



THE PROVINCE OF MPUMALANGA  
DIE PROVINSIE MPUMALANGA

# Provincial Gazette Provinsiale Koerant

*(Registered as a newspaper) • (As 'n nuusblad geregistreer)*

Vol. 27

NELSPRUIT  
9 OCTOBER 2020  
9 OKTOBER 2020

No. 3197

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



**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

**Prevention is the cure**

**N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes**

ISSN 1682-4518



03197



**IMPORTANT NOTICE OF OFFICE RELOCATION**

government  
printing

Department:  
Government Printing Works  
REPUBLIC OF SOUTH AFRICA

Private Bag X85, PRETORIA, 0001 149 Bosman Street, PRETORIA  
Tel: 012 748 6197, Website: [www.gpwonline.co.za](http://www.gpwonline.co.za)

**URGENT NOTICE TO OUR VALUED CUSTOMERS: PUBLICATIONS OFFICE'S RELOCATION HAS BEEN TEMPORARILY SUSPENDED.**

Please be advised that the GPW Publications office will no longer move to 88 Visagie Street as indicated in the previous notices.

The move has been suspended due to the fact that the new building in 88 Visagie Street is not ready for occupation yet.

We will later on issue another notice informing you of the new date of relocation.

We are doing everything possible to ensure that our service to you is not disrupted.

As things stand, we will continue providing you with our normal service from the current location at 196 Paul Kruger Street, Masada building.

Customers who seek further information and or have any questions or concerns are free to contact us through telephone 012 748 6066 or email Ms Maureen Toka at [Maureen.Toka@gpw.gov.za](mailto:Maureen.Toka@gpw.gov.za) or cell phone at 082 859 4910.

Please note that you will still be able to download gazettes free of charge from our website [www.gpwonline.co.za](http://www.gpwonline.co.za).

We apologise for any inconvenience this might have caused.

Issued by GPW Communications

**IMPORTANT NOTICE:**

**THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.**

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

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government  
printing

Department:  
Government Printing Works  
REPUBLIC OF SOUTH AFRICA

## HIGH ALERT: SCAM WARNING!!!

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

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

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

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

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

Example of e-mails these fraudsters are using:

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

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

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

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

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

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

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

## Fake Tenders

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

### How tender scams work

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

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

OR

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

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

Protect yourself from being scammed

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

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

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

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

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

# Closing times for **ORDINARY WEEKLY** **2020** **MPUMALANGA PROVINCIAL GAZETTE**

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

- **24 December 2019**, Tuesday for the issue of Friday **03 January 2020**
- **03 January**, Friday for the issue of Friday **10 January 2020**
- **10 January**, Friday for the issue of Friday **17 January 2020**
- **17 January**, Friday for the issue of Friday **24 January 2020**
- **24 January**, Friday for the issue of Friday **31 January 2020**
- **31 January**, Friday for the issue of Friday **07 February 2020**
- **07 February**, Friday for the issue of Friday **14 February 2020**
- **14 February**, Friday for the issue of Friday **21 February 2020**
- **21 February**, Friday for the issue of Friday **28 February 2020**
- **28 February**, Friday for the issue of Friday **06 March 2020**
- **06 March**, Friday for the issue of Friday **13 March 2020**
- **13 March**, Friday for the issue of Friday **20 March 2020**
- **20 March**, Friday for the issue of Friday **27 March 2020**
- **27 March**, Friday for the issue of Friday **03 April 2020**
- **03 April**, Friday for the issue of Friday **10 April 2020**
- **08 April**, Friday for the issue of Friday **17 April 2020**
- **17 April**, Friday for the issue of Friday **24 April 2020**
- **23 April**, Thursday for the issue of Friday **01 May 2020**
- **30 April**, Friday for the issue of Friday **08 May 2020**
- **08 May**, Friday for the issue of Friday **15 May 2020**
- **15 May**, Friday for the issue of Friday **22 May 2020**
- **22 May**, Friday for the issue of Friday **29 May 2020**
- **29 May**, Friday for the issue of Friday **05 June 2020**
- **05 June**, Friday for the issue of Friday **12 June 2020**
- **11 June**, Thursday for the issue of Friday **19 June 2020**
- **19 June**, Friday for the issue of Friday **26 June 2020**
- **26 June**, Friday for the issue of Friday **03 July 2020**
- **03 July**, Friday for the issue of Friday **10 July 2020**
- **10 July**, Friday for the issue of Friday **17 July 2020**
- **17 July**, Friday for the issue of Friday **24 July 2020**
- **24 July**, Friday for the issue of Friday **31 July 2020**
- **31 July**, Friday for the issue of Friday **07 August 2020**
- **06 August**, Thursday for the issue of Friday **14 August 2020**
- **14 August**, Friday for the issue of Friday **21 August 2020**
- **21 August**, Friday for the issue of Friday **28 August 2020**
- **28 August**, Friday for the issue of Friday **04 September 2020**
- **04 September**, Friday for the issue of Friday **11 September 2020**
- **11 September**, Friday for the issue of Friday **18 September 2020**
- **17 September**, Thursday for the issue of Friday **25 September 2020**
- **25 September**, Friday for the issue of Friday **02 October 2020**
- **02 October**, Friday for the issue of Friday **09 October 2020**
- **09 October**, Friday for the issue of Friday **16 October 2020**
- **16 October**, Friday for the issue of Friday **23 October 2020**
- **23 October**, Friday for the issue of Friday **30 October 2020**
- **30 October**, Friday for the issue of Friday **06 November 2020**
- **06 November**, Friday for the issue of Friday **13 November 2020**
- **13 November**, Friday for the issue of Friday **20 November 2020**
- **20 November**, Friday for the issue of Friday **27 November 2020**
- **27 November**, Friday for the issue of Friday **04 December 2020**
- **04 December**, Friday for the issue of Friday **11 December 2020**
- **10 December**, Thursday for the issue of Friday **18 December 2020**
- **18 December**, Friday for the issue of Friday **25 December 2020**
- **23 December**, Wednesday for the issue of Friday **01 January 2021**

# LIST OF TARIFF RATES

## FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2018**

### NATIONAL AND PROVINCIAL

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

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

### EXTRA-ORDINARY

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

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

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

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

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

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

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

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

### EXTRAORDINARY GAZETTES

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

### NOTICE SUBMISSION PROCESS

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

**GOVERNMENT PRINTING WORKS - BUSINESS RULES**

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

**QUOTATIONS**

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

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

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

**CANCELLATIONS**

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

**AMENDMENTS TO NOTICES**

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

**REJECTIONS**

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

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

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

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

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

**LIABILITY OF ADVERTISER**

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

**CUSTOMER INQUIRIES**

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

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

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

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

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****PAYMENT OF COST**

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

**PROOF OF PUBLICATION**

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

**GOVERNMENT PRINTING WORKS CONTACT INFORMATION****Physical Address:**

**Government Printing Works**  
149 Bosman Street  
Pretoria

**Postal Address:**

Private Bag X85  
Pretoria  
0001

**GPW Banking Details:**

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

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

**E-mail:** [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za)

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

**E-mail:** [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)

**Tel:** 012-748 6200

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

**E-mail:** [subscriptions@gpw.gov.za](mailto:subscriptions@gpw.gov.za)

**Tel:** 012-748-6066 / 6060 / 6058

**Fax:** 012-323-9574

## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

### NOTICE 64 OF 2020

#### NOTICE OF APPLICATION IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, CHAPTER 5 AND 6 (*Amendment Scheme 172*)

I, Karl Wilhelm Rost, of the firm Reed Geomatics Incorporated hereby give notice in terms of Sections 89 and 88 of the Govan Mbeki Spatial Planning and Land Use Management By-Law, 2016, read with Annexure A of the same by-law, that I have applied to the Govan Mbeki Municipality for the following:

**Application for *Amendment of LAND USE SCHEME (Rezoning)***

**Application reference number: AMENDMENT OF SCHEME: Case AS\_44452**

**Property Owner and information:** Remaining Extent of Portion 1 of the Farm Halfgewonen 190, Registration Division I.S., Mpumalanga located approximately 25km North of Bethal on the border of Govan Mbeki Local Municipality and Nkangala District Municipality.

**Owner: Total Coal Holdings South Africa Pty Ltd Reg No: 1998/005402/07** held by title deed **T40169/2001**

I, the agent, hereby give notice in terms of Sections 88 and 89, respectively, of the Govan Mbeki Spatial Planning and Land Use Management By-Law, 2016 of the amendment of the Land Use Scheme known as the Govan Mbeki Land Use Scheme, as amended, 2010, by the rezoning of Remaining Extent of Portion 1 of the Farm Halfgewonen 190, from "Agriculture" to "Quarrying and Mining" to legally accommodate the existing activities on site.

Particulars of the application will lie for inspection during normal office hours at the Office of Manager Town and Regional Planning, Room 323, 3<sup>rd</sup> floor, South Wing Municipal Buildings, for the period of **30 days** from **02 October 2020**.

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 a period of 30 days from 02 October 2020, being **02 November 2020**.

**Name and address of applicant: Reed Geomatics Incorporated, P.O. Box 985, Secunda, 2302 Tel: 017 631 1394 Fax: 017 631 1770**

**Our ref: P19658**

02-09

## PROCLAMATION • PROKLAMASIE

### PROCLAMATION 52 OF 2020

**MSUKALIGWA LOCAL MUNICIPALITY**

**NOTICE OF APPROVAL OF ERMELO TOWN PLANNING SCHEME 1982,**

**AMENDMENT SCHEME No. 777**

Notice in terms of the provisions of Section 66(5) of Msukaligwa Spatial Planning and Land Use Management By-law, 2016, that Ermelo Town Planning Scheme, 1982, Amendment Scheme No. 777 has been approved in terms of Section 114(a) of the SPLUM By-law, 2016, by the rezoning of Portion 15 & 16 of Erf 1904, Ermelo Extension 9 from "Residential 1" to "Residential 3" for the purpose of Flats. This amendment is known as Ermelo Town Planning Scheme, 1982, Amendment Scheme No. 777 and shall come into operation on date of publication of this notice.

