



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Provinsiale Koerant

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

Vol: 29

NELSPRUIT

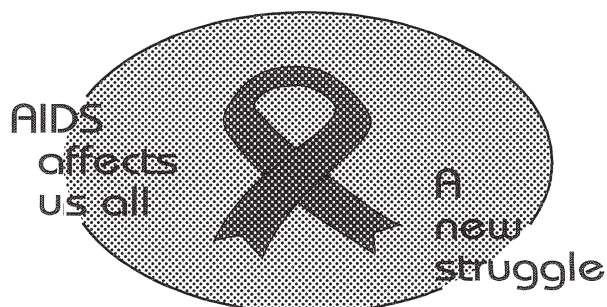
1 July 2022

1 Julie 2022

No: 3397

PART 1 OF 3

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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 1682-4512



9 771682 451008



0 3 3 9 7

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.

Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
GENERAL NOTICES • ALGEMENE KENNISGEWINGS			
150	Steve Tshwete Local Municipality SPLUM By-law, 2016: Erf 80 of the Kranspoort Extension 1 Vakansiedorp Township	3397	4
150	Steve Tshwete Plaaslike Munisipaliteit SPLUM Bywet, 2016: Erf 80 van die Kranspoort Uitbreiding 1 Vakansiedorp	3397	5
154	Mpumalanga Traditional Leadership and Governance Act (3/2005): Various Recognitions	3397	6
155	Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000): Dr JS Moroka Local Municipality: Draft Prevention and Suppression of Nuisance By-Law	3397	11
156	Steve Tshwete Local Municipality SPLUM by-law, 2016: Erf 80 of the Kranspoort Extension 1 Vakansiedorp Township	3397	27
156	Steve Tshwete Plaaslike Munisipaliteit SPLUM Bywet, 2016: Erf 80 van die Kranspoort Uitbreiding 1 Vakansiedorp	3397	27
PROCLAMATIONS • PROKLAMASIES			
132	Emalahleni Spatial Planning and Land Use Management By-Law, 2016: Notice of approval of Emalahleni Amendment Schemes 2348 and 2349	3397	28
PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS			
177	Thaba Chweu Spatial Planning and Land Use Management By-Law, 2016: Rezoning of Portion 41 (a Portion of Portion 16) of the farm Rooidraai 34, Registration Division J.T., Province Mpumalanga	3397	29
LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS			
190	Bushbuckridge Spatial Planning and Land Use Management By-Law, 2022: Final: 17 March 2022	3397	30
191	Nkomazi Local Municipality: Credit Control & Debt Collection By-Law	3397	160
192	Local Government: Municipal Systems Act 32 of 2000, as amended: Erf 10130 Township of Mhluzi	3397	194
193	Steve Tshwete Local Municipality: Integrated Waste Management By-Laws, 2022	3397	195
194	Govan Mbeki Spatial Planning and Land Use Management By-Law, 2016: Erf 153, Evander Extension 00, Registration Division I.S., Mpumalanga; and Erf 2898, Embalenhle Extension 04, Registration Division I.S., Mpumalanga	3397	282
195	Dr JS Moroka Land Use Management Scheme 2020: Portion 5 of the Farm Schildpadfontein 692-KR	3397	283
195	Dr JS Moroka Munisipaliteit Grondgebruikbestuurskema, 2020: Gedeelte 5 van die Plaas Schildpadfontein 692-KR	3397	283

Closing times for **ORDINARY WEEKLY** 2022

MPUMALANGA PROVINCIAL GAZETTE

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

- **31 December 2021**, Friday for the issue of Friday **07 January 2022**
- **07 January**, Friday for the issue of Friday **14 January 2022**
- **14 January**, Friday for the issue of Friday **21 January 2022**
- **21 January**, Friday for the issue of Friday **28 January 2022**
- **28 January**, Friday for the issue of Friday **04 February 2022**
- **04 February**, Friday for the issue of Friday **11 February 2022**
- **11 February**, Friday for the issue of Friday **18 February 2022**
- **18 February**, Friday for the issue of Friday **25 February 2022**
- **25 February**, Friday for the issue of Friday **04 March 2022**
- **04 March**, Friday for the issue of Friday **11 March 2022**
- **11 March**, Friday for the issue of Friday **18 March 2022**
- **17 March**, Thursday for the issue of Friday **25 March 2022**
- **25 March**, Friday for the issue of Friday **01 April 2022**
- **01 April**, Friday for the issue of Friday **08 April 2022**
- **07 April**, Thursday for the issue of Friday **15 April 2022**
- **13 April**, Wednesday for the issue of Friday **22 April 2022**
- **21 April**, Thursday for the issue of Friday **29 April 2022**
- **28 April**, Thursday for the issue of Friday **06 May 2022**
- **06 May**, Friday for the issue of Friday **13 May 2022**
- **13 May**, Friday for the issue of Friday **20 May 2022**
- **20 May**, Friday for the issue of Friday **27 May 2022**
- **27 May**, Friday for the issue of Friday **03 June 2022**
- **03 June**, Friday for the issue of Friday **10 June 2022**
- **09 June**, Thursday for the issue of Friday **17 June 2022**
- **17 June**, Friday for the issue of Friday **24 June 2022**
- **24 June**, Friday for the issue of Friday **01 July 2022**
- **01 July**, Friday for the issue of Friday **08 July 2022**
- **08 July**, Friday for the issue of Friday **15 July 2022**
- **15 July**, Friday for the issue of Friday **22 July 2022**
- **22 July**, Friday for the issue of Friday **29 July 2022**
- **29 July**, Friday for the issue of Friday **05 August 2022**
- **04 August**, Thursday for the issue of Friday **12 August 2022**
- **12 August**, Friday for the issue of Friday **19 August 2022**
- **19 August**, Friday for the issue of Friday **26 August 2022**
- **26 August**, Friday for the issue of Friday **02 September 2022**
- **02 September**, Friday for the issue of Friday **09 September 2022**
- **09 September**, Friday for the issue of Friday **16 September 2022**
- **16 September**, Friday for the issue of Friday **23 September 2022**
- **23 September**, Friday for the issue of Friday **30 September 2022**
- **30 September**, Friday for the issue of Friday **07 October 2022**
- **07 October**, Friday for the issue of Friday **14 October 2022**
- **14 October**, Friday for the issue of Friday **21 October 2022**
- **21 October**, Friday for the issue of Friday **28 October 2022**
- **28 October**, Friday for the issue of Friday **04 November 2022**
- **04 November**, Friday for the issue of Friday **11 November 2022**
- **11 November**, Friday for the issue of Friday **18 November 2022**
- **18 November**, Friday for the issue of Friday **25 November 2022**
- **25 November**, Friday for the issue of Friday **02 December 2022**
- **02 December**, Friday for the issue of Friday **09 December 2022**
- **08 December**, Thursday for the issue of Friday **16 December 2022**
- **15 December**, Thursday for the issue of Friday **23 December 2022**
- **22 December**, Thursday for the issue of Friday **30 December 2022**

GENERAL NOTICES • ALGEMENE KENNISGEWINGS
GENERAL NOTICE 150 OF 2022

GENERAL NOTICE

PROPOSED REZONING APPLICATION IN TERMS OF SECTION 67 OF THE STEVE TSHWETE LOCAL MUNICIPALITY SPLUM BY-LAW, 2016.

We, KMC Geomatics (Reg No. 2008/017997/21), the authorized agents of the registered owners of Erf 80 of the Kranspoort Extension 1 Vakansiedorp Township (Situated adjacent to the East of 99 Rooi-ivoor Street, Kranspoort Extension 1), hereby give notice that we have applied to the Steve Tshwete Local Municipality for a Rezoning of a portion of Erf 80 from "Private Open Space" to "Residential 1" in terms of Section 67 of the Steve Tshwete Local Municipality SPLUM by-law, 2016, to be able to subdivide, and subsequently consolidate the portion with Erf 99 of the Kranspoort Extension 1 Vakansiedorp Township.

Particulars of the application will lie for inspection during normal office hours at the office of the authorised Town Planner of the Local Municipality, 14 SADC Street, Middelburg, 1055, for a period of 30 days from 10 June 2022.

Contact details of the authorised Municipal official: *Mr. Thuso – 013 249 7180.*

Objections to or representations in respect of the application must be lodged with- or made to the above-mentioned address in accordance with Section 99 of the SPLUM by-law, 2016, before 10 July 2022.

Any person who is unable to read or write can consult with any staff member during office hours and assistance will be provided to write down the person's objections or comments.

Address of authorised agent:
KMC Geomatics,
10 Kruger Street, Groblersdal, 0470
12A Kogel Street, Middelburg, 1050
Cell No 082 929 8554.
admin@kmcgeo.co.za
Ref. No.: 80KP

24-1

ALGEMENE KENNISGEWING 150 VAN 2022**ALGEMENE KENNISGEWING****AANSOEK VIR HERSONERING IN TERME VAN ARTIKEL 67 VAN DIE STEVE TSHWETE PLAASLIKE MUNISIPALITEIT SPLUM
BYWET, 2016**

Ons, KMC Geomatics (Reg No. 2008/017997/21), die gemagtigde agente van die geregistreerde eienaars van Erf 80 van die Kranspoort Uitbreiding 1 Vakansiedorp (Geleë aangrensend aan die Ooste van Rooi-Ivoorstraat 99, Kranspoort Uitbreiding 1), gee hiermee kennis dat ons by die Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het vir 'n hersonering van 'n gedeelte van Erf 80 vanaf "Privaat Oopruimte" na "Residensieel 1" ingevolge Artikel 67 van die Steve Tshwete Plaaslike Munisipaliteit SPLUM bywet, 2016, om die gedeelte te kan onderverdeel, en daarna te konsolideer met Erf 99 van die Kranspoort Uitbreiding 1 Vakansiedorp.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die gemagtigde Stadsbeplanner van die Plaaslike Munisipaliteit, SADC-straat 14, Middelburg, 1055, vir 'n tydperk van 30 dae vanaf 10 Junie 2022.

Kontakbesonderhede van die gemagtigde Munisipale amptenaar: *Mnr. Thuso – 013 249 7180.*

Besware teen-, of verhoë ten opsigte van die aansoek moet ooreenkomstig met Artikel 99 van die SPLUM bywet, 2016, by bogenoemde adres ingedien word voor 10 Julie 2022.

Enige persoon wat nie kan lees of skryf nie, kan met enige personeellid konsulteer gedurende kantoorure en hulp sal verleen word om die persoon se besware of kommentaar neer te skryf.

Adres van gemagtigde agent:

KMC Geomatics,

Krugerstraat 10, Groblersdal, 0470

Kogelstraat 12A, Middelburg, 1050

Sel No 082 929 8554.

admin@kmcgeo.co.za

Verw. No.: 80KP

24-1

GENERAL NOTICE 154 OF 2022

**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, read with section 8(3)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), 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 read further with section 8(2)(d), read with section 8(3)(b) of the Traditional and Khoi-San Leadership Act, 2019 and with immediate effect, recognized **Abednego Nxumalo (ID number: 820412 6060 086)** as **Hosi of the Amashangana Traditional Council**, which recognition is hereby published for general information.



MS. R.M. MTSHWENI-TSIPANE
PREMIER: MPUMALANGA PROVINCE

DATE: 12/05/2022

SLA9236M

PREMIER'S NOTICE**TRADITIONAL AND KHOI-SAN LEADERSHIP ACT, 2019
(ACT NO. 3 OF 2019)**


It is hereby notified that I, **Refilwe Maria Mtshweni-Tsipane**, in my capacity as Premier of the Mpumalanga Province have, with immediate effect, in terms of section 8(2)(d) of the Traditional and Khoi-San Leadership Act, 2019, recognized **Oupa Lucky Nyalonga (ID number: 751022 5094 086)** as **Induna** of the **Mogane Traditional Council**, which recognition is hereby published for general information as required in terms of section 8(3)(a) of the Traditional and Khoi-San Leadership Act, 2019.



MS. R.M. MTSHWENI-TSIPANE
PREMIER: MPUMALANGA PROVINCE
DATE: 12/05/2022
SLA9239M

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, read with section 8(3)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), 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 read further with section 8(2)(d), read with section 8(3)(b) of the Traditional and Khoi-San Leadership Act, 2019 and with immediate effect, recognized **Sipho Sydney Mahlangu (ID number: 740119 5448 082)** as **Ikosi** of the **Ndzundza Mabusa Traditional Community**, which recognition is hereby published for general information.



MS. R.M. MTSHWENI-TSIPANE
PREMIER: MPUMALANGA PROVINCE
DATE: 12/05/2022
SLA9235M

PREMIER'S NOTICE**TRADITIONAL AND KHOI-SAN LEADERSHIP ACT, 2019
(ACT NO. 3 OF 2019)**

It is hereby notified that I, **Refilwe Maria Mtshweni-Tsipane**, in my capacity as Premier of the Mpumalanga Province have, with immediate effect, in terms of section 8(2)(d) of the Traditional and Khoi-San Leadership Act, 2019, recognized **Nios Mogane (ID number: 500809 5546 089)** as **Induna** of the **Mogane Traditional Council**, which recognition is hereby published for general information as required in terms of section 8(3)(a) of the Traditional and Khoi-San Leadership Act, 2019.



MS. R.M. MTSHWENI-TSIPANE
PREMIER: MPUMALANGA PROVINCE

DATE: 12/05/2022

SLA9238M

PREMIER'S NOTICE**TRADITIONAL AND KHOI-SAN LEADERSHIP ACT, 2019
(ACT NO. 3 OF 2019)**

It is hereby notified that I, **Refilwe Maria Mtshweni-Tsipane**, in my capacity as Premier of the Mpumalanga Province have, with immediate effect, in terms of section 8(2)(d) of the Traditional and Khoi-San Leadership Act, 2019, recognized **Keletso Advice Sedibe (ID number: 870829 5483 085)** as **Induna** of the **Mogane Traditional Council**, which recognition is hereby published for general information as required in terms of section 8(3)(a) of the Traditional and Khoi-San Leadership Act, 2019.



MS. R.M. MTSHWENI-TSIPANE
PREMIER: MPUMALANGA PROVINCE
DATE: 12/05/2022

SLA9237M

GENERAL NOTICE 155 OF 2022**DR JS MOROKA LOCAL MUNICIPALITY****DRAFT PREVENTION AND SUPPRESSION OF NUISANCE BY-LAW**

In accordance with the powers bestowed upon the Municipal Council of the Dr J.S. Moroka Local Municipality in terms of section 11(3) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), read together with section 156 of the Constitution of the Republic of South Africa, Act 106 of 1996, the Municipal Council of the Dr JS Moroka Local Municipality hereby adopts the Noise and Nuisance By-Law of the Dr JS Moroka Local Municipality, to take effect upon publication in the Provincial Gazette.

BE IT ENACTED by the Council of the Dr JS Moroka Local Municipality, as follows:

Table Contents

1. Definitions
2. Principles & Objectives

Part 1 General provisions

3. Prohibited behavior
4. Noise Nuisance
5. Street and door-to-door collections
6. Parking and related services
7. Prohibitions relating to motor vehicles
8. Objects causing an obstruction
9. Trees causing an interference or obstruction
10. Trees in streets
11. Goods, building materials, motor vehicle wrecks and other dangerous objects
12. Excavation in streets
13. Harmful or dangerous chemicals or substances in streets and the conveyance of animal carcasses and other waste
14. Prohibition of certain activities in connection with objects
15. Drying of washing on fences and boundaries
16. Prohibition of dangerous acts on public roads
17. Control of goods offered for sale
18. Bridges and crosses over gutters and sidewalks
19. Control of amusement shows and related devise
20. Sleeping or residing in motor vehicles prohibited
21. Display of street numbers
22. Animal and use of public place
23. Exemptions
24. The Municipality may act and recover costs
25. Offences
26. Penalties
27. Repeal of existing by-laws
28. Short title

1. Definitions

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

"Beg" means any request made by a person for an immediate donation of money or some other thing of value or otherwise. This definition does not include passively standing or sitting with a sign or other indication that one is seeking donations without addressing any solicitation to any specific person other than in response to an enquiry;

"Collection" means the door-to-door collection of money or some other thing of value in terms of written permission obtained from the Municipality;

"Heavy motor vehicle" includes a truck, light truck, bus, horse-and-trailer, caravan, or any other like vehicle wherein it is possible to have persons residing, sleeping or committing any unlawful act or conduct;

"Kerb line" means the boundary between the shoulder and the verge or, in the absence of a shoulder, the part between the edge of the roadway and the verge;

"Motor vehicle" means any self-propelled vehicle and includes—

- (a) a trailer; and
- (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include—
 - (i) any vehicle propelled by electrical power derived from storage batteries which is controlled by a pedestrian; or
 - (ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

"Municipality" means the Dr. J.S. Moroka Local Municipality and its legal successors, and when referred to as -

- (a) a legal entity, means the Dr JS Moroka Local Municipality as described in section 2 of the Local Government: Municipal Systems Act, (Act No. 32 of 2000); and
- (b) a geographic area, means the municipal area of the Dr JS Moroka Local Municipality as determined from time to time in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No 27 of 1998);

"Council" Means Dr Js Moroka Municipal Council.

"Noise nuisance" means any sound which disturbs or impairs or may disturb the convenience or peace of any person;

"Nuisance" any condition or conduct which is injurious or offensive to any

person or which is dangerous to or compromise the health or safety of any person or which causes an annoyance or disturbance to any person or to the residence of any area or which constitutes a threat or a potential threat to the environment or which causes harm or damage to the environment, or which may potentially harm or damage the environment.

"Public peace and security" means public tranquility, calmness, safety and freedom from civil disorder;

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

"public street" means any street, road or highway, thoroughfare, lane, footpath, sidewalk, alley, passage, square, bridge or any other place of a like nature or any portion thereof, and includes any appurtenance thereto;

"Animal" also includes birds and poultry;

"Obstruction" in relation to a road, means any motor vehicle or any other thing which blocks or is likely to block traffic flow; "overnight" means the period from 20h00 in the evening to 06h00 in the morning;

"Parking and related services" means parking services, car cleaning services, car washing services, car security services, windscreen washing services and any other similar services;

"Peace officer" means a law enforcement officer or traffic official of the Municipality who has been declared a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977), acting when on duty and properly identified as such;

"Public parking space" means any space in a public place designated by the Municipality for the parking of a motor vehicle;

"Public place" means—

- (a) a public road;
- (b) any parking area, square, park, recreation ground, sports ground, sanitary lane, open space, beach, shopping center on municipal land, unused or vacant municipal land or cemetery which has—

- (i) in connection with any subdivision or layout of land into erven, lots or plot been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
 - (ii) at any time been dedicated to the public;
 - (iii) at any time been declared or rendered as such by the Municipality or other Competent authority; or
- (c) a public transportation motor vehicle,
- (d) but will not include public land that has been leased or otherwise alienated by the Municipality;

"Public road" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes—

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"Public transportation motor vehicle" includes any train, bus, minibus or motor vehicle travelling on land, water or in the air, conveying members of the public at a fee;

"Roadway" means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the roadway;

"Shelter" means any structure that provides privacy or cover, that has one or more sides enclosed;

"Shoulder" means that portion of a road, street or thoroughfare between the edge of the roadway and the Kerb line;

"Sidewalk" means that portion of a verge intended for the exclusive use of pedestrians;

"Street entertainer" means a person who mimes, plays a musical instrument(s) for entertainment or engages in other performing or visual arts;

"Vehicle" means a device designed or adapted mainly to travel on wheels or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails; and

"Verge" means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder.

2. Principles and Objectives

To provide for the control of unreasonable noises and nuisances within the Municipality in order to provide for a prosperous and harmonious existence therein.

3. Prohibited behavior

- (1) No person, excluding a peace officer or any other official or person acting in terms of the law, shall—
 - (a) when in a public place—
 - (i) intentionally block or interfere with the safe or free passage of a pedestrian or motor vehicle; or
 - (ii) intentionally touch or cause physical contact with another person, or his or her property, without that person's consent;
 - (b) approach or follow a person individually or as part of a group of two or more persons, in a manner or with conduct, words or gestures intended to or likely to influence or to cause a person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other things of value; or
 - (c) Continue to beg from a person or closely follow a person after the person has given a negative response to such begging.
- (2) Any person who blocks, occupies or reserves a public parking space, or begs, stands, sits or lies in a public place shall immediately cease to do so when directed by a peace officer or member of the South African Police Services.
- (3) No person shall in a public place—
 - (a) use abusive or threatening language;
 - (b) use any form of hate speech;
 - (c) incite public violence;
 - (d) fight or act in a riotous or physically threatening manner;
 - (e) urinate or defecate, except in a toilet;
 - (f) bath or wash himself or herself, except—
 - (i) in a bath or shower; or
 - (ii) as part of a cultural initiation ceremony in an area where such a ceremony taking place;

- (g) Spit;
- (h) Perform any sexual act;
- (i) Appear in the nude or expose his or her genitalia, except where designated by the Municipality as areas where nudity is permitted, provided that this shall not apply to children below the age of seven;
- (j) Consume any liquor or drugs;
- (k) Be drunk or be under the influence of drugs;
- (l) Solicit or importune any person for the purpose of prostitution or immorality; engage in
- (m) gambling;
- (n) sleep overnight or camp overnight or erect any shelter, unless in an area designated for this purpose by, or with the written consent of the Municipality, provided that this shall not apply to cultural initiation ceremonies or informal settlements; or

- (o) Perform any other unlawful act.

4. Noise nuisance

No person shall-

- (a) cause or permit to be caused a disturbance by shouting, screaming or making any other other loud or persistent noise or sound, including amplified noise or sound; or
- (b) Permit noise from a private residence or business to be audible in a public place except for the purposes of loudspeaker announcements for public meetings or due to the actions of street entertainers. Should a person in private place intend to hold a meeting which would cause nuisance to neighbourhood, an application must be made to the Municipality in writing for approval and at least obtain signatures from the affected neighbors.

5. Disturbance of the peace

- (a) No person shall make, produce or cause a disturbance in noise, or allow it to be made, produced or caused by any person, animal, machine, device or apparatus or any combination thereof whether in a public or on private property.
- (b) No person shall-
 - (i) operate or play, or allow to be operated or played, a radio, television set, drums, music instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound so as to cause a noise nuisance;
 - (ii) offer any article for sale by means of any megaphone, loudspeakers or other similar device, or by shouting, ringing a bell or making other sound or by allowing shouting, the ringing of a bell or the making of other sound in a manner which may cause a noise nuisance.
 - (iii) 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 if it may cause a noise nuisance;
 - (iv) drive a vehicle on a public street in such a manner that it may cause a noise nuisance.
- (c) No person shall at any time of the day or night, disturb the public peace and security in any public place in the jurisdiction of the Council by wrangling, quarrelling, fighting or challenging to fight, or by striking with

or brandishing or using in a threatening manner, any stick or other weapon, or by any riotous, violent or unseemly behavior, which constitutes or may constitute a disturbance of the public peace and security.

- (d) No person shall in any public place in the jurisdiction of the Council use any abusive, indecent or threatening language or commit any act which is liable or calculated to cause a breach of the peace or write, print or draw any obscene words or figures in a public place.
- (e) If a noise emanating from a building, premises, vehicle, recreational vehicle or street is a disturbing noise or noise nuisance the person causing such noise or who is responsible therefore, or the owner or occupant of such building, premises, vehicle or recreational vehicle from which such noise emanates or may emanate, or all such persons, is deemed responsible for the disturbing noise or noise nuisance and punishable in terms of this by-law.

6. Street and door-to-door collections

No person shall collect or attempt to collect money in a public place, or organize or in any way assist in the organization of such collection, except with the written permission of the Municipality in accordance with such conditions as may be determined by the Municipality, which shall not disbar any person or organization from collecting money from door-to-door.

7. Parking and related services

- (1) The Municipality may, after consideration and consultation, and implementing the necessary enabling licensing system, designate areas where no person shall, in exchange for money or some other thing of value or in anticipation thereof—
 - (a) direct the operator or occupant of a motor vehicle to a public parking space;
- (2) Notwithstanding subsection (1), the Municipality may, subject to such requirements and conditions as determined by it, on application by a person or organization representing such a person, permit such person, upon payment of a nominal fee, to direct the operator or occupant of a motor vehicle to a public parking space or to provide any other parking and other related service.

8. Prohibitions relating to motor vehicles

- (1) No driver or person in control of a heavy motor vehicle shall park or leave such motor vehicle parked overnight in a public place and in a residential area.
- (2) No driver, person in control of a motor vehicle or passenger in the motor vehicle shall permit

any amplified noise to emanate from the motor vehicle such that it is audible at a distance of more than 60 meters.

9. Objects causing an obstruction

No person, other than a peace officer or other official or person acting in terms of the law shall—

- (a) deposit, pack, unpack or leave any goods or articles in a public place, or cause goods or articles to be deposited, packed, unpacked or left in a public place, other than for a reasonable period during the course of the loading, off-loading or removal of such goods or articles; or
- (b) In any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any object or motor vehicle.

10. Trees causing an interference or obstruction

- (1) Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, danger or inconvenience to persons using a public road, the Municipality may by notice in writing order the owner or occupier of such property to prune or remove such tree or growth to the extent and within the period specified in such notice, which period shall be at least 14 (fourteen) days.
- (2) If any person fails to comply with a notice in terms of this section, the Municipality may itself prune or remove the tree or growth at the reasonable expense of the person on whom the notice was served, so long as the Municipality gives the said person reasonable notice.

11. Trees in streets

- (1) No person other than a person duly authorized by the Municipality official shall—
 - (a) plant a tree or shrub in a public road, or in any way cut down a tree or a shrub in public road or remove it therefrom, except with the written permission of the Municipality;
 - (b) climb, break or damage a tree growing in a public road; or
 - (c) In any way mark or paint any tree growing in a public road or attach any advertisement thereto.
- (2) Any tree or shrub planted in a public road shall become the property of the Municipality.

12. Goods, building materials, motor vehicle wrecks and other dangerous objects

No person shall—

- (a) without the prior written permission of the Municipality or otherwise than in accordance with any conditions determined by the Municipality when granting such written

permission—

- (i) leave, store, pack or unpack goods or cause or permit goods to be left, stored, packed or unpacked, or accumulate or cause to be accumulated in any public place or balcony or verandah erected beyond the boundary of a public road any building materials, motor vehicle wrecks, spare parts of motor vehicles, building, waste materials or scaffolding; or
- (ii) bore or cut stone, slake or sift lime, or mix building materials in any public place; or
- (b) leave or accumulate or cause to be left or accumulated in any public place, or permit to be placed in any public place from premises owned or occupied by him or her, any broken glass or other potentially dangerous object; or
- (c) Transport or cause or permit to be transported building materials, mixed or unmixed on a public road in such a way as to damage the road.

13. Excavations in streets

- (1) No person shall make or cause to be made an excavation or dig or cause to be dug a pit, trench or hole in a public road—
 - (a) except with the written permission of the Municipality; and
 - (b) Otherwise than in accordance with the requirements prescribed by the Municipality.
- (2) The provisions of subsection (1) do not prevent a person from erecting an umbrella or any other similar object in a public place during daylight, provided that the manner in which it is erected does not result in damage to the vegetation or anything forming part of the public place concerned.

14. Harmful or dangerous chemicals or substances in streets and the conveyance of animal carcasses and other waste

- (1) No person other than an official of the Municipality or a person duly authorized by the Municipality to administer legally approved weed-killers, herbicides, poisons or pesticides shall set or cast such chemicals or substances in any public road.
- (2) No person shall carry or convey through a public road the carcass of an animal or any garbage, night-soil, refuse, litter, rubbish or manure—
 - (a) unless it is properly covered; and
 - (b) Unless it is conveyed in such type of container as will not allow any offensive leak or parts of the load to be spilt in the road.

15. Prohibition of certain activities in connection with objects

No person shall in a public place—

- (a) including on a balcony or verandah erected beyond the boundary line of a public road, wash, clean or dry any object, including any clothing, except in an area designated by the Municipality for that purpose;
- (b) effect any repairs to a motor vehicle or boat, except where necessary for the purpose of removing such motor vehicle from the place where it was involved in an accident or has a breakdown unless it is in a designated taxi rank or unless:
 - (i) the motor vehicle or boat is in a designated taxi rank;
 - (ii) the motor vehicle or boat is owned by a person resident on premises immediately adjacent to a public road and such work is carried out by a person so resident, but not where a motor workshop is run for commercial purposes; or
 - (iii) the Municipality has granted its prior permission in writing thereto, except where:
 - (aa) It has been carried on for a longer period than is, in the opinion of Municipality reasonably necessary for the completion thereof; or
 - (bb) It is, or the manner in which it is being carried out is, offensive or objectionable; or
- (c) wash or clean a motor vehicle, except—
 - (i) in an area designated by the Municipality for that purpose; or
 - (ii) where the owner of the motor vehicle has no alternative or cannot do so their private property:

Provided that this shall not be permissible in a public parking area.

16. Drying of washing on fences on boundaries

No person shall dry or spread washing, bedding or other items in a public place or on a fence on the boundary of a public road except where conditions in an area are such that it is not possible to do reasonably otherwise.

17. Prohibition of dangerous acts on public roads

No person shall—

- (a) in a public place do anything which may endanger the life or safety of any person or animal, including:
 - (i) to throw or place a stone, stick or other such potentially dangerous object in, onto or across a public road;
 - (ii) without the prior written permission of the Municipality or otherwise than in accordance with any conditions determined by the Municipality when granting such written permission or in contravention of any other applicable by-law, to use explosives or discharge fireworks;
 - (iii) except for a lawful purpose to discharge any firearm or air, gas or alarm gun or pistol unless—
 - (aa) the firearm or air, gas or alarm gun or pistol in question is discharged in any shooting range which complies with the provisions of any law applicable thereto; or
 - (bb) the firearm or air, gas or alarm gun or pistol in question is discharged for signaling the start of a race at an organised and controlled sports meeting, provided that blank cartridges only are fired thereby; or
 - (cc) The firearm or air, gas or alarm gun or pistol, or fireworks in question is discharged for a purpose and at a time and place approved in writing by the Municipality.

18. Control of goods offered for sale

- (a) The Municipality may, after consideration and consultation and implementing the necessary enabling licensing system, designate public places, public roads or road intersections where no person shall, display or offer for sale any goods or produce except as may be prescribed by the Municipality, provided this will not apply to the selling of newspapers at intersections or to the sale of goods by non-governmental organizations or developmental organizations which may apply for exemption for all their traders.
- (b) Notwithstanding paragraph (a), the Municipality may issue licenses for the sale of goods and produce and in so doing, the Municipality may limit the number of permits for an area and stipulate such conditions as it may from time to time prescribe.

19. Bridges and crossings over gutters and sidewalks

No private crossing, pathway, bridge or culvert shall be made or built to or in front of any dwelling or other premises in any public place—

- (a) except with the written permission of the Municipality; and
- (b) Otherwise than in accordance with the requirements prescribed by the Municipality.

20. Control of amusement shows and related devices

- (1) No person shall set up or use in any public place any circus, whirligig, roundabout or other side show or device for the amusement or recreation of the public—
 - (a) except with the written permission of the Municipality;
 - (b) otherwise than in accordance with such conditions as may be determined by the Municipality;
 - (c) unless suitable sanitary conveniences for both sexes of the staff and the public have been provided there; and
 - (d) If it is in any way dangerous or unsafe for public use.
- (2) An official duly authorized by the Municipality or a member of the South African Police Services shall, for the purposes of inspection to ensure compliance with this section, at all reasonable times have free access to such circus, whirligig, roundabout or other sideshow or device.

21. Sleeping or residing in motor vehicles prohibited

No person shall, in a public place—

- (a) sleep in a stationary motor vehicle except in dire emergency (or where such a person is the driver of a public transportation motor vehicle or is guarding the motor vehicle) or in a designated rest area; or
- (b) Reside in a motor vehicle for longer than twenty-four hours.

22. Display of street numbers

- (1) The Municipality may, by written notice—
 - (a) allot any number to any premises in any public road and direct the owner of such premises to display the number allotted to the premises and may also, in exceptional circumstances, prescribe the position where it is to be displayed, and the owner or occupier of such premises shall, within 30 (thirty) days of the date of such notice affix the allotted number on the premises in accordance with such notice: Provided that any such number displayed on the premises shall be clearly visible and legible from a height of 1.5m above the center line of the adjacent road or carriageway; and
 - (b) Direct any owner to replace or repaint any digit of such number which has become illegible, obliterated or defaced.
- (2) If the owner of any premises fails to comply with any directive in terms of a notice contemplated in subsection (1), the Municipality may cause such directive to be executed and the owner shall be liable for the cost incurred by the Municipality in having the directive

executed.

- (3) A statement signed by a duly authorized official of the Municipality stating that the owner failed to comply with a directive in terms of a notice contemplated in subsection (1) and specifying the cost incurred by the Municipality in executing such directive, shall be sufficient proof of the facts stated therein for purposes of summary judgement.
- (4) The Municipality may at its discretion allocate a number to a portion of premises, other than a building, or to vacant land which borders on a public road, and the provisions of subsections (1) and (2) shall apply mutatis mutandis in respect of such portion of premises or such vacant land.

23. Animal and use of public place

- (a) No person shall be permit any animal, of which he/she is the owner or in Charge of, to rush pedestrians, motor cars or cyclists, or permit such animal to interfere with the comfort or safety of the public.
- (b) No person shall keep on any premises in the jurisdiction of the Council any wild, ferocious or dangerous animal unless such animal is securely tied up or confined.
- (c) No person may conduct him/herself in any unseemly or obnoxious manner or cause a nuisance or annoyance to other persons in or on using any public place, or to any other person.
- (d) No person may expose or exhibit any article or thing offensive to decency.
- (e) No person may bath or wash him/herself or any animal or laundry in a stream, pool or water trough accessible to the public or at any fountain or public water feature.

24. Exemptions

- (1) The Municipality may, from time to time, on such conditions as it may determine, grant exemptions from the provisions of this By-law.
- (2) The Municipality may, on such conditions as it may determine, in writing, exempt from section 5(1) and 5(2) film crews or persons who, for purposes of photo shoots, media coverage or related activities, obstruct public places.

25. The Municipality may act and recover costs

- (1) Notwithstanding any other provision of this By-law, the Municipality may—
 - (a) where the permission of the Municipality is required before a person may perform a cert action or build or erect anything, and such permission has not been obtained; and
 - (b) where any provision of this By-law is contravened under circumstances in which contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the Municipality may require to rectify such contravention within the period stated in such notice.
- (2) Any person who fails to comply with a notice in terms of subsection (1) shall be guilty of an offence, and the Municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

26. Offences

Any person who contravenes or fails to comply with any provision of this By-law or disobeys any lawful instruction by a peace officer or a South African Police Service, enforcing this By-law, shall be guilty of an offence

27. Penalty

In terms of section 9 of the Noise Control regulations any person contravenes section 4 and 5 of the regulation and/or any provision of this by law, shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000,00 and/or imprisonment for a period not exceeding two years as may be determined magistrate within the jurisdiction of the Municipality.

28. Repeal of existing by-laws

This by-law repeals all the former bylaws in relation to the subject after the adoption by the Municipal Council.

29. Short title

- (1) This By-Law is called the Prevention and suppression of Nuisance By-Law.
- (2) In the event of any conflict between the English text of this By-Law and the text thereof in another language, the English text shall prevail.

GENERAL NOTICE 156 OF 2022**PROPOSED REZONING APPLICATION IN TERMS OF SECTION 67 OF THE STEVE TSHWETE LOCAL MUNICIPALITY SPLUM BY-LAW, 2016.**

We, KMC Geomatics (Reg No. 2008/017997/21), the authorized agents of the registered owners of Erf 80 of the Kranspoort Extension 1 Vakansiedorp Township (Situated adjacent to the East of 99 Rooi-Ivoor Street, Kranspoort Extension 1), hereby give notice that we have applied to the Steve Tshwete Local Municipality for a Rezoning of a portion of Erf 80 from "Private Open Space" to "Residential 1" in terms of Section 67 of the Steve Tshwete Local Municipality SPLUM by-law, 2016, to be able to subdivide, and subsequently consolidate the portion with Erf 99 of the Kranspoort Extension 1 Vakansiedorp Township.

Particulars of the application will lie for inspection during normal office hours at the office of the authorised Town Planner of the Local Municipality, 14 SADC Street, Middelburg, 1055, for a period of 30 days from 10 June 2022.

Contact details of the authorised Municipal official: *Mr. Thuso – 013 249 7180.*

Objections to or representations in respect of the application must be lodged with- or made to the above-mentioned address in accordance with Section 99 of the SPLUM by-law, 2016, before 10 July 2022.

Any person who is unable to read or write can consult with any staff member during office hours and assistance will be provided to write down the person's objections or comments.

Address of authorised agent:

KMC Geomatics,
10 Kruger Street, Groblersdal, 0470
12A Kogel Street, Middelburg, 1050
Cell No 082 929 8554.
admin@kmcgeo.co.za
Ref. No.: 80KP

1-8

ALGEMENE KENNISGEWING 156 VAN 2022**AANSOEK VIR HERSONERING IN TERME VAN ARTIKEL 67 VAN DIE STEVE TSHWETE PLAASLIKE MUNISIPALITEIT SPLUM BYWET, 2016**

Ons, KMC Geomatics (Reg No. 2008/017997/21), die gemagtigde agente van die geregistreerde eienaars van Erf 80 van die Kranspoort Uitbreiding 1 Vakansiedorp (Geleë aangrensend aan die Ooste van Rooi-Ivoorstraat 99, Kranspoort Uitbreiding 1), gee hiermee kennis dat ons by die Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het vir 'n hersonering van 'n gedeelte van Erf 80 vanaf "Privaat Oopruimte" na "Residensieel 1" ingevolge Artikel 67 van die Steve Tshwete Plaaslike Munisipaliteit SPLUM bywet, 2016, om die gedeelte te kan onderverdeel, en daarna te konsolideer met Erf 99 van die Kranspoort Uitbreiding 1 Vakansiedorp.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die gemagtigde Stadsbeplanner van die Plaaslike Munisipaliteit, SADC-straat 14, Middelburg, 1055, vir 'n tydperk van 30 dae vanaf 10 Junie 2022.

Kontakbesonderhede van die gemagtigde Munisipale amptenaar: *Mnr. Thuso – 013 249 7180.*

Besware teen-, of vertoë ten opsigte van die aansoek moet ooreenkomstig met Artikel 99 van die SPLUM bywet, 2016, by bogenoemde adres ingedien word voor 10 Julie 2022.

Enige persoon wat nie kan lees of skryf nie, kan met enige personeellid konsulteer gedurende kantoorure en hulp sal verleen word om die persoon se besware of kommentaar neer te skryf.

Adres van gemagtigde agent:

KMC Geomatics,
Krugerstraat 10, Groblersdal, 0470
Kogelstraat 12A, Middelburg, 1050
Sel No 082 929 8554.
admin@kmcgeo.co.za
Verw. No.: 80KP

1-8

PROCLAMATIONS • PROKLAMASIES**PROCLAMATION NOTICE 132 OF 2022****EMALAHLENI LOCAL MUNICIPALITY****NOTICE OF APPROVAL OF EMALAHLENI AMENDMENT SCHEMES 2348 AND 2349**

The Local Municipality of Emalahleni declares hereby in terms of the provisions of Section 66 (5) of Emalahleni Spatial Planning and Land Use Management By-Law, 2016, that the municipality approved the amendment schemes below, being an amendment of the Emalahleni Land Use Scheme, 2020, by the rezoning of the under mentioned properties from their present zoning to the new zoning as indicated in the table below.

Amendment Scheme	Description of property	Present Zoning	New zoning
2348	Portion 67 (a portion of Portion 5) of the farm Eenzaamheid 534JR	Agricultural	Industrial 1
2349	Portion 68 (a portion of Portion 5) of the farm Eenzaamheid 534JR	Agricultural	Industrial 1

Map 3 and the scheme clauses of the amendment schemes are filed with the Director, Department of Agriculture, Rural Development and Land Administration Mpumalanga Province, and the Municipal Manager, Emalahleni Local Municipality and are open for inspection at all reasonable times.

HS MAYISELA

MUNICIPAL MANAGER

Civic Centre, Mandela Street, eMalahleni, 1035, P.O. Box 3 eMalahleni, 1035

Publication date: Provincial Gazette of Mpumalanga: 1 July 2022

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**PROVINCIAL NOTICE 177 OF 2022****PROCLAMATION NOTICE 41 OF 2021****THABA CHWEU LOCAL MUNICIPALITY NOTICE OF APPROVAL OF AMENDMENT SCHEME 34/2018**

The Local Municipality of Thaba Chweu declares hereby in terms of the provisions of Section 66 (5) of Thaba Chweu Spatial Planning and Land Use Management By-Law, 2016, that is approved an amendment scheme, being an amendment of the Thaba Chweu Land Use Management Scheme, 2018, by the rezoning of Portion 41 (a Portion of Portion 16) of the farm Rooidraai 34, Registration Division J.T., Province Mpumalanga from "Agriculture" to "Transportation".

The relevant diagrams, maps and the scheme clauses of the amendment scheme are filed with the Town Planner Office, Room 30, Thaba Chweu Local Municipality and are open for inspection at all reasonable times. This amendment is known as Thaba Chweu Amendment Scheme 34/2018 and shall come into operation on date of application of this notice.

Ms S S Matsi
Municipal Manager
Municipal Offices (Civic Centre)
Cnr Viljoen & Sentraal Streets
P.O. Box 61
Thaba Chweu
1120

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 190 OF 2022



**BUSHBUCKRIDGE SPATIAL PLANNING AND LAND USE
MANAGEMENT BY-LAW, 2022**

FINAL: 17 MARCH 2022

BLUMBY-2022

CONTENTS**CHAPTER 1****DEFINITIONS, APPLICABILITY AND CONFLICT OF LAWS**

Sections

- 1 Definitions
- 2 Application of By-Law
- 3 Provisions and principles which shall guide and inform all land development applications
- 4 Conflict of laws

CHAPTER 2**MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK**

- 5 Municipal spatial development framework
- 6 Contents of municipal spatial development framework
- 7 Intention to prepare, amend or review municipal spatial development framework
- 8 Institutional framework for preparation, amendment or review of municipal spatial development framework
- 9 Preparation, amendment or review of municipal spatial development framework
- 10 Public participation
- 11 Local spatial development framework
- 12 Preparation, amendment or review of local spatial development framework
- 13 Effect of local spatial development framework
- 14 Record of and access to municipal spatial development framework
- 15 Departure from municipal spatial development framework

CHAPTER 3**LAND USE SCHEME**

- 16 Land use scheme
- 17 Purpose of land use scheme
- 18 General matters pertaining to land use scheme
- 19 Preparation of draft land use scheme
- 20 Institutional framework for preparation, review or amendment of land use scheme
- 21 Council approval for publication of draft land use scheme
- 22 Public participation
- 23 Incorporation of relevant comments
- 24 Preparation of land use scheme
- 25 Submission of land use scheme to Council for approval and adoption
- 26 Publication of notice of adoption and approval of land use scheme
- 27 Submission to Member of Executive Council
- 28 Records
- 29 Contents of land use scheme
- 30 Register of amendments to land use scheme
- 31 Consolidation of amendment land use scheme

CHAPTER 4**INSTITUTIONAL STRUCTURE FOR LAND DEVELOPMENT AND LAND USE MANAGEMENT****DECISIONS****Part A: Division of Functions**

- 32 Categories of applications for purposes of section 35(3) of Act

Part B: Land Development Officer

- 33 Designation and functions of Land Development Officer

Part C: Establishment of Municipal Planning Tribunal for Local Municipal Area

- 34 Establishment of Municipal Planning Tribunal for local municipal area
- 35 Composition of Municipal Planning Tribunal for local municipal area
- 36 Nomination procedure
- 37 Submission of nomination
- 38 Initial screening of nomination by Municipality
- 39 Evaluation panel
- 40 Appointment of member to Municipal Planning Tribunal by Council
- 41 Term of office and conditions of service of members of Municipal Planning Tribunal for municipal area
- 42 Vacancy and increase of number of members of Municipal Planning Tribunal
- 43 Proceedings of Municipal Planning Tribunal for municipal area
- 44 Tribunal of record
- 45 Commencement date of operations of Municipal Planning Tribunal

Part D: Establishment of Joint Municipal Planning Tribunal

- 46 Agreement to establish joint Municipal Planning Tribunal
- 47 Composition of joint Municipal Planning Tribunal
- 48 Status of decision of joint Municipal Planning Tribunal
- 49 Applicability of Part C, F and G to joint Municipal Planning Tribunal

Part E: Establishment of District Municipal Planning Tribunal

- 50 Agreement to establish district Municipal Planning Tribunal
- 51 Composition of district Municipal Planning Tribunals
- 52 Status of decision of district Municipal Planning Tribunal
- 53 Applicability of Part C, F and G to district Municipal Planning Tribunal

Part F: Decisions of Municipal Planning Tribunal

- 54 General criteria for consideration and determination of application by Municipal Planning Tribunal or Land Development Officer
- 55 Conditions of approval
- 56 Reference to Municipal Planning Tribunal

Part G: Administrative Arrangements

- 57 Administrator for Municipal Planning Tribunal

CHAPTER 5

DEVELOPMENT MANAGEMENT

Part A: Types of Applications

- 58 Types of applications
- 59 Land Use and Land Development

Part B: Establishment of Township or Extension of Boundaries of Township

- 60 Application for establishment of township
- 61 Division or phasing of township
- 62 Lodging of layout plan for approval with the Surveyor-General.
- 63 Compliance with pre-proclamation conditions
- 64 Opening of Township Register
- 65 Proclamation of an approved township
- 66 Prohibition of certain contracts and options

Part C: Rezoning of land

- 67 Application for amendment of a land use scheme by rezoning of land or incorporation of land use into the town planning scheme

Part D: Removal, Amendment or Suspension of a Restrictive or Obsolete Condition, Servitude or Reservation Registered Against the Title of the Land

- 68 Requirements for amendment, suspension or removal of restrictive conditions or obsolete condition, servitude or reservation registered against the title of the land
69 Endorsements in connection with amendment, suspension or removal of restrictive conditions

Part E: Amendment, Withdrawal or Cancellation in Whole or in Part of a General Plan of a Township

- 70 Notification of Surveyor-General
71 Effect of amendment or cancellation of general plan

Part F: Subdivision and Consolidation

- 72 Application for subdivision
73 Confirmation of subdivision
74 Lapsing of subdivision and extension of validity periods
75 Amendment or cancellation of subdivision plan
76 Exemption of subdivisions and consolidations
77 Services arising from subdivision
78 Consolidation of land units
79 Lapsing of consolidation and extension of validity periods

Part G: Permanent Closure of Public Place

- 80 Closure of public places

Part H: Consent Use

- 81 Application for consent use

Part I: Land Use on Communal Land

- 82 Application for development on or change to land use purpose of communal land

Part J: Departure from Provisions of Land Use Scheme

- 83 Application for permanent or temporary departure

Part K: General Matters

- 84 Ownership of public places and land required for municipal engineering services and social facilities
85 Restriction of transfer and registration
86 First transfer
87 Certification by Municipality
88 Application affection national and provincial interest

CHAPTER 6

APPLICATION PROCEDURES

- 89 Applicability of Chapter
90 Procedures for making application
91 Information required
92 Application fees
93 Grounds for refusing to accept application
94 Receipt of application and request for further documents
95 Additional information
96 Confirmation of complete application

- 97 Withdrawal of application
- 98 Notice of applications in terms of integrated procedures
- 99 Notification of application
- 100 Notice to organs of state and service providers
- 101 Internal circulation
- 102 Serving of notices
- 103 Content of notice
- 104 Additional methods of public notice
- 105 Requirements for petitions
- 106 Requirements for objections or comments
- 107 Requirements for intervener status
- 108 Amendments prior to approval
- 109 Further public notice
- 110 Cost of notice
- 111 Applicant's right to reply
- 112 Written assessment of application
- 113 Decision-making period
- 114 Failure to act within time period
- 115 Powers to conduct routine inspections
- 116 Determination of application
- 117 Notification of decision
- 118 Extension of time for fulfilment of conditions of approval
- 119 Duties of agent of applicant
- 120 Errors and omissions
- 121 Withdrawal of approval
- 122 Procedure to withdraw an approval
- 123 Exemptions to facilitate expedited procedures

CHAPTER 7

ENGINEERING SERVICES AND DEVELOPMENT CHARGES

Part A: Provision and Installation of Engineering Services

- 124 Responsibility for providing engineering services
- 125 Installation of engineering services
- 126 Engineering services agreement
- 127 Abandonment or lapsing of land development application
- 128 Internal and external engineering services

Part B: Development Charges

- 129 Payment of development charge
- 130 Offset of development charge
- 131 Payment of development charge in instalments
- 132 Refund of development charge
- 133 General matters relating to contribution charges

CHAPTER 8

APPEAL

PART A: ESTABLISHMENT OF MUNICIPAL APPEAL TRIBUNAL

- 134 Establishment of Municipal Appeal Tribunal
- 135 Institutional requirements for establishment of Municipal Appeal Tribunal
- 136 Composition, term of office and code of conduct of Municipal Appeal Tribunal
- 137 Disqualification from membership of Municipal Appeal Tribunal
- 138 Termination of membership of Municipal Appeal Tribunal
- 139 Status of decision of joint Municipal Appeal Tribunal

PART B: MANAGEMENT OF AN APPEAL AUTHORITY

- 140 Presiding officer of appeal authority
- 141 Bias and disclosure of interest
- 142 Registrar of appeal authority
- 143 Powers and duties of registrar

PART C: APPEAL PROCESS

- 144 Commencing of appeal
- 145 Notice of appeal
- 146 Notice to oppose an appeal
- 147 Screening of appeal

PART D: PARTIES TO AN APPEAL

- 148 Parties to appeal
- 149 Intervention by interested person

PART E: JURISDICTION OF APPEAL AUTHORITY

- 150 Jurisdiction of appeal authority
- 151 Written or oral appeal hearing by appeal authority
- 152 Representation before appeal authority
- 153 Opportunity to make submissions concerning evidence

PART F: HEARINGS OF APPEAL AUTHORITY

- 154 Notification of date, time and place of hearing
- 155 Hearing date
- 156 Adjournment
- 157 Urgency and condonation
- 158 Withdrawal of appeal

PART G: ORAL HEARING PROCEDURE

- 159 Location of oral hearing
- 160 Presentation of each party's case
- 161 Witnesses
- 162 Proceeding in absence of party
- 163 Recording
- 164 Oaths
- 165 Additional documentation

PART H: WRITTEN HEARING PROCEDURE

- 166 Commencement of written hearing
- 167 Presentation of each party's case in written hearing
- 168 Extension of time to provide a written submission
- 169 Adjudication of written submissions

PART I: DECISION OF APPEAL AUTHORITY

- 170 Further information or advice
- 171 Decision of appeal authority
- 172 Notification of decision
- 173 Directives to Municipality

PART J: GENERAL

- 174 Expenditure

CHAPTER 9 COMPLIANCE AND ENFORCEMENT

- 175 Enforcement
- 176 Offences and penalties
- 177 Service of compliance notice
- 178 Content of compliance notices
- 179 Objections to compliance notice
- 180 Failure to comply with compliance notice
- 181 Urgent matters
- 182 Subsequent application for authorisation of activity
- 183 Power of entry for enforcement purposes
- 184 Power and functions of authorised employee
- 185 Warrant of entry for enforcement purposes
- 186 Regard to decency and order
- 187 Court order

