassing

2. Hierdie Regulasies is van toepassing op alle entiteite wat gestig is of individue wat ooreenkomstig die Wet aangestel is

**Ondersoek deur NVO**

3. Die NVO mag—

- (a) op eie inisiatief, by ontvangs van 'n klagte, of versoek deur die Minister, ondersoek instel na enige beweerde—
- (i) wanbestuur in verband met die sake van SOOO's en ander entiteite wat ingevolge die Wet ingestel is;
  - (ii) misbruik of onregverdigbare uitoefening van mag of ander onbehoorlike gedrag of onnodige vertraging deur enige persoon wat 'n funksie ooreenkomstig die Wet verrig;
  - (iii) onbehoorlike of onwettige verryking van lede van die Rekenpligtige Gesag van SOOO's en enige ander entiteite wat ingevolge die Wet gestig is;
  - (iv) wanbestuur van finansies van 'n SOOO of enige ander entiteit wat ingevolge die Wet gestig is; en
  - (v) swak prestasie van 'n SOOO wat aangemeld word; en
- (b) enige ander aangeleentheid wat verband hou met die toepassing van die Wet, ondersoek, insluitende aangeleenthede wat nie in paragraaf (a) hier bo gespesifiseer word nie, indien die Minister opdrag gee daarvoor ingevolge artikel 14A(4)(c) van die Wet.

**Bepaling van meriete van klagte**

4. (1) By ontvangs van 'n klagte en voordat besluit word om ondersoek in te stel—
- (a) mag die NVO bykomende inligting van die klaer versoek soos die NVO nodig ag;

- (b) moet die NVO die persoon of entiteit teen wie die klagte ingedien word, inlig van die aard van die klagte en navraag doen of hy, sy of dit 'n skriftelike voorlegging oor die klagte wil lewer; en
- (c) mag die NVO enige navraag doen wat dit nodig ag om die meriete van die klagte te bepaal.
- (2) Klagtes moet skriftelik ingedien word en aan die Uitvoerende Beambte of die Voorsitter gerig word.
- (3) As die NVO dit versoek, moet die klaer, wanneer 'n klag ingedien word, betroubare bewyse aan die NVO verskaf ter ondersteuning van sy of haar voorlegging en vertoë.

### **Besluit om te ondersoek**

- 5. (1) Wanneer die NVO besluit om 'n aangeleentheid te ondersoek, moet die NVO binne sewe dae vanaf die datum waarop die besluit om te ondersoek geneem is, 'n ondersoekbrief aan die Minister stuur. Die NVO moet ook binne 7 dae vanaf die datum waarop 'n besluit om ondersoek geneem is die klaer sowel as die persoon, SOOO of entiteit wat ondersoek gaan word, skriftelik van sodanige besluit in kennis stel.
- (2) Die ondersoekbrief waarna in subregulasie (1) verwys word, moet—
  - (a) deur die Voorsitter van die NVO onderteken word;
  - (b) die besonderhede van die kwessies en bewerings wat tot die ondersoek aanleiding gegee het, weerspieël;

- (c) aandui of die besluit om te ondersoek te wyte is aan die NVO se eie inisiatief, of as gevolg van 'n klagte wat ontvang is, of op bevel van die Minister is; en
  - (d) die Opdrag vir die ondersoek.
- (3) Die verwerking van persoonlike inligting gedurende die ondersoek moet aan die bepalings van POPIA voldoen.

### **Formaat van ondersoeke**

6. (1) Die NVO moet die Opdrag vir elke ondersoek ontwikkel en goedkeur en 'n ondersoekplan uiteensit.
- (2) Die Opdrag moet besonderhede insluit van die bewerings en kwessies wat ondersoek sal word.
- (3) Die ondersoekplan kan voorsiening maak vir 'n voorlopige ondersoek met die doel om die meriete van 'n klagte of 'n formele ondersoek te bepaal.
- (4) Die NVO kan enige tyd nadat 'n ondersoek begin is, skriftelik versoek dat die individu, SOOO of entiteit wat ondersoek word, 'n vergadering met die NVO bywoon en/of enige dokument, soos deur die NVO bepaal, met betrekking tot die ondersoek, binne 14 dae vanaf die datum van die versoek, voorlê en beskikbaar stel vir inspeksie.
- (5) Die individu, SOOO of ander entiteit wat ondersoek word, moet die NVO minstens drie dae voor die voorgestelde vergaderingsdatum in kennis stel as die datum wat vir die vergadering geïdentifiseer is, nie geskik is nie.

- (6) Die NVO mag, as goeie rede aangevoer word, 'n geskeduleerde vergadering uitstel tot 'n latere datum nie meer as 14 dae vanaf die voorgestelde vergadering nie.

### **Voorlopige ondersoek**

7. (1) 'n Voorlopige ondersoek kan plaasvind by wyse van 'n vergadering tussen die NVO en die individu, die SOOO of ander entiteit wat ondersoek word en kan 'n konsultasie met die klaer insluit.
- (2) Die vergadering sal gehou word by die plek wat deur die NVO geïdentifiseer is.
- (3) Die NVO moet minstens 14 dae voor die voorgestelde vergadering, skriftelik kennis gee van die vergadering wat ingevolge subregulasie (1) geskeduleer is, aan die individu, SOOO of ander entiteit wat ondersoek word.
- (4) Die Opdrag vir die voorlopige ondersoek moet ten minste 14 dae voor die vergadering verskaf word aan die individu, SOOO of ander entiteit wat ondersoek word.
- (5) Die NVO kan op enige stadium gedurende die voorlopige ondersoek die aangeleentheid vir 'n formele ondersoek verwys.

### **Formele ondersoek**

8. (1) 'n Formele ondersoek sal gedurende 'n ondersoekverhoor plaasvind, op 'n datum en op 'n tyd en plek wat deur die NVO bepaal word.

- (2) Sodra die aangeleentheid vir 'n formele ondersoek verwys is, moet die Voorsitter van die NVO 'n kennisgewing uitreik aan elke persoon wat die ondersoekverhoor moet bywoon.
- (3) Die kennisgewing beoog in subregulasie (2) moet die volgende bevat—
- (a) die datum, tyd en plek waar die verhoor gehou gaan word;
  - (b) die Opdrag vir die formele ondersoek;
  - (c) kennisgewing van die reg om verteenwoordig te word; en
  - (d) kennisgewing van die reg om getuies te roep.
- (4) Die NVO mag—
- (a) die klaer en enige moontlike getuies ondervra; en
  - (b) enige bewyse wat op die ondersoek van toepassing is, inspekteer.

### **Mag van toegang**

9. (1) Die NVO mag, vir doeleindes van die ondersoek en ná 14 dae van skriftelike kennisgewing en 'n afskrif van die ondersoekbrief gegee is aan die SOOO, individu of ander entiteit wat ondersoek word, enige gebou of perseel van 'n individu, SOOO of ander entiteit waarop of waarin enigiets wat met die ondersoek verband hou, is of vermoedelik is op 'n redelike tyd betree.
- (2) Geen persoon, SOOO of entiteit mag, ná ontvangs van die kennisgewing in subregulasie (1), die NVO toegang tot 'n perseel weier, tensy daardie persoon, SOOO of entiteit wetlik gemagtig is om dit te doen nie.

- (3) By toegang tot die perseel sal die NVO homself op 'n professionele wyse gedra, met inagneming van die personeel en bedrywighede van die betrokke individu, SOOO of entiteit.
- (4) Die NVO moet alle redelike stappe doen om te verseker dat dit nie die voortgesette bedrywighede van die betrokke individu, SOOO of entiteit, gedurende die ondersoek belemmer nie.

### **Mag om te ondervra en te inspekteer**

10. (1) Die NVO het die gesag om—
  - (i) alle boeke, dokumente en rekords wat met die individu, SOOO of die betrokke entiteit verband hou, te inspekteer;
  - (ii) enige persoon te ondervra wat dit redelikerwys vermoed inligting het wat betrekking het op 'n aangeleentheid of persoon wat ondersoek word; en
  - (iii) enige persoon wat dit redelikerwys vermoed dokumentasie het, te versoek om enige boek, dokument of rekord wat ingevolge hierdie Wet gehou moet word, of wat in besit of in bewaring daarvan is of was of onder die beheer van sodanige persoon of werknemer van 'n individu, SOOO of entiteit wat ondersoek word, aan die NVO voor te lê of aan die NVO te lewer.
- (2) Geen individu, SOOO of entiteit mag die NVO toegang weier om:
  - (i) boeke, dokumente en rekords met betrekking tot die individu, SOOO of die betrokke entiteit te inspekteer nie, tensy wetlik gemagtig om dit te doen; en

- (ii) enige persoon te ondervra wat dit redelikerwys vermoed inligting het wat betrekking het op 'n aangeleentheid waarby 'n individu, SOOO of entiteit wat ondersoek word, betrokke is nie.
- (3) As dit gedurende 'n ondersoek aan die NVO blyk dat enige ander persoon betrokke is by die aangeleentheid wat ondersoek word en dat sodanige implikasie moontlik tot nadeel van daardie persoon is, sal die NVO aan daardie persoon dieselfde regte as die individu, SOOO of entiteit wat ondersoek word, verleen.

### **Ondersoekverslag**

- 11. (1) Binne 14 dae ná die voltooiing van 'n ondersoek moet die NVO 'n ondersoekverslag opstel en 'n afskrif daarvan by die persoon, SOOO of entiteit wat ondersoek word, indien.
- (2) Waar 'n voorlopige ondersoek gedoen is, moet die NVO 'n verslag van die voorlopige ondersoek saamstel en aan die Minister voorlê, wat 'n finale afsluitingsondersoekverslag kan insluit.
- (3) Waar 'n formele ondersoek gedoen is, moet die NVO 'n verslag van die formele ondersoek saamstel en aan die Minister voorlê, wat 'n finale afsluitingsondersoekverslag moet insluit.
- (4) 'n Ondersoek sal as afgehandel beskou word as 'n finale ondersoekverslag aan die Minister verskaf word.
- (5) Die ondersoek se afsluitingsverslag moet die volgende insluit—

- (a) besonderhede van die bewerings wat ondersoek is;
  - (b) besonderhede van die ondersoek wat die NVO as toepaslik beskou;
  - (c) die bevindinge van die NVO;
  - (d) 'n aanbeveling en advies aan die Minister; en
  - (e) volledige en deursigtige besonderhede van die ondersoek soos onderneem deur die NVO.
- (6) Die NVO sal redelike maatreëls tref om te verseker dat alle ondersoeke so spoedig moontlik afgehandel word.

#### **Aanspreeklikheid van die NVO**

12. 'n Lid, die Uitvoerende Beampte of sekretariaat van die NVO en sy afvaardiging, is nie aanspreeklik ten opsigte van enige inligting wat weerspieël word in enige verslag, bevinding, standpunt, advies of aanbeveling wat te goeder trou gemaak of uitgespreek is en by die Minister ingedien of ingevolge die Wet bekend gemaak is nie.

#### **Kort titel en aanvangsdatum**

13. Hierdie Regulasies word die Regulasies vir die Nasionale Vaardigheidsowerheid om Ondersoeke Uit te Voer genoem en tree in werking op die datum van publikasie in die *Staatskoerant*.

**UMNYANGO WEZEMFUNDO EPHAKEME NOKUQEQA****UMTHETHO WOKUTHUTHUKISA AMAKHONO, KA-1998 (UMTHETHO WENO- 97  
KA- 1998)****UMTHETHO OWUHLAKA WEZIPHATHIMANDLA ZAMAKHONO WOKUHAMBISA  
UPHENYO KUZWELONKE**

Mina u-, ,

ce170521

UNgqongqoshe WeZemfundo Ephakeme, Isayensi kanye Nokuqala Kabusha uzimisele ukuthi ngemuva kokuxhumana neSiphathimandla Samakhono Kuzwelonke, ngokuhambisana nesigaba sama-36(s) soMthetho Wokuthuthukisa Amakhono, ka-1998 (UMthetho WeNo- 97 ka-1998), enze Umthetho ngaphakathi kweSheduli.

Abantu abanokukhathalela loku bayamenywa ukuba bangenise, ngaphakathi nezinyanga ezintathu ukusukela ngosuku lokushicilela kwalesi Saziso, yinoma yimiphi imibono ebhaliwe noma ukwethulwa ngomthetho ophakanyisiwe iye kuMqondisi Jikelele, Umnyango Wezemfundo Ephakeme Nokuqeqesha, *Private Bag X174, Pretoria, 0001* (iqondiswe ku Nksz D Lehula, noma nge-imeyili ku [Lehula.d@dhet.gov.za](mailto:Lehula.d@dhet.gov.za), ngaphakathi kweentsuku ezi 60 ukusuka ngosuku okwashicilelwa ngaso lesi Saziso.

**UNGQONGQOSHE WEMFUNDO EPHAKEME ISAYENSI NOKUQALA KABUSHA****USUKU:****ISHEDULI****UHLELO LWEMITHETHO**

1. Izincazelo
2. Ukusetshenziswa
3. Uphenyo olwenziwa yi-NSA
4. Ukuthola ukufanela kwesikhalazo
5. Isinqumo Sokuphenya
6. Izimo Zophenyo
7. Uphenyo lwangaphambili
8. Uphenyo olusemthethweni
9. Amandla Okungena
10. Amandla Okubuza kanye Nokuhlola
11. Umbiko Wophenyo
12. Ukuba Necala kwe-NSA
13. isihloko esifushane kanye nokuqalisa

**Izincazelo**

1. Kule Mithetho, yinoma yiliphi igama noma umusho okuye kwanikezwa incazelo ngaphakathi koMthetho kunaleyo ncazelo okunikezwe yona futhi, ngaphandle uma ingqikithi ikubeka ngokwehlukile kubonisa—

“**umgcinisihlalo**” usho Umgcinisihlalo Wesiphathimandla Samakhono Kuzwelonke ngaphandle kwalapho kushiwo ngokwehlukile;

“**u(izin)suku**” zisho yinoma yiluphi olunye usuku ngaphandle koMgqibelo, iSonto noma iholide lomphakathi, elizakubalwa ngokushiya usuku lokuqala kanye nokubandakanya usuku lokugcina.

“**inhlango**” isho isikhungo noma inhlango emiswe nguMthetho;

“**I-Ofisa Yesigungu**” isho umuntu oqashwe ngokuhambisana nesigaba se- 8 (2)(a) soMthetho;

“**incwadi yophenyo**” isho incwadi eboniswa ukuqaliswa kophenyo njengoba kucatshangwe esigabeni se-5(1)(d) soMthetho;

“**uphenyo**” lusho uphenyo njengoba kucatshangwe esigabeni sesi-5(1)(d) soMthetho;

“**UMthetho**” usho Umthetho Wokuthuthukisa Amakhono, ka- (Umthetho WeNo- 97 ka- 1998).

**Ukusetshenziswa**

2. Le Mithetho imaqondana nazo zonke izinhlango ezimisiwe noma abantu abaqashwe ngokuhambisana noMthetho.

**Uphenyo olwenziwa yi-NSA**

3. I-NSA ingase—

(a)

iphenya, ngokuziqalisela kwayo, lapho ithola isikhalazo, noma isicelo

sikaNgqongqoshe, nganoma yiziphi izinsolo—

- (i) ukuhambisa ngokungafanele mayelana nezindaba zama-SETA nezinye izinhlango ezisungulwe ngokoMthetho;
- (ii) ukuhlukumeza noma ukusebenzisa amandla ngendlela engafanele noma okunye ukuziphatha okungafanele noma ukubambezeleka okungadingekile okwenziwa yinoma yimuphi umuntu owenza umsebenzi ngokuhambisana noMthetho;
- (iii) ukunothiswa okungafanele noma okungekho semthethweni kwamalungu eZiphathimandla Ezishaya Umthetho ze-SETA kanye nanoma yiziphi ezinye izinhlango ezisungulwe ngokuhambisana noMthetho.
- (iv) ukungaphathwa kahle kwezimali ze-SETA nanoma yiziphi enye inhlango esungulwe ngokoMthetho; kanye
- (v) nokubikiwe kokusebenza okubi kwe-SETA; kanye

- (b) nokuphenya nganoma yiluphi olunye udaba oluhlobene nokusetshenziswa koMthetho, okuhlanganisa nezindaba ezingashiwongo endimeni (a) ngenhla, uma kuyalelwe nguNgqongqoshe ngokwesigaba 14A(4)(c) soMthetho.

#### **Ukuthola ukufanela kwesikhalazo**

4. (1) Ngemva kokuthola isikhalazo nangaphambi kokuthatha isinqumo sokuphenya, i-NSA— (a) ingacela ulwazi olwengeziwe kummangali njengoba i-NSA ibona kudingekile;
- (b) kumele yazise umuntu noma inhlango okukhalwa ngayo ngohlobo lwesikhalazo futhi ibuze ukuthi kungabe ifuna ukuhlinzeka ngesethulo esibhalwe phansi ngesikhalazo; kanye
- (c) nokuthi ingenza imibuzo ngendlela engabona kudingekile ukuze inqume ukufaneleka kwesikhalazo.
- (2) Izikhalazo kumele zinginiswe futhi ziqondiswe ku-Ofisa Yesigungu noma kuMgcinisihlalo.
- (3) Uma ecelwe yi-NSA, ummangali kufanele, lapho kungeniswa isikhalo, anikeze ubufakazi obubambekayo ku-NSA ukweseka ukungenisa kanye nokumelwa kwakhe

#### **Isinqumo sokuphenya**

5. (1) Uma i-NSA inquma ukuphenya udaba, i-NSA kufanele, zithi zingakapheli izinsuku eziyisikhombisa ukusukela osukwini lokuthatha isinqumo sokuphenya,

ithumele incwadi yophenyo kuNgqongqoshe. I-NSA kufanele futhi, zithi zingakapheli izinsuku eziyi-7 ukusukela osukwini lokuthatha isinqumo sokuphenya, yazise ummangali kanjalo nomuntu, i-SETA noma inhlango ezophenya, ngokubhalwe phansi, ngaleso sinqumo.

(2) Incwadi yophenyo okukhulunywe ngayo kumthetho ongaphansi (1) kufanele—

- (a) isayinwe nguMgcinisihlalo we-NSA;
- (b) akhombise imininingwane yezindaba nezinsolo ezidala uphenyo;
- (c) akhombise ukuthi isinqumo sokuphenya siqaliswe yi-NSA ngokwayo, noma ngenxa yesikhalazo esitholiwe, noma ngokuyalelwa nguNgqongqoshe; kanye
- (d) Imininingwane Yophenyo Okuxoxelwa phezu kwayo (*i-Terms of Reference*)

(3) Ukucutshungulwa kolwazi lomuntu siqu sakhe ngesikhathi sophenyo kumele kuhambisane nokulungiselelwa kwe-*POPIA*.

### **Izimo Zophenyo**

6. (1) I-NSA kufanele isungule futhi igunyaze Imininingwane Yophenyo ngalunye Okuxoxelwa phezu kwalo futhi ibeke nohlelo lophenyo.
- (2) Imininingwane Yophenyo Okuxoxelwa phezu kwayo kumele ifake imininingwane yezinsolo nezindaba ezizophenya

- (3) Uhlelo lophenyo lungase luhlinzekele uphenyo lokuqala ngenjongo yokunquma ukufaneleka kwesikhalazo noma uphenyo olusemthethweni.
- (4) I-NSA ingacela, ngokubhala phansi, nganoma yisiphi isikhathi ngemva kokuqalwa kophenyo, ukuba umuntu, i-SETA noma inhlango ephenywayo, ihambele umhlango ne-NSA kanye/noma ikhiqize, futhi yenze ukuthi kube khona yinoma yimuphi umbhalo onganqunywa yi-NSA, ohlobene nophenyo ukuze uhlolwe, zingakapheli izinsuku eziyi-14 ukusukela ngosuku lwesicelo,
- (5) Umuntu, i-SETA noma enye inhlango ephenywayo kufanele yazise i-NSA, okungenani ezinsukwini ezintathu ngaphambi kosuku lomhlango ohlongozwayo, uma usuku oluhlonziwe lomhlango lungafaneleki.
- (6) I-NSA ingase, uma kunembangela ezwakalayo, ihlelise umhlango ohleliwe ube sosukwini oluzayo olungeqi ezinsukwini eziyi-14 ukusukela emhlanganweni owawuhlongoziwe.

### **Uphenyo Lwangaphambilini**

7. (1) Uphenyo lokuqala lungenzeka ngomhlango phakathi kwe-NSA nomuntu, i-SETA noma enye inhlango ephenywayo futhi ingase ibandakanye nokubonisana nommangali.
- (2) Umhlango uzobanjelwa endaweni ekhonjwe yi-NSA.
- (3) I-NSA kufanele inikeze isaziso esibhaliwe somhlango ohleliwe ngokomthetho ongaphansi wo- (1) kumuntu ngamunye, i-SETA noma enye inhlango

ephenywayo, okungenani ezinsukwini eziyi-14 ngaphambi komhlangano ohlongozwayo.

- (4) Imininingwane Okuxoxelwa Phezu kwayo yophenyo lwangaphambilini kufanele inikezwe umuntu ngamunye, i-SETA noma enye inhlango ephenywayo, okungenani ezinsukwini eziyi-14 ngaphambi komhlangano.
- (5) I-NSA ingakwazi, kunoma yisiphi isigaba phakathi nophenyo lokuqala, ukudlulisela udaba ukuze luphenywe ngokusemthethweni.

### **Uphenyo Olusemthethweni**

8. (1) Uphenyo olusemthethweni luyokwenziwa ekulalelweni kophenyo, ngosuku, kanye nesikhathi nendawo enqunywe yi-NSA.
- (2) Uma udaba seludlulisiwe ukuze luphenywe ngokusemthethweni, uMgcinisihlalo we-NSA kufanele akhiphe isaziso esiya kuwo wonke umuntu odingekayo ukuze athamele ukulalelwa kophenyo.
- (3) Isaziso esihlongozwe kwisigaba ezingaphansi se-(2) kufanele siqukathe—(a) usuku, isikhathi kanye nendawo lapho ukulalelwa kwecala kuzobanjelwa khona;  
(b) Imininingwane Yokuxoxelwa phezu kwako yophenyo olusemthethweni;  
(c) isaziso selungelo lokumelwa; kanye  
(d) nesaziso selungelo lokubiza ofakazi.
- (4) I-NSA ingase— (a) ibuze ummangali nanoma yibaphi abangaba ofakazi; futhi  
(b) ihlole noma yibuphi ubufakazi obuhambisana nophenyo.

### **Amandla okungena**

9. (1) I-NSA, ngezinjongo zophenyo nangemuva kokunikeza isaziso esibhaliwe sezinsuku eziyi-14 kanye nekhophi yencwadi yophenyo eya ku-SETA, umuntu noma enye inhlango ephenywayo, ingafaka ngesikhathi esifanele noma yiliphi ibhilidi noma izakhiwo zomuntu, i-SETA noma enye inhlango ephathelene naloku noma okusolwa ukuthi kukhona nanoma yini ehlobene nophenyo.
- (2) Akukho muntu, i-SETA noma inhlango eyothi ngemva kokuthola isaziso esigabeni esingaphansi ku-(1), yenqabele ukungena kwe-NSA ezakhiweni zayo ngaphandle kwalapho lowo muntu, i-SETA noma inhlango igunyazwe ngokomthetho ukwenza kanjalo.
- (3) Lapho ingena emagcekeni, i-NSA izoziphatha ngendlela yobungcweti, ngenxa yokucabangela abasebenzi kanye nokusebenza komuntu ngamunye, i-SETA noma inhlango ethintekayo.
- (4) I-NSA kufanele ithathe zonke izinyathelo ezifanele ukuqinisekisa ukuthi ayivimbeli ukuqhubeka nokusebenza komuntu, i-SETA noma inhlango okukhulunywa ngayo, ngesikhathi sophenyo.

#### **Amandla okubuza kanye nokuhlola**

10. (1) I-NSA inegunya loku—
- (i) hlola zonke izincwadi, imibhalo namarekhodi aphaathelene nomuntu, i-SETA noma inhlango ethintekayo;
- (ii) buza noma yimuphi umuntu elimsola ngokufanelekile ukuthi unolwazi olunomthelela odabeni noma kumuntu ophenywayo; kanye
- (iii) nokucela yinoma yimuphi umuntu elimsola ngokufanelekile ukuthi unemibhalo, ukuthi aveze noma alethe kwa-NSA noma iyiphi incwadi,

umbhalo noma irekhodi okufanele ligcinwe ngokwalo Mthetho, noma eliphethwe noma eligcinwe noma elingaphansi kokulawula yilowo muntu noma umsebenzi womuntu, i-SETA noma inhlango ephenywayo.

(2) Akekho umuntu, i-SETA noma inhlango ezonqabela i-NSA ukufinyelela:

- (i) ukuhlola izincwadi, imibhalo namarekhodi aphaathelene nomuntu, i-SETA noma inhlango okukhulunywa ngayo ngaphandle uma igunyazwe ngokomthetho ukwenza kanjalo; kanye
  - (ii) nokubuza noma yimuphi umuntu emsola ngokufanelekile ukuthi unolwazi olunomthelela odabeni olubandakanya umuntu oyedwa, i-SETA noma inhlango ephenywayo.
- (3) Uma, ngesikhathi sopenyo, kubonakala ku-NSA ukuthi noma yimuphi omunye umuntu uyathinteka odabeni oluphenywayo futhi lokho kusho ukuthi kungaba yingozi kulowo muntu, i-NSA izonikeza lowo muntu amalungelo afanayo nomuntu, i-SETA noma ibhizinisi elingaphansi kopenyo.

### **Umbiko wopenyo**

11. (1) Ezinsukwini eziyi-14 ngemva kokuphothulwa kopenyo, i-NSA kufanele ihlango umbiko wopenyo bese ihambisa ikhophi yawo kumuntu, i-SETA noma inhlango ephenywayo.
- (2) Lapho uphenyo lokuqala lwenziwe, i-NSA kufanele ihlango umbiko wopenyo lokuqala kuNgqongqoshe, ongafaka nombiko wokugcina wopenyo oluvalwayo.

- (3) Lapho kwenziwa uphenyo olusemthethweni, i-NSA kufanele ihlanganise futhi ithumele umbiko wophenyo olusemthethweni kuNgqongqoshe okufanele uhlanganise nombiko wokugcina wophenyo oluvalwayo.
- (4) Uphenyo luzothathwa njengoluphothulwe uma umbiko wokugcina wophenyo oluseduze unikezwa uNgqongqoshe.
- (5) Uphenyo luyavalwa - umbiko kufanele ubandakanye—
  - (a) imininingwane yezinsolo eziphenyiwe;
  - (b) imininingwane yophenyo njengoba i-NSA ingabona lufanelekile;
  - (c) okutholwe yi-NSA;
  - (d) izincomo nezeluleko kuNgqongqoshe; kanye
  - (e) nemininingwane egcwele nesobala yophenyo njengoba lwenziwa yi-NSA.
- (6) I-NSA izothatha izinyathelo ezifanele zokuqinisekisa ukuthi lonke uphenyo luyaphothulwa ngokushesha nje.

### **Ukuba necala kwe-NSA**

12. Ilungu, i-Ofisa Yesigungu noma ihhovisi likanobhala we-NSA kanye namanxuswa ayo, ngeke bathweswe icala nganoma yiluphi ulwazi oluvezwe kunoma yimuphi umbiko, okutholiwe, umbono, izeluleko noma izincomo ezenziwe noma ezivezwe ngokuhle futhi zihanjiswe kuNgqongqoshe noma zaziswe ngokoMthetho.

### **Isihloko esifushane kanye nokuqalisa**

- 13.** Le Mithetho ibizwa ngokuthi yiMithetho Yesiphathimandla Samakhono kuZwelonke sokwenza Uphenyo futhi uzoqala ukusebenza ngosuku ozoshicilelwa ngalo kuGazethi Kahulumeni.

**LEFAPHA LA THUTO LE THUPELO E PHAHAMENG****MOLAO WA NTSHETSOPELE YA BOKGONI, 1998 (MOLAO WA NOMORO YA 97  
WA 1998)****MORALO WA MELAWANA YA BOLAODI BA NAHA BA BOKGONI BAKENG SA HO  
ETSA DIPHUPUTSO**

**Nna,**

ce170521

Letona la Thuto e Phahameng, Saense le Tshibollo le ikemiseditse hore ka mora therisano le Bolaodi ba Naha ba Bokgoni, ka ho ya ka karolo 36(s) ya Molao wa Ntshetsopele ya Bokgoni, 1998 (Molao wa Nomoro ya 97 wa 1998) ho etsa Melawana Shejulung.

Batho ba nang le thahasello ba mengwa ho romela, ho eso fete dikgwedi tse tharo ho tloha letsatsing la phatlalatso ya Tsebiso ena, ditshwaelo kapa ditlhahiso dife kapa dife tse ngotsweng mabapi le Melawana e sisingwang ho Molaodi-Kakaretso, Lefapha la Thuto le Thupelo e Phahameng, Private Bag X 174, Pretoria, 0001 (di lebiswe ho Mme D Lehula, kapa ka emeile ho [Lehula.d@dhet.gov.za](mailto:Lehula.d@dhet.gov.za)), ho eso fete matsatsi a 60 ho tloha letsatsing la phatlalatso ya Tsebiso ena.

**LETONA LA THUTO E PHAHAMENG, SAENSE LE TSHIBOLLO****LETSATSI:****SHEJULU****TLHOPHISO YA MELAWANA**

1. Ditlhaloso
2. Tshebediso
3. Phuputso ka Bolaodi ba Naha ba Bokgoni (NSA)
4. Ho hlwaya dintlha tsa bohlokwa tsa tletlebo
5. Qeto ya ho Fuputsa
6. Sebopeho sa Diphuputso
7. Diphuputso tsa ho Qala
8. Diphuputso tse latelang Tshebetso tse Tlwaelehileng
9. Matla a ho Kena
10. Matla a ho Botsa le ho Hlahloba
11. Tlaleho ya Phuputso
12. Boikarabelo ba Bolaodi ba Naha ba Bokgoni
13. Sehlooho se sekgutshwane le ho qala ho kena tshebetsong

**Ditlhaloso**

1. Melawaneng ena, lentswe kapa polelwana efe kapa efe e fuweng moelelo Molaong e tla ba le moelelo oo e o fuweng mme, ntle le haebe ho ka hare ho bolela ka tsela e nngwe e itseng—

“**modulasetulo**” ho bolelwa Modulasetulo wa Bolaodi ba Naha ba Bokgoni, ntle le ha ho boletswe ka tsela e nngwe;

“**(ma)letsatsi**” ho bolelwa letsatsi lefe kapa lefe leo e seng la Moqebelo, Sontaha kapa letsatsi la phomolo, le tla balwa ho sa kenyelletswa letsatsi la ho qala mme ho akaretswa la ho qetela.

“**setheo**” ho bolelwa institjushene kapa mokgatlo o theilweng ka Molao;

“**Mohlanka wa Phethahatso**” ho bolelwa motho ya kgethuweng ka ho ya ka karolo 8 (2)(a) ya Molao;

“**lengolo la phuputso**” ho bolelwa lengolo le bontshang ho qalwa ha phuputso jwalo ka ha ho boletswe karolong ya 5(1)(d) ya Molao;

“**phuputso**” ho bolelwa phupuputso jwalo ka ho boletswe karolong ya 5(1)(d) ya Molao;

“**Molao**” ho bolelwa Molao wa Ntshetsopele ya Bokgoni, 1998 (Molao wa Nomoro ya 97 wa 1998).

**Tshebediso**

2. Melawana ena e tla sebetsa ditheong tsohle tse hlonngweng kapa bathong ba kgethuweng ka ho ya ka Molao

**Phuputso ka Bolaodi ba Naha ba Bokgoni (NSA)**

3. Bolaodi Ba Naha ba Bokgoni bo ka—
- (a) fuputsa, ka ho iqalla ka bobona, ha bo ka fumana tletlebo kapa kopo ho tswa ho Letona, mabapi le
- (i) tsamaiso efe kapa efe e seng molaong e amanang le ditaba tsa di-SETA le ditheo tse ding tse hlonngweng ka ho ya ka Molao;
- (ii) tshebediso e sa lokang kapa tshebediso ya matla ka tsela efe kapa efe e sa lokang kapa boitshwaro bo sa nepahalang kapa tieho e sa hlokeheng e etswang ke motho ofe kapa ofe ha a phetha mosebetsi ka ho latela Molao;
- (iii) ho ithuisa ka tsela e sa lokang kapa e seng molaong ha ditho tsa Bolaodi bo Ikarabelang ba di-SETA le ditheo dife kapa dife tse ding tse hlonngweng ka ho ya ka Molao.
- (iv) tsamaiso e sa lokang ya ditjhelete tsa SETA kapa setheo sefe kapa sefe se seng se hlonngweng ka ho latela Molao; le
- (v) tshebetso e fokolang e tlalehuweng ya SETA; le
- (b) ho fuputsa ka taba efe kapa efe e nngwe e amanang le tshebediso ya Molao, ho kenyelletswa le ditaba tse sa bolelwang temaneng ya (a) mona ka hodimo, ha e laelwa ke Letona ka ho latela karolo ya 14A(4)(c) ya Molao.

**Ho hlwaya dintlha tsa bohlokwa tsa tletlebo**

4. (1) Ha bo ka fumana tletlebo mme le pele bo ka etsa qeto ka ho fuputsa, Bolaodi ba Naha ba Bokgoni—
- (a) bo ka kopa lesedi le eketsehileng ho tswa ho motletlebi e leng leo Boladi ba Naha ba Bokgoni bo bonang bo hlokeha;

- (b) le tshwanetse ho tsebisa motho kapa setheo seo tletlebo e entsweng kgahlanong le sona ka mofuta wa tletlebo mme bo botse hore na a ka rata ho fana ka tlhahiso e ngotsweng mabapi le tletlebo; mme
- (c) le ka etsa dipatlisiso tseo le bonang di hlokeha ho hlwaya dintlha tsa bohlokwa tsa tletlebo.
- (2) Ditletlebo di tshwanetswe ho romelwa ka ho ngolwa mme di lebiswe ho Mohlanka wa Phethahatso kapa Modulasetulo.
- (3) Ha a ka kotjwa ke Bolaodi ba Naha ba Bokgoni, motletlebi o lokela hore, ha ho romelwa tletlebo, a fane ka bopaki bo utlwahalang ho Bolaodi ba Naha ba Bokgoni e leng bo tshehetsang tlhahiso le boemedi ba hae.

### **Qeto ya ho fuputsa**

5. (1) Bolaodi ba Naha ba Bokgoni ha bo etsa qeto ya ho fuputsa taba, Bolaodi bo lokela, hore ho eso fete matsatsi a supileng ho tloha letsatsing la ho etsa qeto eo ya ho fuputsa, ho romela lengolo la phuputso ho Letona. Bolaodi ba Naha ba Bokgoni hape bo lokela hore, ho eso fete matsatsi a 7 le nkile qeto ya ho fuputsa, le tsebise motletlebi mmoho le motho, SETA kapa setheo se tla fuputswa, ka ho se ngolla, ka qeto e jwalo.
- (2) Lengolo la phuputso leo ho buuwang ka lona molawaneng o monyenyanane wa (1) le tshwanetswe—
- (a) ho saenwa ke Modulasetulo wa Bolaodi ba Naha ba Bokgoni;

- (b) ho bontsha dintlha tsa ditaba le menyenyetsi e bakileng hore ho be le phuputso;
  - (c) ho bolela hore na qeto ya ho fuputsa ke ka baka la tshibollo ya Bolaodi ba Naha ba Bokgoni ka bobona, kapa ka baka la tletlebo e fumanweng, kapa bo laetswe ke Letona; le
  - (d) Dipehelo le Sebopeho sa phuputso.
- (3) Tshebetso ya tlhahisoleseding ya motho ka seqo ka nako ya phuputso e lokela ho latela dipehelo tsa Molao wa Tshireletso ya Tlhahisoleseding ya Motho ka Seqo (POPIA).

### **Sebopeho sa Diphuputso**

6. (1) Bolaodi ba Naha ba Bokgoni bo tshwanetse ho hlahisa le ho ananela Dipehelo le Sebopeho sa phuputso ka nngwe mme bo behe le morero wa phuputso.
- (2) Dipehelo le sebopeho di lokela ho kenyetsetsa dintlha tsa menyenyetsi le ditaba tse tla fuputswa.
- (3) Morero wa phuputso o ka lokisetse phuputso ya ho qala bakeng sa ho hlwaya dintlha tsa bohlokwa tsa tletlebo kapa phuputso e latelang tshebetso tse tlwaelehileng.
- (4) Bolaodi ba Naha ba Bokgoni bo ka kopa, ka ho ngola fatshe, nakong efe kapa efe ka mora ho ba phuputso e simollwe, hore motho, SETA kapa setheo se tla fuputswa, se kenele kopano le Bolaodi ba Naha ba Bokgoni

le/kapa ho hlahisa, le ho etsa hore ho fumanehe bakeng sa tlhahlobo, ho eso fete matsatsi a 14 ho tloha letsatsing leo kopo e entsweng ka lona, tokomane efe kapa efe eka batluwang ke Bolaodi ba Naha ba Bokgoni, e amanang le phuputso.

- (5) Motho, SETA kapa setheo se fuputswang se lokela ho tsebisa Bolaodi ba Naha ba Bokgoni, bonyane matsatsi a mararo pele ho letsatsi le sisingwang la kopano, haebe letsatsi leo le boletsweng la kopano le ke ke la ba le mo loketseng.
- (6) Bolaodi ba Naha ba Bokgoni bo ka, haebe ho na le lebaka le utlwahalang, kgutlisetsa morao kopano eo e hlophisitsweng hore e be letsatsing le leng hamorao empa ho eso fete matsatsi a 14 ho tloha letsatsing leo le kgutliseditsweng morao la kopano.

### **Diphuputso tsa ho Qala**

7. (1) Phuputso ya ho qala e ka tshwarwa ka mokgwa wa ho kopana pakeng tsa Bolaodi ba Naha ba Bokgoni le motho, SETA kapa setheo se fuputswang mme e ka kenyellelsa therisano le motletlebi.
- (2) Kopano e tla tshwarelwa sebakeng se tla behwa ke Bolaodi ba Naha ba Bokgoni.
- (3) Bolaodi ba Naha ba Bokgoni bo lokela ho fana ka tsebiso e ngotsweng ya kopano e hlophisitsweng ka ho ya ka molawana o monyenyanane wa (1) ho motho, SETSA kapa setheo se seng se fuputswang, bonyane matsatsi a 14 pele ho kopano e sisingwang.

- (4) Dipehelo le Sebopeho sa kopano ya pele di lokelwa ho nehwa motho, SETA kapa setheo se seng se fuputswang, bonyane matsatsi a 14 pele ho kopano.
- (5) Bolaodi ba Naha ba Bokgoni, bo ka re neng kapa neng nakong ya phuputso ya ho qala, ba romela taba bakeng sa phuputso e latelang tshebetso tse tlwaelehileng.

### **Diphuputso tse latelang Tshebetso tse Tlwaelehileng**

8. (1) Phuputso e latelang tshebetso tse tlwaelehileng e tla etswa ha ho mametswe phuputso, letsatsing, le nakong le sebakeng se tla behwa ke Bolaodi ba Naha ba Bokgoni.
- (2) Hang ho ba taba e romelwe ho ya phuputsong e latelang tshebetso tse tlwaelehileng, Modulasetulo wa Bolaodi ba Naha ba Bokgoni o tshwanetse ho fana ka tsebiso ho motho e mong le e mong ya tla tshwanela ho tla hlaha mamelong ya phuputso.
- (3) Tsebiso eo ho buuwang ka yona molawaneng o monyenyanane wa (2) e tshwanetse ho kenyelletsa—
  - (a) letsatsi, nako le sebaka seo mamelo e tla tshwarelwa teng;
  - (b) Dipehelo le Sebopeho sa phuputso e latelang tshebetso tse tlwaelehileng;
  - (c) tsebiso ka tokelo ya ho ba le moemedi; le
  - (d) tsebiso ka tokelo ya ho bitsa dipaki.
- (4) Bolaodi Ba Naha ba Bokgoni bo ka—

- (a) hloma dipotso ho motletlebi le dipaki dife kapa dife tse ka bang teng; le
- (b) ho hlahloba bopaki bofe kapa bofe bo tshwanelang phuputso.