Particulars of the application will lie for inspection during normal hours at the office of the Director of Planning and Economic Development, 2nd Floor, Civic Centre, Taute Street, Ermelo for the period of 30 days from 9 October 2020.

**H.S. POTGIETER, REED & PARTNERS,** 100 Joubert Street, ERMELO, 2351

E-mail: rperm@megaweb.co.za Tel. No.: 017-811-2348/58

Publication date: Provincial Gazette of Mpumalanga: 9 October 2020

## PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

## PROVINCIAL NOTICE 105 OF 2020



## GOVAN MBEKI MUNICIPALITY

**PUBLIC NOTICE CALLING FOR INSPECTION OF THE SUPPLEMENTARY VALUATION ROLL 1:  
MAINTENANCE OF GENERAL VALUATION ROLL 2020/2025**

Notice is hereby given in terms of Section 49(1)(a)(i) of the Local Government: Municipal Property Rates Act No 6 of 2004 as amended, hereinafter referred to as the "Act", that the Supplementary Valuation Roll 1: Maintenance of GV 2020/2025 will open for public inspection at the Govan Mbeki Municipal Offices mentioned below and on website [www.govanmbeki.gov.za](http://www.govanmbeki.gov.za) from **12 October 2020 to 24 November 2020**.

An invitation is hereby made in terms of Section 49(1)(a)(ii) read together with Section 78(2) of the Act that any owner of property or other person who so desires should lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from, the General Valuation Roll within the above-mentioned period.

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

The forms for the lodging of an objection are obtainable at the following addresses during normal office hours:

1. Rooms **307 and 305** Municipal Offices, Horwood Street, Secunda.
2. Municipal Office, Chris Hani Street, Bethal.
3. Municipal Office, Shaka Maseko Road, Leslie.
4. Website: [www.govanmbeki.gov.za](http://www.govanmbeki.gov.za).

The original, correct, completed and signed objection form must be put in an envelope marked:

**"Notice 90/2020 – Supplementary Valuation Roll: 1 (Maintenance of GV 2020/2025) Objections"**.

The envelope must be sealed and addressed to: **The Municipal Manager, Planning and Development (Property Section), Private Bag X 1017, Secunda, 2302.**

The envelope must either be posted to the above address or can be deposited in the official tender box that is situated at the front entrance of the Northern wing, Municipal Building, Central Business District, Horwood Street, Secunda, or handed in at any of the above-mentioned municipal offices.

Telephonic enquiries will be accepted at 017 620 6036 or 017 620 6053 or 016 620 6039 or 016 620 6058, or completed objection forms can be e-mailed to ([valuations@govanmbeki.gov.za](mailto:valuations@govanmbeki.gov.za))

**NOTE: THAT OBJECTIONS WILL BE ACCEPTED FOR ONLY PROPERTIES WHICH ARE REFLECTED IN THE SUPPLEMENTARY VALUATION ROLL 1.  
LATE OR INCOMPLETE OBJECTION FORMS WILL NOT BE CONSIDERED.**

**Mrs EK TSHABALALA**  
**ACTING MUNICIPAL MANAGER**  
Notice Number: 90/2020

## PROVINCIAL NOTICE 106 OF 2020

## LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

## DETERMINATION OF DATE FOR BY-ELECTION

I, Mandla Jeffrey Msibi, Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs in the Mpumalanga Province, hereby give notice in terms of section 25(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), that I have determined **11 November 2020** as the date on which the by-elections as indicated in the Schedule should be held.

Given under my hand at Mbombela on 09 October 2020.



**HON. MJ MSIBI (MPL)**  
**MEC: CO-OPERATIVE GOVERNANCE**  
**AND TRADITIONAL AFFAIRS**

## SCHEDULE

- |     |               |   |  |
|-----|---------------|---|--|
| (a) | <b>MP 307</b> | - | <b>Govan Mbeki Local Municipality</b>    |
|     | Ward          | - | Thirty                      83007030     |
| (b) | <b>MP 312</b> | - | <b>Emalahleni Local Municipality</b>     |
|     | Ward          | - | Eighteen                      83102018   |
| (c) | <b>MP 325</b> | - | <b>Bushbuckridge Local Municipality</b>  |
|     | Ward          | - | Thirty one                      83205031 |

## PREMIER'S NOTICE

**MPUMALANGA TRADITIONAL LEADERSHIP  
AND GOVERNANCE ACT, 2005  
(ACT NO. 3 OF 2005)**

In terms of section 19(2)(a) of the Mpumalanga Traditional Leadership and Governance Act, 2005, it is hereby notified that I, **Refilwe Maria Mtshweni-Tsipane**, in my capacity as Premier of the Mpumalanga Province, have, in terms of section 19(1)(b), read with section 19(2)(b) of the Mpumalanga Traditional Leadership and Governance Act, 2005, and with immediate effect, recognized **Nicholas Mxolisi Ngomane (ID number: 750721 5302 081)** as **Inkhosi** of the **Siboshwa Traditional Community**, which recognition is hereby published for general information.



**MS. R.M. MTSHWENI-TSIPANE**  
**PREMIER: MPUMALANGA PROVINCE**  
**DATE: 28/08/2020**

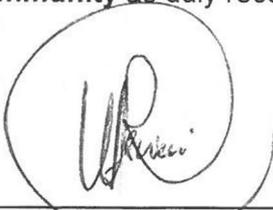
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## PREMIER'S NOTICE

**MPUMALANGA TRADITIONAL LEADERSHIP  
AND GOVERNANCE ACT, 2005  
(ACT NO. 3 OF 2005)**

In terms of section 19(2)(a) of the Mpumalanga Traditional Leadership and Governance Act, 2005, it is hereby notified that I, **Refilwe Maria Mtshweni-Tsipane**, in my capacity as Premier of the Mpumalanga Province, have, in terms of section 19(1)(b), read with section 19(2)(b) of the Mpumalanga Traditional Leadership and Governance Act, 2005, and with immediate effect, recognized **Edward Phopolo Chaane II (ID number: 780116 5659 081)** as **Kgosi** of the **BaKgatla Ba Seabe Traditional Community**, which recognition is hereby published for general information.

Furthermore, I hereby, in terms of section 20(1)(c) of the Mpumalanga Traditional Leadership and Governance Act, 2005, withdraw the recognition of **Stephen Makwe Chaane (ID number: 480415 5329 080)** as **Kgosi** of the **BaKgatla Ba Seabe Traditional Community** as duly recognized on 3 October 2001, is also hereby withdrawn.



**MS. R.M. MTSHWENI-TSIPANE**  
**PREMIER: MPUMALANGA PROVINCE**  
**DATE: 28/08/2020**

SLA9047M

**PROVINCIAL NOTICE 107 OF 2020**  
**MPUMALANGA GAMBLING ACT, 1995 (ACT NO.5 OF 1995) AS AMENDED**  
**APPLICATION FOR SITE OPERATOR LICENCE:**

Notice is hereby given that the following Applicant intends on submitting application(s) to the Mpumalanga Economic Regulator (MER) for Site Operators Licences:

1. Calvin Mokgakane trading as Msindo Bar Lounge at Manyeleti Road, Stand 21, Acornhoek, Bushbuckridge, Ehlanzeni, 1360.
2. Zacharia Sengwayo trading as Zake's Tavern at Stand 423 Matsulu, Mbombela, Ehlanzeni, 1203.
3. Mumcy Nester Masuku trading as Lambesi Bar Lounge at Stand no 34, Nkohlakalo Trust, Kabokweni, Mbombela, Ehlanzeni, 1245.
4. Elvis Makofane trading as Jobe Tavern at Stand 252, Bushbuckridge, Ehlanzeni, 1280.
5. Sikhombiso Veli Mhaule trading as Gezi Tavern at Stand 1122, Khumbula, Mbombela, Ehlanzeni, 1245.
6. Sikhombiso Veli Mhaule trading as Hola 7 Tavern at Stand 77, Bhuga Trust, Kabokweni, Mbombela, Ehlanzeni, 1245.
7. Samson Oscar Makhubela trading as Highway Liquor Tavern at Cottondale Trust Farm 216 KU, Stand 04, Bushbuckridge, Ehlanzeni, 1280.
8. Themba Sydney Sibithani trading as Egumeni Bar and Eating House at Stand 211, Mbangwane, Nkomazi, Ehlanzeni, 1346.

These applications will be open for public inspection and objection at the offices of the MER from 09 October 2020

Attention is directed to the provisions of Section 26 of the Mpumalanga Gambling Act, 1995 that makes provision for the lodging of written objections or representations in respect of the applications. Such objections or representations should be lodged with the Chief Executive Officer, Mpumalanga Economic Regular, Private Bag X9908, White River, Mpumalanga, 1240, within one month from 09 October 2020.

## LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

### LOCAL AUTHORITY NOTICE 78 OF 2020

#### NOTICE

**Notice of application for the establishment of a township, in terms of Section 59(1) of the Chief Albert Luthuli Local Municipality Spatial Planning and Land Use Management By-Law 2016 read with the provisions of Spatial Planning and Land Use Management Act, 2013 (Act No 16 of 2013)**

Notice is hereby given that an application for the establishment of a township on Portion 4 of the Farm Goedeheop No 45 IT, Mpumalanga Province, has been lodged with the Chief Albert Luthuli Local Municipality, in terms of Section 59 (1) of Chief Albert Luthuli Local Municipality Spatial Planning and Land Use Management By-Law 2016.

The municipality in association with the Department of Human Settlements seeks to establish a township on Portion 4 of the Farm Goedeheop No 45 IT for the development of a sustainable human settlement. The subject property is situated approximately 2km south west of Carolina Town, past Silobela Township along the R36 Road to Breyten Town.