CHAPTER 10 TRANSITIONAL PROVISIONS

- 188 Transitional provisions
- 189 Determination of zoning

CHAPTER 11 GENERAL

- 190 Delegations
- 191 Repeal of by-laws
- 192 Fees payable
- 193 Policy, procedure, determination, standard, requirement and guideline
- 194 Short title and commencement

- Schedule 1: Invitation to Nominate a Person to be Appointed as a Member to the Bushbuckridge Municipal Planning Tribunal or the Municipal Planning Tribunal*
- Schedule 2: Call for Nominations for Persons to be Appointed as Members to the Bushbuckridge Municipal Planning Tribunal or the Municipal Planning Tribunal*
- Schedule 3: Disclosure of Interest
- Schedule 4: Code of Conduct of Members of the Bushbuckridge Municipal Planning Tribunal or the Municipal Planning Tribunal*
- Schedule 5: Owners' Associations
- Schedule 6: Additional Documents Required for an Application for the Establishment of a Township or the Extension of the Boundaries of a Township
- Schedule 7: Additional Documents Required for an Application for the Amendment of an Existing Scheme or Land Use Scheme by the Rezoning of Land
- Schedule 8: Additional Documents Required for an Application for the Removal, Amendment or Suspension of a Restrictive or Obsolete Condition, Servitude or Reservation Registered Against the Title of the Land
- Schedule 9: Additional Documents Required for an Application for the Amendment or Cancellation in Whole or in Part of a General Plan of a Township
- Schedule 10: Additional Documents Required for an Application for the Subdivision of any Land
- Schedule 11: Additional Documents Required for an Application for the Consolidation of any Land
- Schedule 12: Additional Documents Required for an Application for the Permanent Closure of a Public Place
- Schedule 13: Additional Documents Required for an Application for the Consent or Approval Required in terms of a Condition of Title, a Condition of Establishment of a Township or Condition of an Existing Scheme or Land Use Scheme
- Schedule 14: Additional Documents Required for an Application for Temporary Use
- Schedule 15: Code of Conduct for Members of the Municipal Appeal Tribunal

CHAPTER 1

DEFINITIONS, APPLICABILITY AND CONFLICT OF LAWS

1 Definitions

In this By-Law, unless the context indicates otherwise, a word or expression defined in the Act, the Regulations or provincial legislation has the same meaning as in this By-law and -

“Act” means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013);

“appeal authority” means the executive authority of the Municipality, the Municipal Appeal Tribunal established in terms of Part A of Chapter 8 or any other body or institution outside of the Municipality authorised by the Municipality to assume the obligations of an appeal authority for purposes of appeals lodged in terms of the Act;

“application” means a land development and land use application as contemplated in the Act;

“approved township” means a township declared an approved township in terms of section 64 of this By-law;

“By-Law” means this By-Law and includes the schedules attached hereto or referred to herein;

“communal land” means land under the jurisdiction of a traditional council determined in terms of section 6 of the Mpumalanga Traditional Leadership and Governance Act, 2005 (Act No. 3 of 2005) and which was at any time vested in -

- (a) the government of the South African Development Trust established by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936); or
- (b) the government of any area for which a legislative assembly was established in terms of the Self-Governing Territories Constitution Act, 1971 (Act No. 21 of 1971);

“consent” means a land use right that may be obtained by way of consent from the Municipality and is specified as such in the land use scheme;

“consolidation” means the joining of two or more pieces of land into a single entity;

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

“Council” means the municipal council of the Municipality;

“diagram” means a diagram as defined in the Land Survey Act, 1997 (Act No. 8 of 1997);

“deeds registry” means a deeds registry as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937);

“erf” means land in an approved township registered in a deeds registry as and erf, lot, plot or stand or as a portion or the remainder of any erf, lot, plot or stand or land indicated as such on the general plan of an approved township, and includes any particular portion of land laid out as a township which is not

intended for a public place, whether or not such township has been recognised, approved or established as such in terms of this By-law or any repealed law;

“file” means the lodgement of a document with the appeal authority of the Municipality;

“land” means -

- (a) any erf, agricultural holding or farm portion, or portions thereof, servitudes, lease areas and includes any improvements or building on the land; and sectional title units, exclusive use areas, real right of extension and common property registered in terms of the Sectional Titles Act, 1986; and
- (b) the area of communal land to which a household holds an informal right recognized in terms of the customary law applicable in the area where the land to which such right is held is situated and which right is held with the consent of, and adversely to, the registered owner of the land;
- (c) and “property” has a similar meaning

“Land development area” means an erf or the land which is delineated in an application submitted in terms of this By-law or any other legislation governing the change in land use and “land area” has a similar meaning;

“Land Development Officer” means the authorised official defined in regulation 1 of the Regulations;

“land use scheme” means the land use scheme adopted and approved in terms of Chapter 3 of this By-law and for the purpose of this By-law includes an existing scheme until such time as the existing scheme is replaced by the adopted and approved land use scheme;

“Local spatial development framework” means a local spatial development framework referred to in section 10;

“Member of the Executive Council” means the Member of the Executive Council responsible for local government in the Province;

“Municipal area” means the area of jurisdiction of the Bushbuckridge Local Municipality demarcated in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

“Municipal Manager” means the person appointed as the Municipal Manager of the Bushbuckridge Local Municipality in terms of section 54A of the Municipal Systems Act and includes any person acting in that position or to whom authority has been delegated;

“Municipal Planning Tribunal” means the Municipal Planning Tribunal for the Bushbuckridge Local Municipality established in terms of section 33 or the joint or district Municipal Planning Tribunal, if established by the Municipality in terms of an agreement contemplated in section 34 of the Act; ;

“Municipality” means the Bushbuckridge Local Municipality or its successor in title as envisaged in section 155(1) of the Constitution, established in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes a municipal department, the Council, the

Municipal Manager or an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act, section 56 of the Act or section 188 of this By-law;

“objector” means a person who has lodged an objection with the Municipality to a draft municipal spatial development framework, draft land use scheme or an application;

“overlay zone” means a mapped overlay superimposed on one or more established zoning areas which may be used to impose supplemental restrictions on uses in these areas or permit uses otherwise disallowed;

“Premier” means the Premier of the Province of Mpumalanga;

“previous planning legislation” means any planning legislation that is repealed by the Act or the provincial legislation;

“provincial legislation” means legislation contemplated in section 10 of the Act promulgated by the Province;

“Province” means the Province of Mpumalanga referred to in section 103 of the Constitution;

“Regulations” means Regulations in terms of the Spatial Planning and Land use Management Act, 16 of 2013;

“service provider” means a person lawfully appointed by the Municipality or other organ of state to carry out, manage or implement any service, work or function on behalf of or by the direction of the Municipality or organ of state;

“spatial development framework” means the Bushbuckridge Local Municipality Spatial Development Framework prepared and adopted in terms of sections 20 and 21 of the Act and Chapter 2 of this By-Law;

“subdivision” means the division of a piece of land/real right into two or more portions;

“the Act” means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), Regulations in terms of the Spatial Planning and Land Use Management Act, 16 of 2013 and any subsidiary legislation or other legal instruments issued in terms thereof;

“township” and means any property(ies)/ land that:

(a) is laid out or divided or subdivided into or developed or to be developed, as a single property for intensive use or multiple properties for residential, business, industrial, institutional, educational, community services and/or similar or other purposes or land uses, as may be contained in a Land Use Scheme;

(b) are arranged in such a manner as to have the character of what constitutes a township, including:

(i) intended or actual single or multiple ownership of erven, land or units, and or multiple land use rights; and/or

(ii) which may or may not be intersected or connected by or abut on any public or private street or roadway, in the case of a proposed sectional title scheme; and

(iii) public or private streets or roadways shall for the purposes of this definition include a right of way or any land used for purposes of a street, road, or roadway whether surveyed and/or registered, which is only notional in character;

“township register” means an approved subdivision register of a township in terms of the Deeds Registries Act; and

“traditional communities” means communities recognised in terms of section 3 of the Mpumalanga Traditional Leadership and Governance Act, 2005.

2 Application of By-law

(1) This By-law applies to all land within the municipal area of the Municipality, including land owned by the state.

(2) This By-law binds every owner and their successor-in-title and every user of land, including the state.

3 Provisions and principles which shall guide and inform all land development applications

(1) Any land development application in terms of this By-law must give effect to the development principles as set out in section 7(1) of Chapter 2 of the SPLUMA.

(2) Any land development application in terms of this By-law shall be guided and informed by the BLM's integrated development plan and municipal spatial development framework as adopted and approved in terms of section 20 of SPLUMA.

(3) Any land development application in terms of this By-law must address need, reasonableness, desirability and public interest.

(4) Any land development application in terms of this By-law shall have as its main purpose the co-ordinated and harmonious development of the area to which the application relates in such a way as will most effectively tend to promote the health, safety, good order, amenity, convenience and general welfare of such specific area as well as efficiency and economy in the process of such development.

4 Conflict of laws

(1) This By-law is subject to the relevant provisions of the Act and the provincial legislation.

(2) When considering an apparent conflict between this By-law and another law, a court must prefer any reasonable interpretation that avoids a conflict over any alternative interpretation that results in a conflict.

(3) Where a provision of this By-law is in conflict with a provision of the Act or provincial legislation, the Municipality must institute the conflict resolution measures provided for in the Act or in provincial legislation, or in the absence of such measures, the measures provided for in the Intergovernmental Relations Framework Act, 2005 (Act No.13 of 2005); to resolve the conflict and until such time as the conflict is resolved, the provisions of this By-law prevails.

(4) Where a provision of the land use scheme is in conflict with the provisions of this By-law, the provisions of this By-law prevails.

(5) Where there is a conflict between this By-law and another By-law of the Municipality, this By-Law prevails over the affected provision of the other By-law in respect of any municipal spatial planning and land use management.

CHAPTER 2

MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

5 Municipal spatial development framework

(1) The Municipality must prepare a municipal spatial development framework and amend and review it in accordance with the provisions of sections 20 and 21 of the Act read with sections 23 to 35 of the Municipal Systems Act.

(2) The municipal spatial development framework does not confer or take away land use rights but guides and informs decisions to be made by the Municipality relating to land development.

(3) The provisions of this Chapter apply, with the necessary change, to the review or amendment of a municipal spatial development framework.

6 Contents of municipal spatial development framework

(1) The municipal spatial development framework must provide for the matters contemplated in section 21 of the Act, section 26 of the Municipal Systems Act and provincial legislation, if any, and the Municipality may for purposes of reaching its constitutional objectives include any matter which it may deem necessary for municipal planning.

(2) Over and above the matters required in terms of subsection (1), the Municipality may determine any further plans, policies and instruments by virtue of which the municipal spatial development framework must be applied, interpreted and implemented.

(3) The municipal spatial development framework must contain transitional arrangements with regard to the manner in which the municipal spatial development framework is to be implemented by the Municipality.

7 Intention to prepare, review and amend municipal spatial development framework

The Municipality which intends to prepare, amend or review its municipal spatial development framework

-

- (a) must convene an intergovernmental steering committee and must convene a project committee in accordance with section 8;
- (b) must publish a notice in two official languages determined by the Council, having regard to language preferences and usage within its municipal area, as contemplated in section 21 of the Municipal Systems Act, of its intention to prepare, amend or review the municipal spatial development framework and the process to be followed in accordance with section 28(3) of the Municipal Systems Act in one newspaper that is circulated in the municipal area;
- (c) must inform the Member of the Executive Council in writing of its intention to prepare, amend or review the municipal spatial development framework;

- (d) must register interested and affected persons who must be invited to comment on the draft municipal spatial development framework or draft amendment of the municipal spatial development framework as part of the process to be followed.

8 Institutional framework for preparation, reviewal and amendment of municipal spatial development framework

(1) The Municipality must, before commencement of the preparation, amendment or review of the municipal spatial development framework, in writing, invite nominations for representatives to serve on the intergovernmental steering committee from—

- (a) departments in the national, provincial and local sphere of government, other organs of state, community representatives, engineering services providers, traditional councils; and
- (b) any other body or person that may assist in providing information and technical advice on the content of the municipal spatial development framework.

(2) The purpose of the intergovernmental steering committee contemplated in section 7(a) is to co-ordinate the applicable contributions into the municipal spatial development framework and to—

- (a) provide technical knowledge and expertise;
- (b) provide input on outstanding information that is required to draft the municipal spatial development framework or an amendment or review thereof;
- (c) communicate any current or planned projects that have an impact on the municipal area;
- (d) provide information on the locality of projects and budgetary allocations; and
- (e) provide written comment to the project committee at each of various phases of the process.

(3) The purpose of the project committee contemplated in section 7(a) is to –

- (a) prepare and amend the municipal spatial development framework for adoption by the Council;
- (b) provide technical knowledge and expertise;
- (c) monitor progress and ensure that the drafting of the municipal spatial development framework or amendment of the municipal spatial development framework is progressing according to the approved process plan;
- (d) guide the public participation process, including ensuring that the registered key public sector stakeholders remain informed;
- (e) ensure alignment of the municipal spatial development framework with the development plans and strategies of other affected municipalities and organs of state as contemplated in section 24(1) of the Municipal Systems Act;
- (f) facilitate the integration of other sector plans into the municipal spatial development framework;

- (g) oversee the incorporation of amendments to the draft municipal spatial development framework or draft amendment or review of the municipal spatial development framework to address comments obtained during the process of drafting thereof;
- (i) When the Municipality decides to establish an intergovernmental steering committee—
 - (i) assist the Municipality in ensuring that the intergovernmental steering committee is established and that timeframes are adhered to; and
 - (ii) ensure the flow of information between the project committee and the intergovernmental steering committee.
- (4) The project committee must consist of –
 - (a) the Municipal Manager; and
 - (b) employees in the full-time service of the Municipality appointed in Spatial planning and Land use management; Technical services; Environment and any other skilled and relevant positions.

9 Preparation, reviewal and amendment of municipal spatial development framework

(1) The project committee must compile a status quo document setting out an assessment of existing levels of development and development challenges in the municipal area and must submit it to the intergovernmental steering committee for comment.

(2) The project committee must prepare a first draft of the municipal spatial development framework or first draft amendment of the municipal spatial development framework and must submit it to the intergovernmental steering committee for comment.

(3) After consideration of the comments and inputs of the intergovernmental steering committee, the project committee must finalise the first draft of the municipal spatial development framework or first draft amendment of the municipal spatial development framework and submit it to the Council, together with the report referred to in subsection (4), to approve the publication of a notice referred to in section 10(4) that the draft municipal spatial development framework or an amendment thereof is available for public comment.

(4) The project committee must submit a written report as contemplated in subsection (3) which must at least —

- (a) indicate the rationale in the approach to the drafting of the municipal spatial development framework;
- (b) summarise the process of drafting the municipal spatial development framework;
- (c) summarise the consultation process to be followed with reference to section 9 of this By-law;
- (d) indicate the involvement of the intergovernmental steering committee, if convened by the Municipality;
- (e) indicate the departments that were engaged in the drafting of the municipal spatial development framework;

- (f) indicate the alignment with the national and provincial spatial development frameworks;
- (g) indicate all sector plans that may have an impact on the municipal spatial development framework;
- (h) indicate how the municipal spatial development framework complies with the requirements of relevant national and provincial legislation, and relevant provisions of strategies adopted by the Council; and
- (i) recommend the adoption of the municipal spatial development framework for public participation as the draft municipal spatial development framework for the Municipality, in terms of the relevant legislation and this By-law.

(5) After consideration of the comments and representations, as a result of the publication contemplated in subsection (3), the project committee must compile a final municipal spatial development framework or final amendment of the municipal spatial development framework and must submit it to the intergovernmental steering committee for comment.

(6) After consideration of the comments of the intergovernmental steering committee, the project committee must finalise the final municipal spatial development framework or final amendment of the municipal spatial development framework and submit it to the Council for adoption.

(7) If the final municipal spatial development framework or final amendment of the municipal spatial development framework, as contemplated in subsection (6), is materially different to what was published in terms of subsection (4), the Municipality must follow a further consultation and public participation process before it is adopted by the Council.

(8) The Council must adopt the final municipal spatial development framework or final amendment of the municipal spatial development framework, with or without amendments, and must within 60 days of its decision –

- (a) give notice of its adoption in the media and the *Provincial Gazette* in the manner as contemplated in section 7 and that section applies with the necessary changes; and
- (b) submit a copy of the municipal spatial development framework to the Member of the Executive Council.

(9) The municipal spatial development framework or an amendment thereof comes into operation on the date of publication of the notice contemplated in subsection 8.

10 Public participation

(1) Public participation undertaken by the Municipality must contain and comply with all the essential elements of any notices to be placed in terms of the Act or the Municipal Systems Act.

(2) In addition to the publication of notices in the *Provincial Gazette* and one newspaper that is circulated in the municipal area, the Municipality may, subject to section 21A of the Municipal Systems Act, use any other method of communication it may deem appropriate.

(3) The Municipality may for purposes of public engagement on the content of the draft municipal spatial development framework arrange –

- (a) a consultative session with traditional councils and traditional communities;
- (b) a specific consultation with professional bodies, ward communities or other groups; and
- (c) a public meeting.

(4) The notice contemplated in section 9(9) must specifically state that any person or body wishing to provide comments must-

- (a) do so within a period of 60 days from the first day of publication of the notice;
- (b) provide written comments; and
- (c) provide their contact details as specified in the definition of contact details.

11 Local spatial development framework

(1) The Municipality may adopt a local spatial development framework for a specific geographical area of a portion of the municipal area.

(2) The purpose of a local spatial development framework is to:

- (a) provide detailed spatial planning guidelines or further plans for a specific geographic area or parts of specific geographical areas and may include precinct plans;
- (b) provide more detail in respect of a proposal provided for in the municipal spatial development framework or necessary to give effect to the municipal spatial development framework and or its integrated development plan and other relevant sector plans;
- (c) address specific land use planning needs of a specified geographic area;
- (d) provide detailed policy and development parameters for land use planning;
- (e) provide detailed priorities in relation to land use planning and, in so far as they are linked to land use planning, biodiversity and environmental issues;
- (f) guide decision making on land development applications;
- (g) or any other relevant provision that will give effect to its duty to manage municipal planning in the context of its constitutional obligations.

12 Preparation, reviewal and amendment of local spatial development framework

(1) If the Municipality prepares, amends or reviews a local spatial development framework, it must comply with the requirements and procedures for the preparation, amendment or review of the municipal spatial development framework, including notification and public participation, prescribed in terms of this Chapter and sections 5 to 10 apply with the necessary changes as the context may require.

(2) The Municipality must, within 60 days of adopting a local spatial development framework or an amendment of local spatial development framework –

- (a) publish a notice of the decision in the media and the *Provincial Gazette* in the manner as contemplated in section 7 and that section applies with the necessary changes to the publication of the decision; and
- (b) submit a copy of the local spatial development framework to the Member of the Executive Council.

13 Effect of local spatial development framework

(1) A local spatial development framework or an amendment thereof comes into operation on the date of publication of the notice contemplated in section 9(9).

(2) A local spatial development framework guides and informs decisions made by the Municipality relating to land development, but it does not confer or take away land use rights.

14 Record of and access to municipal spatial development framework and local spatial development framework

(1) The Municipality must keep, maintain and make accessible to the public, including on the Municipality's website, the approved municipal or local spatial development framework and or any component thereof applicable within the jurisdiction of the Municipality.

(2) Should anybody or person request a copy of the municipal or local spatial development framework the Municipality may provide on payment by such body or person of the fee approved by the Council, a copy to them of the approved municipal spatial development framework or any component thereof in accordance with the provisions of its Promotion of Access to Information By-Law or policy, if applicable.

15 Departure from municipal spatial development framework

(1) For purposes of section 22(2) of the Act, site specific circumstances include –

- (a) a departure that does not materially change the desired outcomes and objectives of a municipal spatial development framework and local spatial development framework, if applicable;
- (b) the site does not permit the proposed development for which an application is submitted to the Municipality as contained in the municipal spatial development framework; or
- (c) a unique circumstance pertaining to a discovery of national or provincial importance that results in an obligation in terms of any applicable legislation to protect or conserve such discovery; and
- (d) any definition or guideline as defined in another act.

(2) If the effect of an approval of an application will be a material change of the municipal spatial development framework, the Municipality may amend the municipal spatial development framework in terms of the provisions of this Chapter, and must approve the amended spatial development framework prior to the Municipal Planning Tribunal taking a decision which would constitute a departure from the municipal spatial development framework.

(3) The timeframe for taking a decision on any application that cannot be decided by the Municipal Planning Tribunal before an amendment of the municipal spatial development framework is approved by the Municipality is suspended until such time as the municipal spatial development framework is approved by the Council.

(4) For purposes of this section, “site” means a spatially defined area that is impacted by the decision, including neighbouring land.

CHAPTER 3

LAND USE SCHEME

16 Land use scheme

(1) The Municipality must prepare and adopt a land use scheme and sections 24 to 28 of the Act apply to any land use scheme so prepared and adopted.

(2) The provisions of this Chapter apply, with the necessary change, to the review and amendment of the land use scheme contemplated in sections 27 and 28 of the Act.

17 Purpose of land use scheme

In addition to the purposes of a land use scheme stipulated in section 25(1) of the Act, the Municipality must determine the use and development of land within the municipal area to which it relates in order to promote -

- (a) harmonious and compatible land use patterns;
- (b) aesthetic considerations;
- (c) sustainable development and densification;
- (d) the accommodation of cultural customs and practices of traditional communities in land use management; and
- (e) a healthy environment that is not harmful to a person's health.

18 General matters pertaining to land use scheme

- (1) In order to comply with section 24(1) of the Act, the Municipality must -
- (a) prepare a draft land use scheme as contemplated in section 19;
 - (b) create the institutional framework as contemplated in section 20;
 - (c) obtain Council approval for publication of the draft land use scheme as contemplated in section 21;
 - (d) embark on the necessary public participation process as contemplated in section 22;
 - (e) incorporate relevant comments received during the public participation process as contemplated in section 23;
 - (f) prepare the land use scheme as contemplated in section 24;

- (g) submit the land use scheme to the Council for approval and adoption as contemplated in section 25;
- (h) publish a notice of the adoption and approval of the land use scheme in the *Provincial Gazette* as contemplated in section 26; and
- (i) submit the land use scheme to the Member of the Executive Council as contemplated in section 27.

(2) The Municipality may, on its own initiative or on application, create an overlay zone for land situated within the municipal area.

(3) Zoning may be made applicable to a land unit or part thereof and must follow cadastral boundaries except for a land unit or part thereof which has not been surveyed, in which case a reference or description as generally approved by Council may be used.

(4) The land use scheme of the Municipality must take into consideration:

- (a) the Integrated Development Plan in terms of the Municipal Systems Act;
- (b) the Spatial Development Framework as contemplated in Chapter 4 of the Act and Chapter 2 of this By-law,
- (c) provincial legislation, and
- (d) an existing town planning scheme.

19 Preparation of draft land use scheme

When the Municipality intends to prepare, review or amend its land use scheme -

- (a) must convene an intergovernmental steering committee and convene a project committee in accordance with section 20;
- (b) must publish a notice in one newspaper that is circulated in the municipal area in two official languages determined by the Council, having regard to the language preferences and usage within its municipal area, as contemplated in section 21 of the Municipal Systems Act of its intention to prepare, review or amend the land use scheme;
- (c) must inform the Member of the Executive Council in writing of its intention to prepare, review or amend the land use scheme;
- (d) must register relevant stakeholders who must be invited to comment on the draft land use scheme or draft review or amendment of the municipal land use scheme as part of the process to be followed;
- (e) must determine the form and content of the land use scheme;
- (f) must determine the scale of the land use scheme;
- (g) must determine any other relevant issue that will impact on the preparation and final adoption of the land use scheme which will allow for it to be interpreted and or implemented; and

- (h) must confirm the manner in which the land use scheme must *inter alia* set out the general provisions for land uses applicable to all land, categories of land use, zoning maps, restrictions, prohibitions and or any other provision that may be relevant to the management of land use, which may or must not require a consent or permission from the Municipality for purposes of the use of land.

20 Institutional framework for preparation, review or amendment of land use scheme

(1) The purpose of the intergovernmental steering committee contemplated in section 19(a) is to co-ordinate the applicable contributions into the land use scheme and to-

- (a) provide technical knowledge and expertise;
- (b) provide input on outstanding information that is required to draft the land use scheme or an review or amendment thereof;
- (c) communicate any current or planned projects that have an impact on the municipal area;

(2) The Municipality must, before commencement of the preparation, review or amendment of the land use scheme, in writing, invite nominations for representatives to serve on the intergovernmental steering committee from—

- (a) departments in the national, provincial and local sphere of government, other organs of state, community representatives, engineering services providers, traditional councils; and
- (b) any other body or person that may assist in providing information and technical advice on the content of the land use scheme.

(3) The purpose of the project committee contemplated in section 19(a) is to –

- (a) prepare, review or amend the land use scheme for adoption by the Council;
- (b) provide technical knowledge and expertise;
- (c) monitor progress and ensure that the development of the land use scheme or review or amendment thereof is progressing according to the approved project plan;
- (d) guide the public participation process, including ensuring that the registered key public sector stakeholders remain informed;
- (e) ensure alignment of the land use scheme with the municipal spatial development framework, development plans and strategies of other affected municipalities and organs of state;
- (f) oversee the incorporation of amendments to the draft land use scheme or draft review or amendment of the land use scheme to address comments obtained during the process of drafting thereof;
- (g) if the Municipality decides to establish an intergovernmental steering committee—
 - (i) assist the Municipality in ensuring that the intergovernmental steering committee is established and that timeframes are adhered to; and

- (ii) ensure the flow of information between the project committee and the intergovernmental steering committee.
- (4) The project committee must consist of –
 - (a) the Municipal Manager; and
 - (b) employees in the full-time service of the Municipality and designated by the Municipality.

21 Council approval for publication of draft land use scheme

(1) Upon completion of the draft land use scheme, the project committee must submit it to the Council for approval as the draft land use scheme.

(2) The submission of the draft land use scheme to the Council must be accompanied by a written report from the project committee and the report must at least –

- (a) indicate the rationale in the approach to the drafting of the land use scheme;
- (b) summarise the process of drafting the draft land use scheme;
- (c) summarise the consultation process to be followed with reference to section 22 of this By-law;
- (d) indicate the departments that were engaged in the drafting of the draft land use scheme;
- (e) indicate how the draft land use scheme complies with the requirements of relevant national and provincial legislation, and relevant mechanism controlling and managing land use rights by the Council;
- (f) recommend the approval of the draft land use scheme for public participation in terms of the relevant legislation and this By-law.

(3) An approval by the Council of the draft land use scheme and the public participation thereof must be given and undertaken in terms of this By-law and the Act.

(4) The Municipality must provide the Member of the Executive Council with a copy of the draft land use scheme after it has been approved by the Council as contemplated in this section.

22 Public participation

(1) The public participation process must contain and comply with all the essential elements of any notices to be placed in terms of this By-law and in the event of an amendment of the land use scheme, the matters contemplated in section 28 of the Act.

(2) Without detracting from the provisions of subsection (1) above the Municipality must –

- (a) publish a notice in the *Provincial Gazette*;
- (b) publish a notice in one newspaper that is circulated in the municipal area in two official languages determined by the Council, having regard to the language preferences and usage within its municipal area, as contemplated in section 21 of the Municipal Systems Act, once a week for two consecutive weeks; and

- (c) enable traditional communities to participate through the appropriate mechanisms, processes and procedures established in terms of Chapter 4 of the Municipal Systems Act;
- (d) use any other method of communication it may deem appropriate and the notice contemplated in subparagraph (b) must specifically state that any person or body wishing to provide comments and or objections must:
 - (i) do so within a period of 60 days from the first day of publication of the notice;
 - (ii) provide written comments in the form approved by Council; and
 - (iii) provide their contact details as specified in the notice.
- (3) The Municipality may for purposes of public engagement arrange –
 - (a) a consultative session with traditional councils and traditional communities;
 - (b) a specific consultation with professional bodies, ward communities or other groups; and
 - (c) a public meeting.

23 Incorporation of relevant comments

(1) Within 60 days after completion of the public participation process outlined in section 22 the project committee must –

- (a) review and consider all submissions made in writing or during any engagements; and
- (b) prepare a report including all information they deem relevant, on the submissions made; provided that:
 - (i) for purposes of reviewing and considering all submissions made, the Municipal Manager may elect to hear the submission through an oral hearing process;
 - (ii) all persons and or bodies that made submissions must be notified of the time, date and place of the hearing as may be determined by the Municipality not less than 30 days prior to the date determined for the hearing, by electronic means or registered post;
 - (iii) for purposes of the consideration of the submissions made on the land use scheme the Municipality may at any time prior to the submission of the land use scheme to the Council, request further information or elaboration on the submissions made from any person or body.

(2) The project committee must for purposes of proper consideration provide comments on the submissions made which comments must form part of the documentation to be submitted to the Council as contemplated in subsection (1)(b).

24 Preparation of land use scheme

The project committee must, where required and based on the submissions made during public participation, make final amendments to the draft land use scheme, provided that; if such amendments are in the opinion of the Municipality materially different to what was published in terms of section 22(2), the

Municipality must follow a further consultation and public participation process in terms of section 22(2) of this By-law, before the land use scheme is adopted by the Council.

25 Submission of land use scheme to Council for approval and adoption

- (1) The project committee must -
 - (a) within 60 days from the closing date for objections contemplated in section 22(2)(d)(i), or
 - (b) if a further consultation and public participation process is followed as contemplated in section 23, within 60 days from the closing date of such further objections permitted in terms of section 23 read with section 22(2)(d)(i),

submit the proposed land use scheme and all relevant supporting documentation to the Council with a recommendation for adoption.

- (2) The Council must consider and adopt the land use scheme with or without amendments.

26 Publication of notice of adoption and approval of land use scheme

(1) The Council must, within 60 days of its adoption of the land use scheme referred to in section 25(2), publish notice of the adoption in the media and the *Provincial Gazette*.

(2) The date of publication of the notice referred to in subsection (1), in the *Provincial Gazette*, is the date of coming into operation of the land use scheme unless the notice indicates a different date of coming into operation.

27 Submission to Member of Executive Council

After the land use scheme is published in terms of section 25 the Municipality must submit the approved land use scheme to the Member of the Executive Council for cognisance.

28 Records

(1) The Municipality must in hard copy or electronic format keep record in the register of amendments to the land use scheme contemplated in section 29 of the land use rights in relation to each erf or portion of land and which information is regarded as part of its land use scheme.

(2) The Municipality must keep, maintain and make accessible to the public, including on the Municipality's website, the approved land use scheme and or any component thereof applicable within the municipal area of the Municipality.

(3) Should anybody or person request a copy of the approved land use scheme, or any component thereof, the Municipality must provide on payment by such body or person of the fee approved by the Council, a copy to them of the approved land use scheme or any component thereof in accordance with the provisions of its Promotion of Access to Information By-Law or policy, if applicable.

29 Contents of land use scheme

(1) The contents of a land use scheme prepared and adopted by the Municipality must include all the essential elements contemplated in Chapter 5 of the Act and provincial legislation and must contain –

- (a) a zoning for all land within the municipal area in accordance with a category of zoning as approved by Council;
 - (b) land use regulations including specific conditions, limitations, provisions or prohibitions relating to the exercising of any land use rights or zoning approved on a property in terms of the approved land use scheme or any amendment scheme, consent, permission or conditions of approval of an application on a property;
 - (c) provisions for public participation that may be required for purposes of any consent, permission or relaxation in terms of an approved land use scheme;
 - (d) provisions relating to the provision of engineering services, which provisions must specifically state that land use rights may only be exercised if engineering services can be provided to the property to the satisfaction of the Municipality;
 - (e) servitudes for municipal services and access arrangements for all properties;
 - (f) provisions applicable to all properties relating to storm water;
 - (g) provisions for the construction and maintenance of engineering services including but not limited to bodies established through the approval of land development applications to undertake such construction and maintenance;
 - (h) zoning maps as approved by Council that depicts the zoning of every property in the municipal area as updated from time to time in line with the land use rights approved or granted; and
 - (i) transitional arrangements with regard to the manner in which the land use scheme is to be implemented.
- (2) The land use scheme may –
- (a) determine the components of the land use scheme for purposes of it being applied, interpreted and implemented; and
 - (b) include any matter which it deems necessary for municipal planning in terms of the constitutional powers, functions and duties of a municipality.

30 Register of amendments to land use scheme

The Municipality must keep and maintain a land use scheme register in a hard copy or electronic format as approved by the Council and it must contain the following but is not limited to:

- (a) Date of application;
- (b) name and contact details of applicant;
- (c) type of application;
- (d) property description and registration division;
- (e) previous and approved zoning and existing land use;

- (f) a copy of the approved site development plan referred to in section 54;
- (g) amendment scheme number;
- (h) annexure number;
- (i) item number;
- (j) item date;
- (k) decision (approved/on appeal/not approved);
- (l) decision date;
- (m) Conditions of approval.

31 Consolidation of amendment of land use scheme

(1) The Municipality may of its own accord in order to consolidate an amendment of a land use scheme or map, annexure or schedule of the approved land use scheme, of more than one portion of land, prepare a certified copy of documentation as the Municipality may require, for purposes of consolidating the said amendment scheme, which consolidated amendment scheme is in operation from the date of the signing thereof provided that:

- (a) such consolidation must not take away any land use rights granted in terms of an approved land use scheme, for purposes of implementation of the land use rights;
- (b) after the Municipality has signed and certified a consolidation amendment scheme, it must publish it in the *Provincial Gazette*.

(2) Where as a result of repealed legislation, the demarcation of municipal boundaries or defunct processes it is necessary in the opinion of the Municipality for certain areas where land use rights are governed through a process, other than a land use scheme; the Municipality may for purposes of including such land use rights into a land use scheme prepare an amendment scheme and incorporate it into the land use scheme.

(3) The provisions of sections 16 to 30 apply, with the necessary changes, to the review or amendment of an existing land use scheme.

CHAPTER 4

INSTITUTIONAL STRUCTURE FOR LAND USE MANAGEMENT DECISIONS

Part A: Division of Functions

32 Categories of applications for purposes of section 35(3) of Act

(1) For the purposes of Section 35(4) of the Act, the following categories of applications are determined;

(a) Category 1 applications:

- (i) All applications inconsistent with the provisions of the SDF have to be considered by the Municipal Planning Tribunal;
- (ii) All opposed applications including applications that received petitions for intervener status; and
- (iii) Township Establishment Applications.

(b) Category 2 applications:

(i) All unopposed applications consistent with the provisions of the SDF, except township establishment applications, may be considered by the Land Development Officer.

(2) For the purposes of subsection (1), an opposed application means an application on which negative comments or valid objections, as determined in terms of section 106, were received during the public participation process.

Part B: Land Development Officer

33 Designation and functions of Land Development Officer

(1) The Municipality must, in writing, determine that the incumbent of a particular post on the Municipality's post establishment is the Land Development Officer of the Municipality.

(2) The Land Development Officer must:

- (a) assist the Municipality in the management of applications submitted to the Municipality;
- (b) consider and determine categories of applications contemplated in section 32(1).

(3) The Land Development Officer may refer any application that he or she may decide in terms of section 31, to the Municipal Planning Tribunal.

Part C: Establishment of Municipal Planning Tribunal for Local Municipal Area

34 Establishment of Municipal Planning Tribunal for local municipal area

The Municipal Planning Tribunal must be established as contemplated in section 35 of the Act.

35 Composition of Municipal Planning Tribunal for local municipal area

(1) When the agreement to establish the Municipal Planning Tribunal for the Municipality, to which the Municipality is a party, is terminated or the Municipality withdraws from the agreement in accordance with the provisions thereof, the Municipal Planning Tribunal must consist of minimum of 5 and maximum of 16 members of which five members must be in the full-time service of the Municipality and the remaining members must be at least appointed from the following:

- (a) a person who is registered as a professional planner with the South African Council for the Planning Profession in terms of the Planning Profession Act, 2002 (Act No. 36 of 2002); and/or
- (b) a person who is registered as a professional with the Engineering Council of South Africa in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000); and/or
- (c) a person with financial experience relevant to land development and land use and who is registered with a recognised voluntary association or registered in terms of the Auditing Profession Act, 2005 (Act No. 26 of 2005); and/or
- (d) a person who is either admitted as an attorney in terms of the Attorneys Act, 1979 (Act No. 53 of 1979) or admitted as advocate of the Supreme Court in terms of the Admission of Advocates Act, 1964 (Act No. 74 of 1964); and/or

- (e) a person who is registered as a professional land surveyor in terms of the Professional and Technical Surveyors' Act, 1984 (Act No. 40 of 1984), or a geomatics professional in the branch of land surveying in terms of the Geomatics Profession Act, 2013 (Act No. 19 of 2013); and/or
- (f) a person who is registered as an environmental assessment practitioner with a relevant professional body; and/or
- (g) any other person who has knowledge and experience of spatial planning, land use management and land development or the law related thereto.

(2) The persons in the full-time service of the Municipality referred to in subsection (1) must have at least three years' experience in the field in which they are performing their services.

(3) The persons referred to in subsection (1)(a) to (g) must –

- (a) demonstrate knowledge of spatial planning, land use management and land development of the law related thereto;
- (b) have at least five years' practical experience in the discipline within which they are registered or in the case of a person referred to in subsection (1)(g) in the discipline in which he or she is practising;
- (c) demonstrate leadership in his or her profession or vocation or in community organisations.

36 Nomination procedure

(1) The Municipality must –

- (a) in the case of the first appointment of members to the Municipal Planning Tribunal, invite and call for nominations as contemplated in Part B of Chapter 2 of the Regulations as soon as possible after the approval of the Regulations by the Minister; and
- (b) in the case of the subsequent appointment of members to the Municipal Planning Tribunal, 90 days before the expiry of the term of office of the members serving on the Municipal Planning Tribunal, invite and call for nominations as contemplated in Part B of the Regulations.

(2) The invitation to the organs of state and non-governmental organisations contemplated in regulation 3(2)(a) of the Regulations must be addressed to the organs of state and non-governmental organisations and must be in the form contemplated in Schedule 1 of the By-law together with any other information deemed necessary by the Municipality.

(3) The call for nominations to persons in their individual capacity contemplated in regulation 3(2)(b) of the Regulations must be in the form contemplated in Schedule 2 and –

- (a) must be published in one local newspaper that is circulated in the municipal area in two official languages determined by the Council, having regard to language preferences and usage within its municipal area, as contemplated in section 21 of the Municipal Systems Act;

- (b) may be submitted to the various professional bodies which registers persons referred to in section 35(1) with a request to distribute the call for nominations to their members and to advertise it on their respective websites;
- (c) may advertise the call for nominations on the municipal website; and
- (d) utilise any other method and media it deems necessary to advertise the call for nominations.

37 Submission of nomination

- (1) The nomination must be in writing and be addressed to the Municipal Manager.
- (2) The nomination must consist of –
 - (a) the completed declaration contained in the form contemplated in Schedule 2 and all pertinent information must be provided within the space provided on the form;
 - (b) the completed declaration of interest form contemplated in Schedule 3;
 - (c) the motivation by the nominator contemplated in subsection (3)(a); and
 - (d) the summarised curriculum vitae of the nominee contemplated in subsection (3)(b).
- (3) In addition to the requirements for the call for nominations contemplated in regulation 3(6) of the Regulations, the nomination must request –
 - (a) a motivation by the nominator for the appointment of the nominee to the Municipal Planning Tribunal which motivation must not be less than 50 words or more than 250 words; and
 - (b) a summarised curriculum vitae of the nominee not exceeding two A4 pages.

38 Initial screening of nomination by Municipality

- (1) After the expiry date for nominations the Municipality must screen all of the nominations received by it to determine whether the nominations comply with the provisions of section 36.
- (2) The nominations that are incomplete or do not comply with the provisions of section 36 must be rejected by the Municipality.
- (3) Every nomination that is complete and that complies with the provisions of section 36 must be subjected to verification by the Municipality.
- (4) If, after the verification of the information by the Municipality, the nominee is ineligible for appointment due to the fact that he or she –
 - (a) was not duly nominated;
 - (b) is disqualified from appointment as contemplated in section 38 of the Act;
 - (c) does not possess the knowledge or experience as required in terms of section 35(3); or
 - (d) is not registered with the professional councils or voluntary bodies contemplated in section 35(1), if applicable,

the nomination must be rejected and must not be considered by the evaluation panel contemplated in section 38.

(5) Every nomination that has been verified by the Municipality and the nominee found to be eligible for appointment to the Municipal Planning Tribunal, must be considered by the evaluation panel contemplated in section 38.

(6) The screening and verification process contained in this section must be completed within 30 days from the expiry date for nominations.

39 Evaluation panel

(1) The evaluation panel contemplated in regulation 3(1)(g) read with regulation 3(11) of the Regulations, consists of five officials in the employ of the Municipality appointed by the Municipal Manager.

(2) The evaluation panel must evaluate all nominations within 30 days of receipt of the verified nominations and must submit a report with their recommendations to the Council for consideration.

40 Appointment of members to Municipal Planning Tribunal by Council

(1) Upon receipt of the report, the Council must consider the recommendations made by the evaluation panel and immediately appoint the members to the Municipal Planning Tribunal.

(2) After appointment of the members to the Municipal Planning Tribunal, the Council must designate a chairperson and a deputy chairperson from the members so appointed in section 35(1).

(3) The Municipal Manager must, in writing, notify the members of their appointment to the Municipal Planning Tribunal and, in addition, to the two members who are designated as chairperson and deputy chairperson, indicate that they have been appointed as such.

(4) The Municipal Manager must, when he or she publishes the notice of the commencement date of the operations of the first Municipal Planning Tribunal contemplated in section 45, publish the names of the members of the Municipal Planning Tribunal and their term of office in the same notice.

41 Term of office and conditions of service of members of Municipal Planning Tribunal for municipal area

(1) A member of the Municipal Planning Tribunal appointed in terms of this Chapter and contemplated in Regulation 3 of the Regulations; is appointed for a term of five years, which is renewable once for a further period of five years.

(2) The office of a member becomes vacant if that member -

- (a) is absent from two consecutive meetings of the Municipal Planning Tribunal without the leave of the chairperson of the Municipal Planning Tribunal;
- (b) tenders his or her resignation in writing to the chairperson of the Municipal Planning Tribunal;
- (c) is removed from the Municipal Planning Tribunal under subsection (3); or
- (d) dies or becomes permanently incapacitated.

(3) The Council may remove a member of the Municipal Planning Tribunal if -

- (a) sufficient reasons exist for his or her removal;
- (b) a member contravenes the code of conduct contemplated in Schedule 4;
- (c) a member becomes subject to a disqualification as contemplated in section 38 of the Act.

after giving the member an opportunity to be heard.

(4) A person in the full-time service of the Municipality contemplated in section 35(1) who serves on the Municipal Planning Tribunal –

- (a) may only serve as member of the Municipal Planning Tribunal for as long as he or she is in the full-time service of the Municipality;
- (b) is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick leave or any other employee benefit as a result of his or her membership on the Municipal Planning Tribunal;
- (c) who is found guilty of misconduct under the collective agreement applicable to employees of the Municipality must immediately be disqualified from serving on the Municipal Planning Tribunal.

(5) A person appointed by the Municipality in terms of section 35(1)(a) to (g) to the Municipal Planning Tribunal –

- (a) is not an employee on the staff establishment of the Municipality;
- (b) if that person is an employee of an organ of state as contemplated in regulation 3(2)(a) of the Regulations, is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick leave or any other employee benefit as a result of his or her membership on the Municipal Planning Tribunal;
- (c) performs the specific tasks allocated by the chairperson of the Municipal Planning Tribunal to him or her for a decision hearing of the Municipal Planning Tribunal ;
- (d) sits at such meetings of the Municipal Planning Tribunal that requires his or her relevant knowledge and experience as determined by the chairperson of the Municipal Planning Tribunal;
- (e) in the case of a person referred to in regulation 3(2)(b) of the Regulations is entitled to a seating and travel allowance for each meeting of the Municipal Planning Tribunal that he or she sits on determined annually by the Municipality in accordance with the Act;
- (f) is not entitled to paid overtime, annual leave, sick leave, maternity leave, family responsibility leave, study leave, special leave, performance bonus, medical scheme contribution by the Municipality, pension, motor vehicle or any other benefit which a municipal employee is entitled to.

(6) All members of the Municipal Planning Tribunal must sign the Code of Conduct contained in Schedule 4 before taking up a seat on the Municipal Planning Tribunal.

(7) All members serving on the Municipal Planning Tribunal must adhere to ethics adopted and applied by the Municipality and must conduct themselves in a manner that will not bring the name of the Municipality into disrepute.

(8) The members of the Municipal Planning Tribunal, in the execution of their duties, must comply with the provisions of the Act, provincial legislation, this By-law and the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

42 Vacancy and increase of number of members of Municipal Planning Tribunal

(1) A vacancy on the Municipal Planning Tribunal must be filled by the Council in terms of section 40.

(2) A member who is appointed by virtue of subsection (1) in a vacant seat holds office for the unexpired portion of the period for which the member he or she replaces was appointed.

(3) The Municipality may, during an existing term of office of the Municipal Planning Tribunal and after a review of the operations of the Municipal Planning Tribunal, increase the number of members appointed in terms of this Part and in appointing such additional members, it must adhere to the provisions of sections 34 to 39.

(4) In appointing such additional members the Municipality must ensure that the total number of members of the Municipal Planning Tribunal does not exceed 16 members as contemplated in section 35.

(5) A member who is appointed by virtue of subsection (3) holds office for the unexpired portion of the period that the current members of the Municipal Planning Tribunal hold office.

43 Proceedings of Municipal Planning Tribunal for municipal area

(1) The Municipal Planning Tribunal must operate in accordance with the operational procedures determined by the Municipality.

(2) A quorum for a meeting of the Municipal Planning Tribunal or its committees is a majority of the members appointed for that decision meeting and present at that decision meeting.

(3) Decisions of the Municipal Planning Tribunal are taken by resolution of a majority of all the members present at a meeting of Municipal Planning Tribunal, and in the event of an equality of votes on any matter, the person presiding at the meeting in question will have a deciding vote in addition to his or her deliberative vote as a member of the Municipal Planning Tribunal.

(4) Meetings of the Municipal Planning Tribunal must be held at the times and places determined by the chairperson of the Municipal Planning Tribunal in accordance with the operational procedures of the Municipal Planning Tribunal but meetings must be held at least once per month, if there are applications to consider.

(5) The chairperson may arrange multiple Municipal Planning Tribunal meetings on the same day constituted from different members of the Municipal Planning Tribunal and must designate a presiding officer for each of the meetings.

(6) If an employee of the Municipality makes a recommendation to the Municipal Planning Tribunal regarding an application, that employee may not sit as a member of the Municipal Planning Tribunal while that application is being considered and determined by the Municipal Planning Tribunal but such employee may serve as a technical adviser to the Municipal Planning Tribunal.

44 Tribunal of record

(1) The Municipal Planning Tribunal is a Tribunal of record and must record all proceedings, but is not obliged to provide the in -committee discussions to any member of the public or any person or body.

(2) The Municipality must make the record of the Municipal Planning Tribunal available to any person upon request and payment of the fee approved by the Council and in accordance with the provisions of its Promotion of Access to Information By-Law or policy, if applicable.

45 Commencement date of operations of Municipal Planning Tribunal for local municipal area

(1) The Municipal Manager must within 30 days of the first appointment of members to the Municipal Planning Tribunal -

- (a) obtain written confirmation from the Council that it is satisfied that the Municipal Planning Tribunal is in a position to commence its operations; and
- (b) after receipt of the confirmation referred to in paragraph (a) publish a notice in the *Provincial Gazette* of the date that the Municipal Planning Tribunal will commence with its operation together with the information contemplated in section 40(4).

(2) The Municipal Planning Tribunal may only commence its operations after publication of the notice contemplated in subsection (1).

Part D: Establishment of Joint Municipal Planning Tribunal

46 Agreement to establish joint Municipal Planning Tribunal

(1) If the Municipality decides to establish a joint Municipal Planning Tribunal, it must, as soon as possible, commence discussions with the other Municipalities that have indicated that they would be party to a joint Municipal Planning Tribunal.

(2) The parties to the discussion contemplated in subsection (1) must, as soon as practicable, conclude an agreement that complies with the requirements of the Act.

(3) The Municipality must, as soon as is practicable after signing the agreement, publish notice of the agreement as contemplated in section 35(3) of the Act and the Municipality may issue a joint notice together with the other participating Municipalities and the Ehlanzeni District Municipality.

(4) Upon publication of the notice referred to in subsection (3), the joint Municipal Planning Tribunal is established and remains the Municipal Planning Tribunal for the municipal area of the Municipality until such time as the agreement referred to in this section is terminated or the Municipality terminates its participation in the agreement in accordance with the provisions thereof.

47 Composition of joint Municipal Planning Tribunal

(1) If a joint Municipal Planning Tribunal is established in accordance with the Act and this Part, it must consist of such members as determined in the agreement to establish a joint Municipal Planning Tribunal contemplated in section 34(1) of the Act.

(2) The persons in the full-time service of the Municipality referred to in regulation 3(1)(a) of the Regulations must have at least three years' experience in the field in which they are performing their services.

(3) The persons referred to in regulation 3(1)(b) of the Regulations must –

(a) demonstrate knowledge of spatial planning, land use management and land development or the law related thereto;

(b) have at least five years' practical experience in the discipline within which they are registered or are practising; and

(c) demonstrate leadership in his or her profession or vocation or in community organisations.

(4) No municipal councillor of a participating municipality may be appointed as a member of a joint Municipal Planning Tribunal.

48 Status of decision of joint Municipal Planning Tribunal

A decision of the joint Municipal Planning Tribunal is binding on both the applicant and the Municipality as if that decision was taken by a Municipal Planning Tribunal for a local municipal area.

49 Applicability of Part C, F and G to joint Municipal Planning Tribunal

(1) Subject to subsection (2), the provisions of Part C, Part F and G apply, with the necessary changes, to a joint Municipal Planning Tribunal.

(2) The Municipality, in the establishment of a joint Municipal Planning Tribunal -

(a) must, in a joint invitation and notice together with the other municipalities who are party to the agreement referred to in section 40(1), issue the invitation and call for nominations for appointment of the persons referred to in section 40(3), as contemplated in section 36;

(b) must together with the other municipalities who are party to the agreement referred to in section 46(1) establish a joint evaluation panel to evaluate nominations and the powers and functions of an evaluation panel as contemplated in this Chapter apply to the joint evaluation panel;

(c) must screen all nominations or assign the screening of nominations as contemplated in section 40, before they submit the compliant nominations to the joint evaluation panel referred to in paragraph (b);

(d) must designate the employees contemplated in section 46(2) and appoint the members contemplated in section 46(3) and inform the Municipal Manager of the Bushbuckridge Local Municipality thereof;

(e) notwithstanding section 39(2) and subject to subsection (3), must designate the chairperson and deputy chairperson from the members referred to in section 46(2);

(f) hereby assign the power to notify the members of their appointment to the joint Municipal Planning Tribunal and the power to notify the chairperson and the deputy-chairperson of their designation as such, to the Municipal Manager of the Bushbuckridge Local Municipality;

(g) must, in a joint notice together with the other municipalities who are party to the agreement referred to in section 50(1), publish the names and term of office of the members contemplated in section 39(4) and the commencement of the operation of the joint Municipal Planning Tribunal as contemplated in section 44.

