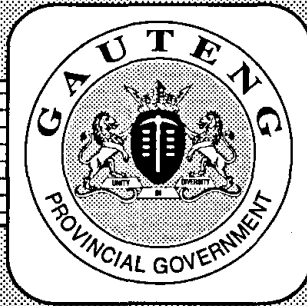


THE PROVINCE OF  
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# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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Vol. 4

PRETORIA, 11 MAY  
MEI 1998

No. 491

## GENERAL NOTICE

### NOTICE 1145 OF 1998

#### REGULATIONS RELATING TO CITY IMPROVEMENT DISTRICTS IN TERMS OF SECTION 9 OF THE GAUTENG CITY IMPROVEMENT DISTRICTS ACT, 1997 (ACT No. 12 OF 1997)

Under the powers vested in me in section 9 of the Gauteng City Improvement Districts Act (Act No. 12 of 1997), I hereby make the regulations contained in the Schedule hereto.

Given under my Hand at Johannesburg this Seventeenth day of April, One thousand Nine hundred and Ninety-eight.

S. SHICEKA

MEC: Development Planning and Local Government

## SCHEDULE

### Definitions

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

**“the Act”** means the Gauteng City Improvement Districts Act, 1997 (Act No. 12 of 1997);

**“city improvement district plan”** means a business plan for the operation of a city improvement district covering a three year period from the anticipated date of approval of the district and conforming to the requirements of the Act and these Regulations.

### Submission of Documents

2. Documents which must be submitted to a municipal council in terms of the Act and these Regulations must be submitted between 09h00 and 16h00 on work days at the office of the chief executive officer, town clerk or head of the municipal administration.

### Proof of support for a Proposed City Improvement District Plan, for formation of a City Improvement District, and for dissolution of a City Improvement District

3. Support of owners of ratable properties within the boundaries of the proposed or existing city improvement district must be shown on a signed letter to that effect which includes the following—
  - a. the signatures and names of the owners of ratable property;
  - b. The capacity of the signatories and relevant authorisation where the owner is a corporate body;

- c. the value of rates payable on the property in terms of the Local Authorities Rating Ordinance, No. 11 of 1977; and
- d. erf number and physical address.

## **PART A**

### **PETITION FOR THE ESTABLISHMENT OF A CITY IMPROVEMENT DISTRICT**

#### **Content and Format of a City Improvement District Plan**

4. A city improvement district plan must cover the requirements and comply with the requirements as to form outlined in Part D of these Regulations.
5. A municipality must provide a description of the services and levels of services that it provides in an area within thirty(30) days of receiving a written request from a petitioner for such description: provided that the description need not be included in a city improvement district plan if the municipality fails to provide the description within the specified time period.
6. Support of twenty five(25) percent of owners of ratable properties within the boundaries of the proposed city improvement district must be included in the city improvement district plan according to the format provided in regulation 3.

#### **Submission of a Proposed City Improvement District Plan**

7. The municipality must, within a period of twenty(20) days after submission of a city improvement district plan, verify that the requirements for a city improvement district plan contemplated in the Act and regulations have been addressed, and if so, acknowledge receipt in writing to the petitioner.
8. If any requirement has not been met, the municipality must request the petitioner in writing to provide the information. After receipt of the additional information, the municipality must acknowledge receipt in writing to the petitioner.
9. In acknowledging receipt of the city improvement district plan as provided for in regulation 7 and 8, the municipality must provide the petitioner in writing with—
  - a. a date, time and place at which a public hearing will be held to consider the proposed city improvement district plan: provided that this date is no sooner than forty(40) days and no later than ninety(90) days after the date of written acknowledgement of receipt by the municipality;
  - b. the place where the proposed city improvement district plan may be inspected;
  - c. the person with whom and place at the municipality where written comments or objections may be lodged.