Number of erven in proposed township according to proposed zoning:

Proposed zoning	Number of Erven
Residential 1	883
Residential 2	2856
Residential 3 (Flats)	2
Business	2
Institutional	5
Community Facilities	3
Recreational	18
Public Open Spaces	10
Religious Centre (Church)	3
Utilities	12
Future Roads and Railways	-
<b>TOTAL</b>	<b>3794</b>

A copy of the application may be inspected during normal office hours at the Directorate: Planning and Economic Development, 28 Kerk Street, Carolina, 1185. Contact details of relevant Municipal officials: Mr T Lukhele (017 843 4000) / Ms. R. Mathebula (017 843 4000)

Any person or persons having any objection to or representation in respect of this application must lodge such written objection/representation, together with a motivation, in a format as contemplated in Section 99 of the Chief Albert Luthuli Spatial Planning and Land Use Management By-Law, 2016, with the Municipal Manager, Private Bag 24, Carolina 1185 and the undersigned, within a period of 30 days from date of this notice and not later than 26<sup>th</sup> October 2020.

Name of agent: Isibuko Development Planners cc  
 Physical address of agent: Unit 2, Building 4,  
 141 Witch-Hazel Avenue,  
 Techno Park, Highveld,  
 Centurion, 0157  
 Contact details of agent: 012-6431154

2-9

## PLAASLIKE OWERHEID KENNISGEWING 78 VAN 2020

## KENNISGEWING

**Kennisgewing van aansoek om die stigting van 'n dorp, ingevolge artikel 59 (1) van die Verordening op Plaaslike Munisipaliteit, Albert Luthuli Plaaslike Munisipaliteit, gelees met die bepalinge van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 ( Wet nr. 16 van 2013)**

Kennis geskied hiermee dat 'n aansoek vir die stigting van 'n dorp op Gedeelte 4 van die Plaas Goedeheop No 45 IT, Mpumalanga Provinsie, ingedien is by die Hoof Albert Luthuli Plaaslike Munisipaliteit, ingevolge Artikel 59 (1) van Chief Albert Luthuli. Plaaslike Munisipaliteit Verordening op Ruimtelike Beplanning en Grondgebruikbestuur 2016

Die munisipaliteit wil in samewerking met die Departement van Menslike Nedersettings 'n dorp op Gedeelte 4 van die Plaas Goedeheop No 45 IT stig vir die ontwikkeling van 'n volhoubare menslike nedersetting. Die eiendom is ongeveer 2 km suid-wes van Carolina Town, verby Silobela Township langs die R36-pad na Breyten Town.

Aantal erwe in voorgestelde dorp volgens voorgestelde sonering

Voorgestelde sonering	Aantal erwe
	883
Residensieel 1	
Residensieel 2	2856
Residensieel 3 (Woonstelle)	2
Besigheid	2
Institusioneel	5
Gemeenskapsfasiliteite	3
Outspanning	18
Openbare oop ruimtes	10
Godsdienssentrum (Kerk)	3
Hulpprogramme	12
Toekomstige paaie en spoorweë	-
<b>TOTAAL</b>	<b>3794</b>

'N Afskrif van die aansoek kan gedurende gewone kantoorure besigtig word by die Direkoraat: Beplanning en Ekonomiese Ontwikkeling, Kerkstraat 28, Carolina, 1185. Kontakbesonderhede van die betrokke munisipale amptenare: mnr T Lukhele (017 843 4000) / me R. Mathebula (017 843 4000)

Enige persoon of persone wat beswaar teen of vertoe ten opsigte van hierdie aansoek het, moet sodanige skriftelike beswaar / vertoe indien, tesame met 'n motivering, in 'n formaat soos beoog in artikel 99 van die verordening op Chief Albert Luthuli Ruimtelike Beplanning en Grondgebruikbestuur, 2016, met die Munisipale Bestuurder, Privaatsak 24, Carolina 1185 en die ondergetekende, binne 'n tydperk van 30 dae vanaf datum van hierdie kennisgewing en nie later nie as 26 Oktober 2020.

Naam van agent: Isibuko Development Planners cc  
 Fisiese adres van agent: Eenheid 2, gebou 4,  
 141 Witch-Hazel Avenue,  
 Techno Park, Highveld  
 Centurion, 0157

Kontakbesonderhede van agent: 012-6431154

2-9

**LOCAL AUTHORITY NOTICE 80 OF 2020****NKANGALA DISTRICT MUNICIPALITY****AIR QUALITY MANAGEMENT BY-LAW, 2020**

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

**AND WHEREAS** Part B of Schedule 4 to the Constitution lists air pollution as a local government matter to the extent set out in section 155(6) (a) and (7);

**AND WHEREAS** the Nkangala District Municipality seeks to ensure the management of air quality and the control of air pollution within the area of its jurisdiction and to ensure that air pollution is avoided or, where it cannot be altogether avoided, is minimized and remedied.

**AND NOW THEREFORE, BE IT ENACTED** by Nkangala District Municipality as follows: —

The Council of Nkangala District Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 read with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 3 of 2000) enacts the following By-law

—

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## **ARRANGEMENT OF BY-LAW**

### **CHAPTER 1: INTERPRETATION AND DUTY OF CARE**

1. Definitions
2. Objectives
3. Application
4. Duty of care

### **CHAPTER 2: PLANNING AND LOCAL EMISSION STANDARDS**

5. Air Quality Management Plan
6. Identification of substances
7. Development of local emission standards
8. Consequences of identification
9. Consultation and publication

### **CHAPTER 3: SPECIFIC REGULATORY MEASURES**

#### **Part 1: Vehicles and Small boilers**

10. Emissions from compressed ignition powered vehicles
11. Small boilers
12. Transitional arrangements in respect of existing small boilers
13. Micro boilers

#### **Part 2: Emissions Caused by Dust, Burning and Spraying**

14. Dust emissions
15. Sand Blasting Emissions
16. Emissions caused by open burning

17. Emissions caused by the burning of industrial waste, domestic waste and garden waste
18. Pesticide spraying emissions
19. Spray Painting Emissions
20. Emissions that cause a nuisance

### **Part 3: Noise Pollution**

21. Designation of Noise Controlled Areas
22. Prohibition of Disturbing Noise
23. Prohibition of Noise Nuisance
24. Music, Open-Air Music Festivals, Shows, Inclusive of Air Shows and Similar Gatherings
25. Motor vehicles

### **CHAPTER 4: AUTHORISATION PROCEDURES**

26. Authorisation procedures
27. Decisions on applications
28. Conditions of authorisation
29. Amendments of Authorisations
30. Consequences of the unlawful commencement of an activity

### **CHAPTER 5: COMPLIANCE AND ENFORCEMENT**

31. Appointment of authorised persons
32. Power to issue compliance orders
33. Offences
34. Penalties

### **CHAPTER 6: GENERAL MATTERS**

- 35. Appeals
- 36. Exemptions
- 37. Delivery of documents
- 38. Delegation
- 39. State and Municipality bound
- 40. Savings
- 41. Short title and commencement

**SCHEDULE 1****SCHEDULE 2**

## CHAPTER 1: INTERPRETATION AND DUTY OF CARE

### 1. Definitions

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

**“air pollution”** means any change in the composition of the air caused by smoke, soot, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, aerosols and odorous substances;

**“air quality officer”** means a person appointed in terms of section 14 of the National Environmental Management: Air Quality Act, 2004;

**“authorisation”** means any consent, permission, permit or authorisation contemplated in this By-law;

**“ambient sound level”** means the reading on an integrating impulse sound level meter taken at a measuring point in the absence of any alleged disturbing noise at the end of a total period of at least 10 minutes after such meter was put into operation;

**“authorised person”** means any employee authorised by the Municipality to monitor and enforce one or more provisions of this By-law in terms of section 31;

**“combustible liquid”** means a liquid which has a close-cap flash point of 38 degrees Celsius or above;

**“compressed ignition powered vehicle”** means a vehicle powered by internal combustion, compression ignition, diesel or similar fuel engine;

**“Constitution”** means the Constitution of the Republic of South Africa Act, 1996;

**“control measure”** means a technique, practice or procedure used to prevent or minimise the generation and emission of gaseous substances or dust;

**“dark smoke”** means smoke -

- (a) that in relation to emissions from turbo-charged compressed ignition powered engines, has a density 66 Hartridge smoke units or more; or

(b) which has a light absorption co-efficient of more than  $2.123 \text{ m}^{-1}$  or more, or, in relation to emissions from turbo-charged compressed ignition powered engines, means a light absorption co-efficient of more than  $2.51 \text{ m}^{-1}$ ;

“**dB<sub>A</sub>**” means the value of the sound pressure level in decibels, determined using a frequency weighting network A and derived from the following equation -

$$L_{PA} = 10 \log_{10} [P_A / P_0]^2, \text{ where}$$

$P_A$  = the “A” – weighted sound pressure; and

$P_0$  = the reference sound pressure

$$(P_0 = 20 \mu\text{Pa})$$

“**disturbing noise**” means a noise level that causes the ambient sound level measured continuously at the same measuring point to rise by 5 dB<sub>A</sub> or more;

“**dust**” for the purposes of this By-law means any inhalable particle matter or any material composed of particles small enough to pass through a 1 mm screen and large enough to settle by virtue of their weight into the sampling container from the ambient air;

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

- (a) the land, water and atmosphere of the earth;
- (b) micro-organisms, plant and animal life;
- (c) any part or combination of (i) and (ii) and the interrelationships among and between them; and
- (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

“**flammable gas**” means a gas which at 20 degrees Celsius and a standard pressure of 101, 3 kilopascals-

- (a) is ignitable when in a mixture of 13% or less by volume with air; or

(b) has a flammable range with air of at least 12%, regardless of the lower flammable limit;

