



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

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Kuranta ya Profense • Gazethe ya Vundu**

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(E ngwadisits'we bjalo ka Kuranta) • (Yo redzhistariwa sa Nyusiphepha)*

**Vol: 28**

**POLOKWANE,**  
26 NOVEMBER 2021  
26 NOVEMBER 2021

**No: 3218**

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



**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

**Prevention is the cure**

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**  
**GENERAL NOTICE 114 OF 2021**

**NOTICE OF APPLICATION IN TERMS OF CHAPTER 3, SECTION 20 OF THE MAKHADO MUNICIPALITY SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW, 2016.**

**Application for:** Demarcation of Sites on a Portion of the Farm Goedverwachting no. 19-LT, in the Makhado Local Municipality, Limpopo Province.

**Application Reference: Demarcation of Sites in Dovheni Village, Makhado Local Municipality.**

**Mahlori Development Consultants**, being the authorised agent of the Makhado Local Municipality, hereby gives notice in terms of Chapter 3, Section 20 of the Makhado Municipality Spatial Planning, Land Development and Land use Management By-Law, 2016, for the Demarcation of Sites on a Portion of the Farm Goedverwachting no. 19-LT, Limpopo Province. The proposed demarcation will comprise of 307 sites zoned as follows:

- Residential - 297
- Business - 2
- Institutional - 1
- Educational - 1
- Place of Worship - 1
- Open Space - 5

Particulars of the application will lie for inspection during normal offices hours at the Makhado Local Municipality, Civic Centre No.83 Krogh Street, Louis Trichardt, 0920, for 30 days from 29 October 2021.

Objections to or representations in respect of the application must be lodged with or made in writing to the municipal manager at the above address within 30 days from 10 November 2021.

**Name and Address of Agent:**

MAHLORI DEVELOPMENT CONSULTANTS  
Suite 11 & 12, Tijger Valleï Office Park, Silver Lakes, 0081  
Phone: 012 943 0068  
Email: [info@mahlori.co.za](mailto:info@mahlori.co.za) / [kagisomohlala9@gmail.com](mailto:kagisomohlala9@gmail.com)

**DATES FOR NOTICE PUBLICATION:**

**Local Newspapers:**

- Limpopo Mirror: 12 & 19 November 2021
- Sowetan Newspaper: 12 & 19 November 2021

**Limpopo Provincial Gazette:** 19 & 26 November 2021

19-26

**GENERAL NOTICE 118 OF 2021****NOTICE OF APPLICATION FOR AMENDMENT OF GREATER GROBLERSDAL TOWN PLANNING SCHEME, 2006 READ TOGETHER WITH SECTION (62) OF ELIAS MOTSOALEDI LOCAL MUNICIPAL BY-LAWS, 2016. SCHEME NO: DP-21/08-01**

We, RR Town Planning Consultant, being an authorized agent of the owner of Erf 330 Groblersdal Extension 2, hereby give notice in terms of section 62 of Elieas Motsoaledi Local Municipal By-Laws, 2016 for the rezoning of erf 330 groblersdal extension 2 from "Residential 1" to "Residential 3" for Flats, scheme no: DP-21/08-1. Plans and particulars of the application will lie for inspection during normal office hours 07:30am to 16:30pm weekdays at the manager's office: at Elias Motsaoleli local municipality, 2 Grobler Avenue, from the 26 November 2021, for a period of at least 30 days from the first date of publication. The advert will be on this gazette on 26 November 2021 and 03 December 2021. Objections and/or comments or representation in respect of the application must be lodged with or made by writing to the manager: Town Planning, Elias Motsoaledi Local Municipality, P O Box 48, Groblersdal, 0470 for a period not less than 30 days from the date of publication of notice. Address of applicant: 657 Nsama Street, Polokwane, 0699: Email: rrtpc12@gmail.com. Contact cell: 067 670 7256.

26-03

**PHETOŠO YA SEKEMO-TAULO SA TŠHOMIŠO YA NAGA SA 2006 SA GREATER GROBLERSDAL KA KAROLO YA 62 YA MOLAWANA WA PEAKANYOLESWA LE TAULO YA TŠHOMIŠO YA NAGA WA MMUŠOSELEGAE WA ELIAS MOTSOALEDI WA 2016 PHETOŠO. SCHEME NO: DP-21/08-01**

Go tsebišwa gore rena ba, RR Town Planning Consultant, mong'a setsha sa 330 Groblersdal Extension 2, ke dirile kgopelo ya go fetša Sekemo-Taolo sa Tshomišo ya Naga sa 2006 sa Greater Groblersdal ka karolo ya 62 ya Molawana wa Peakanyoleswa le Taolo ya Tšhomišo ya Naga wa Mmušoselegae wa Elias Motsoaledi wa 2016, go fetolela setsha se go tšwa go "Madulo 1" go ya go "Madulo 3" schemeno: DP-21/08-01. Dintlha ka botlalo malebana le kgopelo ye di tla ikala go lekolwa phaphošing ya Mmeakanyi wa Metse, Elias Motsoaledi local Municipality, ka 07:30am , Lebatong la Fase la Dikantoro tša Motse 2 Grobler Avenue, ka nako tša tlwaelo tša mošomo tekano ya matšatši a 30 go tloga ka di 26 November 2021 (e le letšatši la mathomo la tsebišo ye) tsebisō mo gazette kandi 26 November 2021 and 03 December 2021. Boipelaetšo goba ditlletlebo ka moka ka kgopelo ye di ka amogelwa ke Molaodi wa Mmasepala, Elias Motsoaledi Local Municipality, PO Box 48, Groblersdal, 0470, mmogo le nna moemedi wa mokgopedi gona moo tekanong ya matšatši a 30 a tsebišo ye go tloga ka 22 May 2021.: 657 Nsama Street, Polokwane, 0699: Email: rrtpc12@gmail.com. Contact cell: 067 670 7256.

26-03

**PROCLAMATIONS • PROKLAMASIES****PROCLAMATION NOTICE 43 OF 2021  
POLOKWANE MUNICIPALITY****POLOKWANE/PERSKEBULT AMENDMENT SCHEME 245**

It is hereby notified in terms of Section 61 (6) of The Polokwane Municipal Planning By-Law, 2017, read together with Spatial Planning and Land Use Management Act, 16 Of 2013 that Polokwane Municipality has approved the rights of Polokwane/Perskebult Town Planning Scheme, 2016, for Rezoning of Erf 1073 Seshego Zone D from “Residential 1” to Special for “Medical consulting rooms” subject to conditions on Annexure 95.

Map 3 and the Scheme Clauses of the amendment scheme are filed with the Director: Co-operative Governance Human Settlement and Traditional Affairs, Limpopo Province and the Municipal Manager, Polokwane Municipality and are open for inspection at all reasonable times.

This amendment is known as Polokwane/Perskebult Amendment Scheme **No. 245** and shall come into operation on the date of publication of this notice. Any interested person may request a translation of the Notice, in their preferred language, from the municipality. This request may be forwarded to [LDA@polokwane.gov.za](mailto:LDA@polokwane.gov.za)

**Mr. D.H. MAKOBE**  
**MUNICIPAL MANAGER**

**Civic Centre**  
**POLOKWANE**

**PROCLAMATION NOTICE 44 OF 2021****MUSINA LOCAL MUNICIPALITY SPATIAL PLANNING, LAND DEVELOPMENT AND LAND-USE MANAGEMENT  
BY-LAW, 2016 PROMULGATION NOTICE  
[AMENDMENT SCHEME NO: 333, 336, 387, 396, 398 & 409]**

Notice is hereby given in terms of Section 43(1) of the Spatial Planning and Land Use Management Act 16 of 2013 (16 of 2013) read together with Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters and Musina local Municipality Spatial Planning, Land Development and Land Use Management By-Law 2016 that Musina Local Municipality has approved the following applications for amendment of Musina Land Use Scheme 2010 by the rezoning of:

- i. Erf 649 Messina Ext 1 from “Residential 1” to “Business 1” for the purpose of a business building.
- ii. Erf 648 Messina Ext 1 from “Residential 1” to “Business 1” for the purpose of a business building.
- iii. Erf 1250 Messina Ext 6 from “Residential 1” to “Business 1” for the purpose of business and office floor space.
- iv. Erf 660 Messina Ext 1 from “Residential 1” to “Residential 4” for the purpose of residential buildings, the removal of restrictive conditions and the relaxation of building lines.
- v. Erf 2322 Messina Ext 1 from “Institutional” to “Business 1” for the purpose of business and office floor space.
- vi. Erf 672 Messina Ext 1 from “Residential 1” to “Business 1” for the purpose of a business building and removal of restrictive conditions.

Map 3s and the Scheme Clauses are filed with the office of the Town Planner at Musina Local municipality, Civic Center; No 21 Irwin Street; Musina; 0900, and are open for inspection during normal office hours. These amendment schemes are known as Musina Amendment Numbers 333, 336, 387, 396, 398 & 409 and shall come into operation on the date of publication of this notice. A copy of this notice will be provided in Tshivenda or any other official language to anyone requesting such in writing within 30 days of this notice.

**Municipal Manager**  
**Musina Local Municipality**  
**Civic Center, 21 Irwin Street, Musina, 0900**  
**Private Bag x611, Musina, 0090**

**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

**PROVINCIAL NOTICE 155 OF 2021**

**THULAMELA LAND USE MANAGEMENT SCHEME, 2020**

**NOTICE FOR REZONING AND REMOVAL OF RESTRICTIVE CONDITIONS ON ERF 1009 THOHOYANDOU-F FROM "RESIDENTIAL 1" TO "RESIDENTIAL 2" FOR THE PURPOSE OF ERECTING A STUDENT ACCOMMODATION WITH AMENDMENT SCHEME NO. 044/2021**

MUITI PLANNING AND DEVELOPMENT CONSULTANTS, BEING AN AUTHORIZED AGENT OF THE REGISTERED OWNER OF ERF 1009 THOHOYANDOU –F TOWNSHIP REGISTRATION DIVISION MT, LIMPOPO PROVINCE, HEREBY GIVE NOTICE IN TERMS OF SECTION 62 AND 63 OF THE THULAMELA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW 2016 READ TOGETHER WITH THE PROVISION OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 16 OF 2013, THAT I HAVE LODGED AN APPLICATION TO THULAMELA LOCAL MUNICIPALITY FOR REZONING AND THE REMOVAL OF RESTRICTIVE CONDITIONS OF ERF 1009 THOHOYANDOU-F FROM "RESIDENTIAL 1" TO "RESIDENTIAL 2" FOR THE PURPOSE OF ERECTING A STUDENT ACCOMMODATION ON THE PROPERTY MENTIONED ABOVE.

PLANS AND PARTICULARS OF THE APPLICATION WILL BE AWAITING FOR INSPECTION DURING NORMAL OFFICE HOURS AT THE OFFICE OF THE SENIOR MANAGER: PLANNING AND DEVELOPMENT, THULAMELA LOCAL MUNICIPALITY, FIRST FLOOR, THOHOYANDOU, FROM THE 17<sup>th</sup> OF NOVEMBER 2021.

OBJECTIONS AND/OR COMMENTS OR REPRESENTATION IN RESPECT OF THE APPLICATION MUST BE LODGED WITH OR MADE IN WRITING TO THE MUNICIPAL MANAGER AT THE ABOVE ADDRESS OR TO P.O. BOX 5066, THOHOYANDOU, 0950 WITHIN A PERIOD OF MORE THAN 14 DAYS FROM THE 17<sup>th</sup> OF NOVEMBER 2021.

**ADDRESS OF THE APPLICANT:** MUITI PLANNING AND DEVELOPMENT CONSULTANTS, 26 PEPLOS STREET, IVY PARK, POLOKWANE, 0699, CELL: 0766777217.

19-26

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**THULAMELA LAND USE MANAGEMENT SCHEME, 2020**

**NDIVHADZO YA U SHANDUKISWA HA KUSHUMISELE KWA MAVU U BVA KHA "RESIDENTIAL 1" U YA KHA "RESIDENTIAL 2" KHA TSHITENTSI TSHI DIVHEAHO SA ERF 1009 THOHOYANDOU-F HU U ITELA U FHATA VHUDZULO HA MATSHUDENI UYA NGA AMENDMENT SCHEME NO. 044/2021**

MUITI PLANNING AND DEVELOPMENT CONSULTANTS, YO IMELA MUNE WA TSHITENTSI TSHI DIVHEYAHO SA ERF 1009 THOHOYANDOU - F, NDI VHA DIVHADZA URI HUNA KHUMBELO YO ITIWAHO YA KUSHUMISELE KWA MAVU U ITA VHUDZULO HA MATSHUDENI. IZWI HU TSHI KHOU SHUMISWA MULAYO WA SECTION 62 NA 63 YA THULAMELA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW 2016 YO PATEKANYWA KHATHIHI NA SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 16 OF 2013.

VHANE VHA TAKALELA U VHALA NGA HA KHUMBELO IYI NA MANWALO A YELANAHO NAYO, VHA NGA A WANA OFISINI YA MINIDZHERE MUHULWANE: WA KU DZUDZANYELE NA MVELAPHANDA, KHA LUTA LWA U THOMA KHA MASIPALA WA THULAMELA THOHOYANDOU. MANWALO AYO A DO WANALA LWA TSHIFHINGA TSHI EDANAHO MADUVHA ANO FHIRISA 14 U BVA NGA DUVHA LA DZI 17 DZA LARA 2021. VHANE VHA VHA NA MBILAELO MALUGANA NA IYI KHUMBELO VHA NWALELE MINIDZHERE WA MASIPALA WA THULAMELA KHA DIRESI ITEVHELALO: P.O. BOX 5066, THOHOYANDOU, 0950. MBILAELO DZI DO TANGANEDZIWA LWA MADUVHA A FUMBILI MALO (28) U BVA NGA DUVHA LA DZI 17 DZA LARA 2021.

**DIRESI YA DZHENDEZI LIRE MULAYONI MALUGANA NA IYI KHUMBELO:** MUITI PLANNING AND DEVELOPMENT CONSULTANTS, 26 PEPLOS STREET, IVY PARK, POLOKWANE, 0699, CELL: 0766777217.

19-26

## PROVINCIAL NOTICE 156 OF 2021

**NOTICE: RELOCATION OF GRAVES**

Notice is hereby given that:

On behalf of *Anglo American Platinum, PGS Heritage (Pty) Ltd* and a Registered Undertaker intend applying in terms of the National Heritage Resource Act (Act 25 of 1999); the National Health Act (Act 61 of 2003) and any other relevant National, Provincial or local Acts, Regulations and by-laws;

to the:

- *Provincial Administration of the Province in which the graves are located;*
- *South African Heritage Resources Agency (SAHRA) (graves older than 60 years);*
- *Relevant District and Local municipalities and*
- *The local Traditional Authority (if relevant)*

for approval to exhume and re-inter in a local cemetery, graves situated at the following locations:

The farm Helena 6 JT, Fetakgomo Tubatse Local Municipality, Sekhukhune District Council, Limpopo Province

- DBAP11: S 25.034417 E 30.114500
- DBAP15B: S 25.027780 E 30.111743
- DBAP15C: S 25.027185 E 30.111206
- DBAP21: S 25.022194 E 30.112222

The graves are negatively impacted by future mining activities and will be exhumed from their current place of burial and reburied in a new location as per the wishes of the deceased's families. All persons descendant from the buried individuals and all persons by tradition concerned with the graves are invited to participate in the process and must forward their contact particulars using the details below within 14 days of the date of this notice:

**Ms Mahlogonolo Mengwai**

**Stakeholder Engagement Manager**

**Cell: 066 511 0801**

**Email: [Mahlogonolo.mengwai@angloamerican.com](mailto:Mahlogonolo.mengwai@angloamerican.com)**

**Office Address: Der Brochen Gate, Farm Helena, Steelpoort District, 1133, South Africa**



## TSEBIŠO: GO ŠUTIŠWA GA MABITLA

Go tsebišwa gore:

Legatong la *Anglo American Platinum, PGS Heritage (Pty) Ltd* le Mosepidiši yoo a Ngwadišitšwego e ikemišeditše go dira kgopelo go ya ka Molao wa Methopo ya Bohwa wa Bosetšhaba (Molao wa 25 wa 1999); Molao wa Tša Maphelo wa Setšhaba (Molao wa 61 wa 2003) le Melao, Melawana le melawana ya masepala, Profense goba ya segae;

go:

- *Taolo ya Profense ya Profense yeo mabitla a lego go yona;*
- *Mokgatlo wa Methopo ya Bohwa wa Afrika Borwa (SAHRA) (mabitla a go feta mengwaga ye 60);*
- *Selete sa Maleba le Mabasepala ya segae le*
- *Taolo ya Setšo ya selegae (ge go le maleba)*

go dumelelwa go epollwa ga mabitla gomme ba a boloka gape dirapeng tša segae, mabitla ao a lego mafelong a:

Polase ya Helena 6 JT, Masepaleng wa Selegae wa Fetakgomo Tubatse, Masepala wa Selete sa Sekhukhune, Profense ya Limpopo

- DBAP11: S 25.034417 E 30.114500
- DBAP15B: S 25.027780 E 30.111743
- DBAP15C: S 25.027185 E 30.111206
- DBAP21: S 25.022194 E 30.112222

Mabitla a amilwe kudu ke mešongwana ye e tlogo ya meepo gomme a tla epollwa mafelong a wona a gona bjale gomme a bolokwa gape lefelong le leswa go ya ka ditumo tša malapa a bahu. Batho ka moka ba gabo bahu le batho ka moka bao ka setšo ba hlobaetšwago ke mabitla a, ba laletšwa go kgatha tema mo tshepetšong gomme ba swanetše go romela tshedimošo ya go ikgokaganya le bona ba šomiša tshedimošo ya ka fase mo nakong yamatšatši a 14 a tšatšikgwedi la tsebišo ye:

**Mme Mahlogonolo Mengwai**

**Molaodi wa Boikgokaganyo le Bakgathatema**

**Selefono: 066 511 0801**

**Imeile: [Mahlogonolo.mengwai@angloamerican.com](mailto:Mahlogonolo.mengwai@angloamerican.com)**

**Aterese ya Ofisi: Der Brochen Gate, Farm Helena, Steelpoort District, 1133, South Africa**

**PROVINCIAL NOTICE 157 OF 2021****POLOKWANE LOCAL MUNICIPALITY  
NOTICE OF A REZONING APPLICATION IN  
TERMS OF SECTION 61 OF THE POLOKWANE  
MUNICIPAL PLANNING BY-LAW, 2017  
AMENDMENT SCHEME 388**

I Maake Mohale being the applicant of property erf 3122 Pietersburg Extension 11 hereby give notice in terms of section 95(1)(a) of the Polokwane Municipal Planning By-law, 2017, that I/we have applied to Polokwane Municipality for the amendment of the Polokwane/ PerskebulTown planning Scheme, 2016, by the rezoning in terms of section 61 of the of the Polokwane Municipal Planning By-law, 2017, of the Erf 3122 Pietersburg Extension 11. The property is situated at 125 Grobler Street. The rezoning is from "Residential 1" to "Special" Overnight Accommodation subject to conditions on Annexure 143 The intension of the applicant in this matter is to operate Overnight accommodation.

Any objection(s) and/or comment(s), including the grounds for such objection(s) and/or comment(s) with full contact details, without which the Municipality cannot correspond with the person or body submitting the objection(s) and/or comment(s), shall be lodged with, or made in writing to: Manager: City Planning and Property Management, PO Box 111, Polokwane, 0700 from 26 November 2021.

Full particulars and plans (if any) may be inspected during normal office hours at the Municipal offices as set out below, for a period of 28 days from the date of first publication of the notice in the Provincial Gazette/ newspaper.

Address of Municipal offices: Polokwane Municipality Civic Centre , Corner Landors Mare Street and Bodenstein Street.

Address of applicant 125 Grobler Street Polokwane Extension 11, Cellphone No 0761748888

Dates on which notice will be published: 26 November 2021

**PROVINSIALE KENNISGEWING 157 VAN 2021****POLOKWANE PLAASLIKE MUNISIPALITEIT  
KENNISGEWING VAN 'N AANSOEK OOR HERSONERING INGEVOLGE ARTIKEL 61 VAN DIE  
POLOKWANE MUNISPALE BEPLANNINGVERORDENING, 2017  
WYSIGINGSKEMA 388**

I Maake Mohale synde die applikant van eiendom erf 3122 Pietersburg Uitbreiding 11 gee hiermee kennis ingevolge artikel 95(1)(a) van die Polokwane Munisipale Beplanningsverordening, 2017, dat ek/ons by Polokwane Munisipaliteit aansoek gedoen het vir die wysiging van die Polokwane/ PerskebulDorpsbeplanningskema, 2016, deur die hersonering ingevolge artikel 61 van die Polokwane Munisipale Beplanningsverordening, 2017, van die Erf 3122 Pietersburg Uitbreiding 11. Die eiendom is geleë te Groblerstraat 125. Die hersonering is van "Residensieel 1" na "Spesiale" Oornagverblyf onderhewig aan voorwaardes op Bylae 143. Die voorneme van die aansoeker in hierdie aangeleentheid is om Oornagverblyf te bedryf.

Enige beswaar(s) en/of kommentaar(s), insluitend die gronde vir sodanige beswaar(s) en/of kommentaar(s) met volledige kontakbesonderhede, waarsonder die Munisipaliteit nie kan korrespondeer met die persoon of liggaam wat die beswaar(s) indien ) en/of kommentaar(s), ingedien word by, of skriftelik gemaak word aan: Bestuurder: Stadsbeplanning en Eiendomsbestuur, Posbus 111, Polokwane, 0700 vanaf 26 November 2021.

Volledige besonderhede en planne (indien enige) kan gedurende gewone kantoorure by die Munisipale kantore soos hieronder uiteengesit besigtig word vir 'n tydperk van 28 dae vanaf die datum van eerste publikasie van die kennisgewing in die Provinsiale Koerant/ koerant.

Adres van Munisipale kantore: Polokwane Munisipaliteit Burgersentrum, Hoek Landors Marestraat en Bodensteinstraat.

Adres van applikant Groblerstraat 125 Polokwane Uitbreiding 11, Selfoon No 0761748888

Datums waarop kennisgewing gepubliseer sal word: 26 November 2021

PROVINCIAL NOTICE 158 OF 2021



LIMPOPO

PROVINCIAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF  
ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM

# ENVIRONMENTAL IMPLEMENTATION PLAN 2020 – 2025

As required in terms of Section 11 of the National Environmental Management Act  
(Act 107 of 1998) as amended

Compiled by:

Limpopo Department of Economic Development, environment and Tourism  
Chief Directorate: Biodiversity and Natural Resources Management  
Directorate: Environmental Research and Planning

Private Bag X9484, Polokwane, 0700

Telephone Number: 015 293 8300, Facsimile: 015 293 8319

Enquiries and Comments

Malungani TP – [malunganitp@ledet.gov.za](mailto:malunganitp@ledet.gov.za), Tel: 015 293 8742  
Maluleke MT – [malulekemt@ledet.gov.za](mailto:malulekemt@ledet.gov.za), Tel: 015 290 7061

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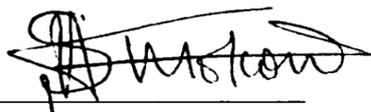
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**LIST OF ACRONYMS**

CBNRM	Community Based Natural Resource Management
CEC	Committee on Environmental Co-ordination
CONNEPP	The Consultative National Environmental Policy Process
CTA	Community Tourism Association
CMA	Catchment Management Agency
DEA	National Department of Environment Affairs
DMR	Department of Minerals Resources
DWS	Department of Water and Sanitation
EIP	Environmental Implementation Plan
EMP	Environmental Management Plan
EMPR	Environmental Management Programme Report
LDARD	Limpopo Department of Agriculture and Rural Development
LEDET	Limpopo Department Economic Development, Environment and Tourism
LEGDP	Limpopo Employment, Growth and Development Plan
GEAR	Growth, Employment and Redistribution Programme
IDP	Integrated Development Plan
IDS	Integrated Development Strategy
IEM	Integrated Environmental Management
ISRDS	Integrated Sustainable Rural Development Strategy
LDO	Land Development Objective
LRAD	Land Redistribution for Agricultural Development
NEMA	National Environmental Management Act
NWMS	National Waste Management Strategy
PDPF	Provincial Development Planning Forum
RDP	Reconstruction and Development Programme
SDI	Sustainable Development Indicator
UNESCO	United Nations Educational Scientific and Cultural Organisation
WP	White Paper
WAU's	Water User Associations

**LIMPOPO ENVIRONMENTAL IMPLEMENTATION PLAN: 2020 – 2015**

I, Thabo Andrew Mokone, Member of the Executive Council for the Limpopo Department of Economic Development, Environment and Tourism (LEDET), hereby publish the Limpopo Environmental Implementation Plan 2020 – 2025 in terms 15(2)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998 as amended) for implementation in the province.



**HONOURABLE MOKONE TA, MPL**

**MEMBER OF EXECUTIVE COUNCIL**

**LIMPOPO ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM**

DATE: 28/07/2021

## PREAMBLE

### Purpose of the Environmental Implementation Plan

The Environmental Implementation Plan (EIP) describes policies, plans and programs of a department that performs functions that may impact on the environment and how this department's plans will comply with the NEMA principles and national environmental norms and standards. The Environmental Management Plan (EMP) on the other hand, describes functions of a department involving the management of the environment and policies and laws, as well as efforts taken by the department to ensure compliance by other departments, with such environmental policies and laws.

The purpose of environmental implementation and management plans as provided for in section 12 of NEMA, is to:

- a) Co-ordinate and harmonize the environmental policies, plans, programs and decisions of the various national departments that exercise functions that may affect the environment or are entrusted with powers and duties aimed at the achievement, promotion, and protection of a sustainable environment, and of provincial and local spheres of government, in order to;
  - i. minimize the duplication of procedures and functions, and
  - ii. promote consistency in the exercise of functions that may affect the environment;
- b) Give effect to the principle of co-operative government in chapter 3 of the Constitution;
- c) Secure the protection of the environment across the country as a whole;
- d) Prevent unreasonable actions by provinces in respect of the environment that are prejudicial to the economic or health interests of other provinces or the country as a whole; and
- e) Enable the Minister to monitor the achievement, promotion, and protection of a sustainable environment.

With the promulgation of the National Environmental Management Act (Act 107 of 1998) as amended (NEMA), certain national departments and provinces (as listed in the mentioned Act), are required to prepare either the EIP or EMP.

These plans are addressed in the chapter of NEMA that specifically relates to procedures for co-operative governance. It can therefore be interpreted that these plans are primarily statutory with the purpose to align the legislative framework and related decisions in respect of the environment.

## Structure of this Document

The Limpopo Environmental Implementation Plan is structured in the following manner:

- **Section One** deals with the introduction and purpose of the EIP. A short overview of the development of environmental legislation is provided, putting the EIP into perspective in relation to the NEMA. The process to compile the EIP and the gathering of information from different provincial government departments are also addressed.
- **Section Two** provides the environmental legislation framework for the Limpopo Province and the legal mandates of the sector departments. The purpose is to provide a framework by means of which the different spheres of legislation (National, Provincial and Local) can be linked to programmes of provincial importance.
- **Section Three** prioritises the policies, plans and programmes that have an impact on the environment are prioritised and link them with the eight (8) key focus areas that have been identified of provincial significance. A description of each focus area is provided and a specific legal framework is provided. Responsible authorities within the Limpopo Province involved in the focus are also identified. Compliance to the NEMA in the format of the “clustered” NEMA principles is presented prior making any recommendations regarding compliance with the EIP. Furthermore, the EIP discusses the existing arrangements for co-operative governance and environmental management.
- **Section Four** evaluates the information contained in the previous chapters in an attempt to make recommendations for integrated environmental management in terms of Chapter 5 of the NEMA. Institutional arrangements are identified as tools for specific recommendations regarding co-operative governance and environmental management to be applied throughout the province. General recommendations not linked to specific institutional arrangements are also discussed.
- **Section Five** then provides for the overall impressions, conclusion and recommendations.

## Conclusion

Section 24 of the Constitution of the Republic of South Africa (1996) is indicative of the changing philosophy and approach towards environment in South Africa. It therefore follows that the concept of environmental rights as fundamental, justifiable human rights, by necessary implication requires that environmental consideration be accorded appropriate recognition and respect during administration process in our country. In the Limpopo Province, the office of Auditor General is specifically interested in the state of the environment and indications are that functions with an impact on the environment will be audited on a regular basis for compliance to the legal framework.

A holistic approach towards the environment is advisable, taking cognisance of international agreements; and the multidisciplinary nature and long term consequences of the management of the environment. As different government departments, institutions and individuals are involved in the environmental decision making process, it is expected that moral, social, political, legal, scientific, technological and economic factors are taken into consideration during decision making processes. The crux of proper environmental decision making can thus best be described as an effort to find an independent balance between the economy, the environment and the quality of life of citizens in order to satisfy the needs and aspirations of all South Africans.

The implementation of the Limpopo Environmental Implementation Plan 2020 – 2025 a platform for the province to contribute towards the realization of the seven (7) government priorities as pronounced by the President of the Republic of South Africa for the 6<sup>th</sup> Administration as well as attaining the objectives of the National Development Plan: Vision 2030. The seven (7) government priorities are:

- **Priority 1:** Building a capable, ethical and developmental state
- **Priority 2:** Economic transformation and job creation
- **Priority 3:** Education, skills and health
- **Priority 4:** Consolidating the social wage through reliable and quality basic services
- **Priority 5:** Spatial integration, human settlements and local government
- **Priority 6:** Social cohesion and safe communities
- **Priority 7:** A better Africa and world

The Limpopo Environmental Implementation Plan will be implemented in the next five (5) years in adherence with the provisions of the NEMA. Section 16(1)(b) of NEMA provides that every organ of state must report annually within four months of the end of the financial year on the implementation of its adopted EIP to the Director-General of the National Department of Environment, Forestry and Fisheries (DEFF). Therefore, the province will report through this Department to the Director-General of the Environmental Ministry from the financial year 2020/2021 based on the commitments included in this plan.

Effective environmental governance is critical for implementation of this plan across all spheres of the society, from governments to NGOs, the private sector and civil society, co-operation is critical to achieving effective governance that can help us move towards a more sustainable future. Some of the key recommendations include but not limited to the Limpopo Provincial Government:

- Drafting environmental policies based on up-to-date, accurate information on emerging issues and the state of the environment;
- Ensuring that environmental sustainability was an integral part of all the provincial development planning, helping to reduce poverty and increase long-term security for vulnerable populations;
- co-operating effectively on the national and global stage, engaging in national and international agreements that moved us closer to a sustainable future;
- Entering into lasting and effective strategic alliances with major groups and stakeholder to achieve common goals and objectives.

If this could become the vision of the Limpopo Provincial Government, the journey to environmental sustainability and a sustainable Province for the people of Limpopo could have begun.



**MR RATHUMBU IM**

**HEAD OF DEPARTMENT: ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM**

**DATE: 07/07/2021**

## SECTION ONE: INTRODUCTION AND BACKGROUND

### 1.1 Introduction

The Limpopo Province is located in the north-eastern part of South Africa covering an areas measuring 123 910 km<sup>2</sup> in extent, with 89% of total coverage being rural and in pristine nature, however, challenged by high illiteracy and unemployment rate. This province's name is adopted from the Limpopo River, which flows along the north-western and north-eastern boundaries of the Province. Limpopo shares its northern boundaries with three countries, namely; Botswana, Zimbabwe and Mozambique.



**Figure 1:** Limpopo Province location in RSA

Source: LEDET, (2016)



**Figure 2:** District Municipalities in the Limpopo Province

Source: LEDET, (2016)

Limpopo is approximately 125 754 square kilometres (km<sup>2</sup>) in extent (StatsSA, 2011) and represents 10.3% of South Africa's land area. It is the fifth largest of South Africa's nine provinces. The province consists of five district municipalities (DMs), which are Capricorn, Sekhukhune, Mopani, Waterberg and Vhembe DMs are made up of 22 Local Municipalities (LMs).

#### 1.1.1 Population dynamics

Limpopo human population is just over 5.4 million (StatsSA, 2011) and represents 10.4% of the South Africa population. The dominate language is Sepedi followed by Xitsonga and Tshivenda. However, in the Vhembe district, Tshivenda is the dominant language, followed by Xitsonga (StatsSA, 2011). There has been a steady increase in employment in Limpopo (up until 2011), with 29% of the workforce being formally employed. More than half (52%) of the population is unemployed (StatsSA, 2011).

The Limpopo province is characterised by rural and semi-urban settings. The capital city of Limpopo is Polokwane located at the centre of the province. Further north is Makhado and in the extreme north is Musina. Mokopane and Bela-Bela. 63.8% of the population lives below the poverty line. This means that households are heavily reliant on the natural resources, such as firewood for energy generation and wildlife for survival both commercially and subsistent. This heavy reliance on the natural resources is further exacerbated by the lack of infrastructure in Limpopo.

Limpopo's population growth is increasing at a rate of 0.82%, which is a relatively low rate compared to other provinces. Yet the province remains poor (StatsSA, 2011). The main human-induced drivers of environmental change are population and economic growth. As population numbers increase, there is an increased demand for goods and services. In order to meet increased demand and supply there is an increased demand on natural resources. This results in environmental change. The driving force of population increase and economic growth extends beyond the boundaries of the Province.

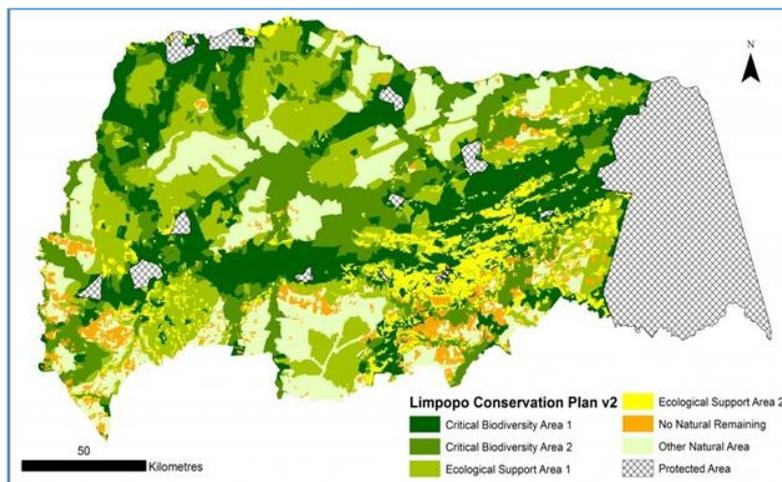
### **1.1.2 Biophysical conditions**

The Limpopo Province, endowed with rich diversity and a variety of natural resources remains critical in providing national solutions that will foster conservation, sustainable use, as well as fair and equitable sharing of benefits arising from the use of natural resources. This, and the fact that the province is also blessed with rich mineral resources, presents it with both challenges and opportunities in our quest for sustainability and sustainable development. Guided by the LDP, which highlights mining, tourism and agriculture as key economic development sectors, we recognize our unique position and responsibility to provide leadership and innovation on how conservation, tourism and mining can co-exist.

The province is characterised by Grassland and Savanna Biomes. The Province is home to three national centres of endemism; the Sekhukhune Centre, the Soutpansberg Centre and the Wolkberg Centre. Limpopo experience hot summers and receives summer rainfall. Winters are mild and mostly frost free. The northern and eastern parts of Limpopo have particularly subtropical climates. The Province is rich in natural resources. The eastern portion of the Province forms part of the Kruger National Park (KNP). The Mapungubwe National Park lies in the extreme north of the Province and is a World Heritage Site (WHS). Limpopo is home to three biosphere reserves; the Waterberg, Kruger to Canyons, and Vhembe Biosphere Reserves.