#### **Public Notification of a Proposed City Improvement District Plan**

10. Within a period of thirty (30) days after the petitioner has received acknowledgement of receipt in writing by the municipal council, he or she must—

- (1) publish one notice of the proposed city improvement district plan in the Provincial Gazette and another notice in a daily newspaper circulating in or near the vicinity of the proposed city improvement district;
- (2) notify every owner of ratable property within the boundaries of the proposed city improvement district area by registered mail;
- (3) advertise the proposed city improvement district plan within the boundaries of the proposed city improvement district by displaying clear posters in visible locations for a period of at least twenty(20) days.

11. Notifications and advertisements contemplated in regulation 10 must contain at least the following information—

- a. the date, time and place at which the public hearing is to be held;
- b. the place/s at which the proposed city improvement district plan is available for inspection;
- c. the location and boundaries of the proposed city improvement district;
- d. the additional service or services which are proposed to be provided;
- e. the levy that is proposed;
- f. the person and place at the municipality at which written comments or objections can be lodged; and
- g. contact details of the petitioner.

#### **Public Hearing of a Proposed City Improvement District Plan**

12. The public hearing must be chaired by a person nominated by the chairperson of the executive council of the municipality, and this person may be the petitioner.
13. At the hearing the petitioner must verify that all requirements of the Act have been complied with.
14. The municipality must indicate if it has received objections and what the nature of the objections is.
15. Objectors and interested parties may make representations at the public hearing.

#### **Decision Making Regarding a Proposed City Improvement District Plan**

16. The municipality must reach a decision regarding a proposed city improvement district plan taking into account the following—
  - a. the written objections and comments received;
  - b. the oral objections and comments made at the public hearing, and
  - c. the requirements of section 3 (1) of the Act.
17. The municipality must reach a decision contemplated in regulation 16 within a period of no longer than sixty days(60) after the date at which the public hearing is held: provided that if the decision is not made within the time period specified, the petitioner may appeal to the MEC to expedite the decision from the municipal council.

**Notification of Approval, Approval with Amendment, or Non-Approval of a Proposed City Improvement District Plan**

18. The municipality must notify the petitioner of its decision within a period of 10 (ten) days of reaching the decision: provided that—

- (1) if the municipality intends to make amendments or impose conditions as contemplated in section 3 (2) (b) of the Act, the municipality must provide the petitioner with an opportunity to comment in writing before making the amendments or imposing the conditions;
- (2) should the decision of the municipality be to refer the petition back to the petitioner as contemplated in section 3 (2) (c) of the Act, the petition may be resubmitted following the procedures of the Act and the regulations no sooner than one year from the date of the decision.

**Approval for a Legal Entity other than a Section 21 Company**

19. If a petitioner wishes to form a city improvement district management body as a legal entity other than section 21 of the Companies Act (Act No. 61 of 1973), then the petitioner must, prior to the submission of a city improvement district plan to a municipal council, apply in writing to the MEC and the application must set out the following—

- a. an overview of the proposed city improvement district;
- b. full details of the proposed legal entity;
- c. a motivation as to the reasons why the proposed legal entity is preferable to section 21 of the Companies Act (Act No. 61 of 1973).

20. The MEC must respond in writing to the application contemplated in regulation 19 within a period of thirty(30) days after receipt of such application.

**PART B**

**FORMATION OF A CITY IMPROVEMENT DISTRICT**

**Proof of Support of an Approved City Improvement District Plan**

21. After approval of a city improvement district plan in terms of section 3 of the Act, the petitioner must within one hundred and twenty(120) days provide written proof as contemplated in section 4 (1) of the Act to the municipal council in the form of a document indicating—

- a.the number of ratepayers in the city improvement district area;
- b.the total rates base in value of the city improvement district; and
- c.support for the formation of the city improvement district of more than fifty(50) percent of the owners of ratable property who represent more than fifty(50) percent of the rate base in value of the property in the proposed city improvement district area according to the format provided in regulation 3.