**“flammable liquid”** means a liquid or combustible liquid which has a closed-cap flash point of 93 degrees Celsius or below;

**“flammable substance”** means any flammable liquid, combustible liquid or flammable gas;

**“free acceleration test”** means the method employed to determine whether vehicles are being driven or used in contravention of section 25;

**“measuring point”** relating to –

(a) a piece of land from which an alleged disturbing noise emanates, means a point outside the property projection plane where noise shall be measured in accordance with the provisions of SANS 10103 and/ or SANS 10328;

(b) a building with more than one occupant, means a point in or outside the building where noise shall be measured in accordance with the provisions of SANS 10103 and/ or SANS 10328; and

(c) a stationary vehicle, means a point as described in SANS 10181 where a measuring microphone shall be placed;

**“micro boiler”** means any boiler with a design capacity of less than 10 MW net heat input per unit, based on the lower calorific value used;

**“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

**“Municipality”** means the Nkangala District Municipality, established by Provincial Extraordinary Notice No. 631 of 1 October 2000, as amended, in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

**“National Environmental Management Act, 1998”** means the National Environmental Management Act, 1998 (Act 107 of 1998);

**“National Environmental Management: Air Quality Act, 2004”** means the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004);

**“National Framework”** means the National Framework for Air Quality Management in the Republic of South Africa, as published in terms of section 7(1) of the National Environmental Management: Air Quality Act, 2004;

**“noise controlled area”** means an area designated by the Municipality in terms of section 21 where, in the case of -

(a) road traffic noise directly adjacent to a road -

(i) the reading on an integrating impulse sound level meter, taken outdoors at the end of a period of 24 hours while such meter was in operation, exceeds 60 dBA; or

(ii) the outdoor equivalent continuous “A” –weighed sound pressure level at a height of at least 1,2 meters, but not more than 1,4 metres, above the ground for a period extending from 06:00 to 24:00 as calculated in accordance with SABS 0210, and projected for a period of 15 years following the date on which the local authority has made such designation, exceeds 65 dBA;

(b) air traffic noise directly adjacent to an airfield, the calculated noisiness index, projected for a period of 15 years following the date on which the local authority made such designation, exceeds 65 dBA;

(c) industrial noise directly adjacent to an industry –

(i) the reading on an integrating impulse sound level meter, taken outdoors at the end of a period of 24 hours while such meter was in operation, exceeds 61 dBA; or

(ii) the calculated outdoor equivalent continuous “A” weighted sound pressure level at a height of at least 1,2 metres, but not more than 1,4 metres, above the ground for a 24 hours, exceeds 61 dBA, or

(d) noise from any other source directly adjacently to that source –

- (i) the reading on an integrating impulse sound level meter, taken outdoors at the end of a period extending from the time when such source of noise became active until the time when it was no longer active, while such meter was in operation, exceeds 65 dBA; or
- (ii) the outdoor equivalent continuous “A” weighted sound pressure level at a height of at least 1,2 metres, but not more than 1,4 metres, above the ground, as calculated in accordance with acceptable mathematical / acoustic methods for a period extending from the time when the source of noise became active until the time when it was no longer active, and projected for a period of 15 years following the date on which the local authority made such designation, exceeds 65 dBA: Provided that methods of calculation as described in SANS ARP 1020 may be used for the purpose;

“**noise nuisance**” means any sound which impairs the convenience or peace of a reasonable person;

“**nuisance**” means an unreasonable interference or likely interference caused by air pollution with -

- (a) the health or well-being of any person or living organism;
- (b) the use or enjoyment by an owner or occupier of his or her property or the environment; or
- (c) ordinary comfort, convenience and peace;

“**open burning**” means the combustion of material by burning without a closed system that has a chimney to vent the emitted products of combustion to the atmosphere;

“**pave**” means to apply and maintain concrete or any other similar material to a road surface or walkway;

“**person**” includes a juristic person;

“**pest**” means an injurious, noxious or troublesome living organism;

**“pesticide”** means a micro-organism or material that is used or intended to be used to prevent, destroy, repel or mitigate a pest and includes herbicides, insecticides, fungicides, avicides and rodenticides;

**“premises”** means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried out on or in that building or structure, and includes any land without any buildings or other structures and any locomotives or other vessel which operates or is present within the area of the Municipality;

**“public road”** means a public road as defined in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996);

**“recreational vehicle”** means -

- (a) an off-road vehicle, scrambler, dune buggy or ultra-light aircraft;
- (b) a model aircraft, vessel or vehicle;
- (c) any aircraft or helicopter used for sport or recreational purposes;
- (d) a vessel used for sport on water; or
- (e) any other conveyance vessel or model which is used for sport or recreational purposes;

**“rubber product”** means anything composed of rubber, including anything containing or coated with rubber;

**“SABS ARP 020”** means South African Bureau of Standards publication No. 0201 titled: “Sound impact investigations for integrated environmental management”, or a standard which substitutes SABS ARP 020;

**“SANS 10103”** means the latest edition of Standards South Africa publication No. 10103 titled: “The measurement and rating of environmental noise with respect to land use, health, annoyance and to speech communication”;

**“SANS 0181”** means the latest edition of the Standards South Africa publication No: 10181 titled: “The measurement of noise emitted by road vehicles when stationary”;

“**SANS 10210**” means the latest edition of the Standards South Africa publication No. 10210 titled: “Code of Practice for calculating and predicting road traffic noise”;

“**SANS 10281**” means the latest edition of the Standards South Africa publication No. 10281 titled: “Engine speed (S values), reference sound levels and permissible sound levels of stationary road vehicles”;

“**small boiler**” means any boiler with a design capacity equal to 10 MW but less than 50 MW net heat input per unit, based on the lower calorific value used;

“**smoke**” means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes soot, grit and gritty particulates emitted in smoke;

“**use**” in relation to all terrain vehicles includes driving, operating or being conveyed by that vehicle;

“**vehicle**” means any motor car, motor carriage, motor cycle, bus, motor lorry or other conveyance propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power.

(2) In this By-law, a word or expression derived from a word or expression defined in subsection (1) has a corresponding meaning unless the context indicates that another meaning is intended.

(3) Neither -

(a) a reference to a duty to consult specific persons or authorities, nor

(b) the absence of any reference in this By-law to a duty to consult or give a hearing;

exempts the official or authority exercising a power or performing a function from the duty to act fairly.

(4) Any administrative process conducted or decision taken in terms of this By-law must be conducted or taken in accordance with the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000), unless otherwise provided for in this By-law.

## 2. Objectives

- (1) The objectives of this By-law are to –
- (a) give effect to the environmental right contained in section 24 of the Constitution;
  - (b) provide, in conjunction with any other applicable law, an effective legal and administrative framework within which the Municipality can manage and regulate activities that can or do cause air emissions that have the potential to adversely impact the environment, public health and well-being; and
  - (c) ensure that air pollution is avoided, or where it cannot be altogether avoided, that it is mitigated or minimised.
- (2) Any person exercising a power or performing a duty under this By-law must exercise that power or perform that duty in a manner that gives effect to the objectives.

## 3. Application

- (1) This By-law applies within the jurisdiction of the Municipality and must be read with any applicable provisions of the –
- (a) National Environmental Management Act, 1998;
  - (b) National Environmental Management: Air Quality Act, 2004;
  - (c) National Framework adopted in terms of the National Environmental Management: Air Quality Act, 2004;
  - (d) National Health Act, 2003 (Act 61 of 2003); and
  - (e) National Environmental Management: Waste Act, 2008 (Act 59 of 2008).
- (2) In the event of any conflict between this By-law and –
- (a) any other by-law which directly or indirectly regulates air quality within the jurisdiction of the Municipality, the provisions of this By-law shall prevail;

(b) any national or provincial legislation which regulates air pollution, the national or provincial legislation shall prevail.

(3) Notwithstanding the provisions of subsection (2), the Council may –

(a) enter into a service level agreement with a local municipality in the jurisdiction of the Municipality regarding the carrying out of air quality management functions; and

(b) by notice in the *Gazette*, rescind the application of all or part of this By-law where a local municipality has promulgated air quality management by-laws.

(4) Compliance with this By-law does not absolve a person from complying with any other statutory requirement to obtain authorisation in respect of air quality management.

#### **4. Duty of care**

(1) Every person who causes or may cause air pollution must take all reasonable measures -

(a) to prevent the air pollution from occurring; or

(b) where the causing of any air pollution is permitted, not prohibited, or cannot reasonable be avoided or stopped; to minimise that pollution.

(2) Without limiting the generality of the duty in subsection (1), the persons on whom subsection (1) imposes an obligation to take reasonable measures, includes an owner of land or premises, a person in control of land or premises or a person who has a right to use or work at the land or premises on which or in which -

(a) any activity or process is or was performed or undertaken; or

(b) any other situation exists,

which causes, has caused or is likely to cause air pollution.

(3) The measures required in terms of subsection (1) may include measures to -

- (a) investigate, assess and evaluate the impact of the air pollution on the environment;
  - (b) inform and educate employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing air pollution;
  - (c) cease, modify or control any act, activity or process causing the air pollution;
  - (d) contain or prevent the movement of pollutants;
  - (e) eliminate any source of the air pollution; or
  - (f) remedy the effects of the air pollution.
- (4) The Municipality may direct any person who is causing, has caused or may cause significant air pollution to -
- (a) cease any activity, operation or undertaking;
  - (b) investigate, evaluate and assess the impact of specific activities and report thereon;
  - (c) commence taking specific measures before a given date;
  - (d) diligently continue with those measures; and
  - (e) complete those measures before a specified date.
- (5) Prior to issuing a directive contemplated in subsection (4), the Municipality must give the affected person adequate opportunity to inform the Municipality of their relevant interests: Provided that if urgent action is necessary for the protection of the environment, health or people's well-being, the Municipality may issue such directive, and give the affected person an opportunity to make representations as soon thereafter as is reasonable.
- (6) Should a person fail to comply, or inadequately comply, with a directive issued under subsection (4), the Municipality may take reasonable measures to remedy the situation or apply to a competent court for appropriate relief.

