



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

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu
Kuranta ya Profense • Gazethe ya Vundu**

*(Registered as a newspaper) • (As 'n nuusblad geregistreer) • (Yi rhijistariwile tanihi Nyuziphepha)
(E ngwadisits'we bjalo ka Kuranta) • (Yo redzhistariwa sa Nyusiphepha)*

Vol. 24

POLOKWANE,
23 JUNE 2017
23 JUNIE 2017
23 KHOTAVUXIKA 2017
23 JUNE 2017
23 FULWI 2017

No. 2826

PART 1 OF 2

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

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ISSN 1682-4563



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Closing times for **ORDINARY WEEKLY** 2017

LIMPOPO PROVINCIAL GAZETTE

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

- **29 December**, Thursday, for the issue of Friday **06 January 2017**
- **06 January**, Friday, for the issue of Friday **13 January 2017**
- **13 January**, Friday, for the issue of Friday **20 January 2017**
- **20 January**, Friday, for the issue of Friday **27 January 2017**
- **27 January**, Friday, for the issue of Friday **03 February 2017**
- **03 February**, Friday, for the issue of Friday **10 February 2017**
- **10 February**, Friday, for the issue of Friday **17 February 2017**
- **17 February**, Friday, for the issue of Friday **24 February 2017**
- **24 February**, Friday, for the issue of Friday **03 March 2017**
- **03 March**, Friday, for the issue of Friday **10 March 2017**
- **10 March**, Friday, for the issue of Friday **17 March 2017**
- **16 March**, Thursday, for the issue of Friday **24 March 2017**
- **24 March**, Friday, for the issue of Friday **31 March 2017**
- **31 March**, Friday, for the issue of Friday **07 April 2017**
- **07 April**, Friday, for the issue of Friday **14 April 2017**
- **12 April**, Wednesday, for the issue of Friday **21 April 2017**
- **20 April**, Thursday, for the issue of Friday **28 April 2017**
- **26 April**, Wednesday, for the issue of Friday **05 May 2017**
- **05 May**, Friday, for the issue of Friday **12 May 2017**
- **12 May**, Friday, for the issue of Friday **19 May 2017**
- **19 May**, Friday, for the issue of Friday **26 May 2017**
- **26 May**, Friday, for the issue of Friday **02 June 2017**
- **02 June**, Friday, for the issue of Friday **09 June 2017**
- **09 June**, Friday, for the issue of Friday **16 June 2017**
- **15 June**, Thursday, for the issue of Friday **23 June 2017**
- **23 June**, Friday, for the issue of Friday **30 June 2017**
- **30 June**, Friday, for the issue of Friday **07 July 2017**
- **07 July**, Friday, for the issue of Friday **14 July 2017**
- **14 July**, Friday, for the issue of Friday **21 July 2017**
- **21 July**, Friday, for the issue of Friday **28 July 2017**
- **28 July**, Friday, for the issue of Friday **04 August 2017**
- **03 August**, Thursday, for the issue of Friday **11 August 2017**
- **11 August**, Friday, for the issue of Friday **18 August 2017**
- **18 August**, Friday, for the issue of Friday **25 August 2017**
- **25 August**, Friday, for the issue of Friday **01 September 2017**
- **01 September**, Friday, for the issue of Friday **08 September 2017**
- **08 September**, Friday, for the issue of Friday **15 September 2017**
- **15 September**, Friday, for the issue of Friday **22 September 2017**
- **21 September**, Thursday, for the issue of Friday **29 September 2017**
- **29 September**, Friday, for the issue of Friday **06 October 2017**
- **06 October**, Friday, for the issue of Friday **13 October 2017**
- **13 October**, Friday, for the issue of Friday **20 October 2017**
- **20 October**, Friday, for the issue of Friday **27 October 2017**
- **27 October**, Friday, for the issue of Friday **03 November 2017**
- **03 November**, Friday, for the issue of Friday **10 November 2017**
- **10 November**, Friday, for the issue of Friday **17 November 2017**
- **17 November**, Friday, for the issue of Friday **24 November 2017**
- **24 November**, Friday, for the issue of Friday **01 December 2017**
- **01 December**, Friday, for the issue of Friday **08 December 2017**
- **08 December**, Friday, for the issue of Friday **15 December 2017**
- **15 December**, Friday, for the issue of Friday **22 December 2017**
- **20 December**, Wednesday, for the issue of Friday **29 December 2017**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1000 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

EXTRA-ORDINARY

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

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3000** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

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

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

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 15h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

EXTRAORDINARY GAZETTES

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

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice .
(Please see *Quotation* section below for further details)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (Please see the *Copy Section* below, for the specifications).
 - 8.1.5. Any additional notice information if applicable.
9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**QUOTATIONS**

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

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

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

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

AMENDMENTS TO NOTICES

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

REJECTIONS

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

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

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

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

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

LIABILITY OF ADVERTISER

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

CUSTOMER INQUIRIES

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

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

PROOF OF PUBLICATION

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

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

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 78 OF 2017**NOTICE**

I, Theo Kotze, as the agent of the owner of the property mentioned below, hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance (Ordinance 15 of 1986), that I have applied to the following municipality for the rezoning of the following property: Polokwane municipality - POLOKWANE AMENDMENT SCHEME 615: Rezoning of Portion 3 of Erf 911 (53A Grobler street) from "Residential 1" to "Special" for medical consulting rooms. Particulars of the above application will lie for inspection during normal office hours at the office of the Manager: Spatial Planning & Land Use Management, Second Floor, West wing, Civic centre, c/o Landdros Mare & Bodenstein streets, Polokwane for a period of 30 days from 16 June 2017. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the mentioned municipality within a period of 30 days from 16 June 2017. Agent: DEVELOPLAN, P.O. Box 1883, Polokwane, 0700. Fax: 086 218 3267. Email: tecoplan@mweb.co.za Fax: 0862183267.

16-23

KENNISGEWING 78 VAN 2017**KENNISGEWING**

Ek, Theo Kotze, as die agent van die eienaar van ondergemelde eiendom, gee hiermee ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe (Ordonnansie 15 van 1986), kennis dat ek aansoek gedoen het by die volgende munisipaliteit vir die hersonering van die volgende eiendom: Polokwane munisipaliteit – POLOKWANE WYSIGINGSKEMA 615: Deur hersonering van Gedeelte 3 van Erf 911 Pietersburg (53A Groblerstraat) vanaf "Residensieel 1" na "Spesiaal" vir mediese spreekkamers. Besonderhede van voormelde aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Bestuurder: Beplanning (Ruimtelike Beplanning en Grondgebruikbestuur), 1 ste vloer, westelike vleuel, Burgersentrum, Landros Maréstraat, Polokwane, vir 'n tydperk van 30 dae vanaf 16 Junie 2017. Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf 16 Junie 2017 skriftelik by of tot die Bestuurder: Beplanning (Ruimtelike Beplanning en Grondgebruikbestuur), by bovermelde adres of by Posbus 111, Polokwane, 0700 ingedien of gerig word. Agent: DEVELOPLAN, Posbus 1883, Polokwane, 0700. Fax: 086 218 3267. Epos: tecoplan@mweb.co.za Faks: 0862183267

16-23

NOTICE 79 OF 2017**NOTICE IN TERMS OF SECTION 9(1)(2) OF THE BA-PHALABORWA LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAWS, 2016****Amendment Scheme Number(s) 49 and 50**

I, Ronewa Wendy Murulane of RWM Projects (Pty) LTD being the authorized agent of the owner(s) of the property mentioned below, hereby give notice in terms of Section 9(1)(2) of the Ba-Phalaborwa Local Municipality Spatial Planning and Land Use Management By-Laws, 2016 for the amendment of the Ba-Phalaborwa Land Use Management Scheme, 2009 in the following manner:

1. Amendment scheme number 49 rezoning of Erf 578 Phalaborwa Extension 1 from **"Residential 1"** to **"Business 1"** and the removal of restrictive conditions in terms of section 57(1) and 58(2) of the Ba-Phalaborwa Spatial Planning and Land Use Management By-Laws, 2016 for the purpose of erecting a medical facility.
2. Amendment scheme number 50 rezoning of Erf 938 Phalaborwa Extension 1 from **"Residential 2"** to **"Business 1"** and the removal of restrictive title conditions in terms of section 57(1) and 58(2) of the Ba-Phalaborwa Spatial Planning and Land Use Management By-Laws, 2016 for the a place of instruction.

Particulars of the application will lie for inspection during normal office hours at the office of the Director Development Planning, Civic Centre, Nelson Mandela drive, Phalaborwa, 1090 for a period of 28 days from the 9th of June 2017.

Objections to the application can be lodged in writing to the Ba-Phalaborwa Municipality, Private bag X01020, Phalaborwa, 1390 within a period of 28 days from the 9th of June 2017.

Address of the Agent: 44 Celliers street, Louis Trichardt, 0920

16–23

KENNISGEWING 79 VAN 2017**KENNISGEWING INGEVOLGE ARTIKEL 9(1)(2) VAN DIE BA-PHALABORWA PLAASLIKE MUNISIPALITEIT RUIMTELIKE BEPLANNING EN VERORDENINGE OP GRONDGEBRUIKBESTUUR, 2016****Wysigingskema Nommer (s) 49 en 50**

Ek, Ronewa Wendy Murulane van RWM Projects (Pty) LTD synde die gemagtigde agent van die eienaar (s) van die eiendom hieronder genoem, gee hiermee ingevolge artikel 9 (1) (2) van die Ba-Phalaborwa Plaaslike Munisipaliteit Ruimtelike Beplanning En Verordeninge op Grondgebruikbestuur, 2016, vir die wysiging van die Ba-Phalaborwa Grondgebruikbestuurskema, 2009, op die volgende wyse:

1. Wysigingskema nommer 49 hersonering van Erf 578 Phalaborwa Uitbreiding 1 vanaf "Residensieel 1" na "Besigheid 1" en die opheffing van beperkende voorwaardes ingevolge artikel 57 (1) en 58 (2) van die Ba-Phalaborwa Ruimtelike Beplanning en Grondgebruikbestuursverordeninge, 2016 vir die oprigting van 'n mediese fasiliteit.
2. Wysigingskema nommer 50 hersonering van Erf 938 Phalaborwa Uitbreiding 1 vanaf "Residensieel 2" na "Besigheid 1" en die opheffing van beperkende titelvoorwaardes ingevolge artikel 57 (1) en 58 (2) van die Ba-Phalaborwa Ruimtelike Beplanning En Grondgebruikbestuursverordeninge, 2016 vir die plek van onderrig.

Besonderhede van die aansoek le te insae gedurende gewone kantoorure by die kantoor van die Direkteur Ontwikkelingsbeplanning, Burgersentrum, Nelson Mandelarylaan, Phalaborwa, 1090, vir 'n tydperk van 28 dae vanaf 9 Junie 2017.

Besware teen die aansoek kan skriftelik by die Ba-Phalaborwa Munisipaliteit, Privaatsak X01020, Phalaborwa, 1390, ingedien word binne n tydperk van 28 dae vanaf 9 Junie 2017.

Adres van die Agent: 44 Celliersstraat, Louis Trichardt, 0920

16–23

NOTICE 80 OF 2017**POLOKWANE LOCAL MUNICIPALITY****NOTICE OF A REZONING APPLICATION IN TERMS OF SECTION 56(1) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) READ WITH SECTION 2(2) AND THE RELEVANT PROVISIONS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)**

We Origin Town Planning Group (Pty) Ltd, being the authorized agent of the owner of Erf 3515, Pietersburg Extension 11, hereby give notice in terms of Section 56(1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) read with Section 2(2) and relevant provisions of the Spatial Planning and Land Use Management Act, 2014 (Act 16 of 2014) that we have applied to the Polokwane Local Municipality for the amendment of the Polokwane/Perskebult Town Planning Scheme, 2007 by rezoning of the property described above. The property is situated at Number 16 Tsesebe Avenue, Pietersburg Extension 11 (also known as Fauna Park).

Application is made for rezoning from "Residential 1" to "Special" for the purposes of a crèche or one dwelling house, subject to certain conditions. The intention of the owner in this matter is to obtain the necessary land use rights in order to utilise the property for purposes of a Crèche for a maximum of 120 children.

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) came into effect on 1 July 2015. The principles as contained in the provisions of the said Act shall be considered for purposes of this application.

Any objection(s) and/or comment(s), including the grounds for such objection(s) and/or comment(s) with full contact details, without which the Municipality cannot correspond with the body or person submitting the objection(s) and/or comment(s), shall be lodged with, or made in writing to: The Manager: City Planning and Property Management, PO Box 111, Polokwane, 0700 or to The Manager at MolateloM@polokwane.gov.za from **16 June 2017** until **14 July 2017**.

Full particulars and plans may be inspected during normal office hours at the Municipal offices as set out below, for a period of 28 days from **16 June 2017** in the Provincial Gazette, the Beeld and The Star Newspapers.