**Procedure**

22. The municipality must verify that the document submitted in terms of regulation 21 meets the requirements of the Act and the regulations and, if so, must acknowledge such to the petitioner within a period of ten (10) days.
23. If the document does not meet the requirements of the Act or the regulations, the municipality must within ten (10) days refer the document back to the petitioner with a written indication of the defects.
24. The petitioner may resubmit the document with the amendments or additional information as required.

**PART C****AMENDMENT AND DISSOLUTION OF A CITY IMPROVEMENT DISTRICT****Submission of Proposed Amendment or Amendments to a City Improvement District Plan**

25. After its has been formed, a management body may make recommendations for amendments to a city improvement district plan to the municipal council.
26. Recommendations of the management body must be in written form.
27. If the municipal council is of the opinion that the recommended amendments constitute a material amendment in terms of section 7 (3) of the Act, the municipal council must notify the management body in writing of its opinion.
28. A recommendation by a management body for amendments to a city improvement district plan that conforms to section 7 (3) of the Act, comprises the approved city improvement district plan together with a detailed written indication of the proposed amendments, and shall be called a proposed material amendment to the city improvement district plan.
29. The municipality must, within a period of ten (10) days after receipt of a proposed material amendment to a city improvement district plan, acknowledge receipt in writing to the management body and provide the management body with—
  - a. the date, time and place of a public hearing to consider the proposed material amendment to the city improvement district plan: provided that this date may not be sooner than forty(40) days nor later than sixty(60) days after the municipality has received written acknowledgement of the amendment;
  - b. the physical place where the proposed material amendments to the city improvement district plan may be inspected; and
  - c. the person with whom and the place at the municipality where written comments or objections may be lodged.

**Public Notification of a Proposed Material Amendment to a City Improvement District Plan**

30. The management body must notify the public and owners of ratable property about a proposed material amendment in accordance with the procedures prescribed in regulation 10.
31. Notifications, advertisements and other forms of communication contemplated in regulation 28 must include at least the following information—
  - a. the date, time and place of the public hearing;
  - b. the place/s where the proposed material amendments to the city improvement district plan may be inspected;
  - c. the proposed material amendments to the city improvement district plan;
  - d. the person with whom and place at the municipality where written comments or objections may be lodged; and
  - e. contact details of the management body.

**Public Hearing of a Proposed Material Amendment to a City Improvement District Plan**

32. The public hearing must be conducted in accordance with the procedures contained in regulations 12, 13, 14 and 15.

**Decision Making and Notification Regarding a Proposed Material Amendment to a City Improvement District Plan**

33. Regulations relating to section 3 of the Act apply to decisions of the municipal council regarding proposed amendments in terms of subsection (3) of the Act, and regulations relating to section 4 (1) of the Act apply to approved material amendments.

**Content and Format of a Petition for the Dissolution of a City Improvement District**

34. A petition for the dissolution of a city improvement district plan in terms of section 8 (1) of the Act and submitted to the municipal council must be in written form and must include—
  - a. the name and location of the city improvement district that is due to be dissolved;
  - b. motivation for the dissolution of the city improvement district;
  - c. the number of ratepayers and the total value of the rates base in the city improvement district area;
  - d. written proof that more than fifty(50) percent of the owners of ratable property who represent more than fifty(50) percent of the rate base in value of the property in the city improvement district support the dissolution according to the format provided in regulation 5.