(7) The Municipality may recover the costs for reasonable remedial measures to be undertaken under subsection (6), before such measures are taken and all costs incurred as a result of it acting under subsection (6) from any or all of the following persons –

(a) any person who is or was responsible for, or who directly or indirectly contributed to, the air pollution;

(b) the person in control of the land or any person who has or had a right to use or work on the land at the time when -

(i) the activity or the process is or was performed or undertaken; or

(ii) the situation came about; or

(c) any person who negligently failed to prevent -

(i) the activity or the process being performed or undertaken; or

(ii) the situation from coming about:

Provided that such person failed to take the measures required of him or her under subsection (1).

(8) Any person may, after giving the Municipality 30 days' notice, apply to a competent court for an order directing the Municipality to take any of the steps listed in subsection (4) if the Municipality fails to inform such person in writing that it has directed a person contemplated in subsections (1) and (2) to take one of those steps, and the provisions of section 32(2) and (3) of the National Environmental Management Act, 1998 shall apply to such proceedings.

## **CHAPTER 2: PLANNING AND LOCAL EMISSION STANDARDS**

### **5. Air Quality Management Plan**

(1) The Municipality shall prepare an air quality management plan and include that plan in its integrated development plan contemplated in Chapter 5 of the Municipal Systems Act.

(2) The air quality management plan is binding on the Municipality.

## 6. Identification of substances

(1) The Municipality has identified the substances in ambient air, as set out in Schedule 1 to this By-law, which may present a threat to the health and well-being of people in the municipal area.

(2) The Municipality may, from time to time, identify additional substances that present a threat to the health and well-being of people in the municipal area, or which it reasonable believes may present such a threat.

(3) The Municipality must apply the following criteria when identifying and prioritising the substances in terms of subsection (2) -

(a) the possibility, severity and frequency of effects, with regard to human health and the environment as a whole, with irreversible effects being of special concern;

(b) widespread and high concentration of the substance in the atmosphere;

(c) potential environmental transformation and metabolic alterations of the substance, as these changes may lead to the production of chemicals with greater toxicity or introduce other uncertainties;

(d) persistence in the environment, particularly if the substance is not biodegradable and is able to accumulate in humans, the environment or food chain;

(e) the impact of the substance taking the following factors into consideration –

(i) the size of the exposed population, living resources or ecosystems; and

(ii) the existence of particularly sensitive receptors in the zone concerned; and

(f) the fact that a substance is regulated by an international convention.

## **7. Development of local emission standards**

- (1) The Municipality may develop and adopt local emission standards in respect of a substance identified in Schedule 1 or in terms of section 6(2).
- (2) The Municipality must, when developing a local emissions standard -
  - (a) identify the critical factors for public health impacts;
  - (b) identify sensitive sub- populations;
  - (c) review available databases for public health status;
  - (d) review available databases for ambient air quality information; and
  - (e) review and assess international guidelines and standards.
- (3) The Municipality may take the following factors into consideration in setting a local emission standard -
  - (a) health, safety and environmental protection objectives;
  - (b) analytical methodologies;
  - (c) technical feasibility;
  - (d) monitoring capacity; and
  - (e) socio-economic consequences.
- (4) A local emission standard may-
  - (a) differentiate between different geographical areas;
  - (b) differentiate between different sources or types of emissions;
  - (c) provide for the phasing in of its provisions; and
  - (d) be amended.

## **8. Consequences of identification**

- (1) Any person emitting substances or mixtures of substances identified in

Schedule 1 or in terms of section 6(2) must comply with the relevant emission standards contemplated in section 7.

## **9. Consultation and publication**

- (1) The Municipality must conduct a public participation process as contemplated in Chapter 4 of the Municipal Systems Act before identifying a substance in terms of section 6 or adopting a local emission standard in terms of section 7.
- (2) Any substance that is identified in terms of section 6 or any local emission standard that is adopted by the Municipality in terms of section 7 must be published in the *Provincial Gazette*.

## **CHAPTER 3: SPECIFIC REGULATORY MEASURES**

### **Part 1: Vehicles and Small boilers**

## **10. Emissions from compressed ignition powered vehicles**

- (1) No person may drive or use, or cause to be driven or used, a compressed ignition powered vehicle that emits dark smoke on a public road.
- (2) In order to enable an authorised person to monitor and enforce the provisions of this section, the driver of a vehicle must comply with any clear directive, whether orally, visually by show of hand signs or otherwise, given by an authorised person -
  - (a) to stop the vehicle; and
  - (b) to facilitate the inspection or testing of the vehicle.
- (3) When a vehicle has stopped in compliance with a directive given under subsection (2), the authorised person may test the vehicle at the roadside, in which case testing must be carried out -
  - (a) at or as near as practicable to the place where the directive to stop the vehicle was given; and

- (b) as soon as practicable, but no later than one hour after the vehicle was stopped in accordance with the directive.
- (4) The testing procedure to be followed in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of subsection (1) is the following -
- (a) when instructed to do so by the authorised person, the driver of the vehicle must start the vehicle, place it in neutral gear and engage the clutch;
  - (b) for a period required the authorised person, the driver of the vehicle must smoothly and completely depress the accelerator throttle pedal of the vehicle, until the engine reaches a revolution level of 3 000 revolutions per minute or, in the absence of a revolution counter, to the extent directed by the authorised person; and
  - (c) while the throttle pedal is depressed, the authorised person must measure the smoke emitted from the vehicle's emission system in order to determine whether or not dark smoke is emitted:

Provided that an authorised person may perform the actions required of the driver where the driver fails or refuses to comply with the authorised person's instructions.

- (5) If, after having conducted the test in accordance with subsection (4), the authorised person is satisfied that the vehicle -
- (a) is not emitting dark smoke, then the authorised person must furnish the driver of the vehicle with a certificate indicating that the vehicle is not being driven or used in contravention of subsection (1); or
  - (b) is emitting dark smoke, the authorised person must issue the driver of the vehicle with a compliance notice in terms of section 32 of this By-law, in addition to any other action that the authorised person may take.

## **11. Small boilers**

- (1) No person may install, alter, extend or replace any small boiler on any

premises without the prior written authorisation of the Municipality, which may only be granted –

- (a) if an application is made on or in a form as prescribed by the Municipality from time to time;
- (b) after consideration of all relevant information required by the Municipality; and
- (c) if any applicable emission standards and requirements passed in terms of the National Environmental Management: Air Quality Act, 2004 can be complied with.

## **12. Transitional arrangements in respect of existing small boilers**

- (1) The owner of any small boiler that has been installed prior to the commencement of this By-law must –
  - (a) comply with any applicable emission standards and requirements for existing small boilers passed in terms of the National Environmental Management: Air Quality Act, 2004; and
  - (b) obtain authorisation for the use of that boiler from the Municipality within 180 days of the commencement of this By-law.

## **13. Micro boilers**

- (1) No person may install, alter, extend or replace any micro boiler on any premises without first registering that boiler with the Municipality.
- (2) The owner of any small boiler that has been installed prior to the commencement of this By-law must apply to be registered within 180 days of the commencement of this By-law.

## **Part 2: Emissions Caused by Dust, Burning and Spraying**

### **14. Dust emissions**

- (1) Any person conducting an activity or providing a facility that customarily

produces emissions of dust which may be harmful to public health, well-being or cause a nuisance shall implement one or more control measures to effectively prevent dust emissions into the atmosphere.

- (2) The control measures contemplated in subsection (1) include -
- (a) paving;
  - (b) using dust palliatives or dust suppressants;
  - (c) uniformly applying and maintaining any surface gravel;
  - (d) erecting physical barriers and signs to prohibit access to the disturbed areas;
  - (e) using ground covers;
  - (f) re-vegetating which is similar to adjacent undisturbed native conditions;
  - (g) in the case of an unpaved road, reducing speed limits or restricting access to certain types of vehicles; or
  - (h) any alternative control measure approved in writing by the Municipality.
- (3) Any person who transports substances that may cause dust during the transportation process must take all reasonable steps to prevent that dust, including the covering of the substance with a tarpaulin or similar material.
- (4) The provisions of this section are not applicable to -
- (a) emergency maintenance activities on publicly maintained roads, road shoulders and rights of way;
  - (b) non-commercial and non-institutional private driveways; and
  - (c) horse trails, hiking paths, bicycle paths or other similar paths.

## **15. Sand Blasting Emissions**

- (1) Any person conducting sand blasting activities which customarily produce emissions of dust that may be harmful to public health or well-being or cause a nuisance shall implement dust extraction control measures or such other dust

control measures that reduce the impact of the emissions to within national standards published in terms of the National Environmental Management: Air Quality Act, 2004 and that are approved in writing by the Municipality, to prevent emissions into the atmosphere.

## **16. Emissions caused by open burning**

- (1) No person may carry out or permit the carrying out of open burning of any material on any land or premises unless -
- (a) the prior written authorisation of the Municipality has been obtained, which authorisation may be granted by the Municipality with conditions, and
  - (b) the owners and occupiers of all adjacent properties have been notified in writing of -
    - (i) all known details of the proposed open burning; and
    - (ii) the right of owners and occupiers of adjacent properties to lodge written objections to the proposed open burning with the Municipality within 7 days of being notified.
- (2) The Municipality may not authorise, nor itself conduct, any open burning -
- (a) unless it is satisfied that the requirements set out in subsection (1) above have been adequately addressed or fulfilled; or
  - (b) where a warning under section 10(1)(b) of the National Veld and Forest Act, 1998 (Act 101 of 1998); has been published for the region.
- (3) The Municipality may not authorise, nor itself conduct, the open burning of -
- (c) any material between the hours of 18:00 and 06:00;
  - (d) the burning of any tyres, rubber products, cables or any other related products, on any land or premises.
- (4) Notwithstanding the provisions of subsection (1), the provisions of this section shall not apply to -
- (a) recreational outdoor activities on private premises; and

(b) controlled fires in dwellings for the purposes of heating any area within the dwelling, cooking, heating water and other domestic purposes.