(3) The term of office of a chairperson and deputy chairperson is one year and the office must be occupied by the members of the joint Municipal Planning Tribunal in the rotation order provided for in the agreement to establish the joint Municipal Planning Tribunal.

Part E: Establishment of District Municipal Planning Tribunal

50 Agreement to establish district Municipal Planning Tribunal

(1) If requested by a district municipality, the Municipality decides to establish a district Municipal Planning Tribunal, it must, as soon as possible, commence discussions with the other Municipalities in the district and conclude the necessary agreement that complies with the requirements of the Act.

(2) The Municipality must, as soon as practicable after signing the agreement, publish notice of the agreement as contemplated in section 34(3) of the Act.

51 Composition of district Municipal Planning Tribunal

(1) If a district Municipal Planning Tribunal is established in accordance with the Act and this Part, it must consist of such members as determined in the agreement to establish a district Municipal Planning Tribunal contemplated in section 34(2) of the Act.

(2) The persons in the full-time service of the Municipality referred to in regulation 3(1)(a) of the Regulations must have at least three years' experience in the field in which they are performing their services.

(3) The persons referred to in regulation 3(1)(b) of the Regulations must –

(a) demonstrate knowledge of spatial planning, land use management and land development or the law related thereto;

(b) have at least five years' practical experience in the discipline within which they are registered or are practising; and

(c) demonstrate leadership in his or her profession or vocation or in community organisations.

(4) No municipal councillor of a participating municipality may be appointed as a member of a district Municipal Planning Tribunal.

52 Status of decision of district Municipal Planning Tribunal

A decision of a district Municipal Planning Tribunal is binding on both the applicant and the Municipality as if that decision was taken by a Municipal Planning Tribunal for a local municipal area.

53 Applicability of Part C, F and G to district Municipal Planning Tribunal

(1) Subject to subsection (2), the provisions of Part C, Part F and Part G apply, with the necessary changes, to a district Municipal Planning Tribunal.

(2) The Municipality, in the establishment of a district Municipal Planning Tribunal -

(a) must, in a joint invitation and notice together with the other municipalities who are party to the agreement referred to in section 50(1), issue the invitation and call for nominations for appointment of the persons referred to in section 50(2) as contemplated in section 35;

(b) must establish a district evaluation panel together with the other municipalities who are party to the agreement referred to in section 50(1), to evaluate nominations and the powers and functions of an evaluation panel as contemplated in this Chapter apply to the district evaluation panel;

(c) must screen all nominations or assign the screening of nominations to the Nkangala District Municipality as contemplated in section 37, before they submit the compliant nominations to the district evaluation panel referred to in paragraph (b);

(d) must designate the employees contemplated in section 50(2) and appoint the members contemplated in section 50(2) and inform the Municipal Manager of the Nkangala District Municipality thereof;

(e) notwithstanding section 39(2) and subject to subsection (3), must designate the chairperson and deputy chairperson from the members referred to in section 50(2) recommended by the district evaluation panel;

(f) hereby assign the power to notify the members of their appointment to the joint Municipal Planning Tribunal and the power to notify the chairperson and the deputy-chairperson of their designation as such, to the Municipal Manager of the Bushbuckridge Local Municipality;

(g) must, in a joint notice together with the other municipalities who are party to the agreement referred to in section 50(1), publish the names and term of office of the members contemplated in section 39(4) and the commencement of the operation of the district Municipal Planning Tribunal as contemplated in section 44.

(3) The term of office of a chairperson and deputy chairperson is one year and the office must be occupied by the members of the joint Municipal Planning Tribunal in the rotation order provided for in the agreement to establish the joint Municipal Planning Tribunal.

Part F: Decisions of Municipal Planning Tribunal

54 General criteria for consideration and determination of application by Municipal Planning Tribunal or Land Development Officer

(1) When the Municipal Planning Tribunal or Land Development Officer considers an application submitted in terms of this By-Law, it, he or she must have regard to the following:

(a) the application submitted in terms of this By-law;

(b) the procedure followed in processing the application;

- (c) the desirability of the proposed utilisation of land, assessed in terms of;
 - i) economic impact;
 - ii) social impact;
 - iii) scale of capital investment;
 - iv) compatibility with surrounding uses;
 - v) impact on external engineering services;
 - vi) impact of safety, health and wellbeing of the surrounding community;
 - vii) impact on the biophysical environment;
 - viii) traffic impacts, parking, access and other transport related considerations; and
 - ix) Whether the imposition of conditions can mitigate an adverse impact of the proposed use.
- (d) the comments in response to the notice of the application and the comments received from organs of state and internal departments;
- (e) the response by the applicant to the comments referred to in paragraph (d);
- (f) investigations carried out in terms of other laws which are relevant to the consideration of the application;
- (g) a written assessment by a professional planner as defined in section 1 of the Planning Profession Act, 2002, in respect of land development applications to be considered and determined by the Municipal Planning Tribunal;
- (h) the integrated development plan and municipal spatial development framework;
- (i) the applicable local spatial development frameworks adopted by the Municipality;
- (j) the applicable structure plans;
- (k) the applicable policies of the Municipality that guide decision-making;
- (l) the provincial spatial development framework;
- (m) where applicable, the regional spatial development framework;
- (n) the policies, principles, planning and development norms and criteria set by national and provincial government;
- (o) the matters referred to in section 42 of the Act;
- (p) the relevant provisions of the land use scheme.

(2) The Municipality must approve a site development plan submitted to it for approval in terms of applicable development parameters or conditions of approval contemplated in section 54 if the site development plan -

- (a) is consistent with the development rules of the zoning;
- (b) is consistent with the development rules of the overlay zone;
- (c) complies with the conditions of approval contemplated in section 54; and
- (d) complies with this By-law.

(3) When a site development plan is required in terms of development parameters or conditions of approval contemplated in section 54 -

- (a) the Municipality must not approve a building plan if the site development plan has not been approved; and
- (b) the Municipality must not approve a building plan that is inconsistent with the approved site development plan.

(4) The written assessment of a professional planner contemplated in subsection (1)(g) must include such registered planner's evaluation of the proposal confirming that the application complies with the procedures required by this By-law, the spatial development framework, the land use scheme; applicable policies and guidelines; or if the application does not comply, state to what extent the application does not comply.

55 Conditions of approval

(1) When the Municipal Planning Tribunal or Land Development Officer approves an application subject to conditions, the conditions must be reasonable conditions and must arise from the approval of the proposed utilisation of land.

(2) Conditions imposed in accordance with subsection (1) may include conditions relating to—

- (a) the provision of engineering services and infrastructure;
- (b) the cession of land or the payment of money;
- (c) the provision of land needed for public places or the payment of money in lieu of the provision of land for that purpose;
- (d) the extent of land to be ceded to the Municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the Municipality;
- (e) settlement restructuring;
- (f) agricultural or heritage resource conservation;
- (g) biodiversity conservation and management;
- (h) the provision of housing with the assistance of a state subsidy, social facilities or social infrastructure;
- (i) energy efficiency;
- (j) requirements aimed at addressing climate change;

- (k) the establishment of an owners' association in respect of the approval of a subdivision;
- (l) the provision of land needed by other organs of state;
- (m) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the Municipality or the registration of public places in the name of the Municipality, and the transfer of ownership to the Municipality of land needed for other public purposes;
- (n) the excision of land from the agricultural holding register and the endorsement by the Registrar of Deeds of the agricultural holding title, to the effect that the land is excised;
- (o) the implementation of a subdivision in phases;
- (p) requirements of other organs of state;
- (q) the submission of a construction management plan to manage the impact of a new building on the surrounding properties or on the environment;
- (r) agreements to be entered into in respect of certain conditions;
- (s) the phasing of a development, including lapsing clauses relating to such phasing;
- (t) the delimitation of development parameters or land uses that are set for a particular zoning;
- (u) the setting of validity periods, if the Municipality determined a shorter validity period as contemplated in this By-law;
- (v) the setting of dates by which particular conditions must be met;
- (w) the circumstances under which certain land uses will lapse;
- (x) requirements relating to engineering services as contemplated in Chapter 7;
- (y) requirements for an occasional use that must specifically include –
 - (i) parking and the number of ablution facilities required;
 - (ii) maximum duration or occurrence of the occasional use; and
 - (iii) parameters relating to a consent use in terms of the land use scheme.

(3) If a Municipal Planning Tribunal or Land Development Officer imposes a condition contemplated in subsection (2)(a), an engineering services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of infrastructure commences on the land.

(4) A condition contemplated in subsection (2)(b) may require only a proportional contribution to municipal public expenditure according to the normal need therefor arising from the approval, as determined by the Municipality in accordance with norms and standards, as may be prescribed.

(5) Except for land needed for public places, social infrastructure or internal engineering services, any additional land required by the Municipality or other organs of state arising from an approved application must be acquired subject to applicable laws that provide for the acquisition or expropriation of land.

(6) Conditions which require a standard to be met must specifically refer to an approved or published standard.

(7) No condition may be imposed which affects a third party or which is reliant on a third party for fulfilment, with the exception of a condition that requires the approval in terms of other legislation.

(8) If the Municipal Planning Tribunal or Land Development Officer approves an application subject to conditions, it, he or she must specify which conditions must be complied with before the sale, development or transfer of the land.

(9) The Municipal Planning Tribunal or Land Development Officer may, on its, his or her own initiative or on application, amend, delete or impose additional conditions after due notice to the owner and any persons whose rights may be affected.

(10) After the applicant has been notified that his or her application has been approved, the Municipal Planning Tribunal or Land Development Officer or at the applicant's request may, after consultation with the applicant, amend or delete any condition imposed in terms of this section or add any further condition, provided that if the amendment is in the opinion of the Municipal Planning Tribunal or Land Development Officer so material as to constitute a new application, the Municipal Planning Tribunal or Land Development Officer may not exercise its, his or her powers in terms hereof and must require the applicant to submit an amended or new application and in the sole discretion of the Municipal Planning Tribunal or Land Development Officer to re-advertise the application in accordance with section 99.

56 Reference to Municipal Planning Tribunal

Any reference to a Municipal Planning Tribunal in this Part is deemed to be a reference to a joint Municipal Planning Tribunal or a district Municipal Planning Tribunal.

Part G: Administrative Arrangements

57 Administrator for Municipal Planning Tribunal

(1) The Municipal Manager must designate an employee as the administrator for the Municipal Planning Tribunal.

(2) The person referred to in subsection (1) must—

- (a) liaise with the relevant Municipal Planning Tribunal members and the parties in relation to any application or other proceedings filed with the Municipality;
- (b) maintain a diary of hearings of the Municipal Planning Tribunal;
- (c) allocate meeting dates by instruction of the chairperson; and application numbers to applications;
- (d) arrange the attendance of meetings by members of the Municipal Planning Tribunal;
- (e) arrange venues for Municipal Planning Tribunal meetings;
- (f) administer the proceedings of the Municipal Planning Tribunal;

- (g) perform the administrative functions in connection with the proceedings of the Municipal Planning Tribunal;
- (h) ensure the efficient administration of the proceedings of the Municipal Planning Tribunal, in accordance with the directions of the chairperson of the Municipal Planning Tribunal;
- (i) arrange the affairs of the Municipal Planning Tribunal so as to ensure that time is available to liaise with other authorities regarding the alignment of integrated applications and authorisations;
- (j) notify parties of orders and directives given by the Municipal Planning Tribunal;
- (k) keep a record of all applications submitted to the Municipal Planning Tribunal and the outcome of each, including—
 - (i) decisions of the Municipal Planning Tribunal;
 - (ii) on-site inspections and any matter recorded as a result thereof;
 - (iii) reasons for decisions; and
 - (iv) proceedings of the Municipal Planning Tribunal; and
- (l) keep records by any means as the Municipal Planning Tribunal may deem expedient.

CHAPTER 5

DEVELOPMENT MANAGEMENT

Part A: Types of Applications

58 Types of applications

A person may make application for the following in terms of this By-Law –

- (a) establishment of a township or the extension of the boundaries of a township;
- (b) division or phasing of a township;
- (c) amendment or cancellation in whole or in part of a general plan of a township;
- (d) amendment of an existing scheme or land use scheme by the rezoning of land, including rezoning to an overlay zone;
- (e) removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
- (f) subdivision of land;
- (g) consolidation of land;
- (h) amendment or cancellation of a subdivision plan;
- (i) permanent closure of any public place;
- (j) consent use;
- (k) development on communal land that will have a high impact on the traditional community concerned;
- (l) permanent or temporary departure from land use scheme

- (m) extension of the period of validity of an approval;
- (n) exemption of a subdivision from the need for approval in terms of this By-Law as contemplated in section 76;
- (o) determination of a zoning;
- (p) amendment, deletion or addition of conditions in respect of an existing approval granted or deemed to be granted in terms of section 55(10);
- (q) approval of the constitution of an owners' association or an amendment of the constitution of the owners' association;
- (r) any other application provided for in this By-Law;
- (s) any other application which the Council may determine in terms of this By-Law.
- (t) any combination of the applications referred to in this section submitted simultaneously as one application.

59 Land use and land development

(1) No person may use or commence with, carry on or cause the commencement with or carrying on of land development and land use, which is not permitted in the land use scheme or for which an approval is not granted in terms of this By-Law.

(2) Any land use right granted in terms of an approval of an application or reflected in the land use scheme vests in the land and not in the owner or applicant.

(3) When an applicant or owner exercises a land use right granted in terms of an approval he or she must comply with the conditions of the approval and the applicable provisions of the land use scheme.

(4) In addition to the provisions of this Chapter, the provisions of Chapter 6 apply to any application submitted to the Municipality in terms of this Chapter.

(5) Any reference to the Municipality in this Chapter includes a reference to the Municipal Planning Tribunal and the Land Development Officer, as the case may be.

Part B: Establishment of Township or Extension of Boundaries of Township

60 Application for establishment of township

(1) An applicant who wishes to establish a township on land or for the extension of the boundaries of an approved township must apply to the Municipality for the establishment of a township or for the extension of the boundaries of an approved township in the manner provided for in Chapter 6.

(2) The Municipality must, in approving an application for township establishment, set out:

- (a) the conditions of approval contemplated in section 55 in a statement of conditions in the form approved by the Council;
- (b) the statement of conditions which conditions shall be known as conditions of establishment for the township; and
- (c) the statement of conditions must, substantially be in accordance with this By-law.

(3) The statement of conditions must, read with directives that may be issued by the Registrar of Deeds, contain the following:

- (a) Specify those conditions that must be complied with prior to the registration of the opening of a township register with the Registrar of Deeds;
- (b) the conditions of establishment relating to the township that must remain applicable to the township;
- (c) conditions of title to be incorporated into the title deeds of the erven to be created for purposes of the township;
- ;
- (d) the conditions to be incorporated into the land use scheme by means of an amendment scheme.
- (e) if a non-profit company is to be established and transfer of erven to the non-profit company for purposes of maintaining erven within the township, the conditions that must apply to the said transfer;
- (f) any other conditions and or obligation on the township owner, which the Municipality deems necessary for the proper establishment, execution and implementation of the township.

(4) After the applicant has been notified that the application has been approved, the Municipality or at the applicant's request may, after consultation with the applicant, amend or delete any condition imposed in terms of subsection (2)(a) or; add any further condition, provided that if the amendment is in the opinion of the Municipality material as to constitute a new application;

The Municipality must not exercise its powers in terms hereof and must require the applicant to submit an amended or new application and in the sole discretion of the Municipality to re-advertise the application in accordance with section 99.

(5) After the applicant has been notified that his or her application has been approved, the Municipality or at the applicant's request may, after consultation with the applicant and the Surveyor General, amend the layout of the township approved as part of the township establishment: Provided that if the amendment is in the opinion of the Municipality so material as to constitute a new application, the Municipality must not exercise its powers in terms hereof and require the applicant to submit an amended or new application in the opinion of the Municipality and re-advertise the application in the sole discretion of the Municipality in accordance with section 99.

(6) Without detracting from the provisions of subsection (4) and (5) the Municipality may require the applicant or the applicant of his or her own accord, amend both the conditions and the layout plan of the township establishment application as contemplated therein.

(7) Where the ownership of land in respect of which an application for the establishment of a township has been made, has changed and the new owner of such land notifies the Municipality in writing that he

wishes to continue with the application, the Municipality may, if the application has not lapsed in terms of sections 72, 76, or 77, consent to the continuation of the application subject to any condition he may deem expedient.

(8) An owner who continues with an application in accordance with the provisions of subsection (7) shall, for the purposes of the provisions of this Chapter, be deemed to be the applicant

61 Division or phasing of township

(1) An applicant who has been notified in terms of section 108 that the application has been approved may, within the period permitted by the Municipality, apply to the Municipality for the division of the township into two or more separate townships.

(2) On receipt of an application in terms of subsection (1) the Municipality must consider the application and may for purposes of the consideration of the application require the applicant to indicate whether the necessary documents were lodged with the Surveyor-General or provide proof of consultation with the Surveyor General.

(3) Where the Municipality approves an application it may impose any condition it may deem expedient and must notify the applicant in writing thereof and of any conditions imposed.

(4) The applicant must, within a period of 3 months or such further period as the Municipality may allow from the date of the notice contemplated in subsection (3), submit to the Municipality the phasing plans, layout plans, conditions of establishment and other documents and furnish such information as may be required in respect of each separate township.

(5) On receipt of the documents or information contemplated in subsection (4) the Municipality must notify the Surveyor-General and the Registrar in writing of the approval of the application; and such notice must be accompanied by a copy of the plan of each separate township.

62 Lodging of layout plan for approval with the Surveyor-General.

(1) An applicant who has been notified in terms of section 117 that his or her application has been approved, must, within a period of 12 months from the date of such notice, or such further period as the Municipality may allow which period may not be longer than five years, lodge for approval with the Surveyor-General such plans, diagrams or other documents as the Surveyor-General may require, and if the applicant fails to do so the application lapses.

(2) For purposes of subsection (1), the Municipality must provide to the applicant a final schedule as contemplated in section 60(2) and (3) of the conditions of establishment together with a stamped and approved layout plan.

(3) The Municipality must for purposes of lodging the documents contemplated in subsection (1) determine street names and numbers on the layout plan.

(4) Where the applicant fails, within a reasonable time as may be determined by the Municipality after he or she has lodged the plans, diagrams or other documents contemplated in subsection (1), to comply with any requirement the Surveyor-General may lawfully determine, the Surveyor-General must notify the

Municipality that he or she is satisfied, after hearing the applicant, that the applicant has failed to comply with any such requirement without sound reason, and thereupon the approval lapses.

- (5) After an applicant has been notified that the application has been approved, the Municipality may:
 - (a) where the documents contemplated in subsection (1) have not yet been lodged with the Surveyor-General;
 - (b) where the documents contemplated in subsection (1) have been lodged with the Surveyor-General, after consultation with the Surveyor-General,

consent to the amendment of such documents, unless the amendment is, in its opinion, so material as to constitute a new application for the establishment of a township.

63 Compliance with pre-proclamation conditions of approval

(1) The applicant must provide proof to the satisfaction of the Municipality within the timeframes as prescribed in terms of this By-law, that all conditions contained in the schedule to the approval of a township establishment application have been complied with.

(2) The Municipality must certify that all the conditions that have to be complied with by the applicant or owner as contemplated in section 60(2) and (3) have been complied with including the provision of guarantees and payment of monies that may be required.

(3) The Municipality must at the same time notify the Registrar of Deeds and Surveyor-General of the certification by the Municipality in terms of subsection (2).

(4) The Municipality may agree to an extension of time as contemplated in subsection (1), after receiving a written application from the applicant for an extension of time: Provided that such application provides motivation for the extension of time.

64 Opening of Township Register

(1) The applicant must lodge with the Registrar of Deeds the plans and diagrams contemplated in section 53 as approved by the Surveyor-General together with the relative title deeds for endorsement or registration, as the case may be.

(2) For purposes of subsection (1) the Registrar must not accept such documents for endorsement or registration until such time as the Municipality has certified that the applicant has complied with such conditions as the Municipality may require to be fulfilled in terms of section 60(3).

(3) The plans, diagrams and title deeds contemplated in subsection (1) and certification contemplated in subsection (2) must be lodged within a period of 12 months from the date of the approval of such plans and diagrams, or such further period as the Municipality may allow.

(4) If the applicant fails to comply with the provisions of subsections (1), (2) and (3), the application lapses.

(5) Having endorsed or registered the title deeds contemplated in subsection (1), the Registrar must notify the Municipality forthwith of such endorsement or registration.

(6) The Registrar must not register any further transactions in respect of any land situated in the township until such time as the township is declared an approved township in terms of section 65.

65 Proclamation of approved township.

Upon compliance with sections 61, 62, 63 and 64 the approval of the Municipality is confirmed and cannot lapse and the Municipality or the applicant, if authorised in writing by the Municipality, must, by notice in the *Provincial Gazette*, declare the township an approved township and it must, in an annexure to such notice, set out the conditions on which the township is declared an approved township.

66 Prohibition of certain contracts and options

(1) After an owner of land has taken steps to establish a township on his or her land, no person is permitted to -

- (a) enter into any contract for the sale, exchange or alienation or disposal in any other manner of an erf in that township;
- (b) grant an option to purchase or otherwise acquire an erf in that township,

until such time as the township is declared an approved township, provided that the provisions of this subsection must not be construed as prohibiting any person from purchasing land on which he or she wishes to establish a township subject to a condition that upon the declaration of the township as an approved township, one or more of the erven therein will be transferred to the purchaser.

(2) Any contract entered into in conflict with the provisions of subsection (1) shall be of no force and effect.

(3) For the purposes of subsection (1) -

- (a) "steps" includes steps preceding an application; and
- (b) "any contract" includes a contract which is subject to any condition, including a suspensive condition.

Part C: Rezoning of land

67 Application for amendment of a land use scheme by rezoning of land

(1) An applicant, who wishes to rezone land must apply to the Municipality for the rezoning of the land in the manner provided for in Chapter 6 of the by-law. (2) An application approval in terms of subsection 1 lapses after a period of two years calculated from the date of approval or the date that the approval comes into operation if, within that two year period -

- (a) the conditions of approval contemplated in section 55 have not been met; and
- (b) the development charges referred to in Chapter 7 have not been paid or paid in the agreed instalments.

(3) An applicant may, prior to the lapsing of an approval, apply for an extension of the period contemplated in subsection (2), in accordance with the provisions of section 118.

(4) The Municipality may grant an extension of the two year period contemplated in subsection (2), but the two year period together with any extension that the Municipality grants, may not exceed five years.

(5) Upon compliance with subsection 2(a) and (b), the approval of the rezoning is confirmed and cannot lapse and the Municipality or the applicant, if authorised in writing by the Municipality, must publish a notice in the *Provincial Gazette* of the amendment of the land use scheme and it comes into operation on the date of publication of the notice.

(6) If a rezoning approval lapses, the zoning applicable to the land prior to the approval of the rezoning applies, or where no zoning existed prior to the approval of the rezoning, the Municipality must determine a zoning as contemplated in section 189.

Part D: Removal, Amendment or Suspension of a Restrictive or Obsolete Condition, Servitude or Reservation Registered Against the Title of the Land

68 Requirements for amendment, suspension or removal of restrictive conditions or obsolete condition, servitude or reservation registered against the title of the land

(1) The Municipality may, of its own accord or on application, by notice in the *Provincial Gazette* amend, suspend or remove, either permanently or for a period specified in the notice and either unconditionally or subject to any condition so specified, any restrictive condition.

(2) An applicant who wishes to have a restrictive condition amended, suspended or removed must apply to the Municipality for the amendment, suspension or removal of the restrictive condition in the manner provided for in Chapter 6.

(3) The Municipality must, in accordance with section 99, cause a notice of its intention to consider an application under subsection (1) to be served on—

- (a) all organs of state that may have an interest in the title deed restriction;
- (b) every holder of a bond encumbering the land;
- (c) a person whose rights or legitimate expectations will be materially and adversely affected by the approval of the application; and
- (d) all persons mentioned in the title deed for whose benefit the restrictive condition applies.

(4) When the Municipality considers the removal, suspension or amendment of a restrictive condition, the Municipality must have regard to the following:

- (a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;
- (b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;
- (c) the personal benefits which will accrue to the person seeking the removal of the restrictive condition, if it is removed;
- (d) the social benefit of the restrictive condition remaining in place in its existing form;
- (e) the social benefit of the removal or amendment of the restrictive condition; and

- (f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

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

(1) The applicant must, after the amendment, suspension or removal of a restrictive condition by notice in the *Provincial Gazette* as contemplated in section 68(1), submit the following to the Registrar of Deeds:

- (a) a copy of the original title deed;
- (b) a copy of the original letter of approval; and
- (c) a copy of the notification of the approval.

(2) The Registrar of Deeds and the Surveyor-General must, after the amendment, suspension or removal of a restrictive condition by notice in the *Provincial Gazette*, as contemplated in section 76(1), make the appropriate entries in and endorsements on any relevant register, title deed, diagram or plan in their respective offices or submitted to them, as may be necessary to reflect the effect of the amendment, suspension or removal of the restrictive condition.

Part E: Amendment or Cancellation in Whole or in Part of a General Plan of a Township

70 Notification of Surveyor General

(1) After the Municipality has approved or refused an application for the alteration, amendment or cancellation of a general plan, the Municipality must forthwith notify the Surveyor-General in writing of the decision and, where the application has been approved, state any conditions imposed.

(2) An applicant who has been notified that his or her application has been approved must, within a period of 12 months from the date of the notice, lodge with the Surveyor-General such plans, diagrams or other documents as the Surveyor-General may deem necessary to effect the alteration, amendment or cancellation of the general plan, and if he or she fails to do so the application lapses.

(3) Where the applicant fails, within a reasonable time after he or she has lodged the plans, diagrams or other documents contemplated in subsection (2), to comply with any requirement the Surveyor-General may lawfully lay down, the Surveyor-General must notify the Municipality accordingly, and where the Municipality is satisfied, after hearing the applicant, that the applicant has failed to comply with any such requirement without sound reason, the Municipality must notify the applicant, and thereupon the application lapses.

(4) After the Surveyor-General has, in terms of section 37(2) of the Land Survey Act 8, 1997, altered or amended the general plan or has totally or partially cancelled it, he or she must notify the Municipality.

(5) On receipt of the notice contemplated in subsection (4) the Municipality must publish a notice in the *Provincial Gazette* declaring that the general plan has been altered, amended or totally or partially cancelled and the Municipality must, in a schedule to the latter notice, set out the conditions imposed or the amendment or deletion of any condition, where applicable.

(6) The Municipality must provide the Registrar of Deeds with a copy of the notice in the *Provincial Gazette* and schedule thereto contemplated in subsection (5).

71 Effect of amendment or cancellation of general plan

Upon the total or partial cancellation of the general plan of a township -

- (a) the township or part thereof ceases to exist as a township; and
- (b) the ownership of any public place or street re-vests in the township owner.

Part F: Subdivision and Consolidation**72 Application for subdivision**

(1) No person may subdivide land without the approval of the Municipality, unless the subdivision is exempted under section 76.

(2) An applicant who wishes to subdivide land must apply to the Municipality for the subdivision of land in the manner provided for in Chapter 6.

(3) The Municipality must impose appropriate conditions relating to engineering services for an approval of a subdivision.

(4) If the Municipality approves a subdivision, the applicant must submit a general plan or diagram to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—

- (a) the Municipality's decision to approve the subdivision;
- (b) the conditions of approval contemplated in subsection (3) and section 55; and
- (c) the approved subdivision plan.

(5) If the Municipality approves an application for a subdivision, the applicant must within a period of three years calculated from the date of approval of the subdivision or the date that the approval comes into operation, comply with the following requirements:

- (a) the approval by the Surveyor-General of the general plan or diagram contemplated in subsection (4);
- (b) sign an engineering services agreement contemplated in section 126;
- (c) submit proof to the satisfaction of the Municipality that all relevant conditions contemplated in section 54 for the approved subdivision in respect of the area shown on the general plan or diagram and that must be complied with before compliance with paragraph (d) have been met; and
- (d) registration of the transfer of ownership in terms of the Deeds Registries Act of the land unit shown on the diagram.

(6) A confirmation from the Municipality in terms of section 73(3) that all conditions of approval contemplated in section 46 have been met, which is issued in error, does not absolve the applicant from complying with the obligations imposed in terms of the conditions or otherwise complying with the conditions after confirmation of the subdivision.

73 Confirmation of subdivision

- (1) Upon compliance with section 72(5), the subdivision or part thereof is confirmed and cannot lapse.
- (2) Upon confirmation of a subdivision or part thereof, the zonings indicated on the approved subdivision plan as confirmed cannot lapse.
- (3) The Municipality must in writing confirm to the applicant or to any other person at his or her written request that a subdivision or a part of a subdivision is confirmed, if the applicant has to the satisfaction of the Municipality submitted proof of compliance with the requirements of section 72(5) for the subdivision or part thereof.
- (4) No building or structure may be constructed on a land unit forming part of an approved subdivision unless the subdivision is confirmed or the Municipality approved the construction prior to the subdivision being confirmed.

74 Lapsing of subdivision and extension of validity periods

- (1) An approved subdivision or a portion thereof lapses after the period referred to in section 72(5), if the applicant does not comply with section 74(5).
- (2) An applicant may, prior to the lapsing of an approval, apply for an extension of the period referred to in section 63(5) in accordance with the provisions of section 118.
- (3) The Municipality may grant an extension of the three year period contemplated in section 72(5), but the three year period together with any extension that the Municipality grants, may not exceed five years.
- (4) If, after the expiry of the extended period, the requirements of section 72(5) have not been complied with, the subdivision may lapse and subsection (6) applies.
- (5) If only a portion of the general plan, contemplated in section 74(5)(a) complies with section 73(5)(b) and (c), the general plan must be subdivision diagram or general plan.
- (6) If an approval of a subdivision or part thereof lapses under subsection (1) —
 - (a) the Municipality must—
 - (i) amend the zoning map and, where applicable, the register accordingly; and
 - (ii) notify the Surveyor-General accordingly; and
 - (b) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the notification that the subdivision has lapsed.

75 Amendment or cancellation of subdivision plan

- (1) The Municipality may approve the amendment or cancellation of a subdivision plan, including conditions of approval contemplated in section 63, the general plan or diagram, in relation to land units shown on the general plan or diagram of which no transfer has been registered in terms of the Deeds Registries Act.
- (2) When the Municipality approves an application in terms of subsection (1), any public place that is no longer required by virtue of the approval must be closed.

(3) The Municipality must notify the Surveyor-General of an approval in terms of subsection (1), and the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the amendment or cancellation of the subdivision.

(4) An approval of a subdivision in respect of which an amendment or cancellation is approved in terms of subsection (1), remains valid for the remainder of the period contemplated in section 72(5) applicable to the initial approval of the subdivision, calculated from the date of approval of the amendment or cancellation in terms of subsection (1).

76 Exemption of subdivisions and consolidations

(1) The subdivision or consolidation of land in the following circumstances does not require the approval of the Municipality:

- (a) if the subdivision or consolidation arises from the implementation of a court ruling;
- (b) if the subdivision or consolidation arises from an expropriation;
- (c) a minor amendment of the common boundary between two or more land units if the resulting change in area of any of the land units is not more than 10 per cent;
- (d) the registration of a servitude or lease agreement for the provision or installation of—
 - (i) water pipelines, electricity transmission lines, sewer pipelines, gas pipelines or oil and petroleum product pipelines by or on behalf of an organ of state or service provider;
 - (ii) telecommunication lines by or on behalf of a licensed telecommunications operator;
 - (iii) the imposition of height restrictions;
- (e) the exclusive utilisation of land for agricultural purposes, if the utilisation—
 - (i) requires approval in terms of legislation regulating the subdivision of agricultural land; and
 - (ii) does not lead to urban expansion.
- (f) the subdivision and consolidation of a closed public place with an abutting erf; and
- (g) the granting of a right of habitation or usufruct;
- (h) the subdivision of land for the purpose of the construction or alteration of roads or any other matter related thereto;
- (i) the subdivision of land in order to transfer ownership to the Municipality or other organ of state;
- (j) the subdivision of land in order to transfer ownership from the Municipality or other organ of state, excluding a subdivision for the purposes of alienation for development;
- (k) the subdivision of land where the national or provincial government may require a survey, whether or not the national or provincial government is the land-owner; and

- (l) the subdivision of land in existing housing schemes in order to make private property ownership possible.

(2) The Municipality must, in each case, certify in writing that the subdivision has been exempted from the provisions of this Chapter and impose any condition it may deem necessary.

(3) The Municipality must indicate on the plan of subdivision that the subdivision has been exempted from the provisions of sections 72 to 75.

77 Services arising from subdivision

Subsequent to the granting of an application for subdivision in terms of this By-law the owner of any land unit originating from the subdivision must—

- (a) allow without compensation that the following be conveyed across his or her portion of land in respect of other portions of land, across the standard building restriction areas along the property boundaries of his land, or outside the building restriction area as specified in the conditions of approval of the subdivision:
 - (i) gas mains;
 - (ii) electricity cables;
 - (iii) telephone cables;
 - (iv) television cables;
 - (v) other electronic infrastructure;
 - (vi) main and other water pipes;
 - (vii) sewer lines;
 - (viii) storm water pipes; and
 - (ix) ditches and channels;
- (b) allow the following on his or her land unit if considered necessary and in the manner and position as may be reasonably required by the Municipality:
 - (i) surface installations such as mini-substations;
 - (ii) meter kiosks; and
 - (iii) service pillars;
- (c) allow access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works referred to in paragraphs (a) and (b); and
- (d) receive material or permit excavation on the land unit as may be required to allow use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land

unit, unless he or she elects to build retaining walls to the satisfaction of and within a period to be determined by the Municipality.

78 Consolidation of land

(1) No person may consolidate land without the approval of the Municipality, unless the consolidation is exempted under section 76.

(2) A copy of the approval must accompany the diagram which is submitted to the Surveyor-General's office.

(3) If the Municipality approves a consolidation, the applicant must submit a diagram to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—

- (a) the decision to approve the consolidation;
- (b) the conditions of approval contemplated in section 55; and
- (c) the approved consolidation plan.

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

79 Lapsing of consolidation and extension of validity periods

(1) If a consolidation of land units is approved but no consequent registration by the Registrar of Deeds takes place within three years of the approval, the consolidation approval lapses, unless the consolidation of land units form part of an application which has been approved for a longer period.

(2) An applicant may, prior to the lapsing of an approval, apply for an extension of the period referred to in subsection (1), in accordance with the provisions of section 118.

(3) The Municipality may grant extensions to the period contemplated in subsection (1), which period together with any extensions that the Municipality grants, may not exceed five years.

(5) If an approval of a consolidation lapses under subsection (1) the Municipality must—

- (a) amend the zoning map and, where applicable, the register accordingly; and
- (b) notify the Surveyor-General accordingly; and
- (c) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the notification that the consolidation has lapsed.

Part G: Permanent Closure of Public Place

80 Closure of public place

(1) The Municipality may on own initiative or on application close a public place or any portion thereof in accordance with the procedures in Chapter 6.

(2) An applicant who wishes to have a public place closed or a portion of a public place closed must apply to the Municipality for the closure of the public place or portion thereof in the manner provided for in Chapter 6.

(3) The ownership of the land comprised in any public place or portion thereof that is closed in terms of this section continues to vest in the Municipality unless the Municipality determines otherwise.

(4) The municipal manager may, without complying with the provisions of this Chapter temporarily close a public place—

- (a) for the purpose of or pending the construction, reconstruction, maintenance or repair of the public place;
- (b) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under the public place;
- (c) if the street or place is, in the opinion of the municipal manager, in a state dangerous to the public;
- (d) by reason of any emergency or public event which, in the opinion of the municipal manager, requires special measures for the control of traffic or special provision for the accommodation of crowds, or
- (e) for any other reason which, in the opinion of the municipal manager, renders the temporary closing of the public place necessary or desirable.

(5) The Municipality must notify the Surveyor-General of an approval in terms of subsection (1), and the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the closure of the public place.

Part H: Consent Use

81 Application for consent use

(1) An applicant may apply to the Municipality for a consent use provided for in the land use scheme in the manner provided for in Chapter 6.

(2) Where the development parameters for the consent use that is being applied for are not defined in an applicable land use scheme, the Municipality must determine the development parameters that apply to the consent use as conditions of approval contemplated in section 55.

(3) A consent use may be granted permanently or for a specified period of time in terms of conditions of approval contemplated in section 55.

(4) A consent use granted for a specified period of time contemplated in subsection (3) must not have the effect of preventing the property from being utilised in the future for the primary uses permitted in terms of the zoning of the land.

(5) A consent use contemplated in subsection (1) lapses after a period of two years or such shorter period as the Municipality may determine calculated from the date that the approval comes into operation if, within that the two year period -

- (a) the consent use is not utilised in accordance with the approval thereof; or
- (b) the following requirements, if applicable, are not met:
 - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
 - (ii) commencement with the construction of the building contemplated in subparagraph (i).

(6) The Municipality may grant extensions to the period contemplated in subsection (5) and the granting of an extension may not be unreasonably withheld by the Municipality. , which period together with any extensions that the Municipality grants, may not exceed five years.

Part I: Land Use on Communal Land

82 Application for development on or change to land use purpose of communal land

(1) An applicant who wishes to develop on or change the land use purpose of communal land located in the area of a traditional council where such development will have a high impact on the community or such change requires approval in terms of the land use scheme applicable to such area, must apply to the Municipality in the manner provided for in Chapter 6.

(2) No application pertaining to land development on or change the land use purpose of communal land may be submitted unless accompanied by Tribal Resolution signed by the applicable traditional council.

(3) For the purpose of this section, a "high impact" development includes any of the following:

- (a) abattoir;
- (b) cemetery;
- (c) crematorium and funeral parlour;
- (d) filling station and public garage;
- (e) government institutions;
- (f) lodge;
- (g) high density residential;
- (h) industry and light industry;
- (i) manufacturing, micro-manufacturing, retail selling and distribution as contemplated in the Liquor Act, 2003 (Act No. 59 of 2003);
- (k) mining;
- (l) noxious use;
- (m) office;

- (n) panelbeating;
- (o) retail services including shopping complexes and supermarkets;
- (p) scrapyards; and
- (q) any other development which may require specialist report, including a geotechnical report or environmental impact assessment.

(4) The Municipality must define each of the high impact activities contemplated in subsection (3) in its land use scheme.

Part J: Departure from provisions of Land Use Scheme

83 Application for permanent or temporary departure

(1) An application for a permanent departure from the provisions of the land use scheme is an application that will result in the permanent amendment of the land use scheme provisions applicable to land, and includes:

- (a) The relaxation of development parameters such as building line, height, coverage or number of storeys; and
- (b) the departure from any other provisions of a land use scheme that will result in the physical development or construction of a permanent nature on land.

(2) An application for a temporary departure from the provisions of the land use scheme is an application that does not result in an amendment of the land use scheme provisions applicable to land, and includes:

- (a) prospecting rights granted in terms of the Mineral and Petroleum Resources Development Act, 2002;
- (b) the erection and use of temporary buildings, or the use of existing buildings for site offices, storage rooms, workshops or such other uses as may be necessary during the erection of any permanent building or structure on the land;
- (c) the occasional use of land or buildings for public religious exercises, place of instruction, institution, place of amusement or social hall;
- (d) the use of land or the erection of buildings necessary for the purpose of informal retail trade;
- (e) any other application to utilise land on a temporary basis for a purpose for which no provision is made in the land use scheme in respect of a particular zone .

(3) An applicant may apply for a departure in the manner provided for in Chapter 6.

(4) The Municipality may grant approval for a departure

- (a) contemplated in subsection (2)(a) for the period of validity of the prospecting license after which period the approval lapses; and

(b) contemplated in subsection (2)(b) for the period requested in the application or the period determined by the Municipality after which period the approval lapses.

(5) The Municipality may grant extensions to the period that it determines in terms of subsection (4)(b), which period together with any extensions that the Municipality grants, may not exceed five years and the granting of the extension may not be unreasonably withheld by the Municipality.

(6) A temporary departure contemplated in subsection (2) may not be granted more than once in respect of a particular use on a specific land unit.

(7) A temporary departure contemplated in subsection (2)(b) may not include the improvement of land that is not temporary in nature and which has the effect that the land cannot, without further construction or demolition, revert to its previous lawful use upon the expiry of the period contemplated in subsection (1)(b).

Part K: General Matters

84 Ownership of public places and land required for municipal engineering services and social facilities

(1) The ownership of land that is earmarked for a public place as shown on an approved subdivision plan vest in the Municipality upon confirmation of the subdivision or a part thereof.

(2) The Municipality may in terms of conditions imposed in terms of section 55 determine that land designated for the provision of engineering services, public facilities or social infrastructure on an approved subdivision plan, be transferred to the Municipality upon confirmation of the subdivision or a part thereof.

85 Restriction of transfer and registration

(1) Notwithstanding the provisions contained in this By-law or any conditions imposed in the approval of any application, the owner must, at his or her cost and to the satisfaction of the Municipality, survey and register all servitudes required to protect the engineering services provided, constructed and installed as contemplated in Chapter 7.

(2) No Erf/Erven and/or units in a land development area, may be alienated or transferred into the name of a purchaser nor must a Certificate of Registered Title be registered in the name of the owner, prior to the Municipality certifying to the Registrar of Deeds that:

- (a) All engineering services have been designed and constructed to the satisfaction of the Municipality, including guarantees for services having been provided to the satisfaction of the Municipality as may be required; and
- (b) all engineering services and development charges have been paid or an agreement has been entered into to pay the development charges in monthly instalments; and
- (c) all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes; and
- (d) all conditions of the approval of the application have been complied with or that arrangements have been made to the satisfaction of the Municipality for the compliance thereof within 3

months of having certified to the Registrar in terms of this section that registration may take place; and

- (e) that the Municipality is in a position to consider a final building plan; and
- (f) that all the properties have either been transferred or must be transferred simultaneously with the first transfer or registration of a newly created property or sectional title scheme.

86 Transfer as a result of conditions of establishment or approval

Where an owner of land to which an application relates is required to transfer land to:

- (a) the Municipality; or
- (b) an owners' association,

by virtue of a condition set out in the conditions to the approval contemplated in section 55, the land must be so transferred at the expense of the applicant, within a period of 6 months from the date of the land use rights coming into operation in terms of section 55, or within such further period as the Municipality may allow, but in any event prior to any registration or transfer of any erf, portion, opening of a sectional title scheme or unit within the development.

87 Certification by Municipality

(1) A person may not apply to the Registrar of Deeds to register the transfer of land, unless the Municipality has issued a certificate in terms of this section.

(2) The Municipality must not issue a certificate to transfer land in terms of any law, or in terms of this By-law, unless the owner furnishes the Municipality with—

- (a) a certificate of a conveyancer confirming that funds due by the transferor in respect of land, have been paid;
- (b) proof of payment of any contravention penalty or proof of compliance with a directive contemplated in Chapter 9;
- (c) proof that the land use and buildings constructed on the land comply with the requirements of the land use scheme;
- (d) proof that all common property including private roads and private places originating from the subdivision, has been transferred to the owners' association as contemplated in Schedule 5; and
- (e) proof that the conditions of approval that must be complied with before the transfer of erven have been complied with.

88 Application affecting national and provincial interest

(1) In terms of section 52 of the Act an applicant must refer any application which affects national interest to the Minister for comment, which comment is to be provided within 21 days as prescribed in section 52(5) of the Act.

(2) Where any application in terms of this By-law, which in the opinion of the Municipal Manager affects national interest as defined in section 52 of the Act, is submitted, such application must be referred to the Minister and the provisions of sections 52(5) to (7) of the Act, apply with the necessary changes.

(3) The Municipal Planning Tribunal or Land Development Officer as the case may be, may direct that an application before it, be referred to the Minister if such an application in their opinion affects national interest and the provisions of sections 52(5) to (7) apply with the necessary changes.

(4) The Municipality is the decision maker of first instance as contemplated in section 33(1) of the Act and the national department responsible for spatial planning and land use management becomes a party to the application that affects national interest.

(5) If provincial legislation makes provision for applications which may affect provincial interest, the provisions of this section apply with the necessary changes unless the provincial legislation provides for other procedures.

CHAPTER 6

GENERAL APPLICATION PROCEDURES

89 Applicability of Chapter

This Chapter applies to all types of applications contemplated in section 58 submitted to the Municipality.

90 Procedures for making application

(1) The Municipal Manager may determine in relation to any application required in terms of this By-Law –

- (a) information specifications relating to matters such as size, scale, colour, hard copy, number of copies, electronic format and file format;
- (b) the manner of submission of an application;
- (c) any other procedural requirements not provided for in this By-Law in accordance with the guidelines determined by the Municipality in accordance with section 192, if the Municipality has determined guidelines.

(2) A determination contemplated in subsection (1) may –

- (a) relate to the whole application or any part of it; and
- (b) differentiate between types of applications contemplated in section 58, categories of applications contemplated in section 32 or the type of applicant contemplated in section 54 of the Act.

(3) An applicant must comply with the procedures in this Chapter and, where applicable, the specific procedures provided for in Chapter 5 or the relevant section of this By-law and the determination made by the Municipal Manager.

91 Information required

(1) Any application required in terms of this By-Law must be completed on a form approved by the Municipal Manager, signed by the applicant and submitted to the Municipality in hard copy or electronically as may be directed by the municipality.

(2) Any application referred to in subsection (1) must be accompanied by -

- (a) if the applicant is not the owner of the land, a power of attorney signed by the owner authorising the applicant to make the application on behalf of the owner and if the owner is married in community of property a power of attorney signed by both spouses;
- (b) if the owner of the land is a company, closed corporation, body corporate or owners' association, proof that the person is authorised to act on behalf of the company, closed corporation, body corporate or owners' association;
- (c) if the owner of the land is a trust, the application must be signed by all the trustees;
- (d) a written motivation for the application based on the criteria for consideration of the application;
- (e) proof of payment of application fees; and
- (f) in the case of an application for development on communal land referred to in section 82, the power of attorney referred to in section 82(2).

(3) In addition to the documents referred to in subsection (2), an application referred to in subsection (1) must be accompanied by the following documents:

- (a) in the case of an application for the establishment of a township or the extension of the boundaries of a township, the documents contemplated in Schedule 6;
- (b) in the case of an application for the amendment of an existing scheme or land use scheme by the rezoning of land, the documents contemplated in Schedule 7;
- (c) in the case of an application for the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land, the documents contemplated in Schedule 8;
- (d) in the case of an application of the amendment or cancellation in whole or in part of a general plan of a township, such plans, diagrams and other documents contemplated in Schedule 9;
- (e) in the case of an application for the subdivision of any land, the documents contemplated in Schedule 10;
- (f) in the case of an application for the consolidation of any land, the documents contemplated in Schedule 11;
- (g) in the case of the permanent closure of any public place, the documents contemplated in Schedule 12;

- (h) in the case of an application for consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme, the documents contemplated in Schedule 13;
- (i) in the case of an application for the permanent or temporary departure from the land use scheme, the documents contemplated in Schedule 14.

(4) The Municipality may make a determination or issue guidelines relating to the submission of additional information and procedural requirements.

92 Application fees

(1) An applicant must pay the application fees approved by the Council prior to submitting an application in terms of this By-law.

(2) Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany the application.

93 Grounds for refusing to accept application

The Municipality may refuse to accept an application if—

- (a) the Municipality has already decided on the application;
- (b) there is no proof of payment of fees;
- (c) the application is not in the form required by the Municipality or does not contain the documents required for the submission of an application as set out in section 91.

94 Receipt of application and request for further documents

The Municipality must—

- (a) record the receipt of an application in writing or by affixing a stamp on the application on the day of receipt and issue proof of receipt to the applicant;
- (b) notify the applicant in writing of any outstanding or additional plans, documents, other information or additional fees that it may require within 30 days of receipt of the application or the further period as may be agreed upon, failing which it is regarded that there is no outstanding information or documents; and
- (c) if the application is complete, notify the applicant in writing that the application is complete within 30 days of receipt of the application.

95 Additional information

(1) The applicant must provide the Municipality with the information or documentation required for the completion of the application within 30 days of the request therefor or within the further period agreed to between the applicant and the Municipality.

(2) The Municipality may refuse to consider the application if the applicant fails to provide the information within the timeframes contemplated in subsection (1).

(3) The Municipality must notify the applicant in writing of the refusal to consider the application and must close the application.

(4) An applicant has no right of appeal to the appeal authority in respect of a decision contemplated in subsection (3) to refuse to consider the application.

(5) If an applicant wishes to continue with an application that the Municipality refused to consider under subsection (3), the applicant must submit a new application and pay the applicable application fees.

96 Confirmation of complete application

(1) The Municipality must notify the applicant in writing that the application is complete and that the notices may be placed as contemplated in this Chapter, within 21 days of receipt of the additional plans, documents or information required by it or if further information is required as a result of the furnishing of the additional information.

(2) The date of the notification that an application is complete is regarded as the date of submission of the application.

(3) If further information is required, section 104 applies to the further submission of information that may be required.

97 Withdrawal of application

(1) An applicant may, at any time prior to a decision being taken, withdraw an application on written notice to the Municipality.

(2) The owner of land must in writing inform the Municipality if he or she has withdrawn the power of attorney that authorised another person to make an application on his or her behalf.

98 Notice of applications in terms of integrated procedures

(1) The Municipality may, on prior written request and motivation by an applicant, determine that—

- (a) a public notice procedure carried out in terms of another law in respect of the application constitutes public notice for the purpose of an application made in terms of this By-law; or
- (b) notice of an application made in terms of this By-law may be published in accordance with the requirements for public notice applicable to a related application in terms other legislation.

(2) If the Municipality determines that an application may be published as contemplated in subsection (1)(b) an agreement must be entered into by the Municipality and the relevant organs of state to facilitate the simultaneous publication of notices.

(3) The Municipality must, within 30 days of having notified the applicant that the application is complete, simultaneously—

- (a) cause public notice of the application to be given in terms of section 107(1); and
- (b) forward a copy of the notice together with the relevant application to every municipal department, service provider and organ of state that has an interest in the application,

unless it has been determined by the Municipality that a procedure in terms of another law, as determined in subsection (1), is considered to be public notice in terms of this By-law.

(4) The Municipality may require the applicant to give the required notice of an application in the media.

(5) Where an applicant has published a notice in the media at the request of the Municipality, the applicant must provide proof that the notice has been published as required.

99 Notification of application

(1) The Municipality must cause notice to be given in the media, in accordance with this By-law, of the following applications:

- (a) an application for township establishment;
- (b) an application for a rezoning or a rezoning on the initiative of the Municipality;
- (c) the subdivision of land larger than five hectares inside the outer limit of urban expansion as reflected in its municipal spatial development framework;
- (d) the subdivision of land larger than one hectare outside the outer limit of urban expansion as reflected in its municipal spatial development framework;
- (e) the closure of a public place;
- (f) an application in respect of a restrictive condition;
- (g) an application for determination of zoning;
- (h) other applications that will materially affect the public interest or the interests of the community if approved.