**Short title**

35. These regulations shall be called the City Improvement Districts Regulations, 1998.

**PART D**  
**REQUIREMENTS AND FORMAT OF A CITY IMPROVEMENT DISTRICT PLAN**

| <b>CITY IMPROVEMENT DISTRICT (CID) PLAN</b>  |       |                                 |  |                   |
|--|-------|---------------------------------|--|-------------------|
| In Terms of Section 2 (4) and Regulation 3 of the Gauteng City Improvement Districts Act, 1997   |       |                                 |  |                   |
| <b>PART A – CID IDENTIFICATION</b>   |       |                                 |  |                   |
| Name: [of proposed CID]  |       |                                 |  |                   |
| Date:  |       | Application / Reference Number: |  |                   |
| Name of Municipality having Jurisdiction:  |       |                                 | Proposal, if Applicable, for Arrangement contemplated in Section 2(3): |                   |
| <b>Principal Contact Person/s:</b>   | Name: | Tel:                            | Postal Address:  | Physical Address: |
|  |       | Fax:                            |  |                   |
|  | Name: | Tel:                            | Postal Address:  | Physical Address: |
|  |       | Fax:                            |  |                   |
| Name:  | Tel:  | Postal Address:                 | Physical Address:  |                   |
|  |       | Fax:                            |  |                   |
| <b>PART B – CID DESCRIPTION AND MOTIVATION</b>   |       |                                 |  |                   |
| Motivation for the Establishment of the CID Including Advantages and Disadvantages:  |       |                                 |  |                   |
| Consistency of the CID with Land Development Objectives set for the Area in terms of the Development Facilitation Act (Act No. 67 of 1995) or similar Integrated Development Plans for the area set in terms of other Legislation: |       |                                 |  |                   |
| <b>Description of the Location of the CID</b>  |       |                                 |  |                   |
| General Description:   |       |                                 |  |                   |
| Overview of Main Land Uses:  |       |                                 |  |                   |
| Broad Socio-Economic Conditions:   |       |                                 |  |                   |
| Physical Conditions in the Area:   |       |                                 |  |                   |
| Development Trends:  |       |                                 |  |                   |
| Number of Ratable Properties in the CID Area:  |       |                                 | Total Value of the Rates Base in the CID Area:                         |                   |
| <b>PART C – EXISTING AND PROPOSED SERVICES IN THE CID AREA</b>   |       |                                 |  |                   |
| Services and Levels of Services provided by the Municipality:  |       |                                 |  |                   |
| [indicate in this space if municipality did not provide relevant information within (thirty) 30 days of written request therefore and attach copy of written request]  |       |                                 |  |                   |



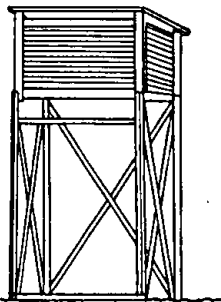
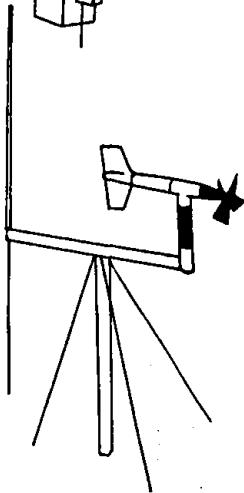
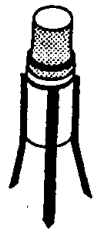
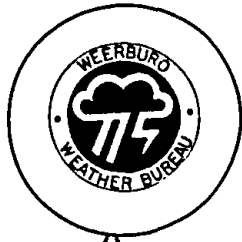
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| <b>Proposed Services and Levels of Services to be provided by the CID:</b>   |                 |                 |                   |
| <b>Other Enhancements to be Provided, if any:</b>  |                 |                 |                   |
| <b>PART D – CID BUDGET (THREE YEARS)</b>   |                 |                 |                   |
|  | <b>Year One</b> | <b>Year Two</b> | <b>Year Three</b> |
| <b>Services to be provided:</b>  |                 |                 |                   |
| <b>Annual Cost of providing Services:</b>  |                 |                 |                   |
| <b>Projected Operating Expenditure:</b>  |                 |                 |                   |
| <b>Monthly Levy:</b>   |                 |                 |                   |
| <b>Capital Expenditure (where Applicable):</b>   |                 |                 |                   |
| <b>Anticipated Factors (such as Inflation or Statutory Wage Increases) affecting the Monthly Levy and the Equation/s according to which such Factors will result in Changes to the Levy:</b> |                 |                 |                   |
| <b>PART E – ATTACHMENTS</b>  |                 |                 |                   |
| <b>Copy of a General Map indicating the Position of the CID</b>  | <b>Yes</b>      | <b>No</b>       |                   |
| <b>Copy of a General Plan or Extract from a General Plan of the CID indicating Boundaries, Erven and Erf Numbers of Properties within the CID</b>  | <b>Yes</b>      | <b>No</b>       |                   |
| <b>Articles and Memorandum of the proposed CID Management Body</b>   | <b>Yes</b>      | <b>No</b>       |                   |
| <b>Written approval from the MEC should the Management Body be any other Legal entity than One formed and Incorporated in terms of Section 21 of the Companies Act, 1973</b>                 | <b>Yes</b>      | <b>No</b>       |                   |
| <b>Schedule of Apportionment of monthly Levy to each Erf</b>   | <b>Yes</b>      | <b>No</b>       |                   |
| <b>Written proof of Support of at least (twenty five) 25 Percent of Owners of Ratable Properties within the Boundaries of the Proposed CID in the manner outlined in Regulation 6</b>        | <b>Yes</b>      | <b>No</b>       |                   |
| <b>Additional attachments if any (Specify)</b>   | <b>Yes</b>      | <b>No</b>       |                   |