**17. Emissions caused by the burning of industrial waste, domestic waste and garden waste**

(1) No person may carry out or permit the burning of any industrial, domestic or garden waste on any land or premises, for the purpose of disposing of that waste, unless the industrial, domestic or garden waste is legally disposed of in terms of section 20 of the Environment Conservation Act, 1989 (Act 73 of 1989) or the National Environmental Management: Waste Act, 2008 (Act 59 of 2008).

**18. Pesticide spraying emissions**

(1) No person may carry out or permit the spraying of pesticides, except as permitted by section 3 of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947).

(2) A person who intends carrying out the spraying of pesticides, either by tractor or aerial means, must obtain the prior written authorisation of the Municipality, which authorisation must specify -

(a) the name of the person to whom the authorisation is issued;

(b) the areas on which the pesticide may be applied;

(c) the period of time within which or when the pesticide may be applied;

(d) the period for which the authorisation is valid;

(e) obligations regarding the notification of owners and occupiers of all adjacent properties within 150 metres of the treatment area including the right of owners and occupiers of adjacent properties to lodge written objections to the proposed spraying of pesticides with the Municipality within 7 days of being notified; and

(f) any other conditions that the Municipality considers necessary to protect the environment.

(3) The provisions of this section are not applicable to -

- (a) buildings or inside buildings, including the domestic use of pesticides; or
- (b) any other defined area or defined activity to which the Municipality has declared this section not to apply.

## **19. Spray Painting Emissions**

- (1) No person may spray, coat, plate, or epoxy-coat any vehicle, article, object or allow them to be sprayed, coated, plated, or epoxy-coated with any flammable substance unless -
  - (a) a spraying permit has been obtained from the Municipality; and
  - (b) it is carried out in a spray booth or room approved by the designated fire officer in the Municipality, in consultation with the air quality officer, on premises registered for that purpose.
- (4) A spray room or booth or area designated for the application of a flammable substance must be constructed and equipped according to the requirements in Schedule 2 to this By-law and must be operated in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as may be amended from time to time.

## **20. Emissions that cause a nuisance**

- (1) Notwithstanding any other provisions of this By-law, no person may generate or cause emissions, including odour, or allow emissions to be generated or caused, that cause a nuisance.

## **Part 3: Noise Pollution**

### **21. Designation of Noise Controlled Areas**

- (1) The Municipality may designate an area to be a noise controlled area by notice in the *Provincial Gazette*.
- (2) A notice contemplated in subsection (1) may –
  - (a) designate maximum sound levels for noise in the area;

- (b) identify activities that may not be undertaken; and
  - (c) prescribe times during which certain activities may only be undertaken.
- (3) The designation of a noise controlled area may be amended or cancelled by notice in the *Provincial Gazette*.
- (4) No person may –
- (a) undertake an activity that generates noise, or causes noise to be generated in a noise controlled area unless it is in accordance with any requirements specified in terms of subsection (2);
  - (b) erect educational, residential, high density, hospital, church or office buildings in an existing township in a noise controlled area unless acoustic screening measures have been provided in the building to limit the reading on an integrating impulse sound level meter, measured inside the building after completion, to 40 dBA or such level as may be determined in accordance with subsection (1): Provided that any air-conditioning or ventilating system shall be switched off during the course of such noise measurements; or
  - (c) situate educational, residential, hospital or church erven within a noise controlled area in a new township or an area that has been rezoned: Provided that such situation may be allowed by the Municipality in accordance with the acoustic screening measures mentioned by the Municipality.
- (5) The Municipality must conduct a public participation process as contemplated in Chapter 4 of the Municipal Systems Act before designating a noise controlled area.

## **22. Prohibition of Disturbing Noise**

- (1) No person may cause a disturbing noise, or allow it to be caused by any person, animal, machine, device, vehicle or apparatus or any combination thereof.

## 23. Prohibition of Noise Nuisance

- (1) Where it may cause a noise nuisance, no person shall –
- (a) operate or play, or allow to be operated or played, a radio, television set, drum, musical instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound;
  - (b) offer any article for sale by shouting, ringing a bell or making other sounds or by allowing shouting, the ringing of a bell or making of other sounds;
  - (c) allow an animal owned or controlled by him or her to make a noise;
  - (d) discharge fireworks in a residential area, without prior permission from the Municipality;
  - (e) build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft or object, or allow it to be built, made, constructed, repaired, rebuilt, modified, operated or tested on or near residential premises;
  - (f) erect, demolish or alter a building or structure or allow it to be erected, demolished or altered if it affects a residential zone or premises unless permission is granted by the Municipality or a local municipality to conduct building operations within the hours specified in SANS 10400 for the control of noise;
  - (g) use or discharge any explosive, firearm or similar device that emits impulsive sound or allow it to be or discharged, except with the prior consent in writing of the Municipality and subject to such conditions as the Municipality may deem necessary, unless the person may be otherwise authorised in law to use or discharge the explosive, firearm or similar device;
  - (h) on a piece of land or in water or in airspace above a piece of land used for residential or recreational purposes –
    - (i) operate a recreational vehicle; or

(ii) as the owner or person in control of the piece of land, water or airspace, allow any person to operate a recreational vehicle on such land or in such water or airspace;

(i) except in an emergency, emit a sound, or allow a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device;

(j) drive a vehicle on a public road; or

(k) use any power tool or power equipment used for construction work, drilling work or demolition work, or allow it to be used, in or near a residential area, unless permission was granted by the Municipality to conduct normal construction or repair work to public or private property.

#### **24. Music, Open-Air Music Festivals, Shows, Inclusive of Air Shows and Similar Gatherings**

(1) No person may stage any open-air entertainment festival, such as, but not limited to, a show, an air show, music concert, festival, sports event or similar gathering without obtaining prior written consent from the Municipality.

(2) Any consent that is granted by the Municipality –

(a) must contain conditions regarding the notification of the public; and

(b) any other conditions that are appropriate in the circumstances to reduce the impact of the event on the community.

(3) If any music causes or may cause a noise nuisance or a disturbing noise, the Municipality may instruct, in writing, that such music be discontinued until such conditions as the Municipality may deem necessary have been complied with.

(4) Subject to the provisions of subsection (3) and the applicable provisions of any other law, the Municipality may attach any instrument or equipment used to generate music if no permission has been obtained in terms of subsection (1).

#### **25. Motor vehicles**

(1) No person may drive a vehicle, or allow it to be driven, on a public road, if the

sound level at the measuring point measured, when stationary, in accordance with the procedure prescribed in SANS 10181 exceeds -

- (a) in the case of a non-exempted vehicle listed in Annexure A to SANS 10281, the stationary sound level specified in SANS 10281 for that type of vehicle; or
- (b) in the case of an exempted vehicle – a vehicle not listed in Annexure A to SANS 10281, by more than 5dBA the applicable reference sound level indicated in SANS 10281, for that type of vehicle.

(2) The Municipality may in order to determine whether a vehicle being used on any road in the area of jurisdiction of the Municipality, including a private, provincial or national road crossing its area of jurisdiction, complies with the provisions of this By-law, instruct the owner or person in control of the vehicle –

- (a) to stop the vehicle or cause it to be stopped; and
- (b) to have any appropriate inspection or test conducted on the vehicle as the Municipality may deem necessary, on the roadside where it was stopped or on a date and at a time and place determined by the Municipality in writing.

## CHAPTER 4: AUTHORISATION PROCEDURES

### 26. Authorisation procedures

(1) An application for any authorisation contemplated in this By-law must be –

- (a) in or on a form prescribed by the Municipality from time to time;
- (b) supported by such documentation as the Municipality may require; and
- (c) accompanied by proof of payment of the administrative fee, if any.

(2) If the environment or the rights or interests of other parties are likely to be adversely affected by a decision on the application, the applicant must conduct

a public participation process that is approved by the Municipality and which afford the public an opportunity to make representations on the application.

## **27. Decisions on applications**

- (1) The Municipality may, in writing, reject an application that is not in order because –
  - (a) the application form has not been properly completed;
  - (b) the required supporting documentation has not been submitted or is substantively inadequate; or
  - (c) a public participation process that was required has not been conducted or conducted adequately.
- (2) An application that has been rejected may be corrected by the applicant and resubmitted.
- (3) On receipt of an application that is in order, the Municipality must decide to –
  - (a) grant authorisation in respect of all or part of the application; or
  - (b) refuse authorisation in respect of all or part of the application.
- (4) After the Municipality has reached a decision to grant or refuse an application, it must within five days and in writing –
  - (a) notify the applicant of its decision;
  - (b) give reasons for the decision;
  - (c) where applicable, inform the applicant of the right to appeal the decision;
  - (d) instruct the applicant to draw the decision, and the rights to appeal the decision, to the attention of interested and affected parties; where a public participation process has been conducted.and
  - (e) issue the authorisation subject to any conditions that the Municipality deems appropriate.

## **28. Conditions of authorisation**

- (1) An authorisation contemplated in this By-law must indicate –
- (a) the name and address of the holder of the authorisation;
  - (b) the premises where the activity may take place, if those premises differ from the holder of the authorisation's address;
  - (c) the activity that is authorised;
  - (d) requirements in respect of monitoring, sampling and reporting, if any;
  - (e) the maximum allowed amount, volume, emission rate or concentration of pollutants that may be discharged in the atmosphere, if applicable;
  - (f) the period for which the activity is authorised, if applicable;
  - (g) any mandatory requirements indicated in the section of this By-law in terms of which the authorisation is granted; and
  - (h) any other conditions that are necessary to achieve the objectives of this By-law.