Address of Municipal offices: the office of the General Manager: Planning and Development Department, Polokwane Local Municipality, Civic Centre, Cnr Landros Maré & Bodenstein Street, Polokwane. Closing date for any objections and/or comments: **14 July 2017**.

Address of authorized agent: Origin Town Planning, 306 Melk Street, Nieuw Muckleneuk. PO Box 2162, Brooklyn Square, 0075. Telephone: (012) 346-3735, Fax 012 346 4217 or E-mail: plan@origintrp.co.za

Date of first publication: 16 June 2017
Annexure Number: 233

Date of second publication: 23 June 2017
Amendment Scheme Number: 612

16-23

KENNISGEWING 80 VAN 2017**POLOKWANE PLAASLIKE MUNISIPALITEIT**

KENNISGEWING VAN 'N AANSOEK VIR HERSONERING IN TERME VAN ARTIKEL 56(1) VAN DIE ORDINANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONANSIE 15 VAN 1986) SAAM GELEES MET ARTIKEL 2(2) EN DIE RELEVANTE BEPALINGS VAN DIE RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUURS WET, 2013 (WET 16 VAN 2013)

Ons, Origin Stadsbeplanningsgroep (Edms) Bpk, synde die magtigde applikant van Erf 3515, Pietersburg Uitbreiding 11, gee hiermee ingevolge Artikel 56(1) van die Ordinasie op Dorpsbeplanning en Dorpe, 1986 (Ordinansie 15 van 1986) saam gelees met Artikel 2(2) en die relevante bepalings van die Ruimtelike Beplanning en Grondgebruikbestuurs Wet, 2013 (Wet 16 van 2013) kennis dat ons by die Polokwane Plaaslike Munisipaliteit aansoek gedoen het vir die wysiging van die Polokwane/Perskebult Dorpsbeplanningskema, 2007, deur die hersonering van die eiendom soos hierbo beskryf. Die eiendom is geleë te Nommer 16 Tsesebe Avenue, Pietersburg Uitbreiding 11 (ook geken as Fauna Park).

Aansoek word gedoen vir hersonering vanaf "Residensieël 1" na "Spesiaal" vir die doeleindes van 'n kleuterskool of een woonhuis, onderhewig aan sekere voorwaardes. Die bedoeling van die eienaar in die saak is om die nodige grond gebruiks regte te verkry vir 'n kleuterskool met 'n maksimum van 120 kinders.

Die Ruimtelike Beplanning en Grondgebruikbestuurs Wet, 2013 (Wet 16 van 2013) het op 1 Julie 2015 in werking getree. Die beginsels soos vervat in die bepalings van die genoemde Wet sal in ag geneem word vir die doeleindes van hierdie aansoek.

Enige besware of kommentare wat duidelik die gronde van die beswaar en die persoon(ne) se regte uiteensit en aandui hoe hul belange deur die aansoek geraak word asook die persone se volle kontakbesonderhede, waarsonder die Munisipaliteit nie met die persoon kan korrespondeer nie, moet ingedien word, skriftelik by of tot die Uitvoerende Direkteur: Stedelike Beplanning en Grond Bestuur, ingedien of gerig word by Posbus 111, Polokwane, 0007 of na Die Uitvoerende Direkteur by MolateloM@polokwane.gov.za vanaf **16 Junie 2017** tot **14 Julie 2017**.

Volledige besonderhede en planne (indien enige) van die aansoek sal gedurende gewone kantoorure kan besigtig word by die Munisipale kantore soos hieronder uiteengesit, vir 'n tydperk van 28 dae vanaf **16 Junie 2017** in die Gauteng Provinsiale Gazette, Beeld en The Star koerante.

Adres van die Munisipale kantore: Die Kantoor van die Uitvoerende Direkteur: Beplanning en Ontwikkeling Departement, Polokwane Plaaslike Munisipaliteit, Burger Sentrum, hoek van Landros Maré & Bodenstein Straat, Polokwane. Sluitingsdatum vir enige beswaar(e): **14 Julie 2017**.

Adres van gemagtigde agent: Origin Stadsbeplanning, Melkstraat 306, Nieuw Muckleneuk, Pretoria. Posbus 2162, Brooklyn Square, Pretoria, 0075. Tel: (012) 346 3735, Faks: (012) 346 4217 of E-Pos: plan@origintrp.co.za

Datum van eerste publikasie: 16 Junie 2017
Bylae Nommer: 233

Datum van tweede publikasie: 23 Junie 2017
Wysigings Skema Nommer: 612

16-23

NOTICE 81 OF 2017**NOTICE OF APPLICATION FOR THE SUBDIVISION OF CERTAIN FARM PORTIONS SITUATED IN THE JURISDICTION OF THE THABAZIMBI LOCAL MUNICIPALITY, LIMPOPO PROVINCE IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) (SPLUMA), READ WITH CLAUSE 16(12)(A)(III) OF THE THABAZIMBI LAND USE MANAGEMENT BY-LAW, 2015**

I, Izel van Rooy from the firm Plan Wize Town and Regional Planners, being the authorized agent of the owners of the under-mentioned properties hereby give notice in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), read with Clause 16(12)(a)(iii) of the Thabazimbi Land Use Management By-Law, 2015, that I have applied to the Thabazimbi Municipality for the sub-division of the under-mentioned farm portions:

1. **The farm De Hoop, 430-KQ, Limpopo Province; and**
2. **The Remaining Extent of the farm Elandsfontein, 386 - KQ, Limpopo Province,**

Particulars of the applications will lie for inspection during normal office hours at the office of the Manager: Planning and Economic Development, Thabazimbi Municipality, 7 Rietbok Street, Thabazimbi for a period of 30 days from 16 June 2017.

Objections to or representations in respect of the applications must be lodged with or made in writing to the Manager: Planning and Economic Development, Thabazimbi Municipality, at the above-mentioned address or at Private Bag X530, Thabazimbi, 0380 within a period of 30 days from 16 June 2017.

ADDRESS OF AGENT: PLAN WIZE TOWN AND REGIONAL PLANNERS, P.O. BOX 2445, THABAZIMBI, 0380, TEL: 0824497626

16-23

KENNISGEWING 81 VAN 2017**KENNISGEWING VAN AANSOEK OM DIE ONDERVERDELING VAN SEKERE PLAASGEDEELTES GELEË IN DIE REGSGEBIED VAN DIE THABAZIMBI PLAASLIKE MUNISIPALITEIT, LIMPOPO PROVINSIE INGEVOLGE DIE WET OP RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR, 2013 (WET 16 VAN 2013) (SPLUMA), SAAMGELEES MET KLOUSULE 16(12)(A)(III) VAN DIE THABAZIMBI BYWET OP GRONDGEBRUIKBESTUUR, 2015**

Ek, Izel van Rooy van die firma Plan Wize Stads-en Streekbeplanners, synde die gemagtigde agent van die eienaars van die ondergenoemde eiendomme, gee hiermee ingevolge die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet 16 van 2013) (SPLUMA), saamgelees met Klousule 16(12)(a)(iii) van die Thabazimbi Bywet op Grondgebruikbestuur, 2015, kennis dat ek by die Thabazimbi Munisipaliteit aansoek gedoen het vir die onderverdeling van die ondergenoemde plaasgedeeltes:

1. **Die plaas De Hoop, 430-KQ, Limpopo Provinsie; en**
2. **Die Resterende Gedeelte van die plaas Elandsfontein, 386 - KQ, Limpopo Provinsie.**

Besonderhede van die aansoeke lê ter insae gedurende gewone kantoorure by die kantoor van die Bestuurder: Beplanning en Ekonomiese Ontwikkeling, Thabazimbi Munisipaliteit, 7 Rietbokstraat, Thabazimbi vir 'n tydperk van 30 dae vanaf 16 Junie 2017.

Besware teen of vertoë ten opsigte van die aansoeke moet binne 'n tydperk van 30 dae vanaf 16 Junie 2017 skriftelik by of tot die Bestuurder: Beplanning en Ekonomiese Ontwikkeling, Thabazimbi Munisipaliteit, by bovermelde adres of by Privaat Sak X530, Thabazimbi, 0380 ingedien of gerig word.

ADRES VAN AGENT: PLAN WIZE STADS- EN STREEKBEPLANNERS, POSBUS 2445, THABAZIMBI, 0380, TEL: 0824497626

16-23

NOTICE 82 OF 2017

NOTICE OF APPLICATION FOR THE SUBDIVISION OF PORTION 66 OF THE FARM DOORNFONTEIN 498-KQ, LIMPOPO PROVINCE IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) (SPLUMA), READ WITH CLAUSE 16(12)(A)(III) OF THE THABAZIMBI LAND USE MANAGEMENT BY-LAW, 2015, AS WELL AS FOR THE AMENDMENT OF THE THABAZIMBI LAND USE SCHEME, 2014 IN TERMS OF SECTION 16(1) OF THE THABAZIMBI LAND USE MANAGEMENT BY-LAW, 2015 READ TOGETHER WITH THE RELEVANT PROVISIONS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) (SPLUMA) AND REGULATIONS AS PROMULGATED AND FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS IN THE TITLE DEED OF THE MENTIONED PROPERTY IN TERMS OF SECTION 41(1) AND SECTION 47(1) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) (SPLUMA), READ WITH CLAUSE 16(2) OF THE THABAZIMBI LAND USE MANAGEMENT BY-LAW, 2015 AND IN TERMS OF THE REMOVAL OF RESTRICTIONS ACT, 1967, (ACT 84 OF 1967) IN AS FAR AS IT IS APPLICABLE TO THE LIMPOPO PROVINCE

I, Izel van Rooy from the firm Plan Wize Town and Regional Planners, being the authorized agent of the owner of the above-mentioned property hereby give notice in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), read with Clause 16(12)(a)(iii) of the Thabazimbi Land Use Management By-Law, 2015, that I have applied to the Thabazimbi Municipality for the sub-division of Portion 66 of the farm Doornfontein, 498-KQ, as well as for the amendment of the Thabazimbi Land Use Scheme, 2014, in terms of Section 16(1) of the Thabazimbi Land Use Management By-Law, 2015, read together with the relevant provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA) and Regulations as promulgated by the rezoning of the property as described above, from "Agricultural" to "Industrial 1" with an Annexure to permit retail trade, as well as for the removal of restrictive title conditions in the title deed of Portion 66 of the farm Doornfontein, 498-KQ, in terms of Section 41(1) and Section 47(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), read with Clause 16(2) of the Thabazimbi Land Use Management By-Law, 2015 and in terms of the Removal of Restrictions Act, 1967, (Act 84 of 1967) in as far as it is applicable to the Limpopo Province.

Particulars of the applications will lie for inspection during normal office hours at the office of the Manager: Planning and Economic Development, Thabazimbi Municipality, 7 Rietbok Street, Thabazimbi for a period of 30 days from 16 June 2017.

Objections to or representations in respect of the applications must be lodged with or made in writing to the Manager: Planning and Economic Development, Thabazimbi Municipality, at the above-mentioned address or at Private Bag X530, Thabazimbi, 0380 within a period of 30 days from 16 June 2017.

ADDRESS OF AGENT: PLAN WIZE TOWN AND REGIONAL PLANNERS, P.O. BOX 2445, THABAZIMBI, 0380, TEL: 0824497626

16-23

KENNISGEWING 82 VAN 2017

KENNISGEWING VAN AANSOEK OM DIE ONDERVERDELING VAN GEDEELTE 66 VAN DIE PLAAS DOORNFONTEIN, 498-KQ LIMPOPO PROVINSIE INGEVOLGE DIE WET OP RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR, 2013 (WET 16 VAN 2013) (SPLUMA), SAAMGELEES MET KLOUSULE 16(12)(A)(III) VAN DIE THABAZIMBI BYWET OP GRONDGEBRUIKBESTUUR, 2015, ASOOK VIR DIE WYSIGING VAN DIE THABAZIMBI GRONDGEBRUIKSKEMA, 2014 INGEVOLGE KLOUSULE 16(1) VAN DIE THABAZIMBI BYWET OP GRONDGEBRUIKBESTUUR, 2015 SAAMGELEES MET DIE RELEVANTE BEPALINGS VAN DIE WET OP RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR, 2013 (WET 16 VAN 2013) (SPLUMA) EN REGULASIES SOOS GEPROMULGEER EN VIR DIE OPHEFFING VAN DIE BEPERKENDE TITELVOORWAARDES IN DIE TITELAKTE VAN DIE GEMELDE EIENDOM INGEVOLGE ARTIKEL 41(1) EN ARTIKEL 47(1) VAN DIE WET OP RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR, 2013 (WET 16 VAN 2013) (SPLUMA), SAAMGELEES MET KLOUSULE 16(2) VAN DIE THABAZIMBI BYWET OP GRONDGEBRUIKBESTUUR, 2015 EN INGEVOLGE DIE WET OP OPHEFFING VAN BEPERKINGS, 1967, (WET 84 VAN 1967) IN SOVER DIT VAN TOEPASSING IS OP DIE LIMPOPO PROVINSIE

Ek, Izel van Rooy van die firma Plan Wize Stads-en Streekbeplanners, synde die gemagtigde agent van die eienaar van die bogenoemde eiendom, gee hiermee ingevolge die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet 16 van 2013) (SPLUMA), saamgelees met Klousule 16(12)(a)(iii) van die Thabazimbi Bywet op Grondgebruikbestuur, 2015, kennis dat ek by die Thabazimbi Munisipaliteit aansoek gedoen het vir die onderverdeling van Gedeelte 66 van die plaas Doornfontein, 498-KQ, asook vir die wysiging van die Thabazimbi Grondgebruikskema, 2014 ingevolge Artikel 16(1) van die Thabazimbi Bywet op Grondgebruikbestuur, 2015, saamgelees met die relevante bepalinge van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet 16 van 2013) (SPLUMA) en Regulasies soos gepromulgeer deur die hersonering van die eiendom soos hierbo beskryf van "Landbou" na "Nywerheid 1" met 'n Bylaag om kleinhandel toe te laat, asook vir die opheffing van beperkende voorwaardes in die titelakte van Gedeelte 66 van die plaas Doornfontein, 498-KQ, ingevolge Artikel 41(1) en Artikel 47(1) van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet 16 van 2013) (SPLUMA), saamgelees met Klousule 16(2) van die Thabazimbi Bywet op Grondgebruikbestuur, 2015 en ingevolge die Wet op Opheffing van Beperkings, 1967, (Wet 84 van 1967) in sover dit van toepassing is op die Limpopo Provinsie.