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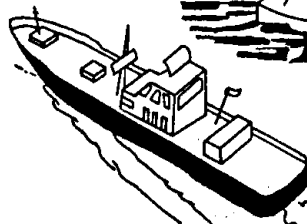
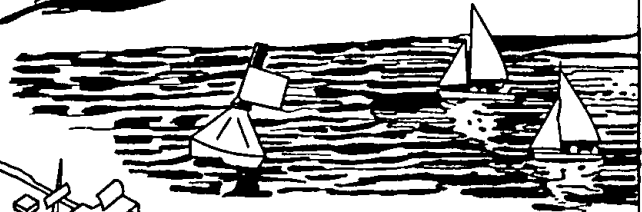
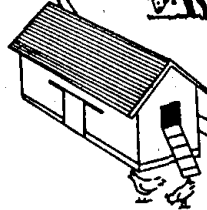
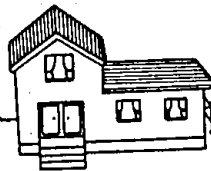
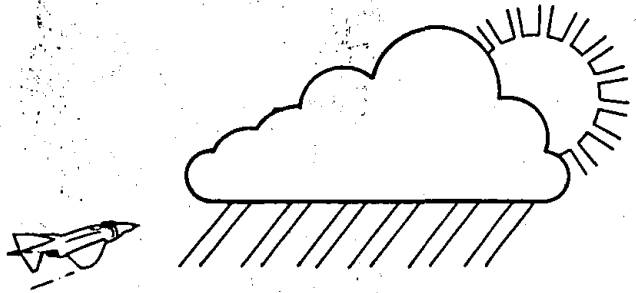


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DIE WEERBURO: DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