## **29. Amendments of Authorisations**

- (1) An authorisation issued in terms of this By-law may be amended –
- (a) on application by the holder of the authorisation; or
  - (b) on the initiative of the Municipality if it is necessary or desirable –
    - (i) to prevent impacts on human health or the deterioration or further deterioration of air quality in the municipality;
    - (ii) for the purposes of achieving prescribed air quality standards; or
    - (iii) to accommodate demands brought about by impacts on socio-economic circumstances and it is in the public interest to meet those demands.

- (2) An authorisation may be amended by –
- (a) changing the name of the holder;
  - (b) attaching an additional condition or requirement;
  - (c) substituting a condition or requirement;
  - (d) removing a condition or requirement;
  - (e) changing a condition or requirement;
  - (f) updating or changing any detail on the authorisation; or
  - (g) correcting a technical or editorial error.
- (3) If the application is made by the holder of the authorisation and is for a substantive amendment, or if the environment or the rights or interests of other parties are likely to be adversely affected, the Municipality must, before deciding the application, request the applicant to the extent appropriate –
- (a) to conduct a public participation process approved by the Municipality and which affords the public an opportunity to make representations on the application;
  - (b) to conduct such investigations and assessments as the Municipality may direct and to prepare reports on those investigations and assessments; and
  - (c) to submit to the Municipality those reports, together with any comments on those reports from interested and affected parties.
- (4) On having reached a decision on whether or not to grant the application, the Municipality must comply with the provisions of section 28(3) and (4), read with such necessary changes as the context may require.
- (5) If an application for amendment is approved, the Municipality must issue an amended authorisation to the applicant.
- (6) If the Municipality intends amending an authorisation in terms of subsection (1) it must first –

- (a) notify the holder of the authorisation, in writing, of the proposed amendment;
  - (b) give the holder of the authorisation an opportunity to submit representations on the proposed amendment; and
  - (c) conduct an appropriate public participation process to bring the proposed amendment to the attention of interested and affected parties and to afford them an opportunity to make representations.
- (7) On having reached a decision on whether or not to amend the authorisation, the Municipality must notify the holder of the authorisation and any interested parties that commented during a public participation process of the decision.
- (8) If the decision is to amend the authorisation, the Municipality must –
- (a) give reasons to the holder of the authorisation for the decision;
  - (b) draw that person's attention to the fact that an appeal may be lodged against the decision in terms of; and
  - (c) issue an amended authorisation to the holder of the authorisation.

### **30. Consequences of the unlawful commencement of an activity**

- (1) A person who conducts an activity without an authorisation required in terms of this By-law may apply to the Municipality for authorisation.
- (2) On receipt of an application contemplated in subsection (1) the Municipality may direct the applicant to -
- (a) immediately cease the activity pending a decision on the application submitted in terms of this section;
  - (b) investigate, evaluate and assess the impact of the activity on the environment, including the ambient air and human health;
  - (c) remedy any adverse effect of the activity on the environment, including the ambient air, and human health;

(d) cease, modify or control any act, activity, process or omission causing atmospheric emission;

(e) eliminate any source of atmospheric emission;

(f) compile a report containing—

(i) an assessment of the nature, extent, duration and significance of the consequences for or impacts on the environment, including the ambient air, and human health of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity;

(ii) a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment, including the ambient air, and human health of the activity;

(iii) a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how issues raised have been addressed;

(iv) an environmental management programme; or

(g) provide such other information or undertake such further studies as the licensing authority may deem necessary.

(3) Where the applicant has also applied for authorisation in terms of section 24G of the National Environmental Management Act, 1998 or section 22A of the National Environmental Management: Air Quality Act, the Municipality may allow the applicant to adopt a consolidated process.

(4) The Municipality must consider any reports or information submitted in terms of subsection (2) and thereafter may -

(a) refuse to issue the relevant authorisation;

- (b) issue the relevant authorisation, subject to such conditions as the Municipality may deem necessary, which authorisation shall only take effect from the date on which it has been issued; or
  - (c) direct the applicant to provide further information or take further steps prior to making a decision in terms of paragraphs (a) or (b).
- (5) The Municipality may as part of the decision contemplated in subsection (3), direct a person to -
  - (a) rehabilitate the environment within such time and subject to such conditions as the Municipality may deem necessary;
  - (b) prevent or eliminate any source of atmospheric emission from the activity within such time and subject to such conditions as the Municipality may deem necessary; or
  - (c) take any other steps necessary under the circumstances.
- (6) If the Municipality has established a system for imposing and collecting administrative fines, a person contemplated in subsection (1) must pay an administrative fine, which may not exceed R5 million for each activity that has commenced unlawfully and which must be determined by the Municipality, before the Municipality may act in terms of subsection (3).
- (7) In considering a decision contemplated in subsection (3), the Municipality may take into account whether or not the applicant complied with any directive issued in terms of this By-law.
- (8) The submission of an application in terms of subsection (1) or the issuing of a authorisation in terms of subsection 3 or the payment of the administrative fine in terms of subsection (5) shall in no way derogate from -
  - (a) an authorised person or the South African Police Services' authority to investigate any transgression in terms of this By-law; or
  - (b) the National Prosecuting Authority's legal authority to institute any criminal prosecution.
- (9) If, at any stage after the submission of an application in terms of subsection (1),

it comes to the attention of the Municipality, that the applicant is under criminal investigation for the contravention of or failure to comply with a provision of this By-law in respect of which the application is made, the Municipality may defer a decision on the application until such time that the investigation is concluded and -

- (a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
- (b) the applicant concerned is acquitted or found not guilty after prosecution in respect of such contravention or failure has been instituted; or
- (c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.

## **CHAPTER 5: COMPLIANCE AND ENFORCEMENT**

### **31. Appointment of authorised persons**

- (1) The Municipality must appoint as many authorised persons as it considers necessary for undertaking compliance monitoring and enforcement with this By-law.
- (2) The appointment of an authorised officer may confer compliance monitoring and enforcement powers in respect of all or part of this By-law.
- (3) Any municipal official appointed as a peace officer or as an environmental management inspector in terms of the National Environmental Management Act, 1998 and who is mandated to undertake compliance monitoring and enforcement activities in respect of the National Environmental Management: Air Quality Management Act, 2004 shall be deemed to be an authorised person

for the purposes of this By-law.

- (4) Authorised persons must take all lawful and necessary measures to secure compliance with and to enforce the provisions of this By-law.

### **32. Power to issue compliance orders**

- (1) An authorised person may issue a compliance notice in the determined form and following a determined procedure if there are reasonable grounds for believing that a person -

- (a) has not complied with a provision of this By-law falling within the authorised person's mandate in terms of section 24(2);
- (b) has not complied with a term or condition of an authorisation or exemption issued in terms of this By-law; or
- (c) is causing a nuisance, or is allowing a nuisance to be caused.

- (2) A compliance notice must set out -

- (a) the name and address of the person to whom the notice is issued;
- (b) details of the authority of the person issuing the notice to issue that notice;
- (c) details of the conduct constituting non-compliance;
- (d) any steps the person must take and the period within which those steps must be taken;
- (e) anything which the person may not do, and the period during which the person may not do it, if applicable;
- (f) the procedure for lodging an appeal; and
- (g) information regarding the penalties that may be incurred if the notice is not complied with.

- (3) In the event of an authorised person issuing a compliance notice in respect of a contravention of section 32 the notice must direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a

place identified in the notice for re-testing before the expiry of that period.

- (4) A compliance notice contemplated in subsection (4) must contain, amongst others, the following information -
- (a) the make, model and registration number of the vehicle;
  - (b) the name, address; identity number or other positive identification of the driver of the vehicle; and
  - (c) if the driver of the vehicle is not the owner of the vehicle, the name and address of the vehicle owner.
- (5) Where a small boiler has been installed, altered, extended or replaced on premises in contravention of section 11 the compliance notice may instruct the owner of the premises to remove the small boiler from the premises at the expense of the owner and within the period stated in the notice.
- (6) An authorised person may, on good cause shown, vary a compliance notice and extend the period within which the person must comply with the notice.
- (7) An authorised person may withdraw a compliance notice if it is necessary to substitute the compliance notice with a new one.
- (8) Where required by the Promotion of Administrative Justice Act, 2000, the person to whom a compliance notice is to be issued must be afforded an opportunity to make representations to the authorised person before the notice is issued.

### **33. Offences**

- (1) A person is guilty of an offence if that person –
- (a) contravenes an obligation or prohibition stipulated in this By-law;
  - (b) fails to comply with a condition of any authorisation issued to that person in terms of this By-law;
  - (c) refuses or fails to comply with a directive or compliance notice issued in terms of this By-law;

- (d) supplies false or misleading information to an authorised person in respect of any issue pertaining to this By-law;
- (e) refuses to co-operate with the request of an air quality officer or authorised person made in terms of this By-law;
- (f) tampers with, removes, puts out of action, damages or impairs the functioning of a noise monitoring system, noise limiter, noise measuring instrument, acoustic device, road traffic sign or notice placed in a position by or on behalf of the Municipality;
- (g) hinders or obstructs an authorised person in the execution of their duties;  
or
- (h) unlawfully and intentionally or negligently commits any act or omission which causes or is likely to cause significant air pollution.

#### **34. Penalties**

- (1) A person convicted of an offence in terms of section 33 is liable on conviction to a fine not exceeding five million rand or to imprisonment not exceeding five years and in the case of a second or subsequent conviction, to a fine not exceeding R10 million rand or imprisonment for a period not exceeding 10 years, or in both instances to both a fine and such imprisonment.
- (2) Any person convicted of an offence in terms of this By-law, and who after such conviction persists in the act or omission which constituted the offence, shall be guilty of a continuing offence and liable on conviction to a fine not exceeding R10 000,00 or to imprisonment for a period not exceeding 20 days or to both such fine and such imprisonment in respect of every day on which he persists with such act or omission.
- (3) Whenever any person is convicted of an offence in terms of this By-law and it appears that such person has by that offence caused loss or damage to any organ of state or other person, the court may in the same proceedings at the written request of the Municipality or other organ of state or other person concerned, and in the presence of the convicted person, inquire summarily and without pleadings into the amount of the loss or damage so caused.