The top three (3) of nine (9) National Biodiversity Conservation Priority Areas are found in Limpopo. National Conservation Priority 1 is the North-eastern Escarpment; National Conservation Priority 2 is

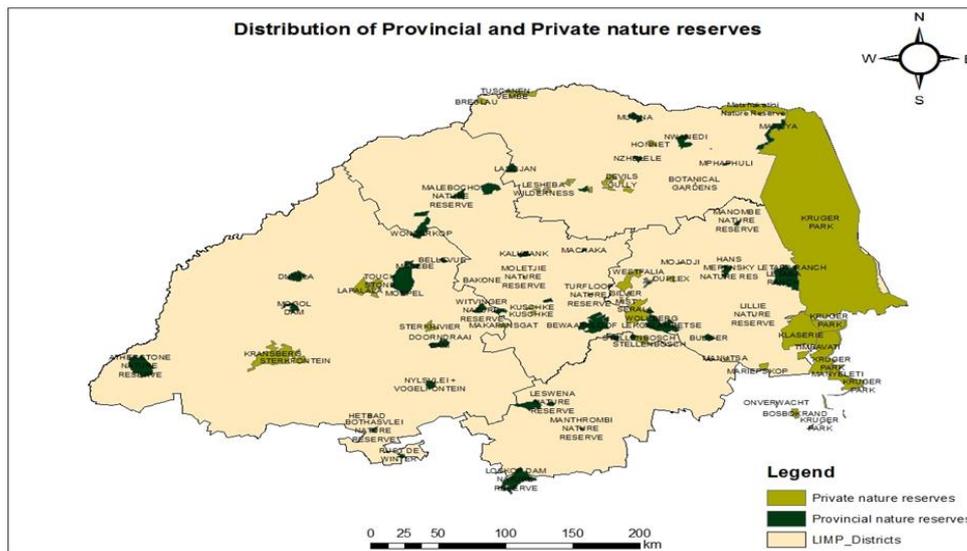
Sekhukhune Centre of Endemism; and National Conservation Priority 3 is the Waterberg DM Wet Grasslands. Two (of five) frontier parks are found in Limpopo, the Great Limpopo Transfrontier Park, the Greater Mapungubwe Transfrontier Conservation Area. Thus, the province developed a conservation plan as illustrated in Figure 3 below.



**Figure 3:** Limpopo Conservation Plan

Source: LEDET, (2010)

As part of expansion of the Limpopo protected areas expansion strategy, the Limpopo province has a responsibility to declare in terms of the National Environmental Management Protected Areas Act (Act 57 of 2003), protected environments and nature reserves. Figure 4 represents the distribution of both provincial and privately owned nature reserves. The province consists of forty-three (43) recognised provincial nature reserves and several private game reserves which host flora and fauna that need protection. Due to the abundance of water and the natural vegetation, these nature reserves comprise of a wide variety of wild animals and birds. Thick forest in the mountains areas, grassland and thick woodland dominates the area provide home to big animals such as Cheetahs, Leopards, Lions, Elephant, Zebra, large troops of Baboons and Vervet Monkeys as well a number of beautiful water birds such as the Malachite Kingfisher and the Goliath Heron. There are a number of rare birds that live in the forests and bushland; including the Green Parrot and the Green Pigeon. Other birds include Ground Hornbills, Secretary Birds, Fish Eagles, Franklin, Partridge and Many more. While the Limpopo River itself is also home to a large group of Hippos. These animals are under threats of criminal activities and they need protection.



**Figure 4:** Distribution of Provincial and Private nature reserves within the Province  
 Source: LEDET (2018)

**1.1.3 Legislative context**

Pre-1994, the South African environmental legislation with either a direct or indirect bearing on environmental concerns was highly fragmented and consisted of approximately sixty (60) environmentally related Acts. Amongst the environmental concerns dealt with, is the conservation of natural resources such as wildlife, the prevention of pollution (air, water and noise pollution), proper planning and land use management, environmental health and waste management.

At the time, no legislation relating to the management of the environment, referring to both the conservation of natural resources and issues such as the control of environmental pollution, as well as simultaneously reflecting a necessary compromise with development however existed. Legislation dealing with environmental protection was only adopted by means of the Environment Conservation Act (Act 73 of 1989) (ECA). Critics then hailed the adoption of the Environment Conservation Act as a major breakthrough for environmental protection as it allowed the Minister of Environmental Affairs to draw up a management policy to clearly define the aims and objectives of environmental conservation. History proved that the Act’s full potential has not been realised as no comprehensive policy was developed.

This shortfall was addressed by means of the White Paper on Environmental Management Policy (1998), when a comprehensive environmental management policy, which was developed during Consultative

Management Process (CONNEPP), was developed. The most important feature of the White Paper on Environmental Policy is its emphasis on the promotion of co-operative governance to ensure that the environmental rights as in the Constitution are protected and fulfilled.

Following the mentioned White Paper, environmental management was placed within the framework of the Constitution of the Republic of South Africa (1996) followed by the promulgation of the NEMA on 19 November 1998. The NEMA employs a number of instruments, which will be addressed in the course of this document to promote, give effect to and monitor co-operative governance as envisaged in section 41(2) of the Constitution. It repealed the previous Act on environment conservation almost as a whole, except for the sections dealing with certain development projects, waste and pollution.

The inclusion of the right to the environment in the Constitution is significant of a paradigm shift that will have a major impact on the improvement of the quality of life of all South African citizens and the increasing respect for each individual's human rights. On the other hand, it also emphasises the strong public sector component. Adding to this, the new dispensation also implies the division of legislative powers between the national, provincial and local levels of government. One can accept that in practice, nine different pieces of provincial legislation may succeed above national legislation, which may lead to the implementation of different norms and standards according to the priorities of each authority.

Acknowledging the challenges of the constitutional allocation of powers, NEMA places a strong emphasis on co-operative governance. It tries to address the defragmentation of performance of environmental functions by various government departments at all levels, in order to promote and ensure integration and co-ordination regarding the implementation of environmental policies.

The statutory instruments for the promotion of such co-ordination are to be found in the procedures for co-operative governance as referred to in Chapter 3 of NEMA.

Section 11(1) of the NEMA provides that "Every national department listed in Schedule 1 as exercising functions which may affect the environment and every province must prepare an environmental implementation plan..."

Section 12 outlines the purpose of the environmental implementation plans and management plans as detailed in the preamble.

## 1.2 Processes followed to prepare the EIP for the Limpopo Province

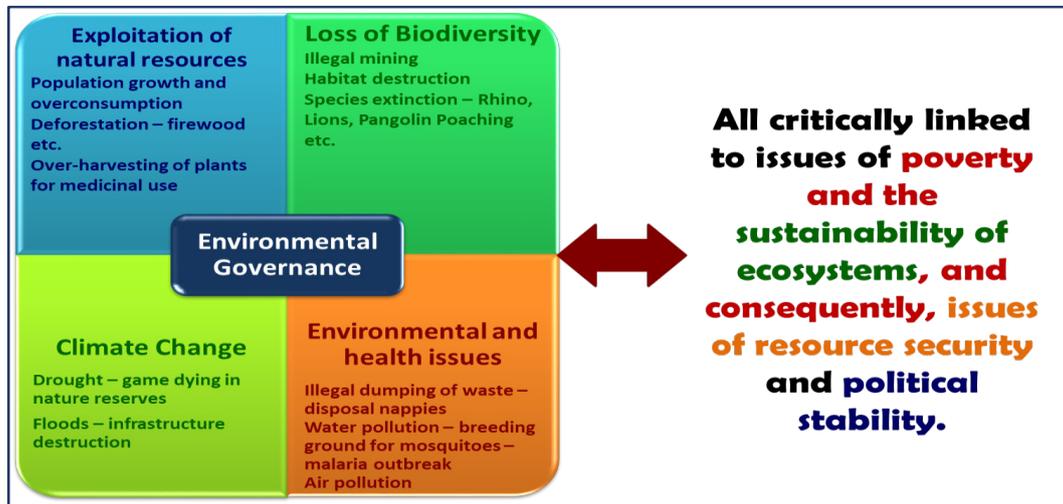
### 1.2.1 Situational analysis

The Limpopo Province is endowed with rich biodiversity and a variety of natural resources, of which if fully explored, could provide lasting national solutions that foster conservation, sustainable development and fair and equitable sharing of environmental benefits for better life for all. Biodiversity is globally identified as the cornerstone of socio-economic growth and sustainable development. As one of the mega-biological diverse nations, South Africa has to establish mechanisms in which biodiversity can be sustainably used to contribute towards dealing with socio-economic ills such as unemployment, poverty and inequality, among other things. This means biodiversity remains a cornerstone of socio-economic growth and sustainable development in all development initiatives. Rhino poaching and illegal trade in rhino horns remains a global challenge and South African is not immune to this problem. South Africa is also signatory to a series of international treaties or conventions on environment and climate change, among other things, to protect the environment, prevent illegal trade and rhino, fauna and flora poaching; wherein Limpopo province also participates.

Empirical evidence illustrates that the Limpopo Province is home to two trans-frontier conservation parks, two world heritage sites, three biospheres and three national parks. In addition, Limpopo boasts having fifty-three provincial nature reserves and more than 6000 privately owned game farms or reserves, all enriched by beautiful landscapes. More so, rich mineral resources and wildlife are abundant in the province, which presents both challenges and opportunities in our quest for sustainability and sustainable development. Of course, environmental obligations for South Africa are drawn from section 24 of the South African Constitution (1996), which advocates for the protection of people's rights to an environment that is not harmful to their health and well-being, and to have the environment protected, through reasonable legislative and other measures that prevent pollution and ecological degradation.

The Constitution further provides for promotion of conservation, secure ecologically sustainable development and the use of natural resources, while promoting justifiable socio-economic development. Various pieces of environmental legislation were developed and implemented to give effect to the constitutional provisions or obligations in specific environmental areas such as integrated environmental management, protected areas, biodiversity, waste management, air quality and pollution. At the provincial level, Limpopo developed the so-called Limpopo Environmental Management Act (No 7 of 2003) to address the province specific environmental issues of critical importance. Legally, the state is responsible for issuing of environmental authorisations for any major developments to the organs of the state, private developers and the public at large.

According to Limpopo Environment Outlook Report (2016) being the basis for the development of this plan, some of the key environmental and priority challenges faced by the province, which are relevant to the mandate of the Department are illustrate in Figure 5 below.



**Figure 5:** Key environmental challenges faced by the Province

Source: LEDET (2016)

### Biodiversity and Ecosystem Health

The progressive transformation of land poses a significant threat to quality of life in Limpopo. The loss of biodiversity priority areas is exacerbated by land being increasingly transformed by various drivers. Once land has become degraded it is unlikely that such land will be returned to its previous ecological function. Continued urbanisation in the Limpopo province, and associated urban sprawl, as well as a decrease in household size (viz. more houses accommodating fewer people per household) is currently and will continue to place pressure on available and potentially environmentally sensitive land in Limpopo province.

The Grassland Biome, associated with some areas of the Limpopo province, is projected to be under severe pressure, due to climate change. According to the LCPv2 (LEDET, 2013), eight of the 56 vegetation types found in the Limpopo province are threatened; one of these is considered critically endangered, one is considered endangered, and six are considered vulnerable. There are five threatened ecosystems in Limpopo, namely: Malmani Karstlands, Sekhukune Mountainlands, Sekhukune Norite Bushveld, Blouberg Forest and Mapungubwe Forest. Together these ecosystems make up just over 1% of the Limpopo province.

Over eighty-five percent (85%) of the Limpopo province is in a natural or near natural state, and over ten percent (10%) developed. There are approximately sixty-two (62) formally PAs in the province covering 1 367 044 ha in extent, just over 11% of the provincial footprint. The major contributor to this is the Kruger National Park, which contributes 72% to the provincial 10 protected area network (PAN). The current informal conservation area estimate is 561 185 ha. Thus, a total of 1 928 229 ha in Limpopo province is currently protected, either formally or informally. This is an increase of 1.87% from 2006 (total of 1 892 123 ha protected). The three (3) biosphere reserves in Limpopo, namely the Vhembe, Waterberg and Kruger2Canyons Biosphere Reserves, contribute to the conservation of biodiversity.

There is tension between the need for cultivation that provides food and livelihoods for farmers on the one hand, and the need to conserve valuable natural habitats, ecosystems and ecosystem services. Inevitably, mining activities in the Limpopo province will, and have already, come into conflict with land management objectives and compatible land uses, as stipulated in the LCPv2 (LEDET, 2013), especially in the Sekhukune and Soutpansberg centres of endemism. Of concern is the fact that mining applications have been approved in sensitive CBAs and in close proximity to formally protected areas, where mining is explicitly indicated as an incompatible land use. Other land uses, which may affect CBAs, include urban development, agricultural activities and forestry. Similarly, future planning of such activities must consider the compatibility of the land use in the CBA category in which it is situated.

### **Climate Change**

South Africa emits more greenhouse gases per person than many industrialised countries. Reasons for this lie in our dependence on coal for electricity. Predictions for climate change over the next 50 years are that there will be less rainfall, especially in the western parts of South Africa, and higher temperatures, particularly in the interior. It is likely that we will have more frequent floods and droughts. South Africa is highly susceptible to the effects of climate change, given the high levels of human vulnerability and the predictions for increased floods and droughts. All South Africans, including the people of the Limpopo province, have a duty to do more to address climate change. Climate change is receiving increased attention nationally, with cabinet approving a scenario planning process that will inform climate change policy. A National Climate Change Response Strategy was also compiled in 2004, which highlights the need to develop a sustainable energy programme.

Climate change is becoming increasingly apparent in Limpopo. The province faces a predicted increase in temperatures, strong variations in rainfall patterns and a higher frequency of extreme events. Limpopo is perhaps the most vulnerable province to climate change in South Africa. This is attributed to issues such as poverty, inadequate housing and poor access to services exacerbating environmental change.

These issues compound and result in an inability to respond to the disastrous effects of climate change. Observed data indicates increases in temperatures and variations in rainfall across the province, this showing that the Limpopo province is already experiencing the effects of climate change. The consequences of the extreme events experienced between 2014 and 2015 exposed the lack of preparation of the province to handle climate variations. The province therefore needs to strengthen climate mitigation and adaptation measures. Some notable efforts have been made by the province in the development of a framework and strategies to address mitigation and adaptation, but more intervention is necessary. The lack of appropriate changes and improvements in governance, pose severe limits on improving resilience. It is expected that the biggest challenge that mitigation and adaptation plans face will be the integration and effective implementation at local municipality level.

### **Waste Management**

The effective management of waste is of critical importance to avoid detrimental impacts on health and the environment and to ensure the protection of rivers and wetlands in Limpopo. The waste management function should be strengthened in view of the problems experienced in the collection of waste and monitoring of the performance of waste disposal sites. Effective work is being done by Local Municipalities in managing solid waste and monitoring through participation in the Green Municipalities Competition. While there are many difficulties associated with waste management in the Limpopo province, the proper functioning and monitoring of solid waste disposal sites, and improved waste collection and recycling efforts, can provide significant improvement to the situation. There are no hazardous waste disposal sites in Limpopo and the department is currently not monitoring hazardous waste generation, or its disposal. The integrated waste management plan for the province needs to be reviewed as it is outdated. The Local authorities also require assistance on the development and implementation of their respective integrated waste management plans.

### **Environmental Governance**

Planning frameworks are increasing at a global level but a lack of implementation reduces effectiveness. Staffing shows a decreasing trend with consistently high levels of vacant posts in key environmental management departments at different levels of government in Limpopo (Provincial, District and Local). Compliance and enforcement is decreasing due to increases in wildlife crime and staffing issues negatively affecting efficient enforcement. Capacity is decreasing due to insufficient resources being allocated as well as the lack of skills and development at the district and local levels. Environmental governance is a cross-cutting theme that touches on all environmental issues in the Province. The need for stronger environmental governance is well recognised, as is the link between a sustainable and

effectively protected environment and the numerous benefits for economic development, social health and well-being.

Some key policies, laws and structures are in place in the Limpopo Province, and a few more are under development. The presence of such frameworks and tools requires urgent and effective implementation.

Shortfalls in resources, skills and capacity must be addressed to ensure the alignment and implementation of key policies, plans and laws that pertain to environmental management at the different levels of government within the Province. Strengthened institutional structures and capacities and increased staff and resources for essential environmental management functions, collaboration among government sectors, different levels of government and other parties to promote and support cooperative environmental governance, and support for environmental observation, research and monitoring to inform decision-making and improve risk identification and mitigation.

If these challenges are not effectively addressed; they will exacerbate the rate of environmental degradation and have the potential to undo or undermine many of the positive advances made in meeting South Africa's own development goals as outlined in the National Development Plan (NDP) Vision 2030 and the Sustainable Development Goals (SDGs). According to the NDP some of the measures to protect the natural the country's natural resources and build climate resilience include amongst others the following:

- Protection of the natural environment for future generations;
  - Environmental management framework that ensures that developments that have serious environmental or social effects are offset by support improvements in related areas.
  - A targeted amount of land and oceans under formal protection
- Enhancing the resilience of people and the economy to climate change;
- Policy shifts in the short to medium term in respect of broadening the price on carbon to encourage economy wide efficiency and investment in green technologies;
- Reduction in greenhouse gas emissions and improvement in energy efficiency;
- Extraction of mineral wealth to generate resources to raise living standards, skills and infrastructure in a sustainable manner; and
- A set of natural resources indicators reported annually in publications.

### **Impact of Covid-19 pandemic on Environment Sector**

With the current COVID-19 pandemic occurrence and the declaration of the National State of Disaster for the Republic of South Africa, the environment sector performance is also affected, particularly in terms of its contribution to the GDP and creation of jobs in the province. Development projects finalised during the first quarter of 2020/21 financial year decreased to seven (7) compared to sixty-one (61) during the first quarter of 2019/20 financial year. This has affected potential development investments as well as creation of jobs. Infrastructure developments such as filling stations and resorts to identify a few have been adversely affected.

There has also been a significant decline in terms of the hunting activities in the province. Approximately eighty (80) outfitters employed 1753 people. At least 30% were retrenched by May 2020, 45 % having been put on reduced wages or leave without pay and 25% would be retained for the time being. The majority of those retrenched are Professional Hunters, Trackers, Skinners, Cooks and general camp staff. The total international hunting industry is closed with Zero income being generated since the beginning of Lockdown. Most outfitters have been able to postpone about 60% of their hunts to next year. The rest have been cancellations or indefinite postponement, deposits have had to be refunded. All Game farms that are reliant on hunting have been seriously impacted and foresee very difficult financial times. The total loss of income is difficult to ascertain at this point in time. Taxidermist, exporters and other industry dependant small businesses have not even been taken into consideration. Most of the retrenched workers are those with low income or freelancers and are undoubtedly the most severely impacted with zero income for this season. The bigger part of the hunting industry has been excluded from relief packages. The industry may only start to recover once international travel resumes and global economies become stable. This is evident in terms of the decline in the number of permits issued the first quarter of 2020/21 financial year as compared to the first quarter in the 2019/20 financial year.

Non-compliance with environmental legislation has also increased significantly. Illegal activities such as poaching of fauna and flora especially in the provincial nature reserves, keeping of fauna, fishing, hunting, deforestation have seen significance increase since the beginning of the COVID-19 pandemic lockdown. An environment sector recovery plan will be implemented to ensure gradual recovery of the environment sector. This plan will ensure that collaborative efforts are implemented between government and environment sub-sectors such as the hunting industry, biodiversity economy etc. to ensure that opportunities that can be derived from beneficiation of natural resources are maximised.

### 1.2.2 Preparation of the Limpopo EIP

The previous Limpopo Province Department of Agriculture and Environment was mandated by the Office of the Premier to act as the lead agent for the preparation of the first edition EIP. The second edition, which is regarded as the third generation following the legislative requirements in this regard; was prepared by the Limpopo Department of Economic Development, Environment and Tourism (LEDET) in 2015.

Information regarding the preparation of this EIP was obtained from the Limpopo Environment Outlook Report (2016) National Development Plan: Vision 2030, the Limpopo Development Plan and from the Strategic planning documents, business plans, medium-term expenditure frameworks and annual performance plans from the following Government Departments:

- Office of the Premier,
- Department of Agriculture and Rural Development,
- Department of Arts, Sport and Culture,
- Department of Education,
- Department of Provincial Treasury,
- Department of Health Social Development,
- Department of Co-operative Government, Human Settlements and Traditional Affairs,
- Department of Transport, Safety, Security and Liaison,
- Department of Public Works, Roads and Infrastructure,
- Department of Economic Development, Environment and Tourism,
- Regional Office – Department of Minerals Resources, and
- Regional Office – Department of Water and Sanitation.

Bilateral meetings and/or discussions were held with representatives from all the above provincial and National Departments in Limpopo where the EIP project was explained and relevant information was requested. During follow-up bilateral discussions, the requested information was presented and discussed.

## SECTION TWO: MANDATES AND LEGISLATIVE FUNCTIONS

### 2.1 Introduction

The Limpopo Provincial Government derives its powers from the Constitution of the Republic of South Africa (Act 108 of 1996) hereafter referred to as the “Constitution”.

The functional areas of concurrent National and Provincial legislation are listed in Section 4 of the Constitution. Areas of specific relevance to the Environmental Implementation Plan are:-

- Agriculture,
- Environment,
- Health Services,
- Housing,
- Nature Conservation,
- Pollution Control,
- Regional Planning and Development,
- Soil Conservation,
- Tourism,
- Disaster Management,
- Air Pollution Management,
- Storm water Management Systems in Urban Areas,
- Municipal Planning, and
- Water and Sanitation Services.

As defined in part B of Schedule 4 these are also local authority matters, the functional areas of exclusive provincial competence are listed in Section 5 of the Constitution. Aspect relevant to environmental issues include:

- Provincial Planning
- Cleansing
- Municipal Park and Recreation
- Noise Pollution
- Refuse removal, Refuse dumps and solid waste disposal

As defined in part B of Schedule 5 these are also local authority matters, In respect of environment performance the following sections of the Bill of Rights (Chapter 2 of the Constitution) are considered particularly important:

- Section 24: Environment
- Section 26: Housing
- Section 27: Healthcare, food, water and Social Security
- Section 32: Access to Information
- Section 33: Just Administrative Action

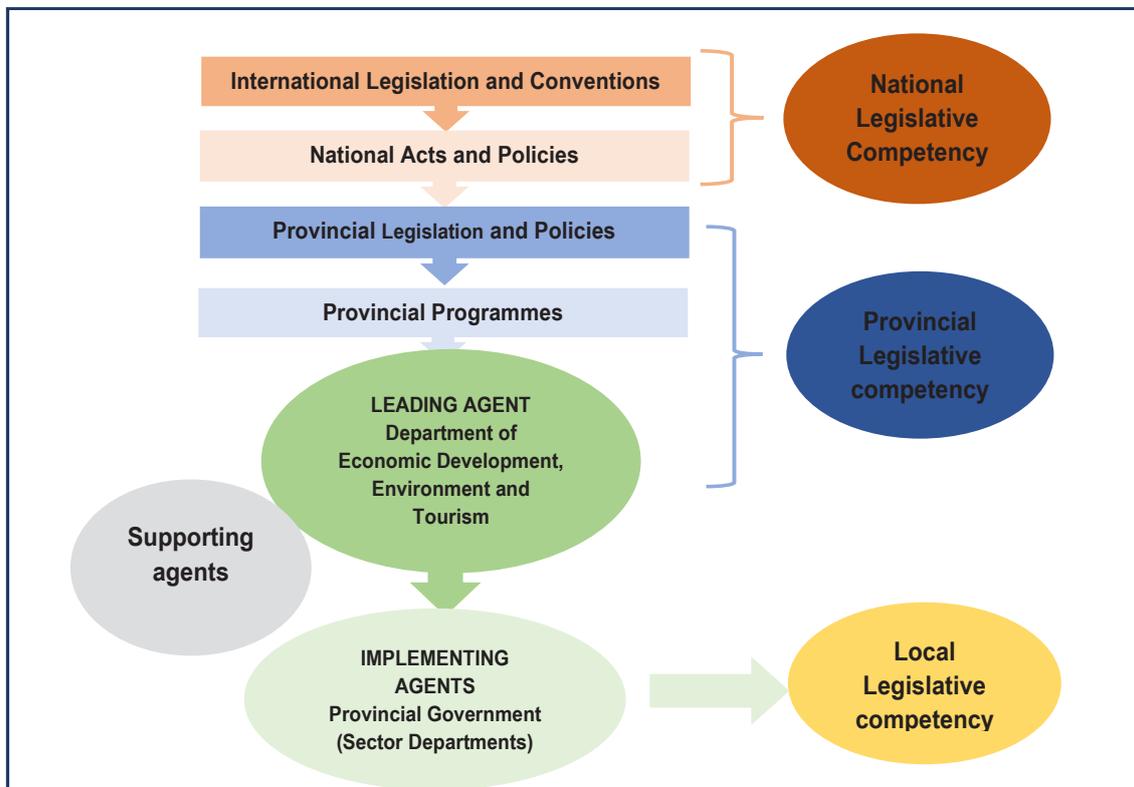
In consideration of the above, the Provincial Government's role in environmental matters is wide and diverse. The responsibility for the management of activities that may have impact on the environment rests on both the National, Provincial and Local Government. Therefore, the role of Provincial Government is to facilitate, co-ordinate and supervise the development of the EIP, rather than implementation thereof.

One of the goals outlined in the White Paper on Environmental Policy in South Africa of 1998 is the creation of effective, adequately resourced and harmonized (environmental) institutional framework and the integrated legislative system in order to build institutional capacity in all spheres of government to ensure the effective implementation of the policy.

The EIP can be used a useful instrument to support this goal and the aim of this chapter is to provide summary of the legislation related to environmental management to ensure clarity regarding environmental jurisdiction within the Limpopo Province in a framework that applies to the whole Province. The international, national and provincial perspectives are also put policy.

## **2.2 Distribution of mandates, powers and competencies: national, provincial and local government**

It is vital to reemphasise the mandate, function and the related legislative framework of the Provinces as derived from the Constitution. This is an important fact to consider though its emphasis in this chapter is on the relevant mandate within an environmental perspective. The Constitution identified a Bill of Rights, including the right to the environment as one of the fundamental rights in terms of Section 24. In the effort to link the Provincial mandate in terms of the Constitution to the relevant Environmental Legislation within Provincial perspectives, the information is illustrated below.



**Figure 6:** Distribution of powers, mandates and competencies

**Source:** The Constitution of the Republic of South Africa, 1996

The Constitution creates a framework within which environmental management system must be employed. In terms of the Constitution, the legislative authority of the provincial sphere of government is vested in the Provincial Legislature in terms of section 104. The provincial legislative authority has amongst others, the power to adopt legislation for the Province in terms of the following:

- Any matter within the functional areas of Concurrent National and Provincial Legislative Competence as referred to in Schedule 4 of the Constitution including matters such as administration of indigenous forest, the environment, indigenous and customary laws (subject to section 12 that deals with traditional leaders), nature conservation (excluding national parks);
- Any matter within the functional Areas of Exclusive Provincial Legislative Competence referred in the Schedule 5 of the Constitution including matters such as provincial planning –roads and traffic and veterinary services (excluding regulation of the profession); and
- Part 5 of the schedule B also referred to functional areas of Local government that are included in the Exclusive Provincial Legislative Competence including matters such as nuisance, noise pollution, refuse removal, refuse dump and solid waste disposal.

### 2.3 International Perspectives

South Africa as a responsible member of international community is a signatory to a variety of international agreements and conventions. Conventions are an important source of legislation as a result of an increasing need of co-operation across international borders

An agreement must first be effective before it can be binding, therefore; no country is bound by the terms of such agreements before it gave consent to become a party of such agreements (normally by signing or by ratification). Normally there is a condition that an agreement must be signed by a certain number of parties before it is effective.

#### 2.3.1 Conventions applicable to the Limpopo Province and short description thereof

*Table 1: Conventions applicable in the Limpopo Province*

CONVENTION TYPE	PURPOSE
Convention of Biological Diversity, 1982	To effect international co-operation in the convention of biological diversity and to promote sustainable use of the living resources.
Convention on Wetlands of International Importance especially as Water Flow Habitat (RAMSAR Convention)	To stem the loss, and to promote the wise use of all wetlands.
Convention of International Trade in Endangered Species of Wild Fauna flora (CITES), 1973	To ensure protection of endangered species and the economic use of species, monitoring the status of the species and control the illegal trade.
World Heritage Convention	To ensure protection of world cultural and natural heritage.
Convention on the Conservation of Migratory Species of Wild Animal (Bonn Convention), 1979	To ensure conservation of animal (terrestrial animal, reptiles, marine species and birds) that migrate across the border. Special attention is paid the endangered species.
Man and Biosphere Programmes (Biosphere Reserves)	The biosphere reserves concept form part of UNESCO's programmes that aims to provide scientific basis of regional land use and land management.

CONVENTION TYPE	PURPOSE
United Nations Convention to Combat Desertification, 1994	To combat desertification in those countries experiencing serious drought and /or particularly in Africa.
Protocol for the Protection of Ozone Layer (Montreal Protocol)	Aimed at ensuring measures to protect the ozone layers and was designed to reduce the production and consumption of ozone depleting substances.
Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal (1989)	Aimed at a reduction in the production of hazardous waste and their restriction of trans boundary movements and disposal of such waste.
Framework Convention of Climatic Change (Kyoto Protocol)	Addresses the threat of global climate change by urging government to reduce sources of greenhouse gasses.
The Stockholm Convention on Persistent Organic Pollutants (POPs)	The Stockholm Convention is an international legally binding agreement on persistent organic pollutants (POPs). It looks at “chemical substances that persist in the environment, bio-accumulate through the food web, and pose a risk of causing adverse effects to human health and the environment”.
Lusaka Agreement	Aims at the co-operative enforcement operation directed at illegal trade in wild fauna and flora.
SADEC Convention on Conservation	Nagoya Protocol - Biodiversity Convention - Protocol on Wildlife Conservation and Law Enforcement.
Rio declaration on Environment and Development, 1992	Provide for principles intended to guide future sustainable development around the world.
Convention Concerning the Protection of the World Cultural and Natural Heritage (1972)	To encourage the identification, protection, and preservation of earth's cultural and natural heritage.

## 2.4 National Perspectives

Environmental legislation in South Africa exists at all spheres of government – National, Provincial and at local government. Some of the National Environmental Legislation containing important implications for Environmental Management include:

**Table 2: Environmental Legislative Framework applicable to the Limpopo Province**

LEGISLATION	PURPOSE
PRIMARY LEGISLATIVE PROVISIONS	
<b>Constitution Of The Republic of South Africa Act ( Act 108 of 1996)</b>	To provide for rights to the people regarding environment that is protected and affirms the democratic values of dignity, equality and freedom. Section 24: Everyone has the right to an environment, which is not harmful to their health or well-being.
<b>National Environmental Management Act (Act No. 107 of 1998 as amended)</b>	To provide for co-operative environmental governance by establishing principles for decision making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state and to promote for matters connected therewith.
<b>National Environmental Management Biodiversity Act ( Act 10 of 2004)</b>	To regulate the sustainable use of biological resources.
<b>National Environmental Management Air Quality Management Act (Act 39 of 2004)</b>	To provide for mechanisms, systems and procedures to promote holistic and integrated air quality management through pollution prevention and minimisation at source and through impact management with respect to the receiving environment from local scale to international issues.
<b>National Environmental Management Protected Areas Act (Act 57 of 2003)</b>	To provide for the protection and conservation of ecologically viable areas representative of South Africa's biological diversity and its natural landscapes and seascapes; for the establishment of a National register of all National, Provincial, and Local protected areas for the management of those areas in accordance with national norms and standards; for intergovernmental co-operation and public consultation in matters concerning protected areas; and for matters in connection therewith.
<b>National Environmental Management: Biodiversity Act ( Act 10 of 2004)</b>	To provide for the management and conservation of biodiversity and the sustainable use of natural resources
<b>National Environmental Management: Waste Act (Act 59 of 2008)</b>	To reform the laws regulating waste management in order to protect the health and the environment by implementing reasonable measures for the prevention of pollution and ecological degradation and for ensuring sustainable development.
<b>Limpopo Environmental Management Act (Act 7 of 2003)</b>	To consolidate and amend the environmental management legislation of or assigned to the Province; and to provide for matters incidental thereto.
<b>Spatial Planning and Land Use Management Act ( Act 16 of 2013)</b>	To provide for tools, mechanism and procedure regarding spatial planning and land use management that have implication on the environment
<b>Traditional Leadership and Governance Framework Act ( Act 41 of 2003)</b>	To provide for involvement or participation of traditional authorities in the development of policies that affect communities located in areas administered by traditional leaders

LEGISLATION	PURPOSE
<b>World Heritage Convention Act (Act 49 of 1999)</b>	To provide for the incorporation of the World Heritage Convention into South African Law; the enforcement and implementation of the World Heritage Convention in South Africa; the recognition and establishment of World Heritage Sites; the establishment of Authorities and the granting of additional powers to existing organs of State; the powers and duties of such Authorities, especially those serving the integrity of World Heritage Sites; where appropriate the establishment of Boards and Executive staff Components of the Authorities; integrated management plans over World Heritage Sites; land matters in relation to World Heritage Sites; financial, auditing and reporting controls over the Authorities; and to provide for incidental matters.
<b>SECONDARY ENVIRONMENTAL LEGISLATIVE PROVISIONS</b>	
<b>Mineral and Petroleum Resources Development Act (Act 28 of 2002)</b>	To make provision for equitable access to and sustainable development of the nation's mineral and petroleum resources; and to provide for matters connected therewith.
<b>Conservation of Agricultural Resources Act ( Act 43 of 1983)</b>	To provide for control over the utilisation of the natural Agricultural resources of the Republic in order to promote the conservation of the soil, the water resources and the vegetation and the combating of weeds and invader plants; and for matters connected therewith.
<b>Preservation and Development of Agricultural Land Bill of 2015</b>	To provide for the preservation of agricultural land; provide for agricultural regulations pertaining to the subdivision and change of land use applications on agricultural land and to provide for protected agricultural areas.
<b>National Forest Act (Act 84 of 1998)</b>	To provide for reformation of the law on forest.
<b>National Veld and Forest Fire Act (Act 101 of 1998)</b>	To reform the law on veld and forest fires; to repeal certain provisions of the Forest Act, 1984, and to provide for related matters.
<b>National Water Act (Act 36 of 1998)</b>	To provide for fundamental reform of the Law relating to Water resources; to repeal certain laws; and to provide for matters connected therewith.
<b>Municipal Systems Act (Act 32 of 2000)</b>	To regulate the delivery of services in the local government sphere an all matters related thereto.
<b>Subdivision of Agricultural Land Act (Act 70 of 1970) as amended</b>	To control the subdivision, and in connection therewith, the use of Agricultural land.
<b>Hazardous Substances Act (Act 15 of 1973)</b>	To provide for the control of substances which may cause injury or ill health to or death of human beings by reason of their toxic, corrosive, irritant, strongly sensitizing, or flammable nature.
<b>Firearms Control Management Act (Act 43 of 2003)</b>	To establish a comprehensive and an effective system of firearms control; and to provide for matters connected therewith.

LEGISLATION	PURPOSE
<b>National Heritage Resources Act (Act 25 of 1999)</b>	To introduce an integrated and interactive system for the management of the national heritage resources at national level
<b>Promotion of Access to Information Act (Act 2 of 2000)</b>	To give effect to the constitutional right of access to any information held by the State and any information that is held by another person.
<b>Promotion of Administrative Justice Act (Act 3 of 2000)</b>	To give effect to the right to administrative action that is lawful, reasonable and to written reasons for administrative action as contemplated in section 33 of the Constitution.
<b>Intergovernmental Relation Framework Act (Act 13 of 2005)</b>	To establish a framework for the National government, Provincial governments and Local governments to promote and facilitate inter-governmental relation; to provide for mechanism and procedures to facilitate the settlement of inter-governmental disputes; and to provide matters connected therewith.
<b>Disaster Management Act (Act 57 of 2002)</b>	To provide for an integrated and co-ordinated disaster management policy that focuses on preventing or reducing the risk of disasters, mitigating the severity of the damage caused by disasters.
<b>Mountain Catchment Areas Act (Act 63 of 1970)</b>	To regulate the conservation, use, management and control of mountain catchment areas.