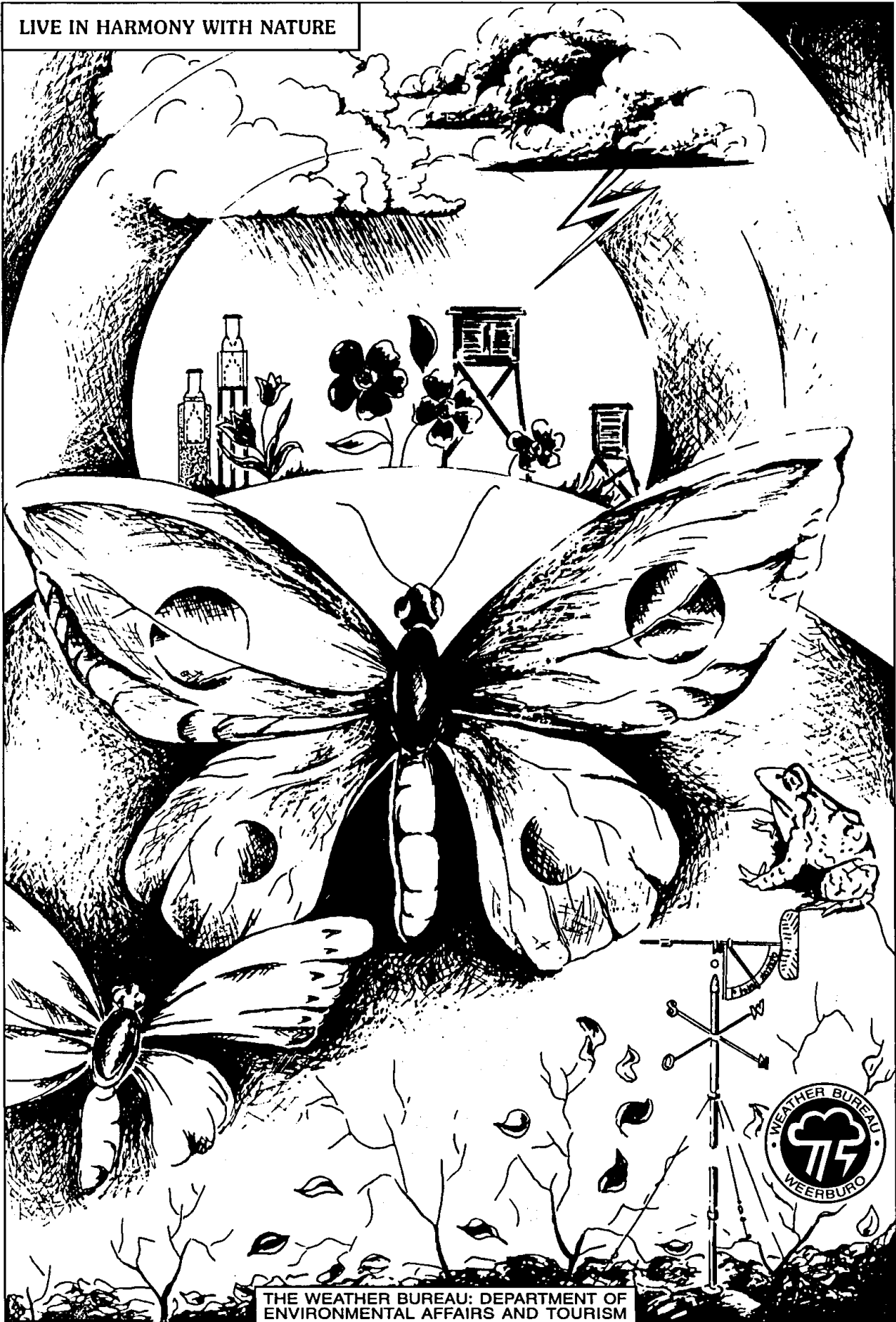
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