### **Matla a ho kena**

9. (1) Bolaodi ba Naha ba Bokgoni, bakeng sa morero wa ho fuputsa le ka mora ho fana ka tsebiso e ngotsweng ya matsatsi a 14 le khopi ya lengolo la phuputso ho SETA, motho kapa setheo se seng se fuputswang, ba kena nakong efe kapa efe e tshwanetseng moahong kapa sebakeng sa motho, SETA kapa setheo se seng se nang le, kapa se oho belaelwang hore ho na le eng kapa eng e amanang le phuputso.
- (2) Ha ho na motho, SETA kapa setheo se tla re, ka mora ho fumana tsebiso e molawaneng o monyenyanane wa (1), sa hana hore Bolaodi ba Naha ba Bokgoni ho kena sebakeng ntle le haebe motho eo, SETA kapa setheo e dumelletswa ka molao ho etsa jwalo.
- (3) Ha bo kena sebakeng, Bolaodi ba Naha ba Bokgoni bo tla itshwara ka mokgwa wa seprofeshenale, bo ela hloko basebetsi le ditshebetso tsa motho, SETA kapa setheo se amehang.
- (4) Bolaodi ba Naha ba Bokgoni bo lokela ho nka mehato e utlwahalang ba ho etsa bonnete ba hore ha bo sitise tswelopele ya ditshebetso tsa motho, SETA kapa setheo se amehang, ka nako ya phuputso.

### **Matla a ho botsa le ho hlahloba**

- 10.** (1) Bolaodi ba Naha ba Bokgoni bo na le matla a ho—
- (i) hlahloba dibuka tsohle, ditokomane le direkoto tse amanang le motho, SETA kapa setheo se amehang;
  - (ii) ho botsa motho ofe kapa ofe dipotso e leng ho belaelwang hantle hore o na le lesedi le ka bang le tshusumetso tabeng kapa ho motho ya fuputswang; le
  - (iii) ho kopa motho ofe kapa ofe ya belaelwang hantle hore o na le ditokomane, hore a hlahise kapa a ise ho Bolaodi ba Naha ba Bokgoni buka, tokomane kapa rekoto efe kapa efe e tshwanetsweng ho bolokwa ka ho ya ka Molao, kapa eo e leng, kapa e kileng ya ba matsohong kapa tlhokomelong, kapa tlasa taolo ya motho eo kapa mosebeletsi wa motho, SETA kapa setheo se fuputswang.
- (2) Ha ho na motho, SETA kapa setheo se tla hanela Bolaodi ba Naha ba Bokgoni ho kgona ho:
- (i) hlahloba dibuka, ditokomane le direkoto tse amanang le motho, SETA kapa setheo se amehang ntle le ha ho dumelletswe semolao ho etsa jwalo; le
  - (ii) ho botsa motho ofe kapa ofe dipotso e leng ho belaelwang hantle hore o na le lesedi le ka bang le tshusumetso tabeng e kenyelletsang motho, SETA kapa setheo se fuputswang.
- (3) Haebe, ka nako ya phuputso, ho boheha ho Bolaodi ba Naha ba Bokgoni hore ho ka nna ba hore ho na le motho e mong ya amehang tabeng e ntseng e fuputswa mme pelaelo eo ya motho e ka nna baka kotsi ho

motho eo, Bolaodi ba Naha ba Bokgoni bo tla neha motho eo ditokelo tse tshwanang le tsa motho, SETA kapa setheo se fuputswang.

### **Tlaleho ya phuputso**

11. (1) Matsatsing a 14 ka mora ho phethwa ha phuputso, Bolaodi ba Naha ba Bokgoni bo lokela ho ngola tlaleho ya phuputso mme bo romele khopi ya yona ho motho, SETA kapa setheo se neng se fuputswa.
- (2) Moo ho ileng ha ba le phuputso ya ho qala, Bolaodi ba Naha ba Bokgoni bo lokela ho ngola le ho romela tlaleho ya phuputso ya ho qala ho Letona, e leng e tla kenyelletsa tlaleho ya makgaolakang e kwalang phuputso.
- (3) Moo ho ileng ha ba le phuputso e latelang tshebetso tse tlwaelehileng, Bolaodi ba Naha ba Bokgoni bo lokela ho ngola le ho romela tlaleho ya phuputso e latelang tshebetso e tlwaelehileng ho Letona, e leng e tla kenyelletsa tlaleho ya makgaolakang e kwalang phuputso.
- (4) Phuputso e tla nkuwa e phethilwe ha tlaleho ya makgaolakang e kwalang phuputso e fuwe Letona.
- (5) Tlaleho e kwalang phuputso e lokela ho kenyelletsa—
  - (a) dintlha tsa menyenyetsi e neng e fuputswa;
  - (b) dintlha tsa phuputso tseo Bolaodi ba Naha ba Bokgoni bo bonang di tshwanetse;
  - (c) phumano ya Bolaodi ba Naha ba Bokgoni;
  - (d) kgothaletso le keletso e yang ho Letona; le

- (e) dintlha tse felletseng hape tse pepeneneng tsa phuputso tse nkuweng ke Bolaodi ba Naha ba Bokgoni.
- (6) Bolaodi ba Naha ba Bokgoni bo tla nka mehato e utlwahalang ya ho etsa bonnete ba hore diphuputso tsohle di phethwa ka potlako ka ho ya ka moo ho ka kgonwang.

### **Boikarabelo ba Bolaodi ba Naha ba Bokgoni**

12. Setho, Mohlanka wa Phethahatso kapa bongodi ba Bolaodi ba Naha ba Bokgoni mmoho le thomo ya bona, bo ke ke ba behwa molato bakeng sa tlhahisoleseding efe kapa efe e hlahellang tlalehong efe kapa efe, diphumano, maikutlo, keletso kapa kgothaletso e entsweng kapa e hlahisitswe ka moya o motle mme ya romelwa ho Letona kapa ya tsebahatswa ka ho ya ka Molao.

### **Sehlooho se sekgutshwane le ho qala ho kena tshebetsong**

13. Melawana ena e tla bitswa Melawana bakeng sa Bolaodi ba Naha ba Bokgoni ba ho Etsa Diphuputso mme yona e tla kena tshebetsong letsatsing leo *Lesedinyana lena la Mmuso* le phatlaladitsweng ka lona.

## PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

NO. 3432

19 May 2023

## MS BRIDGET MASANGO, MP

**NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL AND INVITATION FOR COMMENT ON THE DRAFT BILL, NAMELY THE CHILDREN'S AMENDMENT BILL, 2023**

Ms Bridget Masango, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996 ("the Constitution"), intends to introduce the Children's Amendment Bill, 2023 ("the draft Bill"), in Parliament. An explanatory summary of the draft Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly (9<sup>th</sup> Edition).

Section 28(1)(d) of the Constitution affords all children the right to be protected from maltreatment, neglect, abuse or degradation. Furthermore, section 28(2) pronounces that a child's best interests are of paramount importance in every matter concerning the child.

In a country where the protection of children is of utmost importance, the Children's Act, 2005 (Act No. 38 of 2005) ("the Act"), has a glaring gap when it comes to the protection of children as far as partial care is concerned. In terms of section 76 of the Act, partial care is provided when a person takes care of more than six children on behalf of their parents or care-givers during specific hours of the day or night, or for a temporary period, by agreement between the parents or care-givers and the service provider. As per the Act, a partial care facility is required to be registered and comply with norms and standards as well as structural safety, health and other requirements if such facility caters for six or more children. However, there is no such regulation, registration or requirements for facilities that cater for and provide such care for less than six children. Whilst it appears that the intention of the Act was to not overburden smaller facilities with red tape and over-regulation, this relaxation of regulations for such smaller facilities has become a double-edged sword. The effect, in reality, is that certain facilities that cater for, and care for, less than six children are not inspected and nor are they required to maintain their facilities in accordance with the norms and standards as per section 79(2) of the Act. The result of this is that children are being cared for in facilities that are not regulated and which have deplorable conditions which would violate not only the norms and standards, if regulated, but also section 28(2) of the Constitution.

The draft Bill thus aims to address the consequences of the non-regulation of facilities that cater for, and care for, less than six children by *inter alia*:

- introducing the concept of micro-partial care to cater for and care for less than six children at a micro-partial care facility;
- differentiating between partial care facilities (as currently provided for in the Act) and micro-partial care facilities (as proposed in the draft Bill), which would cater for less than six children;

- providing for the regulation of micro-partial care facilities, subject to certain exemptions;
- providing that micro-partial care facilities be required to comply with certain basic norms and standards;
- providing that a micro-partial care facility be registered for a period of ten years, as opposed to the five-year registration period for partial care facilities; and
- providing for a once-off inspection of a micro-partial care facility upon its initial registration as a micro partial care facility.

The draft Bill takes cognisance of the already over-regulated industry and hence does not intend to overburden micro-partial care facilities unnecessarily. It is for this reason that provisions relating to the registration period and inspections of micro-partial care facilities are specifically different to that of partial care facilities to ensure that micro-partial care facilities are not overburdened with various compliance requirements which may affect their ability to operate freely. It is important to note that a micro-partial care facility is only required to be inspected once, namely, at the commencement of its business. This is to assist both the facility as well as the Department of Social Development. However, it must be noted that this does not prevent further inspections of the micro-partial care facility being conducted in the future when a complaint may arise. The purpose of the draft Bill is to merely ensure that micro-partial care facilities are also registered and compliant with certain norms and standards from its inception to ensure the protection of children in such facilities.

In addition, the draft Bill also amends certain provisions of the Act in relation to partial care by, *inter alia*, providing that partial care excludes care by a domestic worker; by a family member; by an au pair; or by any other person as the Minister may determine from time to time; and that partial care facilities, in addition to being routinely inspected, also need to be monitored.

Interested parties and institutions are invited to submit written representations on the proposed content of the draft Bill to the Speaker of the National Assembly within 30 days of the publication of this notice. Representations can be delivered to the Speaker, New Assembly Building, Parliament Street, Cape Town; mailed to the Speaker at PO Box 15, Cape Town 8000; or e-mailed to [speaker@parliament.gov.za](mailto:speaker@parliament.gov.za) and copied to [legislation@da.org.za](mailto:legislation@da.org.za).

Copies of the draft Children's Amendment Bill, 2023 may, after introduction, be obtained from the Democratic Alliance by requesting a copy from [legislation@da.org.za](mailto:legislation@da.org.za).

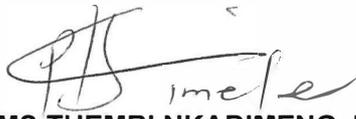
## DEPARTMENT OF TRADITIONAL AFFAIRS

NO. 3433

19 May 2023

**TRADITIONAL AND KHOI-SAN LEADERSHIP ACT, 2019: FORMULA FOR DETERMINATION OF NUMBER OF MEMBERS OF A KINGSHIP, QUEENSHIP AND PRINCIPAL TRADITIONAL COUNCIL**

Under the powers vested in me by section 16(2)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), I, Thembi Nkadimeng, Minister for Cooperative Governance and Traditional Affairs, hereby, in the Schedule hereto, publish a formula for the determination of the number of members of a kingship, queenship and principal traditional council.



**MS THEMBI NKADIMENG, MP**  
**MINISTER FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

DATE: 03/04/2023

TR.

## SCHEDULE

### FORMULA FOR DETERMINATION OF NUMBER OF MEMBERS OF A KINGSHIP, QUEENSHIP AND PRINCIPAL TRADITIONAL COUNCIL

The formula for determining the number of members of a kingship, queenship and principal traditional council as contemplated in section 16(2)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019)(hereinafter referred to as the Act), is as follows:

| INPUTS  |  | OUTPUTS                  |                                 |   |                                     |                            |  |                                  |
|---|--|--------------------------|---------------------------------|---|-------------------------------------|----------------------------|--|----------------------------------|
| Number of legally recognised senior traditional leaders under the kingship or queenship or principal traditional leader | % of community members within the selected component | Category of council (TC) | Total number of council members | Number of selected members of a council (60% component) |                                     |                            | Number of elected members of a council (40% elected component) |                                  |
|   |  |                          |                                 | King or queen or principal traditional leader           | Selected senior traditional leaders | Selected community members |  | Total number of members selected |
| <b>x</b>  | <b>20%</b>   |                          | <b>y</b>                        | <b>1</b>  | <b>h</b>                            | <b>c</b>                   | <b>Z</b>   | <b>E</b>                         |

**For:**

|                              |
|------------------------------|
| $1 \leq x \leq 10; y = 15$   |
| $11 \leq x \leq 20; y = 20$  |
| $21 \leq x \leq 30; y = 25$  |
| $31 \leq x \leq 40; y = 30$  |
| $41 \leq x \leq 100; y = 35$ |
| $x \geq 101; y = 40$         |

|  |
|--|
| $e = \text{round}(0.4 * y)$  |
| $z = y - e$  |
| $h = \text{IF}(x \leq 6) \text{ then } h = x \text{ otherwise } h = \text{ROUND}((100\% - a) * z) - 1$ |
| $c = z - 1 - h$  |

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## 1. APPLICATION

- 1.1. The sole determining factor for the number of members of a kingship, queenship and principal traditional council is the number of legally recognised senior traditional leaders under a recognised king, queen or principal traditional leader of the kingship, queenship and principal traditional community concerned.
- 1.2. There are six categories of kingship, queenship and principal traditional councils.
- 1.3. The numbers of members of each of the six categories of the councils are as follows:

| <b>Number of legally recognised senior traditional leaders under a king, queen or principal traditional leader</b>                   | <b>Total number of members of a kingship, queenship and principal traditional council</b> |
|--|---|
| If the number of legally recognised senior traditional leaders under a king, queen or principal traditional leader is from 1 to 10   | 15  |
| If the number of legally recognised senior traditional leaders under a king, queen or principal traditional leader is from 11 to 20  | 20  |
| If the number of legally recognised senior traditional leaders under a king, queen or principal traditional leader is from 21 to 30  | 25  |
| If the number of legally recognised senior traditional leaders under a king, queen or principal traditional leader is from 31 to 40  | 30  |
| If the number of legally recognised senior traditional leaders under a king, queen or principal traditional leader is from 41 to 100 | 35  |
| If the number of legally recognised senior traditional leaders under a king, queen or principal traditional leader is more than 100  | 40  |

- 1.4. The membership of a kingship, queenship and principal traditional council comprises a 60% component which includes selected members and a 40% component which includes elected members.
- 1.5. At least a third of the members of a kingship, queenship and principal traditional council must be women. If this requirement cannot be met in the case of a kingship or queenship council, the Minister may determine a lower threshold for the council concerned. If this requirement cannot be met in the case of a

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principal traditional council, the relevant Premier may determine a lower threshold for the council concerned.

- 1.6. The following provides a breakdown of the composition of the six categories of kingship, queenship and principal traditional councils in terms of the formula:

**CATEGORY A: COMPOSITION OF A KINGSHIP, QUEENSHIP OR PRINCIPAL TRADITIONAL COUNCIL WITH 15 MEMBERS**

The formula provides that if the number of legally recognised senior traditional leaders under the king, queen or principal traditional leader is from 1 to 10, the total number of council members will be 15. The following is a breakdown of the members within the 60% selected component and 40% elected component in terms of the formula:

| INPUTS  |  | Total number of members of the council                   | OUTPUTS  |                                      |                                  |   | Number of elected members of the council (40% elected component) |
|---|--|--|--|--------------------------------------|----------------------------------|---|--|
| Number of legally recognised senior traditional leaders under the king, queen or principal traditional leader | % of community members within the selected component |  | Number of selected members of the council (60% selected component) |                                      |                                  |   |  |
|   |  | Number of kings, queens or principal traditional leaders | Number of selected senior traditional leaders                      | Number of selected community members | Total number of selected members |   |  |
| 1 to 10   | 20%  | 15   | 1  | 2                                    | 6                                | 9 | 6  |

**CATEGORY B: COMPOSITION OF A KINGSHIP, QUEENSHIP OR PRINCIPAL TRADITIONAL COUNCIL WITH 20 MEMBERS**

The formula provides that if the number of legally recognised senior traditional leaders under the king, queen or principal traditional leader is from 11 to 20, the total number of council members will be 20. The following is a breakdown of the members within the 60% selected component and 40% elected component in terms of the formula:

| INPUTS  |  | Total number of members of the council                   | OUTPUTS  |                                      |                                  |    | Number of elected members of the council (40% elected component) |
|---|--|--|--|--------------------------------------|----------------------------------|----|--|
| Number of legally recognised senior traditional leaders under the king, queen or principal traditional leader | % of community members within the selected component |  | Number of selected members of the council (60% selected component) |                                      |                                  |    |  |
|   |  | Number of kings, queens or principal traditional leaders | Number of selected senior traditional leaders                      | Number of selected community members | Total number of selected members |    |  |
| 11 to 20  | 20%  | 20   | 1  | 9                                    | 2                                | 12 | 8  |

  
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### CATEGORY C: COMPOSITION OF A KINGSHIP, QUEENSHIP OR PRINCIPAL TRADITIONAL COUNCIL WITH 25 MEMBERS

The formula provides that if the number of legally recognised senior traditional leaders under the king, queen or principal traditional leader is from 21 to 30, the total number of council members will be 25. The following is a breakdown of the members within the 60% selected component and 40% elected component in terms of the formula:

| INPUTS  |  | Total number of members of the council | OUTPUTS  |   |                                      |                                  | Total number of elected members of the council (40% elected component) |
|---|--|--|--|---|--------------------------------------|----------------------------------|--|
| Number of legally recognised senior traditional leaders under the king, queen or principal traditional leader | % of community members within the selected component |  | Number of selected members of the council (60% selected component) |   |                                      |                                  |  |
|   |  |  | Number of kings, queens or principal traditional leaders           | Number of selected senior traditional leaders | Number of selected community members | Total number of selected members |  |
| 21 to 30  | 20%  | 25                                     | 1  | 11  | 3                                    | 15                               | 10   |

### CATEGORY D: COMPOSITION OF A KINGSHIP, QUEENSHIP OR PRINCIPAL TRADITIONAL COUNCIL WITH 30 MEMBERS

The formula provides that if the number of legally recognised senior traditional leaders under the king, queen or principal traditional leader is from 31 to 40, the total number of council members will be 30. The following is a breakdown of the members within the 60% selected component and 40% elected component in terms of the formula:

| INPUTS  |  | Total number of members of the council | OUTPUTS  |   |                                      |                                  | Total number of elected members of the council (40% elected component) |
|---|--|--|--|---|--------------------------------------|----------------------------------|--|
| Number of legally recognised senior traditional leaders under the king, queen or principal traditional leader | % of community members within the selected component |  | Number of selected members of the council (60% selected component) |   |                                      |                                  |  |
|   |  |  | Number of kings, queens or principal traditional leaders           | Number of selected senior traditional leaders | Number of selected community members | Total number of selected members |  |
| 31 to 40  | 20%  | 30                                     | 1  | 13  | 4                                    | 18                               | 12   |

### CATEGORY E: COMPOSITION OF A KINGSHIP, QUEENSHIP OR PRINCIPAL TRADITIONAL COUNCIL WITH 35 MEMBERS

The formula provides that if the number of legally recognised senior traditional leaders under the king, queen or principal traditional leader is from 41 to 100, the total number of council members will be 35. The following is a breakdown of the members within the 60% selected component and 40% elected component in terms of the formula:

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| INPUTS  |  | OUTPUTS                                |  |   |                                      |                                  | Total number of elected members of the council (40% elected component) |
|---|--|--|--|---|--------------------------------------|----------------------------------|--|
| Number of legally recognised senior traditional leaders under the king, queen or principal traditional leader | % of community members within the selected component | Total number of members of the council | Number of selected members of the council (60% selected component) |   |                                      |                                  |  |
|   |  |  | Number of kings, queens or principal traditional leaders           | Number of selected senior traditional leaders | Number of selected community members | Total number of selected members |  |
| 41 to 100   | 20%  | 35                                     | 1  | 16  | 4                                    | 21                               | 14   |

### CATEGORY F: COMPOSITION OF A KINGSHIP, QUEENSHIP OR PRINCIPAL TRADITIONAL COUNCIL WITH 40 MEMBERS

The formula provides that if the number of legally recognised senior traditional leaders under the king, queen or principal traditional leader is more than 100, the total number of council members will be 40. The following is a breakdown of the members within the 60% selected component and 40% elected component in terms of the formula:

| INPUTS  |  | OUTPUTS                                |  |   |                                      |                                  | Total number of elected members of the council (40% elected component) |
|---|--|--|--|---|--------------------------------------|----------------------------------|--|
| Number of legally recognised senior traditional leaders under the king, queen or principal traditional leader | % of community members within the selected component | Total number of members of the council | Number of selected members of the council (60% selected component) |   |                                      |                                  |  |
|   |  |  | Number of kings, queens or principal traditional leaders           | Number of selected senior traditional leaders | Number of selected community members | Total number of selected members |  |
| 101 or more   | 20%  | 40                                     | 1  | 18  | 5                                    | 24                               | 16   |

## 2. SELECTION

- 2.1. In terms of the Act, the 60% selected component comprises traditional leaders (including the recognised king, queen or principal traditional leader) and members of the community.
- 2.2. Before the selection of the 60% takes place, the relevant royal family must, in compliance with section 16(3)(a) of the Act, read with section 16(2)(a)(i)(bb) thereof, designate a forum of not more than five members of the royal family to assist the king, queen or principal traditional leader with the selection of the 60% component of the relevant council.
- 2.3. The composition of the selected members is as follows:
  - a) The recognised king, queen or principal traditional leader who is an *ex officio* member and chairperson of the kingship, queenship or principal traditional council.

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- b) Community members comprise 20% of the total number of selected members (i.e., 20% of the 60% selected component).
- c) Legally recognised senior traditional leaders comprise 80% of the 60% selected component: Provided that—
- (i) in instances where there are more legally recognised senior traditional leaders than the number required to serve as selected members, the relevant king, queen or principal traditional leader and the forum must select the required number from amongst the legally recognised senior traditional leaders. In this instance a rotation approach must be adopted for the different 5-year terms of the councils to afford each legally recognised senior traditional leader an opportunity to serve as a member of the council. Therefore, in all instances where, based on the total number of legally recognised senior traditional leaders within a particular kingship, queenship or principal traditional community, it is possible to implement a rotation schedule, a selected senior traditional leader may not serve consecutive terms;
  - (ii) in instances where there are less recognised senior traditional leaders than the number required to serve as selected members, all recognised senior traditional leaders will be selected and, notwithstanding paragraph 2.3(b), as many community members as may be required to reach the total number of selected members will be selected.
- 2.4. If the decimal is .5 or higher in any of the calculations referred to under paragraph 2.3, the decimal must be rounded off upwards: Provided that if in any instance this would result in an increase in the total number of selected members, the decimal must be rounded off downwards. If the decimal is lower than .5, the decimal must be rounded off downwards: Provided that if in any instance this would result in a decrease in the total number of selected members, the decimal must be rounded off upwards.
- 2.5. The selection of members by the king, queen or principal traditional leader is subject to the concurrence of the forum referred to above. If there is no concurrence, the provisions of section 16(3)(c) of the Act shall apply.
- 2.6. During the selection process, the king, queen or principal traditional leader and the forum are encouraged to select persons who represent the interests of the youth and persons with disabilities of that community: Provided that for the purposes of this formula “youth” means persons who are at least 18 years old but not older than 35.
- 2.7. During the selection the king, queen or principal traditional leader and the forums must ensure that at least one third of the selected members are women to comply with section 16(2)(b) of the Act.

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### 3. ELECTION

- 3.1. The process of election of the 40% elected component of the members of a kingship, queenship or principal traditional council must take place within 28 days from the date on which the names of the selected members of the council have been made public.
- 3.2. The election of the 40% elected component of a kingship, queenship or principal traditional council must be done in terms of section 16(2)(f) of the Act.
- 3.3. In compliance with section 16(2)(f) of the Act, each traditional council falling within the area of jurisdiction of the kingship, queenship or principal traditional community concerned must elect one person from the elected members of the traditional council to serve as part of the 40% elected component of the kingship, queenship or principal traditional council: Provided that—
  - a) where the number of persons so elected are less than the number of elected members required, the traditional councils must each elect one additional person from amongst the elected members of that council; and
  - b) where the number of persons so elected exceeds the number of elected members required, the persons elected must elect from amongst themselves the number of persons required for the 40% elected component of the kingship, queenship or principal traditional council.
- 3.4. During the election process, the community is encouraged to elect persons who represent the interests of the youth and persons with disability of that community.
- 3.5. During the election phase, the traditional councils must ensure that at least one third of the elected members are women to comply with section 16(2)(b) of the Act.

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## DEPARTMENT OF WATER AND SANITATION

NO. 3434

19 May 2023

No. R. 2022

## NATIONAL WATER ACT, 1998 AS AMENDED (THE "ACT")

THE REVISION OF REGULATIONS REGARDING THE PROCEDURAL REQUIREMENTS  
FOR WATER USE LICENCE APPLICATIONS AND AMENDMENTS

I, **Senzo Mchunu**, Minister of Water and Sanitation, in terms of section 69(1) of the National Water Act, 1998 (Act No. 36 of 1998), hereby publish for public comments the regulations regarding the procedural requirements for water use licence applications and amendments as set out in the Schedule hereto.

Members of the public are invited to submit written comments on the proposed notice to the Minister of Water and Sanitation within sixty (60) days of publication of this notice in the following manner.

- (a) **Post:** Private Bag X313  
Pretoria  
0001
- (b) **Fax:** (012) 323 0321
- (c) **E-mail:** [skosanam@dws.gov.za](mailto:skosanam@dws.gov.za)

Comments must be marked for the attention of the Chief Director: Water Use Licensing Management: Adv. S Skosana.

The Minister of Water and Sanitation has, under section 26(1)(k) of the National Water Act, 1998 (Act No. 36 of 1998), as amended, made the Regulations in the Schedule.



Mr S MCHUNU, MP

MINISTER: WATER AND SANITATION

DATE: 10/05/2023

**SCHEDULE****ARRANGEMENTS OF THESE REGULATIONS****CHAPTER 1: DEFINITIONS AND PURPOSE**

1. Definitions
2. Purpose of these regulations

**CHAPTER 2: TIME FRAMES**

3. Time frames

**CHAPTER 3: APPLICATION OF WATER USE LICENCE**

4. Application for a water use licence
5. Alignment of authorisation processes of the Department with authorisation processes of other State Departments
6. Intra-catchment water use licence applications
7. Pre-application enquiry meeting
8. Submission of a water use licence application
9. Multiple water use licence application

**CHAPTER 4: PROCESSING OF A WATER USE LICENCE APPLICATION**

10. Checking of completeness of an application prior to acceptance
11. Assessment of a water use licence application and consideration of a decision

**CHAPTER 5: CONSIDERATION OF A DECISION FOR WATER USE LICENCE APPLICATIONS TO PROMOTE EQUITY AND REDRESSING PAST RACIAL AND GENDER DISCRIMINATION****CHAPTER 6: APPLICATION FOR AN EARLIER RENEWAL OR AMENDMENT OF A WATER USE LICENCE**

12. Application for an earlier renewal or amendment of a water use licence
13. Pre-application enquiry meeting
14. Submission of an application

#### **CHAPTER 7: PROCESSING OF AN APPLICATION FOR AMENDMENT OF WATER USE LICENCE**

15. Checking applications for completeness prior to acceptance
16. Assessment of an application and consideration of a decision

#### **CHAPTER 8: APPLICATION PROCESSING FEE, WAIVING OF APPLICATION PROCESSING FEE, APPEAL ADMINISTRATION FEE AND SECURITY BY APPLICANT**

17. Application processing fee
18. Waiving of application processing fee
19. Appeal administration fee
20. Security by applicant

#### **CHAPTER 9: TRANSFER OF WATER USE AUTHORISATIONS**

18. Transfer of water use authorisations

#### **CHAPTER 10: PUBLIC PARTICIPATION**

19. Purpose of public participation
20. Applicability of public participation
21. Procedure for public participation
22. Applications under land claims
23. Register for interested and affected parties
24. Public Participation Report

**CHAPTER 11: GENERAL MATTERS**

- 25. Offences

**CHAPTER 12: REPEAL, SHORT TITLE AND COMMENCEMENT, GUIDELINES AND  
TRANSITIONAL ARRANGEMENTS**

- 26. Repeal
- 27. Short title and commencement
- 28. Guidelines to support regulations
- 29. Transitional arrangements

**ANNEXURES**

**ANNEXURE A:** Timeframes and steps for processing water use licence applications

**ANNEXURE B:** Timeframes and steps for processing water use licence amendments

**ANNEXURE C:** Summary of public participation process required for different water use applications

**ANNEXURE D:** Forms and reports to be completed in respect of particular water use licence application

**ANNEXURE E:** Application Checklist

**ANNEXURE F:** Table of contents of technical reports for information requirements to be submitted

**WATER USE TECHNICAL REPORTS:**

1. Wastewater treatment for water treatment plants
2. Agricultural technical report or business plan
3. Stream flow reduction activity
4. Integrated water and wastewater management plan
5. Geohydrology
6. Wetland delineation
7. Mine closure/ rehabilitation plan
8. Public participation process
9. Civil engineering design
10. Minimum information requirements for water use licence applications for unconventional gas activities

**ANNEXURE G:** Water use licence application processing fee

**ANNEXURE H I:** Security and guarantee

**ANNEXURE H II:** List of water uses for which security is required

**ANNEXURE I:** Water Use audit report

**ANNEXURE J:** Amendment request template

## CHAPTER 1: DEFINITIONS AND PURPOSE

### Definitions

1. In these Regulations, any other word or expression to which a meaning has been assigned in the Act shall have that meaning assigned to it in the Act, unless the context requires otherwise –
  - (a) **“applicant”** means a person or a representative of that person who makes an application for a water use licence or an application for an amendment of a water use licence in terms of the Act.
  - (b) **“application for an amendment of a water use licence”** includes amendment request template in Annexure L, relevant registration form in Annexure D.
  - (c) **“Black people”** has the meaning assigned to it in the Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) (as amended).
  - (d) **“cumulative impact”** in relation to a water use, means the impact of a water use that in itself may not be significant, but may become significant when added to an existing and potential impacts eventuating from similar or diverse water use activities or undertakings in the area;
  - (e) **“days”** means working days, subject to regulation 3 of these Regulations.
  - (f) **“Environmental Management Plan”** means a plan contemplated in section 1 of the National Environmental Management Act, 1998 (Act 107 of 1998);
  - (g) **“intra-catchment water use licence applications”** means applications for projects that crosses boundaries of one or more catchments
  - (h) **“multiple water use licence application”** means a water use licence application with more than one water uses that are interlinked, provided the application belongs to one person and the water uses are exercised by that person;

- (i) **"prospecting"** has the meaning assigned to it in the Mineral and Petroleum Resources Development Act, 2002;
- (j) **"receipt"** means a document, marked with a date, issued by the Responsible authority as proof of receipt of an application and of any related document.
- (k) **"responsible authority"** means the responsible authority contemplated in section 1 of the Act;
- (l) **"sector"** means water use sector or an economic sector including mining, industry, agriculture, forestry, infrastructure and local government and private developments;
- (m) **"state department"** means any department or administration in the national or provincial sphere of government.
- (n) **"temporary transfer"** means a transfer of a water use entitlement in terms of Section 25(1) of the Act limited for an initial period of 1 year with an option of applying for a further period of 1 year (maximum of 2 years);
- (o) **"the Act"** means the National Water Act, 1998 (Act No. 36 of 1998), as amended;
- (p) **"time frames"** means the period within which a particular response, decision or other step in the process must be concluded in terms of these Regulations;
- (q) **"water use"** means water use as contemplated in section 21 of the Act; and
- (r) **"water use licence application"** includes general information required in **Annexure D**, **Checklists E** and relevant specialist reports in **Annexure F**.
- (s) Additional definitions that are applicable to unconventional gas activities are found in Annexure F (9)

## PURPOSE OF THESE REGULATIONS

2. The purpose of these Regulations is to prescribe the procedure and requirements for water use licence applications as contemplated in Sections 41 of the Act, and for an amendment or renewal of water use licence as contemplated in Sections 50 and 52.

## CHAPTER 2: TIME FRAMES

### Time frames

3. (1) When a period of days must, in terms of these Regulations, be reckoned from or after a particular day, that period must be reckoned as from the start of the day following that particular day to the end of the last day of the period.  
  
(2) For any action contemplated in terms of these Regulations for which a time frame is prescribed, the period of 15 December to 5 January must be excluded in the reckoning of days.  
  
(3) Where a prescribed time frame is affected by the electronic system downtime, the timeframe must be extended by the number of days of the system downtime.

## CHAPTER 3: APPLICATION FOR WATER USE LICENCE

### Application for water use licence

4. (1) An applicant must make such an application to a responsible authority, as prescribed in these Regulations in accordance with provisions of sections 40 and 41 of the Act.  
  
(2) In the case where an application is made by a representative, such an application must be accompanied by a letter authorising a representative to act on behalf of that person.  
  
(3) A responsible authority must keep a register and copies of all –

- (a) Applications for water use licence made in terms of these Regulations;
  - (b) Rejected applications; and
  - (c) Decisions made in respect of such applications.
- (4) The responsible authority shall use electronic Water Use Licence Application and Authorisation System to keep the records referred to in sub-regulation (3)(a), (b) and (c).
- (5) An applicant must have lawful access to a property(ies) in respect to the application.
- (6) The water use licence shall lapse if the holder fails to exercise the authorised activities in terms of the licence within three years after the issuance of the licence.
- (7) The water use licence during production shall lapse if the holder fails to commence production of a regulated substance in terms of the licence within three years after the issuance of the licence.

**Alignment of authorisations of the Department with authorisations of other state  
Departments**

5. (1) Water use licence applications that require authorisation(s) (a) in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (MPRDA); and (b) in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) or any specific environmental management act must be submitted and processed in an integrated manner.
- (2) Water use licence applications in terms of sub-regulation (1) must be accompanied by proof of application for the relevant authorisation from the relevant authorities.
- (3) The responsible authority may determine reports that may be integrated to satisfy the requirements of these Regulations and that of the legislations referred to in sub-regulation (1).

### **Intra-catchment applications**

6. (1) Intra-catchment applications must be submitted to a provincial operations office or Catchment Management Agency (CMA) in which the majority of the water use activities are situated.
- (2) The Provincial operations or CMA office where the application is submitted is responsible for assessment of the application and making a recommendation, in consultation with the provincial operations(s) or CMA where the other water uses are situated.
- (3) The assessing provincial operations / CMA shall draft separate water use licences for each of the affected water management area.

### **Pre-application engagement**

7. (1) Any person who intends to apply for a water use authorisation must initiate a pre-application engagement with the Department by means of the e-WULAAS.
- (2) During the pre-application engagement contemplated in sub regulation (1) the responsible authority must advise the applicant on the need for an authorisation, type of authorisation and procedural requirements and required information for such.
- (3) During the pre-application enquiry the Department shall determine the need for a site inspection.
- (4) Should the site visit be deemed necessary, such site visit shall take place on the date which shall be within forty (40) days of the pre-application meeting.
- (5) The applicant and the Department must agree on the date and time of the site inspection meeting. The date agreed upon may be postponed by mutual agreement between the applicant and the Department provided the postponement will not result in the 40 days provided for in sub-regulation 5 being exceeded.

(6) The site inspection may be attended by relevant Departmental specialist and other relevant stake holders as deemed necessary by the Responsible authority.

(7) The applicant must ensure safety of the Departmental official(s) during site inspection, failure which the Department may stop the meeting and vacate the premises thereof.

(8) Following the site inspection, the responsible authority shall inform the applicant, in writing, of the information required to compile a water use licence application within 10 days of the site inspection.

(9) If a site inspection meeting was deemed not necessary, the Department must write a letter outlining the information requirements within 30 days receipt of the application.

(10) The applicant can submit the application at any time after receipt of the letter of information requirements contemplated in sub-regulations 9 and 10, within a period of two (2) years.

(11) Applicants who fail to submit the application within two (2) years of the letter of information requirements must restart the process of pre-application engagement.

#### **Submission of a water use licence application**

8. (1) A water use licence application must be made in accordance with the provisions of sections 40 and 41 of the Act.

(2) All applicants must use the electronic system in sub-regulation 4(4) for the submission of applications, accompanied by an applicable application processing fee contemplated in **Annexure G**.

#### **Multiple water use licence application and dispensing with a requirement for a water use licence**

9. (1) If an applicant intends applying for a multiple water use licence within the same catchment area for the same operation, the responsible authority may consolidate the water use applications into one.
- (2) The Department may dispense with the requirement in terms of Section 22(3) of the National water act.
- (3) Applicant who want their activities to be dispensed with the requirements must make a written request to the responsible authority. Such a request must be accompanied by an authorisation (from an applicable Department) against which the dispensation is requested.

#### **CHAPTER 4: PROCESSING OF A WATER USE LICENCE APPLICATION**

##### **Checking completeness of an application prior to acceptance**

10. (1) Upon receipt of a water use licence application, the responsible authority must check whether all the required information and documents have been submitted as contemplated in sub-regulation 1(q).
- (2) The responsible authority must, in writing, and within 3 days of receipt of a water use licence application
- (a) accept the application; or
- (b) reject the application.
- (3) A rejection letter of an application contemplated in sub-regulation (2)(b) must indicate the information not provided, leading to rejection.
- (4) A rejected application is deemed finalised. If the applicant still intends to pursue the activity, a new application must be submitted.

##### **Assessment of a water use licence application and consideration of making of a decision**

11. (1) The responsible authority shall, on acceptance of a water use licence application, commence with the assessment of an application.
- (2) The responsible authority may request written comments from relevant competent authorities or state departments before making a decision on water use licence applications.
- (3) The responsible authority may invite the applicant to present his or her specialist reports.
- (4) The assessment of a water use licence application and consideration of a decision shall be finalised within the timeframes stipulated in **Annexure A**.
- (5) Any supporting documentation, to a water use licence application which contains disclaimers which removes liability and or responsibility from the applicant will not be considered.

#### **CHAPTER 5: CONSIDERATION OF A DECISION FOR WATER USE LICENCE APPLICATIONS TO PROMOTE EQUITY AND REDRESSING PAST RACIAL AND GENDER DISCRIMINATION**

This section prescribes requirements and procedures for achieving equity and redressing past racial and gender imbalances as contemplated in section 27(1)(b) and section 45(2)(c) of the Act.

12. (1) The Responsible Authority shall give preference to applications from black people, followed by women.
- (2) All applications for consumptive water use (Section 21 a, b and d) submitted to the Department are expected to satisfactorily address Section 27 (1) (b) of the Act. Specifically, the enterprise in respect of the application must allocate shares to black people in the proportions stipulated in Table 1.

Table 1: Requirements for compliance to contribute to transformation for applicants

| Section 21 a and b                  | Section 21 (d)     | % Shares allocated to blacks |
|-------------------------------------|--------------------|------------------------------|
| Up to 250 000 m <sup>3</sup>        | Up to 100 ha       | Exempted                     |
| 250 000 to 500 000 m <sup>3</sup>   | 100 to 500 ha      | 25 %                         |
| 500 000 to 1 000 000 m <sup>3</sup> | 500 to 1 000 ha    | 50 %                         |
| More than 1 000 000 m <sup>3</sup>  | More than 1 000 ha | 75 %                         |

(5) Applications from mining and related industries (regulated by means of MPRDA), State- and state-owned entities, 100 % black owned are exempted to comply with sub-regulation (4).

(6) The responsible authority may, subject to availability of resources, support black people with water use licence applications in line with section 61 of the Act before a final decision is reached on their applications.

#### **Compulsory Licensing**

**13** (1) A responsible authority shall issue a notice in a form of a gazette requiring persons to apply for a water use licence within 60 days in terms of section 43 of the Act, for one or more types of water uses contemplated in section 21 of the Act.

