



PROVINCE OF THE EASTERN CAPE
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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 8 OF 2020

BUFFALO CITY METROPOLITAN MUNICIPALITY

(EASTERN CAPE)

**REMOVAL OF RESTRICTIONS IN TERMS OF THE SPATIAL PLANNING AND LAND
USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)**

ERF 498 BEACON BAY

MUNICIPALITY OF BEACON BAY

DIVISION OF EAST LONDON

IN EXTENT: 3056 (THREE THOUSAND AND FIFTY SIX) Square Metres

In terms of Section 47(1) of the Spatial Planning and Land Use Management Act No. 16 of 2013, read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management Bylaw of 2016, notice is hereby given for the removal of restrictive title conditions 4. (a) – (d) found in Deed of Transfer No. T467/1993, pertaining to Erf 498 Beacon Bay.

Applicant

Vusumzi Madubela and Siphia Madubela

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 69 OF 2020

Buffalo City Metropolitan Municipality (EASTERN CAPE)

REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS OF ERVEN 912-918, ZONE 1 MDANTSANE

In terms of Section 47(1) of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning & Land Use Management Bylaw of 2016 approval is hereby granted for the removal of restrictive conditions 2. (a) and (b) found in Deed of Transfer No. T401/2012, pertaining to Erf 912 Zone 1, Mdantsane; conditions 2. (i) and (ii) found in Deed of Transfer No. T5753/2008, pertaining to Erf 913 Zone 1 Mdantsane; conditions A. 2(i) and (ii) found in Deed of Transfer No. T3463/2009 pertaining to Erf 914 Zone 1 Mdantsane; conditions A. 2. (a) (b) found in Deed of Transfer No. T203/2017 pertaining to Erf 915 Zone 1 Mdantsane; conditions A. 2. (a) (b) found in Deed of Transfer No. T204/2017 pertaining to Erf 916 Zone 1 Mdantsane; conditions 2. (a) (b) found in Deed of Transfer No. T205/2017 pertaining to Erf 917 Zone 1 Mdantsane are hereby removed. conditions 2. (a) (b) found in Deed of Transfer No. T206/2017 pertaining to Erf 918 Zone 1 Mdantsane.

30-06

PROVINCIAL NOTICE 70 OF 2020**Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 112 Colleen Glen, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice given that condition/s D.4.(a),(b),(c) & (d) in Deed of Transfer No. T85538/1993 applicable to ERF 112 Colleen Glen is/are hereby removed.

PROVINCIAL NOTICE 71 OF 2020

PROVINCIAL COMMISSIONS AMENDMENT BILL, 2020 (EASTERN CAPE)

The above mentioned Bill is hereby published for public comment in terms of rule 147 of the Standing Rules of the Legislature.

Members of the public are invited to submit written comments within 14 days from the date of publication hereof.

The comments must be submitted to –

The Director General

Office of the Premier

Private Bag X 0047

Bhisho

5604

For the attention of : Ms M. Koert

Email : Melanie.koert@otp.ecprov.gov.za

PROVINCE OF THE EASTERN CAPE

**PROVINCIAL COMMISSIONS AMENDMENT BILL, 2020 (EASTERN
CAPE),**

(As introduced)

(BY THE PREMIER)

GENERAL EXPLANATORY NOTE:

[] **Words in bold type in square brackets indicate omissions from existing enactments.**

_____ **Words underlined with a solid line indicate insertions in existing enactments.**

BILL

To amend the Provincial Commissions Act, No. 3 of 1994 (Eastern Cape) so as to rectify the reference to the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993) in section 1; remove gender insensitive references, clarify the method of appointment of a Commission, its chairperson or secretary; augment the provisions for the sittings of a Commission, the methodology of giving notice of sittings; provide for the prevention of intimidation and hindrance of witnesses; and to provide for matters incidental thereto.

1. Amendment of Section 1 of Act No. 3 of 1994

Section 1 of the Provincial Commissions Act, 1994 (Act No. 3 of 1994) (hereinafter referred to as a Principal Act), is hereby amended by the substitution for section 1 of the following section:

"1. Appointment of commission.