## 2.5 Provincial Perspectives

Based on the above-mentioned perspectives, this section lists the mandate and function of the relevant provincial departments or regional office as derived from the constitution of South Africa in relation to the environmental issues.

### Office of the Premier

The Strategic Planning Directorate has supporting functions in respect of planning and co-ordination within the Province. The functional organization and establishment report of the office of the Premier provides for the establishment of this Directorate. The Provincial Planning Forum has been established to integrate decision making processes and provincial planning and meets on quarterly basis. The Strategic Planning Division in the Office of the Premier provides for a “professional secretariat” supported and co-ordinated on the implementation of the Provincial GDS. This office does not have any regulatory function in terms of the environment, however draws its mandate from the following:

**Table 3: Mandates of the Limpopo Office of the Premier**

MANDATE	LEVEL OF COMPETENCY	LEGISLATIVE AUTHORIZATION / PERMITS
Public Service Act	Provincial	None
Public Service Regulation	Provincial	None
Public Finance Management Act	Provincial	None
Batho Pele Policy on Transformation of Public Service	Provincial	None

### Limpopo Department of Agriculture and Rural Development (LDARD)

Agriculture is one of the areas that have been identified to have future growth potential concentrated in within Limpopo province. The Provincial Department of Agriculture is not a mirror- view of the National Department and their functions will therefore not necessary correspond

The National and Provincial Departments developed the Land Redistribution for Agricultural Purposes Development (LRAD) process, which aims to have 30 % of arable land in South Africa in the hands of previously disadvantaged farmers. In Limpopo Province, state owned farmers cover 229 000 hectares of land, 193 hectares are encumbered and may only be restricted by the Land Claim Commissioner.

The regulatory functions in respect of the environment of the DOA include veterinary services and the conservation of Agricultural Resources as well as the subdivision of land and the DOA draws its mandate from the following:

**Table 4: Mandates of the Limpopo Department of Agriculture and Rural Development**

<b>Mandate: Agricultural components</b>	<b>Level of legislative Competency</b>	<b>Authorization/ Permits</b>
Abattoir hygiene Act No. 121 as it relates to the maintenance of Hygiene standard in the abattoir	Provincial	Certificates of approval
Animal Health Act No. 35 of 1984 as it relates to the to the control of animal health and the control of animal diseases	Provincial	Permits for movement of animal and products in controlled areas scheduled
Conservation of Agricultural Resources Act No. 43 of 1983 as it relates to the conservation of soil water sources and vegetation, the optimal utilization of resources and combating of weeds and invader plants	National	Permits for new lands
Spatial Planning and Land Use Management Act (Act 16 of 2013) as it relates to the land development objectives	Provincial	None
Fertilizers, farm feeds, agricultural remedies and stock remedies Act No. 36 of 1947 as it relates to the use and disposal of chemical and biological substances	Provincial	Permits
Meat safety Act No. 40 of 2000 as it relates to the import and export of animal meat	National	permits
Subdivision of Agricultural Land Act No. 70 of 1970 as it relates to the subdivision of agricultural land	National	Letter of approval
Departmental policy	Provincial	n/a

### **Department of Sports Arts and Culture**

The Department mainly focuses on sports, cultural, arts and historical resources of the province. Development of sports includes SCORE, a program aimed at bringing sports development to children in rural areas. Proactive programs aimed at the involvement of the community in the promotion of arts, culture and sports are currently running. This department does not have any regulatory functions in terms of the environment, but rather has a supportive role to play.

### **Department of Education**

Taking the demographics of the province into consideration, it is acknowledged that the youthful population dictates a need for accelerated attention to education. Thus, future education and training at all levels of the formal schooling system should receive high priority within the province. Formal training and adult education is also a challenge in as far as curricula and vocational training is involved. In practice, educational backlogs such as the shortage of the classrooms, the adverse matric failure rate and the shortage of science and skills training teachers prove to be an immense challenge. As the above have more of a social bearing, the activities of the department of education and the related legislative framework will not be discussed in depth in this version of the EIP.

### **Limpopo Provincial Treasury**

Although the Department does not perform functions explicitly aimed at environmental management, a portion of applicable legislation has specific relevance to the environment. The key focus areas of the Department are:

- Sound Provincial Fiscal Policy development, implementation and management in line with the National Macro Economic Strategy.
- Equitable distribution of resources

### **Department of Economic Development, Environment and Tourism**

In 1999, the Limpopo Province was the second last contributor to gross domestic production, which puts the vision of Limpopo Province being the main contributor to national wealth by 2020 into perspective. It strives to achieve this by creating a stimulating and enabling environment conducive to sustainable economic growth, environmental and an improved quality of life for all.

The proximity of the Limpopo Province to Zimbabwe, Mozambique and Botswana puts the province in a strategic position to enter into efforts such as trans-frontier development initiatives, strengthening regional and international co-operative governance. The Ivory Route Development initiative and the Gaza-Kruger-Gonarezhou and Sashi-Limpopo Transfrontier Conservation Areas are examples of such initiatives. The N1 corridor or North-South SDI also provides opportunities with Zimbabwe. The key focus areas of the Department are:

- Above average increase in economic growth arte;
- Increase in investment;
- Flourishing Small, Medium and Macro Enterprises in the primary and secondary sector;
- Job creation; and
- Health and fair Trade.

The Tourism component has been identified as the component that involves possible impacts on the environment. Although this component currently does not have any regulatory functions in terms of the biophysical environment, the following functions involve management of the environment:

- Encourage the development of tourism and marketing;
- Game Park Management; and
- Ensure effective development and the promotion of foreign direct investment issues.

**Table 5: Mandates of the LEDET's Tourism Component**

<b>MANDATE</b>	<b>LEVEL OF LEGISLATIVE COMPETENCY</b>	<b>AUTHORIZATIONS PERMITS</b>
<b>Provincial Growth and Development Strategy</b>	Provincial	None
<b>Job Summit Resolution of 1998</b>	Provincial	None
<b>GEAR</b>	Provincial	None
<b>Tourism Act 72 of 1993</b>	Concurrent	
<b>Executive Resolution on Provincial Park</b>	Provincial	None

The Environment Component is responsible for the management of the utilization of the biodiversity within the province, integrated pollution and waste management as well as the environmental impact management. The importance of this component must never be under estimated and the experience has shown that this has to develop into the rock foundation for four pillars of the economy in the province.

The Environmental Trade and Protection (ETP) Chief Directorate performs functions relating to the sustainable development, Impact Assessment, Wildlife Trade and Regulation, and the Pollution and Waste Management. Please refer to Annexure A for the detail list of the functions under the ETP Chief Directorate.

**Table 6: Mandates of the LEDET's Environment Component**

<b>MANDATE</b>	<b>LEVEL OF LEGISLATIVE COMPETENCY</b>	<b>AUTHORIZATION /PERMITS</b>
<b>Atmospheric Pollution Prevention Act No. 45 of 1965 as it relates to the prevention of the pollution of the atmosphere and the regulation</b>	National ,local	N/A inputs
<b>Environmental Conservation Act 73 of 1989 as it relates to the effective protection and controlled utilization of the environment</b>	Concurrent	Environmental authorization
<b>National Forest Act No. 84 of 1988 as it relates to the conservation of indigenous forest</b>	National	Permit to protect and control the use of indigenous forest
<b>National Veld and Forest Fire Act 101 1998 relating to the prevention of veld fires</b>	National	Permits for controlled fires
<b>Mountain Catchment Areas Act 63 of 1970 as it relates to the catchment areas in the province and demarcation of such areas</b>	Provincial	Can declare an area as a mountain catchment area
<b>National Environmental Management Act 107 1998 as it relates to the environmental management</b>	Concurrent	None
<b>Limpopo Environmental Management Act No.7 of 2003 as it relates to environmental management in the Limpopo Province</b>	Provincial	Utilization, management and research of plants and animal including aquatic life form, conservation of protected areas and caves
<b>Lebowa Nature Conservation Act 10 of 1973 as it relates to the protection and controlled utilization of biodiversity in the former Lebowa</b>	Provincial	Utilization, management and research of plants and animal including aquatic life form, conservation of protected areas and caves

<b>Gazankulu Nature Conservation Act 5 of 1975 as it relates to the protection and controlled utilization of biodiversity in the former Gazankulu</b>	Provincial	<b>Utilization, management and research of plants and animal including aquatic life form, conservation of protected areas and caves</b>
<b>Venda Nature Conservation Act 20 of 1986 as it relates to the protection and controlled utilization of biodiversity in the former Venda</b>	Provincial	<b>Utilization, management and research of plants and animal including aquatic life form, conservation of protected areas and caves</b>
<b>Transvaal Nature Conservation Ordinance 12 of 1983 as it relates to the protection and controlled utilization of biodiversity in the former Transvaal</b>	Provincial	<b>Utilization, management and research of plants and animal including aquatic life form, conservation of protected areas and caves</b>
<b>National Environmental Management Biodiversity Act 10 of 2004</b>	concurrent	<b>None</b>
<b>National Environmental Management Air Quality Management Act 39 of 2004</b>	<b>concurrent</b>	<b>None</b>

### **Department of Health and Social Development**

Being mainly rural in nature, the Limpopo Province faces unique challenges in relation to social services that make issues such as provision of the clinics within a walking distance a primary care significant. A clear program regarding epidemics (ei malaria prevention) and /or management strategies for the prevention of HIV/AIDS as well as taking care of AIDS orphans proves to be real challenge.

Currently, the point of view is that the core function of the Department of Health and Social Development do not have the impact on the environment. Taking the latest HIV/AIDS figures for the Limpopo Province in to consideration, this viewpoint might need re-consideration in the longer run.

The function undertaken by the Environmental Health Section deals with the issues that might have possible impact on the environment, such regulatory function in terms of the environment are indicated in the following table:

**Table 7: Mandates of the Department of Health and Social Development**

<b>Mandate</b>	<b>Level of legislative competency</b>	<b>Authorization / permits</b>
Health Act 63 of 1977 as it relates to the co-ordination ,monitoring and evaluation of environmental health service in the province	Provincial	None
Hazardous substances Act 15 of 1973 as it relates to the control ,use and disposal and dumping of listed substances	Concurrent	None
SABS codes of practice 024 8 of 1993 as it relates to the disposal of waste in health care facilities	concurrent	None

### **Department of Co-operative Governance, Human Settlements and Traditional Affairs**

The Department of Co-operative Government, Human Settlements and Traditional Affairs (COGHSTA) is placed within the infrastructural development Cluster of the Growth and Development Strategy for the Limpopo Province, acknowledging that the provision of physical infrastructure should be informed by the spatial and economic logic. Spatial Development Initiatives therefore require the formulation of the diversified strategy for urban development, rural cluster and development corridors.

The provision of houses compasses the provision of housing support services to enable communities to build their own houses. Provincially this include various housing subsidy schemes and the access to secure housing tenure and basic municipal services. Although this Department does not have any regulatory function in terms of the environment, its function shave the direct impact on the environment and are drawn from the following mandates

**Table 8: Mandates of the COGHSTA**

<b>Mandate</b>	<b>Level of legislative competency</b>	<b>Authorization / permits</b>
Town Planning and Town Regulations Act 858 of 10/06/1987	Provincial	Rezoning approval
Spatial Planning and Land Use Management Act (Act 16 of 2013) SPLUMA	Provincial	Approval of proposed development
Physical Planning Act No. 125 of 1991 as it relates to the bioregional planning and development	Concurrent	Approval of proposed development

<b>Municipal System Act No. 32 of 2000 (and regulation) as it relates to the establishment of simple and enabling framework for the Municipal systems</b>	<b>Concurrent</b>	<b>N/A (Each Municipalities must however adopt IDP core process of planning)</b>
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### **Department of Public Works, Roads and Infrastructure**

The LDP identified the maintenance and the development of the Provincial Roads infrastructure Network as the Provincial focus area. Taking the demographic of the province into consideration, programs to maximize the importance of passing the trade can enhance the image of the Limpopo Province as the transportation routes to Sub-Saharan Africa. The rehabilitation of Roads and bridges are automatically included within this focus area. This Department does not have regulatory functions in terms of the environment.

**Table 9: Mandates of the Department of Public Works, Roads and Infrastructure**

<b>Mandate</b>	<b>Level of legislative competency</b>	<b>Authorizations/Permits</b>
<b>Limpopo Province Roads Agency Act No 7 of 1989 as it relates to the strategic planning and design as well as routine maintenance of Limpopo Province roads network</b>	Provincial	<b>None</b>
<b>Roads and Ribbon Development Act 21 of 1940 as it relates to the control and administration of road reserves</b>	Provincial	<b>None</b>
<b>Road ordinance 22 of 1957 as it relates to control and administration of roads reserves.</b>	<b>Provincial</b>	<b>None</b>

### **Department of Transport, Safety and Security**

Although the Department does not perform functions explicitly aimed at environmental management, a portion of applicable legislation has specific relevance to the environment, as the Limpopo province is one of the main routes to Zimbabwe, a lot of chemicals are transported on public roads. Experience indicates that key areas for possible impacts (traffic accidents) are Polokwane, Modimolle and Musina.

The Department is also involved in the clean-up operation after spills this is the joint exercise with Local Government and (Local Emergency Medical Services) the South African Police and the Community). The Strategic Planning Division in the Office of the Premier provides professionals secretariat support and

co-ordination on the implementation of the LEGDP / LDP. This Department does not have regulatory functions in terms of the environment, however, draws its mandate from the following:

**Table 10: Mandates of the Department of Transport, Safety and Security**

<b>MANDATE</b>	<b>LEVEL OF LEGISLATIVE COMPETENCY</b>	<b>AUTHORIZATION / PERMITS</b>
<b>Road traffic Act No 93 of 1969 in as far as it relates control to the movement of hazardous chemicals.</b>	Concurrent	<b>Permits for the volume for the substances to be transported.</b>
<b>Hazardous substances Act No 15 of 1973 as it relates to the management of accidents involving hazardous substances</b>	Provincial	<b>Permits to transport certain substances</b>

The Branch of safety and security under the transport Department has no activities that have detrimental impact on the biophysical environment. The province however strive towards the creation of a safe and secure environment, with special focus on peace in the Youthful society .Comment on the programs to ensure a safe environment for tourist and involvement in the combating of illegal trade in endangered species would be incorporated. The identified focus area in terms of crime prevention include the following:

- Crime against women and children,
- Theft,
- Serious violent crime relate to fire arms,
- Mobilization of communities against crime, and
- Victim empowerment.

#### **Department of Mineral Resources and Energy (Limpopo Regional Office)**

The Limpopo Province endowed with the Mineral deposit of National and International importance. Mining has been identified as one of the sector in the Province with the greatest potential for employment opportunities and therefore can be regarded as the area with tremendous future growth potentials. The challenge is therefore to catalyst to exploitation of this dominant resource in the sustainable development while creating and enabling the environment for increased production.

Although the nature and co-operation of the Department of Mineral Resources and Energy involves Regional Office and National Departments it is important to put the nature of co-operation in to perspectives according to their mandate.

Regional office regulates the prospecting for the exploitation processing and utilization of minerals by means of prospecting / mining permits. It also regulates the orderly rehabilitation and utilization of the surface of the land during and after prospecting and mining operations. Permits and Exemption are issued in terms of Mineral Development and illegal mining activities are legalized.

**Table 11: Mandates of the Department of Mineral Resources**

<b>Mandate</b>
Mineral Act No 50 of 1991, as it relates to the utilization of Mineral, the prospecting the Pollution, rehabilitation of surface, water, the approval of Environmental Management Plans and the ensuring the submission of Environmental Managements Assessment Reports.
White paper on Mineral and Mining Policy for South Africa, October 1998 as it relates to the Mineral and the environment.
Mine Health and Safety Act 29 of 1996, as it relates to the Mining and the environment.
Spatial Planning and Land Use Management Act (Act 16 of 2013) as it relates to the applications for township development and subdivision of farms.

## **SECTION THREE: POLICIES PLANS AND PROGRAMMES**

### **3.1 Vision of the Limpopo Provincial Government**

In line with the National Government vision statement, the proposed Provincial vision is presented below. A shared vision is paramount to the success of the Limpopo Development Plan.

**“A Prosperous, United, Dynamic and Transformed Province”.**

The mission statement associated with the proposed new vision is:

**‘To stimulate, promote and maintain unity and an enabling environment conducive for economic growth, social justice and quality of life for all its people’**

#### **3.1.1 New Mandate: Key Considerations**

The Limpopo Provincial Government has contextualised the seven (7) government priorities as pronounced by the President of the Republic of South Africa for the 6<sup>th</sup> Administration as aligned with the

objectives of the National Development Plan: Vision 2030 and translated into key strategic priorities to guide service delivery over the next five years. These seven (7) government priorities are:

- a) **Priority 1:** Building a capable, ethical and developmental state
- b) **Priority 2:** Economic transformation and job creation
- c) **Priority 3:** Education, skills and health
- d) **Priority 4:** Consolidating the social wage through reliable and quality basic services
- e) **Priority 5:** Spatial integration, human settlements and local government
- f) **Priority 6:** Social cohesion and safe communities
- g) **Priority 7:** A better Africa and world

### **3.1.2 Alignment and/or Compliance with the NEMA Principles and the Constitution**

Limpopo Provincial Government will have to demonstrate how it will ensure that the identified priority policies, plans and programmes comply with the environmental management principles for sustainable development outlined in Section 2 of NEMA, and with any national norms and standards set by departments with a mandate for environmental management. There are two very important and relevant principles set out in chapter 1 of NEMA as follows:

- a) Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably; and
- b) Development must be socially, environmentally and economically sustainable.

*Table 12: Description of policies, plans and programmes that may significantly affect the environment*

Policy, plan or programme	Relevant norms and standards, and guidelines	How LEDET will ensure implementation of the EIP	Consultative forum established?
Limpopo Development Plan			
Limpopo Employment, Growth and Development Plan (LEGDP)	Medium Term Strategic Framework	There is a commitment on Environmental Sustainability (according to NEMA) for all developments that should happen in the province	Provincial Development Planning Forum
Provincial Integrated Waste Management Plan	National Waste Management Strategy; National norms and standards <ul style="list-style-type: none"> <li>• Assessment of waste for landfill disposal</li> <li>• Disposal of waste to landfill</li> <li>• Storage of waste</li> </ul>	The Norms and standards are based on NEMA principles, therefore alignment ensures compliance to NEMA principles.	
Limpopo State of Environment Report 2006	National Strategy for Sustainable Development	By virtue of being aligned to NSSD, the NEMA principles are already incorporated.	
Limpopo 2 <sup>nd</sup> Edition EIP 2015 – 2020	EIP/EIP guidelines	NEMA principles are core to the EIP/EIP development guidelines	Limpopo Environmental Management Forum
Limpopo Conservation Plan 2013	National norms and standards published under NEMBA: <ul style="list-style-type: none"> <li>• Biodiversity management plans for ecosystems</li> <li>• Biodiversity management plans for species</li> </ul>	The Norms and standards for the development of the Limpopo Conservation Plan are founded on NEMA principles; therefore alignment ensures compliance to NEMA principles.	
Climate Change Management / Response Strategy	National Norms and Standards of Air Quality Monitoring in South Africa	The Norms and standards are founded on NEMA principles, therefore alignment ensures compliance to NEMA principles.	
Limpopo Air Quality Management Plan	National Air Quality Management Framework in South Africa (2012)	The Norms and standards are founded on NEMA principles, therefore alignment ensures compliance to NEMA principles.	
	National Norms and Standards of Air Quality Monitoring in South Africa		

<p><b>Limpopo Green Economy Strategy</b></p>	<p>National Strategy for Sustainable Development and Action Plan/ Sustainable framework</p>	<p>initiatives will be responding to NDP and LDP goals</p>	
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## 3.2 KEY OBJECTIVES

Based on the information gathered from the Government Departments and Regional offices in the Limpopo Province in relation to the policies, plans and programs, key focus areas were identified according to the above mentioned objectives as well as the significant environmental issues and impacts in Limpopo. If these key focus areas can be addressed adequately during the next five years, the significant environmental impacts will be drastically reduced. The functions of the National and Local Government were also taken into consideration where applicable.

The Limpopo Employment Growth and Development Plan (LEGDP), the Limpopo Development Plan (LDP), the Limpopo State of Environment Report 2006, the National Development Plan (NDP), and the Integrated Sustainable Rural Development Strategy (ISRDS) were used as sources of information. These documents provided an important link to this EIP in relation to political and environmental priorities within the Province. The five Provincial Departmental Clusters (Social Cluster, Infrastructure Cluster, Economic Cluster, Peace and Security Cluster and Government and Administration Cluster) have been well represented within the information as presented in this EIP.

The following main focus areas were identified to be EIP related projects with overall priority Provincial importance:

### **Box 1:** Main Focus areas of the EIP

- Planning (Integrated Environment Management)
- Agriculture
- Mining
- Tourism
- Infrastructure
- Poverty Eradication and Community Empowerment
- Integrated Pollution and Waste Management
- Water Supply and Infrastructure

### 3.2.1 Planning – Integrated Environmental Management (IEM)

**Table 13:** Description of Planning for Integrated Environmental Management in Limpopo

DESCRIPTION
<ul style="list-style-type: none"> <li>• The LDP must be used as an instrument to facilitate sustainable economic growth that produces employment, maintaining existing services and infrastructure and develop infrastructure.</li> <li>• Ensure that environmental effects of activities are taken into consideration before decision regarding development are taken (EIA Regulations of 04 December 2014).</li> <li>• Integration of all special planning proposal on local level (LDO's and IDP's).</li> <li>• Integration of planning proposal on a strategic level in a regional context (SDI's).</li> <li>• Tourism's development plan (Tourism White Paper, 1996) to facilitate the concept of responsible tourism as the key guiding principle for tourism development.</li> <li>• Co-ordination, integration and alignment of rural development with the National Development Plan (NDP).</li> <li>• Co-ordination, integration and alignment of rural development of output (Integrated Sustainable Rural Development Strategy).</li> </ul>

**Table 14:** Legislative Framework and Responsible Authorities for Planning for Integrated Environmental Management

Specific legislative framework	Responsible Authorities
<ul style="list-style-type: none"> <li>• Growth, Employment and Redistribution Program (GEAR)</li> <li>• National Development Plan (NDP)</li> <li>• Limpopo Development Plan (LDP)</li> <li>• EIA Regulations of 04 December 2014</li> <li>• Reconstruction and Development Program (RDP)</li> <li>• Town Planning And Township Regulations (AN 858 Of 10/06/1987)</li> <li>• Spatial Planning and Land Use Management Act (Act 16 of 2013)</li> <li>• Physical Planning Act (Act 125 Of 1991)</li> <li>• National Water Act (Act 36 Of 1998)</li> <li>• Minerals and Petroleum Resources Development Act (Act 28 of 2002)</li> <li>• Municipal Systems Act (Act 2 Of 2000)</li> </ul>	<ul style="list-style-type: none"> <li>• Office of the Premier, Limpopo Province leading agent</li> <li>• All provincial Government Departments &amp; Regional Offices and National Departments</li> </ul>

**Table 15:** NEMA Principles and Compliance thereof in respect of planning

NEMA Principle	Compliance to Relevant NEMA Principles
Sustainable Development	<ul style="list-style-type: none"> <li>• EIA process requires developer to proof ecological, social and economic sustainability. SPLUMA requires developer to address sustainability to some extent eg water and sewerage. NWA requires Instream Flow Requirements (IFR) to determine sustainable water supply in the long term.</li> </ul>

	<ul style="list-style-type: none"> <li>Although IEM is implemented to some extent to determine the best land use option to ensure sustainable development in the long term, some projects are environmentally sustainable as the results of short term social and economic pressure</li> </ul>
Integration of Environmental consideration into decision making	<ul style="list-style-type: none"> <li>EIA Process requires this and this therefore implies for all listed activities in terms of the EIA Regulation. SPLUMA also an Environmental impacts Study for all proposed developments. NWA requires IFR's</li> <li>Environmental consideration are still regarded priority issues during decision making for strategic planning and activities not regulated by laws e.g. Municipal System act 32 of 2000 (environment not included in S26-IDP)</li> </ul>
Participation, employment and transparency	<ul style="list-style-type: none"> <li>Communities at large are not adequately involved in the strategic planning</li> <li>EIA Process ensure public involvement in the undertaking of listed activities and SPLUMA process also requires public consultation for all proposed development and change in zoning. Water catchments agencies include public organization.</li> </ul>
Environmental justice	<ul style="list-style-type: none"> <li>Interested and affected parties must contribute towards EIA process before and can appeal after decision making. Development tribunal ensures that interested and affected parties can voice their concern to multidisciplinary team SEA's, SDI and LDO's are developed with input from the public</li> <li>Other planning instrument, especially strategic one should address this as well.</li> </ul>
Ecological integrity	<ul style="list-style-type: none"> <li>Concept is well addressed during SEA and EIA process and application in terms of SPLUMA. National Water Act addresses it well in terms of ecological reserves and requires the proper management of stream flow reduction activities (e.g. plantation). Water quality need also to be addressed for new and existing developments. Mineral and Petroleum Development Act addressed in terms of EMPR's. Lacking in other planning instruments</li> </ul>
Co-operative governance	<ul style="list-style-type: none"> <li>EIA process and SPLUMA application involves all relevant government departments in the decision making process. EMPR's for prospecting and mining requires comments from relative department. Water use licensing also requires inputs from relevant department before decision making.</li> <li>Provincial Development Planning Forum (PDPF) with proper mandate and clear guidance on decision-making powers will ensure that this principle is implemented at ground level for all programs and projects</li> </ul>

**Table 16:** Arrangement for Co-operative Governance in respect of planning

Existing Arrangements for co-operative Governance and Environmental Management	Recommendation for co-operative Governance and Environmental Management
<ul style="list-style-type: none"> <li>• Four clusters on political level to ensure political alignment of functions of relevant departments.</li> <li>• Provincial Development Planning Forum (PDPF) on administrative level to ensure projects of relevant departments are aligned.</li> <li>• Four SDI's cover 70% of the major development areas in the Province.</li> <li>• LDO;s are determined for local Governments, taking environment considerations into account.</li> <li>• All development proposals in terms of the SPLUMA and Physical Planning Act are circulated to LEDET: Environment for comment prior to approval by the Development Tribunal or MEC.</li> <li>• Inputs are required from relevant departments on their specific responsibilities during the EIA process before an Environmental Authorisation is issued.</li> <li>• EMPR's for prospecting and mining are circulated to LEDET: Environment for comments, although comments are not always taken into consideration.</li> <li>• Provincial Water Liaison Committee in place but LEDET: Environment not always represented.</li> </ul>	<ul style="list-style-type: none"> <li>• Representation of Environmental Component on all three clusters.</li> <li>• PDPF should be expanded to include representation of LEDET Environment Branch</li> <li>• Provincial EIP Working group as a sub-structure of the PDPF should be established.</li> <li>• Establishment of an inter-departmental assessing committee to evaluate and recommend LDO's and IDP's for approval by the MEC (ensure that environmental matters are adequately covered</li> <li>• Annual report by respective Local Council's to assist with the monitoring of the proposed implementation of LDO's.</li> <li>• Annual report by respective municipalities to assist with the monitoring of the proposed implementation of the IDP's</li> <li>• Improve representation of LEDET: Environment on PWLC.</li> </ul>

### 3.2.2 Agriculture

**Table 17:** Description of the Agricultural Mandate within the Limpopo Province

DESCRIPTION
<ul style="list-style-type: none"> <li>• One of the most of cornerstone of development in Limpopo Province. Most people's livelihood depend on agriculture because of the predominantly rural nature of the Limpopo Province</li> <li>• Development of new agricultural projects</li> <li>• Ensure the sustainability of Land Reform program for the agricultural purposes</li> <li>• Revitalization and transformation of existing agricultural projects</li> <li>• Improvements of agricultural production</li> <li>• Legislative function of sustainable use of natural resources and the control of pest and disease</li> <li>• Conservation of agricultural resources</li> </ul>

**Table 18: Legislative Framework and Responsible Authorities for Agriculture**

Relevant legislative framework	Responsible Authorities
<ul style="list-style-type: none"> <li>• National Water Act (Act 36 of 1998) as amended</li> <li>• Conservation of Agricultural Resources Act (Act 43 of 1973)</li> <li>• Agricultural Remedies and Stock Remedies Act (Act 36 of 1947)</li> <li>• Animal Health Act (Act 35 of 1984)</li> <li>• Abattoir Hygiene Act (Act 121 of 1992)</li> </ul>	<ul style="list-style-type: none"> <li>• Limpopo Province Department of Agriculture and Rural Development (Leading agent)</li> <li>• National Department of Agriculture Forestry and Fisheries</li> <li>• National Department of Water and Sanitation</li> </ul>

**Table 19: NEMA Principles and Compliance thereof in respect of Agriculture**

Issue	Compliance to relevant NEMA principles
Sustainable development	<ul style="list-style-type: none"> <li>• Agricultural extension officers are providing formal and informal training to farmers regarding sustainable farming practices and increased food production. Permaculture and community food gardens are also promoted</li> <li>• Extension officers and the engineering section addresses improvement of water efficiency to a very limited extent</li> <li>• EIA's must be compiled for all new projects however only a few application have been received so far.</li> <li>• De-Bushing permits are required for new lands although not enforced adequately</li> <li>• Implementation of national land care programs will improve sustainable of agricultural land</li> </ul>
Integration of environmental consideration on to decision making	<ul style="list-style-type: none"> <li>• Applications for subdivision of agricultural land are circulated to relevant department for comments</li> <li>• Availability of water is taken in to consideration during planning of new irrigation schemes</li> <li>• Soil conservation receiving priority attention in planning and rehabilitation projects</li> <li>• Strategies for implementation of agricultural function is to be expanded to include more emphasis on environmental consideration</li> </ul>
Participation, empowerment and transparency	<ul style="list-style-type: none"> <li>• Community participation of empowerment of farmers is central in most programs. Agricultural extension officers employed at community level throughout the Province. Land care programs are also committed to this principle. Community food gardens are developed with communities (especially women) and handed to them for operation.</li> </ul>
Environmental Justice and Equity	<ul style="list-style-type: none"> <li>• All new projects are targeted at previously disadvantage farmers which includes the settlements of farmers in the land reformed projects</li> </ul>
Ecological Integrity	<ul style="list-style-type: none"> <li>• Because of the limited EIA's being conducted this principles is not adequately addressed. An EIA awareness campaign will address this concern. Control and eradication of alien plant species according to</li> </ul>

	<p>the regulation of 2000 in terms of conservation of agricultural resources act are being informed.</p> <ul style="list-style-type: none"> <li>• De-bushing of new land and restrictions on riparian de-bushing are not always strictly enforced</li> <li>• Ecological aspects relating top soil and water conservation are addressed to some degrees in farm planning and agricultural development. Little to know consideration of biodiversity aspects</li> </ul>
Co-operative governance	<ul style="list-style-type: none"> <li>• Limited co-operation with the LEDET</li> <li>• Better co-operation with DWS</li> <li>• Because of the importance of agriculture in this province, present institutional arrangements should be expanded to include all relevant departments to improve agriculture production and ensure food security</li> </ul>

**Table 20:** Arrangement for Co-operative Governance in respect of Agriculture

Existing arrangements for Co-operative Governance and Environmental Management	Recommendation of Co-operative Governance on Environmental Management
<ul style="list-style-type: none"> <li>• Irrigation Action Committee to manage and develop irrigation in the Province</li> <li>• Involves in all development in terms of SPLUMA, Physical Planning Act and Sub Division of Agricultural Resources</li> <li>• Representation on PDPF</li> <li>• Representation on Provincial Water Liaison Committee</li> <li>• Implementation of Land Care as initiated by NDA</li> <li>• MINMEC Agriculture</li> </ul>	<ul style="list-style-type: none"> <li>• Irrigation Action Committee to address Environmental issues adequately.</li> <li>• EIA's to be undertaken for all new agricultural projects to cover planning, de-bushing and irrigation.</li> </ul>

### 3.2.3 Mining

**Table 21:** Description of the Mining Mandate within the Limpopo Province

<ul style="list-style-type: none"> <li>• One of the three cornerstone of the Economy in the Limpopo Province</li> <li>• Regulates the optimal exploitation, processing and utilization of minerals</li> <li>• Ensure the safe and healthy working environment for mine workers</li> <li>• Ensure the environmental concern are dully addressed during rehabilitation and utilization</li> </ul>
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**Table 22:** Legislative Framework and Responsible Authorities for Mining

Relative legislative framework	Responsible Authorities
<ul style="list-style-type: none"> <li>• Mineral and Petroleum Resources Development Act (Act 28 of 2002)</li> </ul>	<ul style="list-style-type: none"> <li>• Regional office of Department of Mineral Resources and Energy (leading agent)</li> <li>• Department of Health</li> </ul>

<ul style="list-style-type: none"> <li>• Mine Health and Safety Act (Act 21 of 1996)</li> <li>• Spatial Planning and Land Use Management Act (Act 16 of 2013)</li> </ul>	<ul style="list-style-type: none"> <li>• Department of Economic Development, Environment and Tourism</li> <li>• Department of Water and Sanitation</li> </ul>
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**Table 23:** NEMA Principles and Compliance thereof in respect of Mining

<b>NEMA principles</b>	<b>Compliance and relevance NEMA principles</b>
Sustainable Development	<ul style="list-style-type: none"> <li>• Although EMPR's are required for all proposed prospecting mining operations not all mines has proposed EMPR's .Comments are rendered by LEDET Branch: Environment, Agriculture and DWS EIA's are required for all mining related activities as listed in the EIA regulation</li> <li>• The exploitation of non-renewable resources can only be sustainable in the long term if other sustainable developments are stimulated. The thrust of immediate financial benefits sometimes further nullifies the principle of sustainable development.</li> </ul>
Integration of Environmental consideration in Decision Making	<ul style="list-style-type: none"> <li>• Although the EMPR process is supposed to address this principle. it is not always applied correctly.</li> <li>• EIA process for mining related listed activities addresses this principle.</li> <li>• Because of the pressure of the mineral development, environmental consideration are sometimes not taken in to consideration.</li> </ul>
Participation, empowerment and transparency	<ul style="list-style-type: none"> <li>• EMPR's provides limited opportunities for participation.</li> </ul>
Environmental justice and Equity	<ul style="list-style-type: none"> <li>• EIA process provides for public participation and an appeal procedure.</li> <li>• Mine Health and Safety Act provides the safety for the mine workers.</li> <li>• A closing certificates is needed before the mine declare closed by DMR. This means that rehabilitation has been performed to the satisfaction of the DMR. Not all mines where the mining activities have ceased have been fully rehabilitated.</li> </ul>
Ecological integrity	<ul style="list-style-type: none"> <li>• EMPR's can be sometimes so condensed that the ecology is completely left out. An EIA can also be requested in terms of the mineral Act for the prospecting and mining of ecological sensitive areas.</li> </ul>
Co-operative governance	<ul style="list-style-type: none"> <li>• Good co-operative governance between DMR and Environment, Agriculture and DWS on the EMPR's.</li> </ul>

**Table 24:** Arrangement for Co-operative Governance in respect of Mining

Existing arrangements for co-operative governance and environmental management	Recommendation for Corporate Governance
<ul style="list-style-type: none"> <li>Existing system between DMR and relevant departments for the Evaluation of EMPR's that includes site visit</li> <li>Liaison between Department responsible for township development and DMR Provincial Mineral Development Forum</li> </ul>	<ul style="list-style-type: none"> <li>Feedback regarding comments on EMPR;s and implementation thereof</li> <li>Improve participation of LEDET: Environment on Provincial Mineral Development Forum</li> </ul>

### 3.2.4 Tourism

**Table 25:** Description of the Tourism Mandate within the Limpopo Province

Description
<ul style="list-style-type: none"> <li>One of the three cornerstones on the economy in Limpopo Province.</li> <li>Promote and market the tourism treasures on the Province</li> <li>Develop an adequate Eco-Tourism destination</li> </ul>

**Table 26:** Legislative Framework and Responsible Authorities for Tourism

Relevant legislative framework	Responsible Authorities
<ul style="list-style-type: none"> <li>Proposed Tourism and Parks Bill in South Africa</li> <li>EIA Regulations of 04 December 2014</li> </ul>	<ul style="list-style-type: none"> <li>Department of Economic Development, Environment and Tourism (Leading Agent)</li> <li>Limpopo Tourism Agency (LTA)</li> <li>Local Government</li> <li>SATOUR</li> <li>National Department of Tourism</li> </ul>

**Table 27:** NEMA Principles and Compliance thereof in respect of Tourism

NEMA Principles	Compliance and relevant NEMA principles
Sustainable Development	<ul style="list-style-type: none"> <li>Tourism plans are integrated in the provincial economic and spatial ( e.g. SDI's, LDO's and IDP's)</li> <li>Comply with the EIA Regulations for the specific tourism related development.</li> </ul>
Integration of environmental consideration into decision making	<ul style="list-style-type: none"> <li>Contacts with private investors includes the clause that all envisaged development must comply with the EIA Regulations.</li> </ul>
Participation, empowerment and transparency	<ul style="list-style-type: none"> <li>Community, Public Private Partnership (CPPP) according to treasury regulations are currently being implemented.</li> <li>Establishment of community Tourism Association and Community Forums, eg biosphere Reserves and Conservancies.</li> </ul>

	<ul style="list-style-type: none"> <li>Projects are in place to ensure that Local Communities participate and have ownership of dedicated Tourism attractions ,e.g. Ivory Route.</li> </ul>
Environmental Justice and Equity	<ul style="list-style-type: none"> <li>Projects encourage community involvement and equitable access to environmental resources based on Tourism as an Economic benefit.</li> </ul>
Ecological integrity	<ul style="list-style-type: none"> <li>A commercialization program was initiated to encourage Private Sector involvement that will result in better Biodiversity conservation.</li> </ul>
Co-operative governance	<ul style="list-style-type: none"> <li>The establishment of commercialization projects team representing relevant stakeholders exists.</li> <li>The establishment of Limpopo Tourism Agency has ensured a better alignment of function.</li> <li>A bilateral committee DEA and LEDET has been established to assist with Provincial programs related to Protected Areas Management and commercialization.</li> </ul>

**Table 28:** Arrangement for Co-operative Governance in respect of Tourism

Existing arrangements for co-operative governance and environmental management	Recommendations of co-operative governance in environmental management
<ul style="list-style-type: none"> <li>Tourism board represents Provincial Tourism industry on Provincial level</li> <li>Bilateral committee between DEA and LEDET to assist the Provincial programs related to Protected Area Management and commercialization</li> <li>Community Tourism Association (CTA) on local level</li> <li>Participation of development and Tourism Committee within private structures where all relevant departments are also involved</li> <li>MINMEC Tourism</li> </ul>	<ul style="list-style-type: none"> <li>Clarification of roles of provincial and local authorities.</li> </ul>

### 3.2.5 Infrastructure

**Table 29:** Description of the Infrastructural Mandate within the Limpopo Province

Description
<ul style="list-style-type: none"> <li>Maintenance of existing infrastructure in Limpopo Province.</li> <li>Provision of new bulk infrastructure and Municipal Services.</li> <li>Housing delivery programs.</li> <li>Government Capital Work Programs, ranging from schools, clinic. Roads, community centres.</li> <li>Maintenance and development of the Provincial road infrastructure.</li> </ul>

- Development and maintenance of communication structures.