(2) An applicant applying for a water use licence in terms of section 43 of the Act, will be charged a fee as contemplated in regulation 17.

### **CHAPTER 6: APPLICATION FOR EARLIER RENEWAL OR AMENDMENT OF A WATER USE LICENCE**

#### **Application for earlier renewal or amendment of a water use licence**

14(1) Applications for amendments or earlier renewal for a water use licence shall follow the same procedure outlined in regulation 7 and 8.

(2) Applications for earlier renewal must be initiated at least 250 days before the water use licence reaches its end date.

(3) The timeframes for processing applications for amendment and earlier renewal of water use licence applications is shown Annexure B.

## CHAPTER 7: PROCESSING OF AN APPLICATION FOR AMENDMENT OF A WATER USE LICENCE

### Checking of completeness of an application prior to acceptance

15 (1) Upon receipt of an application for amendment of a water use licence contemplated in sub regulation 12, the responsible authority must evaluate whether the application is properly completed and accompanied by relevant documents contemplated in sub regulation 12.

(2) The responsible authority must, in writing, and within 5 days of receipt of an application contemplated in sub regulations 14(3) -

(a) accept the application; or

(b) reject the application.

(3) Rejection letter of an application contemplated in sub-regulation (2) (b) must provide adequate reasons for the rejection.

(4) If the application is rejected as contemplated in sub-regulation (2) (b), the responsible authority shall have no obligation to consider that application any further.

### Assessment of an application for amendment of a water use licence and consideration of a decision

16(1) The responsible authority shall, on acceptance of the application, commence with the assessment of the application.

(2) The assessment of the application and its consideration for a decision shall be finalised within the timeframes stipulated in **Annexure B**.

**CHAPTER 8: APPLICATION PROCESSING FEE, APPEAL ADMINISTRATION FEE,  
WAIVING OF APPLICATION PROCESSING FEE AND SECURITY BY THE  
APPLICANT**

**Application processing fee**

17. (1) An applicant applying for a Water Use Licence, or an amendment of a water use licence or a condonation for late application for a compulsory licensing process, with the exception of applications for amendments in terms of section 158 of the Act, must pay a non-refundable application processing fee contemplated in **Annexure G**.

(2) The payment receipt must be part of the application processing fee to be submitted to the Department. The payment can be made in cash in our Regional / Or CMA offices or by making by making an Electronic Funds Transfer (EFT) payment via the online banking platform on details provided in **Annexure G**.

(3) The processing fee in sub-regulation 15(1) will be increased by CPI on 01 April of each year.

**Waiving of the application processing fee**

18. (1) In terms of Section 40(3) of the Act, the responsible authority may waive the application processing fee on deserving cases.

(2) The application to waive the application processing fee should be submitted to the Department prior to making an application. Waiving of the application processing fee shall only be allowed in exceptional cases.

(3) The decision on the request to waive the application processing fee must be submitted with the application for a water use licence or an application for an amendment.

**Security by Applicant**

19. (1) Security by the applicant requirements in respect of mining related applications shall follow the National Environmental Management Act (107 of 1998) regulation 667 on financial provision as provided for in the Memorandum of Understanding between the responsible authority and the Department of Environmental, Forestry and Fisheries.
- (2) Other applicants who are required, as stipulated in **Annexure H I** to provide security in respect of a particular water use licence application must complete and submit a form to the responsible authority as contemplated in **Annexure H II**.
- (3) The security by the applicant must specify items to be covered under the security and the respective amounts of money applicable to each item.
- (4) The security shall be valid for a period of at least 5 years after water use licence activities have lapsed.

## CHAPTER 9: TRANSFER OF WATER USE AUTHORISATIONS

### Transfer of water use authorisations

20. (1) A person (s) holding an entitlement to use water and wishes to surrender the entitlement or part of it, to facilitate a water use licence application must submit to the Department the following:
- i. Proof of water use entitlement to be transferred
  - ii. Property details and proof of lawful access to the property, if not owning the property(ies)
  - iii. Certified copy of identity document of the person holding the entitlement
  - iv. Proof of water use debt clearance
  - v. Surrender request letter
- (2) The temporary transfer of an entitlement for irrigation in terms of Section 25(1) of the Act will be processed and approved by a Water Management Institution.

(3) A temporary transfer contemplated in sub regulation (2) is only limited to an initial period of one (1) year, with an option of applying for further period of one (1) year (i.e. a maximum of two (2) years).

(4) A water use licence application to be facilitated by the surrender of the water use entitlement in terms of Section 25(2) of the Act will be dealt in accordance to Chapter 3 of these Regulations.

## **CHAPTER 10**

### **PUBLIC PARTICIPATION**

#### **Purpose of public participation**

21. (1) The public participation process, which the water use licence application is subjected to, aims to give all interested and affected parties an opportunity to submit written objections on the concerned application.

#### **Applicability public participation**

22. (1) The categories of applications for which public participation (invitation for objections) must be conducted and the manner in which the public participation must be conducted is shown in **Annexure C**.

(2) Public participation that requires authorisations in terms of NEMA, MPRDA and the Act must be conducted jointly. To this regard the advertisement pertaining to the Act must describe all the water uses to be applied for and indicate that written objections can be submitted to the applicant within a period of 60 days of the advertisement.

#### **Procedure for public participation process**

23. (1) Public participation process must be conducted as contemplated in section 41(4) of the Act, as part of the water use licence application process.

(2) Where a public participation process has already been undertaken as contemplated in sub-regulation 20(2) and that public participation process contains and covers all

issues pertaining to water use activities, then that public participation process report must be submitted for the requirements of the water use licence application.

(3) A notice of the application as contemplated in **Annexure C** must be provided to interested and affected parties by:

- a) fixing a written notice board at a visible and accessible place to the public at the boundary or on the fence of:
  - i. the site where the water use activity to which the application relates is or is to be undertaken; or
  - ii. any alternative site mentioned in the application.
  
- b) giving written notice to:
  - i. the owner or person in control of that land, if the applicant is not the owner or person in control of that land;
  - ii. the occupiers of the site where the water use is or is to be undertaken or an alternative site where the water use is to be undertaken;
  - iii. owners and occupiers of land adjacent to the site where the water use is or is to be undertaken or an alternative site where the water use is to be undertaken;
  - iv. the municipal councillor of the ward in which the water use is or is to be undertaken or an alternative site where the water use is to be undertaken and any organization of ratepayers that represent the community in the area;
  - v. any organ of state having jurisdiction in respect of any aspect of the water use activity,
  - vi. any person who has submitted a valid land claim in respect of the area in which the water use activity will be conducted; or
  - vii. any other interested and affected party as required by the responsible authority.
  
- c) placing an advertisement in –
  - i. newspapers, or

- ii. any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these regulations.
- d) using reasonable alternative methods, as agreed to by the responsible authority, in those instances where a person is desirous of but is unable to participate in the process due to -
  - i. illiteracy, or
  - ii. disability.

(1) A notice or advertisement referred to in sub-regulation (3) must –

- (a) give adequate details of the application which is subject to public participation; and
- (b) state the following –
  - i. that the application has been submitted to the responsible authority in terms of these Regulations as the case may be;
  - ii. the nature and locality of the water uses to which the application refers;
  - iii. the water uses;
  - iv. where further information on the application or water uses may be obtained;
  - v. the manner in which and the person to whom representations in respect of the application can be made;
  - vi. a specified date, not less than 60 days after the last publication of a notice, before which written comments or objection may be lodged; and
  - vii. an address to which written objections may be lodged.

(2) A notice board referred to in sub-regulation (3)(a) must, -

- (a) be of a size at least 60 cm by 42 cm; and
- (b) display the required information in a font size of not less than 48.

#### **Applications in properties under land claims**

24. (1) Applications in a property(ies) where there is a gazetted land claim must obtain written comments from the land claimants and Land Claims Commissioner. Such written comments must indicate whether they object or not to the granting of the licence.

**Register of interested and affected parties**

25. An applicant must open and maintain a register which contains the names and contact details and addresses of all persons who objected to the granting of the licence concerned.

**Public Participation Report**

26. (1) The applicant must compile and submit a public participation report to the responsible authority when submitting a water use licence application. The Public Participation report should contain the following–

- (a) written comments or objections of interested and affected parties;
- (b) records of meetings; and
- (c) register of interested and affected parties.

- (3) Where a person desires to make, but unable to make written objections) due to –

- (a) illiteracy; or
- (b) disability,

reasonable alternative methods of recording comments must be provided for.

**CHAPTER 11****GENERAL MATTERS****Offences**

27. (1) A person is guilty of an offence, if that person-

- (a) wilfully and knowingly provides an incorrect or misleading information in his or her application; or
- (b) wilfully and knowingly omits information that may have an influence on the outcome of a decision of a responsible authority.
- (c) knowingly engages in fraudulent, corrupt and any other irregular activities included but not limited to offering and acceptance of bribes aimed at influencing the decision on an application.

(2) A person found guilty in terms of these Regulations is liable to the penalties as contemplated in section 69(2) of the Act.

**CHAPTER 12****REPEAL, SHORT TITLE AND COMMENCEMENT AND TRANSITIONAL ARRANGEMENTS****Repeal**

28. The regulations published under Government Notice No. R.267 of 24 March 2017 are hereby repealed.

**Short title and commencement**

29. These Regulations are called the Water Use Licence Applications, Amendment, and Appeals Regulations, 2022, and take effect on the date of publication in the Gazette by the Minister.

**Transitional arrangement**

30. (1) All application submitted prior the promulgation of these Regulations will be dealt in accordance with Regulation 267 or any other manner directed by the Responsible Authority.

**ANNEXURE A**

Time frames and steps for processing water use licence applications

| Number | Step  | Number of days |
|--------|---|----------------|
| 1      | Pre-application meeting, site inspection, compilation of technical report, public participation                           | 0              |
| 2      | Submit application with licence processing fee and technical report (comprising various studies depending on type of use) | 1              |
| 3      | DWS accept or reject the application  | 3              |
| 4      | Process application and decision  | 80             |
| 5      | Post decision administration and communication to applicant   | 7              |
|        | <b>Total</b>  | <b>90</b>      |

**ANNEXURE B**

**Timeframes and steps for processing water use licence amendments**

| <b>NO</b> | <b>Step</b>   | <b>Minor amendment<br/>(Section 158 of NWA)</b> | <b>Conditions (formal<br/>amendment Section 50<br/>&amp; 51 of the NWA)</b> | <b>Early renewal and amendments (Section 52<br/>of the NWA)</b> | <b>Period + new water<br/>uses or amendments</b> |
|-----------|---|---|---|---|--|
|           |   |   |   | <b>Only licence<br/>period</b>                                  |  |
| 0         | Pre-application meeting, site inspection, compilation of technical report, public participation | 0   | 0   | 0   | 0  |
| 1         | Applicants submit amendment request, Forms, and/or supporting documents                         | 1   | 1   | 1   | 1  |
| 2         | Department accept or reject application   | 3   | 3   | 3   | 3  |
| 3         | Preliminary Assessment  | 26  | 46  | 56  | 86   |
| <b>4</b>  | <b>Total</b>  | <b>30</b>                                       | <b>50</b>   | <b>60</b>   | <b>90</b>  |

## ANNEXURE C

Summary of public participation process required for different water use applications

| No | Activity   | Minimum Media used to call public participation                                 |
|----|--|---|
| 1  | Irrigation: taking water from a water resource to irrigate more than 10 Ha to 25 ha (~100 000 to 250 000 m <sup>3</sup> /a)            | Letters to surrounding neighbours, Site notice,                                 |
| 2  | Irrigation: taking water from a water resource to irrigate more 25 ha (250 000 m <sup>3</sup> /a)                                      | Letters to surrounding neighbours, Local newspaper, site notice, Site Meetings  |
| 3  | Private Housing developments Development   | Local newspaper and site notice or notice at a place of interest                |
| 4  | Category C mines: Alluvial Diamonds, sand, gravel, silicon   | Local newspaper and site notice or notice at a place of interest                |
| 5  | Linear Projects not crossing catchments: Roads, railway line, power lines, sewer pipeline, water pipeline and cables, gas/oil pipeline | Local newspaper and notice(s) at a place(s) of interest                         |
| 6  | Linear Projects crossing catchments: Roads, railway line, power lines, sewer pipeline, water pipeline and cables, gas/oil pipeline     | Provincial, and Local newspapers, notice(s) at a place(s) of interest           |
| 7  | Linear Projects crossing WMAs: Roads, railway line, power lines, sewer pipeline, water pipeline and cables, gas/oil pipeline           | National, Provincial, Local newspapers and notice (s) at a place(s) of interest |
| 8  | Industries: not producing waste  | Local newspaper, site notice or notice at a place of interest                   |
| 9  | Industries: producing waste  | Provincial, Local newspapers and site notice or notice at a place of interest   |

| No | Activity   | Minimum Media used to call public participation                               |
|----|--|---|
| 10 | Local Government   | Local newspapers and site notice site notice or notice at a place of interest |
| 11 | Mining: Category A and B mines: Gold, coal, platinum, chrome | National, Provincial and Local newspapers, notice at a place of interest      |
| 12 | Unconventional gas: UCG, CBM, SHALE GAS                      |   |

## ANNEXURE D

Forms and reports to be completed in respect of particular water use licence application

| No. | Form Name | Complete this form if you are applying as and for;   | Supporting technical information to be provided with the technical report   |
|-----|-----------|--|---|
| 1   | DW755     | Application for water use licence  | <ul style="list-style-type: none"> <li>• Certified Copy of Identity Document (of the Representative and/or an Applicant),</li> <li>• Certified Copy of Business Registration Certificate (if applicant is a Company)</li> <li>• Certified Copy of Title Deeds Document and/or Permission to Occupy.</li> <li>• Certified Copy of Letter of Authority/Power of Attorney to sign on behalf of the Prospective Water User.</li> <li>• Proof of Payment of Water Licensing Fee,</li> <li>• Certified Copy of BBEE certificate, Master Layout Plan (optional)</li> </ul> |
| 1   | DW756/769 | <b>An Individual</b><br>Allows "individual" related water users to provide information about their contact details and Water Management Area of where their water use takes place. |   |
| 2   | DW757/770 | <b>A Water Services Provider</b><br>Allows "Water Services Provider" related water users to provide information about their  |   |

| No. | Form Name | Complete this form if you are applying as and for;  | Supplementary forms (submit with application) | Supporting technical information to be provided with the technical report |
|-----|-----------|---|---|---|
| 3   | DW758/771 | <p>contact details &amp; Water Management Area of where their water use takes place.</p> <p><b>A Company, Business or Partnership--National or Provincial Government</b><br/>                     Allows "Company, Business or Partnership--National or Provincial Government" related water users to provide information about their contact details &amp; Water Management Area of where their water use takes place.</p> |   |   |
| 4   | DW759/772 | <p><b>Water Users Association--Including: Irrigation Boards, Subterranean Water Control Boards, Water Boards for Stock Watering, Settlement Boards, Water Conservation Boards</b></p>   |   |   |

| No. | Form Name        | Complete this form if you are applying as and for;  | Supplementary forms (submit with application)   | Supporting technical information to be provided with the technical report   |
|-----|------------------|---|---|---|
| 5   | <b>DW760/773</b> | <p>Allows "Water Use Association-Including: Irrigation Boards, Subterranean Water Control Boards, Water Boards for Stock Watering, Settlement Boards, Water Conservation Boards" related water users to provide information about their contact details &amp; Water Management Area of where their water use takes place.</p> | <p>Relevant to sector:</p> <ul style="list-style-type: none"> <li>▪ Agriculture: Irrigation (form DW787)</li> <li>▪ Industrial (form DW788)</li> <li>▪ Mining (form DW788)</li> <li>▪ Power Generation (form DW788)</li> <li>▪ Water Supply Service (form DW789)</li> </ul> | <p>Submit with supporting appendices:</p> <ul style="list-style-type: none"> <li>• <b>Agriculture Business Plan</b> – if the purpose of taking of water from a water resource is for irrigation or animal production</li> <li>• <b>Waste Water Treatment / Water Treatment Plants Technical Report in Annexure F</b> – if the purpose of taking of water from a water resource is to treat it in a water treatment works</li> <li>• <b>Integrated Water and Wastewater Management Plan (IWWMP)</b> – if the purpose of taking of water from a water resource is for industry or mining use</li> </ul> |

| No. | Form Name | Complete this form if you are applying as and for;  | Supplementary forms (submit with application)   | Supporting technical information to be provided with the technical report   |
|-----|-----------|---|---|---|
| 6   | DW762/774 | <p>from a dam or river, or from a borehole.</p> <p><b>Section 21(b) of the National Water Act: Storing water</b></p> <p>This form allows the applicant to provide information about their water use in respect of</p> <ul style="list-style-type: none"> <li>▪ Water that is stored in a dam, reservoir or other impoundment. The storage dam can be in a watercourse, or off channel. Commonly the stored water is from natural runoff or river water.</li> <li>▪ Weirs built on rivers may also store water, unless there is an outlet for drainage under low flow</li> </ul> | <p>If "Pump" is selected as a method of abstraction – complete Form DW784)</p> <p>Complete the following if the purpose of the dam is for:</p> <ul style="list-style-type: none"> <li>▪ Agriculture: Irrigation (complete form DW787)</li> <li>▪ Mining (form DW788)</li> <li>▪ Water Supply Service (form DW789)</li> </ul> <p>Complete form DW790 in the following two cases:</p> <ul style="list-style-type: none"> <li>▪ A proposed dam which has not yet been classified, or</li> <li>▪ An existing dam which will be enlarged by increasing the gross storage capacity, dam classification must take place before the licence application. In these cases, complete only parts 1, 2, 3, and 4 of</li> </ul> | <p>Submit with supporting appendices:</p> <ul style="list-style-type: none"> <li>• Water storage facility design report (Dam/ Pollution control dam /Return water dam) together with;</li> <li>• <b>Agriculture Business Plan</b> – if the purpose of storing water is for irrigation or animal production</li> <li>• <b>Waste Water Treatment / Water Treatment Plants Technical Report in Annexure F</b> – if the purpose of storing water is to treat for potable consumption in a water treatment works</li> <li>• <b>Integrated Water and Wastewater Management Plan (IWWMP)</b> – if the purpose of storing water is for industry or mining use;</li> <li>• <b>Power generation business plan</b> - if the purpose of storing water is for power generation;</li> </ul> |

| No. | Form Name | Complete this form if you are applying as and for;   | Supplementary forms (submit with application)   | Supporting technical information to be provided with the technical report  |
|-----|-----------|--|---|--|
|     |           | <p>conditions.</p> <ul style="list-style-type: none"> <li>▪ These structures must comply with the Dam Safety Regulations.</li> </ul>   | <p>this form, and</p> <ul style="list-style-type: none"> <li>▪ Complete form DW793 (Dam Classification).</li> </ul> |  |
| 7   | DW763/775 | <p><b>Section 21(c) of the National Water Act: Impeding or diverting the flow of water in a watercourse</b></p> <p>This form allows the applicant to provide information about their water use in respect of</p> <ul style="list-style-type: none"> <li>▪ Impeding or diverting flow does not cause any loss in flow.</li> <li>▪ Impeding or diverting structures can fully or partially extend into a river, forcing the natural flow direction to be re-directed around the structure.</li> <li>▪ Impeding or diverting</li> </ul> | <p>Also complete DW781/775: Supplementary Water Use Information Form for Section 21(c) and (i) Water Uses.</p>      | <p>Submit the following "technical reports" with supporting appendices:</p> <ul style="list-style-type: none"> <li>• Wetland delineation report</li> </ul> |

| No. | Form Name | Complete this form if you are applying as and for;  | Supplementary forms (submit with application) | Supporting technical information to be provided with the technical report |
|-----|-----------|---|---|---|
| 8   | DW764/776 | <p>Section 21(d) of the</p> <p>can be temporary, during construction of a road bridge for example. It can also be permanent, such as the building of a low water bridge across a river where the flow is permanently impeded as it moves under the bridge.</p> <ul style="list-style-type: none"> <li>Gauging weirs are an example of impedance if under low flow conditions there is no storage behind the weir. If there is water retained in the weir, then the water use is considered to be "storing water" and "impeding or diverting flow".</li> </ul> |   | Submit the following "technical reports" with supporting appendices:      |

| No. | Form Name | Complete this form if you are applying as and for;  | Supplementary forms (submit with application)   | Supporting technical information to be provided with the technical report  |
|-----|-----------|---|---|--|
|     |           | <p><b>National Water Act: Engaging in a stream flow reduction activity</b></p> <p>This form allows the applicant to provide information about their water use in respect of</p> <ul style="list-style-type: none"> <li>Commercial afforestation as is currently the only activity declared to be a stream flow reduction activity.</li> </ul> |   | <p><b>Stream flow reduction activity business plan</b></p>   |
| 9   | DW768/781 | <p><b>Section 21(i) of the National Water Act: Altering the bed, banks or characteristics of a watercourse</b></p> <p>This form allows the applicant to provide information about their water use in respect of</p>   | <p>Also complete DW781/775: Supplementary Water Use Information Form for Section 21(c) and (i) Water Uses</p> | <p>Submit the following "technical reports" with supporting appendices:</p> <ul style="list-style-type: none"> <li>Wetland delineation report</li> </ul> |

| No. | Form Name | Complete this form if you are applying as and for;   | Supplementary forms (submit with application) | Supporting technical information to be provided with the technical report |
|-----|-----------|--|---|---|
|     |           | <ul style="list-style-type: none"> <li>▪ Physical changes that are made to a water course, for example to widen or straighten the channel of a river.</li> <li>▪ Alteration of the bed and banks is usually needed for construction and infrastructure development near or across a river. Sand mining is another common example of this water use.</li> <li>▪ Alteration of the course of a watercourse refers to the diversion of the water course. The river channel is usually reconstructed or replaced with a canal which may extend for several kilometres from the original course.</li> </ul> |   |   |

| No. | Form Name | Complete this form if you are applying as and for;   | Supplementary forms (submit with application) | Supporting technical information to be provided with the technical report  |
|-----|-----------|--|---|--|
| 10  | DW805/782 | <p>Section 21(j) of the National Water Act: Removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people</p> <p>This form allows the applicant to provide information about their water use in respect of when water must be removed for efficiency or safety reasons. An example of this use is to ensure safety in underground mining. Many construction sites also require underground water to be removed. This water use does NOT apply to the taking of water referred to in 21(a)</p> |   | <p>Submit the following "technical reports" with supporting appendices if the purpose of Removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people is for:</p> <ul style="list-style-type: none"> <li>• <b>Civil Design Report</b> – Water storage facility design report (Dam/ Pollution control dam /Return water dam) together with;</li> <li>• <b>Waste Water Treatment / Water Treatment Plants Technical Report in Annexure F</b> – if the purpose of storing water is to treat for potable consumption in a water treatment works</li> <li>• <b>Integrated Water and Wastewater Management Plan (IWWMP)</b> – if the purpose of storing water is for industry or mining use;</li> <li>• <b>Power generation business plan</b> - if the purpose of storing water is for power generation</li> </ul> |

| No. | Form Name | Complete this form if you are applying as and for;  | Supplementary forms (submit with application) | Supporting technical information to be provided with the technical report  |
|-----|-----------|---|---|--|
| 11  | DW806/783 | <p>above.</p> <p><b>Section 21(k) of the National Water Act: Using water for recreational purposes</b></p> <p>This form allows the applicant to provide information about their water use in respect of organised water sports, fishing competitions, floating restaurants etc.</p> |   |  |
| 12  | DW765     | <p><b>Section 21(e) of the National Water Act:</b></p> <p>Engaging in a controlled activity in terms of section 37 or 38 of the NWA</p> <p>Irrigation of any land with waste or water containing waste generated through any industrial activity or by a waterwork</p>              |   | <p>Submit the following "technical reports" with supporting appendices if the purpose of Engaging in a controlled activity in terms of section 37 or 38 of the NWA is for:</p> <ul style="list-style-type: none"> <li>• <b>Waste Water Treatment / Water Treatment Plants Technical Report in Annexure F</b> – if the purpose is irrigation of any land with waste or water containing waste generated through any industrial activity is for wastewater treatment works</li> <li>• <b>Integrated Water and Wastewater Management Plan (IWWMP)</b> – if the purpose of Irrigation of any land with waste or water containing waste generated through any industrial activity or by a waterwork is</li> </ul> |

| No. | Form Name | Complete this form if you are applying as and for;  | Supplementary forms (submit with application) | Supporting technical information to be provided with the technical report  |
|-----|-----------|---|---|--|
|     |           | <p>Currently, the following are controlled activities:</p> <ul style="list-style-type: none"> <li>▪ irrigating with waste water;</li> <li>▪ modification of atmospheric precipitation (cloud seeding);</li> <li>▪ power generation which alters the flow regime of a water resource; and</li> <li>▪ intentional recharge of underground water with waste water.</li> </ul> <p>A common controlled activity is irrigation with wastewater, typically from a water treatment works. This can be a productive use of water if a crop is grown with the wastewater</p> <ul style="list-style-type: none"> <li>▪ Hydrological fracturing,</li> </ul> |   | <p>for industry or mining use;</p> <ul style="list-style-type: none"> <li>• <b>Power generation business plan</b> - if the purpose of Irrigation of any land with waste or water containing waste generated through any industrial activity or by a waterwork is for power generation;</li> <li>• <b>Geohydrological report</b> – if the controlled activity is intentional recharging of an aquifer with any waste or water containing waste</li> </ul> |

| No. | Form Name | Complete this form if you are applying as and for;   | Supplementary forms (submit with application) | Supporting technical information to be provided with the technical report  |
|-----|-----------|--|---|--|
| 13  | DW766     | <p>unconventional gas</p> <p><b>Section 21(f) of the National Water Act:</b><br/>Discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit</p> <p>This water use entails the discharge of waste or wastewater directly into a water resource.</p> <ul style="list-style-type: none"> <li>▪ Common examples of this water use are waste released into a river or dam at a discharge point such as waste water from factories, or partially treated wastewater from treatment plants.</li> <li>• Waste discharged into a municipal</li> </ul> |   | <p>Submit the following "technical reports" with supporting appendices if the purpose of <b>Discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduits</b> for:</p> <ul style="list-style-type: none"> <li>• <b>Civil Design Report</b> – Water storage facility design report (Dam/ Pollution control dam /Return water dam) together with;</li> <li>• <b>Waste Water Treatment / Water Treatment Plants Technical Report in Annexure F</b> – if the purpose is for <b>discharging waste or water after treatment in a water works</b></li> <li>• <b>Integrated Water and Wastewater Management Plan (IWWMP)</b> – if the purpose is for <b>discharging waste or water after treatment in a water works</b> from industry or mining use;</li> <li>• <b>Power generation business plan</b> - if the purpose is for <b>discharging waste or water after treatment in a water works</b> power generation;</li> <li>• <b>Geohydrological report</b> – if the purpose is for <b>discharging waste or water after treatment in a water works</b> affects groundwater.</li> </ul> |

| No. | Form Name | Complete this form if you are applying as and for;  | Supplementary forms (submit with application) | Supporting technical information to be provided with the technical report   |
|-----|-----------|---|---|---|
| 14  | DW767     | <p>sewer is NOT included in this water use; however, the waste discharged by the municipal treatment works into a water resource IS an example of this water use.</p> <p><b>Section 21(g) of the National Water Act:</b><br/>Disposing of waste in a manner which may detrimentally impact on a water resource</p> <ul style="list-style-type: none"> <li>▪ This is typically disposal that takes place into on-site facilities such as french drains, conservancy tanks, pit latrines and soak-aways. Another</li> </ul> |   | <p>Submit the following "technical reports" with supporting appendices if the purpose of Disposing of waste in a manner which may detrimentally impact on a water resource is for:</p> <ul style="list-style-type: none"> <li>• <b>Civil Design Report</b> – Water storage facility design report (Dam/ Pollution control dam /Return water dam) together with;</li> <li>• <b>Waste Water Treatment / Water Treatment Plants Technical Report in Annexure F</b> – if the purpose is for disposing is treatment in a water works</li> <li>• <b>Integrated Water and Wastewater Management Plan (IWWMP)</b> – – if the purpose is for disposing waste or water after treatment in a water works from industry or mining use;</li> </ul> |

| No. | Form Name | Complete this form if you are applying as and for;   | Supplementary forms (submit with application) | Supporting technical information to be provided with the technical report  |
|-----|-----------|--|---|--|
|     |           | <p>example of this water use is disposal into wastewater treatment systems, such as oxidation ponds that do not have an outlet into a water resource. If the oxidation pond has an outflow into a river or dam, it is defined as water use 21(f) above for discharging waste water into a water resource. Evaporation dams are a further common example of this water use.</p> |   | <ul style="list-style-type: none"> <li>• <b>Power generation business plan</b> - if the purpose is for disposing waste or water after treatment in a water works power generation;</li> <li>• <b>Geohydrological report</b> – if the purpose is for discharging waste or water after treatment in a water works affects groundwater.</li> </ul>            |
| 15  | DW780     | <p><b>Section 21(h) of the National Water Act:</b><br/>Disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process</p>   |   | <p>Submit the following "technical reports" with supporting appendices if the purpose of Disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process is for</p> <ul style="list-style-type: none"> <li>• <b>Power generation business plan</b> - if the purpose is for;</li> </ul> |

| No. | Form Name | Complete this form if you are applying as and for;   | Supplementary forms (submit with application) | Supporting technical information to be provided with the technical report |
|-----|-----------|--|---|---|
| 16  | DW901     | <ul style="list-style-type: none"> <li>▪ This water use refers specifically to the temperature of the wastewater which may have a significant effect on the environment. This water use also refers to discharges to the marine environment (sea, surf-zone).</li> </ul> |   |   |
| 17  | DW902     | Details of Property where water use occurs<br>Details of Property Owner  |   |   |
| 18  | DW775     | Supplementary Water Use Information Form for Section 21(c) and (i) Water Uses.   |   |   |
| 19  | DW784     | Taking water from a water resource - Pump technical data   |   |   |
| 20  | DW786     | Taking water from a water resource - Canal technical data  |   |   |
| 21  | DW787     | Taking water from a water resource - Irrigation  |   |   |

| No. | Form Name | Complete this form if you are applying as and for;   | Supplementary forms (submit with application) | Supporting technical information to be provided with the technical report |
|-----|-----------|--|---|---|
| 22  | DW788     | field and crop information<br>Taking water from a water resource - Power generation, industrial or mining use. |   |   |
| 23  | DW789I    | Taking water from a water resource - Domestic, Urban, Commercial or Industrial use.                            |   |   |
| 24  | DW790     | Storing water- Dam and basin technical data  |   |   |
| 25  | DW793     | Storing water- Dam Classification  |   |   |



| Applicable Water Uses |  |            |    |
|-----------------------|--|------------|----|
| S 21                  | Description  | Applicable |    |
|                       |  | Yes        | No |
| (a)                   | Taking water from a water resource   |            |    |
| (b)                   | Storing water  |            |    |
| (c)                   | Impeding or diverting the flow of water in a watercourse   |            |    |
| (d)                   | Engaging in a stream flow reduction activity   |            |    |
| (e)                   | Engaging in a controlled activity  |            |    |
| (f)                   | Discharging waste or water containing waste into a water resource through a pipe, canal, sewer or other conduit  |            |    |
| (g)                   | Disposing of waste in a manner which may detrimentally impact on a water resource  |            |    |
| (h)                   | Disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process                        |            |    |
| (i)                   | Altering the bed, banks, course or characteristics of a watercourse  |            |    |
| (j)                   | Removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people |            |    |
| (k)                   | Using water for recreational purposes  |            |    |

\*Please tick the water uses relevant to this application

| General Required Information   |            |    | Official Use |    |
|--|------------|----|--------------|----|
| Description  | Applicable |    | Submitted    |    |
|  | Yes        | No | Yes          | No |
| Proof of Payment of Licence Application Processing Fee<br>(Compulsory)   |            |    |              |    |
| Copy of Identity Document of Applicant or Delegated Person<br>(Compulsory)   |            |    |              |    |
| Copy of Company Registration Certificate (Compulsory)  |            |    |              |    |
| Copy of Trust Registration Certificate (Compulsory)  |            |    |              |    |
| Letter of Authorisation for Companies, Trusts or Legal Entities<br>(Compulsory)  |            |    |              |    |
| Letter of Authority or Power of Attorney to Apply on behalf of Applicant   |            |    |              |    |
| Copy of BBBEE Certificate  |            |    |              |    |
| Letter of Consent if the Applicant is not the Property Owner<br>(Compulsory)   |            |    |              |    |
| *Applicant Information Form: Individual (DW 756 / 769)   |            |    |              |    |
| *Applicant Information Form: Water Service Provider (DW 757 / 770)   |            |    |              |    |
| *Applicant Information Form: Company, Partnership, Government (DW 758 / 771)   |            |    |              |    |
| *Applicant Information Form: Water User Association (DW 759 / 772)   |            |    |              |    |
| *Property Details Form (DW 901)  |            |    |              |    |
| Property Owner Details (DW 902)  |            |    |              |    |
| Permission to Occupy (PTO) , Title Deed, Lease Agreement,<br>Community Resolution  |            |    |              |    |
| A description of the location of the activity, including<br>(aa) the 21 digit Surveyor General code of each cadastral land parcel,<br>(bb) where available, the physical address or farm name,<br>(cc) the coordinates of the boundary of the property or properties,<br>When providing coordinates, such coordinates must be provided in<br>degrees, minutes and seconds using the Hartebeesthoek94 WGS84 co-<br>ordinate system. |            |    |              |    |
| a plan which locates the proposed activity or activities applied for at an<br>appropriate scale, or if it is-<br>(aa) a linear activity, a description and coordinates of the corridor in  |            |    |              |    |

| General Required Information  |            |    | Official Use |    |
|---|------------|----|--------------|----|
| Description   | Applicable |    | Submitted    |    |
|   | Yes        | No | Yes          | No |
| which the proposed activity or activities is proposed; or (bb) on land where the property has not been defined, the coordinates of the area within which the activity is proposed   |            |    |              |    |
| Where applicable, proof of acceptance of an application for any right or permit in terms of the Mineral and Petroleum Resources Development Act, 2002 or environmental authorisation as per regulation 7 must be provided |            |    |              |    |
| Section 27 Motivation   |            |    |              |    |
| <b>Other information as requested in the acknowledgement of receipt and where applicable the site visit and meeting:</b>  |            |    |              |    |
|   |            |    |              |    |

| Section 21 (a): Taking water from a water resource   |            |    | Official Use |    |
|--|------------|----|--------------|----|
| Description  | Applicable |    | Submitted    |    |
|  | Yes        | No | Yes          | No |
| *Taking water from a water resource Form (DW 773)  |            |    |              |    |
| *Pump Technical Data Form (DW 784)   |            |    |              |    |
| *Canal Technical Data Form (DW 786)  |            |    |              |    |
| *Irrigation Field and Crop Details (DW 787)  |            |    |              |    |
| *Supplementary Info: Power Generation, Industrial or Mining (DW 788)   |            |    |              |    |
| *Supplementary Info: Domestic, Urban, Commercial or Industrial (DW 789)  |            |    |              |    |
| Soil Suitability Report (for irrigation from Dept. Agriculture)  |            |    |              |    |
| Viability Confirmation (for permanent transfers from Dept. Agriculture)  |            |    |              |    |
| Confirmation of no Land Claims (for permanent transfers from Rural Development and Land Reform)                          |            |    |              |    |
| Recommendation from CCAW (for reserved water)  |            |    |              |    |
| Recommendation from WUA or IB (for scheme related water use)   |            |    |              |    |
| Stakeholder Consultation with Interested and Affected Parties  |            |    |              |    |
| Pump Test Certificate (Groundwater)  |            |    |              |    |
| Geo-hydrological Study (Groundwater)   |            |    |              |    |
| Technical Design Report in support of the water use applied for  |            |    |              |    |
| <b>Other information as requested in the acknowledgement of receipt and where applicable the site visit and meeting:</b> |            |    |              |    |
|  |            |    |              |    |
|  |            |    |              |    |

| Section 21 (b): Storing water  |            |    | Official Use |    |
|--|------------|----|--------------|----|
| Description  | Applicable |    | Submitted    |    |
|  | Yes        | No | Yes          | No |
| *Storing water form (DW 774)   |            |    |              |    |
| *Dam and Basin Technical Data Form (DW 789)  |            |    |              |    |
| *Dam Classification Form (DW 793) (for dams > 5m and > 50 000m <sup>3</sup> )  |            |    |              |    |
| Technical Design Report in support of the water use applied for (Hydrological study)                                     |            |    |              |    |
| Dam Design Drawings or As Build Drawings in case the Dam is already constructed  |            |    |              |    |
| Dam Capacity Curve   |            |    |              |    |
| Dam Location Map   |            |    |              |    |
| Master Layout Plan (1:100 year flood line and delineation)   |            |    |              |    |
| Regional Maximum Flood (RMF) and Spillway Capacity Calculations  |            |    |              |    |
| EIA and EMP  |            |    |              |    |
| Environmental Authorisation  |            |    |              |    |
| Stakeholder Consultation with Interested and Affected Parties  |            |    |              |    |
| <b>Other information as requested in the acknowledgement of receipt and where applicable the site visit and meeting:</b> |            |    |              |    |
|  |            |    |              |    |
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CONTINUES ON PAGE 130 OF BOOK 2

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| Section 21 (c) & (i): Impeding & Altering  |            |    | Official Use |    |
|--|------------|----|--------------|----|
| Description  | Applicable |    | Submitted    |    |
|  | Yes        | No | Yes          | No |
| * Impeding or diverting the flow of water in a watercourse form (DW 763)   |            |    |              |    |
| * Altering the bed, banks, course or characteristics of a watercourse (DW 789)   |            |    |              |    |
| *Supplementary Information for 21 (c) & (i) form (DW 775)  |            |    |              |    |
| Relevant Environmental Impact Assessment Studies   |            |    |              |    |
| Wetland Delineation Study  |            |    |              |    |
| Method Statement   |            |    |              |    |
| Environmental Management Plan  |            |    |              |    |
| Storm Water Management Plan  |            |    |              |    |
| Hydrological Studies   |            |    |              |    |
| Design Drawings or As Build Drawing if the structure is already been built   |            |    |              |    |
| Rehabilitation Plan  |            |    |              |    |
| Master Layout Plan (Must include all infrastructure, water courses, scientific determined buffers, flood lines, riparian habitat, and ecologically valued features; on A1 paper) |            |    |              |    |
| Landscape Maintenance Plan   |            |    |              |    |
| Pollution Plume Map / Drawings   |            |    |              |    |
| Cone of Depression Drawings  |            |    |              |    |
| Plant Species Plan (A1 paper)  |            |    |              |    |
| Monitoring Programme and Auditing Plan   |            |    |              |    |
| Alternatives that will address the hierarchy of impacts, starting with the exclusion of watercourses   |            |    |              |    |
| Stakeholder Consultation with Interested and Affected Parties  |            |    |              |    |

|  |  |  |  |  |
|--|--|--|--|--|
| <b>Other information as requested in the acknowledgement of receipt and where applicable the site visit and meeting:</b> |  |  |  |  |
|  |  |  |  |  |

| Section 21 (e): Engaging in a controlled activity  |            |    | Official Use |    |
|--|------------|----|--------------|----|
| Description  | Applicable |    | Submitted    |    |
|  | Yes        | No | Yes          | No |
| * Engaging in a controlled activity form (DW 765)  |            |    |              |    |
| *Monitored Waste Discharge Details form (DW 904)   |            |    |              |    |
| *Irrigation Field and Crop Details (DW 787)  |            |    |              |    |
| Geohydrological Study  |            |    |              |    |
| Water Quality Report   |            |    |              |    |
| Soil Analysis  |            |    |              |    |
| Stakeholder Consultation with Interested and Affected Parties  |            |    |              |    |
| <b>Other information as requested in the acknowledgement of receipt and where applicable the site visit and meeting:</b> |            |    |              |    |
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|  |            |    |              |    |

| Section 21 (f): Discharging waste or water containing waste into a water resource through a pipe, canal, sewer or other conduit |            |    | Official Use |    |
|---|------------|----|--------------|----|
| Description   | Applicable |    | Submitted    |    |
|   | Yes        | No | Yes          | No |
| * Discharging waste or water containing waste into a water resource through a pipe, canal, sewer or other conduit form (DW 766) |            |    |              |    |
| *Monitored Waste Discharge Details form (DW 903)  |            |    |              |    |
| Water Quality Report  |            |    |              |    |
| Integrated Waste Water Management Plan (IWWMP)  |            |    |              |    |
| Stakeholder Consultation with Interested and Affected Parties   |            |    |              |    |
| <b>Other information as requested in the acknowledgement of receipt and where applicable the site visit and meeting:</b>        |            |    |              |    |
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| Section 21 (g): Disposing of waste in a manner which may detrimentally impact on a water resource                        |            |    | Official Use |    |
|--|------------|----|--------------|----|
| Description  | Applicable |    | Submitted    |    |
|  | Yes        | No | Yes          | No |
| * Disposing of waste in a manner which may detrimentally impact on a water resource form (DW 767)                        |            |    |              |    |
| *Monitored Waste Discharge Details form (DW 904)   |            |    |              |    |
| *Details of Waste Management Facility form (DW905)   |            |    |              |    |
| Water Balance  |            |    |              |    |
| Design Drawings of Waste Management Facility and Report  |            |    |              |    |
| Geohydrological Report   |            |    |              |    |
| Integrated Waste Water Management Plan (IWWMP)   |            |    |              |    |
| GN 704 Motivation  |            |    |              |    |
| Stakeholder Consultation with Interested and Affected Parties  |            |    |              |    |
| <b>Other information as requested in the acknowledgement of receipt and where applicable the site visit and meeting:</b> |            |    |              |    |
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| Section 21 (h): Disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process |            |    | Official Use |    |
|---|------------|----|--------------|----|
| Description   | Applicable |    | Submitted    |    |
|   | Yes        | No | Yes          | No |
| * Disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process form (DW 780) |            |    |              |    |
| *Monitored Waste Discharge Details form (DW 903)  |            |    |              |    |
| Water Balance   |            |    |              |    |
| Water Quality Report  |            |    |              |    |
| Integrated Waste Water Management Plan (IWWMP)  |            |    |              |    |
| Stakeholder Consultation with Interested and Affected Parties   |            |    |              |    |
| Other information as requested in the acknowledgement of receipt and where applicable the site visit and meeting:                                   |            |    |              |    |
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| Section 21 (k): Using water for recreational purposes  |            |    | Official Use |    |
|--|------------|----|--------------|----|
| Description  | Applicable |    | Submitted    |    |
|  | Yes        | No | Yes          | No |
| * Using water for recreational purposes form (DW 780)  |            |    |              |    |
| Public Private Partnership (PPP) Approval  |            |    |              |    |
| Approval as per section 116 of the National Water Act, 1998 (Act 36 of 1998)   |            |    |              |    |
| Stakeholder Consultation with Interested and Affected Parties  |            |    |              |    |
| <b>Other information as requested in the acknowledgement of receipt and where applicable the site visit and meeting:</b> |            |    |              |    |
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OFFICIAL USE:

|                                |   |                          |
|--------------------------------|---|--------------------------|
| Technical report submitted :   | Complete  | <input type="checkbox"/> |
|                                | Incomplete  | <input type="checkbox"/> |
| _____<br>Signature of Assessor | <div style="border: 1px solid black; width: 100%; height: 100%;"></div> |                          |
| _____<br>Date (dd/mm/ccyy)     |   |                          |

**ANNEXURE F****Table of contents of technical reports for information requirements to be submitted**

| <b>Number</b> | <b>Report designation</b>  | <b>Purpose of report</b>                                       |
|---------------|--|--|
| 1             | Technical report for water treatment and wastewater treatment plants | Water uses for water treatment and wastewater treatment plants |
| 2             | Agriculture business plan  | Agricultural water use   |
| 3             | Stream Flow Reduction Activity Business plan                         | Stream Flow Reduction Activity                                 |
| 4             | Integrated water and wastewater management plan                      | Water uses for mining and industrial operations                |
| 5             | Geohydrological Report   | specialist study to all groundwater                            |
| 6             | Wetland delineation report   | Stand-alone report for wetlands and watercourses               |
| 7             | Mine closure and rehabilitation plan                                 | Plan for the closure of a mine and rehabilitation              |
| 8             | Public participation report  | Consultation of interested and affected parties                |
| 9             | Civil Design   | Minimum information requirements                               |
| 10            | Unconventional gas activities  | Minimum information requirement                                |

## The Tables of Contents

### 1. WASTEWATER TREATMENT / WATER TREATMENT PLANTS TECHNICAL REPORT

#### A. THE EXECUTIVE SUMMARY

The executive summary should summarise the overall benefits of the water supply and or wastewater management project to the beneficiary communities. In regard to a wastewater management project it should highlight the major environmental findings and how these will be managed to prevent, reduce or rehabilitate adverse impacts.