(2) Notice of the application in the media must be given by—

- (a) publishing a notice of the application in a local newspaper with a general circulation in the area concerned in at least two official languages as determined by the municipality; and
- (b) displaying the notice at a size of at least 60 cm by 42 cm (A2 size) on the frontage of the erf concerned or at any other publicly conspicuous and easily accessible place on the erf, provided that—
 - (i) the notice must be displayed for a minimum of 21 days, starting on the day the notice appear in the newspaper in terms of subsection 2(a);
 - (ii) the applicant must, within 21 days from the last day of display of the notice, submit to the municipality—
 - (aa) a sworn affidavit confirming the maintenance of the notice for the prescribed period; and
 - (bb) at least two photos of the notice, one from nearby and one from across the street;

- (c) serving a notice on each owner of an abutting property, including a property separated from the property concerned by a road, prior to or on the date of the notice in newspaper and on the property in terms of subsection (2)(a) and (b);
 - (d) forward a copy of the notice together with the relevant application to every service provider and organ of state as identified by the municipality that has an interest in the application.
- (3) The applicant must inform the municipality in writing of the date the notice will be published in the newspaper or the notice being displayed, prior to the notice being published or displayed.
 - (4) The applicant must provide proof to the municipality that notices has been given as required and submit copies of all submissions received from organs of the state and services providers to the municipality.
 - (5) The applicant must submit an affidavit to the municipality confirming the display of the notice as contemplated in subsection 2(b).
 - (6) The municipality may at it's sole discretion prohibit the placement of notices during certain dates to ensure reasonable and procedurally fair administrative action. .

100 Notice to organs of state and service providers

- (1) An organ of state or service provider which is given notice of an application in terms of section 99(2)(d) and invited to comment must do so within 60 days of —
 - (a) notification; or
 - (b) receiving requested additional information, subject to section 85(1), reasonably necessary to finalise its comment, provided that the organ of state or service provider has made such written request within 14 days of notification.
- (2) An organ of state which fails to comment within the period contemplated in subsection (1) will be regarded as having no comment.
- (3) An organ of state may be given notice by means of registered mail, addressed to the Head of Department and relevant section of that organ of state.

101 Internal Circulation

- (1) The Municipality may forward an application simultaneously to every department of the Municipality which may have a direct interest in the application and such department must submit comment within 21 days of-
 - (a) the receipt of the request; or
 - (b) receiving requested additional information, subject to section 95(1), reasonably necessary to finalise its comment, provided that the department has made such written request within 14 days of notification; failing which it will be regarded as the department having no comment and no objection .

102 Serving of notices

- (1) Notice of an application contemplated in section 99(2)(c) must be served in accordance with section 124 of the Municipal Systems Act;
- (2) The applicant must provide proof to the municipality that the notice has been served as required.
- (3) The date of notification in respect of a notice served in terms of section 99(2)(c) shall be—
 - (a) the date of registration of the notice when it has been served by certified or registered post;

- (b) the date of delivery to that person when it has been delivered to that person personally;
- (c) the date on which it has been left with a person apparently over the age of sixteen years, at that person's place of residence or business in the Republic; or
- (d) the date that the notice is conspicuously placed on the property it relates to.

103 Contents of notice

When notice of an application must be given in terms of section 99(2) or served in terms of section 102, the notice must contain the following information:

- (a) the name, physical address and contact details of the applicant;
- (b) identify the land to which the application relates by giving the property description (erf number) and the physical address (street name and number);
- (c) state the intent and purpose of the application;
- (d) state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
- (e) state the contact details of the relevant municipal employee;
- (f) invite members of the public to submit written comments or objections together with the reasons therefor in respect of the application;
- (g) state in which manner comments or objections may be submitted;
- (h) state the date by when the comments or objections must be submitted which must not be less than 30 days from the date on which the notice was given;
- (i) state that any person who cannot write may during office hours attend at an address stated in the notice where a named staff member of the Municipality will assist that person to transcribe that person's objections or comments.

104 Additional methods of public notice

If the Municipality considers notice in accordance with sections 97 to 102 to be ineffective or the Municipality decides to give notice of any application in terms of this By-law, the Municipality may on its own initiative or on request require an applicant to follow one or more of the following methods to give additional public notice of an application:

- (a) to convene a meeting for the purpose of informing the affected members of the public of the application;
- (b) to broadcast information regarding the application on a local radio station in a specified language;
- (c) to hold an open day or public meeting to notify and inform the affected members of the public of the application;
- (d) to publish the application on the Municipality's website for the duration of the period that the public may comment on the application; or
- (e) to obtain letters of consent or objection to the application.

(2) Where an applicant has given additional public notice of an application on behalf of the Municipality, the applicant must provide proof that the additional public notice has been given as required.

(3) Where the Municipality requires an applicant to display a public notice as contemplated in paragraph (a), the Municipality must conduct an on-site inspection to verify whether the applicant has complied with the requirement to display that public notice.

105 Requirements for petitions

- (1) All petitions must clearly state—
- (a) the contact details of the authorised representative of the signatories of the petition;
 - (b) the full name and physical address of each signatory; and
 - (c) the objection and reasons for the objection.
- (2) Notice to the person contemplated in subsection (1)(a), constitutes notice to all the signatories to the petition.

106 Requirements for objections or comments

- (1) A person may, in response to a notice received in terms of sections 98 or 102, object or comment in accordance with this section.
- (2) Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the municipal employee mentioned in the notice within the time period stated in the notice and in the manner set out in this section.
- (3) The objection must state the following:
- (a) the name of the person or body concerned;
 - (b) the address or contact details at which the person or body concerned will accept notice or service of documents;
 - (c) the interest of the body or person in the application;
 - (d) the reason for the objection, comment or representation.
- (4) The reasons for any objection, comment or representation must be set out in sufficient detail in order to—
- (a) indicate the facts and circumstances which explains the objection, comment or representation;
 - (b) demonstrate the undesirable effect which the application will have on the area;
 - (c) demonstrate any aspect of the application which is not considered consistent with applicable policy.
- (5) Any objection, comment or representation that is received after the closing date of the period referred to in subsection (2) is deemed not to be a valid objection and the Municipality must not accept any such objection, comment or representation.

107 Requirements for intervener status

(1) Where an application has been submitted to the Municipality, an interested person referred to in section 45(2) of the Act may, at any time during the proceedings, petition the Municipal Planning Tribunal or the Land Development Officer in writing on the form approved by Council to be granted intervener status.

(2) The petitioner must submit together with the petition to be granted intervener status an affidavit stating that he or she –

- (a) does not collude with any of the parties;
- (b) is willing to deal with or act in regard to the application as the Municipal Planning Tribunal or the Land Development Officer may direct;
- (c) must indicate when and under which circumstances they became aware of the application; and
- (d) must provide reasons for the submission and indicate how they are affected by the application.

(3) The Municipal Planning Tribunal or the Land Development Officer must determine whether the requirements of this section have been complied with and must thereafter transmit a copy of the form to the parties..

(4) The presiding officer of the Municipal Planning Tribunal or the Land Development Officer must rule on the admissibility of the petitioner to be granted intervener status in accordance with Regulation 34(4) of the Act and the decision of the presiding officer or the Land Development Officer is final and must be communicated to the petitioner and the parties.

108 Amendments prior to approval

(1) An applicant may amend his or her application at any time after notice of the application has been given in terms of this By-law and prior to the approval thereof -

- (a) at the applicant's own initiative;
- (b) as a result of objections and comments made during the public notification process; or
- (c) at the request of the Municipality.

(2) In the case of an application that received comments or objections from interested and affected parties, these parties should be notified of the amendments in accordance with section 102 and 101

(3) If an amendment to an application is material, the Municipality may require that further notice of the application be given in terms of this By-law and may require that the notice and the application be resent to municipal departments, organs of state and service providers.

109 Further public notice

(1) The Municipality may require that fresh notice of an application be given if more than 12 months has elapsed since the first public notice of the application and if the application has not been considered by the Municipality.

(2) The Municipality may, at any stage during the processing of the application -

- (a) require notice of an application to be republished or to be served again; and
- (b) an application to be resent to municipal departments for comment,

if new information comes to its attention which is material to the consideration of the application.

110 Cost of notice

The applicant is liable for the costs of giving notice of an application.

111 Applicant's right to reply

(1) Copies of all objections or comments lodged with the Municipality must be provided to the applicant within 14 days after the closing date for public comment together with a notice informing the applicant of its rights in terms of this section.

(2) The applicant may, within a period of 30 days from the date of the provision of the objections or comments, submit written reply thereto with the Municipality and must serve a copy thereof on all the parties that have submitted objections or comments.

(3) The applicant may before the expiry of the 30 day period referred to in subsection (2), apply to the Municipality for an extension of the period with a further period of 14 days to lodge a written reply.

(4) If the applicant does not submit comments within the period of 30 days or within an additional period 14 of days if applied for, the applicant is considered to have no comment.

(5) If as a result of the objections or comments lodged with the Municipality, additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be agreed upon between the applicant and the Municipality.

(6) If the applicant does not provide the information within the timeframes contemplated in subsection (5), section 95(2) to (5) with the necessary changes, applies.

112 Written assessment of application

(1) An employee authorised by the Municipality must in writing assess the land development application in accordance with section 54 and recommend to the decision-maker whether the application must be approved or refused, after the provisions of subsections (98) to (111) have been complied with.

(2) For purposes of evaluating the application, the Municipality may require the applicant to provide additional information, which shall be requested, from the applicant in writing; provided that:

- (a) the Municipality shall indicate the type of information required which may include professional and or technical reports;
- (b) the Municipality shall determine a date by which the applicant must provide the information as contemplated in Regulation 16(9) of the Regulations to the Act;
- (c) the applicant may request in writing that the date contemplated in subsection (2)(b) be extended by the Municipality, which extension may be granted or refused or may be granted subject to any conditions it deems expedient; and

(d) if the applicant fails to provide the additional information to the satisfaction of the Municipality, within the prescribed period contemplated in subsection 2(b), the provisions of Regulation 16(9) of the Regulations to the Act shall apply; provided further that:

(i) if notice of the land development application was given in terms of the provisions of this Bylaw calling for interested persons to object or provide comments; and

(ii) objections and/or comments were received on the land development application; the Municipality shall deliver a notice to these persons that the application is deemed to be refused in terms of Regulation 16(9) of the Regulations to the Act.

(3) The authorised employee shall evaluate the application with due regard to the content of the Act and this By-law and shall for purposes of the consideration of the application prepare a report as contemplated in section 54(g) of this By-law .

113 Decision-making period

The Municipal Planning Tribunal and the Land Development Officer must, if no integrated process is being followed as contemplated in section 99 consider and decide on the application within the period referred to in regulation 16(4) and 16(5) of the Act.

114 Failure to act within time period

If no decision is made by the Municipal Planning Tribunal within the period required in terms of the Act, it is considered undue delay for purposes of these By-Laws and the applicant or interested person may report the non-performance of the Municipal Planning Tribunal or Land Development Officer to the municipal manager, who must report it to the Council.

115 Powers to conduct routine inspections

(1) An employee authorised by the Municipality may, in accordance with the requirements of this section, enter land or a building for the purpose of assessing an application in terms of this By-law and to prepare a report contemplated in section 111.

(2) When conducting an inspection, the authorised employee may—

- (a) request that any record, document or item be produced to assist in the inspection;
- (b) make copies of, or take extracts from any document produced by virtue of paragraph (a) that is related to the inspection;
- (c) on providing a receipt, remove a record, document or other item that is related to the inspection; or
- (d) inspect any building or structure and make enquiries regarding that building or structure.

(3) No person may interfere with an authorised employee who is conducting an inspection as contemplated in subsection (1).

(4) The authorised employee must, upon request, produce identification showing that he or she is authorised by the Municipality to conduct the inspection.

(5) An inspection under subsection (1) must take place at a reasonable time and after reasonable notice has been given to the owner or occupier of the land or building.

116 Determination of application

The Municipality may in respect of any application submitted in terms of this Chapter -

- (a) approve, in whole or in part, or refuse any application referred to it in accordance with this By-law;
- (b) on the approval of any application, impose any reasonable conditions, including conditions related to the provision of engineering services and the payment of any development charges;
- (c) make an appropriate determination regarding all matters necessary or incidental to the performance of its functions in terms of this By-law, the Act and provincial legislation;
- (d) conduct any necessary investigation;
- (e) give directions relevant to its functions to any person in the service of the Municipality;
- (f) decide any question concerning its own jurisdiction;
- (g) appoint a technical adviser to advise or assist in the performance of the Municipal Planning Tribunal's functions in terms of this By-law;

117 Notification of decision

(1) The Municipality must, within 21 days of its decision, in writing notify the applicant and any person whose rights are affected by the decision of the decision and their right to appeal if applicable.

(2) If the owner has appointed an agent, the owner must take steps to ensure that the agent notifies him or her of the decision of the Municipality.

118 Extension of time for fulfilment of conditions of approval

(1) If an applicant wishes to request an extension of the time provided for in the approval in order to comply with the conditions of approval, this request must be in writing and submitted to the Municipality least 60 days in advance of the date on which the approval is due to lapse.

(2) Any request for an extension of time must be accompanied by the reasons for the request.

(3) The Municipality may not unreasonably withhold an approval for the extension of time.

(4) Following receipt of a request for an extension of time, the Municipality must issue a decision in writing to the applicant.

119 Duties of agent of applicant

(1) The agent must ensure that all information furnished to the Municipality is accurate.

(2) The agent must ensure that no misrepresentations are made.

(3) The provision of inaccurate, false or misleading information is an offence.

120 Errors and omissions

(1) The Municipality may at any time, with the written consent of the applicant or, if applicable, any party to the application, correct an error in the wording of its decision provided that the correction does not change its decision or results in an alteration, suspension or deletion of a condition of its approval.

(2) The Municipality may, of its own accord or on application by an applicant or interested party, upon good cause being shown, condone an error in the procedure provided that such condonation does not have material adverse impact on or unreasonably prejudice any party.

121 Withdrawal of approval

(1) The Municipality may withdraw an approval granted for a consent use or permanent or temporary departure if the applicant or owner fails to comply with a condition of approval.

(2) Prior to doing so, the Municipality must serve a notice on the owner—

- (a) informing the owner of the alleged breach of the condition;
- (b) instructing the owner to rectify the breach within a specified time period;
- (c) allowing the owner to make representations on the notice within a specified time period.

122 Procedure to withdraw an approval

(1) The Municipality may withdraw an approval granted—

- (a) after consideration of the representations made in terms of section 121(2)(c); and
- (b) if the Municipality is of the opinion that the condition is still being breached and not being complied with at the end of the period specified in terms of section 121(2)(b).

(2) If the Municipality withdraws the approval, the Municipality must notify the owner of the withdrawal of the approval and instruct the owner to cease the activity immediately.

(3) The approval is withdrawn from date of notification of the owner.

123 Exemptions to facilitate expedited procedures

The Municipality may in writing -

- (a) exempt a development from compliance with the provisions of this By-law to reduce the financial or administrative burden of—
 - (i) integrated procedures as contemplated in section 106;
 - (ii) the provision of housing with the assistance of a state subsidy;
 - (iii) incremental upgrading of existing settlements;
 - (iv) The rectification of encroachments onto Municipal owned property; or
 - (v) applications where land use rights are relinquished or as determined in terms of the Land Use Scheme.
- (b) in an emergency situation authorise that a development may depart from any of the provisions of this By-law

CHAPTER 7**ENGINEERING SERVICES AND DEVELOPMENT CHARGES****Part A: Provision and Installation of Engineering Services****124 Responsibility for providing engineering services**

(1) Every land development area must be provided with such engineering services as the Municipality may deem necessary for the appropriate development of the land.

(2) An applicant is responsible for the provision and installation of internal engineering services required for a development at his or her cost when an application is approved.

(3) The Municipality is responsible for the installation and provision of external engineering services, subject to the payment of development charges first being received, unless the engineering services agreement referred to in section 126 provides otherwise.

125 Installation of engineering services

(1) The applicant must provide and install the internal engineering services, including private internal engineering services, in accordance with the conditions of establishment and to the satisfaction of the Municipality, and for that purpose the applicant must lodge with the Municipality such reports, diagrams and specifications as the Municipality may require.

(2) The Municipality must have regard to such standards as the Minister or the Member of the Executive Council may determine for streets and storm water drainage, water, electricity and sewage disposal services in terms of the Act.

(3) If an engineering service within the boundaries of the land development area is intended to serve any other area within the municipal area, such engineering service and the costs of provision thereof must be treated as an internal engineering service to the extent that it serves the land development and as an external engineering service to the extent that it serves any other development.

(4) The Municipality must, where any private roads, private open spaces or any other private facilities or engineering services are created or to be constructed with the approval of any application set the standards for the width and or any other matter required to provide sufficient access and engineering services; including but not limited to:

- (a) roadways for purposes of sectional title schemes to be created;
- (b) the purpose and time limit in which private roads, private engineering services and private facilities are to be completed;

126 Engineering services agreement

(1) An applicant of an application and the Municipality must enter into an engineering service agreement if the Municipality requires such agreement.

(2) The engineering services agreement must –

- (a) classify the services as internal engineering services, external engineering services or private engineering services;

- (b) be clear when the applicant and the Municipality are to commence construction of internal engineering services, whether private engineering services or not, and external engineering services, at which rate construction of such services is to proceed and when such services must be completed;
- (c) provide for the inspection and handing over of internal engineering services to the Municipality or the inspection of private internal engineering services;
- (d) determine that the risk and ownership in respect of such services must pass to the Municipality or the owners' association as the case may be, when the Municipality is satisfied that the services are installed to its standards;
- (e) require the applicant to take out adequate insurance cover in respect of such risks as are insurable for the duration of the land development; and
- (f) provide for the following responsibilities after the internal services have been handed over to the Municipality or the owners' association:
 - (i) when normal maintenance by the relevant authority or owners' association must commence;
 - (ii) the responsibility of the applicant for the rectification of defects in material and workmanship; and
 - (iii) the rights of the relevant authority or owners' association if the applicant fails to rectify any defects within a reasonable period after having been requested to do so;
- (g) if any one of the parties is to provide and install an engineering service at the request and at the cost of the other, such service must be clearly identified and the cost or the manner of determining the cost of the service must be clearly set;
- (h) determine whether additional bulk services are to be provided by the Municipality and, if so, such services must be identified;
- (i) determine which party is responsible for the installation and provision of service connections to residential, business, industrial, community facility and municipal erven, and the extent or manner, if any, to which the costs of such service connections are to be recovered;
- (j) define the service connections to be made which may include all service connections between internal engineering services and the applicable erf or portion of the land and these include –
 - (i) a water-borne sewerage pipe terminating at a sewer connection;
 - (ii) a water-pipe terminating at a water meter; and
 - (iii) an electricity house connection cable terminating on the relevant erf; and
- (k) clearly identify the level and standard of the internal engineering services to be provided and installed and these include, amongst others –

- (i) water reticulation;
- (ii) sewerage reticulation, sewage treatment facilities and the means of disposal of effluent and other products of treatment;
- (iii) roads and storm-water drainage;
- (iv) electricity reticulation (high and low tension);
- (v) street lighting.

(3) The engineering services agreement may require that performance guarantees be provided, or otherwise, with the provision that -

- (i) the obligations of the parties with regard to such guarantees are clearly stated;
- (ii) such guarantee is irrevocable during its period of validity; and
- (iii) such guarantee is transferable by the person to whom such guarantee is expressed to be payable.

(4) Where only basic services are to be provided initially, the timeframes and the responsibility of the parties for the upgrading (if any) of services must be recorded in the engineering services agreement.

127 Abandonment or lapsing of application

Where an application is abandoned by the applicant or has lapsed in terms of any provision in terms of the Act, provincial legislation or conditions or this By-law, the engineering services agreement referred to in section 126 lapses and if the owner had installed any engineering services before the lapsing of the application in terms of the engineering services agreement, he or she must have no claim against the Council with regard to the provision and installation of any engineering services of whatsoever nature.

128 Internal and external engineering services

For the purpose of this Chapter:

- (a) **"external engineering services"** has the same meaning as defined in section 1 of the Act and consist of both "bulk services" and "link services";
- (b) **"bulk services"** means all the primary water, sewerage, waste disposal, sewage treatment facilities and means of disposal of effluent and other products of treatment, electricity and storm-water services, as well as the road network in the system to which the internal services are to be linked by means of link services;
- (c) **"link services"** means all new services necessary to connect the internal services to the bulk services; and
- (d) **"internal engineering services"** has the same meaning as defined in section 1 of the Act and includes any link services linking such internal services to the external engineering services.

Part B: Development Charges

129 Payment of development charge

(1) The Municipality must develop a policy for development charges and may levy a development charge in accordance with the policy, for the provision of -

- (a) the engineering services contemplated in this Chapter where it will be necessary to enhance or improve such services as a result of the commencement of a development application; and
- (b) open spaces or parks or other uses, such as social facilities and services, where the commencement of the amendment scheme will bring about a higher residential density.

(2) If an application is approved by the Municipal Planning Tribunal subject to, amongst others, the payment of a development charge or an amendment scheme comes into operation, the applicant or owner of the land to which the scheme relates, must be informed of the amount of the development charge and must, subject to section 126, pay the development charge to the Municipality.

(3) An owner who is required to pay a development charge in terms of this By-law must pay such development charge to the Municipality before:

- (a) any land use right is exercised;
- (b) any connection is made to the municipal bulk infrastructure;
- (c) a written statement contemplated in section 118 of the Municipal System Act is furnished in respect of the land;
- (d) a building plan is approved in respect of:
 - (i) the proposed alteration of or addition to an existing building on the land;
 - (ii) the erection of a new building on the land, where that building plan, were it not for the commencement of the amendment scheme, would have been in conflict with the land use scheme in operation;
- (e) the land is used in a manner or for a purpose which, were it not for the commencement of the amendment scheme, would have been in conflict with the land use scheme in operation.

130 Offset of development charge

(1) An agreement concluded between the Municipality and the applicant in terms of section 58(4) of the Act, to offset the provision of external engineering services and, if applicable, the cost of internal infrastructure where additional capacity is required by the Municipality, against the applicable development charge, must be in writing and must include the estimated cost of the installation of the external engineering services.

(2) The owner must submit documentary proof of the estimated cost of the installation of the external engineering services.

(3) The amount to be offset against the applicable development charge must be determined by the Municipality.

(4) If the cost of the installation of the external engineering services exceeds the amount of the applicable development charge, the Municipality may refund the applicant or the owner if there are funds available in the Municipality's approved budget.

(5) This section does not oblige the Municipality to offset any costs incurred in the provision of external engineering services other than that which may have been agreed upon in the engineering services agreement contemplated in section 126.

131 Payment of development charge in instalments

The Municipality may -

- (a) in the circumstances contemplated in section 130(1), allow payment of the development charge contemplated in section 129 in instalments agreed to in the engineering services agreement which must comply with the timeframes provided for in the Municipality's Credit Control and Debt Collection By-Law or policy, or if last-mentioned By-Law does not provide for such instalments, over a period not exceeding three years;
- (b) in any case, allow payment of the development charge contemplated in section 129 to be postponed for a period not exceeding three months where security for the payment is given to its satisfaction;
- (c) in exercising the power conferred by subparagraphs (a) or (b), impose any condition, including a condition for the payment of interest.

132 Refund of development charge

No development charge paid to the Municipality in terms of section 129 or any portion thereof must be refunded to an applicant or owner: Provided that where the owner paid the applicable charge prior to the land use rights coming into operation and the application is abandoned in terms of section 127 the Municipality may, on such terms and conditions as it may determine, authorise the refund of development charges or any portion thereof.

133 General matters relating to contribution charges

Notwithstanding any provision to the contrary, where a development charge or contribution for open space is paid to the Municipality, such funds must, in terms of the provisions of the Municipal Finance Management Act, 2003 (Act No. 56 of 2003), be kept separate and only applied by the Municipality towards the improvement and expansion of the services infrastructure or the provision of open space or parking, as the case may be, to the benefit and in the best interests of the general area where the land area is situated or in the interest of a community that occupies or uses such land area.

CHAPTER 8

APPEAL PROCEDURES

PART A: ESTABLISHMENT OF MUNICIPAL APPEAL TRIBUNAL

134 Establishment of Municipal Appeal Tribunal

(1) The Municipality must, if it decides to implement section 51(6) of the Act, establish a Municipal Appeal Tribunal in accordance with the provisions of this Part and the Municipal Appeal Tribunal is hereby authorised to assume the obligations of the appeal authority.

(2) The Municipality may, if it is a member of a joint or district Municipal Planning Tribunal, in writing, agree with the other party to the joint or district Municipal Planning Tribunal agreement, to establish a joint or district Municipal Appeal Tribunal, provided that not all the parties to a joint or district Municipal Planning Tribunal have to be a party to a joint or district Municipal Appeal Tribunal.

(3) If a joint or district Municipal Appeal Tribunal is established that joint or district Municipal Appeal Tribunal is hereby authorised to assume the obligations of the appeal authority.

(4) An agreement to establish a joint or district Municipal Appeal Tribunal must describe the rights, obligations and responsibilities of the participating municipalities and must provide for -

- (a) the name and demarcation code of each of the participating municipalities;
- (b) the budgetary, funding and administrative arrangements for the joint or district Municipal Appeal Tribunal;
- (c) the manner of appointment of members to the joint or district Municipal Appeal Tribunal, the filling of vacancies and the replacement and recall of the officials;
- (d) the appointment of a chief presiding officer;
- (e) the appointment of a nominee to inspect, at any time during normal business hours, the records, operations and facilities of the joint or district Municipal Appeal Tribunal on behalf of the participating municipalities;
- (f) determine the conditions for, and consequences of the withdrawal from the agreement of a participating municipality;
- (g) determine the conditions for, and consequences of, the termination of the agreement, including the method and schedule for winding-up the operations of the joint or district Municipal Appeal Tribunal; and
- (h) any other matter relating to the proper functioning of the joint or district Municipal Appeal Tribunal.

(5) The Municipality must, within 30 days after signing of the agreement contemplated in this section, authorise the joint or district Municipal Appeal Tribunal to assume the obligations of the appeal authority.

(6) The Municipality must, within 30 days after the authorisation referred to in subsection (2) publish a notice of the agreement in the *Provincial Gazette* and one newspaper that is circulated in the municipal area in two official languages determined by the Council, having regard to language preferences and usage within its municipal area, as contemplated in section 21 of the Municipal Systems Act.

(7) If a joint or district Municipal Appeal Tribunal is established in terms of this Part, a person who wants to appeal a decision taken by the joint or district Municipal Planning Tribunal must appeal against that decision to the joint or district Municipal Appeal Tribunal, as the case may be.

(8) Any reference in this Part to the Municipal Appeal Tribunal is, unless the context indicates otherwise, a reference to the joint or district Municipal Appeal Tribunal and the Municipality may, when the publication of a notice is required in this Part, jointly issue such notice together with the other participating Municipalities.

135 Institutional requirements for establishment of Municipal Appeal Tribunal

(1) The Municipality, in establishing a Municipal Appeal Tribunal in terms of section 134, must, amongst others –

- (a) determine the terms and conditions of service of the members of the Municipal Appeal Tribunal;
 - (b) identify any additional criteria that a person who is appointed as a member of the Municipal Appeal Tribunal must comply with;
 - (c) consider the qualifications and experience of the persons it is considering for appointment to the Municipal Planning Tribunal, make the appropriate appointments and designate the chief presiding officer;
 - (f) inform the members in writing of their appointment;
 - (g) publish the names of the members/ structure of the Municipal Appeal Tribunal and their term of office in the *Provincial Gazette*;
 - (h) determine the location of the office where the Municipal Appeal Tribunal must be situated; and
 - (i) develop and approve operational procedures for the Municipal Appeal Tribunal.
- (2) The Municipality may not appoint any person to the Municipal Appeal Tribunal if that person -
- (a) is disqualified from appointment as contemplated in section 136; or
 - (b) if he or she does not possess the knowledge or experience required in terms of section 136 or the additional criteria determined by the Municipality in terms of subsection (1)(b).
- (3) The Council must –
- (a) remunerate members of the Municipal Appeal Tribunal for each hearing of the Municipal Appeal Tribunal in accordance with the rates determined by Treasury; and
 - (b) designate an employee of the Municipality or appoint a person as secretary to the Municipal Appeal Tribunal.

136 Composition, term of office and code of conduct of Municipal Appeal Tribunal

(1) The Municipal Appeal Tribunal must consist members as determined by Council, in accordance with the Act.

(2) The chief presiding officer must designate at least three members of the Municipal Appeal Tribunal to hear, consider and decide a matter which comes before it and must designate one member as the presiding officer.

(3) No member of the Municipal Planning Tribunal or joint Municipal Planning Tribunal may serve on the Municipal Appeal Tribunal.

(4) If a person referred to in subsection (3) is a member of the Municipal Appeal Tribunal hearing the appeal, his or her membership renders the decision of the Municipal Appeal Tribunal on that matter void.

(5) The term of office of the members of the Municipal Appeal Tribunal is five years.

(6) After the first terms of office of five years referred to in subsection (6) has expired the appointment of members of the Municipal Appeal Tribunal for the second and subsequent terms of office must be in accordance with the provisions of this Part.

(7) A member whose term of office has expired may be re-appointed as a member of the Municipal Appeal Tribunal.

(8) Members of the Municipal Appeal Tribunal must sign and uphold the code of conduct contemplated in Schedule 15.

(9) Members of the Municipal Appeal Tribunal must sign and uphold the code of conduct contemplated in Schedule 16.

137 Disqualification from membership of Municipal Appeal Tribunal

(1) A person may not be appointed or continue to serve as a member of the Municipal Appeal Tribunal, if that person –

- (a) is not a citizen of the Republic, and resident in the province;
- (b) is an un-rehabilitated insolvent;
- (c) is of unsound mind, as declared by a court;
- (d) has at any time been convicted of an offence involving dishonesty;
- (e) has at any time been removed from an office of trust on account of misconduct; or
- (f) has previously been removed from a Municipal Planning Tribunal or Municipal Appeal Tribunal for a breach of any provision of this Act.

(2) A member must vacate office if that member becomes subject to a disqualification as contemplated in subsection (1).

138 Termination of membership of Municipal Appeal Tribunal

(1) A person's membership of the Municipal Appeal Tribunal may be terminated by a decision of the Municipalities if there are good reasons for doing so after giving such member an opportunity to be heard.

(2) The reasons for removal referred to in subsection (1) may include, but are not limited to –

- (a) misconduct, incapacity or incompetence; and
- (b) failure to comply with any provisions of the Act or this By-Law.

(3) If a member's appointment is terminated or a member resigns, the Municipality must publish the name of a person selected by the Municipality to fill the vacancy for the unexpired portion of the vacating member's term of office.

(4) The functions of the Municipal Appeal Tribunal must not be affected if any member resigns or his or her appointment is terminated.

139 Status of decision of joint Municipal Appeal Tribunal

A decision of a joint Municipal Appeal Tribunal relating to land located in the municipal area of the Municipality is binding on the parties to the appeal and the Municipality.

PART B: MANAGEMENT OF AN APPEAL AUTHORITY**140 Presiding officer of appeal authority**

The presiding officer of the appeal authority is responsible for managing the judicial functions of that appeal authority.

141 Bias and disclosure of interest

(1) No presiding officer or member of the appeal authority may sit at the hearing of an appeal against a decision of a Municipal Planning Tribunal if he or she was a member of that Municipal Planning Tribunal when the decision was made or if he or she was the Land Development Officer and he or she made the decision that is the subject of the appeal.

(2) A member of the appeal authority-

- (a) must make full disclosure of any conflict of interest including any potential conflict of interest in any matter which he or she is designated to consider;
- (b) may not attend, participate or vote in any proceedings of the appeal authority in relation to any matter in respect of which the member has a conflict of interest.

(3) A presiding officer or member of an appeal authority who has or appears to have a conflict of interest as defined in this section must recuse himself or herself from the appeal hearing.

(4) A party may in writing to the appeal authority request the recusal of the presiding officer or member of that appeal authority on the grounds of conflict of interest and the presiding officer must decide on the request and inform the party of the decision in writing.

(5) A decision by a presiding officer or member to recuse himself or herself or a decision by the appeal authority to recuse a presiding officer or member, must be communicated to the parties concerned by the registrar.

(6) For the purpose of this Chapter "conflict of interest" means any factor that may impair or reasonably give the appearance of impairing the ability of a member of an appeal authority to independently and impartially adjudicate an appeal assigned to the appeal authority.

(7) A conflict of interest arises where an appeal assigned to an appeal authority involves any of the following:

- (a) A person with whom the presiding officer or member has a personal, familiar or professional relationship;
- (b) a matter in which the presiding officer or member has previously served in another capacity, including as an adviser, counsel, expert or witness; or
- (c) any other circumstances that would make it appear to a reasonable and impartial observer that the presiding officer's or member's participation in the adjudication of the matter would be inappropriate.

142 Registrar of appeal authority

- (1) The municipal manager of the Municipality is the registrar of the appeal authority.
- (2) Notwithstanding the provisions of subsection (1), the Council may appoint a person or designate an official in its employ, to act as registrar of the appeal authority.
- (3) Whenever by reason of absence or incapacity any registrar is unable to carry out the functions of his or her office, or if his or her office becomes vacant, the Council may, after consultation with the presiding officer of the appeal authority, authorise any other competent official in the public service to act in the place of the absent or incapacitated registrar during such absence or incapacity or to act in the vacant office until the vacancy is filled.
- (4) Any person appointed or designated under subsection (2) or authorised under subsection (3) may hold more than one office simultaneously.

143 Powers and duties of registrar

(1) The registrar is responsible for managing the administrative affairs of the appeal authority and, in addition to the powers and duties referred to in this Chapter, has all the powers to do what is necessary or convenient for the effective and efficient functioning of the appeal authority and to ensure accessibility and maintenance of the dignity of the appeal authority.

(2) The duties of the registrar include –

- (a) the determination of the sitting schedules of the appeal authority;
- (b) assignment of appeals to the appeal authority;
- (c) management of procedures to be adhered to in respect of case flow management and the finalisation of any matter before the appeal authority;
- (d) transmit all documents and make all notifications required by the procedures laid down in the provincial spatial planning and land use management legislation;
- (e) the establishment of a master registry file for each case which must record –
 - (i) the reference number of each appeal;
 - (ii) the names of the parties;
 - (iii) all actions taken in connection with the preparation of the appeal for hearing;
 - (iv) the dates on which any document or notification forming part of the procedure is received in or dispatched from his or her office;
 - (v) the date of the hearing of the appeal;
 - (vi) the decision of the appeal authority;
 - (vii) whether the decision was unanimous or by majority vote; and
 - (viii) any other relevant information.

(3) The presiding officer of the appeal authority may give the registrar directions regarding the exercise of his or her powers under this Chapter.

(4) The registrar must give written notice to the presiding officer of all direct or indirect pecuniary interest that he or she has or acquires in any business or legal person carrying on a business.

PART C: APPEAL PROCESS

144 Commencing of appeal

An appellant must commence an appeal by delivering a Notice of Appeal on a form approved by the Council to the municipal manager and the parties to the original application within 21 days as contemplated in section 51 of the Act.

145 Notice of appeal

- (1) A Notice of Appeal must clearly indicate:
 - (a) whether the appeal is against the whole decision or only part of the decision and if only a part, which part;
 - (b) where applicable, whether the appeal is against any conditions of approval contemplated in section 55 of an application and which conditions;
 - (c) the grounds of appeal including any findings of fact or conclusions of law;
 - (d) a clear statement of the relief sought on appeal;
 - (e) any issues that the appellant wants the appeal authority to consider in making its decision; and
 - (f) a motivation of an award for costs.
- (2) An appellant may, within seven days from receipt of a notice to oppose an appeal amend the notice of appeal and must submit a copy of the amended notice to the appeal authority and to every respondent.

146 Notice to oppose an appeal

A notice to oppose an appeal must be delivered to the municipal manager within 21 days from delivery of the notice of appeal referred to in section 152 and it must clearly indicate:

- (a) whether the whole or only part of the appeal is opposed and if only a part, which part;
- (b) whether any conditions of approval contemplated in section 55 of an application are opposed and which conditions;
- (c) whether the relief sought by the appellant is opposed;
- (d) the grounds for opposing the appeal including any finding of fact or conclusions of law in dispute;
- (e) a clear statement of relief sought on appeal.

147 Screening of appeal

(1) When the appeal authority receives a Notice of Appeal, it must screen such Notice to determine whether:

- (a) It complies with the form approved by the Council;
- (b) it is submitted within the required time limit; and
- (c) the appeal authority has jurisdiction over the appeal.

(2) If a Notice of Appeal does not comply with the form approved by the Council, the appeal authority must return the Notice of Appeal to the appellant, indicating what information is missing and require that information to be provided and returned to the appeal authority by the appellant within a specific time period.

(3) If the Notice of Appeal is not provided and returned to the appeal authority with the requested information within the specified time period, the appellant's appeal will be considered abandoned and the appeal authority must notify the parties in writing accordingly.

(4) If the Notice of Appeal is received by the appeal authority after the required time limit has expired, the party seeking to appeal is deemed to have abandoned the appeal and the appeal authority will notify the parties in writing.

(5) If the appeal relates to a matter that appears to be outside the jurisdiction of the appeal authority, it must notify the parties in writing.

(6) The appeal authority may invite the parties to make submissions on its jurisdiction and it will then determine, based on any submissions received, if it has jurisdiction over the appeal and must notify the parties in writing of the decision.

(7) The provisions of this section apply, with the necessary changes, to a notice to oppose an appeal contemplated in section 146.

PART D: PARTIES TO AN APPEAL

148 Parties to appeal

- (1) The parties to an appeal before an appeal authority are:
- (a) the appellant who has lodged the appeal with the appeal authority in accordance with section 51(1) of the Act and this Chapter;
 - (b) the applicant, if the applicant is not the appellant as contemplated in paragraph (a);
 - (c) the Municipal Planning Tribunal that or the Land Development Officer who made the decision;
 - (d) any person who has been made a party to the proceeding by the appeal authority after a petition to the appeal authority under section 45(2) of the Act to be granted intervener status.

149 Intervention by interested person

(1) Where an appeal has been lodged by an appellant to the appeal authority, an interested person referred to in section 45(2) of the Act may, at any time during the proceedings, petition the appeal authority in writing on the form approved by Council to be granted intervener status on the grounds that his or her rights may have been affected by the decision of the Municipal Planning Tribunal or Land Development Officer and might therefore be affected by the judgement of the appeal authority.

(2) The petitioner must submit together with the petition to be granted intervener status an affidavit stating that he or she –

- (a) does not collude with any of the appellants; and
- (b) is willing to deal with or act in regard to the appeal as the appeal authority may direct.

(3) The registrar must determine whether the requirements of this section have been complied with and must thereafter transmit a copy of the form to the parties of the appeal.

(4) The presiding officer of the appeal authority must rule on the admissibility of the petitioner to be granted intervener status and the decision of the presiding officer is final and must be communicated to the petitioner and the parties by the registrar.

PART E: JURISDICTION OF APPEAL AUTHORITY

150 Jurisdiction of appeal authority

An appeal authority may consider an appeal on one or more of the following:

- (a) the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000);
- (b) the merits of the application; and a
- (c) the provision of infrastructure and development charges.

151 Written or oral appeal hearing by appeal authority

An appeal may be heard by an appeal authority by means of a written hearing and if it appears to the appeal authority that the issues for determination of the appeal cannot adequately be determined in the absence of the parties by considering the documents or other material lodged with or provided to it, by means of an oral hearing.

152 Representation before appeal authority

At an oral hearing of an appeal before an appeal authority, a party to the proceeding may appear in person or may be represented by another person.

153 Opportunity to make submissions concerning evidence

The appeal authority must ensure that every party to a proceeding before the appeal authority is given a reasonable opportunity to present his or her case and, in particular, to inspect any documents to which the appeal authority proposes to have regard in reaching a decision in the proceeding and to make submissions in relation to those documents.

PART F: HEARINGS OF APPEAL AUTHORITY

154 Notification of date, time and place of hearing

(1) The appeal authority must notify the parties of the date, time and place of a hearing no later than 14 days after the municipal manager submitted the appeal to the appeal authority as contemplated in regulation 25(1) of the Regulations.

(2) The appeal authority will provide notification of the hearing to the appellant at the appellant's address (physical, electronic forms), with proof of receipt (include delivery - and collection).

155 Hearing date

(1) A hearing will commence on a date determined by the registrar, which hearing may not take place later than 60 days from the date on which the municipal manager submitted the appeal to the appeal authority as contemplated in regulation 25(1) of the Regulations.

(2) The parties and the presiding officer may agree to an extension of the date referred to in subsection (1).

156 Adjournment

(1) If a party requests an adjournment more than one day prior to the hearing, the party must obtain the written consent of the other party and the presiding officer of the appeal authority.

(2) The party requesting an adjournment must deliver to the appeal authority a completed form including reasons for the request.

(3) The appeal authority will notify the parties in writing of the decision of the presiding officer of the appeal authority.

(4) If the presiding officer of the appeal authority or the other party does not consent to the request for an adjournment, the hearing will not be adjourned.

(5) If a party requests an adjournment within one day prior to the hearing, the request must be made to the appeal authority at the hearing and may be made notwithstanding that a prior request was not consented to.

157 Urgency and condonation

(1) The registrar may –

- (a) on application of any party to an appeal, direct that the matter is one of urgency, and determine such procedures, including time limits, as he or she may consider desirable to fairly and efficiently resolve the matter;
- (b) on good cause shown, condone any failure by any party to an appeal to comply with this By-Law or any directions given in terms hereof, if he or she is of the opinion that such failure has not unduly prejudiced any other person;

(2) Every application for condonation made in terms of this section must be –

- (a) served on the registrar;
- (b) accompanied by a memorandum setting forth the reasons for the failure concerned; and
- (c) determined by the presiding officer in such manner as he or she considers proper.

(3) Where a failure is condoned in terms of subsection (1)(b), the applicant for condonation must comply with the directions given by the registrar when granting the condonation concerned.

158 Withdrawal of appeal

An appellant or any respondent may, at any time before the appeal hearing, withdraw an appeal or opposition to an appeal and must give notice of such withdrawal to the registrar and all other parties to the appeal.

PART G: ORAL HEARING PROCEDURE**159 Location of oral hearing**

An oral hearing must be held in a location within the area of jurisdiction of the Municipality but must not be held where the Municipal Planning Tribunal sits or the office of the Land Development Officer whose decision is under appeal.

160 Presentation of each party's case

(1) Each party has the right to present evidence and make arguments in support of that party's case.

(2) The appellant will have the opportunity to present evidence and make arguments first, followed by the Municipal Planning Tribunal or the Land Development Officer.

161 Witnesses

- (1) Each party may call witnesses to give evidence before the panel.
- (2) A witness may not be present at the hearing before giving evidence unless the witness is:
 - (a) an expert witness in the proceedings;
 - (b) a party to the appeal; or
 - (c) a representative of a party to the appeal.

162 Proceeding in absence of party

- (1) If a party does not appear at an oral hearing, the appeal authority may proceed in the absence of the party if the party was notified of the hearing.
- (2) Prior to proceeding, the appeal authority must first determine whether the absent party received notification of the date, time and place of the hearing.
- (3) If the notice requirement was not met, the hearing cannot proceed and the presiding officer of the appeal authority must reschedule the hearing.

163 Recording

Hearings of the appeal authority must be recorded in hard copy and electronic format.

164 Oaths

Witnesses (including parties) are required to give evidence under oath or confirmation.

165 Additional documentation

- (1) Any party wishing to provide the appeal authority with additional documentation not included in the appeal record should provide it to the appeal authority at least three days before the hearing date.
- (2) The registrar must distribute the documentation to the other party and the members of the appeal authority.
- (3) If the party is unable to provide the additional documentation to the appeal authority at least 3 days prior to the hearing, the party may provide it to the appeal authority at the hearing.
- (4) The party must bring copies of the additional documentation for the members of the appeal authority and the other party.
- (5) If the additional documentation brought to the hearing is substantive or voluminous, the other party may request an adjournment from the appeal authority.

PART G: WRITTEN HEARING PROCEDURE

166 Commencement of written hearing

The written hearing process commences with the issuance of a letter from the appeal authority to the parties establishing a submissions schedule.

167 Presentation of each party's case in written hearing

- (1) Each party must be provided an opportunity to provide written submissions to support their case.
- (2) The appellant will be given 21 days to provide a written submission.
- (3) Upon receipt of the appellant's submission within the timelines, the appeal authority must forward the appellant's submission to the Municipal Planning Tribunal or the Land Development Officer.
- (4) The Municipal Planning Tribunal or the Land Development Officer has 21 days in which to provide a submission in response.
- (5) If no submission is received by a party in the time established in the submissions schedule, it will be deemed that the party declined the opportunity to provide a submission.

168 Extension of time to provide a written submission

- (1) If a party wishes to request an extension of the time established to provide a written submission, this request must be in writing to the appeal authority in advance of the date on which the submission is due.
- (2) Any request for an extension must be accompanied by the reasons for the request.
- (3) Following receipt of a request for an extension of time, the appeal authority will issue a decision in writing to the parties.

169 Adjudication of written submissions

- (1) Following receipt of any written submissions from the parties, the municipal manager must forward the appeal record, which includes the written submissions, to the appeal authority for adjudication.
- (2) If no written submissions are received from the parties, the municipal manager will forward the existing appeal record to the appeal authority for adjudication.
- (3) Any submission received after the date it was due but before the appeal authority for adjudication has rendered its decision will be forwarded to the presiding officer of the appeal authority to decide whether or not to accept the late submission.
- (4) The appeal authority must issue a decision in writing to the parties and, if the submission is accepted, the other party will be given seven days to provide a written submission in response.

PART I: DECISION OF APPEAL AUTHORITY

170 Further information or advice

After hearing all parties on the day of the hearing, the appeal authority –

- (a) may in considering its decision request any further information from any party to the appeal hearing or conduct any investigation which it considers necessary or outsource advice from an expert/s
- (b) may postpone the matter for a reasonable period to obtain further information or advice, in which case it must without delay make a decision as contemplated by paragraph (c);
- (c) must within 21 days after the last day of the hearing, issue its decision on the appeal together with the reasons therefor.

171 Decision of appeal authority

(1) The appeal authority may confirm, vary or revoke the decision of the Municipal Planning Tribunal or Land Development Officer and may include an award of costs.

(2) The presiding officer must sign the decision of the appeal authority and any order made by it.

172 Notification of decision

The registrar must notify the parties of the decision of the appeal authority in terms of section 171, together with the reasons therefor within seven days after the appeal authority handed down its decision.

173 Directives to Municipality

The appeal authority must, in its decision, give directives to the Municipality concerned as to how such a decision must be implemented and which of the provisions of the Act and the Regulations have to be complied with by the Municipality as far as implementation of the decision is concerned.

PART J: GENERAL

174 Expenditure

(1) Expenditure in connection with the administration and functioning of the appeal authority must be defrayed from moneys appropriated by the Municipality.

(2) A person who intends to lodge an appeal must pay a prescribed fee determined by the municipality in its tariffs.

CHAPTER 9

COMPLIANCE AND ENFORCEMENT

175 Enforcement

The Municipality must comply and enforce compliance with—

- (a) the provisions of this By-law;
- (b) the provisions of a land use scheme;
- (c) conditions imposed in terms of this By-law or previous planning legislation; and
- (d) title deed conditions.

176 Offences and penalties

(1) Any person who—

- (a) contravenes or fails to comply with sections 59 and 64 and subsection (2);
- (b) fails to comply with a compliance notice served in terms of section 177;
- (c) utilises land in a manner other than prescribed by the land use scheme of the Municipality;
- (d) supplies particulars, information or answers in an application or in an appeal to a decision on an application, knowing it to be false, incorrect or misleading or not believing them to be correct;
- (e) falsely professes to be an authorised employee or the interpreter or assistant of an authorised employee; or

- (f) hinders or interferes an authorised employee in the exercise of any power or the performance of any duty of that employee;
- (g) upon registration of the first land unit arising from a township establishment or a subdivision, fails to transfer all common property, including private roads and private places origination from the subdivision, to the owners' association,

is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.

(2) An owner who permits land to be used in a manner set out in subsection (1)(c) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of the land use scheme of the Municipality, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding 20 years or to both a fine and such imprisonment.

(3) A person convicted of an offence under this By-law who, after conviction, continues with the action in respect of which he or she was so convicted, is guilty of a continuing offence and liable upon conviction to imprisonment for a period not exceeding three months or to an equivalent fine or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with that act or omission.

(4) The Municipality must adopt fines and contravention penalties to be imposed in the enforcement of this By-law.

177 Service of compliance notice

(1) The Municipality must serve a compliance notice on a person if it has reasonable grounds to suspect that the person or owner is guilty of an offence contemplated in terms of section 176.

(2) A compliance notice must direct the occupier and owner to cease the unlawful land use or construction activity or both, forthwith or within the time period determined by the Municipality and may include an instruction to—

- (a) demolish unauthorised building work and rehabilitate the land or restore the building, as the case may be, to its original form within 30 days or such other time period determined by the Municipal Manager; or
- (b) submit an application in terms of this By-law within 30 days of the service of the compliance notice and pay the contravention penalty.

(3) A person who has received a compliance notice with an instruction contemplated in subsection (2)(a) may not submit an application in terms of subsection (2)(b).

(4) An instruction to submit an application in terms of subsection (2)(b) must not be construed as an indication that the application will be approved.

(5) In the event that the application submitted in terms of subsection (2)(b) is refused, the owner must demolish the unauthorised work.

(6) A person who received a compliance notice in terms of this section may lodge representations to the Municipality within 30 days of receipt of the compliance notice.

178 Content of compliance notices

(1) A compliance notice must—

- (a) identify the person to whom it is addressed;
- (b) describe the activity concerned and the land on which it is being carried out;
- (c) state that the activity is illegal and inform the person of the particular offence contemplated in section 176 which that person allegedly has committed or is committing through the carrying on of that activity;
- (d) the steps that 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;
- (f) provide for an opportunity for a person to lodge representations contemplated in terms of section 179 with the contact person stated in the notice;
- (g) issue a warning to the effect that—
 - (i) the person or owner could be prosecuted for and convicted of an offence contemplated in section 176;
 - (ii) on conviction of an offence, the person will be liable for the penalties as provided for;
 - (iii) the person or owner could be required by an order of court to demolish, remove or alter any building, structure or work illegally erected or constructed or to rehabilitate the land concerned or to cease the activity;
 - (iv) in the case of a contravention relating to a consent use or temporary departure, the approval could be withdrawn;
 - (v) in the case of an application for authorisation of the activity or development parameter, that a contravention penalty including any costs incurred by the Municipality, will be imposed;

(2) Any person who receives a compliance notice must comply with that notice within the time period stated in the notice unless the Municipality has agreed to suspend the operation of the compliance notice in terms of section 179.

179 Objections to compliance notice

(1) Any person or owner who receives a compliance notice in terms of section 177 may object to the notice by making written representations to the Municipal Manager within 30 days of receipt of the notice.

(2) Subject to the consideration of any objections or representations made in terms of subsection (1) and any other relevant information, the Municipal Manager—

- (a) may suspend, confirm, vary or cancel a notice or any part of the notice; and
- (b) must specify the period within which the person who received the notice must comply with any part of the notice that is confirmed or modified.