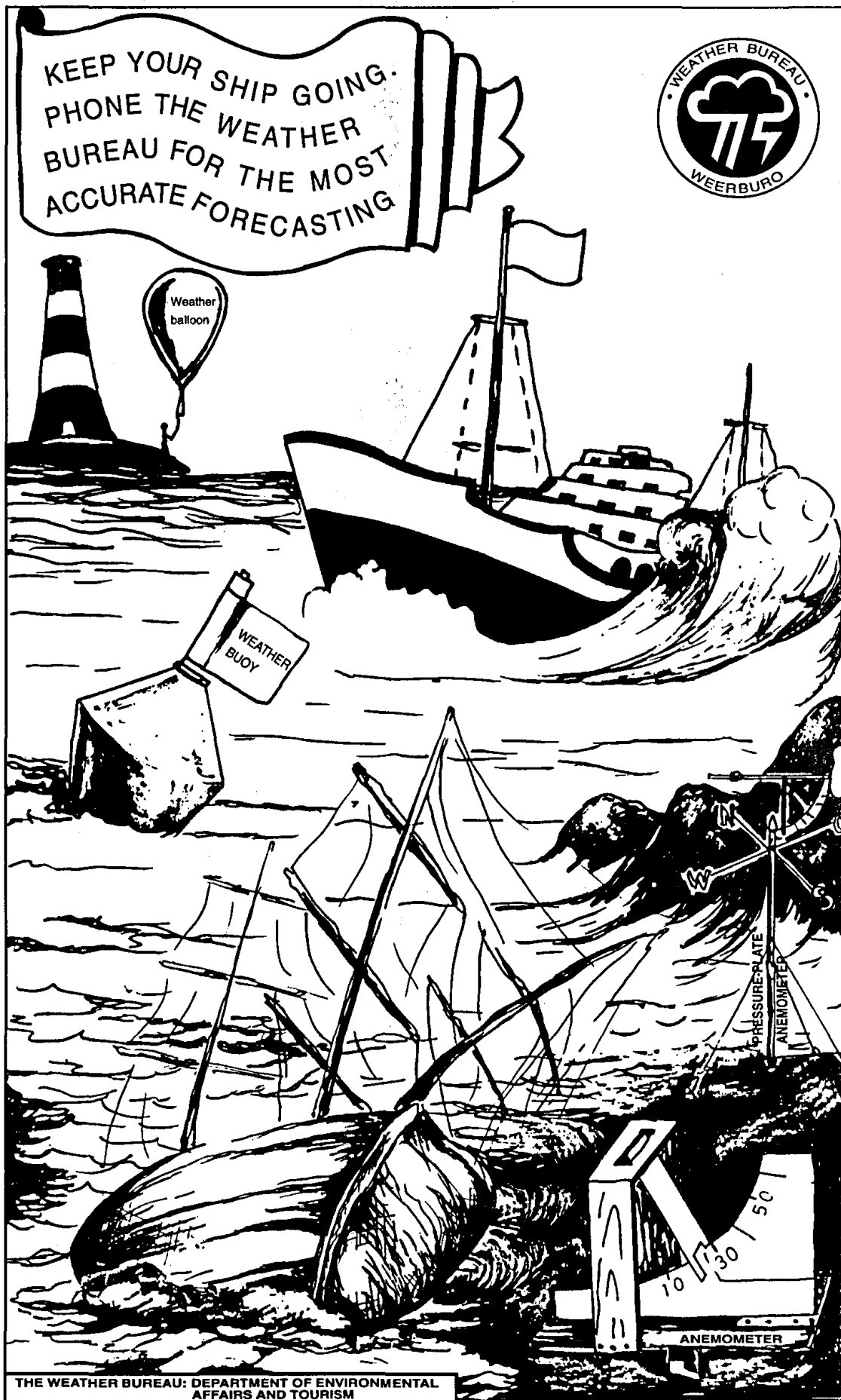
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LIVE IN HARMONY WITH NATURE