Besonderhede van die aansoeke lê ter insae gedurende gewone kantoorure by die kantoor van die Bestuurder: Beplanning en Ekonomiese Ontwikkeling, Thabazimbi Munisipaliteit, 7 Rietbokstraat, Thabazimbi vir 'n tydperk van 30 dae vanaf 16 Junie 2017.

Besware teen of verhoë ten opsigte van die aansoeke moet binne 'n tydperk van 30 dae vanaf 16 Junie 2017 skriftelik by of tot die Bestuurder: Beplanning en Ekonomiese Ontwikkeling, Thabazimbi Munisipaliteit, by bovermelde adres of by Privaat Sak X530, Thabazimbi, 0380 ingedien of gerig word.

ADRES VAN AGENT: PLAN WIZE STADS- EN STREEKBEPLANNERS, POSBUS 2445, THABAZIMBI, 0380, TEL: 0824497626

16-23

NOTICE 83 OF 2017**Notice of Intention to Withdraw the Declaration of Part of Private Nature Reserves in the Limpopo Province.****LIMPOPO ENVIRONMENTAL MANAGEMENT ACT 2003, ACT 7 OF 2003, Part 3, Protected Environments and Private Nature Reserves Declaration of Protected Environments and Private Nature Reserves 21.**

- (3) The MEC may by notice in the Provincial Gazette on privately owned land and on the written application by the owner
- (c) amend the size or composition of the Protected Environment or Private Nature Reserve.
- (4) The MEC may withdraw the declaration referred to in subsection (3)(a)–
- (a) on the written application by the owner of the privately-owned land; or
- (b) when the MEC deems it necessary.
- (5) The MEC may by notice in the Provincial Gazette on adjoining land owned by the state and on privately owned land, on the written application by the owner and the authority managing the land–
- (b) assign a name to the Protected Environment or Private Nature Reserve so declared; or
- (c) amend the size or composition of the Protected Environment or Private Nature Reserve.

In regards to:

Portion 7 and Portion 8 of the farm Boerboomkraal 353, KT Registration Division, Limpopo Province.

Members of the public are invited to submit written comments within 60 days of the publication of this notice on or before 23 August 2017.

Any representation on the application can be made to:

LEAP

Contact Person: Zandile Legae

Tel: (012) 344 3582

Fax: 086 606 6130

E-mail: env2@leapenviro.co.za

or Zelda Van Wyk– env3@leapenviro.co.za

NOTICE 84 OF 2017**MAKHADO MUNICIPALITY
CORRECTION NOTICE: ELECTRICITY TARIFFS**

Notice is hereby given that the 2017/18 Electricity charges promulgated under Makhado Local Municipality's Notice No 105 of 2017 in Limpopo Provincial Gazette of 15 June 2017 is hereby corrected only to the measure as indicated herein below:

3.2 Consumption of Electricity

- 3.2.2 **BASIC CHARGE:** Every piece of land used or intended for residential units, religious purposes, prisons, schools, hostels, military bases, churches, sports clubs, charitable institutions and hospitals per consumer [Domestic High Tariff – Urban (Including Rural Residential)]:

2016/ 17	2017/ 18
R171.04	R174.30

- 3.2.6 For a single-phase supply of electricity to a consumer within the area of supply of the Makhado Municipality, for residential purposes to a dwelling unit, or for a church, school, hall or the like premises, where the tariff provides for a supply to low usage consumers with restricted capacity, the following charges shall apply (VAT excluded):

Pre-light 2: Commercial Pre-paid (Small Business) Urban

R1.8432 cents in the case where the capital cost of the local electricity infrastructure, including the service connection costs (service cable/line, electricity dispenser, ready board, etc.) has been paid for in advance by the consumer(s) or another party.

2016/ 17	2017/ 18
1.8092 Cents/kwh	1.8432Cents/kwh

Civic Center, No 83 Krogh Street
MAKHADO

File No. 1/3/15/2
Notice No. 142 of 2017

MR M J KANWENDO
ACTING MUNICIPAL MANAGER

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 53 OF 2017



BELA-BELA LOCAL MUNICIPALITY

RESOLUTION: LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR

1 JULY 2017 TO 30 JUNE 2018

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that the Council resolved by way of council resolution number SMC179/05/2017, to levy the rates on property reflected in the schedule below with effect from 1 July 2017.

Rating Category	2016/2017	2017/2018
	R/c	R/c
Accommodation Establishment	0.0140	0.0150
Business & Commercial	0.0133	0.0142
Farms Agricultural (Bona Fide Farmers)	0.0026	0.0028
Farms Agricultural	0.0066	0.0070
Farms Business & Commercial	0.0133	0.0142
Farms Other	0.0140	0.0150
Farms Residential	0.0106	0.0113
Farms Vacant Land	0.0140	0.0150
Industrial	0.0133	0.0142
Municipal Property	0.0133	0.0142
Private Open Space	0.0106	0.0113
Properties Used For Public Benefit Activities	0.0026	0.0028
Public Service Infrastructure (PSI)	0.0026	0.0028
Residential	0.0106	0.0113
Smallholding Agricultural	0.0026	0.0028
Smallholding Business & Commercial	0.0133	0.0142
Smallholding Other	0.0140	0.0150
Smallholding Residential	0.0106	0.0113
Smallholding Vacant Land	0.0140	0.0150
State-Owned Property	0.0133	0.0142
Vacant Business & Commercial/Industrial Land	0.0133	0.0142
Vacant Residential Land	0.0133	0.0142

Full details of the Council resolution, rebates, reductions and exclusions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy are available for inspection on the municipality's offices, website (www.belabela.gov.za) and all public libraries.

NAME: MM MALULEKA

NOTICE: 21/17

DESIGNATION: MUNICIPAL MANAGER

58 Chris Hani Drive

Private Bag X1609

Bela-Bela, 0480

Tel: 014 736 736 8000/014 736 3288

PROVINCIAL NOTICE 54 OF 2017

**RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR
1 JULY 2017 TO 30 JUNE 2018.**

Notice is hereby given in terms of section 14(1) and (2) of the Local Government Municipal Property Rates Act, 2004; that Greater Tzaneen Municipal Council resolved by way of council resolution number A47, to levy rates on property reflected in the schedule below with effect from 1 July 2017.

**PROPERTY RATES TARIFFS – GREATER TZANEEN MUNICIPALITY
2017-2018**

RATES TARIFFS Categories of properties in terms of the policy	CENT IN THE RAND	
	CURRENT	PROPOSED
Agricultural Properties		
Tariff on market value	R0.002971	R0.002971
Business and Commercial Properties		
Tariff on market value	R0.011886	R0.011886
Cemeteries and Crematoriums Properties		
Tariff on market value	R0.00	R0.00
Industrial Properties		
Tariff on market value	R0.011886	R0.011886
Institutional Properties		
Tariff on market value	R0.011886	R0.011886
Multi-Purpose Properties		
Tariff on market value	R0.011886	R0.011886
Municipal Properties		
Tariff on market value	R0.00	R0.00
Privately Owned Vacant Land		
Tariff on market value	R0.011886	R0.011886

Public Benefit Organization Properties		
Tariff on market value	R0.002971	R0.002971
Public Infrastructure Properties		
Tariff on market value	R0.002971	R0.002971
Properties for Religious Use		
Tariff on market value	R0.00	R0.00
Residential Properties		
Tariff on market value	R0.011886	R0.011886
Special Properties		
Tariff on market value	R0.011886	R0.011886
State-Owned Properties		
Tariff on market value	R0.011886	R0.011886

To comply with the requirements of Government Gazette no 32991 the following ratios will apply:

- The first number in the second column of the table represents the ratio to the rate on residential properties;
- The second number in the second column of the table represents the maximum ratio to the rate on residential property that may be imposed on the non-residential properties listed in the first column of the table:

<u>Categories</u>	<u>Ratio in Relation to Residential property</u>
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Residential property	1:1
Agricultural property	1: 0,25
Public service infrastructure property	1: 0.25
Public benefit organization property	1: 0.25

The Agricultural Property, public service infrastructure property and Public benefit organization property tariff must be 25% of the residential tariff.

That the rates be paid in a single amount before 31 August or in twelve (12) equal monthly installments.

That the interest rate on overdue amounts on property rates be charged at prime rate plus one (1%) percent in terms of the Municipal Property Rates Act, 2004.

That the rebates of 30% as contained in Councils Property Rates Policy on Residential property be applied, and an additional 20% rebate be applied on the charge which will be phased out over the next four years at a rate of 5% per year.

PROVINCIAL NOTICE 55 OF 2017**FETAKGOMO–GREATER TUBATSE LOCAL MUNICIPALITY****NOTICE OF APPLICATION FOR THE ESTABLISHMENT OF TOWNSHIP IN TERMS OF SECTION 108 OF THE TOWN PLANNING AND TOWNSHIP ORDINANCE, 1986 (ORDINANCE 15 OF 1986)****BURGERSFORT EXTENSION 54, 58, 71.**

We, Bageso Housing Development Consultants being the applicant, hereby give notice in terms of Section 108 of the Town Planning and Township Ordinance, 1986 (Ordinance 15 of 1986), read together with the Spatial Planning and Land Use Management Act 2013, to the proposed amendment to the layout plans in Burgersfort to the Fetakgomo-Greater Tubatse Local Municipality for the townships as mentioned below.

Any objection and comment, including the grounds for such objection and comment with full contact details, without which the Municipality cannot correspond with the person or body submitting the objection and comment, shall be lodged with, or made in writing to: Municipal Manager, PO Box 206, Burgersfort, 1150, within a period of 28 days from the 23rd of June 2017 to the 20th of July 2017. Full particulars and plans (if any) may be inspected during normal office hours at the Municipal offices as set out below, for a period of 28 days from the date of first publication of the advertisement in the Provincial Gazette /Local newspaper.

Address of Municipal offices: **Postal:** PO Box 206, Burgersfort, 1150; **Physical:** Fetakgomo–Greater Tubatse Local Municipality, 1 Kastania Street, Burgersfort, 1150.

Address of applicant: **Postal:** PO BOX 51315, Wierda Park, 0149; **Physical:** 2271 Puzzelwood Street, Brooklands Ext 2, 0147

Telephone No: 012 645 1088; **Fax No:** 086 567 8941

Dates on which notice will be published: 23rd of June 2017 and 30th of June of 2017.

ANNEXURE

Name of township: **BURGERSFORT EXTENSION 54**

Full name of applicant: Bageso Housing Development Consultants

Number of erven, proposed zoning and development control measures:

The Township will have **351** number of ervens which consist of proposed zonings such as:

- Residential 1 = 227
- Residential 3 = 13
- Business 1 = 2
- Church = 2
- Crèche = 2
- Park = 5

Development control measures **78.9413 Ha.**

Name of township: **BURGERSFORT EXTENSION 58**

Full name of applicant: Bageso Housing Development Consultants

Number of erven, proposed zoning and development control measures:

The Township will have **206** number of ervens which consist of proposed zonings such as:

- Residential 1 = 194
- Residential 3 = 6
- Business 1 = 2
- Church = 2
- Crèche = 2

Development control measures **11.7267 Ha.**

Name of township: **BURGERSFORT EXTENSION 71**

Full name of applicant: Bageso Housing Development Consultants

Number of erven, proposed zoning and development control measures:

The Township will have **101** number of ervens which consist of proposed zonings such as:

- Residential 1 = 97
- Residential 3 = 4

Development control measures **9.2527 Ha.**

Locality of properties on which township layout is to be amended is located in the jurisdiction of Fetakgomo–Greater Tubatse Local Municipality. Burgersfort Extension 54 is located on Portion 94 of the farm Mooifontein 313 KT, Burgersfort Extension 71 is located on Portion 95 and Portion 96 of the farm Mooifontein 313 KT. All these township extensions were part of the already approved Burgersfort Extension 43.