**Table 30: Legislative Framework and Responsible Authorities for Infrastructure**

Relevant legislative framework	Responsible Authorities
<ul style="list-style-type: none"> <li>• Limpopo Province Road Agency Act (Act 7 of 1998)</li> <li>• Roads And Ribbon Development Act (Act 21 of 1940)</li> <li>• Limpopo Province Road Ordinance Act (Act 22 of 1957)</li> <li>• National building regulation and building standards Act (Act 103 of 1977)</li> <li>• RDP</li> <li>• Spatial Planning and Land Use Management Act (Act 16 of 2013)</li> <li>• Municipal System Act (Act 32 of 2000)</li> <li>• Green Paper on Development and Planning (GG20071 of 21/05/1999)</li> <li>• Environmental Conservation Act (Act 73 of 1989)</li> </ul>	<ul style="list-style-type: none"> <li>• Limpopo Province Department of Public Works, Roads and Infrastructure (Leading agent).</li> <li>• Road Agency Limpopo (RAL).</li> <li>• Department of Co-operative Government, Human Settlements and Traditional Affairs.</li> </ul>

**Table 31: NEMA Principles and Compliance thereof in respect of Infrastructure**

NEMA principles	Compliance and relevant NEMA Principles
Sustainable development	<ul style="list-style-type: none"> <li>• EIA's and development under the SPLUMA require developer to address sustainable development.</li> <li>• Some infrastructure development is covered in the spatial development plans.</li> <li>• Condition in tender documents ensure that the development for which the government is responsible, is not compromised in terms of quality and cost control, but environmental issues are not adequately covered.</li> </ul>
Integration of Environmental consideration in Decision making	<ul style="list-style-type: none"> <li>• Addressed to some extent at strategic level through Spatial Development Plans</li> <li>• Only addressed at project level where EIA 's are conducted in terms of NEMA and SPLUMA otherwise not adequately addressed</li> </ul>
Participation, empowerment and transparency	<ul style="list-style-type: none"> <li>• EIA and SPLUMA requires public participation and involvement.</li> <li>• Enabling and facilitating suitably qualified, previously marginalized consultants to obtain work by ensuring that the system of appointment is fair and transparent and is monitored to avoid manipulation of unfair practices.</li> </ul>
Environmental Justice and equity	<ul style="list-style-type: none"> <li>• Only addressed in projects where EIA are conducted in terms of NEMA and SPLUMA.</li> </ul>
Ecological integrity	<ul style="list-style-type: none"> <li>• Strategically addresses in some extent in spatial development plans.</li> <li>• Only addressed on projects level where EIA are conducted in terms of NEMA and SPLUMA.</li> </ul>

Co-operative governance	<ul style="list-style-type: none"> <li>EIA process requires involvement of relevant Department. Development tribunals consist of a multi-disciplinary teams.</li> </ul>
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**Table 32:** Arrangement for Co-operative Governance in respect of Infrastructure

Existing arrangements for Co-operative Governance and Environmental Management	Recommendations of co-operative governance in environmental management
<ul style="list-style-type: none"> <li>SPLUMA processes that include the development tribunals</li> <li>Existing EIA Process</li> <li>Provincial Development Planning Forum (PDPF)</li> <li>Transport MINCOM</li> </ul>	<ul style="list-style-type: none"> <li>Department of Public Works Roads, and infrastructure requested an environmental awareness Program to be launched by LEDET to stimulate environmental awareness among their Managers. LEDET will capitalize on this program.</li> <li>Need to expand Co-operative Governance to include all Department activities in this Province irrespective if the project is a listed activity or not. Provincial Planning Forum can be a useful tool.</li> </ul>

### 3.2.6 Poverty Eradication and Community Empowerment

**Table 33:** Description of the Poverty Eradication and Community Empowerment Mandate within the Limpopo Province

Description
<ul style="list-style-type: none"> <li>Land reform program aims to reduce poverty, diversity sources on income and allow people more control over their lives and environment, and is expected to reduce the risk of land degradation</li> <li>Land redistribution program to ensure the sustainability of land reform program</li> <li>Provision of low coast housing</li> <li>Rural development-The impact of programs focusing on poverty alleviation (rural anti-poverty projects e.g. tomatoes source factory and straw berry hydroponics projects) through infrastructural development and the provision of social services.</li> <li>Community empowerment such as spin offs SDI's and community-based public works programs focused on poverty alleviation, job creation and infrastructural provision</li> <li>Community empowerment to allow communities to manage community reserves to their benefits e.g. the buffer zone next to the Kruger National Park</li> </ul>

**Table 34:** Legislative Framework and Responsible Authorities for Poverty Eradication and Community Empowerment

Relevant legislative framework	Responsible Authorities
<ul style="list-style-type: none"> <li>Provincial Land Administration Act (Act 6 Of 1999)</li> </ul>	<ul style="list-style-type: none"> <li>Office of the Premier Limpopo Province</li> <li>Department of Rural Development and Land Reform</li> </ul>

<ul style="list-style-type: none"> <li>• Integrated Sustainable Rural Development Strategy (ISRDS)</li> <li>• Spatial Planning and Land Use Management Act (Act 16 of 2013)</li> <li>• RDP</li> <li>• Housing Act (Act 107 of 1997)</li> <li>• Restitution of land Rights Act (Act 22 of 1994)</li> <li>• Extension of Security of Tenure Act (Act 62 of 1997)</li> <li>• Transformation of Certain Rural Areas Act (Act 94 of 1998)</li> <li>• Abolition of Racially Based Land Measures Act (Act 108 of 1999)</li> <li>• White Papers on SA Land Policy, 1997</li> </ul>	<ul style="list-style-type: none"> <li>• Department of Co-operative Government Human Settlements and Traditional Affairs</li> <li>• Department of Agriculture (Provincial)</li> <li>• Department of Public Works, Roads and Infrastructure</li> <li>• Department of Economic Development, Environment and Tourism (LEDET)</li> </ul>
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**Table 35:** NEMA Principles and Compliance thereof in respect of Poverty Eradication and Community Empowerment

<b>NEMA Principles</b>	<b>Compliance to relevant NEMA Principles</b>
Sustainable development	<ul style="list-style-type: none"> <li>• White Paper on Land Policy allows community facilitators to help communities to plan for sustainable land use.</li> <li>• EIA regulations and SPLUMA includes the assessment of environmental consequences of the proposed undertakings, e.g. the consideration of the sustainability of the natural resources for the proposed development like change in land use and residential development.</li> <li>• Community based natural resources management is currently extensively being developed.</li> </ul>
Integrated of environmental consideration in to decision making	<ul style="list-style-type: none"> <li>• Environmental issues addressed in WP on Land Policy and acknowledge the risk of relieving land pressure without extending the environmental degradation over a wider area.</li> <li>• ISRDS acknowledge possible impacts on the environment in a broad scale but focuses on infrastructure economics and social issues.</li> </ul>
Participation, empowerment and transparency	<ul style="list-style-type: none"> <li>• White Paper on Land Policy aims for the active participation of the applicant in the planning process.</li> <li>• A broad range of stakeholders have been identified by the ISRDS and the concept of rural development places emphasis on changing environments to enable poor people to earn more, invest in themselves and their communities and contribute towards maintenance of infrastructure.</li> <li>• EIA's and SPLUMA's provide for public participation.</li> <li>• Communities are learning that they can benefit from CBNRM.</li> </ul>
Environmental Justice and equity	<ul style="list-style-type: none"> <li>• White Paper on Land Policy takes the limited choices of applicants into consideration with the assessment of the environmental consequences of the proposed undertaking e.g. environmental impact of a proposed environmental development'</li> </ul>

	<ul style="list-style-type: none"> <li>• The co-ordination and integration of land redistribution and agricultural development will promote equitable access to environmental resources to meet basic needs and ensure human wellbeing.</li> <li>• Communities are empowered to manage Community Reserve Areas.</li> </ul>
Ecological integrity	<ul style="list-style-type: none"> <li>• EIA regulations and the SPLUMA require the assessment of environmental consequences of the proposed undertakings to minimize impact of biodiversity and ecosystems.</li> </ul>
Co-operative governance	<ul style="list-style-type: none"> <li>• ISRDS is being implemented at Provincial level with all departments involved.</li> <li>• Spatial Planning documents focus their development proposals on poverty eradication.</li> </ul>
Ecological Integrity	<ul style="list-style-type: none"> <li>• EIA Regulations and the SPLUMA require the assessment of environmental consequences of the proposed undertakings to minimize impact on biodiversity and ecosystems</li> </ul>
Co-operative Governance	<ul style="list-style-type: none"> <li>• ISRDS is being implemented at provincial level with all departments involved.</li> <li>• Spatial Planning documents focus their development proposals on poverty eradication.</li> </ul>

**Table 36:** Arrangement for Co-operative Governance in respect of Poverty Eradication and Community Empowerment

Existing Arrangements for Co-operative Governance and Environmental Management	Recommendations for Co-operative Governance and Environmental Management
<ul style="list-style-type: none"> <li>• EIA Regulations and the SPLUMA involve all relevant Departments.</li> <li>• PDPF exists but is not well represented by all Departments</li> <li>• MINMEC Housing</li> </ul>	<ul style="list-style-type: none"> <li>• Future redistribution systems should be rooted in the ISRDS, involving all three spheres of government along with traditional leaders.</li> <li>• PDPF to play a much more important role in the consideration of environmental issues relating to the various strategies and programs.</li> <li>• Expanding of Community Forum to other communities for the development of areas with potential.</li> </ul>

### 3.2.7 Integrated Pollution and Waste Management

**Table 37:** Description of the Integrated Pollution and Waste Management Mandate within the Limpopo Province

Description
<ul style="list-style-type: none"> <li>• A holistic and integrated system and process of management, aimed at pollution prevention and minimization at source, managing the impact of pollution and waste on the receiving environment and remediation of damaged environments.</li> <li>• This program represents a paradigm shift from dealing with waste only after it is generated towards pollution prevention, waste minimization, cross-media integration, institutional integration and involvement of all sectors of society.</li> <li>• Control over transport of hazardous chemicals.</li> <li>• Control over hazardous waste and the proper dealing thereof. This includes hazardous waste generated by industries and mines. The rehabilitation of old asbestos mines is a major issue in the LP and is done currently by DMR.</li> <li>• Control sources of air pollution from agriculture, hospitals and clinics, industries, mining and domestic waste, emissions (scheduled processes) and vehicle emissions.</li> <li>• Noise pollution from traffic, construction, mining, commercial and industrial activities.</li> <li>• The management, prevention and reduction of solid waste, medical waste and hazardous waste.</li> </ul>

**Table 38:** Legislative Framework and Responsible Authorities for Integrated Pollution and Waste Management

Relevant Legislative Framework	Responsible Authorities
<ul style="list-style-type: none"> <li>• Basel Convention on the control of the trans-boundary movements of hazardous waste and their disposal, 1989</li> <li>• Bamako Convention on the trans-frontier movement of hazardous waste in Africa.</li> <li>• White Paper on Integrated Pollution and Waste Management for South Africa, GG 20978 of 17/03/2000.</li> <li>• RDP.</li> <li>• Growth, Employment and Redistribution Macro Economic Strategy</li> <li>• Energy Policy, GG19606 of 17/12/1998</li> <li>• Atmospheric Pollution Prevention Act (Act No 45 of 1965)</li> <li>• National Water Act (Act 3 of 1998)</li> <li>• Road Traffic Act (Act 93 of 1996)</li> <li>• Hazardous Substances Act (Act 15 of 1973)</li> <li>• Minerals Act (Act No 50 of 1991)</li> <li>• EIA Regulations of 04 December 2014</li> <li>• Municipal By-Laws on cleansing services, refuse removal, sewage disposal, noise</li> </ul>	<ul style="list-style-type: none"> <li>• Department of Economic Development, Environment and Tourism(Leading Agent)</li> <li>• DEA</li> <li>• DWS</li> <li>• Department of Roads and Transport</li> <li>• Department of Local Government and Housing</li> <li>• Local Governments</li> <li>• Department of Health</li> <li>• Department of Agriculture (National and Provincial)</li> <li>• Department of Mineral Resources</li> </ul>

control and air pollution, transportation of hazardous waste.	
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**Table 39: NEMA Principles and Compliance thereof in respect of Integrated Pollution and Waste Management**

<b>NEMA Principles</b>	<b>Compliance to Relevant NEMA Principles</b>
Sustainable Development	<ul style="list-style-type: none"> <li>• Limited recycling of waste in the province</li> <li>• Leading agent has compiled a survey of all Provincial solid waste sites and a process was initialized to legalize all major solid waste sites.</li> <li>• A medical waste audit was conducted and recommendations were made to Department of Health.</li> <li>• The Auditor General audited Province on pollution and waste. The report highlighted several areas of concern.</li> </ul>
Integration of Environmental Considerations into Decision Making	<ul style="list-style-type: none"> <li>• White Paper acknowledges the need to integrate IPWM into all government policies strategies, programs and all spatial and economic development.</li> </ul>
Participation, employment and Transparency	<ul style="list-style-type: none"> <li>• White Paper creates the mechanism to increase awareness and concern for waste issues. The NWMS funds poverty alleviation projects relating to waste recycling. Currently six such projects have been implemented in the Limpopo Province</li> </ul>
Environmental Justice and Equity	<ul style="list-style-type: none"> <li>• Polluter Pays Principle is being enforced, e.g. clean-up operations where hazardous waste is spilled as well as spillages by industries and municipalities.</li> <li>• The affected communities are involved in decision-making regarding the rehabilitation of old asbestos mines.</li> </ul>
Ecological Integrity	<ul style="list-style-type: none"> <li>• EIA Regulations and permitting of waste sites and sewage works create mechanism to avoid/minimize disturbance to ecosystems.</li> <li>• As a result of industrial pollution, some water resources are still being contaminated. Monitoring of conditions attached to permits and authorizations have to be improved.</li> <li>• Asbestos pollution is threatening the ecological integrity of the area and streams (including the Olifants River) but major rehabilitation work has been done and is still ongoing.</li> </ul>
Co-operative Governance	<ul style="list-style-type: none"> <li>• As a result of industrial pollution, some water resources are still being contaminated.</li> <li>• Environmental Committees have been established at "Pollution hot-spots" in the Province.</li> <li>• Provincial Waste &amp; Pollution Committee was established, which is receiving high political priority.</li> <li>• Asbestos rehabilitation is done by DMR but all relevant departments are involved, like Health, FEAT &amp; E, Education, Agriculture and DWS.</li> </ul>

**Table 40:** Arrangement for Co-operative Governance in respect of Poverty Eradication and Community Empowerment

Existing Arrangements for Co-operative Governance and Environmental Management	Recommendations for Co-operative Governance and Environmental Management
<ul style="list-style-type: none"> <li>• Leading Agent, DWS and Minerals and Energy have a good working relationship.</li> <li>• Provincial Waste Management Committee was established.</li> <li>• Environmental Committees established at "pollution hot-spots" in the Province.</li> <li>• Asbestos rehabilitation meeting every six months.</li> <li>• CEC Working Group 3.</li> <li>• MINMEC Environment.</li> </ul>	<ul style="list-style-type: none"> <li>• Department of Local Government, regional councils and municipalities need to participate more actively and approve funding for waste management and minimization projects.</li> <li>• Provincial Control Centre to be established to control the movement of hazardous waste and manage spills. For the next phase, " the project has to be expanded to include other Provinces</li> <li>• All role-players to become actively involved in Provincial Waste Management Committee.</li> <li>• Auditor General should develop criteria for future use.</li> </ul>

### 3.2.8 Water Supply and Infrastructure

**Table 41:** Description of the Water Supply and Infrastructure Mandate within the Limpopo Province

Description
<ul style="list-style-type: none"> <li>• Water supply (bulk structures) - water resource infrastructure planning, development and operation.</li> <li>• Development of Water Catchment Management Strategies.</li> <li>• Water quality management and control.</li> <li>• Allocation and regulation of water use licenses.</li> <li>• Development and implementation of water resource management strategies.</li> <li>• Planning and implementation of the Work for Water Project.</li> </ul>

**Table 42:** Legislative Framework and Responsible Authorities for Integrated Pollution and Waste Management

Relevant Legislative Framework	Responsible Authorities
<ul style="list-style-type: none"> <li>• Mountain Catchments Areas Act ( Act 63 of 1970)</li> <li>• National Water Act (Act 36 of 1998)</li> <li>• White Paper on a National Water Policy for South Africa, 1997</li> <li>• White Paper on Community Water Supply and Sanitation, 1994</li> <li>• White Paper on Sanitation, 1996</li> <li>• The Water Services Act (Act 108 of 1997)</li> </ul>	<ul style="list-style-type: none"> <li>• Department of Water and Sanitation (Leading Agent).</li> <li>• Department of Co-operative Government Human Settlements and Traditional Affairs</li> <li>• Municipalities.</li> <li>• Water Boards (e.g. Lepelle Water).</li> <li>• Catchment Management Agencies.</li> <li>• Water Use Associations.</li> </ul>

**Table 43:** NEMA Principles and Compliance thereof in respect of Integrated Pollution and Waste Management

<b>NEMA Principles</b>	<b>Compliance to Relevant NEMA Principles</b>
Sustainable Development	<ul style="list-style-type: none"> <li>Working for Water Program will ensure sustainable yield in the long term.</li> <li>For every housing development in the Province, a comprehensive geo-hydrological study is done to determine the best sewerage system.</li> <li>Wastewater quality is monitored to minimize negative environmental impact.</li> </ul>
Integration of Environmental Considerations into Decisions making	<ul style="list-style-type: none"> <li>CMA'S will ensure that environmental obligations are fulfilled.</li> <li>EIA process and SPLUMA process addresses the selection of the best environmental option.</li> </ul>
Participation, Empowerment and Transparency	<ul style="list-style-type: none"> <li>CMA's and WUA's take account of interests, needs and values of interested/affected parties.</li> <li>Water supply programs in rural areas improve the quality of life of women and children.</li> </ul>
Environmental Justice and Equity	<ul style="list-style-type: none"> <li>CMA's and WUA's take account of interests, needs and values of previously marginalized parties to ensure equitable access to water resources.</li> <li>Water supply programs promote equitable access to environmental resources to meet basic needs and ensure human well-being.</li> </ul>
Ecological Integrity	<ul style="list-style-type: none"> <li>Reserve determination and ecological classification of rivers will improve ecological integrity.</li> <li>Water quality management contributes to ecological integrity of water resources of Province.</li> </ul>
Co-operative Governance	<ul style="list-style-type: none"> <li>DWS is represented on majority of forums relating to environment in the Province.</li> </ul>

**Table 44:** Arrangement for Co-operative Governance in respect of Poverty Eradication and Community Empowerment

<b>Existing Arrangements for Co-operative Governance and Environmental Management</b>	<b>Recommendations for Co-operative Governance and Environmental Management</b>
<ul style="list-style-type: none"> <li>Provincial Water Liaison Committee.</li> <li>Liaison with LEDET regarding EIA's, waste dumps and water use and release permits.</li> </ul>	<ul style="list-style-type: none"> <li>DWS Regional Office to be included in PPF.</li> <li>Water Liaison Committee be revived and include environmental representation.</li> </ul>

## SECTION FOUR: INSTITUTIONAL ARRANGEMENTS AND RECOMMENDATIONS FOR ENVIRONMENTAL MANAGEMENT AND CO-OPERATIVE GOVERNANCE

Taking the information as presented in the previous Chapter into consideration, it is acknowledged that provincially the greatest need in the short term is to clarify and agree on the co-operative Governance roles, responsibilities and relationships for different Government Departments and Organs of State, with respect to Environmental Management. Detailed recommendations for the programs with overall Provincial importance have been provided in the previous Chapter.

**The following recommendations are specific recommendations for Co-operative Governance and Environmental Management to be applied throughout the Province.**

**Table 45:** Specific recommendations for Co-operative Governance and Environmental Management to be applied throughout the Province

INSTITUTIONAL ARRANGEMENT	RECOMMENDATION	RESPONSIBLE AUTHORITY	TIMEFRAME
1. Five clusters on political level (Interdepartmental Committees on political and HOD level to take decisions on planning and implementation of the Executive Committee's resolutions)	Ensure that environmental aspects are addressed in all clusters. Possible representation of LEDET (Environment Branch) on all clusters.	LEDET	Quarterly
2. Provincial Development Planning Forum (co-ordinate all planning processes in the Province)	<ul style="list-style-type: none"> <li>• Environmental issues to receive adequate attention, including ISRDS.</li> <li>• Establishment of EIP substructure to ensure monitoring and continual improvement of EIP and drafting of EMP.</li> <li>• Establishment of EIP substructure to assess and evaluate LDO's for approval.</li> <li>• Developments of database of all developments (including infrastructure development) in the Province.</li> <li>• Regional offices of national departments to be represented.</li> </ul>	PDPF  PDPF / LEDET PDPF	Quarterly

3. Mineral Development Forum (Co-ordinate mineral development in the Limpopo Province)	Improve participation of LEDET to ensure environmental issues are adequately addressed	LEDET	Quarterly
4. Provincial Tourism & Parks Board	Clarification of roles of provincial and local authorities.	LEDET	Quarterly
5. Provincial Control Centre for the movement of hazardous substances	Needs to be formalized	DPWRI	Quarterly
6. Provincial Waste and Pollution Committee (Integrate waste & pollution functions between government Departments)	All role players to become active members to ensure that waste and pollution management is given the priority it deserves.	LEDET	Quarterly
7. Provincial Water Liaison Committee (Interdepartmental committee to take decisions on water issues)	LEDET to be represented to ensure that environmental issues are addressed adequately.	LEDET	Quarterly

#### 4.1 Outcomes and Key Priority Indicators for EIP

This section of the EIP focuses on **Implementation Plans** and **targets of each Policy, Plan and Programme** that are carried out by various departments and identifies primary agents who will be responsible for implementation. The Options for Action are refined in this section to formulate quantifiable targets for the EIP 2015 – 2020.

**Table 46: Implementation Plan and targets of each Policy, Plan and Programme**

Issue	Response	Role Players	Indicators	Outcomes to be achieved	Estimated Performance Target					
					2020/21	2021/22	2022/23	2023/24	2024/25	
<b>BIODIVERSITY MANAGEMENT</b>										
Biodiversity and conservation	Biodiversity permits issued within legislated timeframes	LEDET	Percentage of complete biodiversity management permits issued within legislated timeframes	Compliance with environmental legislation improved	5000 biodiversity management permits issued within legislated timeframes	100% of complete biodiversity management permits issued within legislated timeframes	100% of complete biodiversity management permits issued within legislated timeframes	100% of complete biodiversity management permits issued within legislated timeframes	100% of complete biodiversity management permits issued within legislated timeframes	100% of complete biodiversity management permits issued within legislated timeframes
	Biodiversity management tools developed and implemented	LEDET	Number of biodiversity management tools developed and implemented	Ecosystems and Species protected and natural resources utilised sustainably	Nine (9) biodiversity management tools developed	Nine (9) biodiversity management tools implemented				
		LEDET	Number of bioregional plans implemented							
	Biodiversity economy initiatives implemented	LEDET	Number of Biodiversity economy initiative implemented.	Evidence based biodiversity management decision-	One (1) Biodiversity economy initiative implemented	One (1) Biodiversity economy initiative implemented	One (1) Biodiversity economy initiative implemented	One (1) Biodiversity economy initiative implemented	One (1) Biodiversity economy initiative implemented	One (1) Biodiversity economy initiative implemented
Evidence based biodiversity management decision-making	LEDET	Percentage of biodiversity assessments and scientific reviews finalised	98% of received requests for biodiversity assessments and scientific reviews finalized		98% of received requests for biodiversity assessments and scientific	98% of received requests for biodiversity assessments and scientific	98% of received requests for biodiversity assessments and scientific	98% of received requests for biodiversity assessments and scientific	98% of received requests for biodiversity assessments and scientific	

Issue	Response	Role Players	Indicators	Outcomes to be achieved	Estimated Performance Target				
					2020/21	2021/22	2022/23	2023/24	2024/25
				making improved	reviews finalized				
	Threatened species, ecosystems and protected areas monitored	LEDET	Number of threatened species, ecosystems and protected areas monitored	Ecosystems and Species protected and natural resources utilised sustainably	Eighteen (18) threatened species, ecosystems and protected areas monitored	Eighteen (18) threatened species, ecosystems and protected areas monitored	Eighteen (18) threatened species, ecosystems and protected areas monitored	Eighteen (18) threatened species, ecosystems and protected areas monitored	Eighteen (18) threatened species, ecosystems and protected areas monitored
Protected areas management	Protected area network increase	LEDET	Number of hectares added into the conservation estate	Conservation estate increased in the province	10000 hectares added into the conservation estate				
		LEDET	Number of biodiversity stewardship sites initiated		One (1) Biodiversity Stewardship site initiated				
	Management effectiveness of the provincial protected areas	LEDET	Percentage of area of state managed protected areas assessed with a METT score above 67%	Management effectiveness of the provincial protected areas improved	2% (5218 of 260890) area of state managed protected areas assessed with a METT score above 67%	2% (5218 of 260890) area of state managed protected areas assessed with a METT score above 67%	2% (5218 of 260890) area of state managed protected areas assessed with a METT score above 67%	2% (5218 of 260890) area of state managed protected areas assessed with a METT score above 67%	2% (5218 of 260890) area of state managed protected areas assessed with a METT score above 67%
		LEDET	Number of new co-management agreements for provincial protected areas signed		One (1) new co-management agreement for provincial protected areas signed	One (1) new co-management agreement for provincial protected areas signed	One (1) new co-management agreement for provincial protected areas signed	One (1) new co-management agreement for provincial protected areas signed	One (1) new co-management agreement for provincial protected areas signed

Issue	Response	Role Players	Indicators	Outcomes to be achieved	Estimated Performance Target				
					2020/21	2021/22	2022/23	2023/24	2024/25
	Provision of tourism products and services in the provincial nature reserves	LEDET	Number of revenue enhancement projects developed and implemented	Tourism products and services in the provincial nature reserves developed and implemented	Two (2) revenue enhancement projects developed and implemented	Two (2) revenue enhancement projects developed and implemented	Two (2) revenue enhancement projects developed and implemented	Two (2) revenue enhancement projects developed and implemented	Two (2) revenue enhancement projects developed and implemented
<b>WATER RESOURCES MANAGEMENT</b>									
Maintaining Sustainable Water in the province	Monitor the ecological integrity of Water Resources	LEDET and Department of Water and Sanitation (DWS)	Number of ecological reserve (River health) surveys conducted	Ecological integrity of Water Resources sustained	One (1) ecological reserve (River health) surveys conducted	One (1) ecological reserve (River health) surveys conducted	One (1) ecological reserve (River health) surveys conducted	One (1) ecological reserve (River health) surveys conducted	One (1) ecological reserve (River health) surveys conducted
	Catchment Management Agencies and Water Use Associations supported	Department of Water and Sanitation	Conduct regional steering committee meetings	Enhanced Governance Systems and Capacity	At least two regional Steering Committee meetings for forums conducted	At least two regional Steering Committee meetings for forums conducted	At least two regional Steering Committee meetings for forums conducted	At least two regional Steering Committee meetings for forums conducted	At least two regional Steering Committee meetings for forums conducted
<b>WASTE MANAGEMENT</b>									
Waste Management Licensing	Effective waste management in the province	LEDET	Percentage of complete Waste License applications finalized within legislated time-frames	Compliance with environmental legislation improved	100% of complete Waste License applications finalized within legislated time-frames	100% of complete Waste License applications finalized within legislated time-frames	100% of complete Waste License applications finalized within legislated time-frames	100% of complete Waste License applications finalized within legislated time-frames	100% of complete Waste License applications finalized within legislated time-frames

Issue	Response	Role Players	Indicators	Outcomes to be achieved	Estimated Performance Target				
					2020/21	2021/22	2022/23	2023/24	2024/25
Waste Minimisation in the province	Provincial Integrated Waste Management Plan developed	LEDET District and Local Municipalities	Integrated Waste Management Plan approved and implemented	Enhanced Governance Systems and Capacity	Integrated Waste Management Plan developed and approved	Integrated Waste Management Plan approved	Integrated Waste Management Plan implemented	Integrated Waste Management Plan implemented	Integrated Waste Management Plan implemented
	Development and implementation of Municipal Integrated Waste Management Plans supported	LEDET	Number of municipalities supported on development and implementation of Integrated Waste Management Plan	Enhanced Governance Systems And Capacity	Five (5) municipalities supported on development and implementation of Integrated Waste Management Plan	Five (5) municipalities supported on development and implementation of Integrated Waste Management Plan	Five (5) municipalities supported on development and implementation of Integrated Waste Management Plan	Five (5) municipalities supported on development and implementation of Integrated Waste Management Plan	Five (5) municipalities supported on development and implementation of Integrated Waste Management Plan
Sustainable waste management practices	Effective waste diversion in the province	LEDET	Number of waste recycling facilities supported	Enhanced waste management practices in the province	Fifty (50) waste recycling facilities supported				
<b>AIR QUALITY MANAGEMENT</b>									
Air Quality Management	Atmospheric emission licenses (AELs) issued within legislated timeframes	LEDET District Municipalities	Percentage of complete Atmospheric Emission Licenses (AELs) issued within legislated timeframes	Air Quality Management improved	100% of complete Atmospheric Emission Licenses issued within legislated timeframes	100% of complete Atmospheric Emission Licenses issued within legislated timeframes	100% of complete Atmospheric Emission Licenses issued within legislated timeframes	100% of complete Atmospheric Emission Licenses issued within legislated timeframes	100% of complete Atmospheric Emission Licenses issued within legislated timeframes
Particulate matter from	Development and implementation of Provincial Air		Number of Provincial Air Quality	Enhanced Governance	One (1) Provincial Air Quality				

Issue	Response	Role Players	Indicators	Outcomes to be achieved	Estimated Performance Target					
					2020/21	2021/22	2022/23	2023/24	2024/25	
denuded areas and mining	Quality Management Plan	LEDET	Management Plan developed and implemented	Systems and Capacity	Management Plan implemented	Management Plan developed	Management Plan implemented	Management Plan implemented	Management Plan implemented	
Air quality management systems	Ambient air pollution monitored, linked to the necessary human, financial and equipment capacity being made available	LEDET District and Local Municipalities	Number of Ambient air quality monitoring stations in place and fully operational	Enhanced Governance Systems and Capacity	All 4 monitoring stations fully operational and reporting to SAAQIS	All 4 monitoring stations fully operational and reporting to SAAQIS	All 4 monitoring stations fully operational and reporting to SAAQIS	All 4 monitoring stations fully operational and reporting to SAAQIS	All 4 monitoring stations fully operational and reporting to SAAQIS	
<b>SPATIAL PLANNING AND LAND USE MANAGEMENT</b>										
Environmental Impact Assessment	Issuance of environmental authorisations for listed activities	LEDET	Percentage of complete EIA (Environmental Impact Assessment) applications finalised within legislated timeframes	Compliance with environmental legislation improved	100% of complete EIA (Environmental Impact Assessment) applications finalised within legislated timeframes	100% of complete EIA (Environmental Impact Assessment) applications finalised within legislated timeframes	100% of complete EIA (Environmental Impact Assessment) applications finalised within legislated timeframes	100% of complete EIA (Environmental Impact Assessment) applications finalised within legislated timeframes	100% of complete EIA (Environmental Impact Assessment) applications finalised within legislated timeframes	
Disaster Schemes implementation	Disaster schemes implemented aligned with the Agricultural programmes	LDARD	Number of disaster relief schemes managed	Food Security enhanced	One disaster relief scheme managed					
Food security	Food security initiatives implemented	LDARD	Number of households benefiting from agricultural food		6000 Households benefiting from agricultural food security initiatives	6000 Households benefiting from agricultural food				