(1) The Premier may, in terms of section 127 (2) (e) of the Constitution of the Republic of South Africa, by proclamation in the Provincial Gazette –

(a) appoint a commission of inquiry;

(b) define the matter to be investigated by the commission and its other terms of reference;

-
- (c) designate any member of the commission as the chairperson of that commission; and
- (d) appoint a secretary to the commission, and such other officials as he or she may deem necessary to assist the commission; and
- (e) make regulations—
- (i) providing for the procedure to be followed at the investigation and for the preservation of confidentiality;
 - (ii) conferring additional powers on the commission;
 - (iii) providing for the manner of holding, or the procedure to be followed in the course of investigation or for the preservation of secrecy;
 - (iv) providing for preventing the commission or a member of the commission from being insulted, disparaged or belittled or to prevent the proceedings or findings of the commission from being prejudiced, influenced or anticipated;
 - (v) providing generally for all matters which he or she considers necessary or expedient to prescribe for the purposes of the investigation;
 - (vi) providing generally for all matters which he or she considers necessary or expedient for the proper performance by a commission of its functions;
- (2) Any regulation made under subsection (1)(e) may provide for penalties for any contravention thereof or failure to comply therewith, by way of a fine or imprisonment for a period not exceeding six months or both.

(3) Notwithstanding anything to the contrary in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed by any such regulation."

2. Amendment of Section 2 of Act No. 3 of 1994

Section 2 of the Principal Act is hereby amended-

(1) By the substitution for section 2 of the following subsection :

(1) A commission may sit at any place in the Province of the Eastern Cape determined by the Chairperson for the purpose of hearing evidence or addresses or of deliberating.

(2) By the insertion after subsection 1 of the following subsection :

(2) The chairperson shall give notice of every sitting of such a commission by publication of a notice in the *Provincial Gazette* and two newspapers in circulation in the Province."

3. Amendment of Section 5 of Act No. 3 of 1994

Section 5 of the Principal Act is hereby amended by the substitution for section 5 of the following section:

"(1) Any person who wilfully interrupts the proceedings of a commission or who wilfully hinders or obstructs a commission in the performance of its functions shall be guilty of an offence and liable on conviction to a fine [not exceeding R2 000 rand] or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(2) Any person who—

(a) by any means whatsoever causes any witness to refrain from giving evidence or to give false evidence before a commission:

(b) by any means whatsoever prevents a witness from attending any sitting of a commission; or

(c) destroys or conceals any book, document or object which to his or her knowledge might be of assistance to a commission in any matter relating to the subject of its investigation.

shall be guilty of an offence, and on conviction be liable to a fine or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment."

4. Amendment of Section 6 of Act No. 3 of 1994

Section 6 of the Principal Act is hereby amended by the substitution for section 6 of the following section:

"(1) Any person summoned to attend and who without sufficient cause (the onus of proof whereof shall rest upon him or her)-

- (a) fails to attend at the time and place specified in the summons; or
- (b) fails to remain in attendance until the conclusion of the enquiry or until he or she is excused by the chairperson of the commission from further attendance; or
- (c) refuses to be sworn or to make affirmation as a witness after he or she has been required by the chairperson of the commission to do so.

shall be guilty of an offence.

(2) Any person who has been sworn in or has made an affirmation as a witness and who without sufficient cause (the onus of proof whereof shall rest upon him or her)-

- (a) fails to answer fully and satisfactorily any question lawfully put to him or her; or
- (b) fails to produce any book, document or object in his or her possession or custody or under his or her control, which he or she has been summoned to produce.

shall be guilty of an offence.

(3) Any person convicted of an offence contemplated in subsection (1) and (2) shall be liable, on conviction, to a fine or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

(4) Any person who, after having been sworn or having made affirmation, gives false evidence before a commission on any matter, knowing such evidence to be false or not believing it to be true, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months, or to both such fine and imprisonment."

5. Insertion of sections 6A and 6B in Act No. 3 of 1994.

The following sections are hereby inserted after section 6 of the Principal Act:

6A. Report of commission.

A commission shall submit a written report with its findings and recommendations to the Premier in accordance with its terms of reference, but not later than 12 months after its appointment or such further period as may be granted by the Premier at the written request of the commission.

6B Cost of commission

(1) The remuneration, allowances and transport expenses payable to a member or an official of the commission, shall be determined by the Member of the Executive Council responsible for Finance.

(2) The chairperson of a commission shall, not later than 30 days after such commission presented its report to the Premier, present a statement of all expenses reasonably incurred by the commission in the performance of its functions, to the Premier.

(3) All expenses shall be paid from the appropriate vote out of the Provincial Revenue Fund in terms of an appropriation by the Provincial Legislature.”

6. Short title.—

This Act shall be called the Provincial Commissions Amendment Act, 2020 (Eastern Cape).

EXPLANATORY MEMORANDUM ON THE PROVINCIAL COMMISSIONS AMENDMENT BILL, 2014 (EASTERN CAPE).