23–30

PROVINSIALE KENNISGEWING 55 VAN 2017**FETAKGOMO-GROTER TUBATSE PLAASLIKE MUNISIPALITEIT****KENNISGEWING VAN AANSOEK OM STIGTING VAN DORP INGEVOLGE ARTIKEL 108 VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)****BURGERSFORT UITBREIDING 54, 58, 71.**

Ons, Bageso Housing Development Consultants, gee hiermee kennis ingevolge Artikel 108 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), gelees tesame met die Wet op Ruimtelike Beplanning en Grondgebruikbestuur 2013, tot die voorgestelde wysiging Van die uitleg planne in Burgersfort na die Fetakgomo-Greater Tubatse Plaaslike Munisipaliteit vir die townships soos hieronder vermeld.

Enige beswaar en kommentaar, insluitend die gronde vir sodanige beswaar en kommentaar met volledige kontakbesonderhede, waarsonder die Munisipaliteit nie kan ooreenstem met die persoon of liggaam wat die beswaar en kommentaar indien nie, moet skriftelik by: Munisipale Bestuurder, Posbus Posbus 206, Burgersfort, 1150, binne n tydperk van 28 dae vanaf 23 Junie 2017 tot 20 Julie 2017. Volledige besonderhede en planne (as daar is) kan gedurende gewone kantoorure by die Munisipale kantore, soos hieronder uiteengesit, besigtig word. Vir n tydperk van 28 dae vanaf die datum van eerste publikasie van die kennisgewing in die Provinsiale Koerant / Plaaslike koerant.

Adres van Munisipale Kantore: Pos: **Posbus** 206, Burgersfort, 1150; **Fisiese**: Fetakgomo-Greater Tubatse Plaaslike Munisipaliteit, Kastaniastraat 1, Burgersfort, 1150.

Adres van applikant: Pos: **Posbus** 51315, Wierda Park, 0149; **Fisiese**: Puzzelwoodstraat 2271, Brooklands Ext 2, 0147

Telefoonnommer: 012 645 1088; **Faksnommer**: 086 567 8941

Datums waarop kennisgewing gepubliseer moet word: 23 Junie 2017 en 30 Junie 2017.

BYLAE

Naam van dorp: **BURGERSFORT UITBREIDING 54**

Voile naam van aansoeker: Bageso Housing Development Consultants

Aantal erwe, voorgestelde sonering en ontwikkelingsbeheermaatreëls:

Die dorp sal **351** aantal erwe hê wat bestaan uit voorgestelde sonerings soos:

- Residensieel 1 = 227
- Residensieel 3 = 13
- Besigheid 1 = 2
- Kerk = 2
- Kombuis = 2
- Park = 5

Ontwikkelingsbeheer maatreëls **78.9413 Ha.**

Naam van dorp: **BURGERSFORT UITBREIDING 58**

Voile naam van aansoeker: Bageso Housing Development Consultants

Aantal erwe, voorgestelde sonering en ontwikkelingsbeheermaatreëls:

Die dorp sal **206** aantal erwe hê wat bestaan uit voorgestelde sonerings soos:

- Residensieel 1 = 194
- Residensieel 3 = 6
- Besigheid 1 = 2
- Kerk = 2
- Kombuis = 2

Ontwikkelingsbeheer maatreëls **11.7267 Ha.**

Naam van dorp: **BURGERSFORT UITBREIDING 71**

Voile naam van aansoeker: Bageso Housing Development Consultants

Aantal erwe, voorgestelde sonering en ontwikkelingsbeheermaatreëls:

Die dorp sal **101** aantal erwe hê wat bestaan uit voorgestelde sonerings soos:

- Residensieel 1 = 97
- Residensieel 3 = 4

Ontwikkelingsbeheer maatreëls **9.2527 Ha**.

Ligging van eiendomme waarop dorpsuitleg gewysig moet word, is geleë in die jurisdiksie van Fetakgomo-Greater Tubatse Plaaslike Munisipaliteit. Burgersfort Uitbreiding 54 is geleë op Gedeelte 94 van die plaas Mooifontein 313 KT, Burgersfort Uitbreiding 71 is geleë op Gedeelte 95 en Gedeelte 96 van die plaas Mooifontein 313 KT. Al hierdie township uitbreidings was deel van die reeds goedgekeurde Burgersfort Uitbreiding 43.

23–30

PROVINCIAL NOTICE 56 OF 2017

POLOKWANE/PERSKEBULT TOWN PLANNING SCHEME, 2007

AMENDMENT SCHEME 580

NOTICE FOR REZONING OF PORTION 3 ERF 183 PIETERSBURG FROM “RESIDENTIAL 1” TO “BUSINESS 1” FOR BUSINESS PURPOSES

I, Ramaoto Alphen Mogodi being the authorized applicant on behalf of the registered owner of Portion 3 erf 183 Pietersburg hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), read together with the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), that I have applied to the Polokwane Local Municipality for the amendment of the Town Planning Scheme known as the Polokwane Town Planning Scheme, 2007 by the rezoning of the abovementioned erf from “Residential 1” to “Business 1” as per the Polokwane Town Planning Scheme, 2007, for business purposes. The property is situated at No.80A Bok Street, Pietersburg Township. The intention of the application is to request “Business 1” zoning rights for the application property to permit for a business site comprising of offices and shops.

Full particulars and plans may be inspected during normal office hours at the Municipal offices as set out below, for a period of 28 days from 23rd of June 2017.

Any objection(s) and/or comment(s), including the grounds for such objection(s) and/or comment(s) with full contact details, without which the Municipality cannot correspond with the person or body submitting the objection(s) and/or comment(s), shall be lodged with, or made in writing to: the Planning Assists offices, Second Floor, Civic Centre and Polokwane municipality for the period of 28 days from the 23rd of June 2017.

Closing date for any objections and/or comments:

21st July 2017

Address of applicant (Physical and postal address):

137 Francis Baard Street (former Schoeman Street), Suite 633
Jeff's Place, Pretoria, 0001

Telephone No:

081 882 0115

23–30

PROVINSIALE KENNISGEWING 56 VAN 2017**POLOKWANE / PERSKEBULT DORPSBEPLANNINGSKEMA, 2007
WYSIGINGSKEMA 580****KENNISGEWING VIR HERSONERING VAN GEDEELTE 3 ERF 183 PIETERSBURG VAN "RESIDENSIEEL 1" TOT "BESIGHEID 1"
VIR BESIGHEIDSDOELEINDES**

Ek, Neo R.A Mogodi, synde die gemagtigde aansoeker namens die geregistreerde eienaar van Gedeelte 3 erf 183 Pietersburg gee hiermee ingevolge Artikel 56 (1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 1986, saamgelees met die Wet op Ruimtelike Beplanning en Grondgebruikbestuur 16 van 2013 (SPLUMA), kennis dat ek by die Polokwane Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as die Polokwane Dorpsbeplanningskema, 2007 deur die Hersonerings van bogenoemde erf vanaf "Residensieel 1" na "Besigheid 1" volgens die Polokwane Dorpsbeplanningskema, 2007, vir besigheidsdoeleindes. Die eiendom is geleë te No. 80A Bokstraat, Pietersburg Dorp. Die aansoek is bedoel om "Besigheid 1" soneringsregte vir die aansoekseiendom te versoek om 'n besigheidsperseel te maak wat bestaan uit kantore en winkels.

Volledige besonderhede en planne kan gedurende gewone kantoorure by die Munisipale Kantore, soos hieronder uiteengesit, vir 'n tydperk van 28 dae vanaf 23 Junie 2017 besigtig word.

Enige beswaar (e) en / of kommentaar (s), insluitend die gronde vir sodanige beswaar (e) en / of kommentaar (s) met volledige kontakbesonderhede, waarsonder die Munisipaliteit nie kan ooreenstem met die persoon of liggaam wat die beswaar indien nie) En / of kommentaar (s) moet binne 28 dae vanaf 28 Junie 2017 skriftelik by: die Beplanningskantore, Tweede Vloer, Burgersentrum en Polokwane Munisipaliteit ingedien word.

Sluitingsdatum vir enige besware en / of kommentaar:

21 Julie 2017

Adres van aansoeker (Fisiese en posadres):

Francis Baardstraat 137 (voormalige Schoemanstraat),
Suite 633 Jeff's Place, Pretoria, 0001

Telefoonnommer:

081 882 0115

23-30

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 64 OF 2017**

NOTICE OF APPLICATION FOR AMENDMENT OF THE TOWN PLANNING SCHEME IN TERMS OF SECTION 56 (1) (b) (i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), READ TOGETHER WITH THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, ACT 16 OF 2013 AND REGULATIONS, THE REMOVAL OF RESTRICTIVE CONDITIONS AND SECTIONAL TITLE

LEPHALALE AMENDMENT SCHEME 462

I, **Dries de Ridder** being the authorized agent of the owner of **Erf 2458 Ellisras Extension 16 Township** hereby gives notice in terms of section 56(1)(b)(i), of the Town-Planning and Townships Ordinance, 1986, read together with the Spatial Planning and Land Use Management Act, Act 16 of 2013 as promulgated, that I have applied to the Lephalale Municipality for the amendment of the town planning scheme known as the Lephalale Town planning scheme, 2005, as approved on 30 November 2005, by virtue of Council Resolution A29/2005(11), by the **rezoning** of the property described above, situated in **12 Geelhaak Street, Onverwacht** from **Residential 1**, one dwelling house per erf to **Residential 2**, one dwelling house per 500m², the removal of restrictive conditions 16 to 18 in title deed **T95515/1997** and Sectional Title.

Particulars of the application will lie for inspection during normal office hours at the office of the Manager Corporate Services, Room D105, Municipal Offices, Lephalale Municipality, Lephalale for a period of 28 days from **16 June 2017**. Objections to or representations in respect of the application must be lodged with or made in writing to the Manager Corporate Services at the above address or at Private Bag X 136, Ellisras, 0555, within a period of 28 days from **16 June 2017**.

Address of authorized agent: **Dries de Ridder Town and Regional Planner, PO Box 5635, Onverwacht, 0557. Telephone number 082 578 8501**

16-23

PLAASLIKE OWERHEID KENNISGEWING 64 VAN 2017

KENNISGEWING VAN AANSOEK VIR WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56 (1) (b) (i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986), SAAMGELEES MET DIE RUIMTELIKE BEPLANNING EN GRONDGEBRUIK BESTUURSWET, WET 16 VAN 2013 EN REGULASIES, OPHEFFING VAN BEPERKENDE VOORWAARDES EN DEELTITEL

LEPHALALE WYSIGINGSKEMA 462

Ek, **Dries de Ridder** synde die gemagtigde agent van die eienaar van **Erf 2458 Ellisras Uitbreiding 16 Dorpsgebied** gee hiermee ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, saamgelees met die Ruimtelike Beplanning en Grondgebruik Bestuurswet, Wet 16 van 2013 soos afgekondig, kennis dat ek aansoek gedoen het by die Lephalale Munisipaliteit vir die wysiging van die dorpsbeplanningskema bekend as die Lephalale Dorpsbeplanningskema, 2005, soos goedgekeur op 30 November 2005, by wyse van Raadsbesluit A29/2005(11), deur die **herosnering** van die eiendom hierbo beskryf, geleë te **Geelhaakstraat 12, Onverwacht** van **Residensieël 1**, een woonhuis per erf na **Residensieël 2**, een woonhuis per 500m², opheffing van beperkende voorwaardes 16 tot 18 in akte van transport **T95515/1997** en Deeltitel.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Bestuurder Korporatiewe Dienste, kamer D105, Munisipale Kantore, Lephalale Munisipaliteit, Lephalale, vir 'n tydperk van 28 dae vanaf **16 Junie 2017**. Besware teen of vertoë ten opsigte van die aansoek moet binne 28 dae vanaf **16 Junie 2017** skriftelik by of tot die Bestuurder Korporatiewe Dienste by bovermelde adres of by Privaatsak X 136, Ellisras, 0555 ingedien word.