#### B. TABLE OF CONTENTS OF THE TECHNICAL REPORT

Application for a licence to take water from a water resource for domestic and industrial supply, and to dispose off waste from a waste treatment works by, e.g., discharge, irrigation etc.

#### WASTEWATER TREATMENT WORKS AND WATER TREATMENT WORKS (POTABLE USE)

##### Part1: Administrative Information and Brief Project Description

*(NB: use maps to indicate the information where necessary.)*

##### 1.1 Name, address, telephone and fax numbers and contact persons for:

- *Water Services Authority /Water Services Provider/*
- *The holding company/authority/*
- *The applicant (name and status)*

##### 1.2 Details of existing exemptions - if applicable.

*(In terms of sections of the National Environmental Management Act. If exempted, attach copy of letter to the report)*

##### 1.3 Details of the contract between the water services authority and the water services provider. (Attach a copy of the contract to this report)

##### 1.4 Magisterial district and relevant regional services authority

##### 1.5 Name of the nearest town/residential area and its distance from the site

##### 1.6 Surface infrastructure serving the site (e.g. roads, railways, power lines, etc.)

- 1.7 Ownership of the land
- 1.8 Longitude and Latitude of the site
- 1.9 Zoning of the land
- 1.10 Ownership of adjacent/potentially impacted land
- 1.11 Occupier of the adjacent land
- 1.12 Zoning of the adjacent land
- 1.13 Name of the river catchment
- 1.14 Brief description of the intention of this application
- 1.15 Has the Water Treatment Plant and/or Sewage Treatment Works been included in the Water Services Development Plan (WSDP)

*WSDP Registry File Number as given by the Department*

## **WASTEWATER TREATMENT WORKS**

### **Part2: Description of the Environment (for orientation and first order screening)**

#### **2.1 Climate**

- 2.1.1 Regional climate
- 2.1.2 Rainfall data
- 2.1.3 Temperature data
- 2.1.4 Wind data
- 2.1.5 Evaporation data
- 2.1.6 Any extreme weather conditions prevalent (e.g. snow, frost, hails, etc.)

#### **2.2 Topography**

#### **2.3 Soil**

#### **2.4 Geology – General geology of the area–presence of dykes, sill sand faults**

#### **2.5 Land capacity (arable, grazing, wetland or wilderness)**

#### **2.6 Land use–zoning**

## 2.7 Natural vegetation and plant life

## 2.8 Surface water

- name of nearest watercourse
- water quality - pH, conductivity etc.
- surface water use (domestic, industrial, agricultural, recreational or natural environment)
- water authority
- presence of wetlands

## 2.9 Groundwater

- presence and position on a map, of boreholes within a 1000 m radius of the site
- yield of boreholes
- ground water use
- ground water quality (pH, conductivity, nitrate)

## 2.10 Air quality

## 2.11 Noise

## 2.12 Sites of archaeological interest

## 2.13 Sensitive landscapes

## 2.14 Visual aspects

## 2.15 Regional socio-economic structure (Short description)

Population, economic activities, unemployment rate, housing demand, social infrastructure, water supply and sanitation, power supply.

## 2.16 Interested and affected parties

## 2.17 Industrial activity (types of industries present, waste purification, - by industry/ third party, by local authority)

## Part 3: Water supply

### 3.1 Water use

#### 3.1.1 Sources of water

(local authority, river, boreholes, sea, irrigation board or water board, use of excess ground water, recycled waste (internal source, eg. Cooling water), recycled waste (external source, e.g. sewage waste)

(In all above cases the average daily/monthly and maximum daily/monthly quantities are required)

3.1.2 Yearly usage patterns (e.g., more in summer than winter)

3.1.3 Yearly water use

3.1.4 Water rights (Legal documents)

(riparian rights, public or private water, entitlements, water court orders, quotas, agreements)

#### **Part4: Description of Reticulation system**

##### **4.1 Percentage of area served which is un-sewered.**

4.1.1 How is this area serviced:

(pit latrines bucket system, conservancy tanks, septic tank sand French drains)

##### **4.2 Percentage of the area which is sewered or to be sewered**

4.2.1 What type of network is in place/will be installed

- *(standard reticulation, small bore system)*

4.2.2 Location of sewers

- midblock
- standard

##### **4.3 Nature of sewage**

4.3.1 Domestic component –projections (no. of persons)

| Population            | Year x | Year x+5 | Year x+10 | Year x+15 | Year x+20 |
|-----------------------|--------|----------|-----------|-----------|-----------|
| High Income Permanent |        |          |           |           |           |
| Low Income Permanent  |        |          |           |           |           |
| Holiday Makers        |        |          |           |           |           |

##### **4.3.2 Industrial component**

- daily volumes/expected volume treated
- type of industrial waste (mainly organic, organic, heavy metals, mixture)
- names of industries contributing to the volume (and locally treated) including problem constituents received from each

#### 4.4 Hydraulic and organic loading

##### 4.4.1 Hydraulic loading

*(High-income, low income, holiday makers, industrial component)*

##### 4.4.2 COD load (g/day)

##### 4.4.3 Total Nitrogen as TKN (g/day)

##### 4.4.4 Phosphate as P (g/day)

##### 4.4.5 Peak dry weather flow factor – X<sub>x</sub> Normal DWF

##### 4.4.6 Peak wet weather flow factor – X<sub>x</sub> Peak DWF

### Part 5: Description of Sewage Treatment works and Classification

#### 5.1 Inlet works (screens, grit channels and flow measurement)

5.1.1 Method of disposal of screenings and grit, (e.g. by burial, incineration, etc.)

5.1.2 Location of the disposal site and/or the name of the solid waste dump

5.1.3 Method of flow measurement

#### 5.2 Primary sedimentation tanks:

##### 5.2.1 What is the nominal upward flow rates for:

- average dry weather (m<sup>3</sup>/hr)
- peak storm flow (m<sup>3</sup>/hr)

#### 5.3 Septic tanks

(number of septic tanks and volume of each, average retention time in the tank(s) at average dry weather flow (hours), average depth of tank(s) (m), (proposed) methods of periodical desludging, methods of disposal of the sludge so removed, method of disposal of the overflow, if not to further processing, e.g. to French drains, soak-away, etc.).

#### 5.4 Biological filtration systems

(Cubic metre of settled sewage per cubic metre of media per day (m<sup>3</sup>/day), number of grams of "4 hour PV" per cubic metre of media per day (g/m<sup>3</sup>/day))

#### 5.5 Activated sludge systems—where applicable, give proprietary names: State the:

5.5.1 Type of system and basic design information;

5.5.2 Method of operation; and

5.5.3 Method of phosphate removal, if any.

**5.6 Humus tanks or secondary sedimentation tanks:****5.6.1 What is the nominal upward flow rate for:**

- average dry weather flow (m<sup>3</sup>/hr)
- peak storm flow (m<sup>3</sup>/hr)

**5.7 Sludge handling:**

5.7.1 State the quantity of wet sludge (to be produced per day) (m<sup>3</sup>)

5.7.2 State the method of treatment of surplus activated sludge discharged, prior to its disposal on land or to drying beds or by other means

5.7.3 State the relative digester capacity (m<sup>3</sup>/capita)

5.7.4 State the total digester capacity (m<sup>3</sup>)

5.7.5 How is the supernatant liquid (to be) disposed of

5.7.6 If land disposal of wet sludge is (to be) used, state the area of land (ha)

5.7.7 State the relative capacity (m<sup>3</sup>/capita) of any sludge drying beds

5.7.8 State the total area (m<sup>2</sup>) of any sludge drying beds

5.7.9 How is drainage from the beds or other separators (to be) dealt with?

5.7.10 What other means are (to be) used for dealing with digested or any other sludge?

5.7.11 How is dried sludge (to be) finally disposed of, e.g. on land, by incineration, etc.?

**5.8 Oxidation Pond systems:**

5.8.1 Describe any pre-treatment units ahead of the ponds and state their capacity

5.8.2 State the number of ponds in the system, their depth and surface area for each

5.8.3 Give the sequence of flow through the pond system

5.8.4 What is the:

- average dry weather flow (m<sup>3</sup>/hr)
- peak storm flow (m<sup>3</sup>/hr) of the pond system, if any?

5.8.5 Where is the outflow (to be) directed to, e.g. evaporation ponds, irrigation, etc.

**5.9 Tertiary treatment –state basic design details, where applicable for:**

5.9.1 Micromesh screens

5.9.2 Rapid gravity sand filters

5.9.3 Slows and filters

5.9.4 Hamlin filters

5.9.5 Reed bed systems

5.9.6 Maturation Pond system, (*i.e. the number of ponds, the sequence in which they are used (e.g. in series), the retention time in each pond (days) and the total capacity of the ponds (m<sup>3</sup>)*)

5.9.7 Phosphate removal – give details of the method and of the basic design

5.9.8 Disinfection of the final effluent – (if by chlorination, give details of the method and the contact time in the pond or contact tank; if by any other method, UV light, ozone, etc., give details of use, including the period of application and the intensity)

5.9.9 Any other tertiary treatment

5.10 Classification of works and operators

5.10.1 Is the works classified?

5.10.2 Are all operators classified?

(-request relevant forms for classification of both the works and the operators in terms of the present Regulation No. R2834 from (012)336 7547)

5.11 Fencing around the works– describe.

### **Part 6: Water and Materials Balance Diagram**

(Supply a flow diagram showing all inputs and outputs (including materials, chemicals, wastes, sludge's, solid waste etc.)

### **Part 7: Management Systems and Pollution Prevention Methods**

7.1 Description of hierarchy of operating staff

7.2 Availability of mechanical maintenance staff

7.3 Availability of electrical maintenance staff

7.4 Availability of process control staff and/or process consultants

7.5 Are there a set of drainage by-laws in place (if so, attach a copy)

- are there by-laws actively administered

7.6 Technology – (This must be answered considering the description of the environment and the environmental impacts)

7.6.1 Is the waste treatment process the best option to protect the described environment - motivate

7.6.2 Is the disposal practice the best option – motivate

7.6.3 Is the best available technology in use (best environmental option) - motivate

7.6.4 What is the alternative option of treatment and disposal?

7.6.5 Why was the proposed/existing option chosen?

7.7 WQ Operational Management Plan

7.7.1 What are the chances of a system failure?

7.7.2 What are the implications of such failure?

7.7.3 What safety factors have been used?

7.7.4 What is the management and maintenance plans?

7.7.5 Availability of standby/spare equipment?

7.7.6 What is the accident and emergency action plans?

- 7.7.7 What plans are there to minimise the pollution hazard/ potential?  
 7.7.8 What monitoring and auditing systems do you have to detect malfunctions?  
 7.7.9 Are their alarm systems in place at all pump stations?  
 7.7.10 Are their notification procedures for the downstream users?

## **PART 8: DISPOSAL OF SOLID WASTE AND SLUDGE**

### 8.1 Description of solid waste

#### 8.1.1 Solid waste

- quantity (tons per day, tons per year)

#### 8.1.2 Analyses of solid waste (composition and percentages)

### 8.2 Description of sludge

- quantity (tons per day, tons per year)

#### 8.2.1 Analyses of sludge

#### 8.2.2 Classification of sludge according to the Guidelines: *Permissible Utilisation and Disposal of Sewage Sludge, Edition 1 August 1997.*

#### 8.2.3 Disposal to ponds/ lagoons Groundwater monitoring

#### 8.2.4 Land disposal

- (Irrigation, Composting, Analyses of soils, Onsite/Off site, Description of groundwater monitoring)

#### 8.2.5 Description of contracts for removal of sludge

## **PART 9: FINAL WASTE DISPOSAL EVALUATION**

There are various options which can be taken when disposing of waste. It can be disposed of to:

- land, ponds/dams and or irrigation, groundwater, recharging of aquifers, surface water, estuaries or lagoons, sea, surf zone, deep sea pipeline, air – evaporation, municipal works or private contractor, contained areas, mined out areas(underground)
- The waste disposal practice needs to be fully evaluated taking into account various norms and standards. It is imperative that the practice is shown to have a minimal environmental impact and that the practice has the minimum effect on the health and interest of other water users in the environment.)

### 9.1 Quantity

- (number of days discharged, average m<sup>3</sup>per day/maximum and peak, average m<sup>3</sup>per year/maximum and peak)

## 9.2 Land disposal—ponds or dams

### 9.2.1 Waste quality analyses

(pH/ conductivity/ suspended solids (SS)/ COD/ NH/ NO/ Ortho phosphate (asP) /Faecal coli)

### 9.2.2 What is the waste quantity

- daily volumes
- monthly volumes for each month

### 9.2.3 What is the geology under-lying the dams

### 9.2.4 What is the depth of the water table?

### 9.2.5 What is the slope of the site

### 9.2.6 What is the average monthly evaporation and rainfall

- monthly totals

### 9.2.7 Calculate the positive/negative monthly evaporation rate using all the above information

### 9.2.8 Calculate the size of the ponds required. Take into account the waste that was stored during months of negative evaporation rates.

### 9.2.9 What is the situation of the dams with regard to?

*(Rivers/ boreholes/ use/ yield/ quality/ springs/fountains/ natural depressions/ urban areas/ dwellings)*

### 9.2.10 Is the dam site protected from ingress of storm water

### 9.2.11 What is the use of ground water in the vicinity (Domestic/ agricultural/ industrial/ recreational/ environmental)

### 9.2.12 Have the dams been sealed with

- plastic liners
- bentonite or other clay

### 9.2.13 Are there seepage collection drains and returns pumps

### 9.2.14 Describe the leakage detection and monitoring systems in place

## 9.3 Land disposal - Irrigation areas

### 9.3.1 Waste quality analyses

(pH/ conductivity/ suspended solids (SS)/ COD/ NH/ NO/ Ortho phosphate(asP) /Feacalcoli)

### 9.3.2 What is the waste quantity?

- daily volumes
- monthly total for each month

- 9.3.3 What is the average monthly evaporation and rainfall?
- 9.3.4 What is the crop to be irrigated
- 9.3.5 What is the crop factor
- 9.3.6 What type of irrigation method issued (flood or overhead?)
- how many overhead sprayers are in place?
  - how many days are in an irrigation cycle (attach an irrigation design layout and management plan)
- 9.3.7 What is the irrigation/application efficiency?
- 9.3.8 Determine the monthly crop irrigation requirements.
- 9.3.9 What is the permeability and infiltration rate of the soil profile
- 9.3.10 What is the slope of the irrigation area
- 9.3.11 What is the root depth of the soil
- 9.3.12 What is the underlying geology
- 9.3.13 Calculate the size of the irrigation area required. Take into account the irrigation of waste that was stored during months of negative evaporation rates.
- 9.3.14 What is the depth of the water table (*Summer/ winter*)
- 9.3.15 Quality of the ground water (macro analyses - major anions and cations)
- 9.3.16 Slope of the irrigation area
- 9.3.17 Direction of groundwater flow
- 9.3.18 Situation of the area with regard to:  
(*Rivers/ boreholes/ use/ yield/ quality/ springs/fountains/ natural depressions/ urban areas/ dwellings*)
- 9.3.19 What is groundwater in the vicinity used for?  
(*Domestic/ agricultural/ industrial/ recreational/ environmental*)
- 9.3.20 Are there environmental protection methods in place such as:
- storm water cut-off trenches above the site
  - cut-off canals below the site
- 9.3.21 What soil amendments are done per season to sustain soil fertility and permeability
- 9.3.22 Soil evaluation (analyses)

#### 9.4 Disposal to groundwater

- 9.4.1 Waste volume
- 9.4.2 Waste quality analyses  
(pH/ conductivity/ suspended solids(SS)/ COD/ NH/ NO/ Ortho phosphate(asP) /Faecal coli)
- 9.4.3 Depth of groundwater
- 9.4.4 Yield of groundwater (1000 m radius of disposal area)
- 9.4.5 Quality of groundwater (macro analyses - major anions and cations)
- 9.4.6 Potential use of groundwater (*Domestic /agricultural/ stock watering/ irrigation/ industrial*)
- 9.4.7 Critical quality component

## 9.5 Disposal to surface water

- 9.5.1 Quantity of waste
  - 9.5.2 Annual discharge pattern
  - 9.5.3 Name of minor river catchment
    - area of catchment, mean monthly run-off, quality of river upstream of discharge
  - 9.5.4 Waste quality analyses (pH/ conductivity/ suspended solids (SS)/ COD/ NH/ NO/ Ortho phosphate(asP) /Feacal coli)
  - 9.5.5 Established use of river (domestic/ agricultural/ industrial/ recreational/ environmental)
  - 9.5.6 Establish the applicable WQ Criteria
  - 9.5.7 Establish the critical components
  - 9.5.8 Name of major river catchment (\*Collect same information as for minor catchment)
  - 9.5.9 Quality of minor catchment before discharge into major catchment (analyses)
  - 9.5.10 Quality of major catchment river upstream of Minor River (analyses)
  - 9.5.11 Quality of major catchment river downstream of confluence of Minor River
  - 9.5.12 Mean monthly run-off of major catchment upstream of Minor River
  - 9.5.13 Describe the RWQO's for the total catchment
  - 9.5.14 Calculate Waste Load Allocations (WLA's) and the effect which the discharge will have on the REQO (Receiving Environmental Quality Objectives)
- 9.6 Discharge to lagoon and estuary –This discharge could have an impact similar to surface or sea discharge. The questions related to surface discharge will be applicable.
- 9.7 Disposal by Evaporation: (Evaporation occurs within a process of because of excess heat, or in cooling towers or in specially designed dams where it is promoted. If evaporation is promoted by means of an evaporation pond system, then the points that have to be addressed are the same as mentioned under section 9.2)
- 9.8 Municipal or private waste purification plants other than works being evaluated)
- 9.8.1 Name of the plant
  - 9.8.2 Name of the owner
  - 9.8.3 Address, telephone, and fax no. and name of contact person
  - 9.8.4 Registration number of works (if applicable)
  - 9.8.5 Letters of acceptance of the waste by the owner of the works (attach a copy of the agreement for the delivery and acceptance of the waste)
  - 9.8.6 Purification plant compliance record
  - 9.8.7 Are there any quality acceptance limits in operation, e.g. Drainage by-laws
  - 9.8.8 Are there any critical components in the raw waste (identify)
  - 9.8.9 Effect of acceptance of the raw waste on the compliance record of the purification plant (Indicate on a plan-on-a1:50000–map)

**Sewage treatment works**

- municipal (local authority)
- other
- describe

**Re-use**

- agriculture/ industrial/ municipal/ other

**Land**

- dams/ponds/evaporation
- irrigation only
- dams/ponds/irrigation

**Storm water drains**

- name of nearest water course

**Watercourse/river**

- name
- name of greater catchment river

**Estuary**

- name of estuary Sea
- name of nearest town or beach

**Disposal to solid waste disposal site**

- name

**Groundwater (recharge)**

- name of nearest user
- name of farm or district

**Part 10: Recommendations from other Interested Parties (To be submitted with the application)**

- 10.1 Department of National Health
- 10.2 Department of Environmental Affairs
- 10.3 South African Bureau of Standards
- 10.4 Nature Conservation Bodies
- 10.5 Regional Government Institutions
- 10.6 Local Government Institutions
- 10.7 Department of Agriculture, Forestry and Fisheries

- 10.8 Department of Mineral Resources
- 10.9 Department of Energy
- 10.10 Other specialists
- 10.11 Non-governmental Organisations
- 10.12 Interested and Affected Parties
- 10.13 Public Participation

#### **Part 11: WATER TREATMENT PLANT (POTABLE USE)**

- 11.1 Summary of the scheme
  - 11.1.1 Background
  - 11.1.2 Design/ scheme layout
  - 11.1.2 Levels of service
- 11.2 Population projections for a period of 20 years
- 11.3 Water resource and water availability
- 11.4 Existing uses
- 11.5 Water Demand analysis
- 11.6 Type of reticulation

#### **PART12: WASTE WATER TREATMENT WORKS AND WATER TREATMENT WORKS (CONCLUSION)**

The conclusion should contain a concise request for the licence required and should include accurately completed licence application forms\*obtainable from the Responsible authority.

\*NOTE in order for the DWS to expedite the application in a shorter time as possible the correct information is essential.

#### **PART13: REFERENCES AND SUPPORTING DOCUMENTS**

(References to back up the information supplied will be added as annexures under this section, e.g):

- 13.1 Geo-hydrological Report
- 13.2 Signed Civil Engineering Design Report

## **2. AGRICULTURE TECHNICAL REPORT OR BUSINESS PLAN**

### **2.1 Introduction**

- 2.1.1 Background
- 2.1.2 Applicant details including ownership structure
- 2.1.3 Project justification / industry overview and scope of the project
- 2.1.4 Specific project objectives
- 2.1.5 Summary of the project and authorisations required

### **2.2 The project area**

- 2.2.1 General
- 2.2.2 Location and access
- 2.2.3 Summary of the project
- 2.2.4 Social arrangements
  - 2.2.4.1 Administration
  - 2.2.4.2 Settlement
  - 2.2.4.3 Beneficiaries and interested and affected parties
  - 2.2.4.4 Land ownership and properties on which water activities will be take place
  - 2.2.4.5 Socio-economics
- 2.2.5 Physiognomy
  - 2.2.5.1 Climate
  - 2.2.5.2 Water resources and water availability
  - 2.2.5.3 Land and soils
  - 2.2.5.4 Existing infrastructure

### **2.3 Water and waste management framework**

- 2.3.1 Summary of all water uses and Annexure of forms
- 2.3.2 Existing lawful water uses, generally authorized water uses, exemptions
- 2.3.3 New water uses to be authorised

### **2.4 Agricultural development and production plan**

- 2.4.1 Current crop/animal management practices
- 2.4.2 Proposed cropping/ animal production
- 2.4.3 System operations/ herd management programme
- 2.4.4 Production targets
- 2.4.5 Crop/ Animal water requirements estimates
- 2.4.6 Marketing plan

**2.5 Water resources development plan**

- 2.5.1 Water demand analysis
- 2.5.2 Water abstraction
- 2.5.3 Water supply plan to the production facilities
- 2.5.4 Water balance

**2.6 Technical design (Irrigation/drainage/animal facilities) plan**

- 2.6 Scheme layout/ Animal handling facilities layout

**2.7 Facility planning**

- 2.7.1 Existing infrastructure
- 2.7.2 Infrastructure requirements
- 2.7.3 Roads, water, electricity and telecommunications

**2.8 Financing plan**

- 2.8.1 Capital cost estimates
- 2.8.2 Source of funds
- 2.8.3 Operational costs

**APPENDICES AND SUPPORTING INFORMATION**

Undertaking of water uses like taking of water from a water resource and storing water for agriculture is likely to trigger other water uses. The applicant must adhere to requirements for such activities and compile requisite technical reports like;

- Hydrology and Geohydrological report
- Wetland and watercourse impact studies – undertaking of taking and storing water uses is likely to trigger other water uses such as Section 21 (c) and (i). This can be if the project entail activities listed below:
  - Civil designs for dams and pump stations
  - Watercourse crossings,

### **3. STREAM FLOW REDUCTION ACTIVITY REPORT**

#### **3.1 Background information**

Profile of the applicant will be covered in the application forms (DW756/769 or DW758/771)

#### **3.2 Existing lawful water uses and authorisations for the property**

- i. Pre 72 Authorizations
- ii. Permit Number
- iii. Licence Number

#### **3.3 Location of the proposed activity and site description**

- i. Province, District and local Municipality, Tribal Authority or village
- ii. Property (farm name, the number, portion and the full extent of property)
- iii. Water Management Area and Quaternary Catchment
- iv. GPS coordinates of the area applied for
- v. Topographical Map.
- vi. Current state of the proposed site (Grassland, cultivated land (recently/ currently cultivated and that cultivated more than 10years ago), Jungle afforestation, Virgin land, Other formal forestry, other),
- vii. Climate (Rainfall and Temperature)
- viii. Watercourses affected by the activity such as wetlands, rivers and lakes, etc
- ix. Soil Characteristics (depth and form)
- x. Slope description
- xi. Land preparation methods in relation to soil characteristics and slope gradient of the proposed area
- xii. Accessibility of the site in terms of the road infrastructure
- xiii. Proximity of proposed activity to other Land Users
- xiv. Servitudes running through the property

#### **3.4 Description of the activity**

- i. Purpose of the applied water use
- ii. Target Market (description, location,)
- iii. Area (ha) and Crop type (genus)
- iv. Planting and harvesting plan
- v. Start date and life span of the Activity

### 3.5 Marketing plan

- i. Identified target market
- ii. Off take agreement
- iii. Marketing channels

### 3.6 Water use impacts and mitigations

- Watercourses (e.g., delineation, buffering, erosion/ sedimentation, other)
- Watercourse crossings (e.g., proposed method of crossing, design, rehabilitation and maintenance)
- SFRA jungle (eradication, maintenance & control, other)
- Control of SFRA spread outside the demarcated area
- Impact on downstream users
- Other
  - i. Detailed Site-Specific Management Plan
- Watercourses
- Watercourse crossings
- SFRA jungle
- Control of SFRA spread outside the demarcated area
- Impact on downstream users
- Other

### 3.7 Grower financing/Support plan

- I. Start-up Capital, training /capacity building
  - i. Proof of authorizations from DEA and DAFF
  - ii. SAHRA authorization
  - iii. Copy of Basic assessment or Environmental Impact Study
  - iv. Proof of public participation process
  - v. Contracts/Agreements on Beneficiation between the company and community,

Note: Undertaking of Section 21(d) is likely to trigger other water uses such as Section 21 (c) and (i). This can be if the project entail activities listed below:

- Watercourse crossings,
- Planting within 1:100-year flood line of watercourses,
- Planting within the riparian zone and
- Planting within 32m from the edge of a watercourse
- Planting in a radius of 500m of a wetland.

The applicant will need to adhere to section 21 (c) and (i) requirements for the above activities.

## **4. INTEGRATED WATER AND WASTEWATER MANAGEMENT REPORT**

### **4.1 Introduction**

- 4.1.1 Activity Background
- 4.1.2 Regional setting and location of activity
- 4.1.3 Property description
- 4.1.4 Purpose of IWWMP

### **4.2 Conceptualization of activity**

- 4.2.1 Description of activity
- 4.2.2 Extent of activity
- 4.2.3 Key activity related processes and products
- 4.2.4 Activity life description
- 4.2.5 Activity infrastructure description
- 4.2.6 Key water uses and waste streams
- 4.2.7 Organisational structure of activity
- 4.2.8 Business and corporate policies

### **4.3 Regulatory water and waste management framework**

- 4.3.1 Summary of all water uses
- 4.3.2 Existing lawful water uses
- 4.3.3 Relevant exemptions
- 4.3.4 Generally authorized water uses
- 4.3.5 New water uses to be licensed
- 4.3.6 Waste management activity (NEMWA)
- 4.3.7 Waste related authorisations
- 4.3.8 Other authorisation (EIAs, EMPs, RODs, Regulations)

### **4.4 Present Environmental Situation**

- 4.4.1 Climate
- 4.4.2 Regional Climate Rainfall
- 4.4.3 Evaporation
- 4.4.4 Surface Water
- 4.4.5 Water Management Area
- 4.4.6 Surface Water Hydrology
- 4.4.7 Surface Water Quality
- 4.4.8 Mean Annual Runoff (MAR)
- 4.4.9 Resources Class and River Health Receiving Water Quality Objectives and Reserve
- 4.4.10 Surface Water User Survey

- 4.4.11 Sensitive Areas Survey
- 4.4.12 Groundwater
- 4.4.13 Aquifer Characterisation
- 4.4.15 Hydro-census
- 4.4.16 Potential Pollution Source Identification
- 4.4.17 Groundwater Model
- 4.4.18 Socio-economic environment

#### **4.5 Analysis and characterization of the water use activity**

- 4.5.1 Site delineation for characterization
- 4.5.2 Water and waste management
- 4.5.3 Process water
- 4.5.4 Storm water
- 4.5.5 Groundwater
- 4.5.6 Waste
- 4.5.7 Operational Management
- 4.5.8 Organisational Structure
- 4.5.9 Resources and competence
- 4.5.10 Education and training
- 4.5.11 Internal and external communication
- 4.5.12 Awareness raising
- 4.5.13 Monitoring and control
- 4.5.14 Surface water monitoring
- 4.5.15 Groundwater monitoring
- 4.5.16 Bio monitoring
- 4.5.17 Waste monitoring
- 4.5.18 Risk assessment / Best Practice Assessment
- 4.5.19 Issues and responses from public consultation process
- 4.5.20 Matters requiring attention / problem statement
- 4.5.21 Assessment of level and confidence of information

#### **4.6 Water and Waste Management**

- 4.6.1 Water and waste management philosophy (process water, stormwater, groundwater and waste)
- 4.6.2 Strategies (process water, stormwater, groundwater and waste)
- 4.6.3 Performance objectives / goals
- 4.6.4 Measures to achieve and sustain performance objectives
- 4.6.5 Option analyses and motivation for implementation of preferred options (optional)
- 4.6.6 IWWMP action plan
- 4.6.7 Control and monitoring
- 4.6.8 Monitoring of change in baseline (environment) information (Surface water, groundwater and bio-monitoring)

- 4.6.9 Audit and report on performance measures
- 4.6.10 Audit and report on relevance of IWWMP action plan

#### **4.7 Conclusion**

- 4.7.1 Regulatory status of activity
- 4.7.2 Statement of water uses requiring authorisation, dispensing with licensing requirement and possible exemption from regulation

#### **4.8 References**

#### **4.9 Appendices: Specialist Studies**

- 4.9.1 Geohydrology
- 4.9.2 Civil design
- 4.9.3 Wetland delineation report

## **5. GEOHYDROLOGY REPORT**

### **5.1 Introduction**

- 5.1.1 Geographical setting
- 5.1.2 Topography and drainage
- 5.1.3 Climate

### **5.2 Scope of Work**

- 5.2.1 Methodology
- 5.2.2 Desk study
- 5.2.3 Hydro-census
- 5.2.4 Geophysical survey and results
- 5.2.5 Drilling and siting of boreholes
- 5.2.6 Aquifer testing
- 5.2.7 Sampling and chemical analysis
- 5.2.8 Groundwater recharge calculations
- 5.2.9 Groundwater modelling
- 5.2.10 Groundwater availability assessment

### **5.3 Prevailing groundwater conditions**

- 5.3.1 Geology
- 5.3.2 Regional geology
- 5.3.3 Local geology
- 5.3.4 Acid generation capacity
- 5.3.5 Hydrogeology
- 5.3.6 Unsaturated zone
- 5.3.7 Saturated zone
- 5.3.8 Hydraulic conductivity
- 5.3.9 Groundwater levels
- 5.3.10 Groundwater potential contaminants
- 5.3.11 Groundwater quality

### **5.4 Aquifer Characterisation**

- 5.4.1 Groundwater vulnerability
- 5.4.2 Aquifer classification
- 5.4.3 Aquifer protection classification

**5.5 Groundwater Modelling**

- 5.5.1 Software model choice
- 5.5.2 Model set-up and boundaries
- 5.5.3 Groundwater elevation and gradient
- 5.5.4 Geometric structure of the model
- 5.5.5 Groundwater sources and sinks
- 5.5.6 Conceptual model
- 5.5.7 Numerical model

**5.6 Results of the model**

- 5.6.1 Pre-facility (Mining/Industry/ Wastewater treatment plant, etc)
- 5.6.2 During facility (mining/ Industry/ Wastewater treatment plant) operations
- 5.6.3 Post-facility (mining/ Industry/ Wastewater treatment plant) operation

**5.7 Geohydrological Impacts**

- 5.7.1 Construction phase
  - 5.7.1.1 Impacts on Groundwater Quantity
  - 5.7.1.2 Impacts on Groundwater Quality
  - 5.7.1.3 Groundwater Management

- 5.7.2 Operational phase
  - 5.7.2.1 Impacts on Groundwater Quantity
  - 5.7.2.2 Impacts on Groundwater Quality
  - 5.7.2.3 Impacts on Surface Water
  - 5.7.2.4 Groundwater Management

**5.8 Decommissioning phase**

- 5.8.1 Post-mining phase
- 5.8.2 Groundwater Quantity
- 5.8.3 Groundwater Quality
- 5.8.4 Cumulative Impacts
- 5.8.5 Groundwater Management

**5.9 Groundwater monitoring system**

- 5.9.1 Groundwater monitoring network
  - 5.9.1.1 Source, plume, impact and background monitoring
  - 5.9.1.2 System response monitoring network
  - 5.9.1.3 Monitoring frequency

5.9.2 Monitoring parameters

5.9.3 Monitoring boreholes

#### **5.10 Groundwater Environmental Management Programme**

5.10.1 Current groundwater conditions

5.10.2 Predicted impacts of facility (mining)

5.10.3 Mitigation measures

5.10.3.1 Lowering of groundwater levels during facility operation (Mining/Industry/  
Wastewater treatment plant, etc

10.3.2 Rise of groundwater levels post- facility operation (Mining/Industry/  
Wastewater treatment plant, etc

10.3.3 Spread of groundwater pollution post- facility operation (Mining/Industry/  
Wastewater treatment plant, etc

#### **5.11 Post Closure Management Plan**

5.11.1 Remediation of physical activity

5.11.2 Remediation of storage facilities

5.11.3 Remediation of environmental impacts

5.11.4 Remediation of water resources impacts

5.11.5 Backfilling of the pits.

#### **5.12 Conclusion and Recommendations**

## **6. WETLAND DELINEATION REPORT**

### **6.1 Introduction**

- 6.1.1 Terms of reference**
- 6.1.2 Knowledge gaps**
- 6.1.3 Study area**
- 6.1.4 Expertise of the specialist**
- 6.1.5 Aims and objectives**

### **6.2 Methodology**

- 6.2.1 Wetland identification and mapping**
- 6.2.2 Wetland delineation**
- 6.2.3 Wetland functional assessment**
- 6.2.4 Determining the ecological integrity of the wetlands**
- 6.2.5 Determining the Present Ecological State of wetlands**
- 6.2.6 Determining the Ecological Importance and Sensitivity of wetlands**
- 6.2.7 Ecological classification and description**

### **6.3 Results**

- 6.3.1 Wetland delineation**
- 6.3.2 Wetland unit identification**
- 6.3.3 Wetland unit setting**
- 6.3.4 Wetland soils**
- 6.3.5 Description of wetland type**
- 6.3.6 General functional description of wetland types**
- 6.3.7 Wetland ecological functional assessment**
- 6.3.8 The ecological health assessment of the opencast mining area**
- 6.3.9 The PES assessment of the remaining wetland areas**
- 6.3.10 The EIS assessment of the remaining wetland areas**

### **6.4 Impact assessment discussions**

- 6.5 Conclusions and recommendations**
- 6.6 References**

**6.6.1** The reports listed below contain the standardised and accepted methods that must be used for determining the various aspects of assessments during the WUA process related to wetlands:

- 1) Wetland and riparian habitat delineation document (DWS report on DWS website);**
- 2) Wetland Buffer Guideline (SANBI WRC project and Report, on DWS website)**
- 3) Wetland Offset (WRC report TT660/16; on DWS website)**
- 4) High Risk Wetland Atlas (WRC Report TT659/16, on DWS website)**
- 5) Wetland Rehabilitation in mining landscapes (WRC Report TT658/16, on DWS website)**
- 6) Risk Assessment Protocol and associated Matrix (DWS document on DWS Website)**

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## **7. MINE CLOSURE/REHABILITATION PLAN**

### **7.1 Introduction**

#### **7.1.1 Background**

#### **7.1.2 Objectives of report**

### **7.2 Project Description**

#### **7.2.1 Locality**

#### **7.2.2 Environment**

#### **7.2.3 Community**

#### **7.2.4 Mine plan and infrastructure**

### **7.3 Legal obligation and comments**

#### **7.3.1 Legislation**

### **7.4 Closure planning**

#### **7.4.1 Site-specific closure and activity**

### **7.5 Rehabilitation and closure activities**

#### **7.5.1 Progressive rehabilitation**

#### **7.5.2 Decommission and establishment**

### **7.6 Maintenance and monitoring**

#### **7.6.1 Vegetation and establishment and soil nutrients**

#### **7.6.2 Groundwater monitoring**

#### **7.6.3 Surface water monitoring**

#### **7.6.4 Record-keeping and reporting**

### **7.7 Rehabilitation and Closure Annexure**

#### **7.7.1 Detailed closure costing**

## **8. PUBLIC PARTICIPATION REPORT**

### **8.1 Introduction**

- 8.1.1 Objectives of the public participation
- 8.1.2 Identification of interested and affected parties

### **8.2 Notification of interested and affected parties**

- 8.2.1 Method of notification
- 8.2.2 Proof of notification

### **8.3 Notification of interested and affected parties of reports and other studies**

- 8.3.1 Interested and affected parties
- 8.3.2 Access and opportunity to comment on all written submissions
- 8.3.3 Response to comments received: feedback to interested and affected parties
- 8.3.4 Disclosure of interested and affected parties interests
- 8.3.5 Notifying interested and affected parties of the decision

### **8.4 Record of issues raised**

- 8.4.1 Addressing the comments and concerns raised by the interested and affected parties
- 8.4.2 Conclusions and recommendations

## 9. CIVIL DESIGN – MINIMUM INFORMATION REQUIREMENTS

### Minimum Information Requirements:

(1) Covering letter containing the following detail:

Regional Office / Proto CMA / CMA: .....