PART 1 (GENERAL PRINCIPLES)

The Eastern Cape Commissions Act was passed and assented to in 1994, at a time before the Constitution of the Republic of South Africa was adopted in 1996.

The Act was developed and drafted in accordance with the Interim Constitution of South Africa, 1993 (Act 200 of 1993), and also contains a reference to Section 147 (1)(d) of that Act.

It is clear that the Eastern Cape Commissions Act must be amended to rectify the references to the Interim Constitution and to remove the gender insensitive provisions.

The current Act is not clear on the method of appointment of a Commission, its chairperson or secretary. It, therefore, should be amended to provide for the appointment of the Commission, its chairperson and a secretary by way of proclamation in the Provincial Gazette.

The provisions of the current Act, dealing with a Commission's sittings, is silent on whether the Commission should sit in public and on the methodology of giving notice of sittings and it does not provide for the prevention of intimidation and hindrance of witnesses.

There is no provision for the reporting by the Commission, the process after the report is tabled, or the timeframe for a report

There is no provision for the procedure to be followed in Commission hearings or investigations, the funding, financial management, or accountability of an appointed Commission and this Bill seeks to provide for those issues.

The amendments to the Bill are technical in nature as they mainly deal with procedural issues.

CONSTITUTIONAL IMPACT

The Bill falls within Schedule 4 of the Constitution of the Republic of South Africa.

PART 2**(CLAUSE- BY- CLAUSE ANALYSIS)**

CLAUSE 1 : Amends section 1 of Act No. 3 of 1994 to bring the appointment process of a Commission of Inquiry process in line with the current Constitution of South Africa and to provide for the appointment of a Secretary to the Commission.

CLAUSE 2 : Amends section 2 of Act No. 3 of 1994 to provide for the determination of the place of sittings by the Chairpersons as well as notice of sittings of the Commission in the *Provincial Gazette* and two newspapers in circulation in the Province.

CLAUSE 3 : Amends section 5 of Act No. 3 of 1994 to provide for sanctions for preventing or hindering witnesses to testify before the Commission.

CLAUSE 4 : Amends section 6 of Act No. 3 of 1994 to provide for more clarity on offences by witnesses and sanctions for such offences.

CLAUSE 5 : Inserts sections 6A and 6B in Act No. 3 of 1994. Section 6A provides for the report of commission and set timeframes for the report, Section 6B provides for the financial arrangements of the commissions as well as proper accounting of the finances.

CLAUSE 6 : Provides for the short title of the Bill.

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 92 OF 2020**GAZETTE NOTIFICATION OF REMOVAL OF RESTRICTIONS DECISION****NDLAMBE MINICIPALITY****REMOVAL OF RESTRICTIVE CONDITION: ERF 709 KENTON ON SEA****NDLAMBE MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW; 2015**

Notice is hereby given that the Municipal Planning Tribunal on the 20th of February 2020, Removed condition C. ii (5) **AND** condition C. i (4) as contained in Title Deed No. T000030779/2015 in terms of Section 69 of the Ndlambe Municipality Spatial Planning and Land Use Management By-law; 2015.

NOTICE NUMBER:58 /2020**ADV. R DUMEZWENI**
MUNICIPAL MANAGER

LOCAL AUTHORITY NOTICE 93 OF 2020
PROVINCIAL NOTICE NO 60/2020

EASTERN CAPE PROVINCE

KOUGA MUNICIPALITY (EC 108)

**REMOVAL OF RESTRICTIVE CONDITIONS
&
DEPARTURE FROM THE ZONING SCHEME PROVISIONS**

Notice is hereby given in terms of Section 93 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016 that the under mentioned application has been received and is open for inspection at the Kouga Municipality, Planning and

Nature of application: An application was received for the Development Department, 16 Woltemade Street, Jeffreys Bay. Motivated objections, if any, against the application, must be lodged in writing to reach the undersigned not later than 30 days after publication of this specific reference to the Erf number.

ERF 6289 (8) KABELJAUWS ROAD), KABELJAUWS, JEFFREYS BAY

Applicant: G.J. Enslin

following:

The Removal of Restrictive Title Deed Conditions in terms of Section 69 as well as the Departure from the Zoning Scheme provisions in terms of Section 76 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016 for development purposes on Erf 6289, Kabeljauws, Jeffreys Bay.

C. DU PLESSIS
MUNICIPAL MANAGER

P.O. BOX 21
JEFFREYS BAY
6330

For Publication:

PROVINCIAL GAZETTE

THE KOUGA EXPRESS

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19 March 2020