Adres van die gevolmagtigde: **Dries de Ridder Stads- en Streeksbeplanner, Posbus 5635, Onverwacht, 0557. Telefoon nommer 082 578 8501**

16-23

LOCAL AUTHORITY NOTICE 67 OF 2017**MAKHADO LOCAL MUNICIPALITY****PUBLIC NOTICE: CALLING FOR INSPECTION OF THE FOURTH (4) SUPPLEMENTARY VALUATION ROLL AND LODGING OF OBJECTIONS**

Notice is hereby given in terms of Section 49 (1) (a) (i) read together with Section 78(1) and (2) of the Local Government Municipal Property Rates Act, 2004 (Act No.6 of 2004), hereinafter referred to as the "Act" that Makhado Local Municipality's Fourth Supplementary Valuation roll for the period 2016/2017 will be open for public inspection at designated Municipal venues from the **29th May 2017 to 10th July 2017**.

Designated venues: Makhado Municipality Civic Centre at 83 Krogh Street (DDP new building) Office number 27, from 7H00 to 13H00 and from 14H00 to 16H00 week days. Fourth Supplementary Valuation Roll can also be inspected at the Regional Administrators Offices at Dzanani, Waterval and also at Vleifontein Satellite Offices; in addition the 4th Supplementary Valuation Roll is available on the Municipal website: www.makhado.gov.za

An invitation is hereby made in terms of Section 49((1) (a) (i) of the Act, that any property owner or other person who so desires should lodge a written objection with the Acting Municipal Manager in respect of any matter reflected in, or omitted from the 4th Supplementary valuation roll within the above mentioned period, that is on/ before **10th July 2017**

Attention is specifically drawn to the fact that in terms of Section 50(2) of the Act, an objection must be in relation to a specific individual property and not against the valuation roll as such

The objection form for the lodging of an objection is obtainable at the above-stated Municipal Offices or on the website. The completed objection form must be returned to the same Offices or alternatively to the address below:

The Acting Municipal Manager

Makhado Local Municipality

Private Bag X2596

MAKHADO

0920

For enquiries please telephone: Director Development Planning at (015)519-3295, Mr Nekhavhambe Alfred at (015) 519-3296 and Mr Ndivhuwo Thanyani at (015)519-3283 or alternatively e-mail to ndivhuwot@makhado.gov.za or alfredn@makhado.gov.za

Notice number 82/2017

16-23

PLAASLIKE OWERHEID KENNISGEWING 67 VAN 2017**MAKHADO PLAASLIKE MUNISIPALITEIT****OPENBARE KENNISGEWING VIR INSPEKSIE VAN VIERDE (4DE) AANVULLENDE WAARDASIEROL EN INDIENING VAN BESWARE**

Kennis word hiermee ingevolge die bepalings van artikel (49) (1) (a) (i) saamgelees met die bepalings van artikel 78(1) en (2) van die Plaaslike Regering: Munisipale Grondbelastingwet, 2004 (Wet 6 van 2004) gegee, hierna na verwys as die "Wet", dat Makhado Plaaslike Munisipaliteit se Vierde (4de) Aanvullende Waardasierol vir die tydperk 2016/2017 ter insae is vir openbare inspeksie by die aangewese munisipale kantore vanaf **29 Mei 2017 tot 10 Julie 2017**.

Aangewese Munisipale Kantore; Makhado Munisipaliteit, Burgersentrum, Kroghstraat 83, Makhado (Louis Trichardt), Ontwikkeling & Beplanning department se nuwe Kantore, kamer 27 vanaf 7H00 tot 13H00 en vanaf 14H00 tot 16H00 gedurende weekdae. Die Aanvullende Waardasierol kan ook inspekteer word by die Streeksadministrateurs se kantore te Dzanani, Waterval, of by die Vleifontein satelliet kantoor en dit is ook ter insae op die munisipale webblad www.makhado.gov.za.

'n Uitnodiging word hiermee gerig ingevolge die bepalings van artikel 49(1)(a) van die Wet, dat enige grondeienaar of ander persoon wat so wil, skriftelike beswaar kan maak by die Waarnemende Munisipale Bestuurder in verband met met enige aspek aangeteken in, of weggelaat uit die Vierde Aanvullende Waardasierol binne die bogenoemde tydperk, dit is op voor of op **10 Julie 2017**

Aandag word spesifiek gevestig op die feit dat ingevolge die bepalings van artikel 50(2) van die Wet, 'n beswaar moet wees in verband met 'n spesifieke individuele eiendom en nie teen die waardasierol as sulks nie.

Die beswaarvorm vir die maak van 'n beswaar is verkrygbaar by die hierbogenoemde munisipale kantore en op die munisipale webblad. Die voltooide beswaarvorm moet by die dieselfde kantore weer ingedien word, of alternatiewelik by

Die Waarnemende Munisipale Bestuurder
Makhado Plaaslike Munisipaliteit
Privaatsak X2596
MAKHADO (Louis Trichardt)
0920

Vir navrae skakel asseblief die Direkteur Ontwikkeling & Beplanning by telefoonnommer (015) 519-3295, of Mnr Alfred Nekhavhambe by telefoonnommer (015) 519-3296, of Mnr Ndivhuwo Thanyani telefoonnommer (015) 519-3283, of alternatiewelik rig e-pos aan ndivhuwot@makhado.gov.za of alfredn@makhado.gov.za

Kennisgewing Nr 82/2017

16-23

LOCAL AUTHORITY NOTICE 70 OF 2017**MAKHADO MUNICIPALITY****BY-LAWS, 2017**

Notice is hereby given that the Makhado Municipality in terms of the provisions of section 75 of the Local Government: Municipal Systems Act, No 32 of 2000, at its meeting held on 30 May 2017 adopted and hereby publishes the under-mentioned By-laws and the effective date of operation thereof shall be the 1 July 2017

- 1. Credit Control and Debt Collection By-Laws, 2017**
- 2. Property Rates By-laws, 2017**

Civic Centre
83 Krogh Street
Private BagX2596
MAKHADO
0920

23 June 2017
Notice Number 132 of 2017
File No (6/1/1(17/18))

MR M J KANWENDO
ACTING MUNICIPAL MANAGER

MAKHADO MUNICIPALITY**CREDIT CONTROL AND DEBT COLLECTION BY-LAWS, 2017**

To give effect to the Municipality's credit control and debt collection policy, its implementation and enforcement in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and section 96 and 98 of the Municipal Systems Act, 2000; to provide for the collection of all monies due and payable to the Municipality; and to provide for matters incidental thereto.

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1. Definitions

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

"arrangement" means a written agreement entered into between the Municipality and a debtor where specific terms and conditions for the payment of a debt are agreed to;

"arrears" means any amount due and payable to the Municipality and not paid by the due date;

"Council" means the council of the Municipality;

"Councillor" means a member of the Council;

"debt" means any monies owing to the Municipality and includes monies owing in regard to property rates, housing, motor vehicle registration and licensing, leases, and any other outstanding amounts, inclusive of any interest thereon, owing to the Municipality;

"debtor" means any person who owes a debt to the Municipality;

"due date" means the final date on which a payment, as shown on the debtor's municipal account or in terms of a contract is due and payable;

"indigent debtor" means a debtor who meets certain criteria, as determined by the Municipality from time to time;

"interest" means a rate of interest, charged on overdue accounts which is one percent higher than the prime rate, which is obtainable from the Municipality's banker on request; .

"Municipality" means the Makhado Municipality and includes any duly delegated official or service provider of the Municipality;

"official" means an "official" as defined in section 1 of the Local Government: Finance Management Act, No. 56 of 2003;

"policy" means the Municipality's credit control and debt collection policy;

"service" means "municipal service" as defined in section 1 of the Systems Act, and includes a function listed in Schedules 4B and 5B of the Constitution of the Republic of South Africa, 1996 and any other service rendered by the Municipality;

"Systems Act" means the Local Government: Municipal Systems Act, No. 32 of 2000;

"third party debt collector" means any person or persons authorised to collect monies or institute legal proceedings against debtors, on behalf of the Municipality;

"this By-law" includes the Credit Control and Debt Collection Policy;

"user" means a person who has applied for and entered into an agreement with the Municipality for the supply of a service.

2. Duty to collect debt

All debt owing to the Municipality must be collected in accordance with this By-law and the policy.

3. Provision of services

New applications for services and the provision of new services must be dealt with as prescribed in this By-law and the policy.

4. Service agreement

Except as otherwise determined in terms of this By-law and the policy, no services may be supplied until an agreement has been entered into between the Municipality and the user for the supply of a service.

5. Deposits

The Municipality may determine and require the payment of deposits for the provision of new services and the reconnection of services and may adjust the amount of any existing deposit.

6. Interest charges

The Municipality may charge and recover interest in respect of any arrear debt as prescribed in this By-law and policy. Where a debt is overdue for part of a month, interest will be calculated for a full month.

7. Arrangements to pay arrears

- (1) The Municipality may make arrangements with a debtor to pay any arrear debt under conditions as prescribed in terms of this By-law and the policy.
- (2) Should any dispute arise as to the amount of the arrear debt, the debtor must nevertheless continue to make regular payments, in terms of the arrangement, until such time as the dispute has been resolved.

8. Agreements with a debtor's employer

- (1) The Municipality may—
 - (a) with the consent of a debtor, enter into an agreement with that person's employer to deduct from the salary or wages of that debtor—
 - (i) any outstanding amounts due by the debtor to the Municipality, or
 - (ii) regular monthly amounts as may be agreed; and
 - (b) provide special incentives for—
 - (i) employers to enter into such agreements; and
 - (ii) debtors to consent to such agreements.
- (2) The municipal debt of officials or councillors of the Municipality may by agreement be deducted from their salaries if such official or councillor is more than one month in arrears.

9. Power to restrict or disconnect supply of service

- (1) The Municipality may restrict or disconnect the supply of any service to the premises of any user whenever such user of a service—
 - (a) fails to make payment on the due date;
 - (b) fails to comply with an arrangement; or
 - (c) fails to comply with a condition of supply imposed by the Municipality;
 - (d) tenders a negotiable instrument which is dishonoured by the bank, when presented for payment;
 - (e) damages the infrastructure of the Municipality for the supply of such service or tampers with any meters used regarding that service.
- (2) The Municipality may reconnect the restricted or discontinued services only—
 - (a) after the arrear debt, including the costs of disconnection or reconnection, if any, has been paid in full and any other conditions have been complied with; or
 - (b) after an arrangement with the debtor has been concluded.
- (3) The Municipality may restrict, disconnect or discontinue any service in respect of any arrear debt.

10. Recovery of debt

Subject to section 9, the Municipality may, with regards to rates and other debt-

- (a) by legal action recover any debt from any person; and

- (b) recover debt from any organ of state with due consideration of the provisions of Chapter 3 of the Constitution of the Republic of South Africa, 1996; and may refer a debtor to third party debt collection agencies and have such debtor placed on the National Credit Rating list.

11. Recovery of costs

The Municipality may recover the following costs, in instances where such costs are incurred by or on behalf of the Municipality:

- (a) costs and administration fees where payments made to the Municipality by negotiable instruments are dishonoured by banks when presented for payment;
- (b) legal and administration costs, including attorney-and-client costs and tracing fees incurred in the recovery of debts;
- (c) restriction, disconnection and reconnection fees, where any service has been restricted or disconnected as a result of non-compliance with these By-laws;
- (d) any losses the Municipality may suffer as a result of tampering with municipal equipment or meters; and
- (e) any collection commission incurred.

12. Attachment

The Municipality may, in order to recover debt approach a competent court for an order to attach a debtor's movable or immovable property.

13. Claim on rental for outstanding debt

The Municipality may in terms of section 28 of the Municipal Property Rates Act, 2004 (Act No 6 of 2004), attach any rent due in respect of any rateable property, to cover in part or in full any amount in respect of outstanding rates after the due date.

14. Full and final settlement payments

Where an account is not settled in full, any lesser amount tendered to, and accepted by, the municipality shall not be a full and final settlement of such an account despite the fact that the payment was tendered, in full and final settlement, unless the municipal manager or the manager of the municipality's authorised agent, expressly accepts it in writing as being in full and final settlement of the account in question.

15. Consolidation of debtor's accounts

The Municipality may-

- (a) consolidate any separate accounts of a debtor;
 - (b) credit a payment by a debtor against any account of the debtor; and
 - (c) implement any measures provided for in these By-laws and the policy;
- in relation to any arrears on any of the accounts of such debtor.

16. Indigents

A debtor, who can prove indigence, will be dealt with as prescribed in the policy.

17. Delegation

The Municipality may delegate its powers in terms of the By-law or the policy to any official or service provider of the Municipality.

18. Offences and penalties

Any person who—

- (a) obstructs or hinders any councillor or official of the Municipality in the execution of his or her duties under these By-laws or the policy;

- (b) unlawfully uses or interferes with Municipal equipment or consumption of services supplied;
- (c) tampers with any Municipal equipment or breaks any seal on a meter;
- (d) fails to comply with a notice served in terms of this By-law or the policy;
- (e) supplies false information regarding the supply of services or with regard to an application for assistance as an indigent,

shall be guilty of an offence and on conviction liable to the payment of a fine not exceeding one thousand rand or imprisonment for a period not exceeding 3 months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

19. Indemnification from Liability

Neither an employee of the municipality nor any person, body, organisation or corporation acting on behalf of the municipality are liable for any damage arising from any omission or act done in good faith in the course of his or its duties.