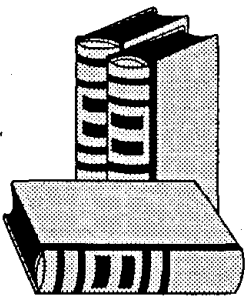
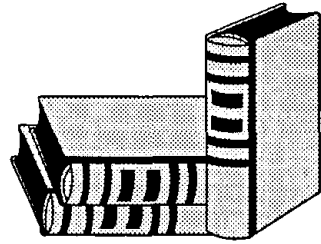


THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM



THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

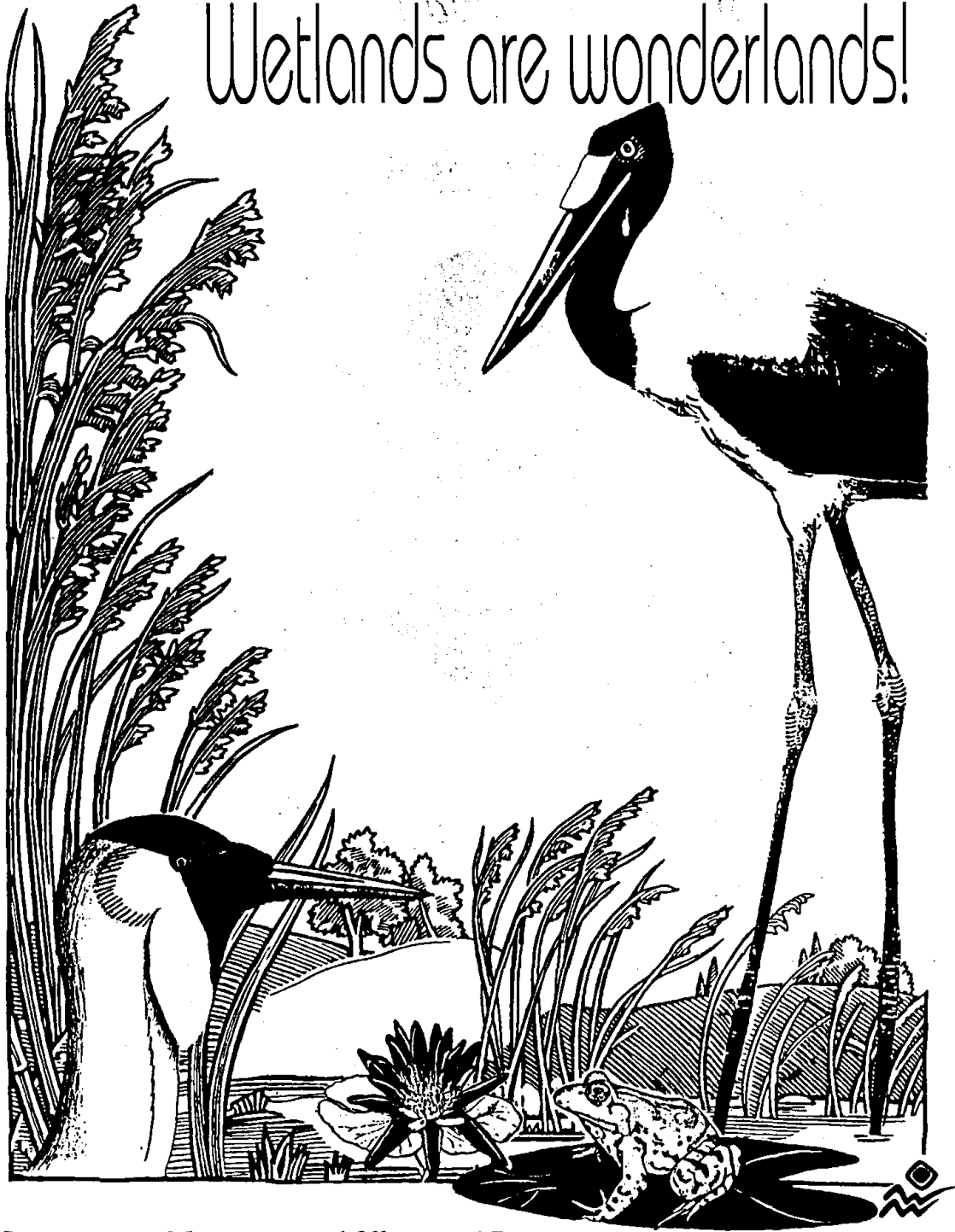
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*Department of Environmental Affairs and Tourism  
Departement van Omgewingsake en Toerisme*

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Department of Environmental Affairs and Tourism

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