180 Failure to comply with compliance notice

If a person fails to comply with a compliance notice the Municipality may—

- (a) lay a criminal charge against the person;
- (b) apply to an applicable court for an order restraining that person from continuing the illegal activity, to demolish, remove or alter any building, structure or work illegally erected or constructed without the payment of compensation or to rehabilitate the land concerned; or
- (c) in the case of a temporary departure or consent use, the Municipality may withdraw the approval granted and then act in terms of section 177.

181 Urgent matters

(1) In cases where an activity must be stopped urgently, the Municipality may dispense with the procedures set out above and issue a compliance notice calling upon the person or owner to cease immediately.

(2) If the person or owner fails to cease the activity immediately, the Municipality may apply to any applicable court for an urgent interdict or any other relief necessary.

182 Subsequent application for authorisation of activity

(1) If instructed to rectify or cease an unlawful land use or building activity, a person may make an application to the Municipality for any land development contemplated in Chapter 5, unless the person is instructed under section 180 to demolish the building work.

(2) The applicant must, within 30 days after approval is granted, pay to the Municipality a contravention penalty in the amount determined by the Municipality.

183 Power of entry for enforcement purposes

(1) An authorised employee may, with the permission of the occupier or owner of land, at any reasonable time, and without a warrant, and without previous notice, enter upon land or enter a building or premises for the purpose of ensuring compliance with this By-law.

(2) An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of this By-law.

(3) An authorised employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.

184 Power and functions of authorised employee

(1) In ascertaining compliance with this By-law as contemplated in section 175, an authorised employee may exercise all the powers and must perform all the functions granted to him or her under section 32 of the Act.

(2) An authorised employee must not have a direct or indirect personal or private interest in the matter to be investigated.

185 Warrant of entry for enforcement purposes

(1) A magistrate for the district in which the land is situated may, at the request of the Municipality, issue a warrant to enter upon the land or building or premises if the—

- (a) prior permission of the occupier or owner of land cannot be obtained after reasonable attempts; or
- (b) purpose of the inspection would be frustrated by the prior knowledge thereof.

(2) A warrant referred to in subsection (1) may be issued by a judge of any applicable court or by a magistrate who has jurisdiction in the area where the land in question is situated, and may only be issued if it appears to the judge or magistrate from information on oath that there are reasonable grounds for believing that—

- (a) an authorised employee has been refused entry to land or a building that he or she is entitled to inspect;
- (b) an authorised employee reasonably anticipates that entry to land or a building that he or she is entitled to inspect will be refused;
- (c) there are reasonable grounds for suspecting that a contravention contemplated in section 167 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or
- (d) the inspection is reasonably necessary for the purposes of this By-law.

(3) A warrant must specify which of the acts mentioned in section 184 may be performed under the warrant by the person to whom it is issued and authorises the Municipality to enter upon the land or to enter the building or premises and to perform any of the acts referred to in section 184 as specified in the warrant on one occasion only, and that entry must occur -

- (a) within one month of the date on which the warrant was issued; and
- (b) at a reasonable hour, except where the warrant was issued on grounds of urgency.

186 Regard to decency and order

The entry of land, a building or structure under this Chapter must be conducted with strict regard to decency and order, which must include a person's right to respect for and protection of his or her dignity.

187 Court order

Whether or not the Municipality has instituted proceedings against a person for an offence contemplated in section 183 the Municipality may apply to an applicable court for an order compelling that person to—

- (a) demolish, remove or alter any building, structure or work illegally erected or constructed;
- (b) rehabilitate the land concerned;

- (c) compelling that person to cease with the unlawful activity; or
- (d) any other appropriate order.

CHAPTER 10

TRANSITIONAL PROVISIONS

188 Transitional provisions

(1) Any application or other matter in terms of any provision of National or Provincial legislation dealing with applications that are pending before the Municipality on the date of the coming into operation of this By-law, must be dealt with in terms of that legislation or if repealed in terms of its transitional arrangements or in the absence of any other provision, in terms of this By-law, read with section 2(2) and section 60 of the Act;

(2) Where on the date of the coming into operation of an approved land use scheme in terms of section 26(1) of the Act, any land or building is being used or, within one month immediately prior to that date, was used for a purpose which is not a purpose for which the land concerned has been reserved or zoned in terms of the provisions of a land use scheme in terms of this By-law read with section 26 of the Act, but which is otherwise lawful and not subject to any prohibition in terms of this By-law, the use for that purpose may, subject to the provisions of this subsection (3), be continued after that date read with the provisions of a Land use scheme.

- (3) The right to continue using any land or building by virtue of the provisions of subsection (2) must;
- (a) where the right is not exercised in the opinion of the Municipality for a continuous period of 15 months, lapse at the expiry of that period;
 - (b) lapse at the expiry of a period of 15 years calculated from the date contemplated in subsection (2);
 - (c) where on the date of the coming into operation of an approved land use scheme -
 - (i) a building, erected in accordance with an approved building plan, exists on land to which the approved land use scheme relates;
 - (ii) the erection of a building in accordance with an approved building plan has commenced on land and the building does not comply with a provision of the approved land use scheme, the building must for a period of 15 years from that date be deemed to comply with that provision.
 - (d) where a period of 15 years has, in terms of subsection (3), commenced to run from a particular date in the opinion of the Municipality in respect of any land or building, no regard must, for the purposes of those subsections, be had to an approved scheme which comes into operation after that date.
 - (e) within one year from the date of the coming into operation of an approved land use scheme -
 - (i) the holder of a right contemplated in subsection (2) may notify the Municipality in writing

that he is prepared to forfeit that right;

- (ii) the owner of a building contemplated in subsection (3)(c) may notify the Municipality in writing that he is prepared to forfeit any right acquired by virtue of the provisions of that subsection;.

(4) Where at any proceedings in terms of this By-law it is alleged that a right has lapsed in terms of subsection (2)(a), such allegation is deemed to be correct until the contrary is proved.

(5) Where any land use provisions are contained in any title deed, deed of grant or 99 year leasehold, which did not form part of a town planning scheme, such land use provisions apply as contemplated in subsection (2).

(6) If the geographic area of the Municipality is demarcated to incorporate land from another municipality then the land use scheme applicable to that land remains in force until the Municipality amends, repeals or replaces it.

(7) Applications submitted on land situated on communal land which does not constitute a traditional use in terms of Section 82 shall be subject to the following procedure until such time as such communal land has been included in a land use scheme;

(a) the application must be accompanied by;

(i) an approved application form, completed and signed by the applicant;

(ii) if the applicant is not the owner of the land, a power of attorney signed by the owner authorising the applicant to make the application on behalf of the owner and if the owner is married in community of property a power of attorney signed by both spouses;

(iii) a power of attorney signed by the traditional council

(iv) a written motivation for the application based on the criteria for consideration of the application;

(v) a locality plan indicating the coordinates of the land and site development plan, when required, or a plan showing the proposal in its cadastral context;

(vi) any other plans, diagrams, documents or information that the municipality may require;

(vii) proof of payment of application fees to a similar amount as determined by the municipality for a consent use application

(viii) Proof from the traditional council of allocation of land in terms of customary law applicable in that traditional area.

(b) Applications in terms of section 188(7) is exempted from compliance with section 99(2)(a) (8) Until such time as a policy for development charges have been developed, the use of the method of calculation prior to the by-law being implemented, shall be continued.

189 Determination of zoning

(1) Notwithstanding the provisions of section 188(2) and (3), the owner of land or a person authorised by the owner may apply to the Municipality for the determination of a zoning for land referred to in section 26(3) of the Act.

(2) When the Municipality considers an application in terms of subsection (1) it must have regard to the following:

- (a) the lawful utilisation of the land, or the purpose for which it could be lawfully utilised immediately before the commencement of this By-law if it can be determined;
- (b) the zoning, if any, that is most compatible with that utilisation or purpose and any applicable title deed condition;
- (c) any departure or consent use that may be required in conjunction with that zoning;
- (d) in the case of land that was vacant immediately before the commencement of this By-law, the utilisation that is permitted in terms of the title deed conditions or, where more than one land use is so permitted, one of such land uses determined by the Municipality; and
- (e) where the lawful utilisation of the land and the purpose for which it could be lawfully utilised immediately before the commencement of this By-law, cannot be determined, the zoning that is the most desirable and compatible with any applicable title deed condition, together with any departure or consent use that may be required.

(3) If the lawful zoning of land contemplated in subsection (1) cannot be determined, the Municipality must determine a zoning and give notice of its intention to do so in terms of section 107.

(4) A land use that commenced unlawfully, whether before or after the commencement of this By-law, shall not be deemed to be the lawful land use.

CHAPTER 11

GENERAL PROVISIONS

190 Delegations

Any power conferred in this By-law on the Municipality, Council or municipal manager may be delegated by the Municipality, Council and the municipal manager subject to section 56 of the Act and section 59 of the Local Government: Municipal Systems Act.

191 Fees payable

Any fee payable to the Municipality in terms of this By-Law is determined annually in terms of section 24(2) of the Municipal Finance Management Act, 2003 read with sections 74 and 75A of the Municipal Systems Act and forms part of the By-Law to constitute the Tariff Structure of the Municipality.

192 Policy, procedure, determination, standard, requirement and guidelines

(1) The Municipality may adopt a policy, procedure, determination, standard, requirement or guidelines, not inconsistent with the provisions of the Act and this By-Law, for the effective administration of this By-Law.

(2) Unless the power to determine is entrusted to the Council, another person or body, the Municipal Manager may determine anything which may be determined by the Municipality in terms of the Act, the Regulations or this By-Law.

(3) The Municipality must make available any policy, procedure, determination, standard, requirement or guidelines.

(4) An applicable policy, procedure, determination, standard, requirement and guidelines apply to an application submitted and decided in terms of this By-Law.

193 Short title and commencement

(1) This By-law is called the Bushbuckridge Spatial Planning and Land Use Management By-Law.

(2) This By-law comes into operation on the date of publication in the *Provincial Gazette*.

SCHEDULE 1

INVITATION TO NOMINATE A PERSON TO BE APPOINTED AS A MEMBER TO THE BUSHBUCKRIDGE MUNICIPAL PLANNING TRIBUNAL OR THE JOINT OR DISTRICT MUNICIPAL PLANNING TRIBUNAL*

In terms of the Spatial Planning and Land Use Management Act, 16 of 2013, the Bushbuckridge Local Municipality hereby invites nominations for officials or employees of the (*insert name of organ of state or non-governmental organisation contemplated in regulation (3)(2)(a) of the Regulations*) to be appointed to the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal for the Nkangala District* for its term of office.

The period of office of members will be five years calculated from the date of appointment of such members by the Bushbuckridge Local Municipality.

Nominees must be persons registered with the professional bodies contemplated in section 34(1)(a) – (f) or section 46(1)(c) to (i)* of the By-law on Spatial Planning and Land Use Management, 2020, who have leadership qualities and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto.

Each nomination must be in writing and must contain the following information:

- (a) The name, address and identity number of the nominee;
- (b) The designation or rank of the nominee in the organ of state or non-governmental organisation;
- (c) A short curriculum vitae of the nominee (not exceeding two pages);
- (d) Certified copies of qualifications and registration certificates indicating registration with the relevant professional body or voluntary association.

Nominations must be sent to:

The Municipal Manager
Bushbuckridge Local Municipality
Private Bag X9308
Bushbuckridge
1280
For Attention: _____

For Enquiries: _____

Tel _____

* I,(full names of nominee),

ID No (of nominee),

hereby declare that –

- (a) I am available to serve on Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal* and I am willing to serve as chairperson or deputy chairperson should the Council designate me OR I am not willing to serve a chairperson or deputy chairperson (*delete the option not applicable*);
- (b) there is no conflict of interest OR I have the following interests which may conflict with the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal* which I have completed on the declaration of interest form (*delete the option not applicable*);
- (c) I am not disqualified in terms of section 38 of the Spatial Planning and Land Use Management Act, 16 of 2013 to serve on the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal* and I authorise the Bushbuckridge Local Municipality to verify any record in relation to such disqualification or requirement.
- (d) I undertake to sign, commit to and uphold the Code of Conduct applicable to members of the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal*.

No nominations submitted after the closing date will be considered.

CLOSING DATE: (INSERT DATE)

Signature of Nominee

Full Names of Nominee

Signature of Person signing on behalf of the Organ of State or Non-Governmental Organisation

Full Names of Person signing on behalf of the Organ of State or Non-Governmental Organisation

* Delete the option that is not applicable.

SCHEDULE 2**CALL FOR NOMINATIONS FOR PERSONS TO BE APPOINTED AS MEMBERS TO THE -
BUSHBUCKRIDGE MUNICIPAL PLANNING TRIBUNAL OR THE JOINT OR DISTRICT MUNICIPAL
PLANNING TRIBUNAL*****CLOSING DATE: (INSERT DATE)**

In terms of the Spatial Planning and Land Use Management Act, 16 of 2013, the Bushbuckridge Local Municipality hereby call for nominations for members of the public to be appointed to the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal* for its term of office.

The period of office of members will be five years calculated from the date of appointment of such members by the Bushbuckridge Local Municipality.

Nominees must be persons registered with the professional bodies contemplated in section 34(1)(a) – (f) of the Municipal By-law on Spatial Planning and Land Use Management, 2020, who have leadership qualities and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto.

Each nomination must be in writing and must contain the following information:

- (a) The name and address of the nominator, who must be a natural person and a person may nominate himself or herself;
- (b) The name, address and identity number of the nominee;
- (d) Motivation by the nominator for the appointment of the nominee to the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal* (no less than 50 words and no more than 250 words);
- (e) A short curriculum vitae of the nominee (not exceeding two pages);
- (f) Certified copies of qualifications and registration certificates indicating registration with the relevant professional body or voluntary association.

Please note that failure to comply with the above requirements will result in the disqualification of the nomination.

Nominations must be sent to:

The Municipal Manager
Bushbuckridge Local Municipality
Private Bag X9308
Bushbuckridge
1280

For Attention: _____

For Enquiries: _____

Tel _____

* I,(full names of nominee),

CONTINUES ON PAGE 130 OF BOOK 2

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

Also available at the **Provincial Legislature: Mpumalanga**, Private Bag X11289, Room 114, Civic Centre Building,
Nel Street, Nelspruit, 1200. Tel. (01311) 5-2133.



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Provinsiale Koerant

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

Vol: 29

NELSPRUIT

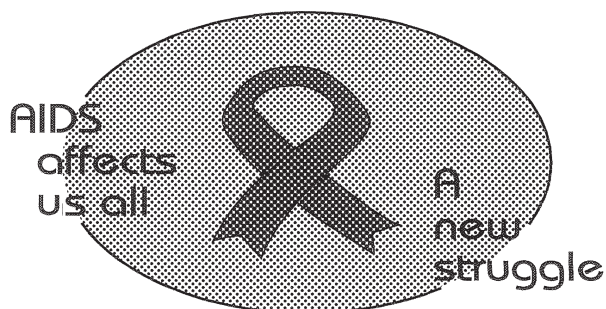
1 July 2022

1 Julie 2022

No: 3397

PART 2 OF 3

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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 1682-4512



9 771682 451008



0 3 3 9 7

ID No (of nominee),

hereby declare that –

- (a) I am available to serve on Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal* and I am willing to serve as chairperson or deputy chairperson should the Council designate me / I am not willing to serve a chairperson or deputy chairperson (*delete the option not applicable*);
- (b) there is no conflict of interest OR I have the following interests which may conflict with the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal* and which I have completed on the declaration of interest form (*delete the option not applicable*);
- (c) I am not disqualified in terms of section 38 of the Spatial Planning and Land Use Management Act, 16 of 2013 to serve on the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal* and I authorise the Bushbuckridge Municipality to verify any record in relation to such disqualification or requirement;
- (d) I undertake to sign, commit to and uphold the Code of Conduct applicable to members of the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal*.

No nominations submitted after the closing date will be considered.

Signature of Nominee

Full Names of Nominee

* Delete the option that is not applicable.

**SCHEDULE 3
DISCLOSURE OF INTERESTS FORM**

I, the undersigned,

Full names: _____
 Identity Number: _____
 Residing at: _____

do hereby declare that -

- (a) the information contained herein fall within my personal knowledge and are to the best of my knowledge complete, true and correct, and
- (b) that there is no conflict of interest between myself and the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal*; or
- (c) I have the following interests which may conflict or potentially conflict with the interests of the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal*;

CONFLICTING INTERESTS	

- (d) the non-executive directorships previously or currently held and remunerative work, consultancy and retainership positions held as follows:

1. NON-EXECUTIVE DIRECTORSHIP	
Name of Company	Period
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

2. REMUNERATIVE WORK, CONSULTANCY & RETAINERSHIPS			
Name of Company & Occupation	Type of Business	Rand amount per month	Period
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

3. CRIMINAL RECORD	
Type of Offence	Dates/Term of Sentence
1.	

- (e) I am South African citizen or a permanent resident in the Republic
- (f) I am not a member of Parliament, a provincial legislature, a Municipal Council or a House of Traditional Leaders;
- (g) I am not an un-rehabilitated insolvent;
- (h) I have not been declared by a court of law to be mentally incompetent and have not been detained under the Mental Health Care Act, 2002 (Act No. 17 of 2002);
- (i) I have not at any time been convicted of an offence involving dishonesty;
- (j) I have not at any time been removed from an office of trust on account of misconduct;
- (k) I have not previously been removed from a tribunal for a breach of any provision of the Spatial Planning and Land Use Management Act, 2013 or provincial legislation or the Bushbuckridge By-law on Spatial Planning and Land Use Management, , 2020 enacted by the Bushbuckridge Local Municipality.;
- (l) I have not been found guilty of misconduct, incapacity or incompetence; or
- (m) I have not failed to comply with the provisions of the Spatial Planning and Land Use Management Act, 2013 or provincial legislation or the Bushbuckridge By-law on Spatial Planning and Land Use Management , 2020 enacted by the Bushbuckridge Local Municipality.

Signature of Nominee: _____

Full Names: _____

SWORN to and **SIGNED** before me at _____ on this _____ day of _____.

The deponent having acknowledged that he knows and understands the contents of this affidavit, that the contents are true, and that he or she has no objection to taking this oath and that he or she considers the oath to be binding on his or her conscience.

COMMISSIONER OF OATHS

FULL NAMES: _____

DESIGNATION: _____

ADDRESS: _____

* Delete the option that is not applicable

SCHEDULE 4
CODE OF CONDUCT OF MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL OR THE JOINT OR
DISTRICT MUNICIPAL PLANNING TRIBUNAL*

I, the undersigned,

Full names: _____
 Identity Number: _____
 Residing at: _____

do hereby declare that I will uphold the Code of Conduct of the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal* contained hereunder:

General conduct

1. I, as a member of the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal* will at all times—
 - (a) act in accordance with the principles of accountability and transparency;
 - (b) disclose my personal interests in any decision to be made in the planning process in which I have been requested to serve;
 - (c) abstain completely from direct or indirect participation as an advisor or decision-maker in any matter in which I have a personal interest and I will leave any chamber in which such matter is under deliberation unless my personal interest has been made a matter of public record and the Bushbuckridge Local Municipality has given me written approval and has expressly authorised my participation.
2. I will not, as a member of the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal* -
 - (a) use the position or privileges of my membership of the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal* or use confidential information obtained as a member of the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal* for my personal gain or to improperly benefit another person; and
 - (b) participate in a decision concerning a matter in which I, my spouse, partner or business associate, has a direct or indirect personal interest or private business interest.

Gifts

3. I will not, as a member of the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal* receive or seek gifts, favours or any other offer under circumstances in which it might reasonably be inferred that the gifts, favours or offers are intended or expected to influence my objectivity as an advisor or decision-maker in the planning process.

Undue influence

4. I will not, as a member of the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal* -
- (a) use the power of any office to seek or obtain special advantage for private gain or to improperly benefit another person that is not in the public interest;
 - (b) use confidential information acquired in the course of my duties to further a personal interest;
 - (c) disclose confidential information acquired in the course of my duties unless required by law to do so or by circumstances to prevent substantial injury to third persons; and
 - (d) commit a deliberately wrongful act that reflects adversely on the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal*, the Bushbuckridge Local Municipality, the government or the planning profession by seeking business by stating or implying that I am prepared, willing or able to influence decisions of the Bushbuckridge Municipal Planning Tribunal or the joint or district Municipal Planning Tribunal* by improper means.

Signature of Nominee: _____

Full Names: _____

Date: _____

* Delete the option that is not applicable

SCHEDULE 5 OWNERS' ASSOCIATIONS

General

1. The Municipality may, when approving an application for a subdivision of land impose conditions relating to the compulsory establishment of an owners' association by the applicant for an area determined in the conditions.
2. An owners' association that comes into being by virtue of sub item 1 is a juristic person and must have a constitution.
3. The constitution of an owners' association must be approved by the Municipality before the transfer of the first land unit and must provide for—
 - (a) the owners' association to formally represent the collective mutual interests of the area, suburb or neighbourhood set out in the constitution in accordance with the conditions of approval;
 - (b) control over and maintenance of buildings, services or amenities arising from the subdivision;
 - (c) the regulation of at least one yearly meeting with its members;
 - (d) control over the design guidelines of the buildings and erven arising from the subdivision;
 - (e) the ownership by the owners' association of private open spaces, private roads and other services arising out of the subdivision;
 - (f) enforcement of conditions of approval contemplated in section 46 or management plans;
 - (g) procedures to obtain the consent of the members of the owners' association to transfer an erf in the event that the owners' association ceases to function;
 - (h) the implementation and enforcement by the owners' association of the provisions of the constitution.
4. The constitution of an owners' association may have other objects as set by the association but may not contain provisions that are in conflict with any law.
5. The constitution of an owners' association may be amended when necessary provided that an amendment that affects the Municipality or a provision referred to in sub item 3 is approved by the Municipality.
6. An owners' association which comes into being by virtue of sub item 1 -
 - (a) has as its members all the owners of land units originating from the subdivision and their successors in title, who are jointly liable for expenditure incurred in connection with the association; and
 - (b) is upon registration of the first land unit, automatically constituted.
7. The design guidelines contemplated in sub item 3(d) may introduce more restrictive development rules than the rules provided for in the zoning scheme.
8. If an owners' association fails to meet any of its obligations contemplated in sub item 3 and any person is, in the opinion of the Municipality, adversely affected by that failure, the Municipality may take appropriate action to rectify the failure and recover from the members referred to in sub item 6(a), the amount of any expenditure incurred by it in respect of those actions.

9. The amount of any expenditure so recovered is, for the purposes of sub item 8, considered to be expenditure incurred by the owners' association.

Owners' association ceases to function

1. If an owners' association ceases to function or carry out its obligations, the Municipality may—
 - (a) take steps to instruct the association to hold a meeting and to reconstitute itself;
 - (b) subject to the amendment of the conditions of approval remove the obligation to establish an owners' association; or
 - (c) subject to amendment of title conditions pertaining to the owners' association remove any obligations in respect of an owners' association.
2. In determining which option to follow, the Municipality must have regard to—
 - (a) the purpose of the owners' association;
 - (b) who will take over the maintenance of infrastructure which the owners' association is responsible for, if at all; and
 - (c) the impact of the dissolution of the owners' association on the members and the community concerned.

SCHEDULE 6
ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR THE ESTABLISHMENT OF A
TOWNSHIP OR THE EXTENSION OF THE BOUNDARIES OF A TOWNSHIP

1. An application for the amendment of an existing scheme or land use scheme by the rezoning of land must, in addition to the documentation referred to in section 82(3), be accompanied by –
 - (a) a certified copy of the title deed of the land;
 - (b) a copy of the diagram of every property concerned or, where such diagram is not available, a plot diagram to every piece of land concerned;
 - (c) a locality plan on an appropriate scale;
 - (d) a layout plan in the scale approved by the Council and containing the information as considered necessary by the Municipality;
 - (g) draft conditions of establishment for the proposed township in the format approved by the Council;
 - (h) a copy of the appropriate zoning of the applicable land;
 - (i) an engineering geological investigation and report compiled by a suitably qualified professional;
 - (j) an undermining stability report, where applicable, compiled by a suitably qualified professional;
 - (k) if the land is encumbered by a bond, the consent of the bondholder;
 - (l) confirmation whether or not a mining or prospecting right or permit over the land is held or is being applied for in terms of the Mineral and Petroleum Resources Development Act, 2002;
 - (m) other limited real rights on the property;
 - (n) confirmation and details of any land claims on the property;
 - (o) a conveyancer's certificate;
 - (p) in the case of the extension of the boundaries of a township, the consent from the Surveyor-General to the proposed extension of boundaries.
 - (q) Services report
2. An application contemplated in Part H of Chapter 5 does not have to be accompanied by a certified copy of the title deed of the relevant land or the consent of the bondholder.
3. The motivation contemplated in section 82(2)(d) must contain at least the following information:
 - (a) The development intentions of the Municipality on the application property; as contained in the spatial development framework and other municipal policies;
 - (b) compliance with applicable norms and standards and development principles in the Municipality;
 - (c) the existing land use rights on the property;
 - (d) the need and desirability of the proposed land development;

- (e) the effect of the development on the use or development of other land which has a common means of drainage;
- (f) any environmental implications of the proposed land development;
- (g) an indication whether an application must be made for an environmental authorization in terms of the National Environmental Management Act (Act 107 of 1998);
- (h) the density of the proposed development
- (i) the area and dimensions of each erf in the proposed township;
- (j) the layout of roads having regard to their function and relationship to existing roads;
- (k) the provision and location of public open space and other community facilities;
- (l) any phased developments;
- (m) if the land is not serviced and no provision has been made for a waterborne sewer system, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each erf or subdivided land parcel; and
- (n) the applicable regulations as contained in the land use scheme.

SCHEDULE 7
ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR THE AMENDMENT OF AN
EXISTING SCHEME OR LAND USE SCHEME BY THE REZONING OF LAND

1. An application for the amendment of an existing scheme or land use scheme by the rezoning of land must, in addition to the documentation referred to in section 82(3), be accompanied by –
 - (a) a certified copy of the title deed of relevant land;
 - (b) a copy of the diagram of every application property or, where such diagram is not available, a plot diagram to every piece of land being the subject of the application;
 - (c) a locality plan on an appropriate scale;
 - (d) a zoning plan or land use rights plan, in colour and on an appropriate scale, of the application surrounding properties;
 - (e) the amendment scheme map and schedule approved by the Council;
 - (f) if the land is encumbered by a bond, the consent of the bondholder,
2. The motivation contemplated in section 82(2)(d) must contain at least the following information:
 - (a) An indication of the persons, communities and institutions likely to be affected by the amendment and the likely impact on them;
 - (b) the interest of the applicant in bringing the application;
 - (c) a discussion on the content of the scheme prior to the proposed amendment and the need for the amendment;
 - (d) a discussion on the proposed amendment;
 - (e) the expected impact on the current, adopted municipal spatial development framework and integrated development plan;
 - (f) the possible impact of the amendment on the environment and probable mitigating elements;
 - (g) an indication whether an application must be made for an environmental authorization in terms of the National Environmental Management Act, 1998;
 - (h) an indication of the persons, communities and institutions likely to be affected by the amendment and the likely impact on them.

SCHEDULE 8
ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR THE REMOVAL, AMENDMENT
OR SUSPENSION OF A RESTRICTIVE OR OBSOLETE CONDITION, SERVITUDE OR RESERVATION
REGISTERED AGAINST THE TITLE OF THE LAND

1. An application for the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land must, in addition to the documentation referred to in section 90(2), be accompanied by –
 - (a) a certified copy of the title deed of the land;
 - (b) a certified copy of the notarial deed of servitude;
 - (c) a copy of the diagram of every property concerned or, where such diagram is not available, a plot diagram to every piece of land concerned;
 - (d) a copy of the servitude diagram approved by the Surveyor-General;
 - (e) a locality plan on an appropriate scale;
 - (f) a description of all existing and proposed servitudes and services on the land; and
 - (g) if the land is encumbered by a bond, the consent of the bondholder.
2. The motivation contemplated in section 82(2)(d) must make specific reference to the applicable condition or servitude, as well as a motivation on the necessity and desirability of the application.

SCHEDULE 9
ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION OF THE AMENDMENT OR
CANCELLATION IN WHOLE OR IN PART OF A GENERAL PLAN OF A TOWNSHIP

1. An application for the amendment or cancellation in whole or in part of a general plan must, in addition to the documentation referred to in section 82(3), be accompanied by –
 - (a) copies of the relevant sheet of the general plan which may be reduced copies of the original;
 - (b) copies of a plan of the township showing the posed alteration or amendment or, if partial cancellation is applied for, the portion of the plan cancelled;
 - (c) copy of the title deed which is registered in the Deeds Office at the time when the application is submitted of the land affected by the alteration, amendment or total or partial cancellation;
 - (d) if the land is encumbered by a bond, the bondholder's consent;
2. The motivation contemplated in section 82(2)(d) must state the reasons for the posed alteration or amendment.

SCHEDULE 10
ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR THE SUBDIVISION OF ANY LAND

1. An application for the subdivision of land must, in addition to the documentation referred to in section 82(3), be accompanied by –
 - (a) a certified copy of the title deed of the land;
 - (b) a copy of the diagram of every property concerned or, where such diagram is not available, a plot diagram to every piece of land concerned;
 - (c) the appropriate consent where required in terms of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970);
 - (d) a locality plan on an appropriate scale;
 - (f) a layout plan in the scale approved by the Council and containing the information as considered necessary by the Municipality;
 - (g) draft conditions of establishment for the proposed subdivision;
 - (h) a copy of the appropriate zoning of the applicable land;
 - (i) if the land is encumbered by a bond, the consent of the bondholder.
2. The motivation contemplated in section 82(2)(d) must contain at least the following information:
 - (a) The development intentions of the Municipality on the application property, as contained in the spatial development framework and other municipal policies;
 - (b) the need and desirability of the proposed subdivision;
 - (c) a justification on the suitability of the land for subdivision;
 - (d) a traffic impact assessment of the proposed development;
 - (e) an assessment of the social impact of the proposed land development;
 - (f) the impact of the proposed land development on the future use of land in the locality;
 - (g) the impact of the proposed subdivision on the future use of land in the locality;
 - (h) the availability of subdivided land in the area and the need for the creation of further erven or subdivisions;
 - (i) the effect of the development on the use or development of other land which has a common means of drainage;
 - (j) the subdivision pattern having regard to the physical characteristics of the land including existing vegetation;
 - (k) the density of the proposed development;
 - (l) the area and dimensions of each erf;

- (m) the layout of roads having regard to their function and relationship to existing roads;
- (n) the existing land use rights on the property;
- (o) the movement of pedestrians and vehicles throughout the development and the ease of access to all erven;
- (p) the provision and location of public open space and other community facilities;
- (q) the phasing of the subdivision;
- (r) the provision and location of common property;
- (s) the functions of any body corporate;
- (t) the availability and provision of municipal services;
- (u) if the land is not serviced and no provision has been made for a waterborne sewer system, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each erf or subdivided land parcel;
- (v) whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas;
- (w) an indication whether an application must be made for an environmental authorization in terms of the National Environmental Management Act, 1998;
- (x) the existing land use rights on the property; and
- (y) the applicable regulations as contained in the land use scheme.

SCHEDULE 11
ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR THE CONSOLIDATION OF ANY LAND

1. An application for the consolidation of land must, in addition to the documentation referred to in section 82(3), be accompanied by –
 - (a) a certified copy of the title deed of the land;
 - (b) a copy of the diagram of every property concerned or, where such diagram is not available, a plot diagram to every piece of land concerned;
 - (c) a locality plan on an appropriate scale;
 - (d) a layout plan in the scale approved by the Council;
 - (e) draft conditions of establishment for the proposed consolidation;
 - (f) a copy of the appropriate zoning of the applicable land;
 - (g) if the land is encumbered by a bond, the consent of the bondholder.

2. The motivation contemplated in section 82(2)(d) must explain and motivate the application.

SCHEDULE 12
ADDITIONAL DOCUMENTS REQUIRED FOR THE PERMANENT CLOSURE OF A PUBLIC PLACE IF
AN APPLICATION IS SUBMITTED

1. An application for the permanent closure of a public place must, in addition to the documentation referred to in section 82(3), be accompanied by –
 - (a) a copy of the relevant general plan;
 - (b) a copy of the approved conditions of establishment of the existing township;
 - (c) a locality plan on an appropriate scale;
 - (d) a layout plan in the scale approved by the Council;
2. The motivation contemplated in section 82(2)(d) must explain and motivate the application.

SCHEDULE 13
ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR CONSENT OR APPROVAL
REQUIRED IN TERMS OF A CONDITION OF TITLE, A CONDITION OF ESTABLISHMENT OF A
TOWNSHIP OR CONDITION OF AN EXISTING SCHEME OR LAND USE SCHEME

1. An application for the consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme must, in addition to the documentation referred to in section 82(3), be accompanied by –
 - (a) a certified copy of the title deed of relevant land;
 - (b) a copy of the diagram of every application property or, where such diagram is not available, a plot diagram to every piece of land being the subject of the application;
 - (c) a locality plan on an appropriate scale;
 - (d) a description of all existing and proposed servitudes and/or services on the applicable land;
 - (e) the copy of the land use rights certificate on the applicable land;
 - (f) if the land is encumbered by a bond, the consent of the bondholder;
 - (g) a zoning plan or land use rights plan; and
 - (h) a land use plan.
2. The motivation contemplated in section 82(2)(d) must make specific reference to the zoning and other regulations in terms of the land use scheme.

SCHEDULE 14
ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR TEMPORARY USE

1. An application for temporary use must, in addition to the documentation referred to in section 82(3), be accompanied by –
 - (a) a power of attorney from the registered owner of the land if the applicant is not the registered owner;
 - (b) if the land is encumbered by a bond, the bondholder's consent;
 - (c) a locality plan;
 - (d) a copy of the title deed which is registered in the Deeds Office at the time when the application is submitted;
 - (e) a copy of the zoning certificate, including any notices published in terms of this By-law which has the purpose of changing the land use rights which may be applicable.
2. The motivation contemplated in section 82(2)(d) must contain at least the following information:
 - (a) reference to the objective and principles contained in this By-law;
 - (b) reference to the Integrated Development Plan and Municipal Spatial Development Framework and its components and any other policies, plans or frameworks with specific reference on how this application complies with it or deviated from it;
 - (c) The need and desirability of the application;
 - (d) Discuss the application in terms of the Development Principles, norms and standards as referred to in Chapter 2 of the Act.

SCHEDULE 15
CODE OF CONDUCT FOR MEMBERS OF THE MUNICIPAL APPEAL TRIBUNAL

I, the undersigned,

Full names: _____
Identity Number: _____
Residing at: _____

do hereby declare that I will uphold the Code of Conduct of the Bushbuckridge Municipal Appeal Tribunal contained hereunder:

General conduct

1. A member of the Municipal Appeal Tribunal must at all times—
 - (a) act in accordance with the principles of accountability and transparency;
 - (b) disclose his or her personal interests in any decision to be made in the appeal process in which he or she serves or has been requested to serve;
 - (c) abstain completely from direct or indirect participation as an advisor or decision-maker in any matter in which he or she has a personal interest and leave any chamber in which such matter is under deliberation unless the personal interest has been made a matter of public record and the Municipality has given written approval and has expressly authorised his or her participation.
3. A member of the Municipal Appeal Tribunal must not—
 - (a) use the position or privileges of a member of the Municipal Appeal Tribunal or confidential information obtained as a member of the Municipal Appeal Tribunal for personal gain or to improperly benefit another person; and
 - (b) participate in a decision concerning a matter in which that member or that members' spouse, partner or business associate, has a direct or indirect personal interest or private business interest.

Gifts

3. A member of the Municipal Appeal Tribunal must not receive or seek gifts, favours or any other offer under circumstances in which it might reasonably be inferred that the gifts, favours or offers are intended or expected to influence a person's objectivity as a member of the Municipal Appeal Tribunal.

Undue influence

4. A member of the Municipal Appeal Tribunal must not—
- (e) use the power of any office to seek or obtain special advantage for private gain or to improperly benefit another person that is not in the public interest;
 - (f) use confidential information acquired in the course of his or her duties to further a personal interest;
 - (g) disclose confidential information acquired in the course of his or her duties unless required by law to do so or by circumstances to prevent substantial injury to third persons; and
 - (h) commit a deliberately wrongful act that reflects adversely on the Municipal Appeal Tribunal, the Municipality, the government or the planning profession by seeking business by stating or implying that he or she is prepared, willing or able to influence decisions of the Municipal Appeal Tribunal by improper means.

Signature of Nominee: _____

Full Names: _____

Date: _____

**SCHEDULE 16
DISCLOSURE OF INTERESTS FORM**

I, the undersigned,

Full names: _____
 Identity Number: _____
 Residing at: _____

do hereby declare that -

- (a) the information contained herein fall within my personal knowledge and are to the best of my knowledge complete, true and correct, and
- (b) that there is no conflict of interest between myself and the Bushbuckridge Municipal Planning Appeal Tribunal; or
- (c) I have the following interests which may conflict or potentially conflict with the interests of the Bushbuckridge Municipal Planning Appeal Tribunal;

CONFLICTING INTERESTS	

- (d) the non-executive directorships previously or currently held and remunerative work, consultancy and retainership positions held as follows:

4. NON-EXECUTIVE DIRECTORSHIP	
Name of Company	Period
6.	
7.	
8.	
9.	
10.	

5. REMUNERATIVE WORK, CONSULTANCY & RETAINERSHIPS			
Name of Company & Occupation	Type of Business	Rand amount per month	Period
6.			
7.			
8.			
9.			
10.			

6. CRIMINAL RECORD	
Type of Offence	Dates/Term of Sentence
2.	

- (e) I am South African citizen or a permanent resident in the Republic
- (f) I am not an un-rehabilitated insolvent;
- (g) I have not been declared by a court of law to be mentally incompetent and have not been detained under the Mental Health Care Act, 2002 (Act No. 17 of 2002);
- (h) I have not at any time been convicted of an offence involving dishonesty;
- (i) I have not at any time been removed from an office of trust on account of misconduct;
- (j) I have not previously been removed from a tribunal for a breach of any provision of the Spatial Planning and Land Use Management Act, 2013 or provincial legislation or the Bushbuckridge By-law on Spatial Planning and Land Use Management, , 2020 enacted by the Bushbuckridge Local Municipality.;
- (k) I have not been found guilty of misconduct, incapacity or incompetence; or
- (l) I have not failed to comply with the provisions of the Spatial Planning and Land Use Management Act, 2013 or provincial legislation or the Bushbuckridge By-law on Spatial Planning and Land Use Management , 2020 enacted by the Bushbuckridge Local Municipality.

Signature of Nominee: _____

Full Names: _____

SWORN to and **SIGNED** before me at _____ on this _____ day of _____.

The deponent having acknowledged that he knows and understands the contents of this affidavit, that the contents are true, and that he or she has no objection to taking this oath and that he or she considers the oath to be binding on his or her conscience.

COMMISSIONER OF OATHS

FULL NAMES: _____

DESIGNATION: _____

ADDRESS: _____

* Delete the option that is not applicable

SCHEDULE 17:**OBJECTIONS AND/OR REPRESENTATIONS ON THE DRAFT LAND USE SCHEME IN TERMS OF THE
BUSHBUCKRIDGE LAND USE BY-LAW****BUSHBUCKRIDGE LOCAL MUNICIPALITY****Date of objection/representation:**

Name: _____

Identity/registration number: _____

Address: _____

Tel: _____

Facsimile: _____

E-mail: _____

I/We, (objector or person making a representation), the undersigned, (on behalf of and duly authorised by... (and authorisation attached)) hereby object to/make the following representation on the draft land use scheme for the Bushbuckridge Local Municipality made available for comment on (date).

My/Our interest in the application is as follows: (specify the interest in the matter)

The parts of the land use scheme objected to or in respect of which representations are made are the following: (provide a clear description of the parts of the scheme in respect of which an objection or representation is made, sufficiently detailed to enable a reply thereto)

The grounds for the objection/representation consists of the following: (provide a clear description of the objection or representation, sufficiently detailed to enable a reply thereto)

In support of the objection/representation, the following supporting documents are provided herewith:

(list all supporting documents provided with the objection)

Please direct all correspondence with regards hereto to the following address:

(Person and contact details) _____

Signature of objector/s

SCHEDULE 18:**NOTICE OF APPLICATION IN TERMS OF THE BUSHBUCKRIDGE LAND USE BY-LAW****SECTION _____****BUSHBUCKRIDGE LOCAL MUNICIPALITY****Application for:** *(delete that which is not applicable)*

Amendment of the Bushbuckridge land use scheme, subdivision of land, consolidation of land, establishment of a township, amendment or cancellation of an approved land development, extension of boundaries of a township, division or phasing of a township, alteration, amendment or cancellation of a general plan.

Application reference number: *(reference number as provided by the municipality on the acknowledgement report)*

_____ *(the applicant)*, being the *(owner/intended owner or agent on behalf of the owner/intended owner)*, of:

(Title Deed description of all properties concerned in the application)

situated at: *(give a clear description of locality of property)*

hereby gives notice in terms of section _____ of the Bushbuckridge Land Use By-law, 20__, of the application for:

(description of application, sufficiently detailed so that the proposed development is clearly understood. Delete that which is not applicable).

- *Amendment of the Bushbuckridge land use scheme: (Brief description of the amendment of the Scheme proposed)*
- *Township Establishment: (Specify the name of the township and number of erven grouped under the relevant category or zoning)*
- *Extension of boundaries of approved township: (Specify the township to be extended as well as the number of erven grouped under the relevant category or zoning)*
- *Amendment of an approved land development: (Specify the amendment)*
- *Subdivision of land: (Specify the number and sizes of the proposed portions)*
- *Consolidation of land: (Specify the erven to be created through consolidation and the sizes thereof)*
- *Division or phasing of a township (Specify the phasing as proposed)*
- *Alteration, amendment or cancellation of general plan (Specify the general plan to be amended or cancelled)*

Particulars of the application will lie for inspection during normal office hours at _____

_____, for the period of
_____ days from (*date of notice*).

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 or at _____, within a period of _____ days from (*date of notice*), being (*last day for objections*).

(*Name and address of applicant*)

SCHEDULE 19:**OBJECTIONS AND/OR REPRESENTATIONS ON AN APPLICATION FOR LAND DEVELOPMENT IN
TERMS OF THE BUSHBUCKRIDGE LAND USE BY-LAW****BUSHBUCKRIDGE LOCAL MUNICIPALITY**

Date of objection/representation:

Municipal Application Reference number: *(Application reference number as on the notice)*

Name: _____

Address: _____

Tel: _____

Facsimile: _____

e-mail: _____

I/We, (objector or person making a representation), the undersigned, (on behalf of and duly authorised by...) hereby (object to/make the following representation on) the application for (repeat type of application as on notice) on (specify subject property/ies as in notice).

My/Our interest in the application is as follows: (specify the interest in the matter)

Our objection/representation consists of the following: (provide a clear description of the objection or representation, sufficiently detailed to enable a reply thereto)

The following documents are enclosed herewith in support of the objection or representation: (list all supporting documents provided with the objection)

Please direct all correspondence with regards hereto to the following address: (Person and contact details)

Signed

SCHEDULE 20:**NOTICE TO OPPOSE AN APPEAL IN TERMS OF THE BUSHBUCKRIDGE LAND USE BY-LAW****BUSHBUCKRIDGE LOCAL MUNICIPALITY**

(Copy to the applicant or interested and affected parties)

Date of appeal:

Municipal Application Reference number: *(Application reference number as on the notice of decision)*

The Bushbuckridge Municipal Manager

Private Bag X9308

Bushbuckridge

1280

I/We (person or institution appealing the decision), the undersigned, (on behalf of and duly authorised by...), hereby oppose the appeal, in terms of the Bushbuckridge Land Use Management By-law, 20__, on the decision taken by the Bushbuckridge Local Municipality on the application for (repeat type of application as on notice) on (specify subject property/ies as in notice).

My/Our reasons for opposing the appeal are as follows: (State your interest in the matter)

My/our reasons for opposing the appeal is motivated as follows: (Motivate the appeal)

Please direct all correspondence to: (Name and contact details where correspondence is sent)

Signed

SCHEDULE 21:**PROCEDURE AT A HEARING****Procedures at a site inspection for a land development application**

1. A site inspection must be conducted before the hearing resumes and attended by all parties invited to the hearing.
2. The applicant, objector/s and persons making representations will be requested to show the members of the Municipal Planning Tribunal all the physical features pertaining to the land development application and relevant objection or representation against the land development application.
3. The merits of the objection/application may not be discussed at the site inspection.

Procedure at the hearing for a draft land use scheme and land development application

1. The Chairman should announce to the parties the procedure as set out hereunder.
2. The Chairman must establish if the parties undertook any reasonable steps to reach an amicable solution.
3. No new matters may be introduced which was not part of the first submission, namely any new points of objections or representation.
4. All points *in limine* must be dealt with by the Chairperson of the Tribunal before the merits of the hearing can be heard.
5. The applicant or his representative must be called upon to state his or her application in full to the Tribunal. This includes calling of witnesses, experts, etc.
6. The objector will then be afforded an opportunity to ask questions for clarity, to the discretion of the Chairperson.
7. Members of the Tribunal will also be given the opportunity to ask questions for clarity only, to the applicant on answers.
8. The objector(s) is granted an opportunity to present his or her objection to the application. This includes calling of witnesses, experts, etc.
9. The applicant will then be afforded an opportunity to ask questions for clarity only, to the discretion of the Chairperson.
10. Members of the Tribunal will also be given the opportunity to ask questions in clarity if any, to the objector.
11. The Tribunal hearing will be closed.

SCHEDULE 22:**LAYOUT PLAN**

A layout plan for a proposed township shall, as a minimum, contain the following information:

- (a) contour lines, the values of which shall be based on the datum plane of national geodetic bench marks based on sea-level as datum plane;
- (b) the accuracy of the contour lines shall be such that when the contour lines are compared with the results of a selective test survey, not more than 5% of the interpolated heights of the testing points shall differ by more than half of the contour line interval, and not more than 1 % of the testing points shall show a greater difference than the relative contour interval;
- (c) the contour intervals shall be determined as follows –
 - i. meter intervals where the average gradient is 1 in 20 or less;
 - ii. meter intervals where the average gradient is greater than 1 in 20 but less than 1 in 5; and
 - iii. 5 meter intervals where the average gradient is 1 in 5 and greater;
- (d) existing buildings in the proposed township;
- (e) streets, squares and open spaces in the proposed township;
- (f) the widths and proposed names of streets in the proposed township;
- (g) all adjoining existing and adjoining proposed streets and roads with their names;
- (h) all adjoining erven in existing townships or proposed townships in respect of which applications have been submitted;
- (i) all adjoining informal erven;
- (j) water courses, railways, pipelines, power lines, existing public roads and all servitudes in or abutting the proposed township;
- (k) the sites in the proposed township proposed to be reserved for specific purposes;
- (l) the boundaries of the proposed township and the name of the municipality within whose area of jurisdiction the land on which the applicant proposes to establish the township is situated;
- (m) a land use table indicating the total number of erven in the proposed township, the number of erven for specific purposes and their numbers, the total length of the streets within the township and the area of the erven and streets as a percentage of the total area of the township;
- (n) the ruling size of the erven;
- (o) the minimum and maximum gradient of the streets;
- (p) environmentally sensitive areas;
- (q) a locality plan, as an inset on the plan of the township, accurately drawn to a scale of not less than 1:50 000 or such other scale which the municipality may approve, indicating –
 - i. the situation of the proposed township on the farm or agricultural holding;

- ii. the routes giving access to the nearest main road and the road network in the vicinity of the township;
 - iii. the boundaries of the farm portion or agricultural holding on which the township is to be established;
 - iv. the situation of existing sewage disposal works and the distance from the proposed township of such works, where such works are situated within 3 km of the boundaries of the township;
 - v. the boundaries of a demarcated noise zone, if applicable;
 - vi. a bar scale, in respect of the locality plan;
 - vii. the true north;
- (r) the erven in the proposed township accurately drawn to a scale of 1:1000, 1:1250, 1:1500, 1:2000, 1:2 500 or 1:5 000 and numbered consecutively in each block;
- (s) in an enclosure, the names of the persons responsible for the contour surveys, a reference to the datum plane on which the contour values are based and a certification as to the accuracy of the contour lines;
- (t) if the township is to be established on two or more farm portions or agricultural holdings, the boundaries and description of such farm portions or holdings;
- (u) each registered servitude over the land in the proposed township with a reference to the notarial deed or approved diagram relating to such servitude and, where an alteration in the route of such servitude is contemplated, the proposed route;
- (v) grid co-ordinates and a reference to the geodetic system used;
- (w) if the land in the proposed township is subject to flooding, the 1: 100 year floodline;
- (x) the results of the engineering geological investigation, indicated as zones;
- (y) a bar scale;
- (z) the true north;
- (aa) in an enclosure, the name of the person responsible for the design of the layout plan;
- (bb) in an enclosure the name of the person responsible for the floodline determination and the floodline appearing on the layout plan certified as correct by such person; and
- (cc) in an enclosure, the name of the person responsible for the engineering geological investigation and the geological zones appearing on the layout plan certified as correct by such person.