Case Officer Details:

Name: .....

Tel:(w) .....(Cell) .....

E-Mail: .....

Project Identification: .....

Name of License Applicant: .....

Name of the Development: .....

Property Details: .....

Quaternary Catchment: .....

Water uses identified in terms of Section 21 (NWA, Act 36 of 1998): .....

- (2) Design report and drawings are to be signed by PrEng; giving name, registration number and status of registration
- (3) The technical report, be it a design report or IWWMP is to be to a sufficiently advanced stage of design to demonstrate compliance with engineering norms and standards as prescribed by the Engineering Professions Act, Act 46 of 2000, Board Notices, 41 of 2017 and 138 of 2015 as amended and the Technical Advisory Note: Stage of Design required for statutory review in support of license considerations by authorities.
- (4) The technical report content should concisely demonstrate compliance with the Norms and Standards of the profession for infrastructure activating water uses for which guidance on standards to be complied with is provided in the Technical Advisory Note: Specialist Reports on Civil Design in support of water use, waste management and/or mining license applications.
- (5) For water uses 21 f, g & j: The pollutant risk is to be assessed in accordance with the NEMWA Regulations 2013 and NEMWA Regulations 2015 (as amended) as a minimum
- (6) The life span or service life of the activity is to be identified which is made up of the operating and post-closure (polluting or rehabilitation) periods.
- (7) For facilities/developments requiring a Section 21 g water use license and/or

waste management license, the report and drawings shall demonstrate compliance with the performance based regulations of NEMWA for which guidance is provided on both design and construction quality assurance at the following links:

- Design: <http://sawic.environment.gov.za/documents/13828.pdf>
- Construction Quality Assurance:  
<http://sawic.environment.gov.za/documents/12496.pdf> and  
<http://sawic.environment.gov.za/documents/12493.pdf>

(8) Engineering drawings shall be legible to the naked eye when printed as an A3 size.

(9) Applicants shall take responsibility for reports and drawings submitted by them or on their behalf and shall exclude disclaimers of any form.

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**10. MINIMUM INFORMATION REQUIREMENTS FOR A WATER USE LICENCE  
APPLICATION FOR UNCONVENTIONAL GAS ACTIVITIES**

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### **10.1 PREAMBLE**

This Minimum Requirement document is a decision support system and will be used for the evaluation of water use application for controlled activities (i.e. unconventional gas activities) in terms of the water protection principles. The document has been compiled to respond to unconventional gas activities which are a complex and unknown technology and it would serve well to create guidance which responds in with a fit-for-purpose approach.

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## 10.2 DEFINITIONS

*This section covers all definitions including those of the regulations and potential licences for ease of use*

In these Minimum Requirements with respect to the Unconventional Gas Regulations, any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates-

**"activity"** means prospecting, exploration operation or production operation as defined in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) including all associated stockpiles, waste management infrastructure, dams and sidings under control of a permit holder.

**"alternatives"** in relation to a proposed activity, means different means of meeting the general purpose and requirements of the activity, which may include alternatives to-

- (a) the property on which or location where it is possible to undertake the activity; the type of activity to be undertaken;
- (b) the design or layout of the activity;
- (c) the technology to be used in the activity; the operational aspects of the activity; and the option of not implementing the activity;

**"appraisal"** means the assessment of the potential, economic viability, properties and extent of a discovered reservoir through the acquisition of more data from the drilling and testing of wells. This phase follows immediately after successful exploration;

**"baseline water resource assessment"** means the identification and characterisation of all potentially affected water resources pre-stimulation. This characterisation of the water resource includes the quality and quantity of the water resources within the target area by means of a hydrocensus or any other required assessment methods with a minimum of three km radius

from the furthest point of potential horizontal drilling or as determined in an environmental impact assessment process by an independent specialist(s);

**“baseline monitoring”** means monitoring of key indicators to establish reference conditions of potentially affected water resources prior to stimulation (pre-exploration and production exposure) to form the basis for a change over time assessment;

**“borehole”** includes a dug well, excavation, or any other artificially constructed or improved underground cavity which can be used for the purpose of intercepting, collecting or storing water in or removing water from an aquifer; observing and collecting data and information on water in an aquifer; or recharging an aquifer.

**“coalbed methane”** means petroleum (in any state) occurring naturally in strata associated with coal;

**“continuous monitoring”** means monitoring of the quantity and quality of potentially affected water resources that takes place on a continuous basis throughout all phases of operations including post-decommissioning as per the monitoring plan;

**“controlled activity”** means the controlled activity declared by the Minister by notice in the *Government Gazette* No. 39299, Notice 999 of 2015 in terms of section 38 of the Act in respect of the exploration and production of onshore naturally occurring hydrocarbons that requires stimulation, including hydraulic fracturing and underground gasification, to extract, and any activity incidental thereto that may impact detrimentally on the water resource;

**“cumulative impact”** in relation to an activity, means the impact of an activity that in itself may not be significant, but may become significant when added to the existing and potential impact eventuating from similar, auxiliary or related activities or undertakings in the area;

**“designated agency”** means the Petroleum Agency South Africa;

**“exploration”** means the acquisition and processing of data or any other activity with the intention of locating an economically viable regulated substance. This definition includes the

appraisal phase of any controlled activity, developing conceptual geological and geohydrological models and drilling of exploration wells;

**“exploration work programme”** means the approved exploration work programme indicating the operations to be conducted on the exploration area during the validity of the exploration right, including the details regarding the area to be targeted during exploration (landowner consent, site description details with coordinates of planned exploration and monitoring wells), exploration activities, phases, equipment to be used and estimated expenditures and timeframes for the different exploration activities and phases;

**“event”** means an incident or situation which occurs in a particular place at a particular time as a result of a controlled activity, and originating from a seismic event;

**“geosite”** is a data collection point that has a particular geological and/or geohydrological significance. This may include a borehole, drain, dug well, lateral/radial arm collector, mine, seepage pond, sinkhole, spring, tunnel, and well point.

**“groundwater”** means water found in the subsurface in the saturated zone below the water table;

**“horizontal edge of an exploration well”** means the furthest underground reach of a horizontal well;

**“horizontal well”** means a well where the wellbore is drilled vertically to a kick-off depth beyond which the wellbore is deviated to run parallel to the target formation. Consideration is given to a deviated well;

**“hydraulic fracturing”** means injecting fracturing fluids into the target formation through the exploration or production well at a force exceeding the parting pressure of the rock to induce fractures through which naturally occurring hydrocarbons can flow, and applicable re-fracturing;

**“flow-back”** means all hydraulic fracturing fluid and other fluids that return to the surface after hydraulic fracturing, or other, stimulations have been completed and prior to the well being placed into production;

**“fracturing fluid”** means the mixture of the base fluid and all the hydraulic fracturing additives used to perform hydraulic fracturing;

**“geophysical survey”** means the systematic collection of geophysical data for assessing subsurface conditions using sensing instruments to collect data from above or below the Earth's surface;

**“hydraulic fracturing programme”** means a programme developed based on risk assessment and describes control and mitigation measures for fracture containment and for any potential induced seismicity during shale gas extraction and coalbed methane extraction;

**“hydrocensus”** means the systematic collection of information related to all water resource features potentially affected within target area;

**“hydrogeology”** refers to the interactive relationship between soil and water;

**“Interested and Affected Parties (IAPs)”** means a group/s of people who have a concern about a particular development, project, policy or action and who need to be consulted during the process of decision making;

**“incident”** means an incident as defined in Section 20(1) of NWA arising from the controlled activity as conducted under a licence in which a substance-

- (a) pollutes or has the potential to pollute a water resource; or
- (b) has, or is likely to have, a detrimental effect on a water resource;

**“incidental activity”** includes all operations and activities reasonably necessary for undertaking the controlled activity, including-

- (a) the drilling of wells that will be stimulated;
- (b) the injection of water or some other substance into a natural reservoir in order to enhance production of petroleum or another regulated substance;
- (c) the processing of substances recovered from a well;

(d) the onsite treatment of wastewater including but not limited to flow-back and produced water;

**“identifier”** means boreholes and exploration and production wells that follow a numeric system.

**“independent specialist”** means a person who provides specialist services and who is able to provide independent and autonomous opinions and has no business, financial, personal or other interest in the activity, application or appeal in respect of which that person is appointed other than fair remuneration for work performed in connection with that activity or that there are no circumstances that may compromise the objectivity of that specialists;

**“integrated water and waste management plan”** means a plan as contemplated in terms of Regulation GN704;

**“interflow”** The rapid flow of water along essentially unsaturated flow paths, water that infiltrates the subsurface and moves both vertically and laterally before discharging into other waterbodies.

**“monitoring”** in relation to water resource means repeated sampling of water resource quality and quantity (as a function of water levels and abstraction rates) for the purposes of building time series data on water resources that would indicate seasonal quality and quantity fluctuations;

**“monitoring borehole”** means a drilled borehole which is used to monitor groundwater levels, abstraction rates and water quality over a period of time for a specific groundwater monitoring objective.

**“monitoring plan”** means the setting of goals and targets in a guideline document for monitoring purposes.

**“naturally occurring hydrocarbons”** means an organic compound containing only carbon and hydrogen naturally occurring in petroleum, natural gas, coal and bitumen;

**“NORMs”** means naturally occurring radioactive material that naturally exists in natural materials;

**“onshore”** means situated or occurring on land;

**“operational phase”** means a term used to describe activities for petroleum exploration and production.

**“petroleum”** means a complex mixture of naturally occurring hydrocarbon compounds found in rock strata ranging from solid to gas.

**“post decommissioning monitoring”** means water resource quality monitoring that takes place in areas where wells have been decommissioned as per the approved monitoring plan;

**“process water”** includes all water related to exploration and production (including but not limited to flowback and produced water);

**“production”** means the production of the regulated substance and is the phase that occurs after successful exploration;

**“produced water”** means all fluids displaced from the geological formations, which can contain substances that are found naturally in the formations but excludes hydraulic fracturing flowback;

**“record”** includes-

- (a) record in the form of a book or document, or in the form of a map, photograph or drawing;
- (b) a record in the form of manually recorded data, electronic data; geological samples;
- (c) samples of-
  - (aa) a regulated substance; or
  - (bb) water;

**“regulatory objectives”** are the objectives that must be achieved under the Act, these Regulations and the conditions of a water use licence;

**“regulatory requirements”** mean the requirements imposed by the Act, these Regulations or the conditions of a water use licence;

**“regulated substance”** means-

- (a) petroleum,
- (b) hydrogen sulphide, nitrogen,
- (c) helium,
- (d) carbon dioxide, or
- (e) any other substance that occurs naturally in association with petroleum;

**“resource target”** means the geological formation(s) targeted for potential economic production of hydrocarbons;

**“saturated zone”** means the subsurface zone below the water table where interstices are filled with water under pressures greater than that of the atmosphere;

**“stimulation”** means the act of increasing a well's productivity by artificial means such as hydraulic fracturing, gasification, depressurisation, acidising or other techniques, also referred to as manipulation;

**“stratigraphic well”** means any well or hole drilled for the purpose of obtaining information pertaining to a specific geological condition that might lead toward the discovery of petroleum with no intent to produce petroleum from such a well;

**“strategic water source area”** is a natural source area for surface water and/or groundwater that provides disproportionately large volumes of water per unit area and that is considered of strategic significance for water security from a national planning perspective;

**“suspended well”** means a well that has been inactive for a period exceeding 3 years, depending on the type of well. The well is currently not considered to be economically viable but could become so in the future with improved technology, infrastructure, or commodity pricing;

**“target area”** means the precinct for which an exploration right has been granted /the potential area that may be detrimentally impacted on by the activity identified in the EIA process;

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

**“thermal spring”** means a point of groundwater discharge where the water temperature exceeds the regional thermal gradient;

**“unconventional” in relation to oil or natural gas** means oil and natural gas that is produced by means that do not meet the criteria for conventional production and requires stimulation including coalbed methane and underground coal gasification;

**“underground coal gasification”** means the conversion of coal to gas underground by ignition of coal seam, involving the drilling of a two well system into the coal seam, one for injection of the oxidants and another to bring the product gas to the surface, with a connecting path;

**“water resource quality”** means the quality of all the aspects of a water resource including-

- (a) the quantity, pattern, timing, water level and assurance of instream flow,
- (b) the water quality, including the physical, chemical and biological characteristics of the water, the levels and volumes of production from groundwater boreholes,
- (c) the character and condition of the instream and riparian habitat, and the characteristics, condition and distribution of the aquatic biota;

**“water use licence”** means a licence required or issued in terms of section 40 of the Act for the following purposes or phases for the controlled activity—

- (a) exploration; or
- (b) production

**“well”** means any drilled hole used for the purpose of exploration or production of naturally occurring hydrocarbons. This includes holes drilled in any state of use or disuse;

**“well examination scheme”** means arrangements for examination of the well conducted by an independent and competent person that are—

- (a) recorded in writing, and
- (b) suitable for ensuring, together with the assistance of any other measures the holder may take, that the well is designed, constructed, operated, maintained, modified, suspended, and decommissioning so that,
  - (aa) so far as is reasonably practicable, there can be no unplanned escape of fluids/gas from the well, and
  - (bb) risks to the health and safety of persons from the well or anything in it, or from strata, to which the well is connected, are as low as is reasonably practicable;

“wellfield” means group or cluster of boreholes in an area used collectively to supply sufficient groundwater to a user or users;

“well operator” means any person in charge of the development of a lease or drilling and operation of a well;

“well pad” means the surface area, including a well, occupied by all equipment or facilities necessary for or incidental to drilling, hydraulic fracturing, gasification, or other techniques, production or plugging a well;

### 10.3 WATER USER FACTORS

10.3.1 An applicant may apply for a water use licence to conduct exploration for one or more separate areas, provided that:

- (a) the areas for which exploration is applied for are outside the prohibited areas as defined in the *Regulations no xxx (i.e. regs for Unconventional gas activities)*;
- (b) scientific evidence for zone of influence as outlined in regulation 7 (2) of *Regulation No. xxx*, within prohibited areas has been provided to the responsible authority for review;
- (c) records (includes extent and position of the explored area and wells, monitoring boreholes, baseline water quality monitoring, specialist studies, and other required studies) exist.

10.3.2 The following water user factors must be submitted to the Department as part of the water use licence application-

- (a) the applicant’s corporate policies that address the achievement of regulatory objectives;
- (b) the applicant’s procedures or practices to achieve compliance with regulatory

requirements and objectives;

the extent to which an applicant/s has adopted and implemented a comprehensive and effective risk management system;

- (c) the extent to which an applicant/s has established systems to monitor, evaluate, audit and review compliance against regulatory requirements and objectives;
- (d) the systems that the applicant has adopted to identify and report serious and reportable incidents;
- (e) the extent to which an applicant has established a comprehensive and effective emergency response plan;
- (f) the applicant's practices and procedures to provide appropriate communication of regulatory requirements to employees, contractors and visitors, including site induction, ongoing training and supervision;
- (g) the applicant's technical staff competence and proven training for site specific aspects;
- (h) a mechanism to respond to and communicate with external parties on compliance matters
- (i) the applicant's record in achieving regulatory objectives and regulatory requirements and the extent to which an applicant has allocated resources to compliance systems.

#### **10.4 PLANNING AND ASSESSMENTS**

##### **Application of this Part**

Read with sections 27 and 41 of the Act it is reasonable to require the applicant to obtain and provide it will an assessment of the proposed activity on the resource quality. An assessment must include a water resource assessment and assessment of conditions below ground.

##### **10.4.1 Baseline Water Resource Assessment**

###### **10.4.1.1 A baseline water resource assessment must include—**

- i. the name, qualifications and relevant experience of the person who compiled the assessment;
- ii. a description of the methodology adopted in compiling the assessment;

- iii. a description of the assumptions and uncertainties or gaps in knowledge;
- iv. a hydrocensus;
- v. water availability and accessibility including regional water uses and stresses
- vi. the proximity of the proposed activity, including any production wells or monitoring boreholes, to the prohibited areas;
- vii. identify all potential groundwater dependant ecosystems and potentially affected water resources that may be impacted on;
- viii. a determination of the water quality in the targeted area and an assessment of factors that influence these;
- ix. a conceptual groundwater, geological and hydrogeological models describing major geological formations and structures with geological cross sections, major aquifers, groundwater flow, interflow, possible interactions between groundwater and surface water and contaminant transport potential where applicants must use a 3D seismic array and any other suitable method to map locations of deep aquifers and pre-existing fault risks that are to be avoided during fracture stimulation or any other stimulation activities;
- x. An integrated water and wastewater management plan as well as the planned management of flowback and produced water shall be submitted;
- xi. The source of water for exploration or production, which must exclude potable sources, as well as auxiliary activities with associated risk and environmental impact assessment for transport, storage, reuse, treatment and disposal.

#### **10.5 Assessment of conditions below ground**

- 1) An assessment of conditions below ground/ geological overview report involves the assessment of geological, geohydrological and hydrogeological conditions in the area where the proposed activity will take place and must be concluded before any well is designed.
- 2) A geological overview report/ assessment of conditions below ground, in relation to water protection,
  - (a) must include -
    - i. the name, qualifications and relevant experience of the person who compiled the assessment;
    - ii. a description of the methodology adopted in compiling the assessment to include but not limited to groundwater flow direction, source-pathway-receptor description and impacts;
    - iii. a description of the assumptions and uncertainties or gaps in knowledge;
    - iv. a geological map of the area at relevant scale and with details that will allow understanding of potential structural problems;
    - v. an analysis of all available geological information such as published maps, unpublished

sheets, satellite imagery, scientific papers and existing stratigraphic well information and core, for water resource protection;

(b) information on–

- i. geophysical profiling (2D or 3D) to the depth of the target formation and below the target formation;
- ii. stratigraphic well drilling to understand the regional stratigraphy with complete geochemical and, rock-water interaction study, including modelling, must be conducted with structural complexity interpretation;
- iii. proposed depth(s) to the top and the bottom of the formation into which well fracturing fluids and/or reactants are to be injected or well stimulation applied;
- iv. borehole analysis: core logging, downhole geophysics, camera, water strikes, coordinates, hydro geochemical character injection tests in fractures or formations.
- v. physical and chemical properties of the stratigraphic formations such as groundwater age profile down the borehole, porosity, permeability, total organic carbon, clay and mineralogy, capacity of rock to absorb/immobilize pollutants;
- vi. fracture character (orientation, aperture, continuity);
- vii. groundwater pressure head profile down the length of the well;
- viii. detailed mapping of geological structure during drilling (faults, folds, intrusive bodies, fracture density) and development of geological cross sections of the study area to develop a 3D understanding of the geology and aquifers based on surface geology, exploration borehole and geophysical profiling showing the stratigraphy, including the presence and morphology of dolerite and kimberlite and tectonic structures;
- ix. groundwater quality and chemistry profile;
- x. model of fluid migration in the geological formation;
- xi. geohazards associated with the geological formations and structures and solutions to overcome such hazards;
- xii. deep formation water quality and chemistry;
- xiii. the volumes and quantity of produced water that may be received at surface during and

after drilling operations; and

- xiv. information on interconnectivity, hydrogeology and interflow of water resources.

## **10.6 WATER RESOURCE QUALITY MONITORING**

### **10.6.1 Baseline water resource quality monitoring for application for a water use licence for exploration and production:**

- (1) An applicant must develop a water resource quality monitoring plan (the "plan") meeting the requirements set out in this Minimum Requirement document and submit the plan to the Department's relevant Provincial Operations indicating proposed monitoring sites, monitoring boreholes and plans during licence application stage.
- (2) Subsidence management plans for the management and control of potential subsidence caused by loss of water from the formation and changes in geology over time must be in place and submitted during licence application stage.
- (3) The water resource quality monitoring plan must be accompanied by:
  - (a) geohydrological conceptual model based on the existing data including geology and hydro stratigraphy;
  - (b) a preliminary work programme.

### **10.6.2 A person, who has lawful access to land on which the use of water will take place must on that property and to the extent of the projected zone of influence of the controlled activity or land establish baseline monitoring of water resources in accordance with the monitoring plan.**

### **10.6.3 Groundwater preliminary information includes the following activities;**

- (a) Drilling shallow and deep monitoring boreholes as per the approved plan with installed monitoring devices;
- (b) All monitoring points including boreholes shall be marked and clearly labeled. Monitoring points shall be identified according to the numbering systems of the Department as provided by the relevant Provincial Operations;
- (c) Hydrogeochemical analysis at monitoring points-
  - (i) Quarterly monitoring for: hydrochemistry parameters (Field pH, Electrical

Conductivity, Temperature, Dissolved Oxygen, Total Dissolved Solids), the suite of major, secondary and trace elements organics (VOCs, SVOCs and PAHs), NORM, stable isotopes (C,H,O and N including but not limited to: methane  $\delta^{13}\text{C}$ , methane  $\delta^{13}\text{D}$ , water  $\delta^{13}\text{C}$ , water  $\delta^{13}\text{D}$ , DIC  $\delta^{13}\text{C}$ , ethane  $\delta^{13}\text{C}$  and ethane  $\delta^{13}\text{D}$ ), radioactive isotopes (uranium, thorium, radium and strontium) as well as radioactivity (gross alpha radioactivity, gross beta radioactivity) . The monitoring must take into account baseline monitoring objectives as established and defined in the plan.

- (ii) Monitor water levels, Electrical Conductivity and Dissolved Oxygen in groundwater monitoring boreholes using manual control readings and real-time monitoring where applicable. Monitor for a minimum of two (2) years as per plan with installed monitoring devices where applicable.

**10.6.4** Surface water preliminary information includes the following activities;

- (a) Monitoring of water levels as per the plan;
- (b) Interpretation of information relating to the interconnectivity of surface water to groundwater (where applicable);
- (c) Information relating to the sub-surface connectivity of activities to surface water resources and water supply infrastructure.
- (d) Sample for water quality analysis at monitoring points-
  - i. Monthly for hydrochemistry parameters (Field pH, Electrical Conductivity, Temperature, Dissolved Oxygen, Total Dissolved Solids), the suite of major, secondary and trace elements, organics(VOCs, SVOCs and PAHs), NORM, stable isotopes (C,H,O and N including but not limited to: methane  $\delta^{13}\text{C}$ , methane  $\delta^{13}\text{D}$ , water  $\delta^{13}\text{C}$ , water  $\delta^{13}\text{D}$ , DIC  $\delta^{13}\text{C}$ , ethane  $\delta^{13}\text{C}$  and ethane  $\delta^{13}\text{D}$ ), radioactive isotopes (uranium, thorium, radium and strontium) as well as radioactivity (gross alpha radioactivity, gross beta radioactivity). The monitoring must take into account baseline monitoring objectives.
  - ii. Monitor water levels, Electrical Conductivity and Dissolved Oxygen using manual control readings and real-time monitoring where applicable.
  - iii. Monitor for a minimum two (2) year as per plan with installed monitoring devices.

**10.6.5** An application for a water use licence for exploration shall be supported by a report on

baseline monitoring and its interpretation.

**10.6.6** An application for a water use licence for production shall be supported by a report on both baseline monitoring, exploration phase monitoring and its interpretations.

**10.6.7** Analysis shall be carried out by qualified third party organisations using recognized, SANAS accredited and internationally accredited analytical methods.

## **10.7 SITE SELECTION, ESTABLISHMENT AND CONTAINMENT**

### **10.7.1 Site location**

**10.7.2** Site location information on the exploration and/or production work programme accompanying the application must show information on-

- (a) the location(s) of the proposed exploration well(s) within the target area established by a field survey;
- (b) location of water monitoring boreholes and any production boreholes in relation to the planned well(s) within the target area, as determined from the hydrocensus;
- (c) the location of all buildings, public roads, railroads, and water resources within the target area;
- (d) drainage of the site and all aspects related to development of the site;
- (e) proposed location(s) of compressors, lodgings etc. associated with the drilling operations; and
- (f) proposed access roads to the sites(s).
- (g) The proposed well location(s) shall be designated by coordinates in WGS84 and will specify accuracy as well as method of coordinate determination.

### **10.7.3 Water balances**

- 1) The Applicant shall develop and submit a water balance during application and it shall:-
  - (a) be based on data collected from installed flow measurement devices to measure the amount of water abstracted from target and/or surrounding areas, received, consumed, transported, and/or discharged as required in order to ensure that the flow of at least 90% of the total water in use is measured with the remaining 10% or less being calculated;
  - (b) incorporate accurate values determined from suitable measurement or modelling for

rainfall, runoff, seepage and evaporation from all facilities where these components of the water balance may potentially come into play;

- (c) account for seasonal changes from all flow values affected by rainfall and or evaporation;
  - (d) be computerised in order that it can be updated at least monthly with measured and modelled data after licensing;
  - (e) account for and reflects all possible interconnections between the operations and the surface and groundwater resource and how these will be avoided, mitigated;
  - (f) be used to generate water management reports to assist in the management of the impact of the operations on the water resource; and
  - (g) be submitted to the Department on a bi-annual basis together with the monitoring data and report unless stipulated otherwise in a water use licence.
- 2) For stimulation activities the applicant must measure and disclose in writing to the Responsible authority the operational data, at the application stage, on-
- (a) volumes and chemistry of water to be used;
  - (b) the volumes and characteristics of waste water and reuse, recycle and treatment activities; flowback and produced water disposal methods;
  - (c) fracturing fluid additives (constituents) concentrations and volumes and its breakdown components with mass balances and source pathways;
  - (d) gas pressures of the target area;
  - (e) fracturing impacts and site containment which are to be included in the geohydrological and geotechnical modelling; and
  - (f) any induced seismicity employing macro and micro seismicity monitoring with risk profiling to water resources.

#### 10.7.4 Site Safety

- 1) Applicants shall ensure provision, for consideration with the application for a water use licence, of:
  - a. risk assessments in terms of well leakage incidents;
  - b. coordination of safety measures associated with water resource pollution incidents;
  - c. prevention of fires and explosions with particular reference to blowouts and escape of flammable gas;
  - d. general fire protection;
  - e. floods or other natural disasters; detection and control of toxic gases; site planning and

design.

#### **10.7.5 Storm water management and control for consideration with the application for a water use licence**

1) Applicants shall ensure that storm water is managed in a sustainable manner over the life cycle of the activity and shall submit the designs to the Department for approval with the licence application.

2) Storm water designs shall take into account different hydrological conditions in the following manner -

- a. consider soil types, soil properties and hydrogeological systems concerning location;
- b. delineate the site area into clean and dirty areas;
- c. maximise the clean area and the volume of clean stormwater runoff that is routed, unimpacted, to the nearest receiving watercourse;
- d. design and construct all clean water conveyance infrastructure in such a manner as to guarantee the serviceability of such conveyances for flows up to and including those arising as a result of the maximum flood with an average period of recurrence of once in 50 years;
- e. plan to collect the runoff arising from any dirty area during a rainfall event into the dirty storm water system;
- f. contain all dirty storm water runoff in a dedicated storm water dam which is designed and constructed, to have a spillage frequency of not more than 2% and to have a minimum freeboard of 0.8 metres above full supply level, unless otherwise specified in terms of Chapter 12 of the Act; specification on the lining for the dam must also be stipulated.

3) The dirty storm water dam and conveyance infrastructure shall be designed appropriate to the level of threat posed by the contaminated water in the dirty water system.

#### **10.7.6 Pollution prevention**

1) Equipment required and contingency plans to give effect to remediation of pollution

incidents shall be submitted as part of the integrated water and waste management plan, for the consideration for a water use licence.

2) An applicant must prepare an integrated water and waste management plan for approval with the following components:

- a) An updated water balance containing flowcharts and data derived from a dynamic water balance model;
- b) Water sourcing options including re-use and recycling,
- c) Pollution prevention and impact minimisation plan;
- d) Emergency spillage incident management plan
- e) Storm water management plan
- f) Water conservation and demand management strategy
- g) Post closure water management plan; and
- h) Water monitoring and reporting plan that addresses the whole life of activity and after closure certification was granted.

3) Fluids no longer required as well as wastewater (produced water and flowback) must always be disposed off at an approved and appropriate disposal site which has the capacity and appropriate design to treat such waste. The applicant must demonstrate this ability in the application process through provision of wastewater storage and treatment facilities.

### **10.7.7 WELL MANAGEMENT**

#### **10.7.7.1 Well risk identification and assessment**

- 1) The applicant must ensure that wells are designed, constructed and assessed as per the standards set by the designated agency to ensure water protection.
- 2) The applicant must submit a well risk management plan which must include the identifying, assessing and mitigating of hazards that may emanate from wells during exploration and/or production phases.
- 3) The applicant must ensure that the following specific design and operational risks are considered as part of the well risk management plan, including -
  - a. aquifer isolation;
  - b. all permeable zones should be assessed to achieve adequate isolation by casing with bentonite and verified cement;
  - c. surface casing should be at a suitable distance to the deepest aquifer encountered (irrespective of aquifer water quality), along with sufficient cement, to protect potable groundwater and prevent migration of high salinity groundwater into the stimulation well or any other aquifers. The final well decommissioning of the

- stimulation well design should be considered at the well design phase;
- d. casing deformation and cement degradation;
  - e. fracturing containment;
  - f. seismicity induced by hydraulic fracturing and stimulated activities;
  - g. deformation of aquifers and geological strata due to injection and/or extraction of fluids, reactants and/or gas; and
  - h. surface subsidence due to deformation of aquifer and geological strata during fluid and/or gas extraction.

4) All control measures must be based on well design risk assessments and the environmental risk assessments and these should be documented in the well's basis of design documentation and well operations programme or equivalent document names.

## **10.7.8 HYDRAULIC FRACTURING**

### **10.7.8.1 Fracturing containment**

- (1) The applicant shall develop a hydraulic fracturing programme (HFP), based on the risk assessment and modeling, that describes the control and mitigation measures for fracture containment and for any potential induced seismicity.
- (2) The proposed design of the fracture geometry should be included in the HFP including fracturing target zones, sealing mechanism(s) and aquifers, so as not to allow fracturing fluids to migrate from designated fracture zone(s).
- (3) The HFP must include the proposed depth(s) to the top and the bottom of the formation into which well fracturing fluids are to be injected.
- (4) Geological discontinuities that might impact the hydraulic fracturing seal mechanism should be thoroughly researched and the assessment documented and referenced in the HFP to demonstrate that fracturing fluids cannot migrate, via natural pathways beyond the designated fracturing zones, vertically and horizontally.
- (5) The applicant shall submit a HFP during application stage for consideration with the water use licence application.

### **10.7.9 Seismicity induced by hydraulic fracturing**

- (1) Applicants shall include the induced seismicity risk assessment control and mitigation measures in the HFP.

- (2) Risk of fault movement can be mitigated by the identification of stressed faults and by the avoidance of fracturing fluids and stimulation reactants entering stressed faults.
- (3) Applicants should not overlook the potential presence of faults that cannot be detected given the limits of seismic reflection surveys.
- (4) Once faults have been identified and geological stresses characterised, applicants can assess the orientation and slip tendency of faults and bedding planes. These must be identified vertically (above and below formation), horizontally and mitigation measures for groundwater protection included in the programme for approval.
- (5) Apart from describing risk assessment and control measures in the HFP, applicants shall institute relevant seismic and micro-seismic monitoring using and shall report such monitoring results to the Department on a quarterly basis.

#### **10.7.10 Fracturing fluids**

- (1) An applicant, shall as part of the impact assessment, submit the following information to the Department as part of the HFP-
  - a. possible alternatives to the fracturing fluids or chemicals to be used (where applicable);
  - b. possible risk of the above on the environment and water resources with pathways defined; and
  - c. remediation required if a pollution incident/s were to occur.
- (2) An applicant shall submit and integrate into its HFP a plan for the handling, storage, re-use, transportation, treatment and disposal of hydraulic fracturing fluids and flow- back.

#### **10.7.11 Management of Flow-Back and Produced fluids**

- (1) The applicant shall disclose and submit to the Department, the following information regarding management and handling of flow-back or produced fluids-
  - a. estimated an actual volume of fluids to be recovered during flowback;
  - b. the expected rates, pressures and temperatures of fluids recovered and produced; water compositional analysis;
  - c. any identified contamination issues; any radioactive contamination fluids;
  - d. proposed method of handling recovered fluids, including but not limited to tank requirements, pipeline requirements, flow-back and storage periods, flaring, recycling and re-usage;
  - e. proposed treatment and disposal methods of the recovered fluids; and proposed volume

of flow-back fluids to be recycled and re-used.

- f. information on how much fluids are absorbed by formations and geological impacts as contained in the hydro-geochemical report.

#### **10.7.12 Wastewater Storage and Disposal**

- a. Information and requirements relating to the onsite storage and disposal of wastewater shall be addressed in the water use licence application upon site specific considerations and assessments.

#### **10.7.13 Management of dewatering operations and produced water at exploration and production phases**

- (1) The applicant shall prepare comprehensive water management and monitoring plans for the management of dewatering and produced water to include water balances, water chemistry and ash content impacts (where relevant), acid mine drainage generation potential (where relevant), relevant storage pond lining specifications and any other associated activity.
- (2) Subsidence management plans must be in place for the management and control of potential subsidence caused by loss of water and hydrocarbon from the formation over time. Pre-extraction contours shall form part of baseline assessments and reporting requirements.
- (3) The deformation of geological formation shall be predicted in models with comprehensive risk assessments and mitigation measures defined. The effects of such deformation to the hydrological regime shall be included in the modeling reports. Monitoring shall continue before, during and after operations with results and interpretation of information provided to the Responsible Authority. The applicant shall submit such models (for the conceptualized conditions before, during and after operations) as part of the application.

#### **10.7.14 Establishing a gasification site**

- (1) The applicant must at application process stage prove (through the submission of a site characterization, risk and impact assessment study) to the Department that:
  - (a) the gasification site selected is properly sited and characterized to ensure that no contaminated plume migration from the burn chamber towards freshwater water aquifers occurs.
  - (b) a Risk-Based Decision-Making Process has been used in the design of UCG sites. Where possible, the following pre-assessment must be conducted as part of the site characterization process: site stratigraphy, structure and hydrogeology, characterization of the nature and mobility of by-products of coal burning, including organic and inorganic compounds, process variable (e.g., temperature, O<sub>2</sub>) impacts on product/by product yield, permeability changes from cavity development and collapse, effects of buoyancy, thermal and mechanical force changes on contaminant transport and the potential for natural bioattenuation.
  - (c) a low permeability/impenetrable barrier (i.e. geologic seals) between coal seam and

- overlying and underlying aquifers exists.
- (d) the casing material of the injection as well as the production boreholes must be able to resist extreme thermal and mechanical stresses such as sulphidation and oxidation.
  - (e) the casings of both the injection as well as the production wells must:
    - i. be cemented to be able to resist high pressures and temperatures so as to protect groundwater resources.
    - ii. record the efficacy of the cement barrier by cement bond logging.
- (2) Mechanical integrity tests must be conducted on annual basis for both the injection as well as the production wells.
- (3) The site characterization, risk and impact assessment study shall include risk assessment and modeling that describes the control and mitigation measures for chamber instability and for any potential subsidence.

**Annexure: G****Water Use Licence and Amendment Application Processing**

| <b>Category</b>  | <b>Agriculture and Forestry</b> | <b>SOEs; Private Developers and Government</b> | <b>Mines and Industries</b> |
|--|---------------------------------|--|-----------------------------|
| Water Use Licence Application Processing   | R8500                           | R11 500  | R15 000                     |
| Water Use Licence Application Processing for Early Renewal Only                                  | R4 250                          | R5 750   | R7 500                      |
| Water Use Licence Application Processing for early Renewal with new uses and/or Amendment        | R8 500                          | R11 500  | R15 000                     |
| Water Use Licence Application Processing for Amendment in terms of section 50 and 51 of the Act. | R2 150                          | R2 850   | R3 750                      |
| Water Use Licence Application fee for compulsory Licensing                                       | R2 150                          | R2 150   | R2 150                      |
| Condonation fee for Late application of a Water Use Licence for compulsory Licensing             | R3 750                          | R3 750   | R3 750                      |

**Banking Details for Electronic Payment of Water Use Licensing Fee**

- a) Name: Department of Human Settlements, Water and Sanitation. Bank: First National Bank. Account Number: 62030646311 Branch Number: 210554. Account Type: Current Account
- b) Name: Department of Human Settlements, Water and Sanitation. Bank: ABSA Bank. Account Number: 4054697285 Branch Number: 632005. Account Type: Current Account
- c) Name: Department of Human Settlements, Water and Sanitation. Bank: Standard Bank. Account Number: 010215808 Branch Number: 010045. Account Type: Current Account.

## ANNEXURE H I

## Security and guarantee

## DEED OF SURETYSHIP (to be completed prior to award of licence)

WHEREAS: the responsible authority awarded a licence to ..... (hereinafter called "the Licensee") dated ...../...../..... for the authorisation of water use activities in the licence, and it is provided by such licence that the Licensee shall provide the responsible authority with security by way of suretyship for the due and faithful fulfilment of such conditions of the Licensee;

AND WHEREAS .....  
Has/have at the request of the Licensee, agreed to give such security;

NOW THEREFORE WE,

.....  
do hereby guarantee and bind ourselves jointly and severally as Sureties and Co-principal Debtors to the responsible authority under renunciation of the benefits of division and excursion for the due and faithful performance by the Licensee of all the terms and conditions of the said Licence, subject to the following conditions:

1. The responsible authority shall, without reference and /or notice to us, have complete liberty of action to act in any manner authorised and/or contemplated by the terms of the said Licence, and/or to agree to any modifications, variations, alterations, directions or extensions of the conditions under said Licence, and at that its rights under this guarantee shall in no way be prejudiced nor our liability hereunder be affected by reason of any steps which the responsible authority may take under such Licence, or of any modification, variation, alterations of the conditions which the responsible authority may make, give, concede or agree to under said Licence.
2. The responsible authority shall, at any time during the subsistence of this licence and within five years after the licence has expired, be entitled, without reference to us, to release any securities held by it, and to give time to or compound or make any arrangement with the Licensee, if any licence condition or provision of the Act is being violated.
3. This guarantee shall remain in full force and effect until the issue of the Certificate of Rehabilitation in terms of the Licence, unless we are advised in writing by the responsible authority before the issue of the said Certificate of his intention to institute claims, and the particulars thereof, in which event the guarantee shall remain in full force and effect until all such claims have been paid or liquidated.
4. Our total liability hereunder shall not exceed the sum of ..... (R.....)
5. The licensee hereby attaches a letter of credit from the bank, a surety or a bank guarantee, a bond, or an insurance policy[\*delete whichever is not applicable], in favour of the responsible authority
6. We hereby choose *domiciliumcitandietexecutandi* for all purpose arising hereof at.....  
.....