Issue	Response	Role Players	Indicators	Outcomes to be achieved	Estimated Performance Target									
					2020/21	2021/22	2022/23	2023/24	2024/25					
			security initiatives											
	Agricultural land protected through guiding subdivisions/ rezoning and change of agricultural land use	LDARD	Number of hectares cultivated for food production in communal areas and land reform projects		13 654 hectares cultivated for food production in communal areas and land reform projects	13 654 hectares cultivated for food production in communal areas and land reform projects	13 654 hectares cultivated for food production in communal areas and land reform projects	13 654 hectares cultivated for food production in communal areas and land reform projects	13 654 hectares cultivated for food production in communal areas and land reform projects	13 654 hectares cultivated for food production in communal areas and land reform projects	13 654 hectares cultivated for food production in communal areas and land reform projects	13 654 hectares cultivated for food production in communal areas and land reform projects	13 654 hectares cultivated for food production in communal areas and land reform projects	13 654 hectares cultivated for food production in communal areas and land reform projects
Agri-businesses supported	Agri-Businesses supported with agricultural economic services towards accessing markets	LDARD	Number of Agri-Businesses supported with agricultural economic services	Enhanced Governance Systems and Capacity	170 Agri-Businesses supported with agricultural economic services									
Development and implementation of agro-processing initiatives	Agro-processing initiatives developed and implemented	LDARD	Number of Agro-processing development initiatives facilitated	Agro-processing industry enhanced	6 Agro-processing development initiatives facilitated									
Governance and Capacity building	Municipalities supported with the implementation of SPLUMA	COGHSTA	Number of capacity building interventions conducted in municipalities	Enhanced Governance Systems and Capacity	Four (4) capacity building interventions conducted in municipalities	Four (4) capacity building interventions conducted in municipalities	Four (4) capacity building interventions conducted in municipalities	Four (4) capacity building interventions conducted in municipalities	Four (4) capacity building interventions conducted in municipalities	Four (4) capacity building interventions conducted in municipalities	Four (4) capacity building interventions conducted in municipalities	Four (4) capacity building interventions conducted in municipalities	Four (4) capacity building interventions conducted in municipalities	Four (4) capacity building interventions conducted in municipalities

Issue	Response	Role Players	Indicators	Outcomes to be achieved	Estimated Performance Target				
					2020/21	2021/22	2022/23	2023/24	2024/25
Implementation of Spatial Development Framework	Municipalities supported with the implementation of SDFs in terms of the Guidelines	COGHSTA	Number of municipalities supported with the implementation of SDFs in terms of the Guidelines	Enhanced Governance Systems and Capacity	22 Municipalities supported with the implementation of SDFs in terms of the Guidelines	22 Municipalities supported with the implementation of SDFs in terms of the Guidelines	22 Municipalities supported with the implementation of SDFs in terms of the Guidelines	22 Municipalities supported with the implementation of SDFs in terms of the Guidelines	22 Municipalities supported with the implementation of SDFs in terms of the Guidelines
Integrated Development Plans developed and implemented	Municipalities supported with legally compliant IDP	COGHSTA	Number of Municipalities supported with development of legally compliant IDP	Enhanced Governance Systems and Capacity	22 Municipalities supported with legally compliant IDP				
Disaster management	Municipalities supported with legally compliant LED	COGHSTA	Number of municipalities supported to maintain Disaster Management centres	Enhanced Governance Systems and Capacity	Five (5) municipalities supported to maintain Disaster Management centres	Five (5) municipalities supported to maintain Disaster Management centres	Five (5) municipalities supported to maintain Disaster Management centres	Five (5) municipalities supported to maintain Disaster Management centres	Five (5) municipalities supported to maintain Disaster Management centres
Job creation	Municipalities supported	COGHSTA	Number of the Intergovernmental Disaster Management Forum	Enhanced Governance Systems and Capacity	4 Intergovernmental Disaster Management Forum				
	Work Opportunities created	COGHSTA	Number of work opportunities created through the CWP in municipalities	Enhanced Governance Systems and Capacity	5000 work opportunities created through the CWP in municipalities	5000 work opportunities created through the CWP in municipalities	5000 work opportunities created through the CWP in municipalities	5000 work opportunities created through the CWP in municipalities	5000 work opportunities created through the CWP in municipalities

Issue	Response	Role Players	Indicators	Outcomes to be achieved	Estimated Performance Target				
					2020/21	2021/22	2022/23	2023/24	2024/25
Provision of housing	Municipalities supported	COGHSTA	Number of beneficiaries /subsidies approved on housing subsidy system	Enhanced Governance Systems and Capacity	7450 beneficiaries /subsidies approved on housing subsidy system	7450 beneficiaries /subsidies approved on housing subsidy system	7450 beneficiaries /subsidies approved on housing subsidy system	7450 beneficiaries /subsidies approved on housing subsidy system	7450 beneficiaries /subsidies approved on housing subsidy system
Intergovernmental relations	Municipalities supported	COGHSTA	Number of reports on the functionality of IGR structures	Enhanced Governance Systems and Capacity	4 reports on the functionality of IGR structures	4 reports on the functionality of IGR structures	4 reports on the functionality of IGR structures	4 reports on the functionality of IGR structures	4 reports on the functionality of IGR structures
Transport Management	Provincial Transport Master plan developed	DPT	Provincial Transport Master plan developed	Enhanced Governance Systems and Capacity	One (1) Provincial Transport Master plan developed				
	Municipalities with integrated transport plans developed (ITP)	DPT	Number of municipalities with integrated transport plans developed (ITP)	Enhanced Governance Systems and Capacity	Three (3) municipalities with integrated transport plans developed (ITP)	Three (3) municipalities with integrated transport plans developed (ITP)	Three (3) municipalities with integrated transport plans developed (ITP)	Three (3) municipalities with integrated transport plans developed (ITP)	Three (3) municipalities with integrated transport plans developed (ITP)
	Intermodal facilities in construction	DPT	Number of intermodal facilities in construction	Enhanced Governance Systems and Capacity	One (1) intermodal facilities in construction				

Issue	Response	Role Players	Indicators	Outcomes to be achieved	Estimated Performance Target				
					2020/21	2021/22	2022/23	2023/24	2024/25
Rural Development	Amount of land in hectares cultivated for food production in communal areas and land reform projects	LDARD	Number of farmers assisted through disaster relief schemes	Enhanced Governance Systems and Capacity	1000 farmers assisted through disaster relief schemes				
	Sites facilitated for animal and veld management program developed	LDARD	Number of farm management plans developed	Enhanced Governance Systems and Capacity	30 farm management plans developed				
	Agri-businesses supported	LDARD	Number of Agri-Businesses supported with production economic services	Enhanced Governance Systems and Capacity	5100 Agri-Businesses supported with production economic services				
<b>CROSS-CUTTING OPTIONS FOR ACTION</b>									
Climate change management	Build climate change resilient in the province	LEDET District and Local Municipalities	Number of climate change response interventions implemented	Citizens climate change resilience improved	One (1) climate change response interventions implemented				
	Climate change response planning and intervention tools developed and implemented	LEDET	Limopo Climate Change Vulnerability Assessment Conducted	An Effective Climate Change Mitigation and Adaptation Response	One (1) climate change Vulnerability Assessment conducted				

Issue	Response	Role Players	Indicators	Outcomes to be achieved	Estimated Performance Target				
					2020/21	2021/22	2022/23	2023/24	2024/25
		LEDET	Number climate change response tools developed and implemented		One (1) climate change response tool reviewed	One (1) climate change response tool implemented			
Environmental governance and spatial planning	Inter-governmental sector programmes implemented	LEDET District and Local Municipalities	Number of inter-governmental sector programmes implemented	Environmental governance and spatial planning improved	Two (2) inter-governmental sector programmes implemented				
Enhancement of environmental evidence-based decision-making processes	Development of legislated tools	LEDET	Number of legislated tools developed	Legislated framework for environmental management improved	One (1) legislated tool developed				
	Environmental research and evidence based decision making	LEDET	Number of environmental research projects completed	Environmental research and evidence-based policy and decision-making processes	One (1) environmental research project completed				
	Functional environmental information management systems maintained	LEDET	Number of functional environmental information management systems maintained	Environmental information and knowledge management improved	One (1) functional environmental information management system maintained	One (1) functional environmental information management system maintained	One (1) functional environmental information management system maintained	One (1) functional environmental information management system maintained	One (1) functional environmental information management system maintained

Issue	Response	Role Players	Indicators	Outcomes to be achieved	Estimated Performance Target				
					2020/21	2021/22	2022/23	2023/24	2024/25
Job creation	Work opportunities created through environmental programmes	LEDET	Number of work opportunities created through environmental sector public employment programmes	Contribution of environment sector jobs to economic growth and development	300 work opportunities created through environmental programmes	74 work opportunities created through environment sector public employment programmes	100 work opportunities created through environment sector public employment programmes	120 work opportunities created through environment sector public employment programmes	150 work opportunities created through environment sector public employment programmes
Environmental awareness and communication	Environmental awareness activities conducted	LEDET	Number of Environmental awareness activities conducted	More environmental stewardship programmes to raise awareness and reduce ecological footprint	Eight (8) Environmental awareness activities conducted	Six (6) Environmental awareness activities conducted	Five (5) Environmental awareness activities conducted	Four (4) Environmental awareness activities conducted	Five (5) Environmental awareness activities conducted
Environmental capacity building	Environmental capacity building activities conducted	LEDET	Number of Environmental capacity building activities conducted	Stronger and effective internal capacity both with technical and human resources to manage environmental programmes	Fourteen (14) Environmental capacity building activities conducted	Twelve (12) Environmental capacity building activities conducted	Ten (10) Environmental capacity building activities conducted	Eight (8) Environmental capacity building activities conducted	Ten (10) Environmental capacity building activities conducted
Ensure compliance with conditions of environmental authorisations, permits and licenses issued	Compliance inspections conducted	LEDET	Number of compliance inspections conducted	Compliance with environmental legislation improved	300 compliance inspections conducted	255 compliance inspections conducted	237 compliance inspections conducted	258 compliance inspections conducted	300 compliance inspections conducted

Issue	Response	Role Players	Indicators	Outcomes to be achieved	Estimated Performance Target				
					2020/21	2021/22	2022/23	2023/24	2024/25
Enforcement of compliance with environmental legislation	Completed criminal investigations handed to the NPA for prosecution	LEDET	Number of completed criminal investigations handed to the NPA for prosecution		05 completed criminal investigations handed to the NPA for prosecution	04 completed criminal investigations handed to the NPA for prosecution	03 completed criminal investigations handed to the NPA for prosecution	04 completed criminal investigations handed to the NPA for prosecution	04 completed criminal investigations handed to the NPA for prosecution
	Administrative notices issued for non-compliance with environmental management legislation	LEDET	Number of administrative enforcement notices issued for non-compliance with environmental management legislation		45 administrative enforcement notices issued for non-compliance with environmental management legislation	38 administrative enforcement notices issued for non-compliance with environmental management legislation	35 administrative enforcement notices issued for non-compliance with environmental management legislation	39 administrative enforcement notices issued for non-compliance with environmental management legislation	50 administrative enforcement notices issued for non-compliance with environmental management legislation

The following general recommendations are cross cutting and not necessarily linked to a specific institutional arrangement:

**Table 47:** General recommendations are cross cutting and not necessarily linked to a specific institutional arrangement

RECOMMENDATION	RESPONSIBLE AUTHORITY	TIME FRAME
1. An Environmental Awareness Program to be launched to stimulate environmental awareness among MECs, HODs and senior managers in all Provincial Departments.	LEDET	To commence upon gazetting of the EIP and to continue for 1 year afterwards
2. Local Government must improve their participation and commitment in waste management and minimization projects	COGHSTA	Ongoing
3. A criteria that can be used for environmental auditing purposes needs to be formulated.	Auditor-General	Annually
4. Monitoring of the implementation of the EIP must be done by the LEDFET in collaboration with the PDPF Sub-Committee on EIP/EMP. All Provincial Departments and Regional Offices of National Departments must be represented on this Sub-Committee. The regional structures of local governments will also be included.	LEDET and Planning Directorate in Office of the Premier	Quarterly
5. Complete annual report.	LEDET	Annually

## **SECTION FIVE: CONCLUSION AND KEY RECOMMENDATIONS**

### **5.1 Conclusion**

The drafting of the 2nd edition EIP for the Limpopo Province proved to be a tremendous learning curve for all parties involved. The importance of taking environmental issues into consideration during the decision making process was highly emphasized in the first Edition EIP for the Limpopo Province. The Second Edition shows a continuation of hard work and commitment in facilitating Environmental Co-operative governance in the Province.

It became evident in the stakeholder consultation process that there is a critical need for capacity building of Sector Departments and Local Government on Environmental issues and the Sustainable Development Concept. The LEDET will take this responsibility of filtering down capacity building to relevant role players, sector departments, Municipalities including local councillors as they are involved in the implementation of planning processes. The implementation and planning will be used together with the Limpopo Environmental Outlook as systems to collect information that will inform the provincial leadership how effective our governance of natural resources is.

Compliance with the applicable Environmental Impact Assessment Regulations and NEMA principles are critical tools used to ensure that environmental issues are considered when making decisions. The Limpopo Provincial Development Planning Forum (PDPF) will be used as platform to discuss the issues emanating from the implementation of this provincial environmental co-operative governance plan.

The LEDET will be responsible for the monitoring and updating of the EIP every five years as required in terms of Section 11 (1) of National Environmental Management Act (NEMA) as amended.

### **5.2 Key Recommendations**

The main objective of the EIP is the improvement of Environmental Co-operative Governance in the province and key recommendations can be summarized as follows:-

- Alignment of all provincial strategic plans and municipal strategic plans with the Limpopo Development Plan.

- All sector provincial Departments must comply with the applicable Environmental Impact Regulations, the National Environmental Management Biodiversity Act (Act 10 of 2004) and compliance with NEMA principles.
- Development and implementation of bio-monitoring programs to determine quotas for resource use in the province.
- Ensure sustainable development is upheld and that environmental issues are considered in land use management.
- Participation of sector Departments and Municipalities in the Limpopo Provincial Growth and Development Forum to align and co-ordinate actions related to land use management and the implementation of the Limpopo 2<sup>nd</sup> Edition EIP.
- Implementation of the Environment Toolkit by municipalities; the development and implementation of the Environmental Management Frameworks (EMFs) together with SDFs to ensure that environmental issues are addressed in spatial planning.
- Development and implementation of the Provincial and Municipal Air Quality Management Plans as per the National guidelines.
- Implementation of provincial ambient monitoring program to monitor the impact of mines and industry on natural resources.
- Implementation and monitoring of the Limpopo Integrated Waste Management Plan.
- Promotion of Provincial Environmental Enforcement.
- Promotion of Environmental Capacity Building and Empowerment.
- Implementation of the Disaster Management Act (Act 57 of 2002) by the Limpopo Province.

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**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS****LOCAL AUTHORITY NOTICE 241 OF 2021****POLOKWANE LOCAL MUNICIPALITY****NOTICE OF A REZONING APPLICATION IN TERMS OF SECTION 61 OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW 2017- AMENDMENT SCHEME 465**

I, Rian Beukes of the firm Rian Beukes Town & Regional Planners and Property Consultants being the authorized agent of the owner of Erf 112 Welgelegen hereby gives notice in terms of Section 95(1)(a) of the Municipal Planning By-Law, 2017, that I have applied to the Polokwane Municipality for the amendment of the Polokwane/ Perskebult Town Planning Scheme, 2016, by the rezoning in terms of Section 61 of the Polokwane Municipal Planning By-law, 2017 for the rezoning of the above-mentioned property which is situated at:

106 Genl Viljoen Street Welgelegen, from "Residential 1", to "Residential 3" and Special Consent into Clause 32.1.b. of the Town Planning Scheme 2016 to permit a density of 48 units per ha (to develop 8 dwelling units on the property).

Any objections and or comments, including grounds for such objections and or comments with full contact details, without which the municipality cannot correspond with the person or body submitting the objections and or comments, shall be lodged with, or made to; Manager: City Planning and Property Management, PO Box 111 Polokwane 0700, **from 19 November 2021 to 16 December 2021.**

Full particulars and plans may be inspected during normal office hours at the Municipal offices as set out below, for a period of 28 days from the date of the first publication of the notice in the Provincial Gazette/ Observer Newspaper. Address of Municipal Offices: 2<sup>nd</sup> floor, Civic Centre, cnr Landdros Mare and Bodenstien Streets, Polokwane.

Closing date for objections / comments: **16 December 2021.**

Address of applicant: Rian Beukes Town & Regional Planners and Property Consultants, PO Box 12417, BENDOR, 0713. (015) 297 1140 - rian.beukes@telkomsa.net. Date of first notice: **19 November 2021.**

19-26

**PLAASLIKE OWERHEID KENNISGEWING 241 VAN 2021****POLOKWANE PLAASLIKE MUNISIPALITEIT****KENNISGEWING TEN OPSIGTE VAN HERSONERING IN TERME VAN ARTIKEL 61 VAN DIE POLOKWANE MUNISIPALE BEPLANNINGS BYWET, 2017 –WYSIGINGSKEMA 465**

Ek, Rian Beukes van die firma Rian Beukes Stads en Streekbeplanners en Eiendomskonsultante, synde die gemagtigde agent van die eienaar van Erf 112 Welgelegen, gee hiermee kennis in terme van Artikel 95(1) van die Munisipale Beplannings Bywet, 2017, dat ek aansoek gedoen het by die Polokwane Munisipaliteit vir die wysiging van die Polokwane / Perskebult Dorpsbeplanningskema, 2016, vir die hersonering van die bogemelde eiendom geleë te:

106 Gen Viljoenstraat Welgelegen, in terme van Artikel 61 van die Polokwane Munisipale Bywet, 2017, vir die hersonering van die eiendom vanaf "Residensieël 1", na "Residensieël 3" en gelyktydige aansoek itv Klousule 32.1.b van die Dorpsbeplanning Skema, 2016 ten einde 'n digtheid van 48 eenhede per ha toe te laat (om 8 eenhede op die perseel te kan oprig).

Enige besware en of kommentaar, insluitende die gronde van beswaar en of kommentaar, met volledige kontakbesonderhede, waarsonder die Munisipaliteit nie met die beswaarmaker of instansie wat die beswaar maak of kommentaar lewer, kan kommunikeer nie, moet gerig word aan; Die Bestuurder, Stadsbeplanning en Eiendomsbestuur, Posbus 111 Polokwane, 0700, vanaf **19 November 2021 tot 16 Desember 2021.**

Volle besonderhede en planne ten opsigte van die aansoek kan gedurende normale kantoorure besigtig word by die Munisipale kantore, binne 'n tydperk van 28 dae vanaf die datum van eerste publikasie in die Provinsiale Gazette / Observer. Adres van die Munisipale kantore; 2de vloer, Burgersentrum, h.v Landdros Mare en Bodenstienstrate, Polokwane. Sluitingsdatum vir besware / kommentare: **16 Desember 2021.**

Adres van applikant: Rian Beukes Stads en Streekbeplanners en Eiendomskonsultante, Posbus 12417, Bendor, 0713 (Tel 015 297 1140, e-pos: rian.beukes@telkomsa.net. Datum van eerste publikasie: **19 November 2021.**

19-26

**LOCAL AUTHORITY NOTICE 242 OF 2021****NOTICE OF THE TOWNSHIP ESTABLISHMENT APPLICATION ON REMAINING EXTENT OF PORTION 17 (A PORTION OF PORTION 4) OF FARM RONDEBOSCH, 287- LS LIMPOPO PROVINCE IN TERMS SECTION 56 READ TOGETHER WITH SECTION 85 OF THE MAKHADO LOCAL: MUNICIPAL PLANNING BY-LAW, 2016**

We, Andisa Zwashu Group (PTY) LTD, being the applicant of the property mentioned above hereby give notice in terms of Section 56 read together with section 85 of the Makhado Municipality Spatial Planning, Land Development and Land Use Management By-law, 2016, that we have applied to Makhado Municipality for the establishment of township to be known as Louis Trichardt extension 16 with the below-mentioned Erven and zonings;

- Erf 1 – Special use (Fuel Station, Accommodation and Truck stop).
- Erf 2 - Business 1 for the purpose of a Hotel.
- Erf 3- Road.

Any objection(s) and/or comment(s), including the grounds for such objection(s) and/or comment(s) with full contact details, without which the Municipality cannot correspond with the person or body submitting the objection(s) and/or comment(s), shall be lodged with, or made in writing to: Municipal Manager, Makhado Municipality, Private Bag X2596, Makhado, 0920 from 19 November 2021 until 17 December 2021.

Full particulars and plans (if any) may be inspected during normal office hours at the Municipal offices as set out below, for a period of 28 working days from 19 November 2021.

Address of Municipal offices: 83 Krogh Street, Limpopo, Louis Trichardt, 0920. Closing date for any objections and/or comments: 19 December 2021. Address of applicant: Andisa Zwashu Group (Pty) Ltd, 6653 Don Juan Street Sevilla Estate Centurion, Monavoni 0157. Cell: 074 306 0600. Email: [info.andisazwashugroup@gmail.com](mailto:info.andisazwashugroup@gmail.com). Dates on which notice will be published: 19<sup>th</sup> and 26<sup>th</sup> November 2021.

19-26

**PLAASLIKE OWERHEID KENNISGEWING 242 VAN 2021****KENNISGEWING VAN DIE AANSOEK OOR DORPSVRIGTING OOR OORSTAANDE GEDEELTE VAN GEDEELTE 17 ('N GEDEELTE VAN GEDEELTE 4) VAN PLAAS RONDEBOSCH, 287- LS LIMPOPO PROVINSIE IN TERME ARTIKEL 56 LEES SAAM MET DIE M-85DEUR AFDELING M-85DOEN:**

Ons, Andisa Zwashu Group (PTY) LTD, synde die applikant van die eiendom hierbo genoem, gee hiermee kennis in terme van Artikel 56 saamgelees met artikel 85 van die Makhado Munisipaliteit se Verordening op Ruimtelike Beplanning, Grondontwikkeling en Grondgebruikbestuur, 2016, dat ons by Makhado Munisipaliteit aansoek gedoen het vir die stigting van dorp wat bekend staan as Louis Trichardt uitbreiding 16 met die onderstaande Erwe en sonerings;

- Erf 1 – Spesiale gebruik (Brandstofstasie, Akkommodasie en Vragmotorstop).
- Erf 2 - Besigheid 1 vir die doel van 'n Hotel.
- Erf 3- Pad.

Enige beswaar(s) en/of kommentaar(s), insluitend die gronde vir sodanige beswaar(s) en/of kommentaar(s) met volledige kontakbesonderhede, waarsonder die Munisipaliteit nie kan korrespondeer met die persoon of liggaam wat die beswaar(s) indien nie. ) en/of kommentaar(s), ingedien word by, of skriftelik gemaak word aan: Munisipale Bestuurder, Makhado Munisipaliteit, Privaatsak X2596, Makhado, 0920 vanaf 19 November 2021 tot 17 Desember 2021.

Volledige besonderhede en planne (indien enige) kan gedurende gewone kantoorure by die Munisipale kantore soos hieronder uiteengesit, vir 'n tydperk van 28 werksdae vanaf 19 November 2021 besigtig word.

Adres van Munisipale kantore: Kroghstraat 83, Limpopo, Louis Trichardt, 0920. Sluitingsdatum vir enige besware en/of kommentaar: 19 Desember 2021. Adres van applikant: Andisa Zwashu Group (Pty) Ltd, Don Juanstraat 6653 Sevilla Estate Centurion, Monavoni 0157. Sel: 074 306 0600. E-pos: [info.andisazwashugroup@gmail.com](mailto:info.andisazwashugroup@gmail.com). Datums waarop kennisgewing gepubliseer sal word: 19 en 26 November 2021.

19-26

## LOCAL AUTHORITY NOTICE 243 OF 2021

NOTICE	NDIVHADZO
<p>I, Theo Kotze, as the agent of the owner of the property mentioned below, hereby give notice in that I have applied to the THULAMELA MUNICIPALITY for the following as it relates to: <u>Application property: STAND 777 THOHoyANDOU-P. Rezoning from "Residential 1" to "Business 1" in terms of Section 62(1) of the Thulamela Spatial Planning and Land Use Management By-law 2016. It is hereby notified that application has been made by the firm DEVELOPLAN for the following: APPLICATION IN TERMS OF SECTION 63 OF THE THULAMELA LAND USE MANAGEMENT SCHEME 2006 FOR THE REMOVAL OF THE FOLLOWING RESTRICTIVE TITLE CONDITIONS IN THE FOLLOWING DEEDS OF GRANT: TG13407/1997. (Erf 777 Thohoyandou-P) - Condition to be uplifted 2(a). Particulars of the applications will lie for inspection during normal office hours at the office of the Chief Town planner, Civic Centre, Thohoyandou, for a period of 30 days from: 19 November 2021. Objections to or representations in respect of the applications must be lodged with or made in writing to the Municipal Manager at the above address or at Private Bag x5066, Thohoyandou, 0950, no later than: 19 December 2021. Agent: DEVELOPLAN, P.O. Box 1883, Polokwane, 0700. Fax: 086 218 3267. Email: <a href="mailto:tecoplan@mweb.co.za">tecoplan@mweb.co.za</a></u></p> <p style="text-align: right;">19-26</p>	<p>Nne, Theo Kotze Ndo imela mune wa mavu o bulwaho afho fhasi, ndikho u disa ndivhadzo ya uri ndo ita khumbelo kha MASIPALA WA THULAMELA malugana na zwitterhelaho: <u>Khumbelo ndi ya Mavu a divheaho sa STAND 777 THOHoyANDOU-P. Ushandukiswa ha mavu ubva kha kushumilese kwa "u dzula (Residential 1)" uya kha kwa "Vhubindudzi (Business 1)" ho shumisiwa khethekanyo ya 62(1) ya Thulamela Spatial Planning and Land Use Management By-law 2016. Ndivhadzo I khou netshedzwa ya uri ho itiwa khumbelo nga feme Developlan nga ndila I tevhelaho: Khumbelo nga kha tshitenwa tsha vhu 63 Tsha Mulayo wa Thulamela Land Use Management Scheme 2006 hu u itela u Bviswa ha Mulayo wa nyiledzo ya kushumisele kwamavu uya nga kha Linwalo Lavhune (deed of grant). Linwalo la Vhune Livhaleaho Sa: TG13407/1997 (777 Thohoyandou-P). Mulayo wa nyiledzo: 2(a). Arali vhatshi toda u divha zwinzhi nga ha khumbelo dzire afho ntha, Zwidodombedwa zwido wanala kha ofisi ya Chief Town planner, Thulamela Civic Centre, Thohoyandou nga tshifhinga tsha awara dzo dowealeho dza mushumo, lwa tshifhinga tshiswikaho maduvha a 30 ubva: 19 November 2021. Khanedzo kana Utoda u pfesesa malugano na khumbelo dzire afho ntha zwinga rumelwa nga uto nwalela Mulanguli wa Masipala kha diresi I tevhelaho: Private Bag x5066, Thohoyandou, 0950, husaathu fhira duvha la: 19 December 2021. Murumelwa: DEVELOPLAN, P.O. Box 1883, Polokwane, 0700. FAX: 086 218 3267. EMAIL: <a href="mailto:tecoplan@mweb.co.za">tecoplan@mweb.co.za</a></u></p> <p style="text-align: right;">19-26</p>

**LOCAL AUTHORITY NOTICE 246 OF 2021**

## NOTICE

Notice is hereby given that the following applications have been made with the Makhado municipality in terms of Section 63(1) of the MAKHADO MUNICIPALITY SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BYLAW 2016. MAKHADO AMENDMENT SCHEME 435: Rezoning of Erf 676 Louis Trichardt from "Residential 1" to "Industrial 1" (to permit small industrial units). MAKHADO AMENDMENT SCHEME 433: Rezoning of Erf 2038 Louis Trichardt Ext. 2 from "Special for overnight accommodation" to "Special for group housing" (to permit a total of 20 flatlets on the property). Application has also been made for Special Consent in terms of Clause 22 of the MAKHADO LAND-USE SCHEME, 2009 read together with the relevant section(s) of the Makhado Spatial Planning, Land Development and Land Use Management By-law (2016), to conduct a commercial use on Erf 682 Louis Trichardt (52 President Street). The development will comprise storage units. Particulars of the applications will lie for inspection during normal office hours at the office of the Director, Municipal Secretariat, 1st floor, Civic centre, Corner Krogh & Erasmus streets, Makhado (Louis Trichardt), for a period of 30 days from 19 November 2021. Any objections/representations must be lodged with or made in writing to the Municipal Manager, at the above-mentioned address or posted to Private bag x2596, Makhado, 0920 on or before the closing date for the submission of objections/representations. When submitting an objection/representation please quote the amendment scheme number, your interest in the matter, the ground(s) for objection/representation, your erf number and phone number and address. CLOSING DATE FOR SUBMISSION OF OBJECTIONS/REPRESENTATIONS: 19 December 2021. AGENT: DEVELOPLAN, P.O. Box 1883, Polokwane, 0700. Email: [tecoplan@mweb.co.za](mailto:tecoplan@mweb.co.za). Hiermee word kennis gegee dat aansoek gedoen is by die Makhado plaaslike munisipaliteit vir die volgende in terme van Artikel 63(1) van die MAKHADO MUNICIPALITY SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BYWET 2016. MAKHADO WYSIGINGSKEMA 435: Hersonerig van Erf 676 Louis Trichardt vanaf "Residensieel 1" na "Industrieel 1" (die doel is om klein nywerheideenhede op die perseel te bedryf). MAKHADO WYSIGINGSKEMA 433: Hersonerig van Erf 2038 Louis Trichardt Uitbr. 2 vanaf "Spesiaal vir oornagakkomodasie" na "Spesiaal vir groepbehuising" (die doel is om 20 klein wooneenhede op die perseel te bedryf). Aansoek is ook gedoen vir Spesiale Toestemming in terme van Klousule 22 van die Makhado Grongebruikbestuurskema 2009 saamgelees met die stipulasies van die Makhado Spatial Planning, Land Development and Land Use Management By-wet (2016) om 'n Kommersiële Gebruik op Erf 682 Louis Trichardt (Presidentstraat 52) te bedryf. Die doel van die aansoek is om stoooreenhede te skep. Besonderhede van voormelde aansoeke lê ter insae gedurende gewone kantoorure by die kantoor van die Direkteur, Munisipale sekretariaat, 1 ste vloer, Burgersentrum, Hoek van Krogh & Erasmusstrate, Makhado (Louis Trichardt), vir 'n tydperk van 30 dae vanaf 19 November 2021. Enige beswaar/vertoë moet by of tot die Munisipale Bestuurder voor die sluitingsdatum vir die indiening van sodanige besware/vertoë by bovermelde adres of by Privaatsak x2596, Louis Trichardt, 0920 ingedien of gerig word. Sluit asb die volgende in by u beswaar/vertoë: Relevante wysigingskemanommer, u belang in die saak, die grond(e) van die beswaar/vertoë, die beswaarmaker se ernommer en telefoonnummer(s) en adres. SLUITINGSDATUM VIR DIE INDIENING VAN BESWARE/VERTOË: 19 Desember 2021. AGENT: DEVELOPLAN TOWN PLANNERS, POSBUS 1883 POLOKWANE 0700, TEL. 015-2914177. [tecoplan@mweb.co.za](mailto:tecoplan@mweb.co.za)

19-26

**LOCAL AUTHORITY NOTICE 247 OF 2021****MAKHADO LOCAL MUNICIPALITY****NOTICE OF LAND USE APPLICATIONS FOR BUSINESS SITES IN TERMS OF SECTION 9(2) OF THE MAKHADO SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW 2016**

I, Azwifaneli Nemanashi of Nash Planning and Civil Consultants (PTY) LTD being an authorized agent of the owners of the properties mentioned below, hereby give notice in terms of Regulation 18 (Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015) read together with Section 63(1) and Section 66(1) of the Makhado Municipality Spatial Planning, Land Development and Land Use Management BY Laws 2016 that I have lodged to the Makhado Municipality:

- An application for subdivision and rezoning from "Agriculture" to "Business" land use rights on Portion of the Farm Goedverwaching 19 LT, Limpopo Province at Maswie Village under the jurisdiction of Tshakhuma Traditional Council for the purpose of a filling station and the related uses.
- An application for subdivision and rezoning from "Agriculture" to "Business" land use rights on Portion of the Farm Schuynsoogte 29 LT, Limpopo Province at Nditwani Village under the jurisdiction of Nesengani Traditional Council for the purpose of a filling station and the related uses.

The particulars of the above applications are available for inspection during normal office hours at the office of Director Planning and Development, Makhado local Municipality, 83 Krogh Street, Louis Trichardt for a period of 28 days from the 26<sup>th</sup> of November 2021.

Objection or representation pertaining to the above land development applications must be lodged with or made in writing to the Municipal Manager at the above address or to Private Bag X 2596, Louis Trichardt, 0920 within a period of 28 days from 26<sup>th</sup> November 2021.

**Address of an authorized Agent:** Nash Planning and Civil Consultants, 42 Khaya Lami, Thornhill Village, Bendor, 0699. Cell: 072 642 9415.

26-03

**MASIPALA WA MAKHADO****NDIVHADZO YA KHUMBELO DZO ITIWAHO DZA FHETHU HA VHUBINDUDZI HU TSHI KHOU TEVHEDZWA KHETHEKANYO YA 9(2) YA MAKHADO SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW 2016.**

Nne, Azwifaneli Nemanashi wa Nash Planning and Civil Consultants (PTY) LTD ndo imela vhane vha mavu o bulwaho afho fhasi ndo ndi khou divhadza uri ho itiwa khumbelo kha Masipala wa Makhado uya nga Regulation 18 (Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015) read together with Section 63(1) and Section 66(1) of the Makhado Municipality Spatial Planning, Land Development and Land Use Management BY Laws 2016:

- Khumbelo ya u khethekanya na u shandukisa kushumisele kwa mavu ubva kha zwa "Vhulimi" uya kha zwa vhubindudzi kha tshipida tsha mavu a bulasi I divheaho sa Goedverwaching 19 LT, Limpopo Province, kusini kwa Maswie fhasi ha vhulangi ha Tshakhuma Traditional Council hu u itela u fhatiwa garatshi ya pitirolo na zwielanaho nayo.
- Khumbelo ya u khethekanya na u shandukisa kushumisele kwa mavu ubva kha zwa "Vhulimi" uya kha zwa vhubindudzi kha tshipida tsha mavu a bulasi I divheaho sa Schuynsoogte 29 LT, Limpopo Province, Kusini kwa Ndiitwani fhasi ha vhulangi ha Nesengani Traditional Council hu u itela u fhatiwa garatshi ya pitirolo na zwielanaho nayo.

Manwalo a yelanaho na khumbelo dzo bulwaho afho nthu zwi wanala nga tshifhinga tsha mushumo kha ofisi ya murangaphanda wa kudzudzanyele na mvelaphanda, kha masipala wa Makhado, 83 Krogh Street lwa tshifhinga tshi edanaho maduvha a Fumbili malo (28) u bva nga duvha la 26 Lara 2021.

vha na mbilaelo malugana na khumbelo idzo vha nwalele minidzhere wa masipala wa Makhado hu sa athu u fhela maduvha a fumbili malo (28) u bva nga la 26 Lara 2021 kha diresi itevhelaho: Private Bag X 2596, Louis Trichardt, 0920 kana vha ise ofisini ya zwa mvelaphanda nga tshifhinga tsha mushumo kha diresi yo bulwaho afho nthu.

**Diresi ya dzhendedzi lire mulayoni malugana na idzo khumbelo:** Nash Planning and Civil Consultants, 42 Khaya Lami, Thornhill Village, Bendor, 0699. Lutingo: 072 642 9415.

26-03

**LOCAL AUTHORITY NOTICE 248 OF 2021****LEPHALALE LOCAL MUNICIPALITY: NOTICE IN TERMS OF SECTION 55(1) OF LEPHALALE SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAWS, 2017, FOR THE REMOVAL, AMENDMENT OR SUSPENSION OF RESTRICTIVE CONDITIONS IN TITLE**

It is hereby notified in terms of the provisions of section 55(1) of the Lephalale Spatial Planning and Land Use Management By-Laws, 2017, that the Lephalale Municipality has approved and adopted the land development application for the removal of **Conditions B.(k), (l) and (n)** contained in Title Deed **T33786/1997**, with reference to **Erf 256 Ellisras Extension 2 Township**. This removal will come into effect on the date of publication of this notice.