20. Operative clause

These by-laws will commence on publication thereof in the Provincial Gazette.

21. Repeal of By-Laws

The provisions of any by-laws relating to credit control and debt collection by the municipality are hereby repealed insofar as they relate to matters provided for in these by-laws and policy.

22. Short title

These By-laws is called the Credit Control and Debt Collection By-laws of the Makhado Municipality, 2017.

MAKHADO LOCAL MUNICIPALITY PROPERTY RATES BY-LAW

The Municipal Manager of Makhado Local Municipality hereby, in terms of Section 6 of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004), publishes the Property Rates By-law for the Makhado Local Municipality.

PURPOSE OF BY-LAW

To allow Council to exercise its power to value and impose rates on immovable properties located within its area of jurisdiction in such a manner that it will contribute to effective and economic service delivery to the entire community.

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1. Definitions

For the purpose of these by-laws any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) shall bear the same meaning in these by-laws and unless the context indicates otherwise-

- 1.1 “**Act**” means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);

- 1.1.1 Inclusion is the 3 Inclusive additions as per the Municipal Property Rates Amendment Act of 2014, as per Gazette 37922 issued on 18 August 2014 but effective 1 July 2015

- 1.2 “**Municipality**” means the Makhado Local Municipality NP 344;

- 1.3 “**Privately owned towns serviced by the owner**” means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/ or sectional units and where all services inclusive of water, electricity, sewerage and refuse removal and roads development are installed at the full cost of the developer and maintained and rendered by the residents of such estate.

- 1.4 “**Residential property**” means improved property that:

- (a) is used predominantly (60% or more) for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes.
- (b) is a unit registered in terms of the Sectional Title Act and used predominantly for residential purposes.
- (c) Is owned by a share-block company and used solely for residential purposes.
- (d) Is a residence used for residential purposes situated on property used for or related to educational purposes.

And specifically exclude vacant land irrespective of its zoning or intended use.

- 1.5 In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa.

2. Principles

- 2.1 Rates will be levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality’s valuation roll and supplementary valuation roll.

- 2.2 The municipality will differentiate between various categories of property and categories of owners of property as contemplated in clause 5 and 6 of this by-law.

- 2.3 Some categories of property and categories of owners will be granted relief from rates.

2.4 The municipality will not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.

2.5 There will be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with clause 14 of this by-law.

2.6 The municipality's rates policy will be based on the following principles:

(a) Equity

The municipality will treat all ratepayers with similar properties the same.

(b) Affordability

The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor/indigent ratepayers the municipality will provide relief measures through exemptions, reductions or rebates.

(c) Sustainability

Rating of property will be implemented in a way that:

- i. it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality; and
- ii. Supports local social economic development.

(d) Cost efficiency

Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account surpluses generated on trading (water, electricity) and economic (refuse removal, sewerage removal) services and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time.

3. Application of By-law

3.1 Where this by-law contradicts national legislation, such legislation has preference over this by-law. The Municipal Manager shall bring such conflicts immediately to the attention of the municipality once he becomes aware of such conflicts and will propose changes to the municipality's by-laws to eliminate such conflicts.

3.2 If there is any conflict between this by-law and the Property Rates policy of the municipality, this by-law will prevail.

3.3 In imposing the rate in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners.

4. Principles applicable to financing services

4.1 The municipal manager or his/her nominee must, subject to the guidelines provided by the National Treasury and Executive Committee of the municipality, make provision for the following classification of services:-

(a) Trading services

- i. Water
- ii. Electricity

(b) Economic services

- i. Refuse removal.
- ii. Sewerage disposal.

(c) Community and subsidised services

These include all those services ordinarily being rendered by the municipality excluding those mentioned in 4.1 (a) and (b).

4.2 Trading and economic services as referred to in clauses (a) and (b) must be ring fenced and financed from service charges while community and subsidised services referred

to in clause (c) will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income.

5. Categories of property

5.1 Different rates may be levied in respect of the categories of rateable properties as determined by the municipality's rates policy.

5.2 Such rates will be determined on an annual basis during the compilation of the municipality's budget.

5.3 In determining the category of a property referred to in 5.1 the municipality shall take into consideration the following criteria or a combination thereof:-

- The use of the property;
- Permitted use of the property; and
- The geographical area in which the property is situated.

5.4 In order to create certainty and to ensure consistency the criteria mentioned in 5.3 shall be applied as indicated below in order of priority and no deviation is permissible:

5.4.1 Properties shall first of all be categorised in accordance with their formal zoning. Town planning schemes, town establishment schemes and town planning regulations may be used to determine the formal zoning.

5.4.2 If, for whatever reason, the status or zoning of a property cannot be determined in terms of 5.4.1 the actual use shall then be determined in order to appropriately categorise such property. All relevant information, including circumstantial evidence, may be taken into consideration in an attempt to determine for what purpose the property is being used. A physical inspection may be done to acquire the necessary information.

5.4.3 The geographical area in which a property is situated may be used to assist in the categorisation of a property when the provisions of 5.4.1 cannot be applied. However, the geographical area as a criterion should not be used in isolation.

5.5 Properties used for multiple purposes shall be categorised and rated as provided for in section 9 of the Act and as more fully described in clause 7.

6. Categories of owners

6.1 For the purpose of granting exemptions, reductions and rebates in terms of clause 9, 10 and 11 respectively the following categories of owners of properties are determined:

- (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality;
- (b) Those owners who do not qualify as indigents in terms of the adopted indigent policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality during the budget process;
- (c) Owners of property situated within an area affected by-
 - i. a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - ii. serious adverse social or economic conditions.
- (d) Owners of residential properties with a market value below the amount as determined annually by the municipality as part of tariffs approved during the budget process; and
- (e) Owners of agricultural properties.

7. Properties used for multiple purposes

7.1 Rates on properties used for multiple purposes will be levied as follows:

- (a) In accordance with the "permitted use of the property".

- (b) In accordance with the “dominant use of the property” if (a) cannot be applied; or
- (c) In accordance with the “different uses” by apportioning the market value of a category of property to the different purposes for which the property is used if both (a) and (b) above cannot be applied.

8. Differential rating

8.1 Criteria for differential rating on different categories of properties will be according to-

- (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
- (b) The promotion of social and economic development of the municipality.

8.2 Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category; and

8.3 by way of reductions and rebates as provided for in the municipality’s rates policy document.

9. Exemptions and Impermissible Rates

9.1 Categories of property as determined by the municipality’s rates policy on an annual basis will be exempted from paying rates.

- a) All applications will be dealt with in accordance with the municipality’s Credit control and Indigent Policies.
- b) Conditions determined by the Rates policy will be applied accordingly.
- c) The municipality retains the right to refuse exemptions if the details supplied in the application form are incomplete, incorrect or false.
- d) Exemptions will automatically apply where no applications are required.
- e) Rates may not be levied by the municipality on properties in section 17(1) of the Act as amended in Gazette no: 38259 on 28 November 2014

9.2 Exemptions will automatically apply.

10. Reductions

10.1 Reductions as contemplated in section 15 of the Act will be considered on an *ad-hoc* basis in the event of the following:

10.1.1 Partial or total destruction of a property.

10.1.2 Disasters as defined in the Disaster Management Act, 2002 (Act 57 of 2002).

10.2 The following conditions shall be applicable in respect of 10.1:

10.2.1 The owner referred to in 10.1.1 shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He/she will also have to indicate to what extent the property can still be used and the impact on the value of the property.

10.2.2 Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).

10.2.3 A maximum reduction determined by the municipality will be allowed in respect of both 10.1.1 and 10.1.2.

10.2.4 An ad-hoc reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.

10.2.5 If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

11. Rebates

11.1. Categories of property

11.1.1 The municipality may grant rebates to categories of property as determined in the municipality's rates policy.

11.2. Categories of owners

11.2.1 The municipality may grant rebates to categories of owners as determined annually in the municipality's rates policy.

11.2.2. Applications by property owners for rebates must reach the municipality before the date determined by the Property Rates Policy, preceding the start of the municipal financial year for which relief is sought.

11.2.3 The municipality retains the right to refuse rebates if the details supplied in the application form were incomplete, incorrect or false.

11.3 Properties with a market value below a prescribed valuation level of an amount determined annually by the municipality may, instead of a rate being determined on the market value, be rated a uniform fixed amount per property.

11.4 The extent of the rebate in terms of 11.1, 11.2 and 11.3 shall annually be determined by the municipality during the budget process.

12. Payment of rates

12.1 Council may levy assessment rates: -

- (a) On a monthly basis or less regular as determined by the Municipal Finance Management Act, (No.56 of 2003) or
- (b) Annually, as agreed with the owner of the property.

12.2 Assessment rates is payable:-

- (a) Annually in a once of amount determined by the municipality during the budget process; or
- (b) in instalments payable on or before a date in each period as determined by the municipality.

12.3 Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the provisions of the credit control, debt collection and indigent policy of the municipality.

12.4 If a property owner who is responsible for the payment of property rates in terms of the rates policy, fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control, Debt Collection and indigent policy of the Municipality.

12.5 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act as follows:

12.5.1 If an amount, due for rates levied on a property, is not paid by the owner by the due date as shown on the account and no reaction is forthcoming from the owner after two written reminders have been issued, the municipality shall recover the amount in full or partially as follows:

12.5.2 From the agent who is lawfully responsible to collect commission or rental in respect of the property concerned;

12.5.3 From a tenant or occupier of the property, only after an attempt was made to collect it from an agent refer to in 12.5.2 but such attempt was unsuccessful or no such agent exists or only a part of the outstanding amount could successfully be recovered.

12.5.4 The amount recoverable is limited to the amount as stipulated in the Act and it may only be recovered after written notice has been served on the party concerned (tenant, occupier or agent) of the rates due and payable, but not yet paid by owner of the property.

12.5.5 The notice referred to in 12.5.4 shall give the party concerned at least 14 calendar days to pay the outstanding rates.

12.6 Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.

12.7 In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

13. Accounts to be furnished

13.1 The municipality will furnish each person liable for the payment of rates with a written account, which will specify:

- (i) the amount due for rates payable,
- (ii) the date on or before which the amount is payable,
- (iii) how the amount was calculated,
- (iv) the market value of the property, and
- (v) rebates, exemptions, reductions or phasing-in, if applicable.

13.2 A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he/she must make the necessary enquiries with the municipality.

13.3 In the case of joint ownership the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.

14. Phasing in of rates

14.1 The rates to be levied on newly rateable property shall be phased in as explicitly provided for in section 21 of the Act.

14.2 The phasing-in discount on the properties referred to in section 21 shall be as follows:

- First year : 75% of the relevant rate;
- Second year : 50% of the relevant rate; and
- Third year : 25% of the relevant rate.

14.3 No rates shall be levied on newly rateable properties that are owned and used by organisations conducting activities that are beneficial to the public and that are registered in terms of the Income Tax Act for those activities, during the first year. Thereafter, the phasing-in discount on these properties shall be as indicated in paragraph 14.2 above

15. Special rating areas

15.1 The municipality will, whenever deemed necessary, by means of a formal Council resolution determine special rating areas in consultation with the relevant communities as provided for in section 22 of the Act.

15.2 The following matters shall be attended to in consultation with the committee referred to in clause 15.3 whenever special rating is being considered:

15.2.1 Proposed boundaries of the special rating area;

- 15.2.2 Statistical data of the area concerned giving a comprehensive picture of the number of erven with its zoning, services being rendered and detail of services such as capacity, number of vacant erven and services that are not rendered;
- 15.2.3 Proposed improvements clearly indicating the estimated costs of each individual improvement;
- 15.2.4 Proposed financing of the improvements or projects;
- 15.2.5 Priority of projects if more than one;
- 15.2.6 Social economic factors of the relevant community;
- 15.2.7 Different categories of property;
- 15.2.8 The amount of the proposed special rating;
- 15.2.9 Details regarding the implementation of the special rating;
- 15.2.10 The additional income that will be generated by means of this special rating.

15.3 A committee consisting of 6 members of the community of who 3 shall be women will be established to advise and consult the municipality in regard to the proposed special rating referred to above. This committee will be elected by the inhabitants of the area concerned who are 18 years of age or older. No person under the age of 18 may be elected to serve on the committee. The election of the committee will happen under the guidance of the Municipal Manager. The committee will serve in an advisory capacity only and will have no decisive powers.

15.4 The required consent of the relevant community shall be obtained in writing or by means of a formal voting process under the chairmanship of the Municipal Manager. A majority shall be regarded as 50% plus one of the households affected. Each relevant household, i.e. every receiver of a monthly municipal account, will have 1 vote only.

15.5 In determining the special additional rates the municipality shall differentiate between different categories as referred to in clause 5.

15.6 The additional rates levied shall be utilised for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.

15.7 The municipality shall establish separate accounting and other record-keeping systems, compliant with GRAP, for the identified area and the households concerned shall be kept informed of progress with projects and financial implications on an annual basis.