LOCAL AUTHORITY NOTICE 191 OF 2022



*Nkomazi
Local Municipality*

NKOMAZI LOCAL MUNICIPALITY
MP324

**CREDIT CONTROL &
DEBT COLLECTION
BY-LAW**



Resolution NLM: GCM: A048/2017



Preamble

To provide for credit control and the collection of all monies due and payable to the Municipality; to provide for the requirements for registration of municipal services; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

WHEREAS the Municipality is entitled in terms of section 229 of the Constitution of the Republic of South Africa, 1996, to impose rates on property and surcharges on fees for services provided by or on its behalf within its area of jurisdiction;

WHEREAS the Municipality is entitled in terms of section 75A of the Local Government: Municipal Systems Act, 2000 ([Act No. 32 of 2000](#)) to levy and recover fees, charges or tariffs in respect of any function or service of the Municipality and to recover collection charges and interest on any outstanding amount;

WHEREAS the Municipality is obliged in terms of section 96 of the Local Government: Municipal Systems Act, 2000 ([Act No. 32 of 2000](#)) to collect all money that is due and payable to it, subject to the provisions of that Act and any other applicable legislation;

AND WHEREAS the Municipality is obliged in terms of section 98 of the Local Government: Municipal Systems Act, 2000 ([Act No. 32 of 2000](#)) to adopt By-laws to give effect to the Municipality's credit control and debt collection policy, its implementation and enforcement;

NOW THEREFORE the municipal council of the Nkomazi Local Municipality, acting in terms of section 156 read with Schedule 4 (Part B) and Schedule 5 (Part B) of the Constitution, and read with section 98 and 11 of the Local Government: Municipal Systems Act, 2000 ([Act No. 32 of 2000](#)), hereby makes the following By-law:

Resolution NLM: GCM: A048/2017

CREDIT CONTROL AND DEBT COLLECTION BY-LAW**TABLE OF CONTENTS****CHAPTER 1****DEFINITIONS AND APPLICATION**

1. Definitions
2. Application of By-laws

CHAPTER 2**SERVICE AGREEMENTS AND TERMS AND
CONDITIONS OF THE PROVISIONS OF
MUNICIPAL SERVICES**

3. Provision of municipal services to applicants
4. Estimated consumption

CHAPTER 3**ACCOUNT ADMINISTRATION**

5. Accounts
6. Account information
7. Arrear accounts
8. Interest charges
9. Full and final settlement of an amount
10. Agreements for the payment of arrears in instalments
11. Authority to recover additional costs and fees
12. Disputes as to amounts owing
13. Illegal Connections
14. Termination or restriction of a municipal service
15. Reinstatement of the supply of a municipal service

CHAPTER 4**INDIGENT HOUSEHOLDS**

16. Registration as indigent person
17. Short title

Resolution NLM: GCM: A048/2017



CHAPTER 1: DEFINITIONS

- (1) In terms of the Municipal Systems Act of 2000, 96. A municipality— (a) must collect all money that is due and payable to it, subject to this Act and any other applicable legislation; and 35 (b) for this purpose, must adopt, maintain and implement a credit control and debt collection policy which is consistent with its rates and tariff policies and complies with the provisions of this Act.
- (2) The municipal manager is accountable for implementation of this policy
- (3) The Objective of this policy is to ensure the municipality has a credit control and debt collection policy provides.
- (4) For the purpose of this policy any word or expressions to which a meaning has been assigned in the Act shall bear the same meaning in the by-law and unless the context indicates otherwise: -

“Account”	means any account rendered for municipal services provided;
“Act”	means the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), as amended from time to time;
“Applicable charges”	means the rate, charge, tariff, flat rate, or subsidy determined by the municipal council;
“Average consumption”	means the average consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing the total measured consumption of that municipal service by that customer over the preceding three months by three;
“Shared consumption”	means the consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing the total metered consumption of that municipal service within the supply zone within which a customer's premises is situated for the same period by the number of customers within that supply zone, during the same period;
“Actual consumption”	means the measured consumption of any customer;
“Agreement”	means the contract relationship between the municipality or its authorized agent and a customer, whether written or deemed;
“ area of supply”	means any area within or partly within the area of jurisdiction of the municipality to which a municipal service or municipal services are provided;
“Arrears”	means any amount due, owing and payable by a customer in respect of municipal services not paid on the due date;

Resolution NLM: GCM: A048/2017



“Authorized agent”	means- a) any person authorized by the municipal council to perform any act, function or duty in terms of, or exercise any power under this policy; and / or b) any person to whom the municipal council has delegated the performance of certain rights, duties and obligations in respect of providing revenue services; and / or (c) any person appointed by the municipal council in terms of a written contract as a service provider to provide revenue services to customers on its behalf, to the extent authorized in such contract;
“Commercial customer”	means any customer other than household and indigent customers, including without limitation, business, government and institutional customers;
“Connection”	means the point at which a customer gains access to municipal services;
“Customer”	means a person with whom the municipality or its authorized agent has concluded an agreement for the provision of municipal services;
“Defaulter”	means a customer who owes arrears;
“Due date”	means the date on which the amount payable in respect of an account becomes due, owing and payable by the customer, which date shall be not less than 21 days after the date of the account;
“Emergency situation”	means any situation that if allowed to continue poses a risk or potential risk to the financial viability or sustainability of the municipality or a specific municipal service;
“Estimated consumption”	means the deemed consumption by a customer whose consumption is not measured during a specific period, which estimated consumption is rationally determined taking into account at least the consumption of municipal services for a specific level of services during a specific period in the area of supply of the municipality or its authorized agent;
“Household customer”	means a customer that occupies a dwelling, structure or property primarily for residential purposes;
“household”	means a traditional family unit consisting of a maximum of eight persons (being a combination of four persons over the age of eighteen and four persons eighteen years or younger);
“Illegal connection”	means a connection to any system through which municipal services are provided that is not authorized or approved by the municipality or its authorized agent;

Resolution NLM: GCM: A048/2017



“Indigent customer”	means a household customer qualifying and registered with the municipality as an indigent in accordance with this policy;
“municipality”	means – a) the Nkomazi Municipality or its successors-in-title; or b) the municipal manager of the Nkomazi Municipality in respect of the performance of any ion or exercise of any right, duty, obligation or function in terms of this policy;
“municipal council”	means the municipal council as referred to in section 157(1) of the Constitution, 1996 (Act No. 108 of 1996);
“municipal manager”	means the person appointed by the municipal council as the municipal manager of the municipality in terms of section 82 of the Local Government Municipal Systems Act, 1998 (Act No. 117 of 1998) and includes any person – a) (a)acting in such position; and b) (b) to whom the municipal manager has delegated a power, function or duty in respect of such a delegated power, function or duty;
“municipal services”	means for purposes of these policy, services provided by the municipality or its authorized agent, including refuse rem oval, water supply, sanitation, electricity services and rates or any one of the mentioned
“occupier”	includes any person in actual occupation of the land or premises without regard to the title under which he occupies, and, in the case of premises sub-divided and let to ledgers or various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether for his own account or as an agent for any person entitled thereto or interested therein;
“owner”	means – a) the person in who from time to time is vested the legal title to premises; b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator,

Resolution NLM: GCM: A048/2017



	<p>trustee, executor, administrator, judicial manager, liquidator or other legal representative;</p> <p>c) in any case where the municipality or its authorized agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;</p> <p>d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;</p> <p>e) in relation to –</p> <ol style="list-style-type: none"> i. a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or ii. a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person, or <p>f) a person occupying land under a register held by a tribal authority;</p>
“person”	<p>means any natural person, local government body or like authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;</p>

Resolution NLM: GCM: A048/2017



“public notice”	means publication in an appropriate medium that may include one or more of the following – a) publication of a notice, in the official languages determined by the municipal council, – i. in the local newspaper or newspapers in the area of the municipality; or ii. in the newspaper or newspapers circulating in the area of the municipality determined by the municipal council as a newspaper of record; or iii. by means of radio broadcasts covering the area of the municipality; or b) displaying a notice at appropriate offices and pay-points of the municipality or its authorized agent; or c) communication with customers through public meetings and ward committee meetings;
“subsidized services”	means a municipal service which is provided to a customer at an applicable rate which is less than the cost of actually providing the service including services provided to customers at no cost;
“Supply zone”	means an area, determined by the municipality or its authorized agent, within which all customers are provided with services from the same bulk supply connection;
“Unauthorized services”	means receipt, use or consumption of any municipal service which is not in terms of an agreement, or authorized or approved by the municipality or its authorized agent;

Application of By-law

1. This By-law only apply in respect of amounts of money due and payable to the Council for –

- (a) rates;
- (b) fees, surcharges on fees in respect of the following municipal services:
 - (i) The provision of water and the availability thereof;
 - (ii) refuse removal and disposal;
 - (iii) sewerage and the availability thereof; and
 - (iv) electricity consumption and the availability thereof;

Resolution NLM: GCM: A048/2017

- (c) interest which has or will accrue in respect of any amount of money due and payable or which will become due and payable to the Council in regard to rates and municipal services; and
 - (d) collection charges;
2. This By-law also apply to any municipal service provided through pre-paid meters, in so far as the By-law may be relevant.



CHAPTER 2

SERVICE AGREEMENTS AND GENERAL TERMS AND CONDITIONS OF PROVISION OF MUNICIPAL SERVICES

Provision of municipal services to applicants

- (1) No municipal service may be provided to any applicant, unless and until –
- (a) application for the service has been made in writing on a form substantially similar to the form prescribed;
 - (b) any information and documentation required by the Council have been furnished;
 - (c) a service agreement, in the form substantially similar to the form of agreement prescribed, has been entered into between the customer and Council; and
 - (d) an amount equal to the amount prescribed, in cash or a bank deposit, has been deposited as security or other acceptable security, as prescribed, has been furnished.

Resolution NLM: GCM: A048/2017

- (2) If an applicant for a municipal service is an existing customer of the Council in respect of any other municipal service in respect of which the account is in arrears –
- (i) such arrears must be paid; or
 - (ii) an agreement for payment of the arrears in terms of section 22 must have been entered into and payment in terms thereof must not be in arrears, before an application for a new service in terms of this section may be considered.
- (3) Council may at any time require a customer to increase a deposit paid or security furnished in terms of subsection (1)(d);
- (4) No interest is payable on any amount deposited in terms of subsection (1)(d) or (3).

**Estimated consumption**

1. Council may have an estimate made of the consumption of water or electricity for any relevant period if –
- (a) no meter reading could be obtained in respect of the period concerned; or
 - (b) no meter has been installed to measure the consumption on the premises concerned, and the customer concerned is liable for payment of the prescribed fee in respect of such estimated consumption.

CHAPTER 3**ACCOUNT ADMINISTRATION****Accounts**

- (1) Accounts must be rendered and administered in accordance with the Policy, other prescribed requirements and any other law.
- (2) Failure by the Council to render an account does not relieve a customer of the obligation to pay any amount that is due and payable in terms of this By-law.
- (3) Council may, in accordance with the provisions of section 102 of the Act –
 - (a) consolidate any separate accounts of a customer liable for payments in terms of these By-laws to the Council;
 - (b) credit any payment by such customer against any account of that customer; and
 - (c) implement any of the debt collection and credit control measures provided

Resolution NLM: GCM: A048/2017

for in these By-laws in relation to any arrears on any of the accounts of a customer.



- (4) The amount due and payable by a customer constitutes a consolidated debt, and any payment made by a customer of an amount less than the total amount due, will, be allocated in reduction of the consolidated debt in the order prescribed.
- (5) Any amount paid by a customer in excess of an existing debt may be held in credit for the customer in anticipation of future rates and fees for municipal services

Account information

2. Accounts must contain the following –

- (a) the consumption or estimated consumption as determined for the measuring or consumption period;
- (b) the measuring or consumption period;
- (c) the applicable prescribed fee;
- (d) the amount due based on the estimated consumption;
- (e) the amount due and payable for any other municipal service;
- (f) the amount in arrears, if any;
- (g) the interest payable on any arrears, if any;
- (h) collection charges insofar as they may be relevant;
- (i) the final date for payment; and
- (j) the methods, places and approved agents where payment may be made.

Queries or complaints in respect of accounts

A customer may lodge a query or complaint in respect of the accuracy of any amount due and payable in terms of an account rendered to him or her in terms of this By-law.

Arrear accounts

1. If a customer fails to pay an amount due and payable for any municipal service or rates on or before the due date for payment specified in the account concerned, a final demand notice may be sent to the customer.
- (2) Failure by the Council to send a final demand notice does not relieve a customer from paying the arrears concerned.
- (3) A final demand notice referred to in subsection (1), must contain the following:
 - (a) the amount in arrears and any interest payable, and a statement that payment must be made within 14 days of the date of the final demand notice;
 - (b) that the customer may, conclude a written agreement with Council for payment of the amount in arrears in instalments within the prescribed period;
 - (c) that if no such agreement is entered into, the water or electricity services may be terminated or restricted and that legal action may be instituted for

Resolution NLM: GCM: A048/2017

the recovery of any amount in arrear without further notice;

**Interest charges**

All arrears in respect of accounts for rates and municipal services bear interest at a rate prescribed.

Full and final settlement of an amount

Council may appropriate monies received in respect of any debt contemplated in this By-law at its sole discretion, unless the customer otherwise instructs in writing.

Agreements for the payment of arrears in instalments

- (1) A customer may enter into an agreement for the payment of arrears in instalments.
- (2) The amount due and payable by a customer in terms of an agreement contemplated in subsection (1), constitutes a consolidated debt and any payment made by a customer of an amount less than the total amount due, must be allocated in reduction of the consolidated debt in the order prescribed, unless the customer otherwise instructs in writing.
- (3) A customer may be required to arrange a debit order for the payment of arrears in respect of which an agreement, contemplated in subsection (1), has been entered into.
- (4) Subject to the provisions of subsection (5), no agreement for the payment of arrears may allow for a period of payment of longer than 24 months.
- (5) Council may allow a period of payment in excess of 24 months for the payment of arrears, but not exceeding a period of 60 months, if special circumstances which the customer could not reasonably have prevented or avoided, prevail and which, in the opinion of the Council, warrant a longer period of payment.
Documentary proof of any special circumstances must be furnished by a customer on request by the Council.
- (6) If a customer fails to comply with an agreement contemplated in subsection (1), the total outstanding amount, including the arrears, any interest thereon, any collection charges, and payment of a higher deposit if required by the Council, will immediately become due and payable, and additional security, if so required, must be provided, without further notice.
- (7) If a customer fails to comply with an agreement contemplated in subsection (1), entered into after receipt of a termination notice for water or electricity services, or both, as the case may be, the municipal service concerned may be terminated without further notice, in addition to any other action taken against or which may be taken against the customer concerned.
- (8) No customer is permitted to enter into an agreement contemplated in subsection (1), if that customer has failed to honour a previous agreement for the payment of arrears in instalments, unless the Council otherwise decides.
- (9) Once an agreement contemplated in subsection (1), has been concluded, the amount in arrears must be reflected as a current amount, and no further interest

Resolution NLM: GCM: A048/2017
may be added.



Authority to recover additional costs and fees

- (1) The municipality or its authorized agent has the authority to, notwithstanding the provisions of any other sections contained in this policy, recover any additional costs incurred in respect of implementing this policy against the account of the customer, including but not limited to -
 - (a) all legal costs, including attorney and own client costs incurred in the recovery of amounts in arrears shall be against the arrears account of the customer; and / or

Disputes on amounts owing

If any dispute arises as to any amount owing by a customer, the customer must, pending resolution of that dispute, continue to make regular monthly payments in respect of rates, if applicable, and in respect of any municipal service concerned based on the average monthly fees for the preceding three months prior to the dispute arising, plus interest if applicable, until the resolution of that dispute.

Illegal connections

- (1) An owner is responsible for taking measures to secure his or her electricity or water meter.
- (2) No person may—
 - a) reconnect, attempt to reconnect or permit a reconnection to any municipal service where the Municipality has restricted or disconnected such supply;
 - b) knowingly consume, use or distribute any municipal service which has been obtained in an unlawful manner.
- (3) A person must notify the Municipality if he or she becomes aware of an illegal connection.
- (4) Where there is evidence of an illegal connection, it shall be presumed that the owner caused or allowed such illegal connection.
- (5) The Municipality may remove an entire water or electricity connection in the event of an illegal connection.

Termination or restriction of a municipal service

- (1) The Municipality may terminate or restrict the provision of any service in terms of the prescribed termination and restriction procedures set out in this By-law, the Policy or any other applicable law to any premises if the customers, owners, heirs, or occupiers, as the case may be, in respect of the municipal service concerned—
 - a) fails to make full payment of arrears on or before the final date for the payment thereof, and such person fails to sign an acknowledgement of debt in respect of the arrears concerned before termination or restriction;
 - b) fails to pay any instalment payable in terms of an agreement before or on the due date;
 - c) fails to comply with any condition of provision imposed by the Municipality in respect of the service concerned;

Resolution NLM: GCM: A048/2017

- d) obstructs the efficient provision of the service concerned to another customer;
- e) provides the service concerned to a person who is not entitled thereto or permits such provision to continue;
- f) causes a situation relating to any service which, in the opinion of the Municipality, is dangerous or constitutes a contravention of any applicable law, including the common law;
- g) tampers with an electricity or water meter or in any way reinstates without the Municipality's knowledge or consent the provision of a previously terminated or restricted service;



Reinstatement of the supply of a municipal service

- (1) Where the supply of a municipal service has been terminated or restricted by the Municipality, the supply of such service may not be reinstated either fully or partially until—
 - a) the full amount of arrears, including interest and collection charges, if any, have been paid;
 - b) an agreement for payment of arrears has been entered into;
 - c) the full amount of arrears in respect of any agreement referred to in paragraph (b), including interest and collection charges, if any, and any increased deposit, where required, have been paid; or
 - d) any other condition considered by the CFO to be appropriate, including payment of an additional deposit, has been complied with.
- (2) Once all the conditions stipulated in subsection (1) have been met, a reconnection order must be issued by the Municipality to the effect that every applicable condition contemplated in subsection (1) has been complied with and that the municipal service concerned may be reconnected.

CHAPTER 4

INDIGENT PERSONS

Registration as indigent person

- (1) A person who wishes to receive assistance in terms of the Council's policy for the provision of municipal services as an indigent person, must make application for registration on a prescribed form at any of the Council's offices.
- (2) An application in terms of subsection (1), must be considered by Council which must adhere to the principles of transparency, equity, consistency, non-discrimination, accessibility, empathy, integrity, confidentiality and objectivity during the evaluation process.

Resolution NLM: GCM: A048/2017

- (3) An applicant, contemplated in subsection (1), must, at the request of the Council, furnish any further information to enable the Council to arrive at a decision and the Council may, for the purpose of properly evaluating the application, also conduct any investigation which it considers appropriate.



Short title

This By-law shall be called the Credit Control and Debt Collection By-law of Nkomazi Local Municipality. [MP324]



*Nkomazi
Local Municipality*

NKOMAZI LOCAL MUNICIPALITY
MP324

TARIFF BY-LAW



Resolution NLM: GCM: A050/2017

TARIFF BY-LAW

To give effect to the implementation of the Municipality's individual tariff policies and to provide for matters incidental thereto.

**PREAMBLE**

1. Section 229(1) of the Constitution of the Republic of South Africa authorizes a municipality to impose
 - a) Rates on property and surcharges on fees for services provided by or on behalf of the Municipal, and
 - b) If authorized by national legislation, other taxes, levies and duties.
2. In terms of section 75A of the Systems Act, 32 of 2000, a municipality may:
 - a) Levy and recover fees, charges or tariffs in respect of any function or services of the municipality, and
 - b) Recover collection charges and interest on any outstanding debt.
3. In terms of section 74(1) of the Systems Act, 32 of 2000, a municipal council must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of services delivery agreements and which complies with the provisions of the systems act, the Local Government Municipal Finance Management Act, 53 of 2003 and any other applicable legislation.
4. In terms of section 75(1) of the Systems Act, 32 of 2000, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policies.
5. In terms of section 75(2) of the Systems Act, 32 of 2000, by-laws adopted in terms of subsection 75(1) may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.

BE IT THEREFORE ENACTED by the Council of Nkomazi Local Municipality, as follows: -

Resolution NLM: GCM: A050/2017

Definitions



In this By-Law any word or expression to which a meaning has been assigned in the Act, shall bear the same meaning in these By-laws, and unless the context indicates otherwise —

“By law” means a legislation that is made by a decision taken by the council of the municipality binding in the municipality on the persons to whom it applies and is published in terms of section 13 of the municipal systems act;

“Council” means the council of the local municipality of . A structure or person exercising delegated authority and power or carrying out an instruction in terms of these by laws or a service provider fulfilling the responsibility under these by- laws;

“Credit Control and Debt Collection By-law and policy” means the Credit Control and Debt Collection Policy as required in terms of section 96(b) and 97 and 98 of the Local Government: Municipal Systems Act, (Act 32 No. of 2000).

“Tariff” means fees, charges or any other tariffs levied by the council in respect of any function or service provided by the Council, excluding rates levied by the council in terms of the Local Government Municipal: Property Rates Act; Act 6 of 2004;

“Tariff policy” means a tariff policy adopted by Council in terms of this By-law.

“Municipal tariff” means a tariff for services which a municipality may set for the provision of a service to the local community, and may include a surcharge on such tariff.

“Sundry Tariff” means a tariff set as a fixed rand amount.

“Consumption based Tariff” means set as rand per measurable unit of service.

Resolution NLM: GCM: A050/2017

1. Guiding principles in the determination of tariffs.

In the determination of tariffs, the Council shall be guided by the following principles –



- I. Tariffs shall be equitable and affordable in that the amount due for municipal services should generally be in proportion to their use of that service;
- II. Tariffs shall support national macro-economic policies and shall incorporate visions, strategies and economic policies of the Republic of South Africa
- III. Tariffs shall be cost effective and cost reflective and should reflect the cost reasonably associated with rendering municipal services, including capital, operating, maintenance, administration, replacement costs and financing charges;
- IV. Tariffs shall promote the sustainability of the provision of municipal services.
- v. The tariff adjustment shall be effective from 1st of July each year.

2. Application of By-Law

This by-law shall only apply to tariffs applicable to the Council and municipal entities in respect of which the municipality is the parent municipality for –

Fees, surcharges on fees, charges and tariffs in respect of municipal services, such as –

- i. provision of water;
- ii. refuse removal;
- iii. sewerage;
- iv. electricity consumption;
- v. Municipal services provided through prepaid meters.
- vi. all other related costs for services rendered in terms of the service
- vii. interest which has accrued or will accrue in respect of money due and payable to the Council;
- viii. collection charges in those cases where the Council is responsible for

(aa) the rendering of municipal accounts in respect of any one or more of the municipal Services;

(bb) the recovery of amounts due and payable in respect thereof, irrespective whether the municipal services, or any of them, are provided by the Council itself or by a service utility with which it has concluded a service provider agreement to provide a service on the municipality's behalf.

3. DIFFERENTIATIONS FOR TARIFF PURPOSES

Section 74(3) of the municipal System Act 2000 allows for the differentiation between different categories of users, debtors, services, service standards, geographical areas and other matters for tariff purposes as long as the differentiation does not amount to unfair discrimination. The nature and basis for differentiation for tariff purpose in Nkomazi Local Municipality is set out below.

Resolution NLM: GCM: A050/2017

3.1 PROPERTY RATES

Council will subject to the stipulations of the Municipal Finance Management Act, Act 56 of 2003, and read with sections 15(2) and 24 of the Municipal Property Rates Act, Act 32 of 2004 and regulations as amended by the Property Rates Amendment Act, Act 29 of 2014 determine differentiating rates among the different categories of properties determined by the actual use, the zoning and/or permitted use of properties.

3.1.1 CATEGORIES OF USERS

The following are categories of users as defined in the Rates Policy:

- a) Residential property,
- b) Business, commercial and industrial property,
- c) Agricultural property,
- d) Industrial'
- e) Government property,
- f) Public service infrastructure,
- g) Public benefit organization property,
- h) Mining Property,
- i) State owned and public service purpose property
- j) Municipal property,
- k) Places of public worship,
- l) Vacant land,
- m) Other properties

4. Adoption and implementation of Tariff Policy

The council shall adopt and implement a tariff policy on the levying of fees for a municipal service provided by the council or by way of service delivery agreements which complies with the provisions of the Local Government: Municipal Systems Act, 32 of 2000, the Local Government Municipal Finance Management Act, 56 of 2003 and any other applicable legislation.

5. Enforcement of Tariff Policy

The Council's tariff policy shall be enforced through the Credit Control and Debt Collection By-Law and policy and any further enforcement mechanism stipulated in the Council's tariff policy.

6. Short title

This By-law is the Tariff By-law for Nkomazi Local Municipality.



NKOMAZI LOCAL MUNICIPALITY [MP324]

NOTICE NO. NKO:14/2022

RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR

01 JULY 2022 TO 30 JUNE 2023

In terms of Sections 2, 7, 8 and 14 of the Local Government: Municipal Property Rates Act 6 of 2004 ("the Act"), read with Sections 4(1)(c)(ii) and 11(3)(i) and 75A of the Local Government: Municipal Systems Act 32 of 2000, that by way of council resolution number **NLM: S-GCM: A062/2022** the following rates in the Rand BE LEVIED for the financial year **1 July 2022 to 30 June 2023**, on the market value of property or on the market value of a right in property within the area of jurisdiction of the Council as appearing in the valuation roll, in respect of the various categories of properties set out below:

1.1 TARRIF SCHEDULE

1.1.1 Property rates tariffs

Category	Ratios	Approved 2021/2022	Approved 2022/2023
Residential	1	0.00956	0.00956
Industrial	2	0.01912	0.01912
Business and Commercial	2	0.01912	0.01912
Farms – Agriculture	0.25	0.00239	0.00239
Farms – Commercial	2	0.01912	0.01912
Farms – Residential	1	0.00956	0.00956
Public Service Purpose Properties	2	0.01912	0.01912
Municipal Properties	2	0.01912	0.01912
Public Services Infrastructure (PSI)	0.25	0.00239	0.00239
Private Roads	0.25	0.00239	0.00239
Smallholdings – Agriculture	0.25	0.00239	0.00239
Smallholdings – Commercial	2	0.01912	0.01912
Smallholdings – Residential	1	0.00956	0.00956
Informal Settlements	1	0.00956	0.00956
Mining and Quarries	2	0.01912	0.01912
Vacant Land	0.25	0.00239	0.00239
National Monuments	1	0.00956	0.00956
Illegal use/non-permitted use	2.25	-	0.02240

The rates levied in terms of paragraph 1 above **SHALL BECOME DUE AND PAYBLE** in twelve equal instalments on fixed days for twelve consecutive months, these being the due date stipulated in the account sent to the ratepayer.



Interest at the prime rate plus 1% of the Nkomazi Local Municipality's bankers (currently **Standard Bank Ltd**) will **BE CHARGED** per month or part thereof on all arrear assessment rates at the applicable interest rate, adjusted quarterly as specified in Schedule E - Tariffs for Financial Services.

In terms of Section 15(1)(b) of the Act read with Council's Property Rates Policy, the Council grants, the following reduction in market value and rebates on the rate levied for the financial year **2022/2023** to any owner of rateable property in the following circumstances:

- a) That in terms of section 17(h) of the Municipal Property Rates Act, No. 6 of 2004, the impermissible value of the market value of a property assigned to the residential category in the valuation roll or supplementary valuation roll, **BE DETERMINED** as **R 15 000**.
- b) Indigent **household** – Owner of residential property, registered in terms of Council's approved indigent policy, **BE EXEMPTED** from paying of property rates.
- c) **Child headed households** – That a child headed household registered in terms of Council's approved indigent policy, **BE EXEMPTED** from paying of Property Rates.
- d) **Age / Pensioners reduction, Disability grantees and medically boarded persons** – That in addition to the reduction in a) above and subject to requirements as set out in Council's Rates Policy, an additional reduction of **R15, 000.00** on the market value of residential property owned by person older than 60 years of age or registered as "Life right use" tenant in deeds office (Age /Pensioner reduction), disability grantees and medically boarded persons **BE GRANTED**.
- e) **Aged / Pensioners rebate, Disability grantees and medically boarded persons** – That in addition to the reduction in a) and d) above, an additional rebate **BE GRANTED** in respect of sliding scale based on average monthly earnings.

The applicant must:

- i. be the registered owner of the property or registered as "Life right use" tenant in deeds office.
- ii. produce a valid identity document;
- iii. must be at least 60 years of age upon application, provided that where couples are married in community of property and the property is registered in both their name, the age of the eldest will be the qualifying factor, **or** approved disability grantee **or** approved medically boarded person;



- iv. not be in receipt of an indigent assessment rate rebate;
- v. must reside permanently on the property concerned which consists of one dwelling only and no part thereof is sub-let;
- vi. confirm the aforementioned details by means of a sworn affidavit and / or latest income tax assessment.
- vii. On approval, the following rebates will be applicable

Average Monthly earnings I respect of preceding 12 months	
R0.00 to R3 780.00 (2x state pensions when amended)	100% rebate on assessment rates
R3 780.01 to R5 620.00	85% rebate on assessment rates
R5 620.01 to R7,120.00	70% rebate on assessment rates
R7.120.01 to R8,620.00	55% rebate on assessment rates
R8,620.01 to R12,620.00	40% rebate on assessment rates

- viii. That the minimum “average monthly earnings” be adjusted annually and effective in accordance with National Government Budget announcement in respect of state pensions.
- f) **Municipal** – That non-trading service **BE EXEMPTED** from paying of property rates.
- g) **Sporting Bodies** - used for the purposes of amateur sport and any social activities which are connected to sport: **40% REBATE** in respect of the amount levied as rates on the relevant property but subject to existing agreements between club and Council not determining a different position.
- h) **Welfare organisations** - registered in terms of the National Welfare Act, 1978 (Act No. 100 of 1978), **BE REBATED 100%** in respect of the amount levied as rates on the property.
- i) **Public benefit organizations/Non-Governmental Organisations (NGO's) and Cultural Organisations**- approved in terms of section 30 of the Income Tax Act 58 of 1962, read with Items 1, 2 and 4 of the Ninth Schedule to that Act, **BE REBATED 100%** in respect of the amount levied as rates on the property.
- j) **Protected areas/nature reserves/conservation areas** – That protected areas/nature reserves/conservation areas **BE EXEMPTED** from paying of Property Rates.



k) Private schools, Universities, Colleges and Crèches

- i. Private (Independent) primary and secondary schools (regardless of whether subsidized or not), registered as educational institutions, **BE REBATED at 40%** in respect of the amount levied as rates on the relevant property, subject to prior application and submission of prior year audited financial statements.
- ii. Private (Independent) Universities and colleges, registered as educational institutions not subsidized by state, **20% BE REBATED** in respect of the amount levied as rates on the relevant property
- iii. Crèches, registered as educational institutions, **40% BE REBATED** in respect of the amount levied as rates on the relevant property.

l) Vacant unimproved stands - That a **50% rebate BE GRANTED** on residential property on which a dwelling unit(s) is/are being constructed and which will be used exclusively for that purpose, subject to the following conditions

- i. That an approved building plan is supplied;
- ii. That a residential dwelling unit(s) be constructed on the property;
- iii. That the 50% rebate be granted for a maximum period of twenty-four (24) months from the date the approved building plan was supplied;
- iv. That the occupation certificate be supplied at the end of the twenty-four (24) month period;
- v. That the failure to supply the occupation certificate will result in a reversal of the 50% rebate already granted; and
- vi. That in the event that the said property is sold prior to the issue of the occupation certificate, the rebate already granted be reversed.

m) Special rebate – COVID -19

As part of municipal property tax relief programme, an additional 3% rebate will be provided on billed property rates for 2022-2023 financial year.

n) Businesses – New Businesses

Private own towns – Phase in 3 years 75% - 50% - 25%

Residential – Consolidated or Notarial Tide - 2 stands: 20%

-3 stands: 30%

- 4 Stands: 40%

o) Additional rebates

Improved Residential 15%

Business 10%

Public Service Purpose 5%

PSI 5%



Rebates in respect of items 4b) to m), but excluding f) - Municipal and j) - Protected areas/nature reserves/conservation areas, **BE SUBJECT** to the submission and approval of required application.

1.1.2 Electricity tariffs

ELECTRICITY		Approved 2021/2022	Proposed 2022/2023 (Subject to NERSA's approval)
Basic charge Residential		203.30	231.88
Energy charge Residential KWH		1.86	1.88
Basic charge Business <70 Amp (single phase)		649.62	698.05
Energy charge Business <70 Amp (single phase)		2.16	2.32
179Basic charge Business <150 Amp (three phase)		1121.02	1,204.60
Energy charge Business <150 Amp (three phase)		2.01	2.16
Basic charge Business >150 Amp (three phase)		1,714.00	1,841.79
Demand charge Business >150 Amp (KVA three phase)		227.73	280.45
Energy charge Business >160 Amp (three phase)		1.16	1.43
Domestic Prepaid Tariff		1.88	2.32

1.1.3 Water Tariffs

WATER	Proposed 2021/2022	Approved 2022/2023
Basic charge	100.00	100.00
Water Residential consumers 0-6 kl	Free	Free
Water Residential consumers 6-25 kl	8.23	8.79
26-40 kl	9.05	9.66
41-60 kl	9.97	10.65
61 and more	10.98	11.72
Water Business consumers	15.97	17.05
Water tanker services per 5000 litre	545.34	582.42
MARLOTH PARK	-	-
Basic Charge	40.35	43.09

1.1.4 Sanitation Tariffs

SANITATION	Approved 2021/2022	Approved 2022/2023
Sewerage Fixed charge (1st 2 points)	259.00	276.61
Sewerage (Additional Points) per point	97.47	104.09
Available charge – Empty stands	11.28	12.05
Sewerage charge M'hlatikop per kl	5.14	5.49
Sewerage Fixed Charge 1-2 points Hectorspruit	117.97	125.99
Sewerage add. Points Hectorspruit per point	58.47	62.44
Chemical toilet per day	1,432.11	1,529.49
Sewerage dumping per load - Honey Sucker	1,389.81	1,484.32
Sewerage dumping per load private	192.60	205.70



1.1.5 Refuse Tariffs

REFUSE		Approved 2021/2022	Approved 2022/2023
Refuse Residential once a week services		89.58	95.67
Refuse Residential twice a week services		180.83	193.12
Refuse Residential Rural once a week services		43.29	46.23
Refuse Business once a week services		119.50	127.63
Refuse Business twice a week services		285.57	304.99
Business - (one container)		275.52	294.26
- 1.75cubic meters (20 containers)		5,511.35	5,886.12
- 2.5cubic meters (29 containers)		6,901.00	7,370.27
Public Institutions Schools/Clinics		227.25	242.71
Clearing Grass and Bushes on Open Stands		1,730.92	1,848.63
Clearing of General Waste on Open Stands		1,217.52	1,300.31
Removal of Building Rubble		1,217.52	1,300.31
Removal of Garden Refuse		689.44	736.32
Cutting of Large Trees		689.44	736.32
REFUSE DISPOSAL		Approved 2021/2022	Approved 2022/2023
Condemned foodstuffs 500kg or part thereof			R259.00 per 500 kg
Domestic and Garden solid waste not exceeding 500kg except industrial waste			Zero rated
Refuse disposal for each 250kg – Special Industrial waste			R134
Refuse Disposal clean compostable garden refuse exceeding 500kg			R108
Disposal of clean building rubble per 500kg			R259 per 500 kg
Disposal of Soil, usable as cover material			Zero rated
Mixed waste (Soil,paper,rubble etc.)			R259 per 500k



1.1.6 Other Tariffs

CONSUMER DEPOSITS		Approved 2021/2022	Approved 2022/2023
Water/electricity (Residential)		1,691.75	1,806.79
Water deposit Marloth Park		563.92	602.26
Water/electricity (Business)		11,278.35	12,045.28
Details		Approved 2021/2022	Approved 2022/2023
BUILDING PLAN FEES		14.4861513 per sqm	15.47 per sqm
PAVEMENT DEPOSIT		1,350.75	1,442.61
TOWN PLANNING CATEGORY 1 LAND DEVELOPMENT APPLICATIONS		Approved 2021/2022	Approved 2022/2023
Division of farm land		4,606.35	4,919.58
Reason for decision of municipal planning tribunal, land development officer or appeal authority		2,123.59	2,267.99
Rezoning:			
(a) One Erf		6,112.65	6,528.31
(b) Every erf Additional to the First Erf per Erf		663.85	708.99
Establishment of a township		15,035.54	16,057.95
Amendment of a township establishment application:		-	-
(a) If already approved by the Municipality		15,035.54	16,057.95
(b) If not already approved by the Municipality		4,561.68	4,871.87
Sub-division of land:		-	-
(a) For first five (x5) erven		625.44	667.97
(b) Six (x6) plus erven		82.84	88.47
Consolidation of Land		625.44	667.97
		-	-
Consent Use		1,548.57	1,653.88
Certificates:			
(a) Zoning Certificates per Certificate		172.63	184.36
(b) Any Other certificate per Certificate		172.63	184.36
Division of township		15,035.54	16,057.95
Phasing/cancellation of approved layout plan		1,912.31	2,042.34
Removal, amendment, suspension of a restrictive or obsolete condition, servitude or reservation against the title of the land		744.28	794.89
Amendment or cancellation of a general plan of a township		2,106.77	2,250.04
Permanent closure of a public place per closure		637.44	680.79
Development on communal land		6,113.41	6,529.12
Material amendments to original application prior to approval/refusal		50% of original application fee	50% of original application fee



Details	Approved 2021/2022	Approved 2022/2023
CATEGORY 1 LAND DEVELOPMENT APPLICATIONS		
Sub-division of land provided for in land use scheme or town planning scheme	625.44	667.97
Consolidation of land	625.44	667.97
Subdivision and consolidation of land	625.44	667.97
Consent use	1,548.57	1,653.88
The removal, amendment or suspension of a restrictive title condition relating to the density of residential development	744.28	794.89
Temporary use: prospecting rights	1,548.57	1,653.87
Temporary use: other rights	924.34	987.20
Material amendments to original application prior to approval/refusal	50% of original application fee	50% of original application fee
CATEGORY 2 LAND USE APPLICATIONS		
Sub-division of land provided for in land use scheme or town planning scheme	625.44	667.97
Consolidation of land	625.44	667.97
Subdivision and consolidation of land	625.44	667.97
Consent use	1,548.57	1,653.88
The removal, amendment or suspension of a restrictive title condition relating to the density of residential development	744.28	794.89
Temporary use: prospecting rights	1,548.57	1,653.87
Temporary use: other rights	924.34	987.20
Material amendments to original application prior to approval/refusal	50% of original application fee	50% of original application fee
MISCELLANEOUS FEES		
Erection of a second dwelling	1,422.52	1,519.25
Relaxation of height restriction	1,453.73	1,552.59
Relaxation of building line	1,430.93	1,528.23
Consideration of site development plan	1,430.93	1,528.23
Extension of validity period of approval	1,430.93	1,528.23
Public hearing and inspection	4,178.74	4,462.89
Re-issuing of any notice of approval of any application	308.51	329.49
Deed search and copy of the title deed	195.67	208.98
Public Notice:		
(a) Public Notice and advertisements in the legal section of the paper.	1,912.30	2,042.34
(b) Public Notice and advertisements in the body of the paper	3,442.87	3,676.98
Way leave application (application to determine where the council's services are located or a specific area where new services are to be installed)	3,037.03	3,243.55
Any other application not provided for elsewhere in this schedule of fees	4,178.74	4,462.89
COPIES		
Spatial Development Framework		
(a) Hard Copy per region	208.88	223.08
(b) In electronic format per region	98.44	105.13
Copy of the Land Use Scheme or Town Planning Scheme (Scheme Book)	481.38	514.11
Scheme Regulations per set	800.69	855.14
Search fees per erf	32.41	34.62
Diagrammes per diagramme	32.41	34.62



Details	Approved 2021/2022	Approved 2022/2023
SUNDRY TARIFFS:		
1. Reason for Council's decision	1,919.81	2,050.36
2. Building relaxations Fees	1,515.55	1,618.60
3. General information (written)	21.74	21.74
4. Building Inspections: Swimming pools	283.79	303.08
5. Sub Division of Stand – service contribution (civil)	14,324.86	15,298.95
Details	Approved 2021/2022	Approved 2022/2023
ESTATES & BUILDINGS : RENTAL		
Entrance Fees:		
Henk van Rooyen Park		
Property Owner	Free	Free
Non Property Owner	87.05505 per person	92.97 per person
Rental Recreation Centre	214.48115 per day	229.07 per day
Lionspruit		
Non Property Owner	102.88	109.88
Safari Game Vehicles	320.11	341.88
Season Tickets - Property Owner (1 st ticket)	Free	Free
SAMORA MACHEL MUSEUM- ENTRANCE FEES		
International Tourists - Per Person (Adults)	100.00	500.00
International Tourists - Per Person (Under the age of 18 years)	-	250.00
Local Tourists - Per Person (Adults)	50.00	53.40
Local Tourists - Per Person (Under the age of 18 years)	20.00	21.36
CEMETERIES		
Burial Fees:		
Within jurisdiction - Adults	1312.46	1,401.71
NL. (Kaapmuiden) - Children	860.87	919.41
(Malelane & Hectorspruit) - Internment in one grave – additional	378.42	404.15
Outside jurisdiction - Adults	1577.70	1,684.99
- Children	1047.24	1,118.45
Enlargement of Grave	262.95	280.83
Reserving Graves:	0.00	-
Per grave per person resident in jurisdiction at time of decease	657.37	702.07
Per grave per person NOT resident in jurisdiction at time of decease	1178.70	1,258.85
Per niche	393.28	420.02
Wall of Remembrance:	0.00	-
Per single niche, per single emplacement	657.37	702.07
Per Double niche, per double emplacement	1178.70	1,258.85
Memorial Stones:	0.00	-
Consent for erection of memorial stone	378.42	404.15
Re-opening of Graves	657.37	702.07
RURAL		
Burial Fees:		
In jurisdiction - Adults	210.36	224.66
NL. (Kamhlushwa) - Children	93.80	100.18
- Internment in one grave – additional	65.17	69.60
Outside jurisdiction - Adults	262.95	280.83
- Children	160.05	170.93
Enlargement of Grave	67.45	72.03
Reserving Graves:	0.00	-
Per grave per person resident in jurisdiction at time of decease	657.37	702.07
Per grave per person NOT resident in jurisdiction at time of decease	1178.70	1,258.85
Memorial Stones:	0.00	-
Consent for erection of memorial stone	182.92	195.36
Wall of Remembering:	0.00	-
Per single niche	657.37	702.07
Re-opening of Graves	657.37	702.07



Details	Approved 2021/2022	Approved 2022/2023
HAWKER FEES		
Rent of Site Fee (per month)	42.87	45.78
License Application Fee	149.39	159.55
Hawker License (per annum)	320.81	342.63
Taxi Rank Fees (per annum)	481.21	513.94
BANNERS, POSTERS & ADVERTISEMENT		
Deposit: Posters (excluding elections)	1349.05	1,440.78
Deposit: Posters in a elections	2023.58	2,161.19
Deposit: For each banner	1349.05	1,440.78
Application Fee for Public Display of Advertisement Boards	814.29	869.66
Public Display of Advertisement Boards smaller than 6 m ²	2023.58	2,161.19
Public display of Advertisement Boards bigger than 6 m ²	5404.88	5,772.41
Advertisement on Municipal Statements	602.44	643.40
Display of Billboards	13514.20	14,433.17
Illuminated Signs	218.79	233.67
Temporary Signs	218.79	233.67
Street Name Advertising Structures	2024.17	2,161.81
Loose Standing Signs	2024.17	2,161.81
Street Light Poles (N4)	15742.77	16,813.28
Advertisement on Municipal Trucks	8104.59	8,655.70
Poundage Fee	219.38 per day	234.30 per day
Furnishing of information and issuing of Certificates:		
Application of Safety Certificate	134.91	144.08
Issuing of Safety certificate	269.80	288.15
LIBRARY		
Membership Fees: Adult per year	134.91	144.08
Membership Fees: Children under 18 years, pensioner & students	52.59	56.17
Penalties: Books per week	4.57	4.89
Visitor's Deposit	325.83	347.99
FEE GENERAL CLEANSING:		
i) Removal of building rubbish	599.99	640.79
ii) Removal of gardening rubbish	156.75	167.41
iii) Cleaning of Stand	599.99	640.79
FURNISHING OF INFORMATION AND ISSUING OF CERTIFICATES		
Clearance Certificates/clearance Cost Schedule/Duplicate/extension	121.18	129.42
Valuation Certificates	97.18	103.78
Search Fees	97.18	103.78
Photocopies: - A4-size	2.45	2.62
- A3-size	2.45	2.62
Colour copies - A4	3.65	3.90
Internet Fees: - 20 Min	19.65	20.99
- 30 Min	29.38	31.37
- 1 Hour	60.02	64.10
- 5 Hours	198.81	212.33
Tender documents	1,160.83	1,239.76
Faxes per page	6.28	6.71
Cheque Refer to Drawer	325.83	347.99
Copy of Voter Roll	6.28	6.71
Copies of Valuation Roll	6.29	6.72
Electronic Copy of Valuation Roll	-	-



Details	Approved 2021/2022	Approved 2022/2023
CONNECTION FEES:		
WATER		
Nkomazi	3,923.12	4,189.89
25mm	4,516.98	4,824.13
Water connection Rural areas	959.96	1,025.24
Deposits Rural areas	743.13	793.66
Testing of Water Meter	404.08	431.56
Supply and Installation of meter		
	Actual cost +15% larger than 25mm	Actual cost +15% larger than 25mm
Changes in installation		
	Actual cost +15% larger than 25mm	Actual cost +15% larger than 25mm
Civil Service Contribution	14,864.28	15,875.05
ELECTRICITY		
Nkomazi - single phase	6,886.27	7,354.53
- 3 phase	11,487.44	12,268.58
- single phase pre-paid	4,035.76	4,310.19
3 phase pre-paid	5,945.89	6,350.21
Temporary Connection	411.42	439.40
Connection due to non payment	541.21	578.01
Call out - Nkomazi	1,391.55	1,486.17
Tampering with meter	8,650.68	9,238.93
Use of fire hydrant	619.5648789	661.70
Testing	Actual cost +15%	Actual cost +15%
Supply and Installation of meter box	Actual cost +15%	Actual cost +15%
Changes in installation	Actual cost +15%	Actual cost +15%
Service contribution (civil)	5,276.12	5,634.90
		-
Health Certificate	1,245.26	1,329.94
Water Test Result - Bacterial	1,426.28	1,523.27
- Chemical	706.86	754.93
BUSINESS FEES		
Business License per annum	810.89	866.03
Application of Business License	326.11	348.28
Other Chargeable Properties:	-	-
RDP HOUSES	44.09	47.09



Details	Approved 2021/2022	Approved 2022/2023
BULK SERVICE CONTRIBUTIONS		
Residential 1 – Per residential unit	75,311.33	80,432.50
Residential 2 – Per residential unit	53,268.98	56,891.28
Residential 3 – Per 100m ² floor area	45,462.32	48,553.76
Second dwellings – Per application	45,689.60	48,796.49
Offices – Per 100m ² building floor area	42,247.81	45,120.66
Hotels & Hostels - Per 100m ² building floor area	32,925.30	35,164.22
Doctors & Dentists- Per 100m ² building floor area	43,667.43	46,636.82
Schools & Creches:		
Buildings – Per 100m ² building floor area	25,441.41	27,171.42
Size of the Stand- per ha	344,410.46	367,830.37
Dry Industrial – Per 100m ² of building floor area	41,329.38	44,139.78
Wet Industrial – Per 100m ² of building floor area	111,359.73	118,932.19
Clubs & Sport Facilities:		
Buildings – Per 100m ² of building floor area	18,827.84	20,108.13
Size of the Stand – per ha	339,582.94	362,674.58
Sport Stadiums:		
Buildings – Per 100m ² of building floor area	34,900.34	37,273.56
Size of the Stand – per ha	339,582.94	362,674.58
Warehouses – Per 100m ² of building floor area	10,561.96	11,280.17
Parks – per ha	339,582.94	362,674.58
Laundries– Per 100m ² of building floor area	54,646.63	58,362.60
Butchery– Per 100m ² of building floor area	59,354.68	63,390.80
Hairdressers– Per 100m ² of building floor area	82,752.79	88,379.98
Panel Beaters– Per 100m ² of building floor area	42,437.77	45,323.54
Nursery:		
Buildings – Per 100m ² of building floor area	19,746.26	21,089.01
Size of the Stand – per ha	339,582.94	362,674.58
Hospitals - Per 100m ² of building floor area	86,791.69	92,693.53
Restaurants – Per 100m ² of building floor area	56,942.71	60,814.81
Other commercial, excl. shopping centres – per 100m ² floor area	55,924.43	59,727.30
Institutional – per 100m ² building floor area	54,762.53	58,486.38
Agricultural holding:		
Buildings – per Residential Unit	55,805.90	59,600.70
Size of the stand – per ha	57,401.92	61,305.25
Laboratories – per 100m ² of building floor area	38,689.99	41,320.91
Bus Depots – Per Bus facility	43,395.86	46,346.78
Other Developments:		
Water Services – per kl AADD	22,960.76	24,522.09
Sewer Services – per kl AWWF	22,960.76	24,522.09
Electrical Services – Per KVA	2,984.92	3,187.89
Roads & Stormwater – Sum	-	-
LINK SERVICE CONTRIBUTIONS:		
To be Determined per Application	-	-
ROADS		
Grader	1,054.02	1,125.70
TLB	601.37	642.27
High up	4,373.45	4,670.84



Details	Approved 2021/2022	Approved 2022/2023
STADIUMS		
PSL Teams	27,917.25	29,815.62
First Division	1,815.53	1,938.99
Vodacom Teams	1,348.94	1,440.67
Promotion Teams	677.73	723.82
School Activities	508.30	542.86
Churches	6,985.83	7,460.86
NGO's and CBO's	847.16	904.77
Government Departments	1,277.26	1,364.11
Festival and Big events	76,896.24	82,125.19
Funerals	1,681.29	1,795.62
Other	1,016.59	1,085.72
COMMUNITY HALLS		
Churches	782.00	835.17
Wedding and Parties	2,600.14	2,776.94
Beauty Contest	2,795.63	2,985.74
Music Festival/Disco/DJ	2,795.63	2,985.74
Government Department	1,016.59	1,085.72
NGO's and CBO's	430.10	459.34
Details	Approved 2021/2022	Approved 2022/2023
GIS SERVICES AND PRODUCTS		
MAP TYPE AND SIZE		
A0 Colour Copy	266.02	284.11
A0 Monochrome Copy	153.16	163.58
A1 Colour Copy	177.34	189.40
A1 Monochrome Copy	99.80	106.59
A2 Monochrome Copy	130.51	139.39
A2 Monochrome Copy	69.10	73.79
A3 Colour Copy	84.45	90.19
A3 Monochrome Copy	46.06	49.20
A4 Colour Copy	38.39	41.00
A4 Monochrome Copy	15.35	16.40
PLAN TYPE AND SIZE		
A0 Copies on paper R/Copy	135.12	144.31
A0 Copies on gloss photo R/Copy	230.32	245.98
A1 Copies on paper R/Copy	92.13	98.39
A1 Copies on gloss photo R/Copy	138.19	147.59
A2 Copies on paper R/Copy	61.42	65.59
A2 Copies on gloss photo R/Copy	107.48	114.79
A3 Copies on paper R/Copy	46.06	49.20
A3 Copies on gloss photo R/Copy	61.42	65.59
A4 Copies on paper R/Copy	30.71	32.80
A4 Copies on gloss photo R/Copy	49.13	52.48
GIS DIGITAL DATA		
Cost per CD/DVD per Kilobyte - Shapefile, Jpeg, Tiff and DXF files	0.23	0.25
Cost per CD/DVD PER KILOBYTE		
DIGITAL AERIAL PHOTOGRAPHY AND CONTOURS		
AERIAL PHOTOS		
Cost per CD	276.38	295.17
Cost per Title	76.77	81.99
Cost per complete set	76,772.43	81,992.95
CONTOURS		
Cost per CD	230.32	245.98
Cost per Title	23.03	24.60
Cost per complete set	2,303.17	2,459.79
MAPBOOK ON CD/HARDCOPY		
Scale 1:2500 or 1:5000 – A3 sheet size when printed. (Cadastral data available farm, stand, township etc.)	307.09	327.97



BUSINESS LICENSING		Approved 2021/2022	Approved 2022/2023
Wholesalers		1,709.56	1,825.81
Supermarket		1,282.17	1,369.36
General Dealer		1,282.17	1,369.36
Hardware		1,175.32	1,255.24
Café/Restaurant		961.63	1,027.02
Tuck Shop/Spaza Shop		961.63	1,027.02
Motor Spares/workshop Related		1,175.32	1,255.24
Butchery		961.63	1,027.02
Street Hawkers/Market Stalls		341.91	365.16
Water tankers		1,588.50	1,696.52
Honeysuker and waste disposal		1,588.50	1,696.52
Mining trucks		1,588.50	1,696.52
Tarven/bars/liquor store		1,588.50	1,696.52
Pharmacy and traditional pharmacy		1,588.50	1,696.52
Brick manufacturing and steel work		1,270.80	1,357.21
Wayleave application- refundable	2 % of the project contract value		2 % of the project contract value
Car wash		341.91	365.16
Accommodation and Lodging		1,602.71	1,711.70
Salon/barbershops/ Day Spa		1,068.48	1,141.13
RENEWALS			
Wholesalers		1,132.58	1,209.60
Supermarket		747.93	798.79
General Dealer		736.18	786.24
Hardware		622.92	665.28
Café/Restaurant		396.40	423.36
Tuck Shop/Spaza Shop		339.78	362.88
Motor Spares/workshop Related		509.66	544.32
Butchery		283.15	302.40
Street Hawkers/Market Stalls		169.89	181.44
Car wash		169.89	181.44
Accommodation and Lodging		747.93	798.79
Salon		534.24	570.57
Endorsement		1,075.95	1,149.12
Compliance		1,698.88	1,814.40
Extension		1,075.95	1,149.12
Transfer of Business ownership		2,831.46	3,024.00
Duplicate Trading Licence		2,831.46	3,024.00
Penalty (Non-Compliance)		1,698.88	1,814.40

LOCAL AUTHORITY NOTICE 192 OF 2022**STEVE TSHWETE LOCAL MUNICIPALITY****PERMANENT CLOSURE OF A PARK
ERF 10130 TOWNSHIP OF MHLUZI**

Notice is hereby given in terms of Section 75 of the Steve Tshwete Municipality Spatial Planning and Land Use Management By-laws and Section 21 of the Local Government: Municipal Systems Act 32 of 2000 as amended, that the Steve Tshwete Local Municipality intends to permanently close Park Erf 10130 Township of Mhluzi.