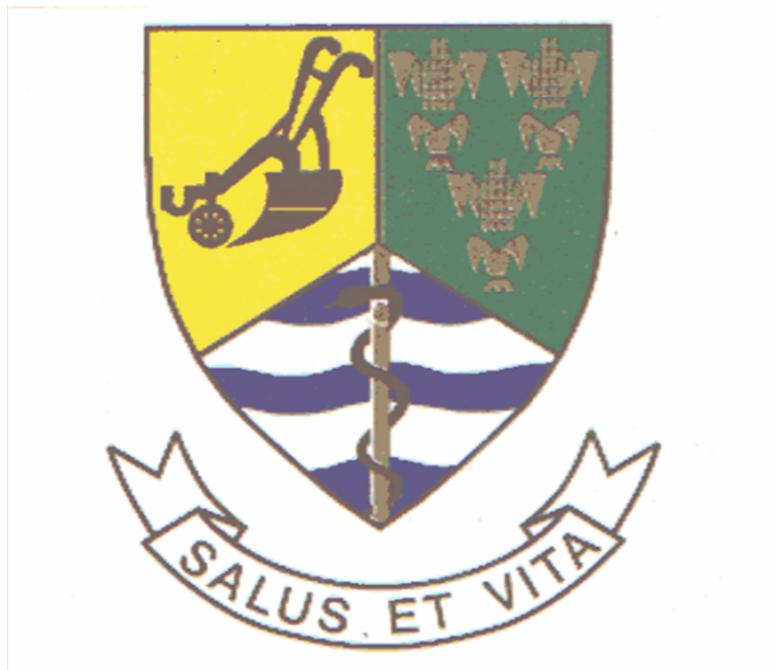
Dries de Ridder Town and Regional Planner, P.O. Box 5635, Onverwacht, 0557.

Date: 26 November 2021

Ref: 15/4/5/27

LOCAL AUTHORITY NOTICE 249 OF 2021

# BELA-BELA LOCAL MUNICIPALITY



## INFORMAL TRADING BY-LAW **Final 2020**

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

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**SCHEDULES**

- |            |   |
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| SCHEDULE 2 | : Trading Hours                           |
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| SCHEDULE 7 | : Prohibition Sign                        |
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## 1. Interpretation/definitions.

(1) In these By-laws, unless the context otherwise indicates-

“**Act**”, means the Limpopo Business Registration Act, 2003 (Act No. 5 of 2003);

“**Authorised Official**” means an official of the Municipality authorised to implement the provisions of these By-laws — Peace Officers, Traffic Officers, the South African Police Services and any Municipal Health Official designated by Waterberg District Municipality for such purposes;

“**Closing Hour**” in relation to a shop, means the hour on any particular day after which no trading may, in terms of the provisions of this By-Law, take place in, on or from a shop;

“**Demarcated Stand or Area/s**” means a demarcated stand as envisaged in terms of section 7 (3) (b) (i) of the Act;

“**Garden or Park**” means a garden or park to which the public has a right of access;

“**Goods**” shall include livestock, poultry or any movable commodity;

“**Informal Business**” include Hair Salons/Dressing, Street Traders, Hawkers, Flea Market, and Car Wash, Car Repairs.

“**Intersection**” means an intersection as defined in Section 1 of the National Road Traffic Act, 1996, Act No. 93 of 1996;

“**Litter**” includes any container waste material or other matter which has been discarded, abandoned or left behind by a person trading or his customers;

“**Municipality**” means Bela-Bela Local Municipality as described in Section 2 of the Local Government: Municipal Systems Act (Act No. 32 of 2000), and its area as determined from time to time in terms of the Local Government: Municipal Demarcation Act (Act No. 27 of 1998);

“**National Monument**” means a building declared to be a national monument under the National Monuments Act, 1969 (Act No. 28 of 1969);

“**Open**” means open for admission of any person in a shop for the purpose of selling or supplying goods to him or her or for the purpose of attending to him or

her;

**“Perishable food stuffs”** as defined in Section 1 of the Business Act, 1991 (Act No. 71 of 1991);

**“Prohibited area”** means any place declared under Section 6A (2) of the Act in which street trading is prohibited;

**“Property”** in relation to a person carrying on the business of street trading, means any article, receptacle, vehicle or structure used or intended to be used in connection with such business, and includes goods and or services in which he or she trades;

**“Public building”** means a building dedicated for use by the public in the Municipality;

**“Public road”** means a public road as defined in Section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**“Restricted area”** means any place declared under Section 6A (2) of the Act in which street trading is restricted;

**“Roadway”** means a roadway as defined in Section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**“Sell”** includes supply and also-

(a) exchange or hire;

(b) provide a service for reward;

(c) store, process, expose, offer or prepare for sale, and **“sale”** has a corresponding meaning;

**“Services”** includes any lawful advantage or gain for consideration or reward offered in restricted area;

**“Sidewalk”** means a sidewalk as defined in Section 1 of the National Road Traffic Act, 1996;

**“Tariff”** means the charges as determined by the Council of Municipality from time to time by resolution;

**“Town Planning Scheme”** means the Town Planning Scheme of the Bela-Bela Local Municipality;

“**Trade**” means sell goods or services in a public road or public place and “**trading**” has a corresponding meaning;

“**Verge**” means a verge as defined in Section 1 of the National Road Traffic Act, No 93 of 1996;

- (2) For the purpose of these By-laws a single act of selling or offering services in a public place shall constitute trading.

### **1. Objects**

The objects of this by-law are to –

- (a) Support and encourage street trading as a way of enhancing the Municipality’s existing informal economic activities; and
- (b) Manage street trading in such a way that is acceptable standards of public health, pedestrian and motorist safety and a free flow of traffic is maintained

### **2. Freedom to trade**

Subject to the provision of sections 4 and 5 and any other relevant law, street trading is freely permitted except in so far as such trading is restricted or prohibited by *Sections 7 to 15 inclusive of these By-laws*.

### **3. General conduct**

(1) A person trading shall-

- (a) be in possession of a Street Trading Permit issued by Bela-Bela Municipality for the purposes of Street Trading;
- (b) not place his or her property on the roadway;
- (c) ensure that his or her property does not cover an area of the sidewalk or public place which is greater in extent than three metres in length and which on any sidewalk does not leave a space less than two metres for pedestrian traffic measured over the width thereof and any other public place not to an extent of twelve meters; and
- (d) not place or stack his property in such a manner that it constitutes a danger to any person or is likely to injure any person;

- (e) not obstruct access to a fire hydrant;
- (f) on concluding business for the day remove his property, except any temporary structure permitted by the Municipality, to a place which is not part of a public road or public place;
- (g) not display his or her goods or other property on a building or private property, without the written consent of the owner, occupier or person in control of such building or property;
- (h) on request by an employee or agent of the Municipality or any supplier of telecommunication or electricity or other services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such service;
- (i) not attach any object by any means to any building, structure, pavement, tree, parking meter, lamp pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
- (j) not make a fire at a place or in circumstances where it could harm any person or damage a building or vehicle or any street furniture referred to in paragraph (i) or any Municipality property;
- (k) not trade nearer than 10 metres from a Bank or an Automated Teller Machine;
- (l) not store his/her property in a manhole or storm water drain or any public infrastructure;
- (m) not contravene the terms and conditions of the lease or allocation to his or her stand or area allocated.
- (n) not sleep overnight at the place of such business or erect any structure (other than a device which operates in the same manner as, and is shaped like an umbrella) for the purpose of providing shelter;
- (o) not carry on business in such a manner as to –
  - (i) create a nuisance,
  - (ii) damage/deface the surface or any public road or public place or any

public or private property,

(iii) create a traffic hazard.

#### 4. Cleanliness

- (1) A person trading shall-
- (a) keep the area site occupied by him for the purpose of such business in a clean and sanitary condition;
  - (b) keep his or her property in a clean and sanitary condition;
  - (c) dispose of litter generated by his business in whatever receptacles provided by the Municipality for the public or at the Municipality's dumping sites;
  - (d) not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
  - (e) ensure that on completion of business for the day, the area or site occupied by him or her for the purposes of trade is free of litter;
  - (f) in the case of a vendor of foodstuffs, take such precautions as may be necessary to prevent the spilling onto a public road or public place of any fat, oil or grease in the course of conducting his business and to prevent any smoke, fumes or odours emanating from his or her activities from becoming a nuisance. Any person preparing or selling perishable foodstuffs must comply with the Health Act No. 63 of 1977;
  - (g) on reasonable request by an employee or agent of the Municipality, move his or her property so as to permit the cleansing of the surface of the area or site where he or she is trading;
  - (h) ensure food preparation, handling and selling is in accordance with the relevant legislation, Sections and Regulations.
  - (i) Carry on business in such a manner as not to be a danger or threat to public health or public safety.

**5. Obstruction of pedestrians**

- (1) No person shall trade at a place where such trading substantially-
- (a) obstructs access to or the use of street furniture such as a bus passenger bench or shelter or queuing line, a refuse disposal bin, pedestrian walkway, bicycle stand or other facility intended for the use of the general public;
  - (b) obstructs the visibility of a display window in business premises, if the person carrying on business in the business premises concerned objects thereto;
  - (c) obstructs access to an entrance to or exit from a premise or an automatic bank teller machine, arcade and/or Mall;
  - (d) obstructs access to a pedestrian crossing, parking or loading bay and other facilities for vehicle, train or pedestrian traffic and if in the middle of a block a clear distance of 5 metres from the crossing must be obeyed;
  - (e) obstructs access to any vehicle;
  - (f) leaves less than one and a half metres in width of a sidewalk clear for pedestrian use; or
  - (g) in any other manner obstructs pedestrians in their use of a sidewalk.

**6. Obstructing of vehicular traffic**

No person shall trade at a place where such trading-

- (a) causes an obstruction on a roadway;
- (b) limits vehicular access to parking or loading bays or other facilities;
- (c) obscures any road traffic sign, traffic sign or any marking, notice or sign displayed or made in terms of this By-law; or
- (d) interferes in any way with any vehicle that may be parked alongside such place;
- (e) contravenes the provision of section 116 of the National Road Traffic Act (Act No. 93 of 2006).
- (f) is on or alongside a public road inside an urban area, within 180 metres of a

railway level crossing or any road traffic sign denoting a blind corner or rise thereon or within five (5) metres from any intersection thereon, provided that this subsection does not prohibit the trade inside an urban area on a roadway within five (5) metres from any intersection.

(g) is on or alongside any public road outside an urban area.

#### **7. Trading restricted to specified hours in certain places**

(1) No person shall trade-

- (a) on a verge contiguous to any place of worship, national monument or public building; or
- (b) in a restricted area which is specified by Municipality outside the hours specified in relation to each such verge or area.

#### **8. Trading restricted to specified goods or services in certain places.**

(1) No person shall trade-

- (a) on a verge contiguous to any place of worship, national monument or public building, financial institutions; or
  - (b) in a restricted area which is specified by Municipality resolution other than in the goods or services so specified in relation to each such verge or area;
- (e) as a barber or hair dressing salon in a public place, unless the barber or hairdressing stand is-
- (i) at least fifteen (15) metres from the nearest stand which sells perishable foodstuff, fruit or vegetables;
  - (ii) not contradictory to the Amended National Health Act (Act No. 61 of 2003) read in conjunction with the previous National health Act, No. 63 of 1977 and regulations;
  - (iii) supplied with an electrical connection, provided by the Municipality, according to the electrical By-laws and specifications or any other Act;
  - (iv) complies with the provision of Council's Land Use Scheme.

**9. Trading restricted to demarcated stands or areas in certain places**

(1) No person shall trade-

(a) on a verge contiguous to any place of worship, national monument or public building; or

(b) in a restricted area which is specified by Municipality resolution outside a stand or area set apart for trading purposes as contemplated in section 7 (3) (b) of the Act.

**10. Trading on leased property**

(1) No person shall trade -

(a) unless the Municipality has leased or otherwise allocated that stand or area or otherwise earmarked for street trading purposes.

(b) In such stand or in such area if he or she is not in possession of proof that such stand or area is hired from the Municipality or that it has otherwise been allocated to him or her by way of a valid formal lease agreement.

**11. Trading near public buildings, places of worship and national Monuments**

(1) No person shall trade –

(a) on a verge contiguous to any place of worship, national monument or public building;

(b) unless the person possess written temporal Permit approval from the municipality.

**12. Trading in prohibited area**

(1) No person shall trade-

(a) in any prohibited area, nor an area which has not been approved and indicated by the Municipality.

**13. Signs indicating restrictions and areas**

(1) The Municipality shall-

- (a) prescribe signs, markings or other devices indicating-
- (i) specified hours, places, goods or services in respect of which street trading is restricted;
  - (ii) the location or boundaries of a restricted area;
  - (iii) the boundaries of a stand or area set apart for the purpose of the carrying on of the business of street trading.
  - (iv) the fact that any such stand or area has been allocated;
  - (v) any restriction or prohibition against trading in terms of these By-laws;
  - (vi) the location or boundaries of places where street trading is prohibited; and
- (b) display any sign, marking or device in such a position and manner visible to motorists indicate the restrictions.

#### **14. Trading near residential buildings**

Subject to the provisions of this By-Law no person shall, outside an area referred to in *Sections 7 to 12* inclusive, trade in that half of a public road contiguous to a building used for residential purposes within the demarcated areas of trading as specified in terms of these By-laws, if the owner, person in control or any occupier of any part of the building facing onto such road has objected hereto in writing to Council, provided that in a township or portion thereof mentioned in a resolution of the Municipality, this section shall not apply to a building used for residential purposes if such buildings are used for business purposes at ground level.

#### **15. Trading near certain business premises**

No person shall, *outside an area referred to in sections 7 to 12 inclusive*, trade on a verge contiguous to that part of a building in which business is being carried on by any person who sells goods of the same nature as or of a similar nature to goods being sold by the first mentioned person, other than a department store or supermarket without the consent of the second mentioned person.

## 16. Removal and impoundment

(1) An authorised official may after serving a person with a written warning, within reasonable time remove and impound any goods, articles, receptacles, vehicles or structures-

(a) which he or she reasonably suspects is being used or is intended to be used or has been used in or in connection with street trading in contravention of this By-Law; and

(b) which he or she finds at a place where street trading is restricted or prohibited in terms of *Section 5 to 12 inclusive and Sections 14 and 15* and which in his opinion constitutes an infringement of any such Sections.

(2) (a) The Municipality shall publish a notice in at least one newspaper circulating in its area of Jurisdiction, containing the following information relating to objects removed in terms of subsection (1)-

(i) a description of the object, the address where the object is stored and, if known, the name of the owner;

(ii) that such objects may be claimed by the owners there on production of proof of ownership to the satisfaction of the Municipality;

(iii) that any object which has not been claimed within a period of three months from the date of publication of such notice will be destroyed or sold by public auction and the proceeds of such auction retained by the Municipality to defray its costs;

(iv) impoundment of “perishable foodstuffs” will be handled and disposed of in terms of the Health Act;

(v) pound fees will be charged as laid down from time to time by the Municipality.

(b) The Municipality may sell by public auction any object unclaimed from it more than three months after a notice contemplated in sub-paragraph 2(a) (iii) has been published in respect of such object, and may retain the proceeds of such auction or may destroy such object.

(c) The Municipality shall not be liable for compensation to any person for damages arising out of the damage to or the loss of any object removed.

- (i) or the sale thereof by public auction, and the owner of such object shall have no claim or right of redress against the Municipality.
- (d) (i) If any object is attached to any movable property or a fixture contemplated in subsection (1) and such object is under the apparent control of a person present threat to any authorised official of the Municipality may order such person to remove the object and if such person refuses or fails to remove the object, he shall be guilty of an offence.
- (ii) When any person fails to comply with an order to remove an object referred to in sub-paragraph (i) any officer of the Municipality may take such steps as may be necessary to remove the object.

## 17. Tariffs

- (a) The Municipality may impose tariffs or fees for street trading or hawking.
- (b) Tariffs or fees may be amended by way of Council resolution.
- (c) Are subject to change from time to time.

## 18. Offences

1. Any person who-
  - (a) contravenes or fails to comply with a provision of these By-laws or a direction issued by the Municipality in terms of these By-laws, or a condition imposed under these By-laws, his or her conduct constitute an offence;
  - (b) obstructs or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of these By-laws; or
  - (c) furnishes false, incorrect or misleading information when applying for permission from the Municipality in terms of the provision of these By-laws, is guilty of an offence.

## 19. Presumption

(1) In any prosecution for an offence under these By-laws, an allegation in the charge concerned that-

- (a) any goods with which a business was carried on were or were not of a particular kind, class, type of description or as it may be described by the Municipality;
- (b) any goods or services were sold or offered for sale;
- (c) any place was situated in a public road or public place or within a particular area;
- (d) any person carried on the business of street trading and in a manner and place alleged.

(2) In any criminal proceedings for a contravention of these By-laws, where it is shown that-

- (a) any goods were displayed in a public place, such goods shall be presumed to have been offered for sale;
- (b) any property used in the provision of any service was available in a public place, such services shall be deemed to have been offered or supplied.

## 20. Penalties

Any person who is guilty of an offence in respect of this By-law, on conviction, may be liable to a fine as determined in schedule three (03) of this By-Law, adjusted in terms of the Adjustment of Fines Act, or to imprisonment for a period not exceeding six (6) months. The Permit will be annulled should a person commit the offense for the second time.

## 21. Vicarious responsibility of persons carrying on business

(1) When an employee of a person conducting the business of Street Trading does or omit to do any act which would be an offence in terms of this By-Law for that person to do or omit to do, that person shall be deemed herself or himself to have done or omitted to do the act, unless he or she satisfies the Court of Law that –

- (a) he or she never connived at nor permitted the act or omission by the employee concerned;
- (b) he or she took all reasonable steps to prevent the act or omission; and
- (c) an act or omission, whether lawful or unlawful, of the nature charged on no condition or under no circumstance fell within the scope of the authority or employment of the employee concerned, and the fact the said person issued instruction whereby an act or omission of that nature is prohibited shall not in itself be sufficient proof that he or she took reasonable steps to prevent the act or omission.

## **22. Vicarious responsibility of employees**

When a person carrying on the business of Street Trading is by virtue of *Section 20* liable for an act or omission by an employee of that person, that employee shall also be liable therefore as if he or she were the person carrying on the business concerned.

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

- (1) All previous By-laws are hereby repealed, provided that such repeal shall not affect the continued validity of any charges determined by Council of the Municipality under those By-laws.
- (2) Any reference –
  - (a) in this By-Law a charge determined by the Council of the Bela-Bela Municipality shall include a charge determined by the Council under the By-Law repealed by subsection (1), until the Council's determination of charges under these By-Laws comes into operation; and
  - (b) in determination of charges made under the By-Laws so repealed, to a provision in those By-Laws shall be deemed to be a reference to the corresponding provision in this By-Law.
- (3) Anything done under the provision of this By-Laws repealed by sub-section (1), shall be deemed to have been done under the corresponding provision of this By-Law and such repeal shall not affect the validity of any approval, authority, waiver or other Act which at the commencement of this By-Law is

valid under the By-Laws so repealed.

#### **24. Location**

(1) In terms of location an Informal Trader shall –

- (a) be allocated a site of trading by the official of the municipality;
- (b) be allocated a site provided he/she is in possession of a valid Permit issued by the Municipality;
- (c) be placed where it is reasonably safe to trade;

#### **25. Proximity to other Informal Traders**

(1) In terms of proximity an Informal Trader shall –

- (a) be placed three (3) metres apart from another informal trader.
- (b) be placed, atleast two (2) metres away from street infrastructure that is likely to cause danger to traders and their customers.

#### **26. Short title**

These By-laws shall be called the Informal Trading By-Laws, and shall come in to effect upon approval by council.

## SCHEDULE 1 DERMACATING AREAS: TRADING - AREA

The Bela-Bela Local Municipality hereby gives notice in terms of Section 6A (3) (b) of the Business Act, 1991 (Act No. 71 of 1991), that the jurisdiction area Bela-Bela Local Municipality is declared a prohibited area for street trading with the exception of the areas as indicated below and subject to the conditions and stipulations of the above Act and the Bela-Bela Street Trading By-Law, with effect on date of this notice:

### CENTRAL BUSINESS DISTRICT (CBD)

LOCATION OF HAWKING	NUMBER OF HAWKERS	STREET NAME	NEEDS/ADDITIONAL INFORMAL TRADERS/HAWKERS
Opposite SPAR	02	Chris Hani Drive	0
Next to RUSSELS	01	Chris Hani Drive	0
Next to JET	01	Chris Hani Drive	0
Next to BEARS	01	Chris Hani Drive	0
Next to DUNNS	01	Chris Hani Drive	0
Next to OLD WADOLF	02	Pretoria Street	0
Next to PEP/MICA	02	Pretoria Street	0
Front of SHOPRITE	02	Marx Street	0
Back of SHOPRITE	05	Sutter Road	0
Taxi Rank	14	Potgieter Street	0
	06	Ritchie Street	0
Next to NTK Building	03	Chris Hani Drive	0
	01	Chris Hani Street	0
Next to MR PRICE HOME	01	Chris Hani Street	0
Next to EXACT	01	Chris Hani Street	0
Next to RAGE	01	Chris Hani Street	0
Next to LEWIS	01	Chris Hani Street	0
Next to VODACOM	01	Chris Hani Street	0
Next to SHILAJOE	02	Pretoria Street	0
Opposite SALIO	01		0
Next to EBAIS SALON, Opposite SHOPRITE	01	Marx Street	0
Front of GOOD AGAIN SHOP	04		0
FLEA MARKET		Potgieter Street	0

**BELA-BELA TOWNSHIP**

<b>LOCATION HAWKING</b>	<b>OF</b>	<b>NUMBER HAWKERS</b>	<b>OF</b>	<b>STREET NAME</b>	<b>NEEDS/ADDITIONAL INFORMAL TRADERS/HAWKERS</b>
ALONG MILE STREET		34		MILE STREET	

**SCHEDULE 2  
TRADING HOURS**

<b>CATEGORY</b>	<b>OPENING TIMES</b>	<b>CLOSING TIMES</b>
1. Street Hawkers/Market Stalls	<u>06:00am</u>	<u>17:00pm</u>
2. Tuck Shop/Spaza Shop	<u>06:00am</u>	<u>20:00pm</u>
3. Cafe/Restaurant	<u>07:00am</u>	<u>22:00pm</u>
4. Supermarket	<u>07:00am</u>	<u>19:00pm</u>
5. General Dealer	<u>07:00am</u>	<u>19:00pm</u>
6. Butchery	<u>08:00am</u>	<u>17:00pm</u>
7. Wholesalers	<u>08:00am</u>	<u>17:00pm</u>
8. Hardwares/Motor Spares or Workshop Related	<u>07:30am</u>	<u>17:00pm</u>

**SCHEDULE 3**  
**NOTICE OF PROHIBITED AND UNAUTHORISED INFORMAL TRADING**



## Bela-Bela Local Municipality

Chris Hani Drive, Bela-Bela, Limpopo. Private Bag X1609 Bela-Bela 0480  
 Tel: 014 736 8000 Fax: 014 736 3288  
 Website: [www.belabela.gov.za](http://www.belabela.gov.za)

### OFFICE OF THE MUNICIPAL MANGER

**NOTICE OF PROHIBITED AND UNAUTHORISED INFORMAL TRADING**

Surname: ..... ID No: .....

Names: ..... Passport No: .....

Goods sold/Displayed: .....

Offence as per Informal Trading By-Law: .....

This is to notify you that goods displayed for the purpose of selling in a prohibited area or without permission do so is deemed unauthorized. According to Section 12 (1) (a) of the Bela-Bela Municipality Informal Trading By-Laws the activity underway in this area is prohibited and deemed unauthorized. The Bela-Bela Municipality Informal Trading By-Laws considers any informal economic activity of displaying goods for the purposes of selling in a prohibited area or without being in possession of a Permit to do so carried out within the municipal jurisdiction as unauthorized and therefore illegal.

This notice serves to advise that the activity underway should be discontinued with immediate effect.

Official of the Bela-Bela Municipality:

Name and Surname: .....

Date: .....

Signature: .....



Area or Street from which goods were impounded:

.....

Name and Surname of person/s from whom goods were impounded:

.....

Address of person/s from whom the goods were impounded:

.....  
.....  
.....

Signature: .....

Date: .....

Name and Surname of Municipal Official:

.....

Designation: .....

Signature: .....

Date: .....

SCHEDULE 5  
WARNING



# Bela-Bela Local Municipality

Chris Hani Drive, Bela-Bela, Limpopo. Private Bag X1609 Bela-Bela 0480  
Tel: 014 736 8000 Fax: 014 736 3288  
Website: [www.belabela.gov.za](http://www.belabela.gov.za)

## OFFICE OF THE MUNICIPAL MANGER

### WARNING IN TERMS OF THE BELA-BELA INFORMAL TRADING BY-LAW

Surname: .....

Names: .....

Goods sold/Activity: .....

Type of prohibited activity: .....

Offence as per By-Law: .....  
.....

First warning – Second warning: .....

Steps a person concerned must take to repair a prohibited act:  
.....  
.....  
.....  
.....

Period within which to repair a prohibited act: ..... days.

From: ...../...../2021 to ...../...../2021.

Warning issued on..... the day of .....2021.

Signature: .....

**For office use:**

Official of the Bela-Bela Municipality:

Name & Surname:

.....

Date: .....

Signature: .....

## SCHEDULE 6

## BELA-BELA DRAFT INFORMAL TRADING BY-LAW – TARIFF STRUCTURE

## TARIFF STRUCTURE TABLE

OFFENCE	SECTIONS	FINE/PENALTY
Application Fee		<i>R59</i>
Annual Fee (Non-sheltered Space)		<i>R88</i>
Annual Fee (Sheltered Stalls - Township)		<i>R177</i>
Flea Market (Per trading Space)		<i>R368</i>
Special Permits per day		<i>R147</i>
Impounding Fee	Section 16	<i>R500</i>
A person not in possession of a Street Trading Permit issued by the Bela-Bela Municipality for the purposes of Street Trading.	Section 3 (1)(a)	<i>R200</i>
A person trading by placing his/her property on the roadway.	Section 6 (a) & (b)	<i>R200</i>
Placing Properties on verge /public place without permission.	Section 12 (1)(a)	<i>R400</i>
A person trading by obstructing access to a fire hydrant.	Section 3 (e)	<i>R200</i>
Trading from an area greater than the allowed width.	Section 3 (c)	<i>R150</i>
Stacking property/goods in such a manner as to constitute a danger to any person or property or likely to cause injury to a person or property.	Section 3 (d)	<i>R400</i>
Street Trader must when she/he conducts business for the day remove his/her property, except any structure permitted by the Council.	Section 3 (f)	<i>R300</i>
Storing property in a manhole or stormwater drain.	Section 4 (d)	<i>R300</i>
Failing to abide by the request of the official of Council to move his/her property so as to permit cleansing of public road or public place.	Section 4 (g)	<i>R200</i>
Failing to keep the area occupied clean and in a sanitary condition	Section 4 (b)	<i>R200</i>
Failing to move the property/goods so as to permit cleaning of the area.	Section 5 (g)	<i>R200</i>
Failing to ensure that there is adequate space left on a sidewalk as per By-Law.	Section 5 (g)	<i>R200</i>
Violation of permit conditions	Section 1-26	<i>R200</i>
Any authorized officer may remove or impound any goods which he/she suspects is being used or intended to be used, in connection with street trading where street trading is restricted	Section 16 (1) (a)	<i>R500</i>
Perishable goods shall be kept in a safe place for 72 Hours, if not collected within the time the goods will be handed over to SAPS and will be given to the owner and pay a fine	Section 16 (1) (a) (iv)	<i>R300</i>
Any person who is guilty of an offence in respect of this By-law is, on conviction, may be liable to a fine as determined in schedule three (03) of this By-Law, adjusted in terms of the Adjustment of Fines Act, or to imprisonment for a period not exceeding six (6) months.	Section 20	<i>R 2000</i>

**SCHEDULE 7**

**PROHIBITION SIGN**

**HAWKING PROHIBITED**



**SCHEDULE 8**

***BELA-BELA INFORMAL TRADING APPLICATION FORM***

<b>VENDOR/HAWKER DETAILS</b>
Name and Surname: _____
Identity Number: _____
Residential Address : _____ <b>(NOT POSTAL)</b> : _____
Postal code: _____ Contact details: _____
Trading Site and Location: _____
Name of the Assistant (if available): _____
Products or Service offered: _____ _____
<b>AGREEMENT</b> I, the undersigned, being duly authorized, acknowledge that I have received and understand the Terms of Conditions and also certify that information supplied in connection with this application is TRUE and CORRECT to the best of my knowledge:
a. Signed at _____ on the ____ day of _____ 20 ____
Name and Surname _____
Signature _____
<b>Comments from the Adjacent Property Owner or Responsible Manager:</b> _____ _____ _____ _____ _____ _____
<b>Comments from Town Planning Division:</b> _____ _____ _____

<p><b>Comments from Emergency and Protection Services:</b></p> <hr/> <hr/> <hr/>
<p><b>Comments from Health and Environment (only if traders are selling consumable products):</b></p> <hr/> <hr/> <hr/>
<p><b>APPROVAL OR DISAPPROVAL TO ISSUE THE TRADING PERMIT BY LED UNIT:</b></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

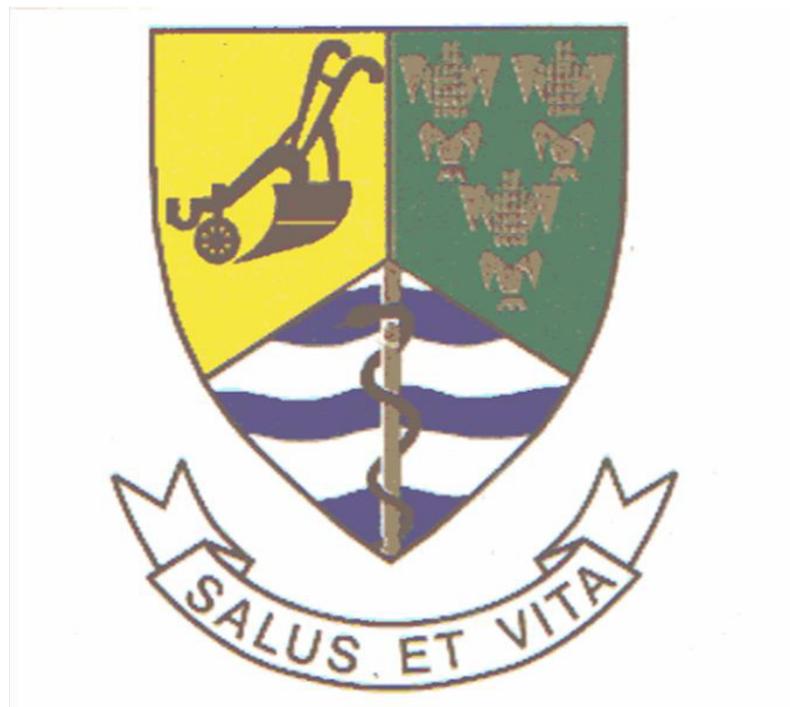
***Terms and Conditions***

**Breach of Agreement:**

- The vendor owns the product till is sold. Product owner is responsible of his/her own product.
- Informal trading is an open business. All products prices are determined by the product owner. It is advisable that the prices be market related.
- Every trader operating within Municipal space shall be in a possession of a valid Trading Permit if not he/she is operating **ILLEGALLY**
- The Bela-Bela Municipality will not be responsible for theft of product or personal belongings of vendors, damage of products, products not sold and injury of any person.
- All trading areas must be kept clean and appealing at all times
- Usage of drugs and other illegal substances is highly prohibited
- Selling of illegal products is highly prohibited and law enforcement agencies will be involved to deal with all illegal operations (i.e. piracy)
- If either party breaches this Agreement or fails to perform any of its obligations, then the other party shall provide written notice, calling upon the first party to rectify its breach within a period of not less than 5 (five) business days.
- Should the party in breach have failed to rectify the breach within the aforestated time period, the other party may cancel this Agreement and claim recovery of damages.

*Application must also be accompanied by applicant IDENTITY DOCUMENT OR HOME AFFAIRS DOCUMENTS FOR FOREIGN TRADERS.*

# OUTDOOR ADVERTISING BY-LAW



**BELA-BELA LOCAL MUNICIPALITY**

**Final 2020**

The Municipal Manager of the Bela-Bela Local Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 32 of 2000, read with section 162(2) of the Constitution, 1996, publishes the Outdoor Advertising By-law for the Bela-Bela Local Municipality as approved by its Council which will come into operation on the date of promulgation of this notice.

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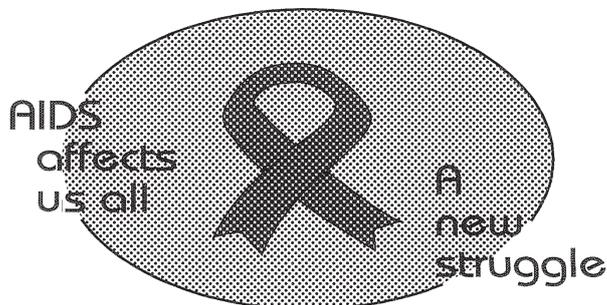
**Vol: 28**

**POLOKWANE,**  
26 NOVEMBER 2021  
26 NOVEMBER 2021

**No: 3218**

**PART 2 OF 2**

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



**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

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## CHAPTER 1

### INTERPRETATION AND APPLICATION

#### 1. PURPOSE

The purpose of this by-law is to control and regulate the erection of signs and or hoardings including all types of signs and or advertising mentioned under Definitions below on all properties within the boundaries of Bela-Bela Local Municipality.