16. Frequency of valuation

- 16.1 The municipality shall prepare a new valuation roll every 5 (five) years, with the option to extend the validity of the valuation roll to 7 (seven) years with the approval of the MEC for Local Government and Housing in the province.
- 16.2 Supplementary valuations will be done on a continual basis to ensure that the valuation roll is properly maintained which should be completed at least once a year.
- 16.3 The municipality holds the copyright over the information contained in the valuation roll.

17. Community participation

17.1 Before the municipality adopts the rates by-law, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements:

17.1.1 Conspicuously display the draft rates by-law for a period of at least 30 days (municipality to include period decided on) at the municipality's head and satellite offices and libraries (and on the website)

17.1.2 Advertise in the media a notice stating that the draft rates by-law has been prepared for submission to council and that such by-law is available at the various municipal offices and on the website for public inspection. Property owners and interest persons may obtain a copy of the draft by-law from the municipal offices during office hours at a cost as determined annually by the municipality. Property owners and interest persons may submit written comments or representations to the municipality within the specified period in the notice.

17.1.3 Council will consider all comments and/or representations received when considering the finalisation of the rates by-law.

18 Register of properties

18.1 The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.

18.2 Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.

18.3 Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:

- i. Exemption from rates in terms of section 15 of the Property Rates Act, 2004,
- ii. Rebate or reduction in terms of section 15,
- iii. Phasing-in of rates in terms of section 21, and
- iv. Exclusions as referred to in section 17.

18.4 The register will be open for inspection by the public at the municipal main offices during office hours or on the website of the municipality.

18.5 The municipality will update Part A of the register every 6 months during the supplementary valuation process.

18.6 Part B of the register will be updated on a continuous basis.

19. Regular review processes

19.1 The municipality's rates policy must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the Integrated Development Plan and with legislation.

20. Short title

This by-law is the rates by-law of the Makhado Local Municipality.

21. Commencement

This amended by-law comes into force and effect on 1 July 2017.

LOCAL AUTHORITY NOTICE 71 OF 2017**MAKHADO MUNICIPALITY****MAKHADO AMENDMENT SCHEMES 244, 243, 253**

It is hereby notified in terms of the relevant sections of Act 16 of 2013 (SPLUMA) read together with Section 57 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the Makhado Municipality has approved the amendment of Makhado Land Use Scheme 2009, for the rezoning of the following erven: Portion 10 of Erf 4285 Louis Trichardt Ext. 4 from Residential 1 to Residential 3; Remainder of Erf 399 Louis Trichardt Residential 1 to Business 2; Erf 480 Louis Trichardt from Residential 1 to Special. The Map 3's and the scheme clauses of this amendment scheme is filed with the Municipal Manager Makhado Municipality and are open for inspection during normal office hours. The above amendments are known as Makhado Amendment Schemes 244, 243, 253 and shall come into operation on the date of publication of this notice.

Municipal Manager

Makhado Local municipality

PLAASLIKE OWERHEID KENNISGEWING 71 VAN 2017**MAKHADO MUNISIPALITEIT****MAKHADO-WYSIGINGSKEMAS 244, 243, 253**

Hiermee word ingevolge die relevante bepalings van SPLUMA (Wet 16 van 2013) saamgelees met Artikel 57 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986) bekend gemaak dat die Makhado Munisipaliteit, die wysiging van die Makhado Grondgebruikskema 2009, goedgekeur het, synde die hersonering van die volgende erwe: Gedeelte 10 van Erf 4285 Louis Trichardt Uitbreiding 4 vanaf Residensieel 1 na Residensieel 3; Restant van Erf 399 Louis Trichardt vanaf Residensieel 1 na Besigheid 2; Erf 480 Louis Trichardt vanaf Residensieel 1 na Spesiaal. Kaart 3's en skemaklousules van hierdie wysigingskema word deur die Munisipale Bestuurder van die Makhado Munisipaliteit in bewaring gehou en le gedurende gewone kantoor ure ter insae. Hierdie wysigingskemas staan bekend as Makhado Wysigingskemas 244, 243, 253 en tree op datum van publikasie van hierdie kennisgewing in werking.

Munisipale Bestuurder

Makhado Plaaslike Munisipaliteit

LOCAL AUTHORITY NOTICE 72 OF 2017**EPHRAIM MOGALE LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE
MANAGEMENT BY-LAW**

PUBLISHED IN PROVINCIAL GAZETTE EXTRAORDINARY NO DATED)

**EPHRAIM MOGALE LOCAL MUNICIPALITY
LAND USE MANAGEMENT BY-LAW**

The Municipal Manager of Ephraim Mogale Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000), publishes the Ephraim Mogale Local Municipality Land Use Management By-Law as approved by its Council, as set out hereunder

LAND USE MANAGEMENT BY-LAW

To give effect to "Municipal Planning" as contemplated in the Constitution of the Republic of South Africa, 1996 (Act 106 of 1996) and in so doing to lay down and consolidate processes and procedures, to facilitate and make arrangements for the implementation of land development and land development applications, spatial planning and a Land Use Scheme within the jurisdiction of Ephraim Mogale Local Municipality, in line with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013); to provide for the establishment and/or procedures of a Municipal Planning and Appeals Tribunal and to provide for matters incidental thereto.

PREAMBLE

WHEREAS section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the right to administer local government matters listed in Part B of Schedules 4 and 5; and

WHEREAS Part B of Schedule 4 of the Constitution of the Republic of South Africa, 1996 lists all the local government matters including Municipal Planning; and

WHEREAS section 156(2) of the Constitution of the Republic of South Africa, 1996 empowers municipalities to make and administer by-laws for the effective administration of the matters which it has the right to administer; and



WHEREAS it is necessary in terms of sections 20, 21, 22, 23, and 24 and related provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) to establish a uniform, recognisable and comprehensive system of spatial planning and land use management in its municipal area to maintain economic unity, equal opportunity, equal access to government services, to promote social and economic inclusion; and

WHEREAS the new system of local government requires an efficient, effective and transparent local government administration that conforms to constitutional principles; and

WHEREAS it is necessary that procedures and institutions to facilitate and promote cooperative government and intergovernmental relations in respect of spatial planning and land use management be developed; and

NOW THEREFORE the Ephraim Mogale Local Municipality has adopted this By-law in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

ARRANGEMENT OF THE BY-LAW

CHAPTER 1

DEFINITIONS, APPLICABILITY AND CONFLICT OF LAWS

Sections

- 1 Definitions
- 2 Application of By-Law
- 3 Conflict of laws
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CHAPTER 1 DEFINITIONS, APPLICABILITY AND CONFLICT OF LAWS

1 Definitions

In these By-Laws, unless the context indicates otherwise, a word or expression defined in the Act or provincial legislation has the same meaning as in these By-laws and -

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

“appeal authority” means the Executive Authority of the municipality, the district planning tribunal appeal authority, institution outside the municipality authorised by that municipality to assume the obligation of an appeal authority for purposes of the appeals lodged in terms section 51(2) or 6 of the Act.

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

“approved township” means a township declared an approved township in terms of section 61 of this by-law;

“additional information” means any information that may be requested by the Municipality which in its opinion is necessary to consider and decide on a land development application;

“adopt or adopted” in relation to a municipal spatial development framework, Land use scheme, Amendment scheme, policy or plans, means:

- (a) the publication as may be required in terms of this By-law, of the said documents by the Municipality, but shall where the date of coming into operation differs from the date in terms of which any document is published in the provisions of this By-law only be adopted upon the date of coming into operation thereof; or
- (b) where any land development application is approved but does not require any further notification in the provincial gazette for it to come into operation the date of approval shall be the date it has been adopted and shall be deemed to have been adopted.

“adjoining owner(s)” the owner of any land abutting or sharing a common boundary, touches the corners of the land and includes properties that are separated by a road, or roadway or right of way servitude in relation to a subject property;

“administrator” means in the context of any Land Use Scheme in Ephraim Mogale Local Municipality the Premier of Limpopo or the Municipality duly delegated in the place and stead of the Premier in terms of relevant legislation.

“amendment scheme” means an amendment to the Land Use Scheme which amendment has been approved, adopted and came into operation in terms of this By-law or any other relevant legislation and adopted amendment scheme shall have a corresponding meaning and include:

- (a) an amendment scheme contemplated in section 28(1) of the Act;



- (b) an application deemed to be an amendment scheme in terms of sections 41(1)(a) the Act;
- (c) an amendment of an existing Land Use Scheme as contemplated in section 9(6) of this By-law;
- (d) a land development application for the amendment of any provision of the Land Use Scheme applicable to a property or properties, and includes a rezoning and township establishment application in terms of section 16(1) and 16(9)(b)(ii) of this By-law.
- (e) Conditions of approval that were imposed as part of the approval of the application of the amendment of the Land Use Scheme

“appeal authority or body” means an appeal authority contemplated in section 21 of this By-law, as established by Council Resolution, in terms of section 51 of the Act and Appeals Tribunal shall have a corresponding meaning;

“appeals tribunal” means the appeal authority as contemplated in the Spatial Planning Land Use Management Act 16, of 2013.

“applicant” means a person who submits a land development application or combination of land development applications contemplated in section 16 of this By-law and includes a municipality and an organ of state as an owner of land or under which the control and management of the land falls, within the jurisdiction of the Municipality read with section 45 of the Act;

“application” means an application submitted to the Municipality in terms of section 16 of this By-law and a land development application shall have a corresponding meaning;

“approved scheme” means an amendment to the Land Use Scheme which has been approved in terms of this By-law, but of which notice has not been given in the provincial gazette and read with the definition of adopted:

“An authorised agent” means a person appointed in terms of a power of attorney by the property/land owner and may include the appointment of a qualified professional planner in terms of the Planning Professions Act 36 of 2002

“authorised official” means a municipal employee who is authorised by the Council to exercise any power, function or duty in terms of this By-law or the Act and Regulations or such further duties that may by delegation in terms of section 59 of the Municipal Systems Act, 32 of 2000 be assigned to him/her;

“body corporate” means a body corporate as contemplated in the Companies Act, 2008 (Act 71 of 2008) and the Sectional Title's Act, 1986 (Act 95 of 1986);

“building” includes any structure of any nature whatsoever read with the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);



“Bulk service” means the municipal capital infrastructure associated with that portion of an external engineering service which is intended to ensure provision of municipal infrastructure services for the benefits of multiple users or the community as a whole;

“beneficial owner” means where specific property rights and equity in the property lawfully belongs to a person even though dominium or formal title of the property has not been registered or transferred.

“By-Law” mean these By-Law and includes the schedules and forms 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 Limpopo 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);

“conditional approval” means an approval of a land development application in terms of this By-law, granted by the Municipal Planning Tribunal, Authorized Official or Municipal Appeals Tribunal, in which conditions are imposed, that in the opinion of the Municipality, have to be complied with prior to the land use rights, coming into operation in terms of this By-law, or registrability of any property(ies) as a result of the land development application approval, read with sections 43 and 53 of the Act;

“conditions of approval” means condition(s) imposed by the Municipality in the approval of a land development application, including any conditions contained in the annexure(s) and/or plans and/or attachment(s) that form part of the approval and/or are referred to in the approval of the land development application;

“City Manager” shall have the same and corresponding meaning of a Municipal Manager;

“Code of Conduct” means the Code of Conduct approved and adopted by Council to which the members of the Municipal Planning Tribunal or Municipal Planning Appeals Tribunal established in terms of sections 35 and 51 of the Act and or any official appointed for purposes of considering land development applications shall be bound, as contemplated in section 17(2) of the Regulation, read with Schedule 4 of this By-law;

“consent use” 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 adjacent erven into a single registered entity through the registration thereof in the deeds registry, but excludes the consolidation of farm portions for purposes of this By-law read with the Land Survey Act, 1997 (Act 8 of 1997) and shall not mean the spreading or amending of a zoning of the subject property;;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996); as may be amended from time to time



“contact details” means sufficient details including but not limited to a name, surname, telephone number – business or private, e-mail address, postal and residential addresses that will enable a Municipality or organ of state to contact a person for purposes of executing their functions in terms of the Act or this By-law and in so far as it relates to an organ of state, the details of a contact person within the employ of the organ of state;

“conveyancer” means a conveyancer as defined in section 102 of the Deeds Registries Act, 1937 (Act 47 of 1937);

“Council” means the municipal council of the Municipality;

“day” means a calendar day, and when any number of days is prescribed for the doing of any act in terms of this By-law it must be calculated by excluding the first day and including the last day; provided that, if the last day falls on a Sunday or public holiday, the number of days must be calculated by excluding the first day and also the Sunday or public holiday; and further if the date on which a notice must appear in any media or gazette such notice may not appear on a Sunday or public holiday and shall for purposes of calculation be excluded;

“date of notice or notification” means the date on which a notice is served as contemplated in the provisions of this By-law or published in the media or Provincial Gazette as the case may be; and which date of notice and appearance shall not be between the 10 of December to 10 January of any year as may be determined by the Municipality

“decision-making person or body” means any person or body duly authorised by the Municipality who are required to take a decision in terms of this By-law or the Act.