IN WITNESS WHEREOF this guarantee has been executed by us at ..... on this .... day of.....20...

As witnesses

1. \_\_\_\_\_
2. \_\_\_\_\_

Signature: \_\_\_\_\_  
 Duly authorised to sign on behalf of \_\_\_\_\_  
 Address \_\_\_\_\_

**ANNEXURE H II: List of water uses for which security is required**

| <b>Water Use(s)</b> | <b>Required to provide security</b>        |
|---------------------|--|
| Section 21 b        | In-stream dams                             |
| Section 21 c and i  | Sewer pipelines within the Regulated Areas |
| Section 21 d        | 500 ha and above                           |
| Section 21 f        | All activities                             |
| Section 21 g        | All activities                             |
| Section j           | Mining related activities                  |

**ANNEXURE I****Water Use audit report****Objective of the water use audit report**

**10.7.14.1** The objective of the water use audit report is to-

- (a) report on-
  - i. the level of compliance with the conditions of the water use licence; and
  - ii. identify and assess any new impacts and risks as a result of undertaking the water use;

**Content of water use audit reports**

**10.7.14.2** (1) An audit report prepared in terms of these Regulations must contain-

- (a) details of-
  - i. the person who prepared the audit report; and
  - ii. where required the expertise of independent person (and confirmation of independence) that compiled the audit report;
- (b) an indication of the scope of, and the purpose for which, the audit report was prepared;
- (c) a description of the methodology adopted in preparing the audit report;
- (d) the level of compliance with the conditions of the water use licence
- (e) findings of audit.
- (f) copy of water use licence

## ANNEXURE J

**NB: Table must be accompanied by a cover letter and motivation**

**Table 1: Schedule of the proposed amendment to < insert name of the applicant and project >, licence number: <insert licence number>.**

| No | Amendment type (Is the amendment in term of section 158 or 50, 51 or 52?) | Page No and or Annexure No | Title                   | Condition            | Original Clause (in italics)  | Amendment Proposed                 | Comments/ Justification   | DWS comments (For official use only) | Recommendation on Applicant proposal (For official use only) |
|----|---|----------------------------|-------------------------|----------------------|---|------------------------------------|---|--------------------------------------|--|
| 1  | Section <<xx>>  | Page 1                     | licensee                | Name of the licensee | <i>Department of Water and sanitation</i>   | Department of Water and Sanitation | Company underwent change due to change of ownership<br>No pans within mining area |                                      |  |
| 2  | Section <<xx>>  | Page 13 Annexure II        | Rehabilitation measures | 66                   | <i>The Licensee shall ensure that for every 1 ha of the pan that is destroyed, 3 ha must be rehabilitated</i> | Condition should be deleted        |   |                                      |  |

## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

### DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

#### NOTICE 1807 OF 2023

#### GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

|  |   |  |
|--|---|--|
| <b>Property</b>  | : | <b>see attached schedule</b>   |
| <b>Extent of property</b>                              | : | <b>see attached schedule</b>   |
| <b>Magisterial District</b>                            | : | <b>Bergville</b>   |
| <b>Administrative District</b>                         | : | <b>KwaZulu-Natal</b>   |
| <b>Current Title Deed No.</b>                          | : | <b>see attached schedule</b>   |
| <b>Current Owner</b>                                   | : | <b>see attached schedule</b>   |
| <b>Bonds &amp; Restrictive Conditions (Interdicts)</b> | : | <b>see attached schedule</b>   |
| <b>Claimant</b>  | : | <b>Inkosi Maswazi Hlongwane on behalf of the Amangwane Community</b> |
| <b>Date claim lodged</b>                               | : | <b>20 November 1998</b>  |
| <b>Reference number</b>                                | : | <b>KRN6/2/2/E/3/0/0/37</b>   |

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within 60 days from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400

Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**A. M. B. MPHELA**  
**ACTING REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

## SCHEDULE

| NO. | PROPERTY DESCRIPTION   | EXTENT        | CURRENT TITLE DEED NO.    | CURRENT OWNER   | BONDS & RESTRICTIVE CONDITIONS (INTERDICTS) |
|-----|--|---------------|---------------------------|---|---|
| 1   | Portion 0 (Remaining Extent) of the farm Brotherton No. 11078  | 848, 6925 ha  | T5737/1964                | Republic of South Africa  | None  |
| 2   | Portion 0 (Remaining Extent) of the farm Hopeton No. 11831     | 247, 2670 ha  | T3747/2003                | IPTCO 0007 (Pty) Ltd  | B2433/2003                                  |
| 3   | Portion 5 of the farm Hopeton No. 11831                        | 243, 2124 ha  | T3826/1982                | Republic of South Africa  | None  |
| 4   | Portion 5 of the farm Leafmore No. 11832                       |               |                           | Not Registered  |   |
| 5   | Portion 0 of the farm Schaap Kraal No. 13268                   |               |                           | Not Registered  |   |
| 6   | Portion 0 (Remaining Extent) of the farm Solarcliffs No. 11454 | 522, 9357 ha  | T2758/1963                | Republic of South Africa  | I-7560/1995c-20/10/1995<br>BC29649/1995     |
| 7   | Portion 1 of the farm Solarcliffs No. 11454                    | 285, 7086 ha  | T2758/1963                | Republic of South Africa  | I-7560/1995c-20/10/1995<br>BC29649/1995     |
| 8   | Portion 0 of the farm Broughton No. 8826                       | 608, 0993 ha  | T9870/1958                | National Government of the Republic of South Africa               | None  |
| 9   | Portion 0 of the farm Conniston No. 8825                       | 672, 2151 ha  | T9870/1958<br>T9871/1958  | National Government of the Republic of South Africa               | None  |
| 10  | Portion 0 of the farm Nootgedacht No. 2154                     | 1214, 0580 ha | T26493/1996<br>T6229/2009 | Sappi Southern Africa Limited<br>Sappi Property Company (Pty) Ltd | B4107/2009<br>B4106/2009                    |
| 11  | Portion 0 (Remaining Extent) of the farm Culfargie No. 4356    | 100, 4608 ha  | T3250/1964                | Republic of South Africa  | None  |
| 12  | Portion 1 of the farm Culfargie No. 4356                       | 203, 6368 ha  | T3250/1964                | Republic of South Africa  | I-1851/1979LG                               |
| 13  | Portion 2 of the farm Culfargie No. 4356                       | 606, 4680 ha  | T3250/1964                | Republic of South Africa  | I-1851/1979LG                               |
| 14  | Portion 3 of the farm Culfargie No. 4356                       | 325, 1885 ha  | T3250/1964                | Republic of South Africa  | I-1851/1979LG                               |

**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT****NOTICE 1808 OF 2023****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994  
(ACT NO. 22 OF 1994)**

Notice is hereby given in terms of section 11A(3) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) as amended that the notice of the claim lodged by M.J. Zimba on behalf of the Amangwane Community in the district of Bergville, KwaZulu-Natal which was published under Notice No. 515 of 2006, in Government Gazette No. 28711 dated 13 April 2006, under Reference Number **KRN6/2/2/E/3/0/0/36** has been **WITHDRAWN** Regional Land Claims Commissioner.

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**MR HARRY LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER**  
**DATE:**

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

## NOTICE 1809 OF 2023

## GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)

Notice is hereby given in terms of section 11 A (4) of the Restitution of Land Rights Act, 1994 (Act No.22 of 1994) as amended, that the Regional Land Claims Commissioner is withdrawing the properties described in the schedule attached in the Government Gazette No. 39823 dated 18 March 2016, Notice No. 133 of 2016 as well as Portion 4 of the farm Fairfield 11815, insofar as item 135 of the schedule incorrectly recorded the property claimed as Portion 3 of the farm Fairfield 11815 by virtue of an the Court Orders dated 17 October 2022, 20 October 2022 and 24 October 2022 granted by the Land Claims Court of South Africa under the Case Number LCC133/2020.

It is declared that the properties described in the scheduled attached in the Government Gazette No. 39823 dated 18 March 2016, Notice No. 133 of 2016 as well as Portion 4 of the farm Fairfield 11815, insofar as item 135 of the schedule incorrectly recorded the property claimed as Portion 3 of the farm Fairfield 11815, are with effect from the date of the Court Orders no longer subject to any land claim lodged by Inkosi Skokwakhe Benjamin Madlala on behalf of the Madlala Tribe (reference number KRN 6/22/E/46/0/0/4) whose claim was adjudicated by the Court under the said case number or any land claim lodged by the Madlala Community on 23 July 1996, by Shangani Zephrid Madlala with reference number KRN 6/22/E/19/0/0/17, whose claim was settled.

It is further declared that all properties listed in the scheduled attached hereto are with effect from 17 October 2022, 20 October 2022, 24 October 2022 and 24 October 2022 withdrawn from the initial notice in terms of section 11 A (4) of the Restitution of Land Rights Act, 1994 (Act No.22 of 1994as amended).

## SCHEDULE

| NO. | PROPERTY DESCRIPTION                                 | EXTENT       | CURRENT TITLE DEED NO.    | CURRENT OWNER   | BONDS & RESTRICTIVE CONDITIONS (INTERDICTS) |
|-----|--|--------------|---------------------------|---|---|
| 1   | Remainder of the farm Success No. 1113               | 299, 8469 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                    |
| 2   | Portion 2 of the farm Success No. 1113               | 1, 6187 ha   | T23450/2011               | Citeaux Estates (Pty) Ltd                                     | B17436/2011<br>B7407/2015                   |
| 3   | Portion 3 of the farm Success No. 1113               | 267, 7882 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                    |
| 4   | Remainder of Portion 6 of the farm Success No. 1113  | 119, 0864 ha | T17970/1983               | Benvie (Pty) Ltd  | None  |
| 5   | Remainder of Portion 7 of the farm Success No. 1113  | 97, 7018 ha  | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                    |
| 6   | Portion 8 of the farm Success No. 1113               | 51, 3824 ha  | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                    |
| 7   | Portion 9 of the farm Success No. 1113               | 37, 9696 ha  | T17970/1983               | Benvie (Pty) Ltd  | None  |
| 8   | Remainder of Portion 10 of the farm Success No. 1113 | 209, 8398 ha | T11381/1996<br>T6212/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4072/2009<br>B4073/2009                    |

| NO. | PROPERTY DESCRIPTION                                     | EXTENT       | CURRENT TITLE DEED NO.    | CURRENT OWNER   | BONDS & RESTRICTIVE CONDITIONS (INTERDICTS) |
|-----|--|--------------|---------------------------|---|---|
| 9   | Portion 11 of the farm Success No. 1113                  | 4, 3598 ha   | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                    |
| 10  | Portion 12 of the farm Success No. 1113                  | 110, 3638 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                    |
| 11  | Portion 13 of the farm Success No. 1113                  | 148, 8233 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                    |
| 12  | Portion 14 of the farm Success No. 1113                  | 191, 1357 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                    |
| 13  | Remainder of Portion 16 of the farm Success No. 1113     | 208, 5840 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                    |
| 14  | Portion 17 of the farm Success No. 1113                  | 45, 4045 ha  | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                    |
| 15  | Portion 18 of the farm Success No. 1113                  | 45, 9015 ha  | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                    |
| 16  | Portion 19 of the farm Success No. 1113                  | 159, 1013 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                    |
| 17  | Portion 20 of the farm Success No. 1113                  | 162, 6139 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                    |
| 18  | Remainder of the farm Middle Drift No. 1098              | 221, 8930 ha | T23697/2009               | Lion Match Forestry (Pty) Ltd                                 | None  |
| 19  | Remainder of Portion 1 of the farm Middle Drift No. 1098 | 406, 2304 ha | T11743/2001               | Jesson Trust-Trustees   | B23827/2013<br>B7202/2001<br>B73876/2006    |
| 20  | Remainder of Portion 4 of the farm Middle Drift No. 1098 | 397, 3930 ha | T23697/2009               | Lion Match Forestry (Pty) Ltd                                 | None  |
| 21  | Portion 5 of the farm Middle Drift No. 1098              | 555, 8228 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009<br>K1403/1986S     |
| 22  | Portion 6 of the farm Middle Drift No. 1098              | 144, 7459 ha | T23697/2009               | Lion Match Forestry (Pty) Ltd                                 | None  |
| 23  | Remainder of Portion 7 of the farm Middle Drift No. 1098 | 54, 2627 ha  | T39217/1995               | Eduard R Meyer  | B1323/2013                                  |
| 24  | Remainder of Portion 8 of the farm Middle Drift No. 1098 | 301, 6229 ha | T23697/2009               | Lion Match Forestry (Pty) Ltd                                 | None  |
| 25  | Portion 9 of the farm Middle Drift No. 1098              | 11, 3014 ha  | T43182/2008               | Moozicht Trust-Trustees                                       | B34311/2008<br>B9027/2013                   |
| 26  | Portion 10 of the farm Middle Drift No. 1098             | 144, 4712 ha | T23697/2009               | Lion Match Forestry (Pty) Ltd                                 | None  |

| NO. | PROPERTY DESCRIPTION  | EXTENT       | CURRENT TITLE DEED NO.    | CURRENT OWNER   | BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)                          |
|-----|---|--------------|---------------------------|---|--|
| 27  | Remainder of Portion 11 of the farm Middle Drift No. 1098     | 76, 8625 ha  | T22456/1989               | Elizabeth Rommelspacher                                       | B11012/2006<br>K1667/1999S   |
| 28  | Portion 12 of the farm Middle Drift No. 1098                  | 28, 1429 ha  | T23697/2009               | Lion Match Forestry (Pty) Ltd                                 | None   |
| 29  | Portion 13 of the farm Middle Drift No. 1098                  | 97, 1246 ha  | T19253/1998               | P R Meyer Farm Trust-Trustees                                 | B10610/2001<br>B34674/2002   |
| 30  | Portion 14 of the farm Middle Drift No. 1098                  | 8, 1024 ha   | T19253/1998               | P R Meyer Farm Trust-Trustees                                 | B10610/2001<br>B34674/2002   |
| 31  | Portion 15 of the farm Middle Drift No. 1098                  |              |                           | Not Registered  |  |
| 32  | Portion 17 of the farm Middle Drift No. 1098                  | 20, 9562 ha  | 20054/2013                | Wayne Stuart Fairley  | None   |
| 33  | Remainder of Portion 2 of the farm Hartebeesfontein No. 1362  | 180, 7746 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009<br>K1403/1986s<br>K2067/2011s<br>K538/1955s |
| 34  | Portion 3 of the farm Hartebeesfontein No. 1362               | 202, 3676 ha | T13576/1989               | Fairdale Trust-Trustees                                       | K1195/1990S<br>K1403/1986S<br>K776/1990S                             |
| 35  | Portion 4 of the farm Hartebeesfontein No. 1362               | 67, 6701 ha  |                           | Not Registered  | B16148/2014  |
| 36  | Portion 5 of the farm Hartebeesfontein No. 1362               | 283, 2802 ha | T6882/2012                | George Frederic Nefdt   | B4181/2012<br>B9555/2012<br>K28/1987S                                |
| 37  | Portion 6 of the farm Hartebeesfontein No. 1362               | 244, 0257 ha | T30429/2014               | Oak Park Trading 147 (Pty) Ltd                                | B16148/2014<br>K204/2013S<br>K28/1987S                               |
| 38  | Remainder of Portion 9 of the farm Hartebeesfontein No. 1362  | 206, 6600 ha | T30429/2014               | Oak Park Trading 147 (Pty) Ltd                                | B16148/2014  |
| 39  | Remainder of Portion 11 of the farm Hartebeesfontein No. 1362 | 155, 4620 ha | T30429/2014               | Oak Park Trading 147 (Pty) Ltd                                | B16148/2014<br>K204/2013S<br>K28/1987S                               |
| 40  | Portion 12 of the farm Hartebeesfontein No. 1362              | 20, 7035 ha  | T13576/1989               | Fairdale Trust-Trustees                                       | None   |
| 41  | Portion 14 of the farm Hartebeesfontein No. 1362              | 5, 5706 ha   | T30429/2014               | Oak Park Trading 147 (Pty) Ltd                                | B16148/2014  |
| 42  | Portion 19 of the farm Hartebeesfontein No. 1362              | 227, 9594 ha | T30429/2014               | Oak Park Trading 147 (Pty) Ltd                                | B16148/2014<br>K28/1987S   |
| 43  | Portion 22 of the farm Hartebeesfontein No. 1362              |              |                           | Not Registered  |  |
| 44  | Remainder of Portion 3 of the farm Nootgedacht No.            | 505, 9812 ha | T17970/1983               | Bennie (Pty) Ltd  | None   |

| NO. | PROPERTY DESCRIPTION                                    | EXTENT       | CURRENT TITLE DEED NO.    | CURRENT OWNER  | BONDS & RESTRICTIVE CONDITIONS (INTERDICTIONS) |
|-----|---|--------------|---------------------------|--|--|
|     | 1149  |              |                           |  |  |
| 45  | Portion 6 of the farm Nootgedacht No. 1149              | 36, 1183 ha  | T17970/1983               | Benvie (Pty) Ltd   | None   |
| 46  | Portion 8 of the farm Nootgedacht No. 1149              | 6, 2322 ha   | T17970/1983               | Benvie (Pty) Ltd   | None   |
| 47  | Portion 9 of the farm Nootgedacht No. 1149              | 42, 6488 ha  | T17970/1983               | Benvie (Pty) Ltd   | None   |
| 48  | Portion 10 of the farm Nootgedacht No. 1149             | 23, 4819 ha  | T16382/1997               | Sappi Southern Africa (Ltd)<br>Sappi Manufacturing (Pty) Ltd<br>Sappi Property Company (Pty) Ltd | B4069/2009<br>B4068/2009                       |
| 49  | Remainder of the farm Misgunst No. 1191                 | 274, 5062 ha | T6210/2009                | Republic of South Africa   | None   |
| 50  | Remainder of Portion 3 of the farm Misgunst No. 1191    | 199, 8035 ha | T674/1991<br>T4867/1975   | Masonite Africa Ltd  | B10512/1968<br>B8002/1973<br>I-502/1977LG      |
| 51  | Portion 4 of the farm Misgunst No. 1191                 | 0, 4047 ha   | T4867/1975                | Masonite Africa Ltd  | I-502/1977LG                                   |
| 52  | Remainder of Portion 5 of the farm Misgunst No. 1191    | 161, 3996 ha | T14902/1999               | Mondi Ltd  | VA4523/2012<br>VA588/2007                      |
| 53  | Portion 6 of the farm Misgunst No. 1191                 | 161, 8744 ha | T14902/1999               | Mondi Ltd  | VA4523/2012<br>VA588/2007                      |
| 54  | Portion 9 of the farm Misgunst No. 1191                 | 30, 4506 ha  | T14888/2005               | Phasiwe Community Land Trust-Trustees  | None   |
| 55  | Portion 14 of the farm Misgunst No. 1191                | 191, 4541 ha | T19253/1998               | PR Meyer Farm Trust-Trustees   | B10610/2001<br>B34674/2002                     |
| 56  | Portion 15 of the farm Misgunst No. 1191                | 171, 5459 ha | T14902/1999               | Mondi Ltd  | VA4523/2012<br>VA588/2007                      |
| 57  | Portion 17 of the farm Misgunst No. 1191                | 18, 1237 ha  | T14887/2005               | Phasiwe Community Land Trust-Trustees  | None   |
| 58  | Remainder of Portion 1 of the farm Pine Dale No. 1106   | 578, 7247 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd                                    | B4091/2009<br>B4090/2009                       |
| 59  | Remainder of Portion 2 of the farm Pine Dale No. 1106   | 376, 2770 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd                                    | B4091/2009<br>B4090/2009                       |
| 60  | Remainder of Portion 3 of the farm Pine Dale No. 1106   | 162, 1779 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd                                    | B4091/2009<br>B4090/2009                       |
| 61  | Portion 4 of the farm Pine Dale No. 1106                | 242, 8116 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd                                    | B4091/2009<br>B4090/2009                       |
| 62  | Portion 5 of the farm Pine Dale No. 1106                | 40, 3638 ha  | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd                                    | B4091/2009<br>B4090/2009                       |
| 63  | Remainder of the farm Wilge Spruit No. 974              | 117, 2716 ha | T31048/1998               | Wackem Trust-Trustees  | None   |
| 64  | Remainder of Portion 2 of the farm Wilge Spruit No. 974 | 404, 6860 ha | T4954/1960                | Elizabeth Seele  | B11012/2006<br>K1106/1994L                     |

| NO. | PROPERTY DESCRIPTION                                      | EXTENT       | CURRENT TITLE DEED NO.    | CURRENT OWNER   | BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)              |
|-----|---|--------------|---------------------------|---|--|
|     |   |              |                           |   | K3165/2004L  |
| 65  | Portion 3 of the farm Wilge Spruit No. 974                | 145, 8008 ha | T11217/1976<br>T2116/2013 | Gettrud Martha Drogemoller                                    | None   |
| 66  | Portion 4 of the farm Wilge Spruit No. 974                | 404, 6860 ha | T35272/1995               | Carl August Seele   | B18952/2014<br>K1109/1994L<br>K3168/2004L                |
| 67  | Portion 5 of the farm Wilge Spruit No. 974                | 404, 6860 ha | T4951/1960                | Carl August Seele   | K1108/1994L<br>K3167/2004L                               |
| 68  | Portion 6 of the farm Wilge Spruit No. 974                | 404, 6860 ha | T4952/1960                | Rosemarie Ruth Cathrina Clara Jones                           | B16493/1991<br>B31948/1993<br>K1110/1994L<br>K2747/2004L |
| 69  | Portion 7 of the farm Wilge Spruit No. 974                | 404, 6860 ha | T17312/2011               | Irene Trust-Trustees  | K1107/1994L<br>K2508/2004L                               |
| 70  | Portion 8 of the farm Wilge Spruit No. 974                |              |                           | Not Registered  |  |
| 71  | Portion 9 of the farm Wilge Spruit No. 974                |              |                           | Not Registered  |  |
| 72  | Portion 3 of the farm Jagers Veldt No. 1873               | 181, 2790 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                                 |
| 73  | Portion 4 of the farm Jagers Veldt No. 1873               | 2, 0739 ha   | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                                 |
| 74  | Portion 5 of the farm Jagers Veldt No. 1873               | 4047 ha      | T499/1893                 | Methodist Church of Southern Africa                           | I-2730/1977LG  |
| 75  | Remainder of Portion 14 of the farm Jagers Veldt No. 1873 | 89, 3390 ha  | T11380/1996<br>T6206/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4060/2009<br>B4061/2009                                 |
| 76  | Portion 15 of the farm Jagers Veldt No. 1873              | 259, 7754 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                                 |
| 77  | Portion 16 of the farm Jagers Veldt No. 1873              | 89, 0309 ha  | T11380/1996<br>T6206/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4060/2009<br>B4061/2009                                 |
| 78  | Remainder of the farm Fairdale No. 10676                  | 185, 4381 ha | T13576/1989               | Fairdale Trust-Trustees                                       | K1195/1990S  |
| 79  | Portion 1 of the farm Fairdale No. 10676                  | 137, 5932 ha | T13576/1989               | Fairdale Trust-Trustees                                       | None   |
| 80  | Portion 2 of the farm Fairdale No. 10676                  | 40, 0816 ha  | T31455/1983               | Lesley Ann Venter   | None   |
| 81  | Portion 4 of the farm Fairdale No. 10676                  | 31, 0923 ha  | T19913/2013               | CTC Electrical Supplies cc                                    | None   |
| 82  | Portion 5 of the farm Fairdale No. 10676                  | 140, 3224 ha | T13576/1989               | Fairdale Trust-Trustees                                       | None   |
| 83  | Portion 6 of the farm Fairdale No. 10676                  | 96, 3450 ha  | T13576/1989               | Fairdale Trust-Trustees                                       | None   |
| 84  | Remainder of the farm Umvoti Vley No. 1886                | 201, 5422 ha | T7562/1950                | Republic of South Africa                                      | None   |
| 85  | Remainder of Portion 5 of the farm Umvoti Vley No.        | 111, 6730 ha | T6882/2012                | George Frederic Nefdt   | B418/2012  |

| NO. | PROPERTY DESCRIPTION   | EXTENT       | CURRENT TITLE DEED NO.    | CURRENT OWNER   | BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)            |
|-----|--|--------------|---------------------------|---|--|
|     | 1886   |              |                           |   | B9555/2012<br>K28/1987S                                |
| 86  | Portion 7 of the farm Umvoti Vley No. 1886                   | 212, 5594 ha | T12073/2007               | Roy Charles Tremearne   | B15234/2012  |
| 87  | Remainder of Portion 8 of the farm Umvoti Vley No. 1886      | 178, 5939 ha | T12073/2007               | Roy Charles Tremearne   | B15234/2012  |
| 88  | Portion 9 of the farm Umvoti Vley No. 1886                   | 40, 6380 hat | 7562/1950                 | Republic of South Africa                                      | I-2757/1977LG  |
| 89  | Portion 10 of the farm Umvoti Vley No. 1886                  | 7, 0204 ha   | T12073/2007               | Roy Charles Tremearne   | B15234/2012  |
| 90  | Portion 11 of the farm Umvoti Vley No. 1886                  | 130, 0693 ha | T6882/2012                | George Frederic Nefdt   | B4181/2012<br>B9555/2012<br>K28/1987S                  |
| 91  | Remainder of the farm Vlak Vark Vlakke No. 1885              | 470, 6042 ha | T38650/2011               | Stockdale Trust-Trustees                                      | B15233/2012<br>K466/1994S                              |
| 92  | Remainder of Portion 3 of the farm Vlak Vark Vlakke No. 1885 | 126, 0107 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                               |
| 93  | Portion 5 of the farm Vlak Vark Vlakke No. 1885              | 121, 2539 ha | T38650/2011               | Stockdale Trust-Trustees                                      | B15233/2012<br>K466/1994S                              |
| 94  | Portion 6 of the farm Vlak Vark Vlakke No. 1885              | 33, 8063 ha  | T26495/1996<br>T6201/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4050/2009<br>B4051/2009                               |
| 95  | Portion 7 of the farm Vlak Vark Vlakke No. 1885              | 20, 2343 ha  | T30429/2014               | Oak Park Trading 147 (Pty) Ltd                                | None   |
| 96  | Portion 9 of the farm Vlak Vark Vlakke No. 1885              | 7, 4244 ha   | T11391/1979               | ELC Prop Management Co<br>ELCSA Property Management Co        | I-2757/1977LG  |
| 97  | Portion 8 of the farm Petrus Vlei No. 1103                   | 20, 8792 ha  | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                               |
| 98  | Portion 9 of the farm Petrus Vlei No. 1103                   | 8, 0962 ha   | T40384/2012               | Mondi Ltd   | None   |
| 99  | Portion 10 of the farm Petrus Vlei No. 1103                  | 163, 1795 ha | T21442/1996<br>T6215/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4079/2009<br>B4078/2009                               |
| 100 | Portion 12 of the farm Petrus Vlei No. 1103                  | 104, 5253 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009                               |
| 101 | Portion 1 of the farm Brocken No. 13431                      | 142, 7766 ha | T16682/1971               | Masonite Africa :Ltd  | B8504/1975   |
| 102 | Portion 3 of the farm Brocken No. 13431                      | 151, 9420 ha | T23697/2009               | Lion Match Forestry (Pty) Ltd                                 | None   |
| 103 | Remainder of the farm Gawith No. 15972                       | 189, 1387 ha | T26492/1996<br>T6221/2009 | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009<br>K1187/1993S<br>K1287/1989S |
| 104 | Portion 1 of the farm Gawith No. 15972                       | 112, 1500 ha | T26849/1989               | Rozetta Avocados cc   | B8033/2014   |

| NO. | PROPERTY DESCRIPTION                                  | EXTENT       | CURRENT TITLE DEED NO.     | CURRENT OWNER   | BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)   |
|-----|---|--------------|----------------------------|---|---|
|     |   |              |                            |   | K1187/1993S<br>VA1047/2009  |
| 105 | Remainder of the farm Heritage No. 12961              | 208, 5292 ha | T21442/1996<br>T6215/2009  | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4078/2009<br>B4079/2009  |
| 106 | Portion 1 of the farm Heritage No. 12961              | 208, 6326 ha | T21442/1996<br>T6215/2009  | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4078/2009<br>B4079/2009  |
| 107 | Portion 1 of the farm Chard No. 5015                  | 51, 8630 ha  | T26492/1996<br>T6221/2009  | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009  |
| 108 | Portion 2 of the farm Chard No. 5015                  | 73, 8792 ha  | T26492/1996<br>T6221/2009  | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009  |
| 109 | Remainder of Portion 5 of the farm Lot 8 No. 1500     | 64, 9958 ha  | T26492/1996<br>T6221/2009  | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4091/2009<br>B4090/2009  |
| 110 | Portion 6 of the farm Lot 8 No. 1500                  | 123, 8173 ha | T5696/2001                 | Branxholme Trust-Trustees                                     | B13988/2005<br>B27446/2008<br>B3483/2001<br>B5866/2004<br>B8916/2009<br>K1349/2013S<br>K185/1983S |
| 111 | Remainder of Portion 7 of the farm Lot 8 No. 1500     | 43, 5962 ha  | T29484/1987                | Youth for Christ Southern Africa                              | 1086/1982S  |
| 112 | Remainder of Portion 1 of the farm Blinkwater No. 959 | 666, 0227 ha | T14761/1968                | Albert A F Charles Seele-Trustees                             | K1111/1994L<br>K1608/2002S<br>K1609/2002L   |
| 113 | Portion 3 of the farm Blinkwater No. 959              | 474, 2449 ha | T24230/1996                | Blinkwater Seele Trust-Trustees                               | K1608/2002S<br>K1161/2002L<br>K535/1995L  |
| 114 | Remainder of the farm Came No. 16853                  | 930, 5367 ha | T6196/2009<br>T7092/1997   | Sappi Property Company (Pty) Ltd<br>Sappi Southern Africa Ltd | B4040/2009<br>B4041/2009  |
| 115 | Portion 1 of the farm Came No. 16853                  | 31, 6413 ha  | T7093/1997                 | Evelyn Joan Dutton  | None  |
| 116 | Portion 2 of the farm Kusan No. 14412                 | 261, 3473 ha | T16212/1998                | GT Family Trust-Trustees                                      | B14432/1998<br>B9449/2001   |
| 117 | Portion 3 of the farm Kusan No. 14412                 | 306, 4786 ha | T13536/1977<br>T54160/2001 | Robert Cardigan Egner – Trustees                              | K2889/2001S   |
| 118 | Portion 4 of the farm Kusan No. 14412                 | 299, 8047 ha | T65369/2001                | Jonathan Grey Egner   | B21495/2003<br>K603/1983S   |

| NO. | PROPERTY DESCRIPTION                        | EXTENT       | CURRENT TITLE DEED NO.     | CURRENT OWNER   | BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)             |
|-----|---|--------------|----------------------------|---|---|
| 119 | Remainder of the farm Valleyfield No. 12968 | 148, 8208 ha | T33234/2014                | Rita Bertha Klipp   | None  |
| 120 | Portion 1 of the farm Valleyfield No. 12968 | 321, 7836 ha | T26495/1996<br>T6201/2009  | Sappi Southern Africa Ltd<br>Sappi Property Company (Pty) Ltd | B4051/2009<br>B4050/2009                                |
| 121 | Remainder of the farm Sophia Dale No. 1360  | 454, 6572 ha | T3685/1969                 | Sophia Ecclesia Henrietta Kuun                                |   |
| 122 | Portion 7 of the farm Sophia Dale No. 1360  |              |                            | Not Registered  |   |
| 123 | Remainder of the farm Blinkwater No. 15752  | 952, 6497 ha | T35240/1997                | Mondi Ltd   | None  |
| 124 | Portion 1 of the farm Blinkwater No. 15752  | 314, 4521 ha | 18915/1995                 | Republic of South Africa                                      | None  |
| 125 | The farm Heidelberg No. 15442               | 223, 9600 ha | T1216/1982                 | Eduard R. Meyer   | B12683/2015<br>B22475/2010                              |
| 126 | The farm Mookloof No. 16196                 | 160, 0749 ha | T23450/2011                | Citeaux Estates (Pty) Ltd                                     | B17436/2011<br>B7407/2015                               |
| 127 | The farm Bromhead No. 16197                 | 63, 6833 ha  | T5003/1995                 | Leon Pierre Hartwig   | None  |
| 128 | The farm Chard No. 16198                    | 71, 0156 ha  | T10191/1992                | Anton Theo Hartwig & Hazel Margaret Hartwig                   | None  |
| 129 | Portion 3 of the farm Summerhill No. 15571  | 260, 8301 ha | T1613/1995                 | Mondi Ltd   | None  |
| 130 | Remainder of the farm Lot Z No. 4576        | 104, 6694 ha | T18915/1995                | Republic of South Africa                                      | None  |
| 131 | Remainder of the farm Lot AA No. 8080       | 50, 9918 ha  | T14751/1968                | Albert A F Charles Seele-Trustees                             | K111/1994L<br>K1609/2002L                               |
| 132 | The farm Perfect No. 12700                  | 527, 1721 ha | T24232/1996                | Perfect Seele Trust-Trustees                                  | K1608/2002S<br>K1612/2002L<br>K535/1995L                |
| 133 | The farm Winterhaven No. 15888              | 274, 9246 ha | T26013/201                 | Midlands Pine Products (Pty) Ltd                              | B16752/2010   |
| 134 | A portion of the farm Sevenoaks No. 17467   | 445, 7587 ha | T9307/2004                 | Seven Oaks Sugar Estate (Pty) Ltd                             | B7194/2014<br>B7863/2004<br>K696/2004S                  |
| 135 | Portion 3 of the farm Fairfield No. 11815   | 656, 0880 ha | T19793/2002<br>T51504/2007 | Crowe Brothers (Pty) Ltd                                      | B12625/2002<br>B7086/2014<br>I-4864/2010C<br>K587/1998L |
|     | Portion 4 of the farm Fairfield No. 11815   |              | 19793/2002                 | Fairfield Estates (Pty) Ltd                                   | VA1971/2001<br>VA1973/2001                              |

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

## NOTICE 1810 OF 2023

## GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

|  |   |   |
|--|---|---|
| <b>Property</b>  | : | <b>A portion of Portion 0 of the farm Verdiend No. 199</b>  |
| <b>Extent of property</b>                              | : | <b>758, 7360 hectares</b>   |
| <b>Magisterial District</b>                            | : | <b>Babanango</b>  |
| <b>Administrative District</b>                         | : | <b>KwaZulu-Natal</b>  |
| <b>Current Title Deed No.</b>                          | : | <b>T26425/2013</b>  |
| <b>Current Owner</b>                                   | : | <b>Paradise Falls Timber Proprietary Limited</b>  |
| <b>Bonds &amp; Restrictive Conditions (Interdicts)</b> | : | <b>K3349/2008S; VA3001/2013</b>   |
| <b>Claimant</b>  | : | <b>1. Mandlophe Zebron Qwabe on behalf of the Qwabe Family<br/>2. Fanyana Zulu on behalf of the Zulu Family<br/>3. Thandekile Manqele on behalf of the Manqele family</b> |
| <b>Date claim lodged</b>                               | : | <b>1. 31 December 1998<br/>2. 31 December 1998<br/>3. 20 July 1996</b>  |
| <b>Reference number</b>                                | : | <b>1. KRN6/2/2/E/2/0/0/14<br/>2. KRN6/2/2/E/2/0/0/18<br/>3. KRN6/2/2/E/2/0/0/8</b>  |

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

## NOTICE 1811 OF 2023



Block A | 4th Floor | Meintjiesplein Building | 536 Francis Baard Street | Arcadia | 0002  
Private Bag X935 | Pretoria | 0001  
Tel: 012 341 1115 | Fax: 012 341 1811/1911  
<http://www.namc.co.za>

**DECIDUOUS FRUIT INDUSTRY  
APPLICATION TO BENEFIT FROM A STATUTORY LEVY IN THE  
DECIDUOUS FRUIT INDUSTRY**

**NAMC REQUESTING COMMENTS / INPUTS FROM INDUSTRY ROLE PLAYERS**

On 5 May 2023, the Minister of Agriculture, Land Reform and Rural Development received a request from the Deciduous Fruit Development Chamber of South Africa (DFDC-SA), that the Minister approves that the 20% of the statutory levy (or transformation levy) to be implemented in the deciduous fruit industry in terms of the Marketing of Agricultural Products Act (MAP Act), 1996, be administered by the DFDC-SA. This means that HORTGRO must collect the proposed deciduous fruit statutory levy for the 2023/24 to 2026/27 period, and must further be requested by the Minister to transfer the transformation component of the statutory levy, to DFDC-SA to finance the transformation activities in the deciduous fruit industry.

According to the application received, the DFDC-SA is a registered Non-Profit Company which represents black designated groups, labourers and workers on farms and related industry, administrative personnel, community members surrounding the location, children of community members, rural community leaders and consumers of deciduous fruit products.

Currently, the following statutory measures are applicable on pome and stone fruit, to lapse on 5 December 2023, namely –

- The payment of levies in terms of Section 15 of the MAP Act;
- Keeping of records and returns in terms of Section 18 of the MAP Act; and
- Registration of persons and institutions in terms of Section 19 of the MAP Act.

Currently, HORTGRO, the national umbrella industry service body for a range of horticultural crops, is responsible for the administration of statutory measures in the deciduous fruit industry. On 29 March 2023, HORTGRO applied on behalf of Hortgro Pome and Hortgro Stone for the continuation and amendment of statutory measures (levies, records & returns and registration) on pome fruit (apples and pears) and stone fruit (plums / prunes, peaches / nectarines and apricots). Hortgro Pome and Hortgro Stone is registered as Non-Profit Companies, representing pome and stone fruit production regions in South Africa. Both fall under the structure of HORTGRO, the umbrella industry service organisation.

Council Members: Mr. A. Petersen (Chairperson), Ms. T. Ntshangase (Deputy Chairperson),  
Prof. A. Jooste, Mr. S.J. Mhlaba, Ms. F. Mkile, Ms. N. Mokose, Ms. S. Naidoo, Mr. G. Schutte and Dr. S.T. Xaba.

- 2 -

Furthermore, on 29 March 2023, HORTGRO requested the Minister's approval that the current statutory measures on pome and stone fruit be amended and continued for another four years. These statutory measures are as follows -

- The payment of levies in terms of Section 15 of the MAP Act;
  - Traditional levy on -
    - i. Fresh pome and stone fruit (domestic and export) as well as processed apples;
    - ii. Dried tree fruit;
  - Trade and market focused levy on -
    - iii. Pome and stone fruit exported (export levy);
    - iv. Fresh stone fruit delivered to local fresh produce markets (local market levy);
    - v. Dried tree fruit trade and market focussed levy;
- Keeping of records and returns in terms of Section 18 of the MAP Act; and
- Registration of persons and institutions in terms of Section 19 of the MAP Act.

However, DFDC-SA applied to the Minister to appoint them as a service provider to administer the 20% transformation portion of the proposed deciduous fruit statutory levy.