#### 2. DEFINITIONS

In these By-laws, unless the context otherwise indicates:

**"Advertisement"** means any representation by a word, or abbreviation thereof, letter, logo, symbol, sign, figure, painting, drawing or other pictorial representation, or light, displayed in or in view of any public place, Provincial or National Road within the jurisdiction of the Municipality for the purpose of drawing the attention of the public to or promoting any product, service, business or commercial enterprise, trade, person, election or candidature in an election, voter registration, entertainment, function, meeting or other event, aspects relating to security and news headlines;

**"Advertising sign"** means a screen, fence, wall or any other object, structure or device, freestanding or attached to any wall or structure, in a fixed position intended to be used or used for the purpose of displaying any advertisement and any object, structure or device which is in itself an advertisement, in or in view of a public place, Provincial or National Road and includes an advertising hoarding and billboard and in so far as any provision of these By-laws relating to an advertising sign is practically capable of being applied to an advertisement, includes an advertisement other than an advertisement displayed on an advertising sign and a poster;

**"Advertising"** means the act or process of displaying an advertisement and "advertise" has a corresponding meaning;

**"Agency"** means a service provider appointed by Council in terms applicable legislation to render services of outdoor advertisement in whole or part thereof,

**"Approved"** means approved in writing by the Council and "written approval" has a corresponding meaning;

**"Arcade"** means a covered pedestrian thoroughfare not vested in the Council, whether or not located at ground level, passing wholly or partly through a building and to which the public normally has regular and unrestricted access;

**"Area of maximum control"** means an area in which maximum control of Outdoor advertising is applied as contemplated in the Schedule;

**"Area of minimum control"** means an area in which minimum control of outdoor advertising is applied as contemplated in the Schedule;

"**Area of partial control**" means an area in which partial control of outdoor advertising is applied as contemplated in the Schedule;

"**Authorized official**" means an official or Agency or Service Provider appointed by Council who has been authorized to implement and enforce the provisions of these By-laws;

"**Banner**" means a piece of cloth or similar material on which an advertisement is displayed in such a manner that it is legible in windless conditions and is attached to one or more ropes, poles or a flagstaff that projects vertically, horizontally or at any angle from the building or structure to which it is attached or is attached to a building or other structure, but excludes a banner carried as part of a procession;

"**Blimp**" means a gas-inflated balloon or other object, including any such object capable of carrying passengers, which is attached or anchored to the ground upon which an advertisement is displayed;

"**Building line**" means a building line determined under an applicable town planning scheme or any other law or document that has the force of law;

"**Building schedule**" means a development programme for the construction or renovation of a building or structure specifying the different phases of the development or renovation and the type of construction prepared by a person undertaking the activities concerned;

"**Clear height**" means the vertical distance between the lowest edge of an advertising sign and the level of the ground, footway or roadway immediately below such sign;

"**Combination sign**" means a single freestanding structure specially designed to accommodate and display more than one advertising sign for a location such as a roadside service area, shopping Centre, office park, industrial park and other urban complexes;

"**Construction site**" means a property or portion of a property on which any building or structure is being, constructed after building plans have been approved in terms of the National Building Regulations and Building Standards Act, or provisional authorisation has been granted in terms of Section 7(6) of that Act, or a property or portion of a property on which any building or portion of a building is to be demolished after a demolition permit has been issued in terms of the said Act;

"**Council**" means (a) the Bela-Bela Local Municipality, exercising its legislative and executive authority through its Municipal council; or (b) its successors in title; or (c) a person or municipal official exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Municipal Systems Act, as the case may be;

"**Directional sign**" means an advertising sign indicating or directing the attention of the public to a place, undertaking or activity for the purpose of advertising it;

"**Display**" means the display of an advertisement and "displayed" has a corresponding meaning;

"**Dwelling house**" means one dwelling unit forming a single building;

"**Dwelling unit**" means an interconnected suite of rooms designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units;

"**Election**" means a national, provincial or local government election, any by-election and a referendum held in terms of South African law/s;

"**Electronic advertising sign**" means an advertising sign, which has an electronically or digitally controlled, or both an electronically and digitally controlled, illuminated display surface, which allows for different advertisements to be shown, changed, animated or illuminated in different ways and at different intervals on one such sign;

"**Event**" means an occasion organized for the general public;

"**Façade**" means the principal front of a building;

"**Flag**" means a piece of cloth or similar material upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff projecting vertically or anyhow in such a way that its contents are normally not legible in windless conditions but excludes; (a) a national flag which does not carry any advertisement in addition to the design of the flag or flagstaff; (b) a flag carried as part of a procession; and (c) a flag which is not displayed on a flagstaff;

"**Gantry**" means a freestanding advertising platform that extends over, or suspends across a public street erected for the sole purpose of displaying an advertisement content;

"**Hoarding**" means a large board for displaying advertisements;

"**Interested party**" means any person who has in terms of these By-laws submitted an application or submitted comments or an objection or made representations in respect of any such application;

"**Intersection**" means that area embraced within the prolongation of the lateral boundary lines of two or more public streets, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other;

"**Municipal Systems Act**" means the Local Government: Municipal Systems Act, 2000 (Act, No. 32 of 2000) and any regulations made thereunder;

"**National Building Regulations and Building Standards Act**" means the National Building Regulations and Building Standards Act, 1977, (Act No. 103 of 1977), and any regulations made there under;

"**National Environmental Management Act**" means the National Environmental Management Act, 1998 (Act No. 107 of 1998) and any regulations made there under;

"**National Road Traffic Act**" means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made there under;

"**On-premises advertising sign**" means an advertising sign located on; (a) a property other than a public place; or (b) a public street and adjacent to a property contemplated in paragraph (a), on which

sign an advertisement is displayed, advertising any business, industry, service, activity or attraction taking place or provided on that property and "on-premises advertising" has a corresponding meaning;

"**Outdoor advertising**" means the display of any advertisement in or in view of any public place, Provincial or National Road within the jurisdiction of the Municipality;

"**Outdoor advertising infrastructure**" means the infrastructure or platform used for outdoor advertising content;

"**Owner**" means, in relation to (a) property, the person registered as the owner or holder thereof and includes the trustee in an insolvent estate, the liquidator of a company or a close corporation which is an owner and the executor of any owner who has died or the representative recognized by law of any owner who is a minor or of unsound mind or is otherwise under disability, provided such trustee, liquidator, executor or legal representative is acting within the authority conferred on him or her by law; and (b) an advertising sign or outdoor advertising infrastructure, the person who owns such advertising sign or outdoor advertising infrastructure and any person who has a right to, or share in, the ownership of such advertisement sign and outdoor advertising infrastructure;

"**Poster**" means any placard displaying an advertisement attracting public attention to any event or activity for which a poster may be approved as contemplated in section 27(1);

"**Prescribed**" means prescribed by the Council;

"**Projected sign**" means an advertisement projected by a cinematograph or other apparatus onto any surface;

"**Projecting sign**" means an advertising sign, whether stationary or actuated, attached to and protruding from a building which is used for commercial business, offices, industrial or entertainment purposes and which projects more than 300mm from the surface of the wall to which it is attached;

"**Property**" means any unit of land, including a public place, registered as a separate entity of land in the Deeds Office and includes any unit and land contemplated in the Sectional Titles Act, 1986 (Act No. 95 of 1986) and any public place depicted on the general plan of a township;

"**Public place**" means a public street, bridge, subway, a square, open space, garden and any other enclosed space to which the public has a right of access or which is commonly used by the public and which is vested in the Council in terms of any law;

"**Public street**" means a road, street or thoroughfare or other right of way to which the public has a right of access or which is commonly used by the public and includes any portion of a public street between the edge of the roadway and the boundary of the land reserved for such public street, including a sidewalk, and it includes Provincial and National motorways;

"**Pylon**" includes any pylon, mast, tower or similar structure to which an advertising sign is attached, supported by or displayed on or which is constructed as an advertising sign or a combination of such signs, for the purpose of on-premises advertising;

"**Registered person**" means a person registered with the Engineering Council of South Africa as a professional engineer or professional engineering technologist, professional certified engineer or professional engineering technician under the Engineering Profession Act, 2000, (Act No. 46 of 2000);

"**Residential building**" means a building, other than a dwelling house and dwelling unit, designed for use or used for human habitation and includes a guest house, boarding house, hotel, residential club and hostel;

"**Road island**" means an area demarcated on a roadway by means of painted lines, stones, kerbs or other means, with the intention of preventing vehicles from standing or being operated in that area;

"**Roadway**" means that portion of a public street which is improved, constructed or intended for vehicular traffic;

"**Road reserve**" means the full width of a public street including the roadway, shoulder and sidewalk and the air space above a roadway, shoulder and sidewalk and any other area within the road reserve boundary;

"**Road traffic sign**" means any road traffic sign and traffic signal as contemplated in the National Road Traffic Act;

"**Scaffolding**" means a system of interlocking poles and bars used to provide support or access, or both, to a site for construction purposes as regulated by the South African Bureau of Standards code of practice 085, entitled The Design, Erection, Use and Inspection of Access Scaffolding;

"**Scrolling advertising sign**" means an advertising sign which by mechanical means allows the rotation or changing of advertising faces to display different advertisements on one such sign;

"**Sky sign**" means any advertising sign erected or placed on or above any roof, parapet wall or the eaves of a building, but does not include an advertisement painted on a roof of a building;

"**Storey**" means the space within a building, which is situated between one floor level and the next floor level above, or if there are no clearly defined storeys, a height of 4,5m;

"**Street furniture advertisement**" means an advertisement displayed on any public facility or structure which is not primarily intended for advertising and includes a seating bench, plant box, sidewalk litter bin, pole-mounted litter bin, public transport shelter, sidewalk clock, suburban name sign and a street name and drinking fountain;

"**Street light pole advertising sign**" means an advertising sign fixed to or erected on a street light pole which pole vests in the Council or its Municipal Owned Entity;

"**Streetscape**" means the visual product of all the features within and adjacent to a public street such as street furniture, signage and landscaping;

"**Third-party advertising sign**" means an advertising sign located on a property upon which sign one or more advertisements are displayed which are not descriptive of any business, industry, service, activity or attraction situated, taking place or provided on that property and "third party advertising" has a corresponding meaning;

"**Transit advertising sign**" means a vehicle or trailer designed or adapted for advertising purposes and mainly used for such purposes;

"**Urban design**" means the actions of conceiving and managing the special and aesthetic characteristics of urban space between and around buildings including physical elements that make up the streetscape and the combined visual effect of building facades and other structures; and

"**Voter registration**" means voter registration conducted by the Independent Electoral Commission established in terms of section 4 of the Independent Electoral Commission Act, 1993 (Act No. 15 of 1003), for the purpose of any election;

"**Head of department**" means a senior manager appointed by council in terms of section 56 of the municipal systems act 32 of 2000.

### **3. APPLICATION AND RESPONSIBILITY OF COMPLYING WITH BY-LAWS**

- (1) These By-laws apply to all outdoor advertising in the jurisdiction area of the Municipality.
- (2) Approval for outdoor advertising in terms of these By-laws is required irrespective of the zoning of any property in terms of any applicable town- planning scheme and irrespective of the provisions of any other law.
- (3) The owner of an advertising sign and any person who has applied for approval of an advertising sign in terms of these By-laws must comply with any provision of these By-laws relating to that sign and must ensure that such provisions are complied with, subject to anything to the contrary contained in such provision.

## **CHAPTER 2**

### **APPLICATIONS AND APPROVALS**

#### **4. CONDITIONS AND APPROVAL OF ADVERTISING SIGNS**

- (1) No person may erect any advertising sign or use or continue to use any advertising sign or any structure or device as an advertising sign without the prior written approval of Council of the Bela-Bela Local Municipality provided that the provisions of this subsection do not apply to any advertising sign exempted in terms of Section 9.
- (2) No advertising sign erected and displayed with approval contemplated in subsection (1) or any by-law repealed by Section 42, may in any way be altered, removed, re-erected or upgraded, other than for maintenance work which may be required for the upkeep of an advertising sign, without prior written approval of the Council and subject to such conditions and requirements as the Council may consider appropriate which may include the submission of proof of compliance with Section 3.
- (3) An application for approval in terms of subsection (1) must be made by submitting a duly completed application on a prescribed form which must be accompanied by-
  - (a) The prescribed fee;

- (b) The written consent of the owner of the proposed advertising sign and of the registered owner of the property or building upon which the advertising sign is to be erected or on behalf of the owner of the property or building by his or her agent duly authorised in writing by such owner;
- (c) A locality plan, in colour, indicating the proposed position of the advertising sign within the area of jurisdiction of the Council;
- (d) A block plan of the property upon which an advertising sign is to be erected, drawn to scale acceptable to Council, showing every building, building line and servitude on the site and the position with dimensions of the advertising sign in relation to the two boundaries of the property closest to the proposed advertising sign and the location of any public street and any building on a property adjacent to the property upon which such sign is to be erected;
- (e) An artistic impression showing all the detail, location and measurements of the proposed advertising sign;
- (f) A drawing showing the proposed advertising sign and the distances in relation to any other party or free-standing advertising signs situated within a radius of 200m from the proposed advertising sign on the same side of the road;
- (g) A diagram showing the proposed position of the advertising sign, in conformity with guidelines, if applicable;
- (h) A copy of the title deed of the property upon which the proposed advertising sign is to be erected, if applicable;
- (i) A zoning certificate of the property concerned issued under an applicable town planning scheme and a zoning map indicating the land uses in terms of such scheme of every property adjacent to the property upon which the advertising sign is to be erected;
- (j) A diagram of the property indicating the position of the proposed advertising sign with measurements from that position to the closest two boundaries of the property concerned;
- (k) Proof of compliance with any other law or council policy or by-law, including but not limited to, the National Road Traffic Act, the National Building Regulations and Building Standards Act, and the National Environmental Management Act, to the extent that such law is applicable in respect of the application concerned.;
- (l) Proof of submission of an application for a building line relaxation in terms of any law, if applicable;
- (m) If a proposed advertising sign is to be attached to, or displayed on, the facade of a building, the approved building plans of that building showing an elevation and measurements of the building, and the details, measurements and position of the proposed advertising sign and the details and the position of every existing advertising sign on the building drawn to a scale acceptable to the Council;

- (n) If a proposed advertising sign is to be displayed on a boundary fence or hoarding enclosing any portion, or the whole of a construction site as contemplated in regulation FI to the National Building Regulations and Building Standards Act, the approved building plans of the proposed building showing the details, measurements and position of the proposed advertising sign drawn to a scale acceptable to Council, or proof that a section 7(6) has been granted, or proof that a demolition permit has been issued under the same Act, whichever is applicable;
  - (o) A certificate by a registered person as envisaged by the provisions of the National Building Regulations and Building Standards Act, 103 of 1977, confirming the structural safety of the proposed advertising sign and its foundations, if applicable; and
  - (p) Any other written information which the Council may in writing require.
- (4) The Council may at its discretion exempt an applicant from complying with any of the above requirements on good cause shown.
- (5) Every plan and drawing or diagram required in terms of subsection (3) must be on a sheet of not less than A3 size.
- (6) The Council may refuse to accept an application if-
- (a) subject to subsection (4) above, any requirement of subsection (3) has not been complied with; or
  - (b) The application relates to an advertising sign which is prohibited in terms of Section 10.
- (7) If any information requested by the Council in terms of section (4)(P) is not provided within 90 days from the date of the first written request, or within such further period as the Council may in writing permit, the application concerned lapses without further notice.
- (8) For any signage exceeding two (02) metre squared, the applicant must submit a signed designed plans to the building control Unit of the Municipality and must also include engineer's appointment letter.

## **5. CONSIDERATION OF APPLICATIONS**

- (9) In considering an application submitted in terms of Section 3(3), the Council must, in addition to any other relevant factor, legislation, policy and by-laws of the Council, have due regard to the following:
- (a) The compatibility of the proposed advertising sign with the environment and with the amenity of the immediate neighbourhood, area design and streetscape;
  - (b) Whether the proposed advertising sign will:

- (i) have a negative visual impact on any property zoned or used for residential purposes under any applicable town-planning scheme; or
  - (ii) constitute a danger to any person or property or to motorists or pedestrians or obstruct vehicular or pedestrian traffic;
  - (iii) in any way impair the visibility of any road traffic sign;
  - (iv) obscure any existing and legally erected advertising sign;
  - (v) obscure any feature which in the opinion of the Council is a natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or
  - (vi) in the Council's opinion, be unsightly or objectionable or detrimentally impact on the architectural design of any building on the property concerned or any adjacent property;
- (c) The number of advertising signs displayed or to be displayed on the property concerned and on any adjacent property and its visibility in the circumstances in which it will be viewed in compliance with the minimum distances specified in section 7 (2)(a);
- (d) Any restrictive or other condition and any existing building line and servitude specified in a title deed, town planning scheme, conditions of establishment or any other law;
- (e) The area of control applicable to the property on which the proposed advertising sign is to be erected and the immediate surrounding area as set out in the Schedule;
- (f) Any comments submitted by and conditions determined or prescribed by a statutory authority in terms of any legislation applicable to outdoor advertising;
- (g) Any written representations, objections and comments received from any interested party; and
- (h) Any conflict with provisions of these By-laws:
- (i) The Council may refuse any application in terms of section 3 (3) or approve it, subject to any amendment or condition it considers appropriate.
  - (ii) Any approval in terms of paragraph (a) may be for a period not exceeding 5 years.
  - (iii) The period of approval contemplated in paragraph (b) must be specified in the approval.
  - (iv) The Council must within 21 days from date of a decision in terms of subsection (2), in writing, notify every interested party who has furnished his or her postal address to the Council, of its decision, and must provide written reasons for its decision on receipt of a written request as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).
- (4) The Council must for its records retain every application, plans, drawings and other documentation submitted in terms of section 3(3) for a period it considers appropriate.
- (5) No approval granted in terms of this section has the effect that:
- (a) any person is exempted from any provisions of any other law applicable to outdoor advertising; or

- (b) the owner of an advertising sign is exempted from the duty to ensure that such sign is designed, erected, completed, displayed and maintained in accordance with the provisions of these By-laws and any other applicable law.
- (6) If an application submitted in terms of section 3(3) has been refused in terms of subsection (2), no further application may be lodged in respect of the same property for a period of two years from the date of such refusal, unless motivation acceptable to the Council is submitted indicating a change of circumstances prior to a further application being lodged in terms of that section.
- (7) If an advertising sign approved in terms of subsection (2) is not erected within six months from the date of notification of such approval or within a time specified in such approval or any further period which the Council on good cause shown allows in writing, the approval lapses, whereafter a new application must be submitted in terms of section 3(3).

#### **6. WITHDRAWAL AND AMENDMENT OF APPROVALS**

- (1) The Council may, after having considered any representations made by an applicant, withdraw an approval granted in terms of section 4(1) or amend any condition or impose a further condition in respect of such approval if, in the opinion of the Council, the advertising sign concerned:
  - (a) is or has, as a result of a change to the nature of the environment or the amenity of the neighborhood, streetscape or area design existing at the time of such approval, become detrimental to the area in which it is located by reason of its size, intensity of illumination, quality of design, workmanship, material or its existence;
  - (b) constitutes, or has become, a danger to any person or property;
  - (c) is obscuring any other advertising sign, natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or
  - (d) is or has become prohibited in terms of these By-laws or any other law;
  - (e) does not comply with section 4
- (2) Prior to taking any decision in terms of subsection (1) the Council must in writing notify the owner of the advertising sign concerned of its proposed decision and that he or she may within 21 days of the receipt of the notice make written representations concerning the proposed decision.
- (3) The owner of the advertising sign concerned and, if applicable, the owner of the property concerned must forthwith be given notice in writing of any decision in terms of section 38.
- (4) The Council must provide written reasons for its decision on receipt of a written request as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000.

**CHAPTER 3****GENERAL REQUIREMENTS, EXEMPTIONS AND PROHIBITIONS****7. GENERAL REQUIREMENTS FOR ADVERTISING SIGNS**

- (1) The owner of an advertising sign and outdoor advertising infrastructure must ensure that such sign or infrastructure is designed or located so as not to:
  - (a) be detrimental to the nature of the environment, streetscape, urban design or detract from the architecture of any building on which or where such sign is to be located, by reason of abnormal size, appearance, intensity of illumination, workmanship, design or its existence;
  - (b) Wholly or partially obscure any advertising sign previously erected which displays an advertisement;
  - (c) Constitute a danger to any person, motorist or property;
  - (d) Project outside the boundaries of the property on which it is to be erected or displayed;
  - (e) Result in the removal of, or damage to, any trees in a public place without prior written authorization of the Council;
  - (f) Be unsightly and not to comply with minimum distances as prescribed in subsection (2)(a) in relation to any other advertising sign;
  - (g) Have a detrimental visual impact on any residential property within the area;
  - (h) Obstruct a fire escape or the means of access to or egress from a fire escape; or
  - (i) Comply with the minimum clearance with regard to overhead power lines stipulated in any law.
- (2) Any advertising sign on a public street or facing a public street, including advertising signs facing a Provincial Road, must comply with the following requirements:
  - (a) except for street light pole and on-premises advertising signs, a minimum distance of 100m must be maintained between advertising signs or advertisements on the same side of a public street including any Provincial motorway, provided that the Council may require a minimum distance exceeding 100m if it considers it necessary in the interest of road safety; and
  - (b) no advertising sign may be located inside a prohibited area or at any of the following: on and off-ramp of a road motorway, whether local, provincial or national and on overhead road traffic signs.
- (3) Any advertising sign on a public street or facing a public street, including any Provincial Road, controlled by road traffic signs must in addition to any other requirement in terms of these By-laws, comply with the following requirements:

- (a) No advertising sign may have red, amber or green as its main colours;
- (b) No advertising sign may obscure or interfere with any road traffic sign;
- (c) any advertising sign must be clear of any road traffic signs concerned and must be positioned in compliance with the following:
  - (i) no free-standing on-premises advertising sign greater than 8m<sup>2</sup> in extent shall be allowed within a 50m radius from the centre of an intersection;
  - (ii) no street furniture used for advertising or a sign containing the name of a suburb and an advertisement at an intersection may be within 5m from any road traffic sign;
  - (iii) except for advertising signs flat against a building and construction site advertising signs, any other third party advertising sign must be positioned at least 50m from the centre of an intersection; and
- (4) Traffic flow may not be impeded during the erection and maintenance of an advertising sign located in a public street, unless prior permission has been obtained and necessary precaution arranged with the Council.
- (5) No advertisement displayed on a freestanding third-party advertising sign on any property may exceed:
  - (a) in an area of partial control, 40m<sup>2</sup>; and
  - (b) in an area of minimum control, 120m<sup>2</sup>,
- (6) The height of an advertising sign may not exceed 12m with a clear height of 2,1m provided that the Council may in granting an application in terms of section 4(1), approve a height in excess of those mentioned above.

#### **8. POWER CABLES AND CONDUITS TO SIGNS**

- (1) Every power cable and conduit containing an electrical conductor for the operation of an advertising sign must be so positioned and attached so that it is not unsightly.
- (2) No advertising sign may be connected to any electricity supply without the prior written permission of the electricity supply authority concerned and such permission must, on request by an authorized official, be presented to him or her by the owner of the advertising sign concerned.

#### **9. EXEMPT ADVERTISING SIGNS AND ADVERTISEMENTS**

- (1) The following advertising signs and advertisements may be exempted (on application) from the provisions of these By-laws:
  - (i) an advertising by way of roof painting;

- (ii) an advertising sign when advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture or on a building intended for such display;
- (iii) an advertising sign on a property where a building, swimming pool, tennis court, paving, fencing or garden landscaping or any other structure is in the course of being constructed, erected, carried out or altered and on which the activity concerned is described and the name of any architect, contractor or consultant concerned in such activity is displayed and the branch of the industry or the profession involved is specified, provided:
  - (aa) only one such sign, or set of signs is permitted per street frontage of a property; and
  - (bb) such sign is placed on or affixed to the building concerned or attached to the boundary wall or fence of the property on which the activity is taking place; and
  - (cc) such sign is removed within 21 days of the completion of the activities contemplated in this paragraph;
- (iv) An advertising sign contemplated in this paragraph may not exceed:
  - (aa) 8m<sup>2</sup> in extent and with a maximum erected height of 6m, if the names of architects, consultants and contractors or all of them are displayed; or
  - (bb) 2m<sup>2</sup> in extent if the names of the contractor, sub-contractor, or both of them, are displayed.
- (v) in an area of maximum control as specified in the Schedule, an advertisement consisting of one metal plate or board not exceeding 600mm x 450mm in size, displaying the name, address and telephone number of a security company contracted to protect a property and
- (vi) a single advertisement not exceeding 600mm x 450mm in size on any street boundary of a property or portion of a property on which the existence of a security service or burglar alarm system is displayed;
- (vii) not exceeding 2m<sup>2</sup> in extent attached to a boundary wall or fence of a property on which the existence of a security company or protection service conducted on that property is displayed;
- (viii) a transit advertising sign which is mobile at all times when an advertisement is displayed;
- (ix) an advertising sign containing only the name of a hotel, shop or restaurant and displayed on an awning of the building concerned; and
- (x) an on-premises advertising sign comprising:
  - (aa) any non-illuminated advertising sign not projecting over a public street and not exceeding 8m<sup>2</sup> in extent displaying the trade, business, industry or profession conducted by any occupant or resident of the building to which such sign is attached, and the name of such occupant and resident, the address and telephone number of the occupant and resident and the hours of business; provided only one such sign per occupant or resident is displayed; and
  - (bb) any advertising sign not exceeding 12m<sup>2</sup> in extent, incorporated in the face of a building and a sign forming an integral part of the fabric of a building, not on or attached to the building in any manner.

- (xi) many advertising sign(s) which is a Council approved initiative which is deemed to be in the public interest or which is deemed to be of local, Provincial or National interest.
- (2) The following advertising signs and advertisements are exempted from the provisions of section 3 but must comply with any other applicable provision of compliance these By-laws:
- (a) Any advertisements not in conflict with any provision of these By-laws displayed on an advertising sign approved in terms of section 4(1);
  - (b) Any advertising sign and advertisements displayed at or on public transport, shelters and stations;
  - (c) A poster relating to voter registration for the purposes of an election displayed by the Independent Electoral Commission in terms of section 31;
  - (d) A poster advising of a national, provincial government or local government event or activity, subject to compliance with section 30;
  - (e) A poster advising of an event, activity, function or meeting organised by a registered political party, subject to compliance with section 31;
  - (f) an advertising sign not exceeding 2 square metres indicating the existence of a Block or Neighbourhood Watch System, Community board, displayed on a boundary wall or fence or in a position approved by the Council.
  - (g) An advertising sign for hawkers once a permit has been issued in terms of the relevant by-laws which is limited to two signs per hawker and which must be removed daily at close of business of such hawker.
  - (h) Development of a township or property and the disposal of property in a township may be displayed and is subject to section 18 (1).
- (3) Any advertising sign referred to in subsection (2) which does not comply with any provision of these By-laws relating to such sign, may only be erected or displayed after approval of an application in terms of section 4(1).

#### 10. PROHIBITED SIGNS

In addition to any other prohibition, expressed or implied, in these By-laws, no person may erect, maintain or display any advertising sign unless it complies with Sections 11 and 12 of these By-Laws:

- (a) painted on, attached to, or attached between the columns or posts of, a veranda;
- (b) which projects above or below a fascia, bearer, beam or balustrade of a veranda or balcony fronting on a public street;
- (c) which is luminous or illuminated and which is attached to a fascia, bearer, beam or balustrade of any splayed corner of a veranda or balcony fronting on a public street;
- (d) on calico, paper machete, plastic, woven or similar material unless:
  - (i) it is an advertising sign contemplated in section 19 or 20;
  - (ii) it consists of a flexible face and forms part of an advertising sign approved in terms of section 4(1);
- (e) which is a swinging sign, not rigidly attached to any building or structure;
- (f) which may obscure, or be mistaken for, or interfere with the functioning of, a road traffic sign;
- (g) which may endanger the safety of motorists by restricting their vision or line of sight;
- (h) which is indecent or suggestive of indecency, prejudicial to public morals, or is insensitive to the public or any portion thereof or to any religious or cultural group;

- (i) which obstructs any window or opening in a building provided for the ventilation of that building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof of a building to another part thereof;
- (j) which is an animated or flashing advertising sign, the frequency of the animations or flashes or other intermittent alternations of which may disturb the residents or occupants of a building or is a source of nuisance to the public or detrimentally affect or pose a risk or threat to road traffic or pedestrian safety;
- (k) which is an illuminated advertising sign, the level of illumination of which disturbs the residents or occupants of a building or is a source of nuisance to the public or a portion of the public;
- (l) which is a movable either temporary or permanent advertising sign, other than those allowed in terms of these By-laws;
- (m) if the extent of the advertising sign exceeds 30m<sup>2</sup> and it is painted or fixed on a wall of a building other than a front wall of that building, unless such sign has been permitted in terms of section 14(3).
- (n) which is painted on or attached to a boundary wall or fence which wall or fence has not been approved as an advertising sign in terms of section 4(1);
- (o) which is a transit advertising sign and parked in or in view of any public place irrespective of whether it is attached to a vehicle or not which does not display the approval-risk of Council at all times as per section 29 of the by-laws;
- (p) which is attached to a road traffic sign or a tree;
- (q) which is on a road island, excluding street light pole advertising signs;
- (r) which is attached to a security access control structure to any area property or building;
- (s) which is a flag displaying a third party advertisement on a property zoned for residential purposes in terms of an applicable town planning scheme and used for such purposes;
- (t) subject to section 19(1), on a property where the main land use is residential in nature;
- (u) which is a gantry which is suspended or extended across a public street;
- (v) which is a painted third party advertising sign onto the roof of any building;
- (w) on any motorway or on or within any on- or off-ramps of motorways whether local, Provincial or National motorways.

## **CHAPTER 4**

### **DESIGN, CONSTRUCTION AND MAINTENANCE**

#### **11. DESIGN AND CONSTRUCTION**

- (1) Any sign or hoarding must –
  - (a) be neatly and properly constructed according to generally accepted design and construction standards;
  - (b) not be detrimental to or have a negative aesthetic impact on the streetscape or character of the surrounding area by way of the design of the structure or device;

- (c) have a neat appearance and consist of durable materials suited to the function, nature and permanence of the sign or hoarding, and materials such as cloth, canvas, cardboard, paper or synthetic cardboard may be used only when essential to the nature and function of a particular sign or hoarding;
- (d) have a neat appearance in terms of sign or hoarding content and sign writing, and may not contain untidy handwritten or hand painted messages;
- (e) not deface building facades with electrical services provisions and other accessories;
- (f) be rigidly and securely attached, supported or anchored in a safe manner so that unwanted movement in any direction is prevented;
- (g) be capable of effectively securing, supporting and maintaining not less than twice its mass with the addition of any force to which the sign or hoarding may be subjected, including wind pressure;

## **12. MAINTENANCE**

- (1) A sign or hoarding must-
  - (a) be located at a height preferably not less than 2.5 meters to discourage vandalism;
  - (b) be serviced on a regular basis;
  - (c) be maintained in good repair and in a safe condition.

## **CHAPTER 5**

### **PROVISIONS RELATING TO SPECIFIC ADVERTISING SIGNS**

#### **13. SIGNS SUSPENDED UNDER VERANDAS OR CANOPIES**

- (1) Any advertising sign which is suspended under a veranda or a canopy, must comply with the following requirements:
  - (a) Unless otherwise permitted by an approval in terms of section 4(1), such sign must be fixed with its face at right angles to a boundary of a public street on which the property concerned fronts;
  - (b) No part of such sign may project beyond the outer edge of the veranda or canopy from which it is suspended;
  - (c) Such sign must have a clear height of at least 2,75m;
  - (d) The top of such sign may not be more than 1m below the canopy or veranda from which it is suspended or more than exceed 1m in thickness;
  - (e) Unless otherwise permitted by an approval in terms of section 4(1), the bottom edge of such sign when suspended must be horizontal and the supports by means of which it is suspended must be an integral part of the design of such sign.

**14. SIGNS ON VERANDAS OR CANOPIES OVER PUBLIC STREETS**

- (1) Any advertising sign affixed to or onto a veranda or canopy which extends over a public street:
  - (a) Must be set parallel to the building line on the property concerned;
  - (b) May not exceed 600mm in vertical dimension; and
  - (c) must be attached immediately above the eaves of a veranda or canopy roof in such a manner that it does not project beyond the rear of the roof gutter or must be fixed against but not extending above or below the veranda parapet or balustrade in such manner that it projects more than 230mm from the outside face of such parapet or balustrade.
- (2) An advertising sign on a building in which public entertainment is presented, attached to a veranda or canopy extending over a public street and which displays only the features or programmes of the entertainment to be presented in such building, may not exceed:
  - (a) an area of 1m<sup>2</sup> in the aggregate for every 1.5m or part thereof of the frontage of such building on the public street over which such sign is erected; and
  - (b) 1.2m in height.
- (3) Nothing in this section prohibits the painting of an advertisement on or the display of advertisement not exceeding 600mm in thickness on a beam over a veranda column or on a parapet of a veranda contemplated in subsection (1).

**15. PROJECTING SIGNS**

- (1) Any projecting sign must be set at right angles to the building line and must maintain a clear height of not less than 2,75m.
- (2) Subject to the provisions of subsection (3), no sign contemplated in subsection (1) may neither exceed 600mm in height, 300mm in thickness nor project more than 900mm from the building to which it is attached.
- (3) A projecting sign larger than that specified in subsection (2) may be erected, subject to compliance with the following requirements:
  - (a) Such sign must be constructed of metal framing and covered with metal sheeting;
  - (b) Such sign may not exceed 9m in height or project more than 1.5m from the building concerned, or in the case of a sign consisting only of the name of a building used for the public, 14m in height or project more than 1.8m from the building concerned;
  - (c) Such sign must be supported by at least four iron brackets firmly fixed to the building concerned, any two of which must be capable of carrying the entire mass of the sign; and
  - (d) Such sign must be adequately protected from wind pressure by the use of effective braces and stays.

**16. PYLON SIGNS FOR ON-PREMISES ADVERTISING**

- (1) For the purposes of this section "pylon" includes any pylon, mast, tower or similar structure to which an advertising sign is attached, supported by or displayed on or which is constructed

as an advertising sign or a combination of such signs, for the purpose of on-premises advertising;

- (2) Any pylon must be independently supported and for that purpose it must be firmly secured to an adequate foundation in the ground and be entirely self-supporting without the aid of guys, stays, brackets or any other restraining device.
- (3) The dimensions of a pylon and its associated advertising sign must be such that the entire assembly, whether stationary or actuated, can be contained within a notional vertical cylindrical figure having a diameter of 9m and a height of 12m and may not exceed stipulated size.
- (4) No activated or protruding part of a pylon sign or of an advertising sign associated with it may be less than 2.4m above the highest point of the existing ground level immediately below that pylon.
- (5) No free standing advertising sign as contemplated in subsection (1) shall have a single advertising display exceeding 18m<sup>2</sup> and 24m<sup>2</sup> for a combination of such signs.

#### **17. ADVERTISING SIGNS PLACED FLAT ON BUILDINGS AND ON BRIDGES**

- (1) The total area of an advertising sign placed flat or painted on a wall of a building may not exceed 20m<sup>2</sup> for every 15m of the frontage of the building concerned facing a public street.
- (2) No on-premises advertising sign contemplated in subsection (1), may exceed 40m<sup>2</sup> in extent in an area of partial control, and 80m<sup>2</sup> in an area of minimum control.
- (3) No third party advertising sign contemplated in subsection (1) may exceed 80m<sup>2</sup> in an area of partial control, and 200m<sup>2</sup> in an area of minimum control.
- (4) Notwithstanding the provisions of subsection (2), it may in an approval in terms of section 4 be permitted or required that the dimensions of any such sign be greater than those specified in subsection (2), if:
  - (a) It is in the interests of the aesthetic appearance of a building or wall on which an advertising sign is placed as contemplated in subsection (1), and of the neighbourhood where such building or wall is situated, if the building or wall is situated in appropriate areas of minimum control;
  - (b) It is in the town regeneration areas, as indicated in the Council's Spatial Development Framework or any other Council Policy, of the area of jurisdiction of the Council where an urban renewal programme on the said building or area concerned as determined by Council, is being undertaken and the approval of such sign in terms of section 4 is subject to an annual prescribed financial contribution to be utilised for an Town Regeneration project.

- (5) No advertising sign attached to a bridge, irrespective of its ownership, may exceed 20m<sup>2</sup> in extent in an area of partial control, or 40m<sup>2</sup> in extent in an area of minimum control, and must have the prior written approval of the relevant authority.

#### **18. SIGNS RELATING TO THE DEVELOPMENT OF TOWNSHIPS AND PROPERTIES**

- (1) An advertising sign exempted in terms of section 9 and relating to the development of a township or property and the disposal of property in a township may be displayed, provided the following requirements are complied with:
- (a) If such advertising sign relates to the laying out or development of any land as a township or for the disposal of any erven in a township or a property development;
- (i) It may not be erected prior to the land-use rights being promulgated in terms of the relevant legislation, or any other applicable law; and
- (ii) May not exceed 18m<sup>2</sup> in extent or an erected height of 8m;
- (b) Such advertising sign must be located on the site of the proposed township or property development; and
- (c) Any such advertising sign must be removed within 90 days of a development being completed or in respect of a property for sale or to let, within seven days after the sale or letting concerned.
- (2) If an advertising sign contemplated in this section does not comply with subsection (1), an application for approval of such sign must be made in terms of section 3 (3).

#### **19. REQUIREMENTS FOR SKY SIGNS**

- (1) Notwithstanding section 10 (t), a sky sign may be erected on a building where the main use is residential or which is used as a residential building as long as the sign has no visual impact on the occupants of the building itself or any other building in the immediate area which is used for residential purposes or as a residential building;
- (2) Two or more sky signs placed one above the other, whether or not in the same vertical plane, are for the purposes of this section, deemed to be one such sign.
- (3) In an area of minimum or partial control as specified in Schedule (1) to these By-laws, every sky sign must be set against a screen complying with the requirements of section (17).
- (4) No part of a sky sign may protrude beyond, above or below the edge of the screen required in terms of subsection (2).
- (5) No sky sign may exceed 300m<sup>2</sup> in extent: Provided that the Council may for a third party advertising sign allow a greater extent.
- (6) If the number of storeys contained in that part of a building which is directly below a sky sign is:
- (a) One to five storeys; or

- (b) Six or more storeys, the vertical dimension of such sign may not exceed 3,0m and 5,0m respectively: Provided that the Council may in terms of section 4(1) approve a third party advertising sign which is a sky sign with a greater dimension.