A plan indicating the said portion of the park to be closed is available and may be inspected, during office hours, at Room B218, Legal and Administration Department, First Floor, Steve Tshwete Local Municipality, for a period of 28 days from the date of publication of this notice.

Any person desirous of objecting to the proposed closure or wishing to make recommendations in this regard, should lodge such objection or recommendation, as the case may be, in writing to the Municipal Manager, Steve Tshwete Local Municipality, P.O. Box 14, Middelburg, 1050, to reach him/her no later than 28 days from the date of publication of this notice.

T. Zulu
Acing Municipal Manager

LOCAL AUTHORITY NOTICE 193 OF 2022

STEVE TSHWETE LOCAL MUNICIPALITY



INTEGRATED WASTE MANAGEMENT BY-LAWS, 2022

STEVE TSHWETE LOCAL MUNICIPALITY**INTEGRATED WASTE MANAGEMENT BY-LAWS, 2022**

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

Preamble

WHEREAS everyone has the constitutional right to have an environment that is not harmful to his or her health and to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures that—

- a) prevent pollution and ecological degradation;
- b) promote conservation: and
- c) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development;

AND WHEREAS the “Municipality” has the Constitutional obligation to provide services including waste removal, collection and disposal;

AND WHEREAS sustainable development requires that the generation of waste is avoided, or where it cannot be avoided, that it is reduced, re-used, recycled or recovered and only as a last resort treated and safely disposed of;

AND WHEREAS the minimisation of pollution and the use of natural resources through vigorous control, cleaner technologies, cleaner production and consumption practices, and waste minimisation are key to ensuring that the environment is protected from the impact of waste;

AND WHEREAS poor waste management practices can have adverse impact on the environment in and beyond Municipal boundaries;

AND WHEREAS the “Municipality” is committed to ensure that all residents, organisations, institutions, businesses, visitors or tourist and public bodies are able to access services from a legitimate waste service provider;

AND WHEREAS the “Municipality” wishes to regulate waste collection, separation, storage, processing, treatment, recycling, reuse and disposal of waste including littering and illegal dumping and the regulation of facilities used for the management of waste, with the ultimate aim of avoiding or minimising the generation and impact of waste;

AND WHEREAS the “Municipality” promotes the waste hierarchy approach as outlined in the National Waste Management Strategy;

AND WHEREAS waste under certain circumstances is a resource and offers economic opportunities;

AND WHEREAS the waste and management practices relating to waste are matters that—

- require national legislation to maintain essential national standards;
- in order to be dealt with effectively, require uniform norms and standards that apply throughout the Republic: and
- in order to promote and give effect to the right to an environment that is not harmful to health and well-being, have to apply uniformly throughout the Republic: and
- require strategies, norms and standards which seek to ensure best waste practices within a system of co-operative governance.

CONTENTS

CHAPTER 1: DEFINITIONS, OBJECTIVES AND PRINCIPLES	7
1. Definitions	7
2. Objectives of the by-laws	18
3. Scope of application	19
4. Principles	19
5. General duty in respect of waste management	20
CHAPTER 2: PLANNING AND INSTITUTIONAL MATTERS	22
6. Integrated Waste Management Plan (IWMP)	22
6.1. Contents of Integrated Waste Management Plans	22
7. Waste Management Officer (WMO)	23
7.1. Duties of the WMO	24
8. Service providers/contractors	24
9. Private waste removal contractors	25
10. Licences	27
CHAPTER 3: PROVISION OF WASTE SERVICES	28
11. The Municipality's service	28
12. Notice to the Municipality	29
13. Private waste removal services	29
14. Delivery of bins or containers	29
15. Collection, removal and transportation	31
16. Receptacle/bins or containers for general waste	33
17. Waste storage	35
18. Access to premises	36
19. Premises inaccessible for waste collection	37
20. Waste container liners	37
21. Use and care of waste containers	38
22. Compaction of waste	39
23. Waste transfer stations, buy back centres, material recovery facilities or any other solid waste facilities	40
24. Waste disposal	41
25. Conduct at waste disposal sites and transfer stations	41
26. Garden and bulky garden waste and other bulky waste	42
26.1. Removal and disposal of garden and bulky waste	42

26.2. The Council's special service	43
26.3. Generation, storage, collection, reuse and disposal of building waste	43
27. The Municipality's skip bin rental service	44
CHAPTER 4: RECYCLING OF WASTE	46
28. Storage, separation and collection of recyclable domestic waste	46
CHAPTER 5: WASTE INFORMATION	48
29. Provision of waste information system and requirements for registration of transporters	48
30. Generators of waste	48
31. The following activities are required to submit monthly data to the waste information system	49
32. The above activities will register as one of:	50
33. Integrated Waste Management Plan	51
34. Exemptions from submitting an Integrated Waste Management Plan	53
CHAPTER 6: LISTED WASTE MANAGEMENT ACTIVITIES	55
35. Commencement, conducting or undertaking of listed waste management activities	55
CHAPTER 7: GENERAL PROVISIONS OF RESOURCES FOR LITTER	56
36. Prohibition of littering	56
37. Prohibition of nuisance	58
38. Burning of waste	58
39. Unauthorised disposal/ dumping	59
40. Abandoned articles	59
41. Liability to pay applicable tariffs	60
42. On-site disposal	60
43. Storage, collection, composting and disposal of garden waste	61
44. Garden waste sites	62
45. Collection and disposal of bulky waste	63
46. Building waste	63
46.1. Building waste removal by Municipality	63
46.2. Building waste removal	64
46.3. Storage of building waste	64
46.4. Disposal of building waste	65
47. Generators of building waste	66
48. Obligation of waste generator	67
49. Event waste	69

49.1. Integrated Waste Management Plans for events	69
50. Emergencies requiring the management of waste	70
CHAPTER 8: SPECIAL INDUSTRIAL, HAZARDOUS OR HEALTH CARE RISK WASTE.....	72
51. Notification of generation of special industrial, hazardous, medical and infectious waste	72
52. Storing of special industrial, hazardous, medical and infectious waste.....	72
53. Removal/transportation of special industrial hazardous, medical and infectious waste.....	73
CHAPTER 9: ADMINISTRATIVE MATTERS FOR COMPLIANCE AND ENFORCEMENT	76
54. Compliance notices	76
55. Serving of documents and process	77
56. Failure to comply with the by-laws and enforcement.....	77
57. Exemptions.....	78
58. Seizure and impounding of vehicles.....	79
59. Appeals	80
60. Offences and penalties.....	80
60.1. Dumping: general	80
60.2. Dumping on private land.....	80
60.3. Dumping: whistle blowing.....	81
60.4. Dumping: naming and shaming	82
60.5. Reporting of noncompliance with the by-laws.....	82
60.6. Offences.....	83
60.7. Penalties	84
61. Short title and commencement.....	85
62. Repeal of by-laws.....	85
63. Annexures.....	85

CHAPTER 1: DEFINITIONS, OBJECTIVES AND PRINCIPLES

1. Definitions

In this by-laws any word or expression to which a meaning has been assigned in the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008) and the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000); and associated regulations shall have the meaning so assigned and, unless the context indicates otherwise.

“authorised official” means any official of the Council who authorised or designated in terms of the Council’s policy to administer or delegation by the Waste Management Officer, implement and enforce any of the provisions of these By-laws, or an employee of a service provider acting within the scope of the powers, functions, duties and obligations assigned to that service provider by the Council or the Waste Management Officer, In terms of its contractual appointment;

“authorised waste removal contractor” means

- a) A private waste removal contractor who has been contracted by the Municipality to provide waste removal services on behalf of the Municipality; or
- b) A private waste removal contractor who holds a permit from the Municipality authorising it to contract directly with waste generators to provide waste removal services for its own account;

“building waste” means any waste produced during-

- a) Excavation; or
- b) The construction, alteration, repair or demolition of any structure, including building rubble, earth, vegetation and rock displaced during these activities;

“bulk waste container” means a container designed for the temporary storage waste, with a capacity of more than 2m³ and less than 6m³, whether supplied with wheels or not, and which complies with-

- a) South African Bureau of Standards specification 493-1973: steel waste bins: or

- b) South African Bureau of standards specification 1310-1980: waste bins of polymeric materials

“bulky waste” means domestic waste or commercial waste which, by virtue of its mass, shape, size or quantity, cannot be conveniently-

- a) Stored in a waste container; or
- b) removed as part of the Municipality’s normal domestic or commercial waste removal service;

“commercial waste” means waste generated on premises used for non-residential purposes and includes waste generated by informal traders and waste generated on residential premises from which commercial activities are undertaken, regardless of whether or not these activities are lawful, but excludes:

- a) bulk waste;
- b) building waste;
- c) garden waste;
- d) hazardous waste;
- e) industrial waste;
- f) health care waste;
- g) recyclable waste; and
- h) special industrial waste;

“container” means a disposable or re-usable vessel in which waste is placed for the purposes of storing, accumulating, handling, transporting, treating or disposing of that waste, and includes bins, bin-liners and skips;

“disposal” means the burial, deposit, discharge, abandoning, dumping, placing or release of any waste into, or onto, any land;

“domestic waste” means waste generated on premises used solely for residential purposes and purposes of public worship or education, including halls or other buildings used for religious or educational; social gatherings or festival purposes, but does not include builder’s waste, bulky waste, garden waste or special domestic waste;

“event” means any sporting, entertainment, cultural, religious or other event that is held within the Municipality;

“event organiser” means any person who plans, is in charge of, manages, supervises or holds an event or sponsorship rights to an event or in any manner controls or has a material interest in the hosting of an event, as defined in the Safety at Sports and Recreational Events Act, 2010 (Act No.2 of 2010);

“event waste” means waste generated by or at an event, or from activities related to an event, regardless of whether or not the event takes place on private or public property;

“garden waste” means waste of an organic origin which is generated as a result of normal gardening activities on any premises, such as-

- a) grass cutting;
- b) leaves;
- c) plants;
- d) flowers;
- e) weeds; and
- f) the clippings of trees, hedges or fences: provided that this excludes branches with a diameter exceeding 40 mm;

“garden waste site” means a site provided by the Municipality for the disposal and temporary storage of garden waste and other miscellaneous waste other than hazardous waste at the discretion of the Municipality;

“guest house” means an accommodation establishment, as defined in the Municipality’s Accommodation Establishment By-laws;

“hazardous waste” means waste which contains or is contaminated by poison, a corrosive agent, a flammable substance having an open flashpoint of less than 100°C, an explosive, radioactive material, a chemical or any other substance that is classified as a hazardous substance in terms of the Hazardous Substances Act, 1973 (Act 15 of 1973), or in terms of the National Road Traffic Act, 1996 (Act 93 of 1996);

“Head of Department” means the person who is in charge of the whole operation appointed as head of the department.

“health care waste” means waste generated by a hospital, clinic, nursing home, doctor’s rooms, medical laboratory, research facility, dental practitioner, medical practitioner, traditional healer, traditional surgeon, veterinarian or any other place where health care waste which is infectious or potentially infectious is generated and includes but is not limited to-

- a) microbial waste which can cause disease in humans, including but not limited to cultures, stocks and associated biologicals;
- b) human blood and blood products, including but not limited to serum, plasma and other blood components;
- c) pathological waste of human origin, including but not limited to tissues, organs and body parts removed during surgery or autopsy;

- d) contaminated animal waste including but not limited to animal carcasses, body parts and bedding which has been exposed to infectious agents;
- e) isolation waste associated with human beings or animals known to be infected with highly communicable diseases;
- f) contaminated and uncontaminated sharps, including but not limited to clinical items which can cause a cut, puncture or injection, such as needles, syringes, blades and microscope slide;
- g) Use medical equipment and other medical material which is capable of or is reasonably likely to be capable of causing or spreading disease or causing or spreading infection, including but not limited to used surgical dressings, swabs, blood bags, laboratory waste, blood collection tubes, colostomy and other catheter bags, gloves drip bags, administration dines and tongue depressors;
- h) Pharmaceutical products, including but not limited to human and animal vaccines, medicine and drugs; and
- i) Genotoxic chemical waste and radio isotopes from experimental or diagnostic work or any other source;

“holder of waste” means any person who imports, generates, stores, accumulates, transports, processes, treats, or exports waste or disposes of waste;

“industrial waste” means waste in solid form generated as a result of manufacturing, maintenance, fabricating or dismantling activities, as well as the activities of railway marshalling yards, including waste of this nature which is generated from a residential premises as a result of a commercial activity, regardless of whether or not the activity is being lawfully conducted from those premises, but does not include building waste, commercial waste, domestic waste or special industrial waste;

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

“municipal manager” means a person appointed in terms of section 54A of the Municipal Systems Act as the head of administration of the municipal council;

“mutagen” means a physical or chemical agent that increases the frequency of mutations by changing the genetic material of an organism;

“occupier” includes-

- a) Any person, including the owner, in actual occupation of premises regardless of the title under which he or she occupies those premises, if any; and
- b) In the case of premises let to more than one tenant, the person who receives the rent payable by the tenants, whether for his or her own account or as an agent for a person entitled to the rent;

“owner” means-

- a) The person who is the registered owner of the premises in the relevant Deeds Office;
- b) Where the registered owner of the premises is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of his or her property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- c) In any case where such premises have been leased for a period of 30 years or longer, the lessee of the premises; or
- d) In relation to-

- i. A piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No.95 of 1986) as common property, the developer or the body corporate in respect of the common property; or
- ii. A section as defined in the Sectional Titles Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;

“public place” means-

- a) A public road;
- b) A public parking space; or
- c) Any square, park, recreation ground, sports round, beach, shopping centre, municipal cemetery, open space, or vacant municipal land which is vested in the Municipality, or in respect of which the public has the right of use, or which is shown on a general plan of a township filed in the deeds registry or a surveyor-General's office as having been provided for the use of the public or the owners or erven in such township;

“public road” means any road, street or thoroughfare or any other place, whether a thoroughfare or not, which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes-

- a) The verge of any such road, street or thoroughfare;
- b) Any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- c) Any other work or object forming part of or connected with or belonging to such road, street or thorough fare;

“premises” means any erf or land, building, room, structure, tent, van, vehicle, stream, lake, dam, pool, lagoon, an opened, covered or enclosed drain or ditch whether improved or not and whether public or private;

“recyclable waste” means any waste intended for recycling or a remanufacturing process and which is separated from other waste and managed as a potential resource by the waste generator or someone acting on his or her behalf or waste reclaimers.

The following but not limited to are considered recyclable material from domestic and commercial waste

- a) Paper and cardboard
- b) Plastic
- c) Glass
- d) Cans
- e) Tyres

“recycle” means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream for further use and the processing of that separated material as a product or raw material;

“re-use” means to utilise the whole, a portion of or a specific part of any substance, material or object from the waste stream for a similar or different purpose without changing the form or properties of such substance, material or object;

[Definition of “re-use” substituted by s. 1 of Act 26/2014]

“residential premises” means premises occupied for the purposes of human habitation, but excludes an accommodation establishment as defined in the Municipality’s Accommodation Establishment By-laws;

“skip” means a container, with a capacity of between 6m³ and 18m³, designed for the temporary storage of waste and to be loaded onto a truck for removal, rather than being emptied on site;

“special domestic waste” means domestic waste which cannot by virtue of its mass, shape or size be conveniently-

- a) Stored in a waste container; or
- b) Removed as part of the Municipality’s normal domestic waste removal service;

“special industrial waste” means waste consisting of a liquid or sludge, resulting from-

- a) A manufacturing process; or
- b) The pre-treatment, for disposal purposes, of any industrial liquid waste, which in terms of the Municipality’s Sewage By-laws, may not be discharged into a sewer without the consent of the Municipality, which consent has not been generated;

“tariff charge” means the prescribed charge for any service provided by the Municipality in terms of this By-laws as set out in the tariff of charges adopted by resolution of the council;

“venue owner” means a person who owns, manages or is entitled to exercise the rights of an owner or occupier of a venue used for events, as defined in the Safety at Sports and Recreational Events Act, 2010 (Act No.2 of 2010);

“waste” means any substance, as defined in the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008); whether or not that substance can be reduced, re-used, recycled and recovered-

- a) That is surplus, unwanted, rejected, abandoned or disposed of;
- b) Which the generator has no further use of for the purposes of production;
- c) That must be treated or disposed of;

d) That is identified as waste by the Minister of Water and Environmental Affairs by notice in the Gazette, and include waste generated by the mining, medical or other sector, but-

I. A by-product is not considered waste; and

II. Any portion of waste, once re-cycled and recovered, ceases to be waste;

“waste bin” means a container designed for the temporary storage of waste with a capacity of less than 2m³, whether wheeled or not, and which complies with-

a) South African Bureau of Standards specification 493-1973: Steel waste bins; or

b) South African Bureau of Standards specification 1310-1980: waste bins of polymeric materials;

“waste container” means a waste container supplied by the Municipality to premises as provided for in this By-laws or approved by the Municipality in exceptional cases;

“waste disposal site” means a site, excluding a garden waste site, for the disposal of waste and which site may be owned or set aside by-

a) The Municipality; or

b) A private person and operated by that person in terms of a permit or licence issued by a responsible authority;

“waste generator” means any person who, or entity which, generates or produces waste and includes-

a) The occupier of any premises on which waste is generated; and

b) In the case of premises which are occupied by more than one person, the owner of the premises;

“waste management activity” means any activity listed in Schedule 1 or published by notice in the Gazette under section 19, of the waste act and includes-

a) the importation and exportation of waste;

- b) the generation of waste, including the undertaking of any activity or process that is likely to result in the generation of waste;
- c) the accumulation and storage of waste;
- d) the collection and handling of waste;
- e) the reduction, re-use, recycling and recovery of waste;
- f) the trading in waste;
- g) the transportation of waste;
- h) the transfer of waste;
- i) the treatment of waste; and
- j) the disposal of waste;

“waste management officer” means a waste management officer designated in terms of section 10 of the waste act;

“waste management services” means waste collection, treatment, recycling and disposal services;

“waste removal service” means the collection and removal of domestic, garden, industrial and commercial waste as provided for in this By-laws; and

“water resource” means a river, spring or natural channel in which water flows regularly or intermittently, a wetland, lake or dam into which or from which water flows, surface water, an estuary or aquifer and includes any borehole, structure, earthwork or equipment installed or used for or in connection with the storage, distribution, provision or use of water.

“waste transfer facility” means a facility that is used to accumulate and temporarily store waste before it is transported to a recycling, treatment or waste disposal facility;

“waste treatment facility” means any site that is used to accumulate waste for the purpose of storage, recovery, treatment, reprocessing, recycling or sorting of that waste.

2. Objectives of the by-laws

The objectives of this By-laws are to-

- a) Regulate the collection, removal and disposal of domestic waste and commercial waste by the Municipality in order to ensure the efficient and effective provision of this service;
- b) to protect health, well-being and the environment by providing reasonable measures for-
 - i. minimising the consumption of natural resources;
 - ii. avoiding and minimising the generation of waste;
 - iii. reducing, re-using, recycling and recovering waste;
 - iv. treating and safely disposing of waste as a last resort;
 - v. preventing pollution and ecological degradation;
 - vi. securing ecologically sustainable development while promoting justifiable economic and social development;
 - vii. promoting and ensuring the effective delivery of waste services;
 - viii. remediating land where contamination presents, or may present, a significant risk of harm to health or the environment; and
 - ix. achieving integrated waste management reporting and planning
- c) to ensure that people are aware of the impact of waste on their health, well-being and the environment;
- d) to provide for compliance with the measures set out in paragraph (a); and
- e) generally, to give effect to section 24 of the Constitution in order to secure an environment that is not harmful to health and well-being.

3. Scope of application

- 1) These by-laws must be read with any applicable provisions of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008).
- 2) In the event of any conflict with any other by-laws which directly or indirectly, within the jurisdiction of the Municipality, regulates waste management, the provisions of this by-laws shall prevail to the extent of the inconsistency.
- 3) The by-laws do not override any other national and provincial waste related legislation.

4. Principles

- 1) Any person exercising a power in accordance with these by-lawss must, at all times; seek to promote the waste management hierarchy approach as outlined in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the National Waste Management Strategy, which is promoting waste avoidance and minimisation, waste reuse, recycling and recovery, waste treatment and disposal.
- 2) The by-lawss seek to promote sustainable development and environmental justice through fair and reasonable measures of waste management activities within the Municipality's Jurisdiction.
- 3) The by-lawss promote participation of all municipal residents in the promotion of responsible citizenship by ensuring sound waste management practices within residential and industrial environments.

5. General duty in respect of waste management

- 1) A holder of waste must, within the holder's power, take all reasonable measures to-
 - a) avoid the generation of waste and where such generation cannot be avoided to minimise the toxicity and amounts of waste that are generated;
 - b) reduce, re-use, recycle and recover waste;
 - c) where waste must be disposed of, ensure that the waste is treated and disposed of in an environmentally sound manner;
 - d) manage the waste in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts;
 - e) prevent any employee or any person under his or her supervision from contravening this By-laws; and
 - f) prevent the waste from being used for an unauthorised purpose.
 - g) Any person subject to the duty imposed in subsection (1) may be required by the Municipality or an authorised official to take measures to ensure compliance with the duty.
- 2) Any person who sells a product that may be used by the public and that is likely to result in the generation of hazardous waste must take reasonable steps to inform the public of the impact of that waste on health and the environment.
- 3) The measures contemplated in this section may include measures to-
 - a) investigate, assess and evaluate the impact of the waste in question on health or the environment;
 - b) cease, modify or control any act or process causing the pollution, environmental degradation or harm to health;

- c) comply with any norm or standard or prescribed management practice;
- d) eliminate any source of pollution or environmental degradation; and
- e) remedy the effects of the pollution or environmental degradation.

CHAPTER 2: PLANNING AND INSTITUTIONAL MATTERS**6. Integrated Waste Management Plan (IWMP)**

- 1) The Municipality must prepare and submit its adopted integrated waste management plan to the MEC for endorsement; and include the endorsed integrated waste management plan in its integrated development plan contemplated in Chapters of the Municipal Systems Act and National Environmental Management Waste Act, 2008 (Act No.59 of 2008).

6.1. Contents of Integrated Waste Management Plans

- 1) An integrated waste management plan must at least-
 - a) contain a situation analysis that includes-
 - i. a description of the population and development profiles of the area to which the plan relates;
 - ii. an assessment of the quantities and types of waste that are generated in the area
 - iii. a description of the services that are provided, or that are available, for the collection, minimisation, re-use, recycling and recovery, treatment and disposal of waste; and
 - iv. the number of persons in the area who are not receiving waste collection services;
 - b) Within the domain of the Municipality, set out how the Municipality intends,
 - i. to give effect, in respect of waste management, to Chapter 3 of the National Environmental Management Act;
 - ii. to give effect to the objects of the waste management Act; to identify and address the negative impact of poor waste management practices on health and the environment;

- iii. to provide for the implementation of waste minimisation, re-use, recycling and recovery targets and initiatives;
- iv. to address the delivery of waste management services to residential premises;
- v. to give effect to best environmental practice in respect of waste management;
- c) set out the priorities and objectives of the Municipality in respect of waste management;
- d) to establish targets for the collection, minimisation, re-use and recycling of waste;
- e) to set out the approach of the Municipality to the planning of any new facilities for disposal and decommissioning of existing waste disposal facilities;
- f) to indicate the financial resources that are required to give effect to the plan

7. Waste Management Officer (WMO)

- 1) The Municipality as authorised to carry out waste management services by the Municipal Structures Act, 1998 (Act No. 117 of 1998), must designate in writing a Waste Management Officer from its administration to be responsible for coordinating matters pertaining to waste management in that Municipality.
- 2) A power delegated or a duty assigned to a waste management officer by virtue of subsection (1), may be sub-delegated or further assigned by that officer to another official in the service of the same administration, subject to such limitations or conditions as may be determined by the Municipality.
- 3) Waste management officers must co-ordinate their activities with other waste management activities in the manner set out in the national waste management strategy established in terms of section 6 of NEMWA or determined by the Minister by notice in the *Gazette*.

7.1. Duties of the WMO

- 1) Responsible for coordinating matters pertaining to waste management within the Steve Tshwete Local Municipality.
- 2) A dedicated authority responsible for implementing policy and regulations in terms of the waste Act no.59 of 2008.
- 3) Has the power to delegate duties to another official in the service of the same administration, subject to such limitations conditions as may be determined by the Municipality.

8. Service providers/contractors

- 1) The Municipality may discharge any of its obligations by entering into a service delivery agreement with a service provider or service providers in terms of the Municipal Systems Act, 2000.
- 2) Subject to the provisions of the Municipal Systems Act or any other legislation, the Municipality may assign to a service provider any power enjoyed by the Municipality under these by-lawss: provided that the assignment, is required for the service provider to discharge an obligation under its service delivery agreement but the accountability shall remain with the Municipality.
- 3) Any reference in these by-lawss to "Municipality or service provider" should be read as the "Municipality" if the Municipality has not entered into a service delivery agreement and should be read as "service provider" if the Municipality has entered into as service delivery agreement.
- 4) Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the Municipality and which must-

- a) Accord with the provisions of these by-lawss;
- b) Be accessible to the public;
- c) Establish the conditions of the service including collection times; and
- d) Provide for the circumstances in which Municipal services may be limited.

9. Private waste removal contractors

- 1) Waste may only be collected and removed from premises by a waste removal contractor who has been-
 - a) Issued with a scheduled activity permit in terms of the Municipality's scheduled Activities By-laws; and
 - b) Authorised in writing by the Municipality.
- 2) Application for authorisation as a waste removal contractor must be made to the Municipality on the form prescribed.
- 3) The authority contemplated by subsection (1) may be granted or rejected at the discretion of the Municipality and may be subject to such conditions, whether as to period of validity, the type of waste which may be collected and removed, or otherwise, as the Municipality may impose.
- 4) No person must hold himself or herself to be, or act as a waste removal contractor if-
 - a) He or she has not been authorised to do so in terms of subsection (1); or
 - b) His or her approval has expired or been withdrawn.
- 5) No waste removal contractor may contravene any condition imposed on him or her in terms of subsection (3).
- 6) No person may employ a waste removal contractor who has not been authorised in writing by the Municipality in terms of subsection (1).
- 7) Any waste generator who intends to appoint an authorised waste removal contractor must notify the Municipality in writing of that fact and must likewise notify the Municipality whenever such engagement is terminated.

- 8) Subsection (7) shall only be applicable in instances where the Municipality is not in a position to deliver the waste removal service or where special written exemption is granted according to the specified criteria.
- 9) If the waste generator has given notice in terms of subsection (7), the waste generator is thereafter responsible for ensuring that waste is collected and removed in compliance with the provisions of this By-laws within a reasonable time after the generation thereof.
- 10) The Municipality may, if waste is not being collected and removed to the Municipality's satisfaction from any premises by an approved waste removal contractor, by written notice to a waste generator instruct him or her to terminate the services of the contractor concerned and to use the service provided by the Municipality for the collection and removal of waste with effect from a date specified in such notice.
- 11) A waste removal contractor may not remove waste from any premises unless he or she is provided with proof that the waste generator has notified the Municipality in writing that the waste generator has entered into a contract with a waste removal contractor for the removal of such waste and that the Municipality should not provide a service to the premises for its removal.
- 12) If the Municipality believes that there are grounds to suspend or withdraw authorisation given to a waste removal contractor, the following procedure must be followed:
- a) The Municipality must give the waste removal contractor at least 21 days written notice by hand delivery or registered mail of the Municipality's intention to suspend or withdraw the authorisation;
 - b) The notice referred to in paragraph (a) must include:
 - i. A statement setting out the nature of the proposed action;
 - ii. The reasons for the proposed action;
 - iii. An invitation to make written representations on the matter;
 - iv. An address at which representations may be submitted; and

- v. The date, time and place of a hearing, which may not be less than 15 days from the date of the notice to consider the suspension or withdrawal, and an indication that the waste removal contractor may submit representations and appear at the hearing;
- c) The waste removal contractor must be given an opportunity to, either personally or through his or her duly authorised representative, appear at a hearing and to make representations before the Head of Department;
- d) If a waste removal contractor wishes to appear at a hearing and to oppose the proposed action, he or she must, within seven days of receiving the notice or within a further period that the Municipality may allow, submit representations in writing by hand or by registered mail to the address indicated in the notice; and
- e) After the hearing, the Head of Department must give a ruling on whether or not to suspend or withdraw the authorisation and must give the waste removal contractor its reasons for the ruling in writing not later than 14 days after the date of the conclusion of the hearing.

10. Licences

Any person who, or entity which, requires a license in terms of national, provincial or municipal legislation will have to prove on request, to the waste management officer that such person or entity has obtained the appropriate license within 30 days or such lesser period as specified by such officer.

CHAPTER 3: PROVISION OF WASTE SERVICES**11. The Municipality's service**

- 1) The Municipality shall provide a service for the collection, removal and disposal of general waste, (commercial waste, domestic waste, construction and demolition waste , industrial waste and garden waste) from premises at the tariff, charges, fees or any other moneys payable as determined by council in terms of the Local Government Municipal Systems Act, Act 32 of 2000.
- 2) The occupier/s and or owner/s of premises on which general waste is generated shall: subject to the provision to section 21(1) (a), use the Municipality's service for the collection, removal and disposal of all such waste except in cases where special exemption is granted.
- 3) The owner/s and or owner/s of the premises on which general waste is generated shall be liable individually or jointly to the Municipality for the tariff charge where applicable, in respect of the collection, removal and disposal of general waste from that such premises and all moneys payable to the Municipality must be paid with the understanding that where the Municipality renders a service whether the service is used or not the owner/s and or occupier/s shall still be responsible for payment of the applicable tariffs, jointly or individually.
- 4) The owner/s and or occupier/s in respect of individual premises held on the Sectional Title Register opened in terms of section 5 of the Sectional Titles Act, 1986, on which general waste is generated shall be liable individually to the Municipality for the tariff charge in respect of the collection, removal and disposal of general waste from such premises and all , moneys payable to the Municipality must be paid with the understanding that where the Municipality renders service whether the service is used or not the owner/s and or occupier/s still be responsible for payment of the applicable tariffs jointly or individually.
- 5) The Municipality reserves the right to review such tariffs contemplated in sub-section (1) on an annual basis.

- 6) The Municipality may exempt any person or category of persons deemed to be falling in the indigent category from paying prescribed tariffs for waste management services as outlined in the Municipal Indigent Policy

12. Notice to the Municipality

- 1) The occupier and/or owner in the case of more than one, the occupiers and or owners of a premises, on which general waste is generated shall within seven days after the commencement of the generation of such waste notify the Municipality in writing:
 - a) That the premises are being occupied; and
 - b) That general waste is being generated on the premises.
- 2) Where the category or purpose of waste change it is the responsibility of the occupier (s) and/or owner (s) to inform the Municipality in writing on or before the day of change, that the service delivery should change or be ceased subject to the circumstances and that the tariff change be amended accordingly.

13. Private waste removal services

- 1) Shall only be applicable in instances where the Municipality is not in a position to deliver the waste removal service or where special written exemption is granted according to the specified criteria.
- 2) All contractors removing general waste, health care risk waste and hazardous waste from premises within the Municipal shall register with the Municipality in terms of Chapter 8 above.

14. Delivery of bins or containers

- 1) After notification in terms of section 12, the Municipality shall, after investigation, determine the number of waste bin/container required on such premises.

- a) The owner/s and or occupier/s of such premises shall be responsible for the supply of the predetermined number and type of waste bins as required by the Council from time to time;
 - b) Waste bins will be supplied by the Municipality when possible on request at ruling prices;
 - c) The owner/s and or occupant/s of such premises will be supplied with the predetermined number and type of waste bin/s or containers as required by the Municipality from time to time.
- 2) The owner or occupier/s shall be liable to Municipality for the tariff charge in respect thereof:
- a) From the date of delivery of the waste bin/container of such premises and/or as prescribed in the tariff policy;
 - b) Until the day of cancelling the service, with or without the bin, after notifying the Municipality in writing of such steps and after the Municipality is of the opinion that the services can be terminated, or lesser number of waste bin/container is required;
 - c) Municipality's records serving proof of such delivering or removal;
 - d) The provisions of this section shall apply mutatis mutandis on owners utilizing private owned waste bin/container.
- 3) The Municipality may at any time after the delivery of waste bins/containers in terms of subsection (1) remove some of the waste bins/containers or deliver additional waste bins/containers if, in its opinion, a greater or lesser number of waste bin/containers is required on the premises.
- 4) The Municipality may deliver waste bins/containers to premises if, having regard to the quantity of waste generated on the premises concerned, the sustainability of such waste for storage in containers, and the accessibility and adequacy of the space provided by the owner/s and or occupier/s of the premises in terms of section 16, to the waste collection

vehicles since it considers mass waste containers more appropriate than standard waste bins/containers for the storage of the waste.

- 5) The owner/s and or occupier/s of any premises shall keep the contents of the waste bin/container or other approved waste container covered at all times (save when waste is being deposited therein or discharged there from).

15. Collection, removal and transportation

- 1) The Municipality may:
 - a. Only collect and remove waste stored in approved receptacles;
 - b. Set schedule for collection day(s) of the week;
 - c. Collect waste outside the set schedule as result of disruption in rendering the service on scheduled day and on request by any person and at fixed tariff agreed to by both parties prior to collection;
 - d. Set the maximum amount of quantities of waste that will be collected.
 - e. Identify waste streams which may not be collected by the Municipality or which are unsuitable for collection; and where such a case exists, advice the owner of alternatives
- 2) Any person transporting waste within the jurisdiction of the Municipality must:
 - a) Ensure that the receptacle or vehicle or conveyance is adequate in size and design for the type of waste transported;
 - b) Remove or transport the waste in a manner that:
 - i. would prevent any nuisance or escape of material;
 - ii. Only by means of a properly constructed and enclosed vehicle; and

- iii. In such manner as will prevent the waste from accidentally falling from the vehicle or any other nuisance arising;
 - c) Maintain the receptacle or vehicle or conveyance in a clean, sanitary condition at all times;
 - d) Not permit waste transported to become detached, leak or fall from the receptacle or vehicle or conveyance transporting it;
 - e) Ensure that waste is transported or deposited at a waste transfer station, recycling facility and/or disposal facility licensed to accept such waste;
 - f) Ensure that the vehicle is not used for other purposes whilst transporting waste;
 - h) Not transport waste from any premises along a street or public place in order to gain access to a waste storage area located elsewhere on the same premises without the prior written consent of the Municipality.
- 3) Apply to the Municipality to register and adhere to all the conditions attached to the registration.
- 4) In the absence of evidence to the contrary which raises a reasonable doubt, a person who is in control of a vehicle, or in a position to control the use of a vehicle, that is used to transport waste for the purpose of offloading that waste, is considered to knowingly cause that waste to be offloaded at the location where the waste is deposited.
- 5) A person who is in control of a vehicle, or in a position to control the use of a vehicle, that is used to transport waste for the purpose of offloading that waste, is guilty of an offence if that person:
- a) Fails to take all reasonable steps to prevent spillage of waste or littering from the vehicle;
 - b) Intentionally or negligently cause spillage or littering from the vehicle;

- c) Dispose of waste at a facility which is not authorised to accept such waste;
- d) Fails to ensure that waste is disposed of at a facility that is authorised to accept such waste.

16. Receptacle/bins or containers for general waste

- 1) Any person or owner of premises where general waste is generated must ensure that such waste is stored in a receptacle provided or approved by the Municipality.
- 2) The owner/s and occupier/s of the premises shall provide an approved space of adequate size and any other facilities considered necessary by the waste Management Officer on the premises for the storage of the bins/containers delivered by the Municipality in terms of section 17.

Minimum floor areas include, but not limited to:

- a) For 1.75m³ waste containers, a minimum floor area of 4.5m²;
 - b) For 240 litre and 85 litre bins, a minimum floor area of 1m² is required;
 - c) For 6m³ skip bins, a minimum floor area of 8m².
- 3) The space provided in terms of subsection (2) and the storage of waste shall:
 - a) Be in such a position on the premises as to allow the storage of waste bins/container without them being visible from the street, a public space, or any other premises except if determined otherwise by the Municipality;
 - b) On agreed collection date, the receptacle (s) should be placed outside the premises in an area accessible to the municipal officials or service at 06:00 in the morning;
 - c) Where commercial waste is generated on the premises be in such a position as will allow the collection and removal by the Municipality's employees without hindrance;

- d) Commercial waste bins/containers be so located as to permit convenient access to and agrees from such space for the Municipality's waste collection vehicles; and
- e) Commercial waste bins/containers be sufficient to house all waste, including the materials in any containers used in the storage as contemplated in section 21(1) (a) and 22 (6);
- f) Where domestic waste is generated on a premises the waste plastic linings with a waste therein must be properly tied and be placed outside the fence or boundary of the premises on the street boundary or on any such other place as determined by the Municipality but will only be collected in a defined area on a specific day as determined by the Municipality where applicable
- g) Where domestic waste is generated on a premise which contains ashes, waste container with the refuse therein must be properly placed just inside the fence or boundary of the premises or on any such place as determined by Municipality but will only be collected in a defined area on a specific day as determined by Municipality ;
- h) Prevent pollution and/or harm to the environment, as well as avoiding nuisance such odour, visual impacts and breeding of vectors;
- i) Be such that tampering by animals is prevented;
- j) Ensure waste cannot be blown away and that receptacle is covered or closed, and suitable measures are in place to prevent accidental spillage or leakage;
- k) Be in a receptacle that is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of the waste; and in cases where a receptacle (s) is damaged or corroded, the owner or occupier must notify the Municipality and arrange for replacement as soon as it comes to their attention;

- l) The owner/s and or occupier/s of the premises shall ensure that a receptacle(s) provided by the Municipality is not used for any other purpose other than that of storage of waste;
 - m) General Waste is only collected by the Municipality or authorised service provider.
- 4) The owner/s and or occupier/s of premises shall place or cause the waste bins/containers delivered in terms of section 14 to be placed in the space provided in terms of subsection (2) and shall at all times keep it there.
- 5) Notwithstanding anything to the contrary in subsection (3) contained:
 - a) In the case of buildings erected, or building plans whereof have been approved, prior to the coming into operation of these by-laws; and
 - b) In the event of the Municipality, in its opinion, being unable to collect and remove waste from the space provided in terms of subsection (2);
 - c) The Municipality may, having regard to the avoidance of nuisance and the convenience in collection of waste, indicate a position within or outside the premises where the waste bins/containers shall then be placed in such a position at such times and at such period as the Municipality may require.

17. Waste storage

- 1) Every waste generator must provide a reserved waste storage area on his/her premises for the keeping of waste containers and such storage area must-
 - a) Be appropriate given the number and size of the waste containers;
 - b) Be such that the waste containers are not visible from a street or a public place;
 - c) Comply with the Municipality's Building By-laws; and
 - d) Comply with any other requirements of the Municipality.

- 2) Each waste generator must-
 - a) Place the waste containers, or cause the waste containers to be placed, in the waste storage area; and
 - b) At all times keep the waste containers in the waste storage area, except when they are removed for emptying.
- 3) The waste generator must ensure that the-
 - a) Waste storage area and the waste containers are kept neat, clean and hygiene at all times;
 - b) Waste storage area and the waste containers do not cause a nuisance to any person; and
 - c) Waste containers are properly covered by means of a lid or other covering supplied with the container.

18. Access to premises

- 1) Where in the opinion of the Municipality the collection or removal of waste from any premises is likely to result in damages to the premises or the Municipality's property, or injury to the waste collectors or any person, if any, as a condition where the Municipality provide a waste collection service, the owner/s and or occupier/s of the premises shall grant the Municipality access to the premises for the purpose of collecting and removing waste and shall ensure that nothing obstructs, frustrates or hinders the Municipality in the carrying out of its service.
- 2) Where in the opinion of the Municipality the collection or removal of waste from any premises is likely to result in damages to the premises or the Municipality's property, or injury to the waste collectors or any person if any, as a condition of rendering waste collection service in

respect of the premises, require the owner/s and or occupier/s to indemnify the Municipality in writing in respect of any such damage or injury claims arising out to either.

- 3) The owner must, on request, allow a duly authorised employee of the Municipality access to their property for the purpose of inspecting the property and investigating any contravention of this By-laws and to ensure compliance therewith. When accessing the property, the authorised employee must, on request, identify him or herself by producing written proof of such authority.

19. Premises inaccessible for waste collection

- 1) Should the Municipality be impeded from handling or collecting waste due to the layout of a person's premises, and if this impediment imposes a danger to employees of the Municipality, the Director may require the owner to do such alterations or additions to the premises as are necessary to remove such impediment at that persons cost.

20. Waste container liners

- 1) In order to facilitate the collection of waste, the Municipality may require waste container liners be used for the storage of such waste in containers and the owner/s or occupier/s shall not place any refuse in such containers without using a waste container liner, with the exception where other approved containers are utilized.
- 2) The owner/s and or occupier/s of premises where waste containers are not provided, with the exception where mass waste containers are being used, shall place or cause the full waste container liner properly tied up, to be placed just outside the fence or boundary of the premises on the street boundary or in any such other place as determined by the Municipality before 06:00 on the day on which waste is collected in the particular area.
- 3) The full waste container liner placed in accordance with subsection (2) shall be undamaged.
- 4) Only waste container liners approved by the Municipality may be used.

21. Use and care of waste containers

- 1) The owners and or occupiers of premises to which waste bins/containers have been delivered by the Municipality in terms of section 14, or where containers are supplied by the owner/s and or occupier/s shall ensure that:
 - a) All the general waste generated on the premises shall be placed and kept in such waste bins/containers for removal by the Municipality; provided that the provisions of this subsection shall not prevent any owner/s and or occupier/s who has obtained the Municipality's prior written consent from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material for recycling in a manufacturing process or, in the case of swill, for consumption;
 - b) No hot ash, unwrapped glass or other general waste which may cause damage to waste bins/containers or waste bin/container liners or which may cause injury to the Municipality's employees while carrying out their duties in terms of these by-laws, shall be placed in waste bins/containers before suitable steps have been taken to avoid such damage or injury.
 - c) No material, including any liquid, garden waste and/or building rubble which; by reason of its mass or other characteristics is likely to render such waste bins/containers or waste bin/container liners unreasonably difficult for the Municipality's employees to handle or carry, shall be placed in such waste bins/containers; and
 - d) Every waste deposited therein or discharged therefrom, and every waste container shall be kept in a clean and hygienic condition.
 - e) Where returnable receptacles/bins or containers are in use, household members must mark his or her receptacle to assist the service provider/Municipality in returning the receptacle/bins/container to the same household from where it is collected.

- 2) No waste bin/container so delivered in accordance with section 14, may be used for any purpose other than the storage of general waste and no fire shall be lit in such container.
- 3) The waste bin/containers so delivered in accordance with section 14, may be emptied by the Municipality at such intervals as the Municipality may deem necessary.
- 4) In the event of a mass waste container having been delivered to premises in terms of section 14(4), the owner/s and or occupier/s of such premises shall within 24 hours before the container is likely to be filled to capacity, inform the Municipality thereof.
- 5) The owner/s and occupier/s of premises to which waste bins/containers were delivered in terms of section 14(1) (d), or to which containers were delivered in terms of section 18, shall be liable to the Municipality for the loss thereof and for all damage caused thereto except for such loss or damage as may be caused by the employees of the Municipality.

22. Compaction of waste

- 1) Should the quantity of commercial waste generated on premises be such as to require the daily removal of more than the equivalent of a mass waste container and should, in the opinion of the Municipality, the major portion of such waste as is compactable, or should the owner/s and or occupier/s, shall put it into an approved container or wrapper, and the provision of section 14 shall not apply to such compactable waste, but shall apply to all other waste.
- 2) The capacity of the wrapper mentioned in subsection (1), shall not exceed 85 litres and the mass of the wrapper and contents shall not exceed 35 kilograms.
- 3) After the waste, treated as contemplated in subsection (1), has been put into the wrapper, it shall be placed in the waste container or other approved container and shall be stored so as to prevent damage to the wrapper or any nuisance arising until collected.

- 4) The containers or wrappers mentioned in subsection (1) shall be supplied by the owner/s and or occupier/s of the relevant premises.
- 5) Any container used in terms of subsection (1) shall be collected, emptied and returned to the premises by the Municipality at such intervals as it may deem necessary.
- 6) The owner/s and or occupier/s of the premises shall prepare the container for collection and reconnect it to the compaction equipment forthwith after its return by the Municipality to the premises.
- 7) The provisions of this section shall not prevent any owner/s and/or occupier/s of premises who has obtained the Municipality's prior written consent from selling or otherwise disposing, any swill corrugated cardboard, paper, glass or other material for recycling in a manufacturing process or, in the case of swill, for consumption.
- 8) "Approved", for the purpose of subsection (1), shall mean approved by the Municipality, with regard being had to the fitness of the container or wrapper for its purpose, and also the reasonable requirements of the particular case from the point of view of public health, storage, waste removal or waste disposal.

23. Waste transfer stations, buy back centres, material recovery facilities or any other solid waste facilities

- 1) Any holder of waste must:
 - a) Utilise appropriate waste facilities as directed by the Municipality or service provider;
 - b) Adhere to the operational procedures of waste facilities as set out by the Municipality.
 - c) Waste transfer stations can only be utilised for the purpose of disposing general waste emanating from residential premises only. No waste from commercial, industrial premises and hazardous waste will be permitted at waste transfer station

24. Waste disposal

- 1) Waste generated in the municipal area must be disposed of at a licenced or permitted waste disposal facility directed by the Municipality.
- 2) In disposing of waste, the operator of the site must comply with the provisions of any other legislation regulating the disposal of waste.
- 3) Any person disposing waste at a Municipal owned or any licenced/permitted disposal site must adhere to the site operational procedures approved by the Municipality or licence holder of that facility.
- 4) All municipal waste must be removed by the Municipality (accept where exempted) and all waste at disposal facilities sites or transfer station controlled by the Municipality shall be the property of the Municipality and no person who is not duly authorised by the Municipality to do so, shall remove or interfere therewith.
- 5) All private waste disposal sites within the jurisdiction of the Municipality, must comply to any local norms and standards and any other relevant legislation.

25. Conduct at waste disposal sites and transfer stations

- 1) Every person who for the purpose of disposing of waste enters a waste disposal facility /landfill site or transfer station controlled by the Municipality or licence/permit holder , shall:
 - a) Enter the waste disposal facility/landfill site or transfer station at an authorised access point:
 - b) Give the Municipality or licence/permit holder all the particulars required in regard to the composition of the waste: and
 - c) Follow all instructions given to him in regard to access to the actual disposal point, the place where and the manner in which the waste should be deposited.

- d) Dispose free of charge or at the prescribed landfill site tariffs as determined annually by Council in terms of the Local Government Municipal Systems Act, Act 32 of 2000.
 - e) Enter the disposal facility (landfill site or transfer station) at their own risk and the council shall not be held responsible for any losses or damages.
- 2) No person shall during any intoxicating liquor enter a waste disposal facility (landfill site or transfer station) controlled by the Municipality or by the licence or permit holder.
- 3) No person shall enter a waste disposal facility (landfill site or transfer station) controlled by the Municipality or licence/permit holder for any purpose other than the disposal of waste in terms of these by-laws, and then only at such times and between such hours as the Municipality or licence/permit holder may from time to time determine.

26. Garden and bulky garden waste and other bulky waste

26.1. Removal and disposal of garden and bulky waste

- 1) The occupier or, in the case of premises occupied by more than one person, the owner of premises on which garden or bulky garden or other bulky waste is generated, shall ensure that such waste be disposed of in terms of this Chapter within a reasonable time after the generation thereof.
- 2) Any person subject to adherence to Integrated Waste Management By-laws, may remove and dispose of garden or bulky garden waste or other bulky waste.
- 3) Garden or bulky garden or other bulky waste removed from the premises on which it was generated, shall be deposited on a site designated by the Municipality as a disposal site for such waste.

26.2. The Council's special service

- 1) At the request of the owner of any occupier of any premises, the Municipality shall remove bulky garden and other waste from premises, provided that the Municipality is able to do so with its waste removal equipment.
- 2) All such waste shall be placed within 3 m of the boundary loading point, but not on the sidewalk. Generation, storage, collection, reuse and disposal of building

26.3. Generation, storage, collection, reuse and disposal of building waste

- 1) The owner or occupier of premises on which building waste is generated and person conducting an activity which causes such waste to be generated, must ensure that—
 - a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated;
 - b) the premises on which the building waste is generated does not become unsightly or cause a nuisance as a result of accumulated building waste;
 - c) any building waste which is blown off the premises is promptly retrieved; and
 - d) pursuant to any instructions from the Municipality, any structure necessary to contain the building waste is constructed.
- 2) Any person may operate a building waste removal service subject to adherence to relevant legislation and Integrated Waste Management By-Laws-Laws.
- 3) Should the Municipality provide such a service, it shall be done at a prescribed tariff.
- 4) The owner or occupier of premises may apply to the Municipality for written consent to place an appropriate receptacle for the storage and collection of building waste in the road reserve for the period of such consent.
- 5) Every receptacle, authorised in terms of subsection (4) and used for the removal of building waste, must –

- a) have a clearly marked name, address and telephone number of the person in control of such approved receptacle;
 - b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and
 - c) be covered at all times other than when actually receiving or being emptied of such waste so that no displacement of its contents can occur.
- 6) The owner or occupier of premises on which building waste is generated must ensure that the waste is disposed of at a facility designated for that purpose by the Municipality.
- 7) For the purpose of reclamation of land, reuse or recycling, building waste may with written consent of the Municipality, be deposited at a place other than the Municipality's waste disposal sites.
- 8) A consent given in terms of subsection (4) shall be subject to the conditions, as the Municipality may deem necessary.

27. The Municipality's skip bin rental service

If containers or other receptacles used for the removal of builder's waste, bulky waste of other waste material from premises can, in the opinion of the Municipality not be kept on the premises, such containers or other receptacles may with the written consent of the Municipality be placed in the roadway for the period of such consent.

- 1) Any consent given in terms of subsection (1) shall be subject to such conditions as the Municipality may deem necessary, provided that in giving or refusing its consent or in laying down conditions the Municipality shall have regard to the convenience and safety or the public.
- 2) The written consent of the Municipality referred to in subsection (1) shall only be given on payment of the tariff charge for the period of such consent.