The DFDC's proposed budget for the 2023/24 to 2026/27 period, will be as follows:

|  | 2023/24           | 2024/25           | 2025/26           | 2026/27           |
|--|-------------------|-------------------|-------------------|-------------------|
| <b>Income</b>                          | <b>R</b>          | <b>R</b>          | <b>R</b>          | <b>R</b>          |
| Estimate transformation income         | 24 000 000        | 25 440 000        | 26 966 400        | 28 584 384        |
| Estimate administrative income         | 2 666 667         | 2 826 667         | 2 996 267         | 3 176 043         |
| <b>Total income</b>                    | <b>26 666 667</b> | <b>28 266 667</b> | <b>29 962 667</b> | <b>31 760 427</b> |
|  |                   |                   |                   |                   |
| <b>Expenditure</b>                     | <b>2023/24</b>    | <b>2024/25</b>    | <b>2025/26</b>    | <b>2026/27</b>    |
| Transformation activities              | 57 685 823        | 60 246 972        | 62 961 790        | 65 839 498        |
| Staff costs                            | 704 046           | 746 289           | 791 066           | 838 530           |
| Lease rentals                          | 208 315           | 229 147           | 252 061           | 277 267           |
| Professional fees                      | 296 892           | 326 581           | 359 239           | 395 163           |
| It costs                               | 10 000            | 10 600            | 11 236            | 11 910            |
| Office overheads                       | 627 560           | 665 214           | 705 127           | 747 435           |
| Collection commission (2,5% of income) | 666 667           | 706 667           | 749 067           | 794 011           |
| Travelling                             | 44 000            | 46 640            | 49 438            | 52 405            |
| Publication and printing               | 28 000            | 29 680            | 31 461            | 33 348            |
|  |                   |                   |                   |                   |
| <b>Total expenditure</b>               | <b>60 271 303</b> | <b>63 007 790</b> | <b>65 910 485</b> | <b>68 989 567</b> |
| Deficit                                | -33 604 636       | -34 741 123       | -35 947 818       | -37 229 140       |

According to the DFDC-SA, the objective of the transformation levy is to facilitate economic and social development and transformation in the deciduous fruit industry through programmes such as enterprise development, skills development and employment equity, management control, socio-economic development, ownership. DFDC-SA also indicates that the transformation levy will not be detrimental to the number of employment opportunities or fair labour practice but will enhance the work of black farmers and black entrepreneurs, labour and social stakeholders in the deciduous fruit industry. The DFDC-SA also proposes that the transformation levy must be collected by HORTGRO and be transferred to the DFDC-SA as beneficiary, administrator and implementer of the proposed transformation statutory levy funds.

The DFDC-SA indicates that the estimated total statutory levy funding request for the four-year period, will be approximately R116.7 million. However, their estimated expenditure over the same period, will be approximately R258.2 million.

Directly affected groups (e.g. agents, certification bodies, exporters, export inspection bodies, fresh produce markets, producers, processors, packers and traders) in the deciduous fruit industry, are kindly requested to submit any comments, in writing, regarding the proposed transfer of transformation statutory levy funds to the DFDC-SA. Comments must be submitted to Mathilda van der Walt ([mathildavdw@namc.co.za](mailto:mathildavdw@namc.co.za)) on or before 2 June 2023, to enable the Council to finalise its recommendation to the Minister in this regard.

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

## NOTICE 1812 OF 2023



MINISTER  
AGRICULTURE, LAND REFORM AND RURAL  
DEVELOPMENT REPUBLIC OF SOUTH AFRICA

Private Bag X250, PRETORIA, 0001 • Tel.: +27 12 319 7319 • Fax 012 319 6681

Private Bag X9087, CAPE TOWN, 8000 • Tel.: +27 21 467 4502 • Fax 021 465 6550 • Web: [www.dalrrd.gov.za](http://www.dalrrd.gov.za)

**NOTICE OF THE DRAFT NORMS AND STANDARDS IN TERMS OF SECTION 8 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (16 OF 2013)**

I, Mrs Angela Thokozile Didiza, Minister for Agriculture, Land Reform and Rural Development, hereby publish the draft Norms and Standards for Spatial Planning and Land Use Management in terms of Section 8 of the Spatial Planning and Land Use Management Act No. 16 of 2013 (SPLUMA). The draft Norms and Standards is hereby published for consultation stipulated in terms of Section 8(1) of the SPLUMA and all interested persons, organisations and institutions are invited to make representations and submit written inputs on the draft Norms and Standards on or before the closing date of this notice.

All representations in writing must be lodged for the attention of the Director-General for Agriculture, Land Reform and Rural Development via email to [SPLUMA@dalrrd.gov.za](mailto:SPLUMA@dalrrd.gov.za) within 30 calendar days of the date of this notice. The draft Norms and Standards Spatial Planning and Land Use Management is available at <http://www.dalrrd.gov.za> and where required, an electronic copy can be requested via email to [SPLUMA@dalrrd.gov.za](mailto:SPLUMA@dalrrd.gov.za).

A handwritten signature in black ink, appearing to read 'A. T. Didiza'.

MRS A T DIDIZA, MP

MINISTER: AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

DATE: 16-03-2023



agriculture, land reform  
& rural development

Department:  
Agriculture, Land Reform and Rural Development  
REPUBLIC OF SOUTH AFRICA

# Norms and Standards for Spatial Planning and Land Use Management in Terms of Section 8 of SPLUMA

**2021**

**Status: Draft**

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## 1. Introduction

### 1.1 Purpose of this Document

The Department of Agriculture, Land Reform and Rural Development's (DALRRD) strategic objectives are corporate governance and service excellence through compliance within land administration and spatial planning for integrated and sustainable growth and development, among others. Section 8 of the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013) (SPLUMA) empowers the Minister of the DALRRD, after consultation with organs of state in the provincial and local spheres of government, to prescribe norms and standards that reflect national policy, promote social inclusion, spatial equity, desirable settlement patterns, and differentiate between areas, needs and types of land use where appropriate.

Accordingly, the purpose of this document is to set out norms and standards for spatial planning and land use management. The norms and standards are not intended to prescribe any binary outcome such as "yes" or "no" or what is permissible or what is not; rather they seek to promote a normative approach that will ensure wise use of land. In other words, the norms and standards are flexible and enable spatial planning and land use management to be undertaken in a manner that is responsive to the varying landscape of municipal capacities throughout the country.

### 1.2 Overview of policy and legislative framework

The Constitution sets out the country's developmental vision, including the commitment in the Preamble to "heal the divisions of the past" and "improve the quality of life of all citizens and free the potential of each person", and in Chapter 10 of the Constitution that "public administration must be development-oriented". These Constitutional principles lay the basis for the use of planning throughout government as a tool to ensure the activities of government are geared towards the country's development and transformation. In this regard, the legislative context influencing the development of national norms and standards is briefly set out below.

### 1.2.1 White Paper on Spatial Planning and Land Use Management

In July 2001, the minister of the then Agriculture and Land Affairs Department presented a white paper on spatial planning and land use management. This paper was arguable the first to introduce the concept of norms into the South African spatial planning milieu. The paper recognizes the relationship between principles and norms and spells out a range of principles that are intended to guide all land development actions and decisions, with each principle having a corresponding set of norms. It also describes why principles and norms are required for efficient spatial planning and land management, application of the principles and norms, and ways to operationalise the same. Table 1 provides a glimpse of the principles and corresponding norms as enunciated in the White Paper.

*Table 1: Principles and Norms described in the White Paper on Spatial Planning and Land Use Management*

| Principle   | Norm   |
|---|--|
| The principle of sustainability requires the sustainable management and use of the resources making up the natural and built environment.   | <ul style="list-style-type: none"> <li>• Land may only be used or developed in accordance with law;</li> <li>• The primary interest in making decisions affecting land development and land use is that of national, provincial or local interest as recorded in approved policy;</li> <li>• Land development and planning processes must integrate disaster prevention, management or mitigation measures;</li> <li>• Land use planning and development should protect existing natural, environmental and cultural resources; and</li> <li>• Land which is currently in agricultural use shall only be reallocated to other uses where real need exists, and prime agricultural land should remain in production.</li> </ul> |
| The principle of equality requires that everyone affected by spatial planning, land use management, and land development actions or decisions must enjoy equal protection and benefits, and no unfair discrimination should be allowed. | <ul style="list-style-type: none"> <li>• Public involvement in land use planning and development processes must be inclusive of all persons and groups with an interest in the matter being decided;</li> <li>• Land use regulators and planning authorities must ensure that benefits and opportunities flowing from land development are received by previously disadvantaged communities and areas; and</li> <li>• The appropriateness of land use must be determined on the basis of its impact on society as a whole rather than only the applicant or immediate neighbours.</li> </ul>   |
| The principle of efficiency requires that the desired result of land use must be  | <ul style="list-style-type: none"> <li>• Land use planning and development should promote the development of compact human settlements, combating low-intensity urban sprawl;</li> </ul>   |

| Principle   | Norm  |
|---|---|
| produced with the minimum expenditure of resources.   | <ul style="list-style-type: none"> <li>• The areas in which people live and work should be close to each other; and</li> <li>• Plans for contiguous municipalities and regions should relate positively to each other.</li> </ul>   |
| The principle of integration requires that the separate and diverse elements involved in development planning and land use should be combined and coordinated into a more complete or harmonious whole. | <ul style="list-style-type: none"> <li>• Land use planning and development decisions should take account of and relate to the sectoral policies of other spheres and departments of government.</li> <li>• Land use and development should promote efficient, functional and integrated settlements;</li> <li>• Land use and development should be determined by the availability of appropriate services and infrastructure, including transportation infrastructure;</li> <li>• Land use and development should promote racial integration; and</li> <li>• Land use and development should promote mixed-use development.</li> </ul>  |
| The principle of fair and good governance requires that spatial planning, land use management, and land development must be democratic, legitimate and participatory                                    | <ul style="list-style-type: none"> <li>• Affected parties have a right to access information pertinent to land use and development plans that are being considered by land use regulators;</li> <li>• Capacities of affected communities should be enhanced to enable them to comprehend and participate meaningfully in development and planning processes affecting them;</li> <li>• Decisions must be made in the public domain, with written reasons available to any interested party on request and no planning decisions taken behind closed doors;</li> <li>• The names and contact details of officials with whom the public should communicate in relation to spatial planning, land use management, and land development matters must be publicised;</li> <li>• Land use and development decisions must be taken within statutorily specified time frames; and</li> <li>• Accessible participatory structures should be created to allow interested and affected parties to express their concerns or support for any land use or land development decision at a sufficiently early stage in the decision-making process.</li> </ul> |

*Source: White Paper on Spatial Planning and Land Use Management, July 2001*

The paper recognizes that wise use of land needs to be supported by rational planning of all uses of land in an integrated manner, linking social and economic development with environmental protection, minimising conflicts and making the most efficient trade-offs. Through the norms and principles, the paper promotes

normative based spatial planning, land development, and land use management. It also clearly articulates that the principles and norms are not final as they require further actualization in specific and concrete contexts.

### 1.2.2 National Development Plan (NDP) 2030

*“Spatial Planning in South Africa will be guided by a set of normative principles to create spaces that are liveable, equitable, sustainable, resilient and efficient, and support economic opportunities and social cohesion.”*- National Development Plan (NDP) 2030.

In August 2012, the National Planning Commission (NPC) presented the NDP 2030. The Plan proposes a series of actions to eliminate poverty and reduce inequality by 2030. Chapter 8 of the NDP addresses the Transformation of Human Settlements; it proposes a national focus on spatial transformation across all geographic scales through an incremental approach within a long-term strategic vision as it will prevent organizational overload and political failure. The NDP pronounces a range of actions that need to be taken to transform human settlements and spatial planning pattern of the country.

Similar to the White Paper on Spatial Planning and Land Use Management (2001), it also proposes a normative approach for spatial planning flowing from a set of development principles. The development principles are briefly described below;

- Spatial justice- The historic policy of confining particular groups to limited space, and the unfair allocation of public resources between areas should be reversed and needs of the poor are addressed on priority basis
- Spatial sustainability- Sustainable patterns of consumption and production should be supported, and ways of living promoted that do not damage the natural environment.
- Spatial resilience- Vulnerability to environmental degradation, resource scarcity, and climatic shocks must be reduced. Ecological systems should be protected and replenished.
- Spatial quality- The aesthetic and functional features of housing and the built environment need to be improved to create liveable, vibrant and valued places that allow for access and inclusion of people with disabilities.

- Spatial efficiency- Productive activity and jobs should be supported, and burdens on business minimised. Efficient commuting patterns and circulation of goods and services should be encouraged, with regulatory procedures that do not impose unnecessary costs on development.

The NDP also clearly articulates the importance of principles and norms in relation to spatial planning and land development to reverse the apartheid geography. The development of the spatial norms and standards has been identified as one of the key actions of the plan. The plan proposes that norms and standards should be developed for a range of spatial transformation activities such as densifying cities, improving transport, locating jobs where people live, upgrading informal settlements and fixing housing market gaps (p-465, National Development Plan 2030). The development principles need to be translated into operational norms and standards that would guide the spatial planning process, contents of spatial plans, land development, and land use management activities. The norms and standards should support the overarching spatial vision of the NDP, specifically to;

- Tackle inherited spatial divisions
- Unlock development potential
- Guide and inform infrastructure investment and prioritisation
- Manage contemporary economic and demographic shifts
- Facilitate coordination between parts of government and other agents

### **1.2.3 Spatial Planning and Land Use Management Act, 2013 (SPLUMA)**

SPLUMA was assented to by the president on 05 August 2013, and came into force on 01 July 2015. It is a legislative framework that focuses planning on an all-inclusive process relying heavily on Spatial Development Frameworks and Land Use Management Schemes. In addition to providing an integrative approach for comprehensive solutions to eradicate the spatial injustices of the past, the overall purpose of the SPLUMA is to provide a legislative framework for spatial planning and land use management planning regulation across all spheres of government.

Section 8 of the Act requires that national norms and standards be developed reflecting national policy, promoting social inclusion, spatial equity, and desirable

settlement patterns, maximising efficiency, analysing existing spatial trends and proposing alternatives, identifying strategic under-utilised land, standardising symbology and differentiating between areas, needs and types of land use where appropriate.

#### **1.2.4 Intergovernmental Relations Framework Act (2005) (IGFR)**

The Constitution (1996) states that 'government is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated' (section 40(1)). Each of the spheres is autonomous and enjoys the right to make final decisions on matters that fall within its respective area of competence. However, there many other various functions that are shared among these three spheres of government. On 15 August 2005, the IGRF Act was promulgated to give effect to the principles of cooperative governance.

This Act provides a framework for the establishment of intergovernmental forums and mechanisms to facilitate the settlement of intergovernmental disputes, and effectively realise the developmental goals of government as a whole. Owing to the need for both public and private considerations in the stakeholder engagement processes, the IGR legislative principles should inform the stakeholder relational management approach in the formulation of national norms and standards

#### **1.2.5 Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) (PAJA)**

This Act gives effect to the right to administrative action that is lawful, reasonable and procedurally fair as well as to the right to written reasons for administrative action as contemplated in section 33 of the Constitution of the Republic of South Africa, 1996. It seeks to make the administration effective and accountable to people for its actions. Together with the Constitution it embraces the Batho Pele Principles and promotes South African citizens' right to just administration. This section of the Constitution also ensures that people have the right to ask for written reasons when administrative action has a negative impact on them<sup>1</sup>. SPLUMA explicitly states that the norms and standards must be consistent with the provisions of this Act.

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<sup>1</sup> PAJA Guide. 2017. Department of International Relations and Cooperation

## 2. Why do norms and standards matter?

Until the promulgation of the SPLUMA, the elements proposed in various spatial policies including the 2001 White Paper on Local Government, were not included in any legislation governing spatial planning and land use management<sup>2</sup>. It was stated by the DALRRD (2014) in a presentation to the 8th National SALGA MM Forum Programme that the enactment of the SPLUMA has brought fundamental changes to spatial planning and land use management. The Act is a direct response to various challenges facing the planning domain and seeks to ensure the following overarching objectives, inter alia:

- The application of development principles as well as addressing the fragmented, and unsustainable spatial development patterns still characterising the country;
- Creating a single, integrated legal framework dealing with planning in a uniform way for the country; and
- Specifying the role of each sphere of government in the planning system.

In terms of Section 9(2) of the SPLUMA, the government must in accordance with SPLUMA and the IGRF Act develop mechanisms to support and strengthen the capacity of provinces and municipalities to adopt and implement effective spatial planning and land use management. Section 4 (a-d) of SPLUMA describes the spatial planning systems in South Africa, while Section 5 (1-3) indicates the categories of spatial planning.

The plans are supposed to be prepared based on the Development Principles as reflected in Section 7 (a-e) of the same Act. Spatial Development Frameworks have been made a requirement in the three spheres of government to ensure complementarity and supplementarity of plans. The SDF is seen as a core component of the municipality's economic, sectorial, spatial, social, institutional and environmental vision. The different types of SDFs identified are as follows: National SDF, Provincial SDF, Regional SDF, District SDF, and Local SDF.

<sup>2</sup> South African Cities Network, 2015.

Land Use Management is defined as a “process of establishing or implementing any measure to regulate the use or a change in the form or function of land, and includes land development”<sup>3</sup>. SPLUMA defines it as “a system of regulating and managing land use and conferring land use rights through the use of schemes and land use development procedures”. The norms and standards for the preparation of such schemes will have to be prepared to deal with the content, type and procedures to be followed in the management process

SPLUMA also makes provision for a normative planning approach, premised on five development principles from which norms and standards for spatial planning and land use management must emanate. The development of these norms and standards has ultimately become a matter of priority for the DRDLR. Section 8 of SPLUMA sets out that norms and standards must:

- Reflect the national policy, national policy priorities and programmes relating to land use management and land development;
- Promote social inclusion, spatial equity, desirable settlement patterns, rural revitalization, urban regeneration and sustainable development;
- Ensure that land development and land use management processes, including applications, procedures, and timeframes are efficient and effective;
  - Include- report on and an analysis of existing land use patterns
  - A framework for desired land use patterns
  - Existing and future land use plans, programmes and projects relative to key sectors of the economy and
  - Mechanisms for identifying strategically located and vacant or under-utilised land and for providing access to and the use of such land;
- Standardise the symbology of all maps and diagrams at an appropriate scale;
- Differentiate between geographic areas, types of land use and development needs; and

<sup>3</sup> Guidelines for the Development of Spatial Development Framework, DRDLR, 2011:4.

- Provide for the effective monitoring and evaluation of compliance with and enforcement of this Act.

The objectives of the norms and standards are to promote social inclusion, spatial equity, efficient settlement patterns, rural revitalization, urban regeneration and sustainable development.

## Approach and methodology

The formulation of the norms and standards drew largely from the 2017/18 Discussion Document on Norms and Standards<sup>4</sup>. This document identified a number of detailed categories for which norms and standards need to be developed. It identified two (2) broad categories, namely, Spatial Planning and Land Use Management. Each category contained a number of thematic areas for which norms and standards should be developed. The document also proposed that these norms and standards should address and respond to the unique spatial landscapes of urban, rural and peri-urban areas and should be developed through a consultative approach to increase their credibility and use.

### 2.1 Desktop study

The desktop study component of the norms and standards aimed to present a structure and framework on how the research findings can be further synthesised in a logical way so as to provide a framework to ultimately formulate the norms and standards. The study resulted in a plethora of terms and phrases associated with spatial development planning and land use management.

While many of these findings are familiar to the planning fraternity, it presented a good and holistic overview of the thinking, locally and internationally. It further included some of the more, perhaps not so familiar, new recent or emerging global and local directions and trends, and some alternative and novel approaches to spatial planning, e.g., focus on alternative energy and infrastructure, the fourth industrial revolution etc.

Together with the findings of the Discussion Document, a User-Friendly Guideline document by the DALRRD<sup>5</sup> on how to apply the SPLUMA principles in planning was also used as an informant in the desktop study. This document, in support of the philosophy and aims of SPLUMA, presents guidelines on how to interpret and apply the SPLUMA principles in the various planning tools and processes such as: 1) the compilation of SDFs, 2) the various components of the Land Use Management

<sup>4</sup> Commissioned by the DALRRD during 2017/18 to provide a framework with recommendations for the development of Norms and Standards for Spatial Planning and Land Use Management.

<sup>5</sup> This was a separate but interrelated project done in tandem with the Discussion Document for Norms and Standards project during 2017/18.

System (LUMS); 3) the Land Use Scheme (LUS), and the decision-making processes. The following diagram, extracted from the aforesaid guideline document presents a snapshot of the SPLUMA principles and the sub principles in support of SPLUMA (see Figure 1.)

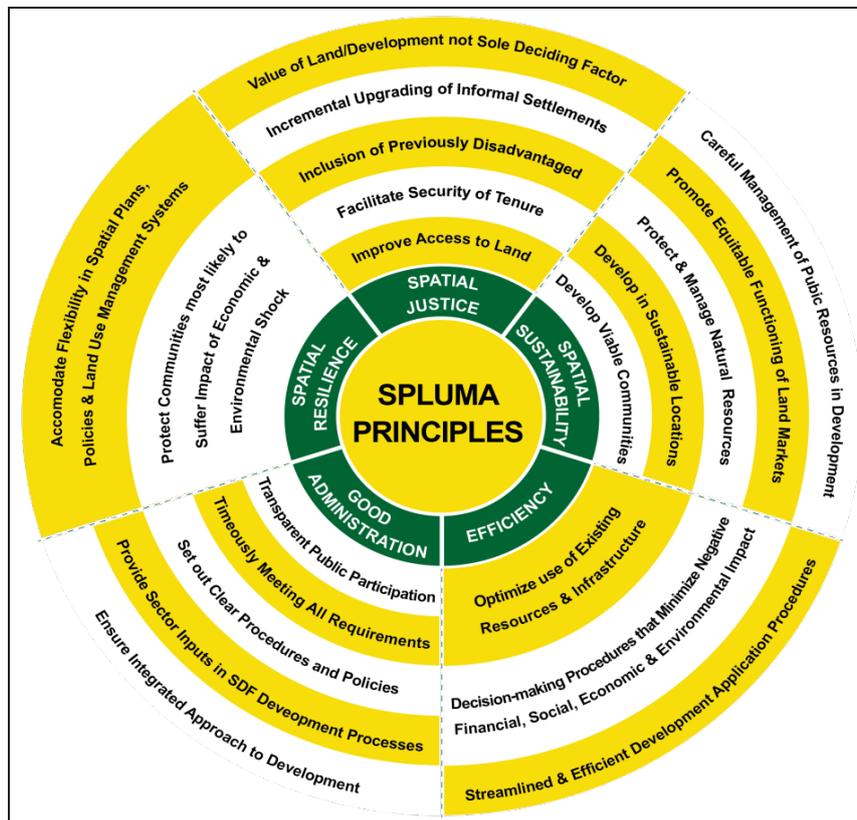


Figure 1: SPLUMA Wheel

For the purpose of the desktop studies, and ultimately developing norms and standards, the wheel (principles and sub principles) in Figure 1 was used as the basis for the desktop study. It should be noted that the categories and sub categories were further expanded to include the categories which were developed by the initial Discussion Document on Norms and Standards. In addition to this, the categories and sub categories were further expanded or grouped in themes as the desktop study unfolded and as additional information became available.

## 2.2 Definitions of norms and standards?

From the desktop study, it became obvious that various different terms or statements are being used to describe “norms” or normative statements or just terms that relate

to norms. For instance, many institutions or policies refer to terms such as principles, guidelines, strategic guidelines, strategic pillars, guiding principles, goals, objectives etc. While some of these bear the status of a rule or norm, or present the intent of what needs to be done, the distinction isn't always clear. However, these terms or statements that were collated from the desktop provided the content and essence of the issues or challenges (relating to the SPLUMA principles) which assisted in formulating the actual norms. On the other hand, the meaning of "a standard" seems to be somewhat clear as it relates to something used as a measure. The Social Housing Regulatory Authority (SHRA) (2019), defines norms and standards as documents that specify and define a set of common criteria, methods and procedures that must be used to achieve a benchmark in terms of compliance.

### 2.3 From Desktop Study to formulating the Norms and Standards

The desktop study brought to the fore a possible rationale for formulating norms in a structured way and within a specific larger rationale or context, for example to contextualise national norms, within the context of global visions, current national and local visions, development goals and principles as presented in the various policy documents. To this end, the process of formulating norms was based on a deductive process which involved the following:

- a) Recording and unpacking policy directions (visions, principles goals and phrases) of most prominent international policies such as the Millennium Development Goals (MDGs), e.g., alleviating poverty, as well as related concepts relating to such goal, e.g., stimulating economic growth and local economic development in impoverished areas.
- b) Unpacking the phrases of most prominent national policies such as the NDP 2030, its vision pillars, goals etc. as well as related concepts relating to such goals.
- c) Unpacking the phrases of most prominent local and sector policies such as Spatial Development Frameworks (SDFs), land use management plans, visions, goals etc. as well as related concepts relating to such goals.
- d) Spatial analysis of provincial and metro SDFs (spatial plan components) in order to assess gaps and misalignment between spatial structure and e.g., national goals in an attempt to address such gaps through appropriate norms

- e) In addition to the above, an analysis of existing land use patterns in the country, which was further split into provincial analyses.
- f) Environmental considerations were also taken into account and formed part of the framework for desired land use patterns as well as future land use plans in relation to key sectors of the economy.

### 3. Living document approach

We need to adapt and continuously learn and improve if we are to be able to meet the challenges posed by the complexities of built environment development. This document is the starting point for the industry and presents a strong foundation to build on. It should be viewed as a “living document”, aimed to be updated as and when necessary to ensure the industry is provided an opportunity to develop consensus on contentious issues.

## 4. Norms and Standards for spatial planning and land use management

### 4.1 Built environment

#### Part A: Redress, integration and spatial (re)structuring

This sub-category echoes the prevailing emphasis for spatial planning objectives, interventions, strategies and projects to address and redress imbalances of the past and fragmented development. Norms and standards in this category make provision for the development and implementation of strategies that are aimed at facilitating redress, integration, and spatial restructuring. They define the relevant broad scope, key elements and the objectives thereof.

| Ref No. | Norms   | Standards  |
|---------|---|--|
| A-1     | Planning needs to overcome sectoral silos and ensure the development and implementation of basic services and infrastructure planning is geographically interconnected and coordinated. | <ul style="list-style-type: none"> <li>• Collaborations between service providers, land developers and landowners to closely link spatial and sectorial / interdepartmental planning.</li> <li>• Better integration and coordination between services such as housing, water, sewerage and sanitation, energy and electricity, telecommunications and transport.</li> <li>• Spatial development plans aligned to government's programme of action as reflected in the policy and legislative framework.</li> </ul> |
| A-2     | Densification should be encouraged to create sustainable cities and combat low intensity urban  | <ul style="list-style-type: none"> <li>• Designed neighbourhoods of adequate density through infill or planned extension strategies to trigger economies of scale.</li> </ul>  |

| Ref No. | Norms   | Standards  |
|---------|---|--|
|         | sprawl.   | <ul style="list-style-type: none"> <li>Eased density restrictions in low density areas close to city centres and along public transport corridors, and permitting gradual densification throughout most parts of urban areas.</li> </ul> |
| A-3     | Land use management should balance public and private interests and ensure efficient patterns of spatial development. | <ul style="list-style-type: none"> <li>Detailed and modern land use plans that contain zoning regulations to regulate land use and strategic plans to address land use decisions.</li> </ul>   |

### Part B: Identification and development of areas for new sustainable settlements in appropriate locations

This relates to the identification, prioritisation and development of adequate, safe, affordable and sustainable accommodation for all income groups, on suitable and well-located land administered in a transparent manner in accordance with good governance.

| Ref No. | Norms   | Standards  |
|---------|---|--|
| B-1     | Spatial planning and land use management should facilitate more efficient land utilisation for human settlements development. | <ul style="list-style-type: none"> <li>Agreements with national, provincial and municipal landowners to release land that is close to urban centres and unutilised through proper planning at a provincial and municipal level.</li> <li>The most appropriate land with potential for the development of sustainable integrated human settlements over a short-, medium- and long-term horizon identified.</li> <li>Provision of tenure and services in well-located informal</li> </ul> |

| Ref No. | Norms  | Standards   |
|---------|--|---|
| B-2     | Spatial development planning should support the incremental upgrading of informal settlements as well as previously disadvantaged areas. | <p>settlements as the first step in an incremental process of their transformation to sustainable human settlements.</p> <ul style="list-style-type: none"> <li>• Indication of all informal settlements in urban and rural regions as well as their status and prioritisation where specific attention is needed to improve access to basic services and tenure security.</li> </ul> |
| B-3     | Land use regulations need to react to growing demand for housing.  | <ul style="list-style-type: none"> <li>• Regular assessment of land use regulations on their impact on housing costs, which has an implication on housing affordability.</li> <li>• Public policy that ensures housing is built in all price categories.</li> <li>• Compact and transit-oriented development where undeveloped land is being developed.</li> </ul>                    |

### Part C: Appropriate symbology of all maps and diagrams at an appropriate scale

Section 8(2)(e) of SPLUMA stipulates that the norms and standards must standardise the symbology of all maps and diagrams at an appropriate scale. Norms and standards should therefore highlight several key elements that should be included in maps in order to aid the viewer to understand the communications of that map and to document the source of the geographic information used.

| Ref No. | Norms  | Standards   |
|---------|--|---|
| C-1     | <p>The manner of graphical representation of geographic maps, meta- data for tracking changes to land uses, the capture of existing land use trends, as well as diagrams, including colour and size of elements should be applied universally to promote uniformity.</p> | <ul style="list-style-type: none"> <li>Standardisation of only common structuring elements in spatial development frameworks or colour codes for the different spatial categories. Other elements should be open for creativity and contextualisation.</li> </ul> |

## 4.2 Biophysical

### PART A: Conservation of natural environment and agricultural land

This sub-category relates to the consideration of environmental aspects in spatial planning for current public benefit and sustainable social and economic utilization. They also address the preservation, development and sustainable use of agricultural land to ensure long-term food security in South Africa.

| Ref No. | Norms  | Standards  |
|---------|--|--|
| A-1     | Spatial development and land use planning should protect existing natural, environmental and cultural resources.   | <ul style="list-style-type: none"> <li>As per the "Minimum Standards for The Consideration of Environmental aspects In the Preparation and Review of Municipal Spatial Development Frameworks in terms of Section 23a And Section 24(3) of the National Environmental Management Act, 1998" and applicable municipal specific policies.</li> </ul> |
| A-2     | Spatial planning should consistently support and promote the concept of urban development boundaries to protect and limit urban growth extending towards agricultural land and natural agricultural resources. | <ul style="list-style-type: none"> <li>Spatial development plans and policies incorporating the preservation of land, with a high agricultural productivity, for agricultural use.</li> </ul>  |

### 4.3 Socio-economic

#### Part A: Ownership and access to land

These norms and standards relate to the inequalities in land distribution resulting from the unjust laws of the colonial and apartheid regimes. They are based on the idea that there are people who need land and those who are not secure on the land they live on. The norms and standards therefore entail satisfying the need for the landless to acquire land and have resources to sustain their livelihoods.

| Ref No. | Norms   | Standards   |
|---------|---|---|
| A-1     | Implement reforms to give equal rights to land resources, including access to ownership and control over land and other forms of property and financial services. | <ul style="list-style-type: none"> <li>Land redistribution programmes aimed at providing the rural poor with access to land and promoting efficiency and investment in agriculture.</li> <li>Upgrading of informal rights to legally enforceable rights.</li> <li>Better definition of property rights through improvements to formal land administration systems.</li> </ul> |
| A-2     | Facilitate effective land administration to enhance the opportunities for landownership and tenure – especially in previously disadvantaged areas.                | <ul style="list-style-type: none"> <li>Effective land-use planning and enforcement as well as the adjudication of land use conflicts.</li> </ul>  |

### Part B: Poverty alleviation, economic development and job creation

This sub-category is particularly important against the backdrop of the prevailing COVID-19 crisis, where integrated approaches are needed more than ever, as part of the immediate response and efforts to promote an inclusive, job-rich and knowledge-based economy.

| Ref No. | Norms  | Standards  |
|---------|--|--|
| B-1     | Spatial development should promote city-region food systems that meet future food needs of the population.   | <ul style="list-style-type: none"> <li>Protection and development of agricultural land, food spazarettes, agricultural fresh produce markets in the smaller villages linked to Agri-parks and Agrihubs.</li> </ul>                     |
| B-2     | Viable and resilient regional economies such as agriculture, forestry, tourism and mining that recognise and respect the limitations and interdependencies of the national ecological infrastructure and natural resources on which they depend. | <ul style="list-style-type: none"> <li>Identification of key growth areas, opportunities for job creation in all sectors, formal and informal, local economic development, and Small, Medium and Micro Enterprises (SMMEs).</li> </ul> |

#### 4.4 Process

##### Part A: Plans that are supported by, and supportive of government structures and processes

This encapsulates the establishment of effective and appropriate mechanisms to facilitate participation and consultation by and with the various departments at all spheres of government in the spatial development and land use management. The norms and standards provide for the establishment, support and governance of information sharing among service partners.

| Ref No. | Norms  | Standards  |
|---------|--|--|
| A-1     | Provide for effective multi-sectoral collaboration and inter-municipal/provincial collaboration to ensure effective alignment of spatial plans and strategies. | <ul style="list-style-type: none"> <li>Multi-sectoral forums responsible for co-ordinating policy and implementation.</li> <li>Development and implementation of initiatives to support and sustain forums.</li> </ul> |
| A-2     | Land use planning and development decisions should take account of and relate to the sectoral policies of other spheres and departments of government.         | <ul style="list-style-type: none"> <li>Secure the inputs of the various departments at all spheres of government in the decision-making process.</li> </ul>  |

**Part B: Community participation and stakeholder engagements**

Norms and standards should in this sub-category relate to influencing a variety of outcomes through consultation, communication, negotiation, compromise, and relationship building.

| Ref No. | Norms  | Standards  |
|---------|--|--|
| B-1     | Collaborative partnerships should also include participation by communities.   | <ul style="list-style-type: none"> <li>• Consultation with the communities out with regard to the development and implementation of spatial planning and land use management legislation, policies and programmes</li> </ul>   |
| B-2     | Spatial planning and land use management should provide for a transparent, accessible, meaningful and structured consultation process with traditional leaders in areas governed by traditional authorities. | <ul style="list-style-type: none"> <li>• Implement Service level agreements between municipalities and traditional authorities to facilitate partnerships which will serve to:                             <ul style="list-style-type: none"> <li>○ facilitate a collaborative working relationship between traditional leaders and municipalities in rural areas</li> <li>○ recognise the customary system of land allocation applicable in rural areas and diffuse or manage any tensions or contestations which may arise as a result of traditional leaders not being happy that they cannot serve in formal structures introduced by SPLUMA such as the Municipal Planning Tribunal.</li> </ul> </li> </ul> |

### Part C: Just and fair decision making

To improve fairness in land development, there needs to be clear procedural rules and goals. Section 8 (2) (c) of SPLUMA states that norms and standards must “ensure that land development and land use management processes, including applications, procedures and timeframes are efficient and effective”. Just and fair decision-making in land development should therefore provide clarity of the process, be facilitated by unbiased representatives, ensure effective public engagement, and provide mechanisms to resolve conflicts and understanding the challenges of implementation.

| Ref No. | Norms  | Standards   |
|---------|--|---|
| C-1     | Public involvement in land use planning and development processes must be inclusive of all persons and groups with an interest in the matter being decided.                                      | <ul style="list-style-type: none"> <li>Provision of channels of communication, time schedules and written communication.</li> </ul>   |
| C-2     | Spatial planning and land use management bylaws must be structured in such a way to ensure that application processes are dealt with in the most efficient way and within delineated timeframes. | <ul style="list-style-type: none"> <li>Municipalities with by-laws that explain SPLUMA implementation and the administration of different land development application packages.</li> </ul> |

### Part D: Quality and content of application documentation

Poor land use applications seem to be a general concern across local and metropolitan municipalities. Norms and standards should therefore guide and ensure that development applications conform to the minimum requirements to address SPLUMA and related by-laws.

| Ref No. | Norms   | Standards   |
|---------|---|---|
| D-1     | Land development applications must comply with the requirements of the specific local authority (and By-Laws) in terms of documentation required. | <ul style="list-style-type: none"> <li>Land development applications that are presented in a professional way with quality editorial content and graphics to assist decision makers with the reading and interpretation of applications.</li> </ul> |

### Part E: Land use schemes and Bylaws

A land use scheme is used to regulate and manage land development according to the vision, strategies and policies contained in the integrated development plan and spatial development framework while supporting the interest of the general public to promote sustainable development. Municipalities must have by-laws to explain how they will implement SPLUMA. Norms and standards need to reflect these imperatives.

| Ref No. | Norms  | Standards   |
|---------|--|---|
| E-1     | The principles of Section 25 of SPLUMA must guide the development of land use schemes, i.e., it must promote economic growth, social | <ul style="list-style-type: none"> <li>Adoption of a single land use scheme in all municipalities as prescribed by SPLUMA.</li> <li>Incremental introduction of land use schemes into communal</li> </ul> |

| Ref No. | Norms   | Standards   |
|---------|---|---|
|         | inclusion, efficient land development and minimal impact on health, the environment and natural resources.  | areas.  |
| E-2     | Bylaws must include specific requirements on how land development applications should promote SPLUMA principles, and create sound administration mechanisms for streamlining process. | <ul style="list-style-type: none"> <li>Municipalities with by-laws that explain SPLUMA implementation and the administration of different land development application packages.</li> <li>Municipal bylaw and land use scheme that are fully aligned to the spatial development framework.</li> </ul> |

#### Part F: Land use regulators (Municipal Planning Tribunals, Authorised Officials, and Appeal Authorities)

Chapter 6, (Part A, B C and D) of the SPLUMA provide the overall framework that broadly speaks to land use management through the establishment of Municipal Planning Tribunals (MPTs), including the different types and composition thereof and various facets relating to the administration of and appeals on land development applications by these land use regulators. In order to give effect to these, the Act specifically requires municipalities to have had established MPTs that are either single, joint or administered at district level, as well as Council approved Authorised Officials (AOs) and the formalisation of their Appeal Authorities (AAs). Norms and standards should therefore support the establishment and operation of these land use regulators.

| Ref No. | Norms  | Standards  |
|---------|--|--|
| F-1     | Affected parties should have a right to access information pertinent to land use and | <ul style="list-style-type: none"> <li>Land use regulators' processes, mechanisms and monitoring systems to ensure that all land development applications are</li> </ul> |

| Ref No. | Norms   | Standards  |
|---------|---|--|
|         | development plans that are being considered by the land use regulators.   | dealt with in a proper and fair way.                         |
| F-2     | Decisions should be made in the public domain, with written reasons available to any interested party on request.                           | <ul style="list-style-type: none"> <li>As per F-1</li> </ul> |
| F-3     | All members, staff and public members must adhere to the prescribed operational procedures and rules of conduct of the land use regulators. | <ul style="list-style-type: none"> <li>As per F-1</li> </ul> |

### Part G: Development facilitation

Many cities experience blockages or problems in their statutory processes which frustrate the land development process and this is problematic, not only for the town planning profession, but for the economy. The whole idea behind SPLUMA is to streamline and improve processes.

| Ref No. | Norms   | Standards  |
|---------|---|--|
| G-1     | Efficient land use management systems, efficient organisational structures and processes and decision-making processes that are able to speed up land use applications for an efficient spatial structure, cities, towns or communities | <ul style="list-style-type: none"> <li>Simplified application requirements and procedures to fast-track applications. The need for an overhaul of the system has already been identified by consultants involved with land development.</li> <li>Introduction of e-technologies and systems such as interactive</li> </ul> |

| Ref No. | Norms | Standards   |
|---------|-------|---|
|         |       | LUSs application processing systems to improve application processing and monitoring. |

**Part H: Organisational culture and mindset**

This relates to promoting a change in attitudes and planning paradigms, i.e., thinking differently about the way we do things. If what has been done over the past 27 years has not made much of a change, then there is a need for a new way of thinking: from planners and municipalities trying to be and do everything, to how we conceive space, diversity, informality and livelihoods. For any long term/ long-range plan to succeed, there has to be a sensible plan as well as financial, political and public commitment to it. This is totally opposite of the 5-year plan/ political term perspective that pervades local planning.

| Ref No. | Norms  | Standards  |
|---------|--|--|
| H-1     | Promote a new SPLUMA thinking, attitude and paradigm amongst development professions and communities to promote SPLUMA as a whole.   | <ul style="list-style-type: none"> <li>• Spatial planning and land use management practices and processes aligned with the SPLUMA paradigm.</li> <li>• Research, learning and networking, especially in regards to the latest emerging trends on spatial and land use planning and development.</li> </ul> |
| H-2     | Promote and instil and cultivate a new a developmental mind-set that supports radical and spatial transformation and the revolution of urban and rural spaces in terms of SPLUMA transformation. | <ul style="list-style-type: none"> <li>• As per H-1</li> </ul>   |

## 4.5 Monitoring and evaluation

### Part A: Review of spatial and land use plans and monitoring of performance and development outcomes

This relates to norms and standards (within the context of the spatial and land use management) which intend to guide the regular review of spatial development plans, the trends of development applications and the impact of new developments to monitor performance and areas which need to be adjusted and prioritised.

| Ref No. | Norms   | Standards  |
|---------|---|--|
| A-1     | Ongoing data collection should be an essential component of the planning cycle. | <ul style="list-style-type: none"> <li>• Tracking the implementation of spatial and land use planning decisions (implementation monitoring).</li> <li>• Collecting data/information necessary to evaluate the effectiveness of spatial and land use planning decisions (effectiveness monitoring).</li> <li>• Indicators of change, thresholds, and timeframes to evaluate decisions and determine whether desired outcomes are being achieved.</li> <li>• Develop an effective database for this system to succeed with a synopsis of decisions taken and the major factors that have influenced the outcome of those decisions.</li> </ul> |

## 4.6 Capacity building

### Part A: Capacity building and skills development

While SPLUMA allows municipalities to implement the Act in terms of each municipality's needs and capacity, effort is required to ensure that adequate resources (human and financial) are made available if local government is to fulfil its planning role<sup>6</sup>.

| Ref No. | Norms  | Standards  |
|---------|--|--|
| A-1     | Local governments, supported by national and provincial governments, should ensure continuous training and development of town planning practitioners.   | <ul style="list-style-type: none"> <li>Development of training and development plans and identification of resources based on needs assessment in municipalities.</li> <li>Training that addresses the needs identified with the practitioners during the needs assessment.</li> </ul> |
| A-2     | Provincial government should be able to enter into agreements with municipalities where capacity does not exist to set up a joint spatial planning and land use management system.                           | <ul style="list-style-type: none"> <li>Development, negotiation and signing of memorandums of understanding to establish and set in motion formal working relationships.</li> </ul>  |
| A-3     | SA Council for Planners (SACPLAN) and DALRRD should ensure that the curriculum of all planning institutions includes modules on the new approaches to decision making needed by a normative planning system. | <ul style="list-style-type: none"> <li>Number of accredited planning schools.</li> </ul>   |

<sup>6</sup> SACN. 2015. SPLUMA as a tool for spatial transformation

**SOUTH AFRICAN RESERVE BANK****NOTICE 1813 OF 2023****THE BANKS ACT, 1990 (ACT NO. 94 OF 1990 – “THE BANKS ACT”)****WITHDRAWAL OF CONSENT GRANTED IN TERMS OF SECTION 34 OF THE BANKS ACT TO MAINTAIN A REPRESENTATIVE OFFICE OF A FOREIGN INSTITUTION IN THE REPUBLIC OF SOUTH AFRICA: BANCO SANTANDER TOTTA, SA**

Notice is hereby given, for general information, that the consent granted to Banco Santander Totta, SA, by the erstwhile Registrar of Banks, to maintain a representative office of a foreign institution in the Republic of South Africa was withdrawn with effect from 28 February 2023.