## **20. SCREENS FOR SKY SIGNS**

(1) Every screen for a sky sign must comply with the following requirements:

- (a) Every screen must be located and constructed to form a continuous enclosure effectively concealing the frame and the structural components of any sky sign from view, and, if it is required or allowed in an approval in terms of section 4(1) Such screen and structural component must be screened from any adjacent or other property; (ii) The provisions of paragraph (a) requiring a continuous enclosure may be relaxed if the walls of any building on a property are of a height and construction that such walls will effectively conceal such frame and structural components and do not contain openings overlooking them.
- (b) Unless the Council otherwise allows, no part of a screen may protrude beyond the perimeter of the building on which it is constructed;
- (c) The gap between the bottom of a screen and that part of the building immediately below it may not exceed 100mm;
- (d) No vertical dimension of any screen may exceed one-and-one-half times the vertical dimension of a sky sign specified in section 16(5): Provided that if the screen also encloses a lift motor room, tank or other structure on the roof of the building concerned, the vertical dimension of the screen may be increased to the same height as such room, tank or structure; and
- (e) If the material of which the screen is made has an open mesh or grid formation:
  - (i) The openings in such mesh or grid must be uniform; and
  - (iii) The aggregate area of the openings may not exceed 25% of the area of the screen; and
  - (iv) No dimension of any such opening may exceed 100mm: Provided that the Council may allow the erection of a screen not complying with this paragraph, if the requirement of concealment in terms of paragraph (a) is met.

## **21. SIGNS ON RESIDENTIAL BUILDINGS, DWELLING HOUSES AND DWELLING UNITS**

The following advertising signs exempted in terms of section 9(2), may, without the approval of the Council, be displayed on a residential building, dwelling house or dwelling unit where applicable, subject to the following requirements:

- (a) A single sign not exceeding 600mm by 450m displaying the name only of a residential building; and

- (b) A sign not exceeding 600mm x 450mm displaying the name of the person owning or managing a residential building, such person's logo and telephone number, provided such sign-
  - (i) Is attached to or built into a wall or the building or a freestanding wall or boundary wall or fence or a freestanding pole on the property concerned;
  - (ii) Is not illuminated; and
  - (iii) Is limited to one of each sign referred to in paragraph (a) and (b), per street frontage of the property concerned; and
- (c) A sign not exceeding 2m<sup>2</sup> specifying the name and profession or occupation of an occupant of the property concerned attached to a boundary wall or fence, or the entrance door of a dwelling house or dwelling unit.

## **22. SUN-BLIND ADVERTISEMENTS**

An advertisement on any sun-blind exempted in terms of section 9(2), may be displayed without the approval of the Council, subject to compliance with the following requirements:

- (a) A sun-blind must be so made and attached to a building that it is incapable of being lowered to a height lower than 2m above the footway or pavement of a public street;
- (b) Except at an intersection, a sun-blind must be placed parallel to the building line of the property concerned; and
- (c) At any intersection a sun-blind must be placed so that it does not cause any interference with or endanger vehicular or pedestrian traffic, or a traffic sign, street nameplate or other notice for the guidance or information of the public.

## **23. ADVERTISEMENTS ON BANNERS, FLAGS AND SIMILAR OBJECTS**

- (1) An advertisement exempted in terms of section 8(2) on any banner, streamer, flag, paper, paper machete, plastic sheet or other similar pliable material or on calico or other woven material may only be displayed for the following purposes:
  - (a) Advertising a function or event conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes, or a function or event relating to an election; and
  - (b) The display of the name, corporate symbol and nature of any enterprise.
- (2) Every person to whom approval has been granted in terms of section 4(1) in respect of an advertisement contemplated in subsection (1), but not exempted in terms of Section 8(2), must comply with and ensure that the following requirements are complied with:
  - (a) Not more than two advertisements in respect of the same matter are permitted in an urban or rural area of maximum control or four banners or flags in respect of the same matter in an urban area of partial and minimum control as contemplated in the Schedule;
  - (b) A maximum of ten banners or flags may be displayed at any shopping centre;
  - (c) Every advertisement must be attached to a pole or suspended between poles or other supports on the property upon which the activity contemplated in subsection (1)(a) is to take place; and

- (d) No advertisement may be displayed for more than seven days prior to the date of the activity advertised and must be removed within three days after the conclusion thereof.

#### **24. ADVERTISEMENTS ON BLIMPS**

- (1) A blimp containing an advertisement may, subject to the approval of the Council in terms of section 4(1), be used for a period not exceeding 24 months and may be airborne during daylight hours only.
- (2) The Council must, for the purposes of considering an application for approval in terms of section 3 of an advertisement to be displayed on a blimp, have regard to-
- (a) The period during which the blimp will be used;
  - (b) The size of the blimp;
  - (c) The strength of the anchorage and the anchoring cable;
  - (d) The provision of a device by means of which the blimp will automatically so deflate as to sink slowly to the ground in the event of the failure or severance of the blimp from its anchorage or anchoring cable;
  - (e) The possibility of interference with pedestrian or vehicular traffic;
  - (f) Any requirement or condition, including the maximum height to which the blimp must be restricted; and
  - (g) The location of the blimp.

#### **25. PAINTED ADVERTISEMENTS**

Subject to the approval of the Council in terms of section 4 (2):

- (a) The name of any person carrying on business in a building may be painted directly on a wall of that building;
- (b) A third-party advertisement may be painted directly onto any surface, subject to section 9.

#### **26. ADVERTISING SIGNS RELATING TO SELLING AND LETTING OF PROPERTY**

Any of the following advertising signs (except for paragraph (c)) relating to the letting or selling of property, may be displayed without the approval of Council:

- (a) A sign not exceeding 600mm x 450mm in size containing the words "for sale", "to let" or "sold" in respect of a dwelling house or residential building and displaying only the name, address and telephone number of the owner of the property or his or her estate agent, must be-
  - (i) Placed on or attached to the building concerned;
  - (ii) Attached parallel to a boundary fence or wall of the property concerned;
  - (iii) Otherwise displayed within the boundaries of the property concerned;
  - (iv) On that part of a public street, other than the roadway, on which the property concerned fronts and directly in front of such property; and
  - (v) Limited, if an estate agent is involved, to one sign per estate agent per property;
- (b) A single sign per street frontage of a property not exceeding 600mm x 450mm in size, which contains only the word "sold" and the name address and telephone number of the estate agent concerned, in respect of any dwelling house, or residential building, and which:

- (i) Is displayed only after every sign specified in paragraph (a) has been removed;
  - (ii) Is placed, attached or displayed as specified in paragraph (a);
  - (iii) A single sign not exceeding 4m<sup>2</sup> in extent per building flat on the facade of a non-residential building which contains only the words "for sale", "to let" or "sold" and the name, address and telephone number of the owner or his or her estate agent, or only the word "sold" and the said particulars of the estate agent, for a period not exceeding 90 days;
  - (iv) a sign not exceeding 600mm x 450mm in size displayed on a vacant residential property which displays only the words "for sale" and the name, address and telephone number of the owner or his or her estate agent concerned, or only the word "sold" and the name address and telephone number of that agent;
  - (v) A for sale sign must be limited to one sign per estate agent and may be displayed for a period not exceeding 90 days; and
- (c) a single sign not exceeding 6m<sup>2</sup> in extent per property, on a vacant non-residential property, on which the words "for sale" or "to let" and the name, address and telephone number of the owner or his or her estate agent are displayed or the word "sold" and the name, address and telephone number of the estate agent concerned, may be displayed for a period of not exceeding 90 days;
- (d) Not more than five directional signs and only on show days indicating the position of a property for sale or to let may be displayed by an estate agent and "show days" shall mean from 12H00 to 17H00 on Sundays only.

## **27. OTHER TEMPORARY ADVERTISING SIGNS**

- (1) Any directional sign displayed by the Automobile Association of Southern Africa advertising an event may be displayed without approval contemplated in section 3(2).
- (2) Any advertising sign not exceeding 4m<sup>2</sup> in extent and not more than 3m above the ground level immediately below it, containing an advertisement relating to a sale in execution consequent upon the decision of a Court of Law or an auction or a sale by a liquidator or a trustee in an insolvent estate to be held on or relating to a property, may be displayed on that property for not more than seven days before the sale or auction, or for more than three days after the conclusion of the sale or auction.
- (3) The Council may approve temporary advertising on property owned by, vested in or controlled by it for a period not exceeding 180 days.
- (4) The Council may approve temporary advertising on property owned by, vested in or controlled by it for a period not exceeding 180 days.

## **28. ADVERTISEMENTS ON CONSTRUCTION SITES**

- (1) The Council must, for the purposes of considering an application in terms of section 5 for an advertisement to be displayed on the boundary or fence of or scaffolding on a construction site for a period set out in the building schedule but not exceeding 12 months, have regard to the following considerations:

- (a) The zoning of the property concerned in terms of an applicable town planning scheme and the general ambience of the area where the proposed sign is to be displayed;
  - (b) The aesthetic effect of the sign on the amenity of the area concerned and its surroundings;
  - (c) The area of control set out in the Schedule, applicable to the property concerned and its surroundings; and
  - (d) The distance of the proposed sign from every other approved and existing advertising sign within a radius of 200m.
- (2) An advertisement specified in subsection (1) is only allowed in an town areas of partial or minimum control and
- (a) May only be permitted on scaffolding which is against a building under construction or on a hoarding, fence or wall on the boundary of a construction site which has been erected to enclose that site during construction;
  - (b) May only be erected if it will conceal an unsightly condition arising out of the use to which the property concerned is put and if such sign will make a positive contribution to the visual environment; and
  - (c) May not be placed on the top of a boundary fence or wall unless it is positioned so that there is no gap between the advertisement and the wall or fence.

## **29. TRANSIT ADVERTISING**

- (1) A transit advertising sign containing an advertisement may only be displayed if it is mobile or displayed at specific designated locations approved by Council;
- (2) Upon approval of an application for a transit advertising sign, a disc will be issued by the Council which must be displayed at all times on the transit advertising sign itself;
- (3) If a transit advertising sign is used in contravention of subsections (1) and/or (2) above or any other provision of these By-laws, an authorised official may, without prior notice, remove and impound such sign.
- (4) Any transit advertising sign impounded in terms of subsection (3), must be kept by the Council for a period of 30 days from the date of impoundment and an authorised official must in writing notify the owner of such sign of the impoundment if the address of the owner can be ascertained.
- (5) An owner of a transit advertising sign impounded in terms of subsection (3) may claim such sign within the period specified in subsection (4) subject to payment of a prescribed fee.
- (6) The Council may if an advertising sign is not claimed by its owner within the period of 30 days referred to in subsection (4) destroy or otherwise dispose of the advertising sign concerned.
- (7) The Council may recover the prescribed fee from any owner who has not claimed his or her transit advertising sign in terms of subsection (5).

**CHAPTER 6****POSTERS****30. APPROVAL OF POSTERS**

- (1) No person may, except for newspaper posters and subject to the provisions of section 28, display any poster in, or in view of, any public place unless he or she has first obtained the written approval of the Council.
- (2) Approval in terms of subsection (1) may only be given for the display of a poster which does not relate to third party advertising.
- (3) Application for approval contemplated in subsection (1) must be made on a prescribed form and must be accompanied by:
  - (a) Details in writing of every township and street in which the posters concerned are to be displayed;
  - (b) By the prescribed fee; and
  - (c) An example of every poster to which the application relates;
  - (d) An example of the frame in which the posters will be displayed.
- (4) Every poster for which permission is granted as contemplated in subsection (1) must be provided with a sticker supplied by the Council and only a poster with such sticker may be displayed;
- (5) The Council may to retain one poster to which an application in terms of subsection (3) relates for identification purposes.
- (6) Any person who displays a poster, for which approval has been granted as contemplated in subsection (1), must comply with and ensure that the following requirements are complied with:
  - (a) No poster may be displayed that it has a clear height lower than 2.1 m or higher than 3m;
  - (b) No poster may be indecent or suggestive of indecency, prejudicial to public morals or reasonably objectionable;
  - (c) No poster may be displayed on any motorway and on any on- and off-ramp relating to a motorway; whether a local, provincial or national motorway;
  - (d) Every poster other than a poster contemplated in section 28 must be displayed in a frame and in a location approved by the Council; A frame referred to in sub-paragraph may not exceed:-
    - (i) 600mm in height x 450mm in width in respect of any poster displaying a newspaper headline; and
    - (ii) 900mm in height x 600mm in width in respect of any other poster;
  - (e) A poster with a frame contemplated in paragraph (d) may only be attached to an electric pole in a public place;

- (f) A frame referred to in paragraph (e) must:
- (i) Be secured in such a manner that it will not become wholly or partially dislodged by wind or any other means; and
  - (ii) Positioned in such a manner that it does not obscure or interfere with the electrical inspection chamber or pole identification number of the pole to which it is attached; and
  - (iii) Not impair the safety of motorists or pedestrians.
- (g) No poster may be displayed within 20m of an intersection, controlled by a road traffic sign;
- (h) No poster relating to a meeting, function or event, other than a national election or relating to the registration of voters, may be displayed for a period exceeding ten days before the date on which such meeting, function or event commences or longer than four days after the date on which it ends;
- (i) The name and contact details of the person displaying any poster, details of the event advertised, the commencement and final date of the event and the venue with address where it is to be held must appear on every poster.
- (j) No poster may be displayed for a period exceeding 28 consecutive days for any event advertised; and
- (k) No poster may be affixed by means of adhesive directly onto any surface of any private or Council property or asset.
- (7) Subject to approval contemplated in subsection (1), a number of posters not exceeding 80, advertising an auction to be held in consequence of an order of Court of Law as a sale in execution or a sale held by a liquidator or a trustee in an insolvent estate, may be displayed and must contain:
- (a) In the case of a sale in execution the relevant case number; or
  - (b) In the case of a sale by a liquidator or a trustee the reference number of the Master of the High Court.
- (8) An authorized official may, without giving notice to anyone, remove any poster displayed without approval having been obtained in terms of subsection (1) or which is in conflict with any provision of these By-laws;
- (a) Any poster removed in terms of paragraph (a), other than a poster which had to be damaged or destroyed in order to remove it, may be claimed by its owner within 21 days of its removal, and if not so claimed may be destroyed by an authorised official;
  - (b) If an owner claims any poster in terms of paragraph (b), the poster concerned must be returned to him or her subject to the payment of the prescribed fee;
  - (c) The Council may recover the prescribed fee contemplated in paragraph (b) from any owner who does not claim his or her poster as contemplated in that paragraph.

### **31. POSTERS RELATING TO ELECTION OR VOTER REGISTRATION**

The following requirements must be complied with in respect of any poster relating to elections or voter registration:

1. Every poster must be attached to a board made of weatherproof material, in such a manner that it will not become wholly or partially dislodged by wind or any other means;
2. No board or poster referred to in paragraph (1) may exceed 900mm in height x 600mm in width or be less than 600mm in height x 450mm in width;
3. A board and poster referred to in paragraph (1) may only be secured to an electric light pole;
4. A poster relating to:
  - (i) A candidate nominated for election may be displayed from the date of such nomination;
  - (ii) An election other than a poster referred to in paragraph (a), or voter registration, may be displayed 14 days prior to the date of the proclamation in the Government or Provincial Gazette of the election or voter registration; or if applicable, 14 days prior to the date of nomination of candidates, whichever date is earlier;
5. Any poster contemplated in this section, must be removed by the person displaying it within five days after conclusion of the election or voter registration, failing which, the Council shall within 10 days after the conclusion of the election or voter registration notify the relevant party to remove the posters within a time period specified, failing which, the Council may remove the posters itself against a prescribed fee per poster payable by the relevant party.
6. The provisions of section 30 read with the necessary changes, apply in respect of any poster contemplated in this section, provided that such poster need not be placed in a frame;
7. The provisions of section 30 read with the necessary changes apply in respect of posters not complying with the provisions of this section.

## **CHAPTER 7**

### **MISCELLANEOUS**

### **32. MAINTENANCE OF SIGNS**

- (1) (a) The owner of an advertising sign is responsible for maintaining that sign and the surrounding area so that it does not become unsightly or deteriorate to such a degree that it is in conflict with any provision of these By-laws.
  - (b) An owner contemplated in paragraph (a) must carry out at least one annual inspection of an advertising sign with a view to satisfying himself or herself that it has been properly maintained as contemplated in paragraph (a) and forthwith carry out any necessary maintenance resultant upon such inspection.
  - (c) An owner contemplated in paragraph (a), must keep a written record of any inspection made and maintenance carried out in terms of paragraph (a), must retain such record for a period of five years and must, on request by an authorised official, make such record available for perusal.

- (2) If, in the opinion of an authorised official, any advertising sign is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or is in conflict with any requirement of these By-laws, he or she may serve a notice on the owner of such sign requiring him or her, at his or her own cost, to remove the advertising sign or take other steps relating to the maintenance specified in the notice, within a period so specified.
- (3) If an authorised official is of the opinion that an advertising sign constitutes an imminent danger to any person or property, he or she may without serving a notice in terms of subsection (2) or if such a notice has been served but not complied with within the period specified therein, he or she may remove that advertising sign or take other steps which he or she may consider necessary.
- (4) (a) If at any time, no advertisement is displayed on an advertising hoarding, the Council may serve a written notice on the owner of that hoarding requiring him or her at his or her own cost, to display an advertisement on that hoarding within a period so specified.
- (5) If a notice served in terms of subsection 4 (a) is not complied with, the Council may, by notice in writing, require the owner of the advertising0 at his or her own cost to display a community message specified by the Council, until that owner displays an advertisement on the hoarding concerned.
- (6) The approval for an advertising hoarding in terms of these By-laws lapses if the owner on whom a notice has been served in terms of paragraph 4(a) fails to comply with the requirements of the notice within the period specified therein.

### **33. COSTS OF REMOVAL AND STORAGE**

- (1) The cost incurred by the Council for the removal and storage of an advertising sign, other than a poster, and other costs incurred by the Council as contemplated in section 33, may be recovered from the owner of that advertising sign or any other person whose name or activity is displayed on that advertising sign.
- (2) If an advertising sign has been removed in terms of section 33 (3) an authorised official must in writing give notice to the owner of that sign, if his or her address can be ascertained, of such removal and that he or she may claim the advertising sign concerned.
- (3) Any advertising sign which has been removed and stored in terms of these By-Laws may be released to its owner subject to payment of a prescribed fee.
- (4) Any advertising sign removed and not claimed within 30 days may be disposed of by the Council.
- (5) The Council shall be indemnified against any claim for loss or damage of any advertising sign in the removal thereof.

**34. DOCUMENTATION**

- (1) The owner of a property upon which a sign or an advertising sign is erected, attached or displayed, must retain certified copies of all documentation relating to the application for approval of such sign in terms of these By-laws and the approval of the Council in terms of these By-laws, for as long as that sign is erected or displayed, and must on request by an authorised official, present such documentation.
- (2) The owner of an advertising sign or advertisement who is not also the owner of the property or building on which such sign is displayed must provide the owner of that property or building with a certified copy of all documentation contemplated in subsection (1), relating to such advertising sign.

**35. PUBLIC PARTICIPATION PROCESS**

- (1) After lodging an application in terms of section 3(3), the applicant must forthwith cause a notice in a prescribed form, to be published once in English and in one other official language newspaper circulating in the area in which the property to which the application relates is situated: Provided that no such notice may be published during the period from 12 December to 3 January of the following year, both dates included.
  - (a) The applicant must from the date of publication of a notice in section 35 in terms of subsection (1), Display a notice in a prescribed form in English and one other official language in a conspicuous place visible to the public on a street front of the property on which the proposed sign will be erected;
  - (b) The applicant must maintain a notice displayed in terms of paragraph (a) for a period of at least 21 days from the date of the publication of the notice in terms of subsection (1)
- (2) A notice contemplated in subsection (1) and (2) must contain a statement-
  - (a) that details of the application concerned will be open for inspection at an address specified in the notice for a period of 21 days from the date of publication of the notice in terms of subsection (1) :and
  - (b) that any person may within the period specified in paragraph (a), submit comments or representations, or lodge an objection, in writing in respect of the application concerned.
- (3) Any person proposing to submit comments or representations or lodge an objection as contemplated in subsection 2 (b), must address such comments, representations or objections to both the Council and the applicant concerned at their respective addresses specified in the notices so contemplated.
- (4) The Council may if the proposed advertising sign will be visible from any property used for residential purposes, require the applicant to notify the owner of that property in writing of the application and obtain his or her written comments on the proposed advertising sign.
  - (a) An applicant contemplated in subsection (1), must submit the original newspaper cuttings showing the notices and the date and name of the newspapers in which notices have been published in terms of subsection (1) and a photograph indicating the first and last date of the

notice displayed in terms of subsection 2 (a) accompanied by an affidavit confirming compliance with that subsection;

- (b) The applicant must furnish proof to the satisfaction of the Council that he or she has complied with the provisions of this section.
- (5) The Council may in its discretion exempt an applicant from complying with the above requirements on good cause shown.

### **36. CONSIDERATION OF APPLICATIONS**

- (1) If any written comments, representations or objections have been received in respect of an application from any interested party contemplated in section 35 (3), the Council must consider all such comments, representations and objections before taking a decision on the application.
- (2) An applicant may within 14 days after receiving any comments, representations or objections to an application, submit a written response thereto to the Council for consideration.
- (3) If a response in terms of subsection (2) is not received by the Council within the period specified in subsection (2), it may take a decision on the application concerned without any notification to the applicant.

### **37. TERMINATION OF APPROVALS OF SIGNS UNDER PREVIOUS BY-LAWS**

- (1) If approval for an advertising sign was given under the By-Laws repealed by section 42 without specifying a period for the duration of that approval the Council may in agreement with the owner of that sign determine a date on which such approval will lapse.
- (2) If agreement in terms of subsection (1) cannot be reached, the Council may, subject to compliance with the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000), determine a date contemplated in subsection (1), and notify the owner of the advertising sign concerned of its decision and that he or she may apply for approval for that sign in terms of section 3.
- (3) If the owner of an advertising sign fails to submit an application in terms of section 3 (2) within 60 days after being notified in terms of the date of an agreement in terms of subsection (1) or of a notification in terms of subsection (2) the advertising sign concerned shall be considered to be erected or displayed without such approval.

### **38. SERVING OF NOTICES**

Any notice that is required to, or may, be served, delivered or given in terms of, or for the purposes of, these By-laws, must be served in any of the following ways:

- (a) By handing a copy of the notice to the person concerned;
- (b) By leaving a copy of the notice at the person's place of residence, business or employment with any other person who is apparently at least 16 years old and in charge of the premises at the time;

- (c) By e-mailing a copy of the notice to the person, if the person has in writing furnished an e-mail address to the Council or an authorised official;
- (d) By handing a copy of the notice to any representative authorised in writing to accept service on behalf of the person;
- (e) If the person has chosen an address for service, by handing a copy of the notice to a person who is apparently at least 16 years old at that address;
- (f) By sending a copy of the notice by registered or certified post to the last known address of the person concerned, and, unless the contrary is proved, it is deemed that service was effected on the seventh day following the day on which the document was posted;
  
- (g) If the person is a company or other body corporate, by serving a copy of the notice on an employee of the company or body corporate at its registered office or its principal place of business within the Republic, or its main place of business in the area of jurisdiction of the Council, or if there is no employee willing to accept the service by affixing a copy of the notice to the main door of the office or place of business; or
  
- (h) If the person is a partnership, firm or voluntary association, by serving a copy of the notice on a person who at the time of service is apparently in charge of the premises and apparently at least 16 years of age, at the place of business of such partnership, firm or association or if such partnership, firm or association has no place of business, by serving a copy of the notice on a partner, the owner of the firm or the chairman or secretary of the managing or other controlling body of such association, as the case may be.

### **39. INSPECTIONS**

- (1) In addition to any power of inspection which an authorised official may have in terms of these By-laws, he or she may for any purpose relating to the implementation and enforcement of these By-laws, between 07H30 to 16H00, on any day other than a Saturdays, Sunday and or public holiday, carry out an inspection of any advertising sign.
- (2) An authorised official must, before the commencement of, or during an inspection in terms of subsection (1) at the request of the owner of an advertising sign or the owner of a property on which the advertising sign concerned has been erected or is displayed, produce written confirmation of his or her appointment as an authorised official empowered to carry out inspections for the purposes of these By-laws.
- (3) An authorised official carrying out an inspection in terms of these By-laws, must conduct himself or herself with strict regard to decency and orderliness and with due regard to any person's rights contained in the Bill of Rights set out in Chapter 2 of the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996).

### **40. APPEALS**

- (1) Any person whose rights are affected by a decision by an authorised official in terms of or for the purposes of these By-laws, may appeal against that decision to the Municipal Manager, appointed by the Council in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), by lodging written notice of appeal, specifying the grounds of appeal within 21 days of the date on which he or she was notified of that decision.

- (2) The Municipal Manager must commence consideration of the appeal and take a decision thereon within a reasonable time.
- (3) The Municipal Manager must forthwith after a decision has been taken in terms of subsection (2), in writing notify the appellant thereof.
- (4) An applicant, contemplated in subsection (1) may, on being notified of a decision in terms of subsection (3), in writing apply for reasons for the decision and the Municipal Manager must furnish written reasons to the applicant as contemplated in section 2 of the Promotion of Administrative Justice Act, 2000.

#### **41. FEES, OFFENCES AND PENALTIES**

Any person who:

- (a) Applies for the advertisement must pay a non-refundable fee;
- (b) Contravenes or fails to comply with any provision of these By-laws;
- (c) Refuses or fails to comply with any notice served on him or her in terms of or for the purposes of these By-laws;
- (d) Refuses or fails to comply with the terms or conditions of any approval issued in terms of these By-laws;
- (e) Obstructs, hinders or interferes with an authorised official or other official of the Council acting under power delegated to him or her, in the exercise of any power or the performance of any duty under these By-laws;
- (f) Fails or refuses to furnish to an authorised official or other official of the Council acting under power delegated to him or her, with any documentation or information required for the purposes of these By-laws or furnishes a false or misleading document or false or misleading information;
- (g) Fails or refuses to comply with any instruction given in terms of or for the purposes of these By-laws; or
- (h) Pretends to be an authorised official or other official of the Council acting under power delegated to him or her, is guilty of an offence and;
  - (i) liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 18 months;
  - (ii) in the case of a continuing offence, to a further fine, for every day during the continuance of such offence after a written notice has been served on him or her by the Council or an authorised official requiring the discontinuation of such offence, or in default of payment to imprisonment not exceeding 18 months

**42. REPEAL OF BY-LAWS**

- (1) Subject to the provisions of subsection (2) the Bela-Bela Local Municipality Outdoor Advertising By-Laws published under Local Authority Notice 1419 in Extraordinary Provincial Gazette No. 150 dated 13 June 2008, are hereby repealed.
- (2) Anything done under or in terms of any provision of the By-Laws repealed by subsection (1) is deemed to have been done under the corresponding provisions of these By-laws and such repeal does not, subject to the provisions of section 34, affect the validity of anything done under the By-Laws so repealed.
- (3) Any application in terms of the By-Laws repealed by subsection (1), pending before the Council at the date of commencement of these By-Laws must be dealt with in terms of these By-Laws.

**43. TITLE**

These By-laws are referred to as the Outdoor Advertising By-laws and will come into operation on date of approval by council.

**SCHEDULES****44. CLASSIFICATION OF AREAS OF CONTROL**

- (a) The classification of the areas of control for the purpose of outdoor advertising is based on the current and (near) future zoning of the property/erf concerned.
- (b) The classification of the areas of control shall be determined by Council within the jurisdiction of the Bela-Bela Local Municipality, and if needs be, in consultation with the relevant roads authority, such as for the property along the provincial or national roads.
- (c) The classification of the areas of control is dynamic because it is a function of the land use and may need to be updated and changed according to the changes in the land use for a specific property/site.
- (d) It should be noted that the classification for a single erf/site can be over-ridden by the surrounding area of control. This implies that although a specific site can be zoned in such a way as to be classified as a specific area of control, and the surrounding area is predominantly classified as a "higher/ more stricter" area of control, Council shall decide that such a site/property be classified according to the predominantly "higher" area of control.
- (e) The determination of areas of control shall also take cognizance of areas that have been designated by any relevant national or provincial legislation or policy as "no go" or sensitive areas with respect to any development.

**45. NATURAL LANDSCAPE - AREA OF MAXIMUM CONTROL**

- (a) The "natural" landscape shall refer to the following parts of the rural or non-urban environment:
- (i) Area in non-urban environment in an unspoilt natural state
  - (ii) Areas of high scenic value
  - (iii) Undeveloped natural landscapes and open spaces
  - (iv) Natural areas and open spaces
- (b) Natural landscapes shall include but shall not be limited to the following:
- (i) Game reserves
  - (ii) Nature reserves
  - (iii) Wilderness areas
  - (iv) Extensive agriculture
  - (v) Agricultural holdings
  - (vi) Scenic corridors
  - (vii) Scenic landscapes
  - (viii) National parks

**46. RURAL LANDSCAPE - AREA OF MAXIMUM CONTROL**

- (a) Rural areas form a transition between the developed urban areas and the relatively unspoilt natural areas. Typical land use shall include the following:
- (i) Intensive agriculture area.
  - (ii) Subsistence agriculture.
  - (iii) Peri-urban smallholdings.
  - (iv) Undeveloped/vacant agricultural land where the surrounding is still vacant and undeveloped.

**47. URBAN AREAS OF MAXIMUM CONTROL**

- (a) Urban areas will be proclaimed township areas. If a site is not part of the proclaimed township scheme, it should be classified as rural or natural area. Urban areas can be classified as maximum control, partial control or minimum control.
- (b) The following precincts are deemed sensitive to visual disturbance and shall be defined as urban areas of maximum control:
- (i) Natural open spaces in urban areas.
  - (ii) Urban conservation areas.
  - (iii) Vacant/ undeveloped urban space areas.
  - (iv) Interface of natural landscape with built-up areas.
  - (v) Gateways as determined by relevant authorities.
  - (vi) Residential areas/ properties.
  - (vii) Bodies of water / Rivers.

- (viii) Ridges.
- (ix) Forests.
- (x) Open recreational areas.
- (xi) Architectural and historical sites.
- (xii) Characteristic vistas.
- (xiii) Heritage and protected areas/ sites.
- (xiv) Skylines.

#### **48. URBAN AREAS OF PARTIAL CONTROL**

- (a) Urban areas of partial control are, in most cases, characterized by a greater degree of integration and complexity of land use, facilities and activities that allows for limited freedom with regard to size, number and position of advertisements.
- (b) Where urban areas of maximum control and urban areas of minimum control, according to the land use, are adjacent to each other, an urban area of partial control will apply to protect the area of maximum control to be proliferated by advertisements. This will be a 50 m band between an area of minimum control and an area of maximum control.
- (c) The band mentioned in (b) above will be measured from the edge of the area of maximum control into the area of minimum control.
- (d) Besides this area of 50m, the following areas will also be defined as urban areas of partial control:
  - (i) Commercial enclaves in residential areas.
  - (ii) Shopping centres.
  - (iii) Suburban shopping centres & office parks.
  - (iv) Ribbon development.
  - (v) Educational institutions.
  - (vi) Institutional premises.
  - (vii) Sports fields, private open spaces or stadiums.
  - (viii) Commercialized squares.
  - (ix) Residential 1 properties with primary rights for offices in a commercial neighbourhood/precinct.
  - (x) Government enclaves.
  - (xi) Smallholdings of an urban nature.

#### **49. URBAN AREAS OF MINIMUM CONTROL**

- (a) Urban areas of minimum control can be seen as centres, areas and nodes of concentrated economic activity where the dominant concern and motivation is to conduct business and to sell products and services. This calls for the display of advertisements and signs in stronger and more obvious forms.
- (b) The following precincts are included in urban areas of minimum control:
  - (i) Concentrated economic activity.
  - (ii) Commercial districts.
  - (iii) Industrial areas & Industrial parks.

- (iv) Office precincts.
- (v) Institutions in an exclusive commercial neighbourhood or precinct.
- (vi) Commercial enclaves & Shopping Centres in Industrial Areas & Industrial Parks.
- (vii) Entertainment districts.
- (viii) Prominent transport nodes (subject to other applicable Council or any other policies).



# Bela-Bela Local Municipality

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**Planning and Economic Development**

LOCAL ECONOMIC DEVELOPMENT DIVISION

## APPLICATION FORM FOR AN ADVERTISING SIGN

### APPLICANT DETAILS

Applicant (Structure Owner): .....  
 Postal Address: .....  
 Office Tel No: .....  
 Contact Person/Agent: .....  
 Postal Address of Agent: .....  
 Tel No: ..... Mobile No:..... E-mail: .....

### LAND OWNER DETAILS

- Bela-Bela local municipality  
 Private land owner: Name and Postal

Address: .....  
 .....  
 Contact person .....tel no/cell no.....

### LOCALITY OF SIGN

Road reserves	Street name: ..... Adjacent to: ..... Near intersection with: ..... Suburb: ..... CCA: .....
Private property	Portion / Erf No: ..... Street name: ..... Suburb: ..... CCA.....

**TYPE OF ADVERTISING SIGN**

Signs suspended under verandas or canopies	
Signs on verandas or canopies over public streets	
Projecting signs	
Pylon signs for on-premises advertising	
Advertising signs placed flat on building and on bridges	
Signs relating to the development of townships and properties	
Requirements for sky signs	
Screen for sky signs	
Signs on residential buildings, dwelling houses and dwelling units	
Sun-blind advertisements	
Advertisements on banners, flags and similar objects	
Advertisements on blimps	
Painted advertisements	
Advertising signs relating to selling and letting of property	
Other temporary advertising signs	
Advertising on construction sites	
Transit advertising	
Sun-blind advertisements	
Advertisements on banners, flags and similar objects	
Advertisements on blimps	
Painted advertisements	
Advertising signs relating to selling and letting of property	
Other temporary advertising signs	
Advertising on construction sites	
Transit advertising	
Posters	

.....  
 APPLICANT/AGENT SIGNATURE

.....  
 DATE

**CHECKLIST FOR APPLICATION FOR AN ADVERTISING SIGN**

(All documentation submitted must be in A4 format)

Road reserves	Street name: ..... Adjacent to: Portion / Erf No. / Erven (gantry)..... Near intersection with: ..... Suburb: .....
Private property	Portion / Erf No: ..... Street name: ..... Suburb: .....

DOCUMENTS TO BE SUBMITTED BY APPLICANT

1	Complete <b>application form</b>
2	<b>Locality Plan</b> of proposed sign’s position indicating township and main streets
3	<b>Site plan</b> indicating all relevant dimension and information (see example) – scale not less than 1:500
4	<b>If in road reserves: S.G. diagram</b> of adjacent Erf (for gantry both adjacent erven) indicating the sign position in the road reserve, showing the back and side dimensions to the boundaries of the nearest adjacent Erf/erven.
5	<b>Detailed drawings</b> of the advertising sign, indicating height and clear height; as well as the dimensions of the advertisement.
6	<b>Coloured artist impression/photo</b> with proposed sign superimposed thereon depicting the surrounding area as well as the position of existing signs.
7	<b>Private property: zoning certificate</b> <b>Road reserve :</b> zoning certificate of adjacent erf/erven (gantry)
8	<b>Private property: title deed/deed of transfer</b>
9	<b>Private property: Letter of consent/lease agreement/power of attorney</b> from the land owner to the structure owner
10	<b>Road reserve: comments</b> of adjacent land owner(s)
11	<b>If agent applied on behalf of structure owner: letter of consent/power of attorney</b> or appointment letter from the structure owner to agent.



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