- 3) At the request of the owner/s and or occupier/s and after payment of the applicable tariff charge the Municipality shall provide mass waste containers (6m³) for removal of general waste from premises, provided that the Municipality is able to do so with its waste removal equipment.
- 4) The mass container will be delivered to the premises as requested by the applicant and the mass container will be placed on the pavement for a predetermined period as determined by the Waste Management Officer.
- 5) At the request of the owner/s and or occupier/s or manager of the premises the Municipality may provide a special service for the removal of waste at the prescribed tariff as determined by Municipality from time to time.

CHAPTER 4: RECYCLING OF WASTE**28. Storage, separation and collection of recyclable domestic waste**

- 1) Any person who is undertaking any activity involving reduction, re-use, recycling or recovery of waste including scrap dealers, by-back centres and formalized recycling groups must before undertaking that activity, make sure that the activity is less harmful to the environment than the disposal of such waste and must notify the Municipality of an intention to undertake such an activity in writing.
- 2) Any person undertaking the activities contemplated in subsection (1) must adhere to the requirements set out in national or provincial legislation.
- 3) The Municipality may require any person or owner of premises to separate their waste and use different receptacles provided by the Municipality or service provider.
- 4) In cases where the Municipality, service provider or industry has provided separate receptacles for recyclable material, no person may use other receptacles for recyclable material.
- 5) Waste material for the purpose of recycling may not be stored at any premises where it results in risks or nuisance conditions.
- 6) Separation of waste or sorting of recyclables shall be performed on the premises of the point of generation of the recyclable waste stream.
- 7) All facilities where separation and classification of recyclable material is performed must comply with the applicable statutory requirements.
- 8) When applying for a permit from the Municipality, the applicant must-
 - a) Submit an environmental impact assessment or any similar assessment required by national or provincial legislation, showing that the proposed recycling, re-use or reduction of the waste will be less harmful to the environment than its disposal;

- b) Submit an integrated waste management plan; and
 - c) Comply with any other requirements set by the Municipality.
- 8) Any person who handles, transports, processes, treats or disposes of waste for recycling purposes must provide the Municipality with a written report on their activities in a format and at such frequencies as may be determined by the Municipality.
- 9) The Municipality may exempt waste generators, handlers, transporters or agents from the requirements of this Chapter in circumstances where the mass or volume of the waste generated is below a threshold stipulated by the Municipality.
- 10) The Municipality may determine-
 - a) Categories of waste which must be recycled;
 - b) Categories of waste generators which must engage in specified forms of recycling; and
 - c) Standards and other rules applicable to recycling.

CHAPTER 5: WASTE INFORMATION**29. Provision of waste information system and requirements for registration of transporters**

- 1) Any person who transports waste for gain must adhere to the requirements as set out in Section 25 of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008)
- 2) The Municipality may, by notice in the provincial gazette, require any person or category of transporters to register and report to the Municipality information as set out in that notice. The notice may include but not limited to-
 - a) the application forms;
 - b) prescribed fee;
 - c) renewal intervals;
 - d) list of transporters, types and thresholds of waste transported;
 - e) minimum standards or requirements to be complied with.
- 3) Any person conducting listed activities of hazardous generation of waste, recovery and recycling of waste, treatment of waste, disposal of waste, exportation of hazardous waste must register and report to the Municipality and South African Waste Information System.

30. Generators of waste

- 1) Any person or persons conducting the following waste management activities must register with the Municipality waste information officer-
 - a) Generators of hazardous waste in excess of 20kg per day.
 - b) Recovery or recycling of waste (waste reprocess)
 - i. Recovery of energy from general waste (more than 3 tons per day).
 - ii. Recovery of waste at facility that has a capacity to process more than 5 tons of general waste per day.
 - iii. Recovery of hazardous waste regardless of size or capacity of the facility.

- iv. The scrapping or recovery of motor vehicles at a facility that has an operational area of more than 500m².
 - v. Recycling of waste that has the capacity to process more than 5 tons of general waste per day.
 - vi. Recycling of hazardous waste regardless of size or capacity of the facility.
- c) Treatment of waste
- i. Treatment of general waste at a facility that has the capacity to process more than 10 tons of general waste per day excluding the treatment of effluent, waste water or sewage.
 - ii. Treatment of hazardous waste regardless of size or capacity of the facility.
- d) Disposal of waste
- i. Disposal of general waste to land at a facility covering an area in excess of 200m².
 - ii. Disposal of any quantity of hazardous waste to land.
- e) Transportation of hazardous waste
- i. A person who transports more than 10kg/d of hazardous waste.
- f) Waste transfer station
- ii. A person who operate a waste transfer facility that has capacity to store in excess of 100m³ of general waste.
 - iii. A person who operate a waste transfer facility that has capacity to store in excess of 35m³ of hazardous waste

31. The following activities are required to submit monthly data to the waste information system.

- 1) A transporter removing hazardous waste from the jurisdiction of the Municipality for treatment or disposal
- 2) A person who operates a general waste landfill site facility covering an area in excess of 200m²

- 3) A person who operates a hazardous waste landfill site facility.
- 4) A person who operates a general waste treatment facility that has the capacity to process more than 10 tons of general waste per day.
- 5) A person who operates a hazardous waste treatment facility.
- 6) A person who operates a recycling facility that has the capacity to process more than of 5 tons of general waste per day.
- 7) A person who operates a hazardous waste recycling facility.
- 8) A person who operate a facility for scrapping or recovery of motor vehicles that has an operational area of more than 500m²
- 9) A person who operates a facility that recover energy from general waste (more than 3 tons per day)
- 10) A person who operates a facility that recover waste at the facility that has a capacity to process more than 5 tons of general waste per day

32. The above activities will register as one of:

- 1) A generator
- 2) A transporter
- 3) A transfer stations
- 4) A landfill sites
- 5) A waste treatment facility
- 6) A waste recovery or recycling facility

33. Integrated Waste Management Plan

- 1) An integrated waste management plan must be submitted by the waste generators listed in subsection (10) below in writing to the waste management officer for approval prior to the generation of the waste to be dealt with in terms of the said plan.
- 2) An integrated waste management plan must include:
 - a) an assessment of the quantity and type of waste that will be generated;
 - b) a description of the services required to store, collect, transport and dispose of such waste;
 - c) a description of how they intend separating recyclable and non-recyclable material at the point of source;
 - d) Waste minimisation and pollution prevention plans of such waste generator;
 - e) the impact or potential impact on the environment of the waste created by them;
 - f) the type or characteristics of waste produced of an environmentally sensitive nature or the amount of natural resources that are consumed in the manufacturing or production process that result in waste; and
 - g) targets for waste reduction through waste minimisation, re-use, recycling and recovery measures or programmes that can minimise the consumption of natural resources and the method of disposal of waste.
- 3) Industrial entities must include in an integrated waste management plan measures or actions to be taken to manage waste, the phasing out of the use of certain substances, opportunities for reduction of waste generation through changes to product design, product production or packaging to reduce resource consumption.

- 4) Industrial and commercial entities must provide for the education, marketing and sales information to influence perception and behaviour of customers to ensure recycling of products.
- 5) When requested to submit an integrated waste management plan or a further integrated waste management plan in terms of this By-laws, a waste generator shall do so within the time stipulated and comply with the terms and conditions set out by the waste management officer for the generation, minimisation, storage, collection and disposal of such waste.
- 6) The waste management officer must consider the plan and:
 - a) approve it with conditions and give directions for the implementation thereof;
 - b) request that additional information be furnished, or a revised plan be submitted for approval;
 - c) require amendments to be made within a time frame so specified by them;
 - d) reject the plan and provide reasons therefore; or
 - e) approve such a plan and specify conditions pertaining to such approval.
- 7) If an integrated waste management plan is rejected or not submitted at all, the waste management officer shall give directives as to what waste management measures must be taken by the waste generator and should the waste generator fail to take such measures within the time frame specified by the Waste Management Officer, the Municipality may implement such measures and the waste generator will be liable for the cost thereof.
- 8) The Municipal Department of Environmental and Solid Waste Management may by written notice require any person to provide such information as he or she requires when preparing the Municipality's integrated waste management plan.

- 9) Should a person fail to provide the information referred to in subsection (8), the Head of Department Environmental and Solid Waste Management may appoint an auditor to obtain such information at the cost of waste generator.

The waste generators of the following classes of waste must submit an integrated waste management plan:

- a) industry waste;
- b) building waste;
- c) event waste;
- d) priority waste;
- e) hazardous waste;
- f) those who sort waste or undertake a recycling, re-use or waste recovery activity including but not limited to scrap dealers, recycling groups and buy back centres;
- g) any other person who is given notice to do so by Municipal Department of Environmental and Solid Waste Management.

34. Exemptions from submitting an Integrated Waste Management Plan

- 1) If one of the waste generators for the categories of waste referred to in section 33 (10) wishes to be exempt from submitting an integrated waste management plan, an application must be made in writing to the Waste Management Officer, stipulating reasons for the application.
- 2) A Waste Management Officer may also declare:
 - a) certain types of waste or waste generators;
 - b) a particular mass or volume of waste; or

- c) persons who have submitted such a plan to the other spheres of government in terms of their applicable legislation; to be exempt from the submission of an integrated waste management plan to the Municipality

CHAPTER 6: LISTED WASTE MANAGEMENT ACTIVITIES**35. Commencement, conducting or undertaking of listed waste management activities**

- 1) Any person conducting a listed waste management activity listed in terms of section 19 of the National Environmental Management Waste Act, 2008 (Act No.59 of 2008), must upon request by an official of the Municipality, provide proof of compliance with the requirements of a licence issued by the competent authority.
- 2) Any person conducting or intending to conduct any activity contemplated in sub section (1) must, at least sixty (60) days before commencement, conducting or undertaking such activity, inform the Municipal Waste Management Officer in writing of the intention.

CHAPTER 7: GENERAL PROVISIONS OF RESOURCES FOR LITTER

- 1) The Municipality, or owner of premises in the case of privately-owned land, must take reasonable steps to ensure that sufficient and appropriate receptacles/bins or containers are provided for the discarding of litter by the public, in any place to which the public has access.
- 2) The Municipality, or owner of privately-owned land, must ensure that all receptacles/bins or containers installed on the premises for the collection of litter are-
 - a) Maintained in good condition;
 - b) Suitably weighted and anchored so that they cannot be inadvertently overturned;
 - c) Constructed in such manner as to ensure that they are weather proof and animal proof;
 - d) Of suitable size to contain all litter likely to be generated on the premises and by the users thereof;
 - e) Placed in locations convenient for the use by users or occupants of the premises discourage littering or the unhealthy accumulation of waste; and
 - f) Emptied and cleansed periodically or when full. The emptying and cleansing of receptacles must be done frequently to ensure that no receptacle or its contents may become a nuisance or provide reasonable grounds for complaint.
- 3) In any public place where a receptacle has been placed for the depositing of litter, the Municipality may put up notices about littering.

36. Prohibition of littering

- 1) No person may:
 - a) Cause litter;
 - b) Sweep any waste into a gutter, onto a road reserve or onto any other public place;

- c) Disturb anything in, or remove from any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause the contents of the receptacle to spill or fall onto the ground around it; and
 - d) Allow any person under his control to do any of the acts contemplated in paragraphs a, b or c above.
- 2) Notwithstanding the provisions of subsection (1), the Municipality, or owner in the case of privately owned land to which the public has access, must within a reasonable time after any litter has been discarded, dumped or left behind, remove such litter or cause it to be removed.
- 3) If the provisions of subsection (1) are contravened, the Waste Management Officer may direct, by way of a written notice to persons that:
 - a) They cease the contravention, in a specified time;
 - b) They prevent a further contravention or the continuation of the contravention;
 - c) Take whatever measures the Waste Management Officer considers necessary to clean up or remove the waste, and to rehabilitate the affected facets of the environment, to ensure that the waste and any contaminated material which cannot be cleaned or rehabilitated is disposed of lawfully.
- 4) The Waste Management Officer may in respect of the notice contemplated in subsection (3) (c) state that the person must, within a maximum of 5 days remove the waste or litter, provided the Waste Management Officer may grant a further 2 days, on request of the person, to remove the litter or waste.
- 5) A person who owns land or premises, or who is in control of or has a right to use land on premises, shall not use or permit the use of the land or premises for unlawful dumping of waste and must take reasonable steps to prevent the use of the land or premises for that purpose.

- 6) If the Municipality elects to remove the waste or litter, the person concerned shall be liable for the cost of such removal operation.
- 7) In the case of hazardous waste, the Municipality shall immediately remove same and thereafter issue notices that the person concerned is liable for the cost of the removal and rehabilitation of the area.

37. Prohibition of nuisance

- 1) Any person handling waste within the Municipality, either through storage, collection, transportation, recycling or disposal must:
 - a) Take reasonable measures to prevent nuisance, injury, harm or damage, annoyance or inconvenience to any person and the environment;
 - b) Take measures to remedy any spillages, harm, damage or nuisance referred to in section (a):
 - c) The Municipality shall, by written notice, instruct any holder of waste at their own cost; to clean any waste causing nuisance to any person or the environment;

38. Burning of waste

- 1) No person may:
 - a) Dispose of waste by burning it, either in a public or private place;
 - b) Incinerate waste either in a public or private place except in an incinerator licensed by the relevant national or provincial authorities to do so, or at a place designated by the Municipality for such purpose.

39. Unauthorised disposal/ dumping

- 1) No person may:
 - a) Except with the permission of the occupier, owner or of the person or authority having control thereof dump, accumulate, place, deposit, leave or cause or allow to be dumped, accumulated, placed, deposited or left any waste whatsoever, whether for gain or otherwise, on or in a public place; any drain, watercourse, flood prone areas, tidal or other water in or in the vicinity of any road, highway, street, lane, public footway or pavement, roadside or other open space to which the public have access; or private or municipal land.
 - b) Once it has been alleged that a person has left an item or allowed an item to be left at a place which he is not the owner/s and or occupier/s, he shall be deemed to have contravened the provisions of subsection (1) until the contrary is proved.

40. Abandoned articles

- 1) Any article, other than a motor vehicle deemed to have been abandoned in terms of the Road Traffic Act which in light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition of such article, is reasonably regarded by the Municipality as having been abandoned, may be removed and disposed of by the Municipality as it may deem fit.
- 2) The Municipality may remove and dispose of any article which is chained or fastened to any pole, parking meter or any other property belonging to the Municipality, without authorisation as it may deem fit.
- 3) Where anything has been removed and disposed of by the Municipality in terms of subsection (1) and (2) the person responsible shall be liable to pay the Municipality the tariff charged in respect of such disposal.

- 4) For the purposes of subsection (3) the person responsible shall be:
 - a) The last owner of the thing, before it was collected by the Municipality, and shall include any person who is entitled to be in possession of the thing by virtue of a purchase agreement or an agreement of lease at the time when it was abandoned or put in the place from which it was so removed unless he can prove that he was not concerned in and did not know of it being abandoned or put in such a place: or
 - b) Any person by whom it was put in the place aforesaid: or any person who knowingly permitted the putting of the thing in the place aforesaid.

41. Liability to pay applicable tariffs

- 1) The owner of premises where the Municipality is rendering waste services contemplated in this by-laws is liable for the payment of prescribed tariffs for such services and is not exempted from or reduction of such tariffs due to non-usage, partial or limited use of such services.
- 2) The Municipality reserves the right to review such tariffs contemplated in subsection (1) on an annual basis.
- 3) The Municipality may exempt any person or category of persons deemed to be falling in the indigent category from paying prescribed tariffs for waste management services as outlined in the Municipal Indigent Policy.

42. On-site disposal

- 1) The Municipality shall, as it deems fit in an area where a municipal waste management service is not already provided, after consultation with the concerned community, declare an area(s) as demarcated for on-site disposal of general waste.

- 2) A declaration contemplated in subsection (1) must be published in a provincial gazette and may include but not limited to:
 - a) Time frames for such a declaration;
 - b) Minimum standards to be adhered to for on-site disposal;
 - c) Quantity of waste that may be disposed.
- 3) The Municipality has a right to inspect the areas contemplated in subsection (1) on a regular basis.

43. Storage, collection, composting and disposal of garden waste

- 1) The removal and disposal of garden waste is mainly done by the owner and/ or occupier of the property or private persons.
- 2) The owner or occupier of the premises on which garden waste is generated may compost garden waste on the property, provided that such composting does not cause a nuisance or health risk.
- 3) The owner or occupier of the premises on which garden waste is generated and not composted must ensure that such waste is collected and disposed within a reasonable time after the generation thereof.
- 4) The Municipality may as far it is reasonably possible, direct any transporter of garden waste or any person providing garden maintenance services, to transport their garden waste to a designated transfer station or facility provided by the Municipality.
- 5) At the written request of the owner or occupier of premises the Municipality or service provider may, in its sole discretion, deliver an appropriate receptacle for the purpose of storing garden waste in addition to any approved receptacle delivered to the premises for the storage of domestic waste; at a prescribed tariff.
- 6) Each waste generator of garden waste, special domestic waste or bulky waste must-

CONTINUES ON PAGE 258 OF BOOK 3

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

Also available at the **Provincial Legislature: Mpumalanga**, Private Bag X11289, Room 114, Civic Centre Building,
Nel Street, Nelspruit, 1200. Tel. (01311) 5-2133.



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Provinsiale Koerant

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

Vol: 29

NELSPRUIT

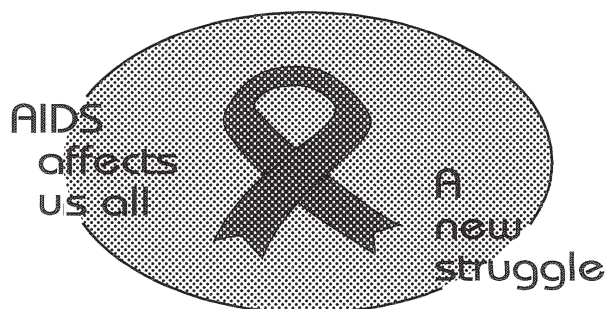
1 July 2022

1 Julie 2022

No: 3397

PART 3 OF 3

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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 1682-4512



9 771682 451008



0 3 3 9 7

- a) Remove the waste and dispose of it at a waste disposal site against payment of the tariff charge; or
 - b) Make arrangements with an authorised waste removal contractor for the removal and the disposal of the waste at a waste disposal site at the waste generator's cost.
- 7) Nothing in this By-laws prevents a waste generator from retaining garden waste for the purpose of making compost; provided that-
 - a) Neither the waste nor the compost causes a nuisance or is a fire threat; and
 - b) The waste and the compost are kept on the premises on which they are generated or made and are not kept on any verge or neighbouring property.
- 8) The Municipality may, by notice in writing, instruct a waste generator who generates garden waste, special domestic waste or bulky waste to comply with the provisions of subsection (1) or to dispose of the waste in such manner and at such frequencies as may be required by the Municipality.
- 9) A temporary storage must have a firm, waterproof base and drainage system, it must be so designed and managed that there is no escape of contaminants into the environment.

44. Garden waste sites

- 1) Garden waste must, once it has been removed from the premises on which it was generated, be deposited at a-
 - a) Garden waste site, subject to the requirements of subsection (2); or
 - b) Waste disposal site.
- 2) A waste generator may deposit reasonable quantities of garden waste at a garden waste site at no charge, unless otherwise determined by the Municipality, and provided that-
 - a) The waste was generated on residential premises;

- b) The waste is delivered by means of a vehicle not exceeding a 750 kg or ton pay load; and
- c) Each waste generator deposits such waste not more than once a week.
- 3) Garden waste generated at an accommodation establishment, a bed and breakfast, a guest house or any other commercial premises, may only be deposited at a waste disposal site or other designated site against payment of the tariff charge.
- 4) The Municipality is entitled to levy the tariff charge on any waste deposited at a garden waste site if it is reasonably satisfied that the waste was not generated at a residential premises or that it was delivered to the garden waste site in a manner which does not comply with the provisions of this By-laws.
- 5) The Municipality shall be entitled to determine the operating hours of garden waste sites, which times must be indicated on notice boards erected at these sites.
- 6) No person may deposit any waste other than garden waste at a garden waste site except with the permission of the Municipality.

45. Collection and disposal of bulky waste

- 1) Any person generating bulky waste must ensure that such waste is collected and recycled or disposed of at a designated facility and may not put such waste as part of the Municipal routine collection.
- 2) At a request of the owner or occupier of any premises, the Municipality may remove bulky waste from premises at a prescribed tariff provided that the Municipality is liable to do so with its waste removal equipment.

46. Building waste

46.1. Building waste removal by Municipality

- 1) The Municipality is not obliged to collect and remove building waste.

- 2) Should the Municipality provide such a service, it shall be done at a prescribed tariff.

46.2. Building waste removal

- 1) Each waste generator who generates building waste must-
- a) Remove, or cause to be removed, such waste and dispose of it at a waste disposal site against payment of the tariff charge; or
 - b) Make arrangements with an authorised waste removal contractor for the removal of the waste at a waste disposal site against payment of the tariff charge.
- 2) The Municipality may by notice in writing, instruct a waste generator who generates building waste to remove the waste, or cause the waste to be removed, either to a waste disposal site or to an incinerator at the discretion of the Municipality or to be disposed of in such other manner as may be approved by the Municipality.
- 3) In giving notice in terms of subsection (2), the Municipality may instruct that the waste be removed and disposed of at any frequency deemed reasonably appropriate by the Municipality.
- 4) Where a waste generator has contracted with an authorised waste removal contractor for the removal of building waste, the waste generator must on written request for the Municipality, provide proof to the reasonable satisfaction of the Municipality that a waste removal contract is in place.

46.3. Storage of building waste

- 1) The waste generator and the building contractor whose activities produce the building waste must ensure that-
- a) Adequate provision for the temporary storage of building waste is provided;
 - b) The waste is not unsightly;
 - c) It does not constitute a nuisance or a safety hazard to any person; and

- d) It does not pollute the environment.

46.4. Disposal of building waste

- 1) It is an offence for any person to deposit building waste at any place other than a waste disposal site.
- 2) Builders waste may, with prior written consent of the Municipality, be deposited at a place other than one of the Municipality's waste disposal sites for the purpose of reclaiming land.
- 3) Any consent given in terms of subsection (2) must be subject to such conditions as the Municipality may deem necessary: Provided that in giving or refusing its consent or in laying down conditions, the Municipality must have regard to-
 - a) The safety of the public;
 - b) The environment of the proposed disposal site;
 - c) The suitability of the area including the drainage thereof;
 - d) The expected manner and times of depositing of waste at the site;
 - e) The levelling of the site;
 - f) The control of dust; and
 - g) Any other relevant factors.
- 4) Every waste generator, building contractor and waste removal contractor is obliged, when depositing building waste at a waste disposal site, to obtain and retain for a period of 12 months a weighbridge receipt from the authorised official at the waste disposal site confirming the nature and weight of building waste deposited.
- 5) It shall be presumed, until the contrary has been proven that building waste has been disposed of contrary to the provisions of this section if the waste generator, building

contractor or waste removal contractor is unable to produce a weighbridge receipt confirming that-

- a) The building waste was disposed of at a waste disposal site; or
- b) An amount of building waste was disposed of at a waste disposal site which could reasonably be expected to have been generated from the building operations concerned as determined by the Head of Department or any other qualified person designated by him or her.

47. Generators of building waste

- 1) The owner or occupier of premises on which building waste is generated and person conducting an activity which causes such waste to be generated, must ensure that-
 - a) Until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated;
 - b) The premises on which the building waste is generated does not become unsightly or cause a nuisance as a result of accumulated building waste;
 - c) Any building waste which is blown off the premises is promptly retrieved; and
 - d) Pursuant to any instructions from the Municipality, any structure necessary to contain the building waste is constructed.
- 2) Any person subject to adherence to relevant legislation and Integrated Waste Management By-Laws-Laws, may operate a building waste removal service.
- 3) Should the Municipality provide such a service, it shall be done at a prescribed tariff.

- 4) The owner or occupier of premises may apply to the Municipality for written consent to place an appropriate receptacle for the storage and collection of building waste in the road reserve for the period of such consent.
- 5) Any consent given in terms of subsection (4) shall be subject to such conditions as the Municipality may consider necessary. The Municipality may determine a charge for any such consent.

48. Obligation of waste generator

- 1) A waste generator may apply to the waste management officer for an additional container and shall be liable for the additional costs as per the Municipality Tariff-By-laws and Tariff Policy.
- 2) The waste management officer may require a waste generator to submit an integrated waste management plan prior to agreeing to supply an additional container.
- 3) The owner and waste generator must comply with the terms and conditions set out by such waste management officer for the generation, minimisation, storage, collection, treatment and disposal of such additional waste.
- 4) The owner of a formal dwelling who has second dwelling structures on the property with persons living in these separate structures shall also be allocated one container per additional structure by the Municipality and shall be entitled to have it collected on the same terms as the residential dwelling.
- 5) The owner of the property will have to apply for additional waste collection service with the Municipality for the storage, collection and disposal of waste as contemplated in subsection (4) and shall be liable for the charges levied by the Municipality in connection therewith.
- 6) Any industry or agent disposing of waste on behalf of such business shall provide a report of the waste disposed to the waste management officer in a format as determined by the Director from time to time, on or before the 7th of each month.

- 7) When building plans are submitted to the Municipality for its approval in terms of the National Building Regulations and Building Standards Act, 1977(Act No. 107 of 1977), the person submitting same must submit simultaneously therewith—
 - a) An integrated waste management plan setting out what provision is made for collection and disposal of the building and other waste;
 - b) What provisions are made to store the waste on their property; or
 - c) Provide a written authorisation for the disposal of waste at a licensed landfill site.
 - d) Pay a refundable deposit to Municipality that which is redeemable upon proving that building waste was disposed at the licensed landfill site.
- 8) Contaminated building waste or other waste where the contamination agent is hazardous or dangerous must be deposited at a licenced hazardous waste disposal facility for the treatment and disposal of hazardous waste.
- 9) The owner of the facility where building rubble waste is disposed of shall provide a monthly report to the Waste Management Officer of the mass of such waste deposited at such facility.
- 10) The waste generator or the owner of the property on which waste is generated who deposits or stores waste on property of the Municipality will be fined for failure to have or produce a permit for such deposit or storage.
- 11) When the building control officer inspects the property where building works have been undertaken to check that it has been built in accordance with the approved plans, he or she shall also check if all building waste has been properly disposed of, by means of requesting evidence for such
- 12) The owner of the property referred to in subsection (11) will be required to provide the building control officer with proof of a weighbridge receipt that he or she has disposed of the full mass of the building rubble at a licenced waste disposal facility for that category of waste prior to an occupancy certificate or any final approvals being granted.

49. Event waste

- 1) An event organiser and venue owner, as defined in section 1, is responsible for storing, collecting, recycling and disposing of waste generated before during and after an event.
- 2) An event organiser and venue owner must ensure that an authorised waste removal contractor or the Municipality is contracted to collect and dispose of waste generated before, during and after an event in terms of this By-laws.

49.1. Integrated Waste Management Plans for events

- 1) An event organiser and venue owner must develop an integrated waste management plan in respect of each event.
- 2) The integrated waste management plan must-
 - a) Be delivered to the Municipality at least 10 working days before the proposed event; and
 - b) Deal with at least the following matters:
 - i. The full names and contact details of the event organiser;
 - ii. The full names and contact details of the owner of the premises at which the event will be held;
 - iii. The nature and duration of the event;
 - iv. The estimated costs of waste management associated with the event; and
 - v. The information as required under subsection 33(2).
- 3) The Municipality must consider the integrated waste management plan and-
 - a) Approve it subject to any conditions;

- b) Request that additional information be furnished within a specified time frame;
 - c) Require amendments to be made a time frame so specified; or
 - d) Reject the plan and provide reasons, therefore.
- 4) If an event organiser and venue owner fail to comply with any provision of this section or the integrated waste management plan submitted in terms of this section, the Municipality may arrange for the collection, recycling and disposal of the waste at the cost of the event organiser and venue owner and recover the cost from the deposit paid.
- 5) If no deposit was paid by the event organiser and venue owner, the event organiser and venue owner are jointly and severally liable for any expenses incurred by the Municipality in this regard.
- 6) Should an event holder fail to provide an integrated waste management plan in respect of an event, the Municipality may appoint a service provider to obtain information and prepare a plan at the cost of the event organiser.

50. Emergencies requiring the management of waste

- 1) In the event of an emergency, the Director may call upon the owner of the property or the waste generator to manage same within a stipulated period to the Municipality's satisfaction.
- 2) The Director may arrange for management of an emergency, including the clearing and cleaning of debris and pollution effects, transporting and disposing of the waste at a licenced waste disposal facility accredited for the specific type of waste generated.
- 3) The Director may also arrange, manage and co-ordinate the rehabilitation and repair of any infrastructure, buildings, equipment or natural environment in this process.

- 4) The cost of such management, rehabilitation and repair, including all costs incurred in the utilisation of the Municipality's resources, equipment and materials shall be for the account of the person responsible for the emergency.
- 5) If an emergency occurs by an act of God the Municipality will deal with such emergency in such manner as the circumstances and funding may allow.

CHAPTER 8: SPECIAL INDUSTRIAL, HAZARDOUS OR HEALTH CARE RISK WASTE**51. Notification of generation of special industrial, hazardous, medical and infectious waste**

- 1) A person engaged in an activity which causes special industrial hazardous, medical or infectious waste to be generated, shall notify the Municipality within seven days of such generation of the composition thereof, the quantity generated method of storage, the proposed duration of storage, and the manner in which it will be removed.
- 2) If so required by the Municipality, the notification referred to in subsection (1) shall be substantiated by an analysis certified by an appropriately qualified industrial chemist.
- 3) Subject to the provisions of section 72 of the Local government Ordinance, 1939, the Municipality or any person duly authorised by the Municipality may enter premises at any reasonable time to ascertain whether special, Industrial, hazardous, medical or infectious waste is generated on such premises and may take samples and test any waste found on the premises to ascertain its composition.
- 4) Having notified the Municipality in terms of subsection (1), the person referred to in subsection (1) shall notify the Municipality of any changes in the composition and quantity of the special industrial, hazardous, medical or infectious waste occurring thereafter.

52. Storing of special industrial, hazardous, medical and infectious waste.

- 1) The person referred to in section 51 (1) shall ensure that the special industrial, hazardous, medical or infectious waste generated on the premises is kept and stored thereon in terms of section 17 (1) until it is removed from the premises in terms of section 58.
- 2) Special industrial, hazardous, medical or infectious waste stored on premises shall be stored in such manner that it cannot become a nuisance, safety hazard or pollute the environment.
- 3) If special industrial, hazardous, medical or infectious waste is not stored in terms of subsection (2) on the premises on which it is generated the Municipality may order the owner/s and or

occupier/s of the premises and or the person referred to in section 51 (1) to remove such waste within a reasonable time and, if thereafter such waste is not removed within such time, the Municipality may itself or through any person remove it at the owner/s and or occupier/s expense or the expense of the person referred to in section 51 (1), or both, as the case may be.

4) The containers for medical and infectious waste must comply with the following minimum requirements:

- a) All infectious waste must be placed at the point of generation into a container approved by the Municipality;
- b) The container used for the storage of sharp objects must be constructed of such a material that the object cannot pierce the container. The container must be fitted with a safe and hygienic lid which must be sealed after use;
- c) The container used for the removal of other contagious materials must be after manufactured of a material which will prevent the contents from leaking out. The container must be equipped with a safe and hygienic lid, and must be sealed after utilisation; and
- d) All containers must be clearly marked with the universal bio-hazardous waste symbol.

53. Removal/transportation of special industrial hazardous, medical and infectious waste

- 1) No person may, without or not in accordance with the Municipality's written approval of conditions, remove special, hazardous, medical and infectious waste from a premise at which it has been generated.
- 2) Hazardous, medical or infectious waste may only be transported in accordance with the requirements of the Waste Management Officer with the focus on the type of vehicle, its

markings, the way it is manufactured, safety procedures and hygiene and documentation regarding the origin, transport and disposal of such waste.

- 3) The person referred to in section 51 (1) shall inform the Municipality at such intervals as the Municipality may stipulate, having regard to the information to be given to the Municipality in terms of that section, of the removal of special industrial, hazardous, medical or infectious waste, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial, hazardous, medical or infectious waste removed.
- 4) No person shall dispose of any infectious waste by incinerating it unless the Waste Management Officer's or Environmental Health Inspector prior written permission has been given to incinerate such waste.
- 5) Should any person be convicted of contravening the provisions of this section, such person shall in addition to any penalty imposed on him, dispose of the waste as directed by the Municipality, or the Municipality or any approved contractor may dispose of such waste and recover the costs from such person.
- 6) The medical waste container must be used strictly in accordance with the following prescriptions:
 - a) The medical waste container to be used for sharps and/or broken glass may be used solely for this purpose.
 - b) The swabs medical waste container may be used solely for bandaged etc. (needles, glass, sharps etc. can penetrate the cardboard, thus it is not permissible to place such objects in the cardboard containers).
 - c) The user is responsible for ensuring that the containers are used in accordance to paragraph (a). Should it come to light that the user did not place the medical waste in the correct container and an incident occurs, the user will be held liable.

- d) The user must ensure that any waste products that consist of blood and/or body fluids are placed in a sealed plastic container with a plastic lining specially supplied for this purpose to prevent any leakages.
 - e) The responsible person must ensure that before the vehicle leaves the premises is not overloaded or showing any defect that will affect its safety.
 - f) The load must be properly loaded and secured on site.
- 7) Any person transporting industrial, hazardous or health care risk waste must ensure that the facility or place to which such waste is transported is authorised to accept such waste prior to offloading the waste from the vehicle.
- 8) The generator or his/her representative must ensure that adequate steps are taken to minimise the effect of an accident or incident that may occur on the public road and environment.

CHAPTER 9: ADMINISTRATIVE MATTERS FOR COMPLIANCE AND ENFORCEMENT**54. Compliance notices**

- 1) The Waste Management Officer may issue notices to any person contravening the provisions of this By-laws:
 - a) Setting out the provisions or conditions contravened;
 - b) Directing such person to comply with such provisions or conditions; and
 - c) Setting out the measures which must be taken to rectify the contravention, and the period in which he or she must do so.
- 2) If a person fails to comply with directions given in a notice issued by the Waste Management Officer, the Waste Management Officer may:
 - a) Take whatever steps it considers necessary to clean up or remove waste, to rehabilitate the premises, place or the affected environment at which the waste has been illegally dumped or stored and to ensure that the waste, and any contaminated material which cannot be removed, cleaned or rehabilitated, is disposed of lawfully;
 - b) Recover the costs of cleaning, removing, rehabilitating or disposing waste, premises or environment, or contaminated material, respectively, from the persons obliged to take such steps in terms of this By-laws, who shall be jointly and severally liable, thereof.
- 3) The Municipality may, in the case of hazardous or priority waste, require the persons generating such waste to close until such time as steps are taken to dispose of the waste in terms of subsection (2) if there is a real threat of damage or injury to any person or property.
- 4) The following persons may be served with such notice:
 - a) Any person who committed, or who directly or indirectly permitted, the contravention;

- b) The generator of the waste;
- c) The owner of the land or premises where the contravention took place;
- d) The person in control of, or any person who has or had, at that stage of the contravention, a right to use the land or premises where contravention took place.

55. Serving of documents and process

- 1) Whenever any notice, order, demand or other document is authorised or required to be served on a person in terms of this By-laws, it shall be deemed to have been effectively and sufficiently served on such a person:
 - a) When it has been delivered to him or her personally.
 - b) When it has been left at his or her place of residence or commercial with a person apparently over the age of 16 years;
 - c) When it has been posted by registered or certified mail to his or her last known residential or commercial address and an acknowledgement of posting thereof is produced;
 - d) If his or her address is unknown, when it has been served on his or her agent or representative in a manner provided for in paragraph (a), (b) or (c); or (e) if his or her address and agent are unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates.

56. Failure to comply with the by-laws and enforcement

- 1) If the waste management officer has issued a compliance notice in terms of section 54 to anyone for contravening any provision of this By-laws and such person fails to comply with such notice, he or she shall be guilty of an offence.

- 2) The Waste Management Officer may in writing require any person to submit a report to him or her in respect of the impact of waste in a specified form as stipulated in the Municipality's guidelines as published from time to time.
- 3) If the person fails to submit such a report within the period specified, the waste management officer may appoint an independent person to compile the report and recover the costs of compiling the report from the person required to submit it.
- 4) If the waste management officer suspects that the person has on one or more occasion contravened or failed to comply with the By-laws or a license issued in terms of provincial or national legislation and this has had a detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage or has contributed to the degradation of the environment, the waste management officer may direct that such a report be compiled by an independent person.
- 5) The waste management officer may then direct the person who failed to comply with the By-laws to take the action recommended in such report, failing which the Municipality may do so, and the person who contravened the By-laws shall be liable for the cost thereof.

57. Exemptions

- 1) Any person may by means of a written application, in which the reasons are given in full, apply to the Municipality for exemption from any provision of this by-laws.
- 2) The Municipality may:
 - a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted be stipulated therein;
 - b) alter or cancel any exemption or condition in an exemption; or
 - c) refuse to grant an exemption.

- 3) In order to consider an application in terms of subsection (1), the Municipality may obtain the input or comments of the owners or occupants of surrounding premises.
- 4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the Municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.
- 5) If any condition of an exemption is not complied with, the exemption lapses immediately.

58. Seizure and impounding of vehicles

- 1) A peace officer may, without a warrant, seize and impound a vehicle which is concerned or is on reasonable grounds believed to be concerned with the commission of an offence under this By-laws.
- 2) The peace officer, at the time of impoundment, must give the holder of the seized and impounded vehicle a copy of a notice setting out –
 - a) the reason for the impoundment;
 - b) the description of the vehicle being impounded;
 - c) the address and contact details of the designated pound;
 - d) the payment of an impoundment fee; and
 - e) the possibility of the impounded vehicle being sold to recover the costs.
- 3) A vehicle which has been seized and impounded in terms of subsection (1) and (2) must be taken to a designated pound where it will be retained and dealt with in terms of subsection (4).
- 4) The seized and impounded vehicle will be released immediately under the following conditions:
 - a) if a criminal charge is not laid or no fine is issued within 48 hours of the seizure of the vehicle;

- b) when the criminal charges against the person have been withdrawn or the person has been acquitted of the offence charged; or
- c) in the case where the person is convicted of the offence charged, and unless the court has ordered otherwise, on payment of the impoundment fee to the authorised official of the vehicle impoundment facility of the Municipality.

59. Appeals

- 1) A person whose rights are affected by a decision taken by the Municipality in terms of these By Laws, may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to the municipal manager or delegated official within 21 days of the date of the notification of the decision.

60. Offences and penalties

60.1. Dumping: general

- 1) No person may dump waste in a manner not permitted in terms of this By-laws, nor may any person allow a person under his or her control to do so.
- 2) Any person found guilty of dumping shall be liable for a fine or imprisonment as set out in this By-laws.
- 3) The Municipality may take such measures as are necessary to remove and dispose of waste which has been dumped and the person responsible for dumping the waste shall, in addition to any penalties imposed in terms of this By-laws, be liable for the Municipality's costs in removing and disposing of the waste.

60.2. Dumping on private land

- 1) The owner of private land to which the public has access must ensure that sufficient containers are provided to contain litter which is discarded by the Public.

- 2) If subsection (1) is contravened, the Municipality may direct, by way of a written notice to the owner, that he or she-
 - a) Cease the contravention, in a specified time;
 - b) Prevent a further contravention or the continuation of the contravention; and
 - c) Take whatever measures the Municipality considers necessary to clean up or remove the waste and to rehabilitate the area, to ensure that the waste and any contaminated material which cannot be cleaned or rehabilitated is disposed of lawfully.
- 3) The Municipality may in respect of the notice contemplated in subsection (2)(c) state that the owner must, within a maximum of five working days remove the waste or litter, provided the Municipality may grant a further 2 days on request by the owner, to remove the litter or waste.
- 4) A person who owns land or premises, or who is in control of or has a right to use land or premises, must-
 - a) Not use or permit the use of the land or premises for unlawful dumping waste;
 - b) Take reasonable steps to prevent the use of the land or premises for that purpose; and
 - c) Report all unlawful dumping of waste on the land or premises to the Municipality.
- 5) The Municipality may take such measures as are necessary to remove and dispose of waste which has been dumped in contravention of subsection (4) and the person responsible for dumping the waste shall, in addition to any penalties imposed in terms of this By-laws, be liable for the Municipality's costs in removing and disposing the waste.

60.3. Dumping: whistle blowing

- 1) The Municipality may establish mechanisms to assist members of the public to report instances of dumping in contravention of this By-laws.

- 2) Any whistle blowing mechanism established in terms of subsection (1) may, at the discretion of the Municipality, provide for the reporting of dumping on an anonymous or other basis.

60.4. Dumping: naming and shaming

- 1) The Municipality may publish the name of any person convicted of dumping in contravention of this By-laws, along with details of that person's offence.
- 2) The names and details of dumping in contravention of this By-laws, as contemplated in subsection (1), may be published-
 - a) On the Municipality's website;
 - b) By posting these details on the Municipality's notice boards;
 - c) In the media; or
 - d) In any other manner deemed appropriate by the Municipality.

60.5. Reporting of noncompliance with the by-laws

- 1) Any person who wishes to report noncompliance with the bylaw including illegal disposal or abandoning of waste should report to the Municipality revealing as much as he/ she possibly can including the following information:
 - a) debris, nature and location
 - b) photo of the incident
 - c) description of offenders
 - d) license plate number and description of vehicles involved
 - e) description of items dumped
 - f) time, date and location of incident they witnessed
- 2) Any person suspecting or witnesses an act of non-compliance with the bylaw may use, visit or call any customer care or administrative office of the Municipality and request to be assisted to get in

contact with the Waste Management Officer or an authorised official in terms of this bylaw to provide information regarding the alleged act of non-compliance.

60.6. Offences

- 1) A person is guilty of an offence under this By-laws if he or she-
 - a) Unlawfully prevents an authorised official entry to his or her premises or causes or permits any other person to prevent entry;
 - b) Obstructs or hinders an authorised official in the performance of his or her duties or causes or permits any other person to so obstruct or hinder the official;
 - c) Wastes or fails to provide to an authorised official such information as is required to allow an authorised official to perform a function in terms of this By-laws;
 - d) Knowingly gives false or misleading information to an authorised official;
 - e) Impersonates an authorised official;
 - f) Contravenes or fails to comply with any provision of this By-laws;
 - g) Littering or dumping of waste;
 - h) Contravenes any provision or condition in respect of a consent or authorisation given to him or her; or
 - i) Contravenes or fails to comply with any order or notice lawfully issued under this By-laws;
 - j) Transporting waste without valid certificate from the Municipality;
 - k) Undertaking any waste management activity or commercial without prior approval of the Municipality.
- 2) A person who contravenes or fails to comply with any provision of this By-laws shall be guilty of an offence and shall on conviction be liable for such fine or imprisonment as the court may deem

appropriate and the court may in addition order the removal of such waste or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.

- 3) Should any person induce, influence, persuade or force an employee of the Municipality or other person to commit an offence in terms of this By-laws he or she shall be guilty of an offence.
- 4) Should any person induce an employee of the Municipality to collect and dispose of waste without the correct payment to the Council, or the correct methods being employed, shall be guilty of an offence.
- 5) Any waste generator who fails to submit or comply with an integrated waste management plan in terms of this By-laws shall be guilty of an offence.

60.7. Penalties

- 1) Any person who is convicted of an offence under this By-laws shall be liable to a fine of an amount not exceeding **R 10 000.00** or to imprisonment for a period not exceeding 3 years or to both such fine and imprisonment.
- 2) In the case of a continuing offence, an additional fine of an amount not exceeding **R 2 000.00** or imprisonment for a period not exceeding 1 year, for each day on which such offence continues or both such fine and imprisonment will be imposed.
- 3) The court may in addition to any penalty imposed in terms of subsection (1), order a person to repair the damage, make good the loss, rehabilitate the environment, remove waste, or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.
- 4) The Court may, when considering any sentence for an offence in terms of this By-laws, take into account the following:

- a) That a person delayed in complying with or failed to comply with the terms of notices or directions given to that person under this By-laws;
- b) that person obtained a financial advantage or was to obtain a financial advantage as a result of the commission of the offence;
- c) the severity of the offence in terms of its impact or potential impact on health, wellbeing, public safety and the environment.

61. Short title and commencement

- 1) These By Laws are called the Steve Tshwete Local Municipality Integrated Waste Management By-laws, 2022 and takes effect on the date of publication.

62. Repeal of by-laws

- 1) Any By Law relating to waste management or waste removal or disposal within the Steve Tshwete Local Municipality or any of its predecessors or areas formerly existing under separate Municipalities or other organs of State is repealed from the date of promulgation of this By Law.

63. Annexures

Annexure A: Application form for waste transportation

Annexure B: IWMP form

Annexure C: Application form for skip rental

LOCAL AUTHORITY NOTICE 194 OF 2022**NOTICE OF APPLICATION IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, CHAPTER 5 AND 6**

I, Ignatius Mandla Mathebula of the firm IMM Town Planners (Pty)Ltd hereby give notice in terms of section 89, read with Annexure A of the Govan Mbeki SPLUM By-Law, that I have applied to Govan Mbeki Local Municipality for the following:

Application for: Amendment of Scheme

Application Reference: AS_60805

Property information: Erf 153 Evander Extension 00, Registration Division I.S., Mpumalanga.

Owner: Mr. S & Mrs. T Sibeko

I the owner/agent hereby gives notice in terms of Section 89, read with Annexure A, of the Govan Mbeki Spatial Planning and Land Use Management By-Law, of the application for the Amendment of Scheme of erf 153 Evander Extension 00. Situated at 59 Wilton Nkwayi-Molo Street from Medium Density Residential to Medium-High Density Residential.

Particulars of the application will lie for inspection during normal office hours at the Office of Manager Town and Regional Planning, Room 323 3rd floor, South Wing Municipality Buildings, for the period **21 days from 01 July 2022 to 21 July 2022**.

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 **21 days from 01 July 2022 to 21 July 2022**.

Name and address of applicant: IMM Town Planners (Pty)Ltd and 6 Drakensburg Street, Secunda, Mpumalanga, 2302. Contact: 072 472 6576, Email: mathebulamandla1980@gmail.com

Publication date: 1 July 2022

NOTICE OF APPLICATION IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, CHAPTER 5 AND 6

I, Ignatius Mandla Mathebula of the firm Khamela Property investment (Pty)Ltd hereby give notice in terms of section 89, read with Annexure A of the Govan Mbeki SPLUM By-Law, that I have applied to Govan Mbeki Local Municipality for the following:

Application for: Amendment of Scheme

Application Reference: AS_58851

Property information: Erf 2898, Embalenhle Extension 04, Registration Division I.S., Mpumalanga.

Owner: Ms N Maseko

I the owner/agent hereby gives notice in terms of Section 89 of the Govan Mbeki Spatial Planning and Land Use Management By-Law, of the application for the Amendment of Scheme of erf 2898 Embalenhle Extension 04. Situated at Embalenhle Extension 04 from Medium Density Residential to Medium-High Density Residential

Particulars of the application will lie for inspection during normal office hours at the Office of Manager Town and Regional Planning, Room 323 3rd floor, South Wing Municipality Buildings, for the period **21 days from 01 July 2022 to 21 July 2022**.

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 **21 days from 01 July 2022 to 21 July 2022**.

Name and address of applicant: Khamela Property Investment and 6 Drakensburg Street, Secunda, Mpumalanga, 2302. Contact: 072 472 6576, Email: info@khamelapropertyinvestment.co.za

Publication date: 01 July 2022

LOCAL AUTHORITY NOTICE 195 OF 2022**NOTICE OF APPLICATION FOR THE AMENDMENT OF THE DR JS MOROKA MUNICIPALITY
LAND USE MANAGEMENT SCHEME 2020****AMENDMENT SCHEME C0037**

I Koketso Nkwana of Urban Stellar Projects PTY(LTD) being the authorized agent of the owner of Portion 5 of the Farm Schildpadfontein 692-KR, situated at stand No. 2428 Neu-Halle Section, Marapyane, 0431, hereby give notice in terms of Section 98(2)(a) of the Dr JS Moroka By-Law 2015, that I have applied to Dr JS Moroka Municipality for the amendment of the Dr JS Moroka Land Use Management Scheme 2020, by rezoning the above mentioned property from "Agricultural" to "Business 1" with a simultaneous subdivision of the property to develop a Tyre Fitment Centre, in terms of Section 66 and Section 71 of the Dr JS Moroka SPLUMA By-Law 2015.

Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the Municipal Manager, Private Bag X 4012, Siyabuswa, 0472 within 30 days from 01 July 2022.

Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Dr JS Moroka Local Municipality, A2601/3 Bongimfundo Street, Siyabuswa, 0472, Tel: 013 973 1101 for a period of 30 days from 01 July 2022.

Address of the Applicant: 90 Erasmus Street, Flora Park, Polokwane, 0699
PO Box 3826, Polokwane, 0700, Cell no: 0824133977

1-8

PLAASLIKE OWERHEID KENNISGEWING 195 VAN 2022**KENNISGEWING VAN AANSOEK OM DIE WYSIGING VAN DIE DR JS MOROKA
MUNISIPALITEIT GRONDGEBRUIKBESTUURSKEMA 2020****WYSIGINGSKEMA C0037**

I Koketso Nkwana van Urban Stellar Projects PTY(LTD) synde die gemagtigde agent van die eienaar van Gedeelte 5 van die Plaas Schildpadfontein 692-KR, geleë te standplaas No. 2428 Neu-Halle Seksie, Marapyane, 0431, hiermee kennis gee ingevolge Artikel 98(2)(a) van die Dr JS Moroka Verordening 2015, dat ek by Dr JS Moroka Munisipaliteit aansoek gedoen het vir die wysiging van die Dr JS Moroka Grondgebruikbestuurskema 2020, deur die hersonering van bogenoemde genoemde eiendom van "Landbou" tot "Besigheid 1" met 'n gelyktydige onderverdeling van die eiendom om 'n Bandepassingsentrum te ontwikkel, ingevolge Artikel 66 en Artikel 71 van die Dr JS Moroka SPLUMA Verordening 2015.

Enige beswaar/s of kommentaar, insluitend die gronde vir sodanige beswaar/s of kommentaar met volledige kontakbesonderhede, moet binne 30 dae vanaf 01 Julie 2022 skriftelik aan die Munisipale Bestuurder, Privaatsak X 4012, Siyabuswa, 0472 gerig word.

Volledige besonderhede en planne kan gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Dr JS Moroka Plaaslike Munisipaliteit, A2601/3 Bongimfundostroet, Siyabuswa, 0472, Tel: 013 973 1101 besigtig word vir 'n tydperk van 30 dae vanaf 01 Julie 2022.

Adres van die Aansoeker: Erasmusstraat 90, Flora Park, Polokwane, 0699
Posbus 3826, Polokwane, 0700, Sel no: 0824133977

1-8

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

Also available at the **Provincial Legislature: Mpumalanga**, Private Bag X11289, Room 114, Civic Centre Building,
Nel Street, Nelspruit, 1200. Tel. (01311) 5-2133.