*Fundi Tshazibana*

N Tshazibana  
CEO: Prudential Authority

**SOUTH AFRICAN RESERVE BANK****NOTICE 1814 OF 2023****NOTICE BY THE PRUDENTIAL AUTHORITY IN TERMS OF SECTION 69(7) OF THE BANKS ACT, 1990 (Act No. 94 of 1990 - the "Banks Act")**

Notice is hereby given in terms of section 69(7) of the Banks Act that the Minister of Finance has placed Habib Overseas Bank Limited ("Habib") under curatorship in terms of the provisions of sections 69(1) and 69(2) of the Banks Act with effect from 26 March 2023 and has appointed PricewaterhouseCoopers Inc ("PwC") of 4 Lisbon Lane Waterfall City, Jukskei View, Johannesburg, as the Curator of Habib. Mr Craig Du Plessis, a Partner and Director at PwC, represents PwC in execution of the curatorship.

**Duties and powers of the Curator:**

The Curator shall perform such duties as imposed upon it and shall have such powers as afforded to the Curator in terms of the provisions of the Banks Act, including section 69(3). In addition the Curator shall –

1. Conduct the management of Habib in such a manner as the Prudential Authority ("PA") may deem to best promote the interests of the creditors of Habib;
2. Comply with any direction of the PA;
3. Manage the collection of the Habib book in relation to:
  - 3.1 effective and efficient collection of monies due and payable by the customers,
  - 3.2 gathering and compiling information/reports in respect of collections,
  - 3.3 monitoring of the payment patterns of accounts, and
  - 3.4 continuous assessment and implementation of various collection strategies to optimize collections.
4. Convene from time to time, in such manner as the Curator may deem fit, a meeting of creditors of Habib for consultation with such creditors in so far as their interest may be affected by decisions taken by the Curator in the course of the management of the affairs of Habib;
5. Make payments, whether in respect of capital or interest, to any creditor or creditors of Habib at such time, in such order and in such manner as the Curator may deem fit;
6. Keep such accounting records and prepare such annual financial statements, interim reports and provisional annual financial statements as Habib or its directors would have been obliged to keep or prepare if Habib had not been placed under curatorship;
7. Have the power to bring or defend in the name and on behalf of Habib any action or other legal proceedings of a civil nature and, subject to the provisions of any law relating to criminal proceedings, any criminal proceedings;

8. On a monthly basis, furnish the PA with a written report containing an exposition of the affairs of Habib;
9. Furnish the Minister of Finance with a written report, at such intervals as may be determined by the Minister, and keep the National Treasury informed as and when needed;
10. Prudently manage the expenses of Habib and annually discuss the operational budget for approval by the PA;
11. Apply any money of Habib that becomes available in paying the costs of the curatorship and in the conduct of Habib's business in accordance with the requirements of the curatorship and, as far as the circumstances permit, in the payment of the claims of depositors and creditors which arose before the date of the curatorship.
12. Forthwith in writing inform the PA if at any time the Curator is of the opinion that there is no reasonable probability that the continuation of the curatorship will enable Habib to pay its debts or meet its obligations and become a successful concern.

*Fundi Tshazibana*

N Tshazibana  
CEO : Prudential Authority

**SOUTH AFRICAN RESERVE BANK****NOTICE 1815 OF 2023****THE BANKS ACT, 1990 (ACT NO. 94 OF 1990 – “THE BANKS ACT”)****WITHDRAWAL OF CONSENT GRANTED IN TERMS OF SECTION 34 OF THE BANKS ACT TO MAINTAIN A REPRESENTATIVE OFFICE OF A FOREIGN INSTITUTION IN THE REPUBLIC OF SOUTH AFRICA: MILLENNIUM BCP**

Notice is hereby given, for general information, that the consent granted to Millennium BCP, by the erstwhile Registrar of Banks, to maintain a representative office of a foreign institution in the Republic of South Africa was withdrawn with effect from 31 December 2022.



N Tshazibana  
CEO: Prudential Authority

**STATISTICS SOUTH AFRICA**

**NOTICE 1816 OF 2023**

**STATISTICS SOUTH AFRICA**

THE HEAD: STATISTICS SOUTH AFRICA notifies for general information that the Consumer Price Index is as follows:

Consumer Price Index, Rate **(Base Dec 2021=100)**

Rate: **March 2023 – 7.1**

## DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

## NOTICE 1817 OF 2023

STANDARDS ACT, 2008  
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

## SECTION A: DRAFTS FOR COMMENTS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of the South Africa National standards in terms of section 23(2)(a) (ii) of the Standards Act.

| Draft Standard No. and Edition | Title, scope and purport | Closing Date |
|--------------------------------|--------------------------|--------------|
|                                |                          |              |

## SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

The following draft amendments are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (ii) of the Standards Act.

| Draft Standard No. and Edition | Title  | Scope of amendment   | Closing Date |
|--------------------------------|--|--|--------------|
| SANS 2220-2-3<br>Ed 1.3        | <i>Electrical security systems – Part 2-3: Access control systems: Card readers.</i>       | Amended to update the foreword and the referenced standards. | 2023-06-20   |
| SANS 2220-2-4<br>Ed 1.3        | <i>Electrical security systems – Part 2-4: Access control systems: Reader controllers.</i> | Amended to update the referenced standards.                  | 2023-06-20   |

## SCHEDULE A.2: WITHDRAWAL OF THE SOUTH AFRICAN NATIONAL STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following published standards are issued for comments with regard to the intention by the South African Bureau of Standards to withdraw them.

| Draft Standard No. and Edition | Title | Reason for withdrawal | Closing Date |
|--------------------------------|-------|-----------------------|--------------|
|                                |       |                       |              |

## SCHEDULE A.3: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

In terms of section 24(5) of the Standards Act, the following documents are being considered for withdrawal.

| Draft Standard No. and Edition | Title | Reason for withdrawal | Closing Date |
|--------------------------------|-------|-----------------------|--------------|
|                                |       |                       |              |

**SECTION B:ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS****SCHEDULE B.1: NEW STANDARDS**

| <b>Standard No. and year</b> | <b>Title, scope and purport</b>   |
|------------------------------|---|
| SATR 63282:2023<br>Ed 1      | <i>LVDC systems – Assessment of standard voltages and power quality requirements.</i> Collect information and report experience in order to make recommendations for the standardization of voltage levels and related aspects (power quality, EMC, measurement) for LVDC systems (systems with voltage level lower than 1 500 V d.c.). |
| SANS 1676-3:2023<br>Ed 2     | <i>Acoustics – Laboratory measurement of sound insulation of building elements – Part 3: Measurement of impact sound insulation.</i> Specifies laboratory methods for measuring the impact sound insulation of floor assemblies.  |
| SANS 60851-1:2023<br>Ed 2    | <i>Winding wires – Test methods – Part 1: General.</i> Specifies the general notes on methods of test for winding wires.  |
| SATR 61439-0:2023<br>Ed 3    | <i>Low-voltage switchgear and controlgear assemblies – Part 0: Guidance to specifying assemblies.</i> Identifies, from the user's perspective, those functions and characteristics that should be defined when specifying assemblies.   |
| SANS 26513:2023<br>Ed 2      | <i>Systems and software engineering – Requirements for testers and reviewers of information for users.</i> Supports the interest of software users in receiving consistent, complete, accurate, and usable documentation.   |

**SCHEDULE B.2: AMENDED STANDARDS**

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

| <b>Standard No. and year</b>   | <b>Title, scope and purport</b>   |
|--------------------------------|---|
| SANS 16063-21:2008<br>Ed 1.1   | <i>Methods for the calibration of vibration and shock transducers – Part 21: Vibration calibration by comparison to a reference transducer. Consolidated edition incorporating amendment No. 1.</i> Amended to add the annex on transfer standard.  |
| SANS 61347-2-13:2023<br>Ed 2.1 | <i>Lamp controlgear – Part 2-13: Particular requirements for d.c. or a.c. supplied electronic controlgear for LED modules. Consolidated edition incorporating amendment No. 1.</i> Amended to update the introduction, the referenced standards, and the clause on maximum working voltage (Uout) in any load condition. working voltage. |
| SANS 1782:2023<br>Ed 1.1       | <i>Lubricants, industrial oils and related products (class L) – Family T (Turbines) – Specification for lubricating oils for turbines. Consolidated edition incorporating amendment No. 1.</i> Amended to update the referenced standards, and the specification tables on turbine oils.  |

**SCHEDULE B.3: WITHDRAWN STANDARDS**

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

| <b>Standard No. and year</b> | <b>Title</b>   |
|------------------------------|--|
| ARP 062-3:2006<br>Ed 1       | <i>Recommendations for small renewable energy and hybrid systems for rural electrification – Part 3: Project development and management.</i> |
| SANS 5642:2015<br>Ed 3       | <i>Determination of water absorption of inner soles and inner-sole material.</i>   |

**SCHEDULE B4: ESTABLISHMENT OF TECHNICAL COMMITTEES**

In terms of the South African Norm for the development of South African National Standards, the following technical committee has been established:

| <b>Committee No.</b> | <b>Title</b>          | <b>Scope</b>   |
|----------------------|-----------------------|--|
| ISO/TC 197           | Hydrogen Technologies | Standardization in the field of systems and devices for the production, storage, transport, measurement and use of hydrogen. |

If your organization is interested in participating in these committees, please send an e-mail to [Dsscomments@sabs.co.za](mailto:Dsscomments@sabs.co.za) for more information.

**SCHEDULE B5: RETRACTION OF PREVIOUSLY GAZETTED ITEMS**

Notice is hereby given that the following standards gazetted for public enquiry have been retracted.

| <b>Standard No.</b> | <b>Title</b> | <b>Scope</b> | <b>Date gazetted</b> |
|---------------------|--------------|--------------|----------------------|
|                     |              |              |                      |

**SCHEDULE B6: GENERAL**

Notice is hereby given that the following standards/draft standard have been renumbered.

| <b>Standard/draft No.</b> | <b>Title</b> | <b>Scope</b> | <b>New number/designation</b> |
|---------------------------|--------------|--------------|-------------------------------|
|                           |              |              |                               |

**SCHEDULE B7: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE**

Copies of the standards mentioned in this notice can be obtained from the Head Office of the South African Bureau of Standards at 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.

## DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

## NOTICE 1818 OF 2023

STANDARDS ACT, 2008  
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

## SECTION A: DRAFTS FOR COMMENTS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of the South Africa National standards in terms of section 23(2)(a) (ii) of the Standards Act.

| Draft Standard No. and Edition | Title, scope and purport  | Closing Date |
|--------------------------------|---|--------------|
| SATS 19139-1<br>Ed 1           | <i>Geographic Information – XML schema implementation – Part 1: encoding rules.</i> Defines XML based encoding rules for conceptual schemas specifying types that describe geographic resources.  | 2023-06-06   |
| SANS 62271-4<br>Ed 2           | <i>High-voltage switchgear and controlgear – Part 4: Handling procedures for sulphur hexafluoride (SF6) and its mixtures.</i> Applies to the procedures for handling of gases for insulation and/or switching during installation, commissioning, repair, overhaul, normal and abnormal operations and disposal at the end-of-life of electric power equipment. | 2023-07-02   |
| SANS 51436<br>Ed 1             | <i>Road Marking Materials – Road Marking Performance for road users and test methods.</i> Specifies the performance for road users of white and yellow road markings, as expressed by their reflection in daylight or under road lighting, retroreflection in vehicle headlamp illumination, colour and skid resistance.  | 2023-07-04   |

## SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

The following draft amendments are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (ii) of the Standards Act.

| Draft Standard No. and Edition | Title  | Scope of amendment   | Closing Date |
|--------------------------------|--|--|--------------|
| SANS 2220-2-2<br>Ed 1.3        | <i>Electrical security systems – Part 2-2: Access control systems – Central processor.</i>   | Amended to update the referenced standards.  | 2023-07-06   |
| SANS 1138-3<br>Ed 2.2          | <i>Nurses' woven uniform fabric (polyester-and-cotton)</i>   | Amended to delete the annex on notes to purchasers.  | 2023-06-05   |
| SANS 2220-2-5<br>Ed 1.3        | <i>Electrical security systems – Part 2-5: Access control systems – Biometric readers.</i>   | Amended to update the referenced standards.  | 2023-07-06   |
| SANS 1717-1<br>Ed 1.1          | <i>The design of detonator initiation systems for use in mining and civil blasting applications – Part 1: Electronic initiation systems.</i> | Amended to update the referenced standards.  | 2023-07-04   |
| SANS 1183<br>Ed 2.2            | <i>Nurses' woven uniform fabric (polyester-and-cotton).</i>  | Amended to delete the annex on notes to purchasers.  | 2023-06-05   |
| SANS 1394-2<br>Ed 1.3          | <i>Duvets and pillows – Part 2: Synthetic-fibre filled.</i>  | Amended to update referenced standards, to delete references to the Trade Metrology Regulations, and to delete the annex on notes to purchasers. | 2023-07-04   |
| SANS 877<br>Ed 3.1             | <i>Woven cotton tapes.</i>   | Amended to delete the annex on notes to purchasers.  | 2023-07-04   |

|                          |   |   |            |
|--------------------------|---|---|------------|
| SANS 1318<br>Ed 1.1      | <i>Scholastic stationery.</i>   | Amended to include additional requirement for soft covers and to delete the annex on notes to purchasers.   | 2023-07-04 |
| SANS 985<br>Ed 3.4       | <i>Polyester-and-wool uniform fabrics.</i>  | Amended to delete the annex on notes to purchasers.   | 2023-07-04 |
| SANS 1604<br>Ed 1.2      | <i>Biologically enhanced cleaning and degreasing products.</i>  | Amended to add waste treatment products to the standard and adjust standard accordingly.  | 2023-07-04 |
| SANS 1326<br>Ed 1.5      | <i>Sodium lauryl ether sulphate.</i>  | Amended to delete the appendix on notes to purchasers.  | 2023-07-04 |
| SANS 10114-1<br>Ed 4.1   | <i>Interior lighting – Part 1: Artificial lighting of interiors.</i>  | Amended to update Table 1.  | 2023-07-02 |
| SANS 1324<br>Ed 2.3      | <i>Upholstery fabrics.</i>  | Amended to delete the annex on notes to purchasers.   | 2023-07-04 |
| SANS 1756<br>Ed 1.1      | <i>Packaging, paper potato bag.</i>   | Amended to delete the annex on notes to purchasers.   | 2023-07-04 |
| SANS 60754-2<br>Ed 2.1   | <i>Test on gases evolved during combustion of materials from cables – Part 2: Determination of acidity (by pH measurement) and conductivity.</i>          | Amended to improve definition of safety requirements relating to capture of gases, definition of the heating procedure, expression of tolerances and precision, clarify the conductivity and acidity functions, correct the formulae for the calculation of the test results, introduce guidance on the preparation of test specimens for more even combustion, greater precision in the definition of the test temperature for the determination of pH value and conductivity. | 2023-06-27 |
| SANS 3001-GR50<br>Ed 1.2 | <i>Civil engineering test methods – Part GR50: Preparation, compaction and curing of specimens of laboratory mixed cementitious stabilized materials.</i> | Amended to update introduction, referenced standards, include water quality requirements for testing and amend the text thereafter, increase sample masses and amend formula in annex A.  | 2023-07-11 |
| SANS 3001-GR57<br>Ed 1.1 | <i>Civil engineering test methods – Part GR57: Determination of the initial stabilizer consumption of soils and gravels.</i>                              | Amended to update the introduction and add testing water quality requirements.  | 2023-07-11 |

## SCHEDULE A.2: WITHDRAWAL OF THE SOUTH AFRICAN NATIONAL STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following published standards are issued for comments with regard to the intention by the South African Bureau of Standards to withdraw them.

| Draft Standard No. and Edition | Title  | Reason for withdrawal  | Closing Date |
|--------------------------------|--|--|--------------|
| SANS 1160:2011<br>Ed 1         | <i>Drinking water system components – Health effects.</i>  | Technical committee 147 Water was informed that ANSI 61 is freely available and accessible on the internet, an updated version uploaded on a two-year interval. This was confirmed by a member of a Technical committee from the American National Standards Institute | 2023-07-31   |
| SANS 12200:2008<br>Ed 1        | <i>Computer applications in terminology – Machine-readable terminology interchange format (MARTIF) – Negotiated interchange.</i> | The standard is outdated.  | 2023-07-31   |

**SCHEDULE A.3: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS**

In terms of section 24(5) of the Standards Act, the following documents are being considered for withdrawal.

| Draft Standard No. and Edition | Title | Reason for withdrawal | Closing Date |
|--------------------------------|-------|-----------------------|--------------|
|                                |       |                       |              |

**SECTION B:ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS****SCHEDULE B.1: NEW STANDARDS**

| Standard No. and year        | Title, scope and purport   |
|------------------------------|--|
| SANS 3092:2023<br>Ed 1       | <i>Laundry alkali</i> . Covers two types of alkali for use in laundries intended for use in the heavy-duty laundering of white and coloured cotton fabrics, but are not suitable for use in the laundering of woollen, silk or synthetic fabrics.  |
| SANS 51422:2023<br>Ed 1      | <i>Sterilizers for medical purposes – Ethylene oxide sterilizers – Requirements and test methods</i> . Specifies the requirements and the relevant tests for automatically controlled sterilizers employing ethylene oxide (EO) gas as the sterilant, either as a pure gas or a mixture with other gases, being used for the sterilization of medical devices and their accessories.   |
| SANS 19650-2:2023<br>Ed 1    | <i>Organization and digitization of information about buildings and civil engineering works, including building information modelling (BIM) – Information management using building information modelling – Part 2: Delivery phase of the assets</i> . Specifies requirements for information management, in the form of a management process, within the context of the delivery phase of assets and the exchanges of information within it, using building information modelling.            |
| SATS 10020:2023<br>Ed 1      | <i>Quality management systems – Organizational change management – Processes</i> . Specifies processes that can be used to govern, manage, and implement organizational change management for any organization, project, or smaller activity.  |
| SANS 556-2-2:2023<br>Ed 2    | <i>Low-voltage switchgear – Part 2-2: Earth leakage switches</i> . Applies to earth leakage switches (ELSWs) that are functionally independent of, or functionally dependent on, line voltage, are for household and similar uses, do not incorporate overcurrent protection, and are for rated voltages that do not exceed 440 V a.c. with rated frequencies of 50 Hz, 60 Hz or 50/60 Hz and rated currents that do not exceed 125 A.   |
| SANS 60335-2-60:2023<br>Ed 4 | <i>Household and similar electrical appliances – Safety – Part 2-60: Particular requirements for whirlpool baths and whirlpool spas</i> . Deals with the safety of electric whirlpool baths for indoor use and whirlpool spas, for household and similar purposes, their rated voltage being not more than 250 V for single-phase appliances and 480 V for other appliances.   |
| SANS 61730-1:2023<br>Ed 2    | <i>Photovoltaic (PV) module safety qualification – Part 1: Requirements for construction</i> . Specifies and describes the fundamental construction requirements for photovoltaic (PV) modules in order to provide safe electrical and mechanical operation.   |
| SANS 62271-203:2023<br>Ed 3  | <i>High-voltage switchgear and controlgear – Part 203: AC gas-insulated metal-enclosed switchgear for rated voltages above 52 kV</i> . Specifies requirements for gas-insulated metal-enclosed switchgear in which the insulation is obtained, at least partly, by an insulating gas or gas mixture other than air at atmospheric pressure, for alternating current of rated voltages above 52 kV, for indoor and outdoor installation, and for service frequencies up to and including 60 Hz. |
| SANS 62271-204:2023<br>Ed 2  | <i>High-voltage switchgear and controlgear – Part 204: Rigid gas-insulated transmission lines for rated voltage above 52 kV</i> . Applies to rigid HV gas-insulated transmission lines (GIL) in which the insulation is obtained, at least partly, by an insulating gas or gas mixture other than air at atmospheric pressure, for alternating current of rated voltages above 52 kV, and for service frequencies up to and including 60 Hz.   |

CONTINUES ON PAGE 258 OF BOOK 3

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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

| Standard No.<br>and year  | Title, scope and purport   |
|---------------------------|--|
| SANS 1482:2023<br>Ed 3    | <i>Ladies' shoes, flat lasted, with stuck-on outer soles.</i> Specifies requirements for materials and construction for ladies' shoes made in accordance with the flat-lasted stuck-on principle.  |
| SANS 12402-2:2023<br>Ed 2 | <i>Personal flotation devices – Part 2: Lifejackets, performance level 275 – Safety requirements.</i> Specifies the safety requirements for lifejackets, performance level 275.  |
| SANS 7816-4:2023<br>Ed 4  | <i>Identification cards – Integrated circuit cards – Part 4: Organization, security and commands for interchange.</i> Specifies contents of command-response pairs exchanged at the interface.   |
| SANS 27001:2023<br>Ed 3   | <i>Information security, cybersecurity and privacy protection – Information security management systems – Requirements.</i> Specifies the requirements for establishing, implementing, maintaining and continually improving an information security management system within the context of the organization. |
| SANS 27002:2023<br>Ed 3   | <i>Information security, cybersecurity and privacy protection – Information security controls.</i> Provides a reference set of generic information security controls including implementation guidance.  |

**SCHEDULE B.2: AMENDED STANDARDS**

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

| <b>Standard No. and year</b>   | <b>Title, scope and purport</b>   |
|--------------------------------|---|
| SANS 60335-2-17:2023<br>Ed 3.2 | <i>Household and similar electrical appliances – Safety – Part 2-17: Particular requirements for blankets, pads, clothing, and similar flexible heating appliances. Consolidated edition incorporating amendment No. 2.</i> Amended to update referenced standards, terms and definitions, general conditions for the tests, the requirements for classification, marking and instructions, power input and current, heating, leakage current and electric strength at operating temperature, moisture resistance, leakage current and electric strength, abnormal operation, mechanical strength, construction, supply connection and external flexible cords, resistance to heat and fire, and to update the figures on radiation, toxicity and similar hazards and the annex on routine tests. |
| SANS 60335-2-54:2023<br>Ed 4.2 | <i>Household and similar electrical appliances – Safety – Part 2-54: Particular requirements for surface-cleaning appliances for household use employing liquids or steam. Consolidated edition incorporating amendment No. 2.</i> Amended to update the clause on stability and mechanical hazards requirements, and construction requirements.  |
| SANS 62271-1:2023<br>Ed 2.1    | <i>High-voltage switchgear and controlgear – Part 1: Common specifications for alternating current switchgear and controlgear. Consolidated edition incorporating amendment No. 1.</i> Amended to modify the requirements for auxiliary and control equipment circuits.   |
| SANS 62841-3-1:2023<br>Ed 1.1  | <i>Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery – Safety – Part 3-1: Particular requirements for transportable table saws. Consolidated edition incorporating amendment No. 1.</i> Amended to update referenced standards, terms and definitions, the clauses on marking and instructions, and on abnormal operation, the requirements on mechanical hazards, mechanical strength, construction, creepage distances, and on clearances and distances through insulation, and the annex on battery tools and battery packs.  |
| SANS 28:2023<br>Ed 4.2         | <i>Metal ties for cavity walls. Consolidated edition incorporating amendment No. 2.</i> Amended to update referenced standards and to delete the appendix on notes to purchasers.   |
| SANS 3001-GR41:2023<br>Ed 1.1  | <i>Civil engineering test methods – Part GR41: Determination of the California bearing ratio of lime treated materials. Consolidated edition incorporating amendment No. 1.</i> Amended to update the introduction, referenced standards, and the requirements for samples, test procedure, and for test report.  |
| SANS 10109-2:2023<br>Ed 3.2    | <i>Concrete floors – Part 2: Finishes to concrete floors. Consolidated edition incorporating amendment No. 2.</i> Amended to update referenced standards.   |
| SANS 651-1:2023<br>Ed 1.1      | <i>Laundry detergents – Part 1: Low-foam laundry detergents (for use in automatic and non-automatic domestic washing machines). Consolidated edition incorporating amendment No. 1.</i> Amended to update the referenced standards and the test requirement for pH.   |

**SCHEDULE B.3: WITHDRAWN STANDARDS**

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

| <b>Standard No. and year</b> | <b>Title</b>  |
|------------------------------|---|
| ARP 062-2:2005<br>Ed 1       | <i>Recommendations for small renewable energy and hybrid systems for rural electrification – Part 2: From requirements to a range of electrification systems.</i>   |
| ARP 062-6:2006<br>Ed 1       | <i>Recommendations for small renewable energy and hybrid systems for rural electrification – Part 6: Acceptance, operation, maintenance and replacement.</i>  |
| ARP 062-7-1:2011<br>Ed 2     | <i>Recommendations for small renewable energy and hybrid systems for rural electrification – Part 7-1: Generators – Photovoltaic generators.</i>  |
| ARP 062-8-1:2007<br>Ed 1     | <i>Recommendations for small renewable energy and hybrid systems for rural electrification – Part 8-1: Selection of batteries and battery management systems for stand-alone electrification systems – Specific case of automotive flooded lead-acid batteries available in developing countries.</i> |

|                            |   |
|----------------------------|---|
| ARP 062-9-1:2009<br>Ed 1   | <i>Recommendations for small renewable energy and hybrid systems for rural electrification – Part 9-1: Micropower systems.</i>  |
| ARP 062-9-3:2008<br>Ed 1   | <i>Recommendations for small renewable energy and hybrid systems for rural electrification – Part 9-3: Integrated system – User interface.</i>  |
| ARP 062-9-5:2007<br>Ed 1   | <i>Recommendations for small renewable energy and hybrid systems for rural electrification – Part 9-5: Integrated system – Selection of portable PV lanterns for rural electrification projects.</i>  |
| ARP 062-12-1:2008<br>Ed 1  | <i>Recommendations for small renewable energy and hybrid systems for rural electrification – Part 12-1: Selection of self-ballasted lamps (CFL) for rural electrification systems and recommendations for household lighting equipment.</i> |
| SANS 62053-31:2015<br>Ed 1 | <i>Electricity metering equipment (a.c.) – Particular requirements – Part 31: Pulse output devices for electromechanical and electronic meters (two wires only).</i>  |
| SANS 5117:2005<br>Ed 2     | <i>Textiles – Formulae used in statistical analysis.</i>  |

#### SCHEDULE B4: ESTABLISHMENT OF TECHNICAL COMMITTEES

In terms of the South African Norm for the development of South African National Standards, the following technical committee has been established:

| Committee No. | Title | Scope |
|---------------|-------|-------|
|               |       |       |

If your organization is interested in participating in these committees, please send an e-mail to [Dsscomments@sabs.co.za](mailto:Dsscomments@sabs.co.za) for more information.

#### SCHEDULE B5: RETRACTION OF PREVIOUSLY GAZETTED ITEMS

Notice is hereby given that the following standards gazetted for public enquiry have been retracted.

| Standard No. | Title | Scope | Date gazetted |
|--------------|-------|-------|---------------|
|              |       |       |               |

#### SCHEDULE B6: GENERAL

Notice is hereby given that the following standards/draft standard have been renumbered.

| Standard/draft No. | Title | Scope | New number/designation |
|--------------------|-------|-------|------------------------|
|                    |       |       |                        |

#### SCHEDULE B7: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE

Copies of the standards mentioned in this notice can be obtained from the Head Office of the South African Bureau of Standards at 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.

## BOARD NOTICES • RAADSKENNISGEWINGS

## BOARD NOTICE 435 OF 2023



Western Cape  
Government

Western Cape  
Gambling and Racing Board

Wes-Kaapse Raad op Dobbelary en Wedrenne • Ibhodi Yelentshona Kapa  
Yokungcakaza Ngemali Neyemidyarho

## NOTICE 1 OF 2023

**NOTICE IN TERMS OF THE PROMOTION OF ADMINISTRATIVE JUSTICE ACT 3 OF 2000:  
INVITATION FOR COMMENTS ON THE DRAFT BROAD-BASED BLACK ECONOMIC EMPOWERMENT  
POLICY "B-BBEE POLICY" APPLICABLE TO THE GAMBLING INDUSTRY**

1. Notice is hereby given to all affected parties that the Western Cape Gambling and Racing Board ("the Board") hereby invite licence holders and interested parties to furnish comments or any representations they wish to make with regards to the Draft B-BBEE Policy to guide the Board's implementation of B-BBEE in the Western Cape.
2. **Purpose of the Policy**
  - 2.1 The purpose of this Policy of the Board is to:
    - (i) Set out the B-BBEE-objectives of the Board for the gambling and racing industry in the Western Cape; and
    - (ii) Outline the processes to be undertaken quarterly and annually aimed at meeting the B-BBEE objectives in a legally compliant and a procedurally and substantively fair manner.
  - 2.2 This Policy is not law but is aimed at:
    - (i) Guiding decision-making by the Board and its delegated authorities; and
    - (ii) Guiding licence holders on the desired B-BBEE compliance levels and the procedural aspects of the Board's processes in relation to B-BBEE.
  - 2.3 This Policy will be adopted after consultation with licence holders, the public and interested parties.
  - 2.4 The Policy can be downloaded from the Board's website at: [www.wcgrb.co.za](http://www.wcgrb.co.za).
3. **Comments**
  - 3.1 Written comments and representations can be forwarded to the following address and contact details:

**Mr Primo Abrahams**  
**The Chief Executive Officer**  
**Western Cape Gambling and Racing Board**  
**100 Fairway Close**  
**Parow**  
**7500**

**P O Box 8175**  
**Roggebaai, 8012**  
**Tel: (021) 480 7400**  
**E-mail: [Enquiries.Legal@WCGRB.co.za](mailto:Enquiries.Legal@WCGRB.co.za)**
  - 3.2 Comments should reach the Office of the Board within 30 (thirty) calendar days from the date of publication in the *Government Gazette*. Comments received after the closing date, 19 June 2023, may be disregarded, at the Board's sole discretion.

3.3 Persons lodging comments or representations should provide clear contact details and personal particulars, i.e. name, telephone number, facsimile number or email address. Where comments are submitted on behalf of a licence holder, the full particulars and contact details of the legal entity must be provided.

4. For enquiries, please contact:

**Mrs Liezel Hartman**  
**Senior Legal Advisor**  
**100 Fairway Close**  
**Parow**  
**7500**

**Telephone number:** (021) 480-7400

**E-mail address:** [liezel@wcgrb.co.za](mailto:liezel@wcgrb.co.za)

## RAADSKENNISGEWING 435 VAN 2023



Western Cape  
Government

## Western Cape Gambling and Racing Board

Wes-Kaapse Raad op Dobbelary en Wedrenne • Ibhodi Yelentshona Kapa  
Yokungcakaza Ngemali Neyemidyarho

## KENNISGEWING 1 VAN 2023

**KENNISGEWING INGEVOLGE DIE WET OP ADMINISTRATIEWE GEREGTIGHEID, WET 3 VAN 2000:  
UITNODIGING VIR KOMMENTAAR OP KONSEPBELEID OOR BREEDGEBASEERDE SWART EKONOMIESE  
BEMAGTIGING "BGSEB-BELEID" VAN TOEPASSING OP DIE DOBBELARYBEDRYF**

1. Kennisgewing geskied hiermee aan alle geaffekteerde partye dat die Wes-Kaapse Raad op Dobbelary en Wedrenne ("die Raad) lisensiehouers en belangstellende partye uitnooi om kommentaar te lewer op of enige vertoë te rig oor die Konsep-BGSEB-beleid om die Raad se implementering van BGSEB in die Wes-Kaap.
2. **Doel van die beleid**
  - 2.1 Die doel van hierdie beleid van die Raad is om:
    - (i) Die Raad se doelwitte ten opsigte van BGSEB vir die dobbelary- en wedrenbedryf in die Wes-Kaap uiteen te sit; en
    - (ii) Die prosesse uiteen te sit wat kwartaalliks en jaarliks onderneem sal word ter bereiking van die BGSEB-doelwitte op 'n wyse wat aan die wet voldoen en prosedureel en substantief regverdig is.
  - 2.2 Hierdie beleid is nie 'n wet nie, maar is daarop gerig om:
    - (i) Besluitneming deur die Raad en sy gedelegeerde owerhede te lei; en
    - (ii) Lisensiehouers te lei oor die gewenste BGSEB-nakomingsvlakke en die prosedurele aspekte van die Raad se prosesse ten opsigte van BGSEB.
  - 2.3 Hierdie beleid sal aanvaar word nadat daar met lisensiehouers, die publiek en belangstellende partye geraadpleeg is.
  - 2.4 Die beleid kan afgelaai word van die Raad se webwerf by: [www.wcgrb.co.za](http://www.wcgrb.co.za).
3. **Kommentaar**
  - 3.1 Skriftelike kommentaar en vertoë kan na die volgende adres en kontakbesonderhede gestuur word:

**Mnr Primo Abrahams**  
**Die Hoof- Uitvoerende Beampte**  
**Wes-Kaapse Raad op Dobbelary en Wedrenne**  
**Fairwayslot 100**  
**Parow**  
**7500**

**Posbus 8175**  
**Roggebaai 8012**  
**Telefoon: (021) 480 7400**  
**E-pos: [Enquiries.Legal@WCGRB.co.za](mailto:Enquiries.Legal@WCGRB.co.za)**

- 3.2 Kommentaar moet die Kantoor van die Raad binne 30 (dertig) kalenderdae na die datum van publikasie in die *Staatskoerant* bereik. Kommentaar wat na die sluitingsdatum van 19 Junie 2023 ontvang word, kan na die Raad se goeddunke verontagsaam word.
- 3.3 Persone wat kommentaar indien of verhoë rig, moet duidelike kontak- en persoonlike besonderhede verskaf, naamlik naam, telefoonnommer, faksnommer of e-posadres. Waar kommentaar namens 'n lisensiehouer voorgelê word, moet die volledige besonderhede en kontakbesonderhede van die regspersoon verskaf word.
4. Navrae kan gerig word aan:

**Mev. Liezel Hartman**  
**Senior Regsadviseur**  
**Fairwayslot 100**  
**Parow**  
**7500**

Telefoonnommer: (021) 480-7400  
E-posadres: [liezel@wcgrb.co.za](mailto:liezel@wcgrb.co.za)

**BOARD NOTICE 436 OF 2023**  
**CONSTRUCTION INDUSTRY DEVELOPMENT BOARD**

**FINDINGS AND SANCTIONS OF THE INVESTIGATING COMMITTEE PUBLISHED IN TERMS OF THE CONSTRUCTION INDUSTRY DEVELOPMENT REGULATIONS, 2004 (AS AMENDED)**

The Construction Industry Development Board hereby publishes in terms of regulation 29(26) of the Construction Industry Development Regulations the details of the findings and sanctions of the Investigating Committee as set out in the **Schedule**.

| <b>Contractor name</b>   | <b>CRS Number</b> | <b>Company/Corporation Registration Number</b> | <b>Nature of Complaint</b>   |
|--|-------------------|--|--|
| Juvansu Trading CC   | 104861            | 2000/029065/23                                 | Submission of non-compliant Annual Financial Statements in contravention of Code of Conduct. |
| <b>Sanction imposed by CIDB</b>  |                   |  |  |
| Effective date: 05 April 2023  |                   |  |  |
| The Board orders that:   |                   |  |  |
| <ul style="list-style-type: none"> <li>a. The Respondent is fined R50 000.00, in terms of Regulation 29(18)(d), for the period of 5 (five) months</li> </ul> |                   |  |  |

| Contractor name   | CRS Number | Company/Corporation Registration Number | Nature of Complaint  |
|---|------------|---|--|
| Moneymine 310 CC  | 216913     | 2002/060532/23                          | Submission of non-compliant Tax Clearance Certificate in contravention of Code of Conduct. |
| <b>Sanction imposed by CIDB</b>   |            |   |  |
| <p>Effective date: 25 April 2023</p> <p>The Board orders that:</p> <ol style="list-style-type: none"> <li>a. The Respondent is fined R100 000.00, in terms of Regulation 29(18)(d), for the period of 1 (one) month.</li> <li>b. Downgrade the Respondent's current grading designation in the register by two grades, for a period of 2 (two) years in terms of Reg 29(18)(c)</li> <li>c. Prohibiting the Respondent from participating in public sector construction works procurement for the period of 10 (ten) years, wholly suspended for a period of 10 (ten) years, subject to not being found guilty of a similar offence during the 10 year period, in terms of Reg 29(18)(e).</li> </ol> |            |   |  |



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