- (4) Upon proof of such amount contemplated in subsection (3), the court may give judgement therefor in favour of the organ of state or other person concerned against the convicted person, and such judgement shall be of the same force and effect and be executable in the same manner as if it had been given in a civil action duly instituted before a competent court.
- (5) Whenever any person is convicted of an offence under any provision of this By-law the court convicting such person may summarily enquire into and assess the monetary value of any advantage gained or likely to be gained by such person in consequence of that offence, and, in addition to any other punishment imposed in respect of that offence, the court may order-
- (a) the award of damages or compensation or a fine equal to the amount so assessed; or
  - (b) that such remedial measures as the court may determine must be undertaken by the convicted person.
- (6) Notwithstanding the provisions of subsection (1) an authorised person who is a peace officer as contemplated in the Criminal Procedures Act, 1977 who has reason to believe that a person has committed an offence specified in terms of section 33 may issue to the alleged offender a written notice referred to in section 56 or section 341, as the case may be, of the Criminal Procedure Act, 1977 (Act 51 of 1977).
- (7) The amount of the fine stipulated in the notice referred to in subsection (6) may not exceed the amount -
- (a) prescribed for the offence; and
  - (b) which a court would presumably have imposed in the circumstances.
- (8) The provisions of sections 56, 57; 57A and 341 of the Criminal Procedure Act, 1977, apply subject to such modifications as the context may require, to written notices and admission of guilt fines referred to in this section.

## CHAPTER 6: GENERAL MATTERS

### 35. Appeals

- (1) Any person whose rights are affected by a decision taken in terms of this By-law may appeal against that decision in terms of section 62 of the Municipal Systems Act.
- (2) An appeal must –
  - (a) be submitted to the Municipal Manager within 21 days of the appellant being notified of the decision;
  - (b) be in writing and accompanied by the reasons for the appeal; and
  - (c) comply with the requirements and procedures set out in any guideline published by the Municipality.
- (3) Pending a decision on an appeal, the appellant must, unless permitted otherwise by the Municipality, comply with any obligations that have been imposed as part of the decision.

### 36. Exemptions

- (1) Any person may apply for exemption from the provisions of this By-law to the Municipality, in a form prescribed by the Municipality from time to time.
- (2) An application in terms of subsection (1) above must be accompanied with sound reasons for such exemption and any documentation that the Municipality requires in order for it to consider the application.
- (3) The Municipality may grant an exemption or temporary exemption, in writing and subject to conditions, from one or more provisions of this By-law, provided that the Municipality is satisfied that granting the exemption will not significantly prejudice the objectives referred to in section 2 of this By-law.
- (4) The Municipality may not grant an exemption under subsection (1) -

- (a) from the need to obtain authorisation where the activity in question has the potential to cause serious harm to health or the environment; and
- (b) where exemption is applicable, until the Municipality has –
  - (i) taken measures to ensure that all persons whose rights may be detrimentally affected by the granting of the exemption, including but not limited to adjacent land owners or occupiers, are made aware of the application for exemption and how to obtain a copy of it;
  - (ii) provided such persons with a reasonable opportunity to object to the application; and
  - (iii) duly considered and taken into account any objections that are raised.

(5) The Municipality may—

- (a) from time to time review any exemptions granted in terms of this section; and
- (b) on good grounds withdraw any exemption.

### **37. Delivery of documents**

- (1) A notice or other document in terms of this By-law may be issued to a person—
- (a) by delivering it by hand;
  - (b) by sending it by registered mail -
    - (i) to that person's business or residential address; or
    - (ii) in the case of a juristic person, to its registered address or principal place of business;
  - (c) by faxing a copy of the notice or other document to the person, if the person has a fax number;
  - (d) by e-mailing a copy of the notice or other document to the person, if the person has an e-mail address;

(e) by posting a copy of the notice or other document to the person by ordinary mail, if the person has a postal address; or

(f) where an address is unknown despite reasonable enquiry, by publishing it once in the *Provincial Gazette* and once in a local newspaper circulating in the area of that person's last known residential or business address.

(2) A notice or other document issued in terms of subsection (1)(b) to (f) must be regarded as having come to the notice of the person, unless the contrary is proved.

### **38. Delegation**

(1) The Municipality, as represented by the Council, may delegate a power or duty vested in it in terms of this By-law to –

(a) the Municipal Manager;

(b) the air quality officer appointed in terms of the National Environmental Management: Air Quality Act, 2004; or

(c) the holder of an office in the Municipality.

(2) A delegation in terms of this By-law –

(a) must be in writing;

(b) may be subject to conditions;

(c) does not prevent the exercise of the power or the performance of the duty by the Council itself;

(d) may include the power to sub-delegate;

(e) may be withdrawn; and

(f) must not conflict with section 160 of the Constitution of the Municipal Systems Act.

(3) The power to delegate excludes the power to delegate the setting and adoption of tariffs, administrative fees and emission standards.

**39. State and Municipality bound**

(1) This By-law is binding on the State.

**40. Savings**

(1) Anything done or deemed to have been done under another By-law remains valid to the extent that it is consistent with this By-law or until anything done under this By-law overrides it.

**41. Short title and commencement**

(1) This By-law may be cited as the Nkangala District Municipality Air Quality Management By-law, 2015 and take effect on the date of publication in the *Provincial Gazette*.

**SCHEDULE 1: LIST OF IDENTIFIED SUBSTANCES**

- 1) Ammonia (NH<sub>3</sub>)
- 2) Benzene (C<sub>6</sub>H<sub>6</sub>)
- 3) Cadmium (Cd)
- 4) Carbon Monoxide (CO)
- 5) Chlorine (Cl<sub>2</sub>)
- 6) Dioxins and Furans (PCDD/PCDF)
- 7) Dustfall
- 8) Fluorene, Phenanthrene, Fluoranthene
- 9) Formaldehyde
- 10) Hydrogen chloride (HCl)
- 11) Hydrogen fluoride (HF)
- 12) Hydrogen sulphide (H<sub>2</sub>S)
- 13) Lead (Pb)
- 14) Mercury (Hg)
- 15) Nitrogen Dioxide (NO<sub>2</sub>)
- 16) Oxides of nitrogen (NO<sub>x</sub>)
- 17) Ozone (O<sub>3</sub>)
- 18) Particulate Matter (PM<sub>10, 2.5, 1</sub>)
- 19) Poly Aromatic Hydrocarbons (PAH)
- 20) Sulphur Dioxide (SO<sub>2</sub>)
- 21) Sulphur trioxide (from sulphonation processes) (SO<sub>3</sub>)
- 22) Sum of arsenic, antimony, lead, cobalt, copper manganese, vanadium and nickel (As; Sb; Pb; Co; Cu; Mn; V & Ni)
- 23) Thallium (Tl)
- 24) Total fluorides measured as Hydrogen fluoride (F as HF)
- 25) Total reduced sulphur compounds measured as H<sub>2</sub>S (H<sub>2</sub>S)
- 26) Total volatile organic compounds (thermal treatment)

**SCHEDULE 2: SPRAY BOOTH CONSTRUCTION REQUIREMENTS**

<b>WALLS</b>	225mm Brickwork or an approved material
<b>ROOF</b>	Reinforced concrete or an approved material
<b>FLOOR</b>	Concrete or other impervious material
<b>DOORS</b>	<p>(A) – Constructed of 50mm hardwood completely covered, including the edges, with 24 s.w.g. metal secured to the door with bolts at 30mm centres along the edges. The doors to open outwards and to be hung on Tee hinges bolted to the door.</p> <p>(B) – Close fitting metal doors not less than 3mm in thickness, carried on an angle iron frame and having an all round overlap or not less than 50mm.</p>
<b>NOTE:</b>	Where the floor area exceeds 18 square metres 2 doors must be provided.
<b>WINDOWS</b>	Metal frames with no opening sections glazed with wire-woven glass not exceeding 460mm x 460mm. Putty approved by the SANS Code No. 680/59 only to be used and the occupier to furnish proof of this to the designated fire officer.
<b>NOTE:</b>	The Factory Inspector requires natural light to the extent of 20% of the floor area.
<b>VENTILATION</b>	30 Lineal metres/minute velocity across the room must be provided by means of mechanical ventilation, with the center line of the inlets 460mm above the floor level and to discharge through vertical metal ducting terminating 1 metre above the apex of the roof. No right angle bends to be used in the ducting system. Exhaust fans to be installed at 4 metre centres or horizontal metal ducting extending the entire length of the wall with suitable inlets, must be provided.
<b>NOTE:</b>	If the ducting is external to the Spray Booth and in communication with the Workshop etc., it must be protected by either 110mm brick cement lagging.

<b>VENTILATION INLETS</b>	The wall opposite the exhaust fans to be honeycombed with airbricks installed from 100mm above floor level to a height of not less than 2 metres.
<b>MINIMUM NUMBER OF AIRBRICKS</b>	<b>SIZE OF THE ROOM</b>
40	Up to but not exceeding 140 cubic metres
65	Up to but not exceeding 280 cubic metres
90	Up to but not exceeding 470 cubic metres
150	Up to but not exceeding 650 cubic metres
<b>NOTE:</b> Metal filters with metal swarf elements may only be used in an all metal installation, in lieu of Airbricks.	
<b>ELECTRICAL WORK</b>	All electrical work must be of flame-proof construction
<b>DANGER NOTICE</b>	“DANGER-NO SMOKING” notices in 150mm high white letters on a red background to be provided above the doors outside the Spray Booth.

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