“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);

“Deeds Registries Act” means the Deeds Registries Act, 1937 (Act 47 of 1937);

“deliver” means to submit or serve documents or copies on any organ of state or person as contemplated in this By-law of which proof of delivery is obtained as may be prescribed by the Municipality and delivering and serve shall have the same meaning;

“development compliance officer” means a person authorized in terms Section 35(2) of Act and Section 37 of this By-law to perform the duties as indicated therein and any person appointed whether referred to as a development compliance officer or not who’s substantially comply with the duties as outlined in section 37 shall be for purposes of this By-law be a development compliance officer.

“draft Land Use Scheme” means a scheme prepared in terms of section 24(1), 27 and 28 of the Act and sections 10, 11, 12 of this By-law, for submission to a decision-making person or body, for approval to commence public participation in terms of section 26(5) of the Act and this By-law, and shall be referred to as a draft land use scheme until adopted by a Municipal Council.



“draft spatial development framework” means a draft spatial development framework as contemplated in section 4 in this By-law, which has been prepared for purpose of submission to a decision-making person or body, for approval to commence public participation in terms of section 20 and 21 of the Act and Section 5 this By-law and shall be referred to as a draft spatial development framework until adopted by a Municipal Council.

“development principles” means the principles as set out in Chapter 2 of the Act read with development principles as may be determined in addition to those by the Municipality from time to time;

“development charge” means a development charge or charges that may be levied by the Municipality as contemplated in this By-law read with section 40(7)(b) and 49 of the Act.

“engineering service or services” means jointly internal and external engineering services whether provided by the Municipality, any other organ of state or a service provider, or any other person in general and includes services in respect of the provision of water, sewerage, electricity, refuse removal, roads, storm water and any related infrastructure and systems and processes related to the services;

“environment and environmental considerations” has the same meaning and includes biodiversity;

“environmental legislation” means the National Environmental Management Act, 1998 (Act 107 of 1998) or any other legislation which may be enacted from time to time for purposes of regulating environmental activities in so far as it relates to land use rights, the Act and this By-law.

“environmental evaluation” means an evaluation of the environmental impact of a proposed land development application, conducted in accordance with environmental legislation and environmental guidelines which are from time to time issued and amended by the Department of Environment Affairs and Tourism or its successor in title or as may be required by the Municipality;

“erf” means land in an approved township registered in a deeds registry as an 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 recognized, approved, established and proclaimed as such in terms of this By-laws or any repealed law;

“external engineering services” means with reference to the Act, an engineering service situated outside the boundaries of a land development area and which is necessary to serve the use and development of the land area and may include engineering services in the opinion of the Municipality which accumulatively serve the wider area within which the development falls; or which has been classified by agreement as such in terms of section 19(2) of this By-law;



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

“gazette” means the Provincial Gazette where any publications are done or required to be done by an applicant or the Municipality in terms of this By-law as the context may indicate;

“general plan” means a general plan approved by the Surveyor General in terms of the Land Survey Act, 1997 (Act 8 of 1997);

“Illegal township” means land held under farm title or as an agricultural holding in terms of the Agricultural Holdings (Transvaal Registration) Act, 1919 (Act 22 of 1919), or other forms of ownership, used in the opinion of the Municipality for purposes contemplated in the definition of a township where such use is not being exercised as a result of the establishment of a township contemplated in Section 16(9) of this By-law or a township established in terms of any other law, but excludes informal areas as may be determined by the Municipality;

“Informal areas” means the informal occupation of land by persons none of whom are the registered owner of such land, which persons are using the land for primarily residential purposes, with or without the consent of the registered owner and established outside existing planning legislation, and may include any settlement or area under traditional tenure;

“inspector” means a person designated or appointed as an inspector under section 32 of the Act or any other relevant legislation pertaining to the inspection of land and or buildings in order to enforce compliance with this By-law, land use conditions or Land Use Scheme or any other legislation under the jurisdiction of the Municipality;

“interested and affected party” unless specifically delineated, means any person or group of persons that can demonstrate that a specific action or decision, or intended action or decision, negatively affects their rights with specific reference to town planning principles or development principles;

“internal engineering services” means an engineering service with reference to the Act, within the boundaries of a land development area which is necessary for the use and development of the land development area and which is to be owned and operated by the Municipality, service provider or other body or which has been classified as such in terms of section 19(2) of this By-law;

“land” means -

- (a) any erf, agricultural holding or farm portion, and includes any improvements or building on the land and any real right in land, 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;



“land development area” means an erf or the land which is delineated in a land development 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” means the erection of buildings or structure on land, or the change of use of land, including township establishment, the subdivision or consolidation of land or any relaxation from the land use or uses permitted in terms of an applicable Land Use Scheme;

“Land Development Officer/Authorised official” means an official who is authorised by the Municipality to consider and determine applications as contemplated in section 35(2) of the Act;

“Land development application approval” means a decision to approve an application in terms of this By-law or relevant legislation by a decision making person or body and includes any conditions under which the approval was granted, in terms of subsections 16(1)(r), 16(4)(d) and 18(7) of this By-law but not adopted or proclaimed and which has not come into operation in terms of this By-law or the said legislation.

“Land development application” means one of or a combination of the following applications submitted to the Municipality under Chapter 5 of this By-law with the intention to obtain approval for land development –

- rezoning;
- consent uses, temporary uses and relaxations in terms of the Land Use Scheme;
- the subdivision and / or consolidation of land;
- the alteration, suspension or deletion of restrictions in relation to land; or consent of the Municipality in terms of the Title Deed conditions
- the establishment of a township;
- the extension of the boundaries of a township;
- the amendment or cancellation of a general plan; and/or
- any other application in terms of the Land Use Scheme or Planning and Development Legislation within the jurisdiction of the Municipality as may be determined by the Municipality from time to time;

“Land use plan” means a plan that indicates existing land uses;

“layout plan” means a plan indicating such information relevant to a land development application and includes the relative locations of erven, public places, or roads, on land intended for development, subdivision or consolidation, and the purposes for which the erven are intended to be used read with any notation or conditions contained thereon;

“Land Survey Act” means the Land Survey Act, 1997 (Act 8 of 1997);

“Land use rights” means the approved and or promulgated land use applicable to land in terms of this By-law or relevant legislation which has come into operation for purposes of issuing a zoning certificate;



“Land use scheme” means the land use scheme adopted and approved in terms of Chapter 3 and for the purpose of these By-laws include an existing scheme until such time as the existing scheme is replaced by the adopted and approved land use scheme.

“Land Use Scheme register” means the register as contemplated in Section 25(2) (c) of the Act read with section 28 (1) (j) of this By-law;

“Legally incomplete- or incomplete land development application” means a land development application submitted without the prescribed accompanying documents and or information as may be required by the Municipality or required in terms of the provisions of this By-law read with the Regulations to this By-law;

“Local authority and municipality” have corresponding meanings;

“Mineral Petroleum Resource Development Act” means the Mineral Petroleum and Resource Development Act, (Act 28 of 2002);

“Mining and Mining Rights” means mining as contemplated in the definitions of the Tshwane Town-planning Scheme, 2008 (Revised 2014) or a Land Use Scheme in terms of the Act, as may be amended from time to time read with the Mineral Petroleum Resources Development Act, 2002 (Act 28 of 2002) as may be amended from time to time;

“Municipal Council” means the municipal council of the Municipality;

“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 Ephraim Mogale Local Municipality in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

“Municipal Manager” means the person appointed as the Ephraim Mogale Local Municipality, Municipal Manager in terms of appointed 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 Sekhukhune District Joint Municipal Planning Tribunal established in terms of section 32; referred to in the Act and any reference in this By-law to “Tribunal” has a corresponding meaning; and shall also refer to the subsequent establishment of a Municipal Planning Tribunal by the Ephraim Mogale Municipal Council should it be deemed fit, where the context so required;

“Municipality” means the Municipality of Ephraim Mogale 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 an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act;

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



“notice” means to a written notice and **“notify”** means to give notice in writing which notice may include it being sent by electronic means or where the context requires a notice published in terms of this By-laws in the Provincial Gazette or other media;

“Non- Conforming Use” means an existing land use that was lawful in terms of a previous zoning scheme but that does not comply with the current zoning scheme in force;

“Non-Profit Company or NPC” means a non-profit company as contemplated in section 25(13) of the Company’s Act, 2008 (Act 71 of 2008), read with section 10, which includes section 21 companies that were established as a result of any land development application in terms of any legislation or conditions relating to land development on a property or properties;

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

“organ of state” means an organ of state as defined in section 239 of the Constitution;

“open space” means an area of land set aside and required to be legally protected in the opinion and to the satisfaction of the Municipality from development over and above the assignment of land use rights, which shall be for the use and benefit of a community, irrespective of ownership of such land and may include, in the opinion of the Municipality, parks, public and private open space for purposes of compliance with this By-law.

“owner” means the person registered in a deeds registry as the owner of land or beneficial owner in law and includes a Municipality or any other organ of state as an owner or where properties have been vested and is under the control and management of the Municipality in terms of section 63 of the Local Government Ordinance, 1939 (Ord. 17 of 1939) for purposes of Chapter III of this By-law read with the definition of a Land Use Scheme in terms of the Act and as may be amended from time to time;

“owners’ association, property owners association and or homeowners association” means an owners’ association established in terms of the relevant legislation, rules and regulations related to the establishment thereof, for purposes of coordinated management of an area or community as contemplated in section 34 read with Schedule 5 Of this By-law.

“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;

“permission” means a permission in terms of a Land Use Scheme of Ephraim Mogale Local Municipality as may be amended from time to time;

“person” means any natural or juristic person, including an organ of state;

“Planner” means a person who exercises skills and competencies in initiating and managing change in the built and natural environment in order to further human



development and environmental sustainability as contemplated in section 2 (a) of the Planning and Profession Act 36 of 2002, and who is registered in one or more of the categories contemplated in section 13 (4) of the Planning and Profession Act 36 of 2002;

“property or properties” means any erf, erven, lot, plot or stand, portion or part of land in relation to specific land use rights and conditions thereto in terms of the approved and including promulgated Land Use Scheme of the municipality;

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

“public place” means any open and or enclosed place, park, street, road or thoroughfare or other similar area of land shown on a general plan or diagram which is for the use and benefit of the general public and is owned by or vests with the Municipal Council, and includes a public open space and a servitude for any similar purposes in favour of the general public as contemplated in the Act and the section 63 of the Local Government Ordinance, 1939 (Ord. 17 of 1939)

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

“professional land surveyor” means a person –

- (a) who is registered as a geomatics professional in terms of section 13 (4)(d) of the Geomatics Profession Act 19 of 2013;
- (b) who is authorised to perform the work reserved for a professional land surveyor in terms of the Land Survey Act 8 of 1997; and
- (c) whose name is entered in the register for professional land surveyors contemplated in section 8(1)(b)(iii)(bb) of the Geomatics Professional Act 19 of 2013;

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

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

“prescribe” means requirements or provisions in terms of this By-law, or requirements in terms of any of the Regulations or schedule to this By-law;

“pre- application discussion” means a consultation between an owner or an agent and the Municipality;

“registered planner” means a person registered as a professional planner or a technical planner contemplated in section 13 of the Planning Profession Act, 2000 (Act 36 of 2000), unless the South African Council for Planners has reserved the work to be performed by a registered planner in terms of section 16 of the said Act, in which case a registered planner shall mean that category of registered persons for which such work has been reserved.

“Regulations” means the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015;

“Registrar of Deeds” means a registrar as defined in of the Deeds Registries Act, 1937 (Act 47 of 1937);



“restrictive condition” means any condition registered against the title deed of land restricting the use, development or subdivision of land concerned read with the Removal of Restrictions Act, 84 of 1967;

“service provider” means a person lawfully appointed by a 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 such municipality or organ of state;

“services agreement” means a written agreement which is concluded between an applicant(s) and the Municipality, and in terms of which the respective responsibilities of the two parties for the planning, design, provision, installation, financing and maintenance of engineering services, and the standard of such services, are determined and engineering services are classified as internal or external services;

“servitude” means a servitude registered against a title deed of land or which has been created through legislation;

“Site Development Plan” means a plan which reflects full details of the intended development, including the relative location of existing building and structures, the location of engineering services, access to the land, parking, existing developments and features that will/must be retained, areas of land-scaping, and any other required information or details as may be determined by a Municipality and as may be defined in a Town Planning Scheme or Land Use Scheme;

“Social infrastructure” means community facilities, services and networks that meet social needs and enhance community well-being;

“Surveyor-General” means the Surveyor-General as defined in the Land Survey Act, 1997 (Act 8 of 1997);

“Spatial Development Framework” means the Ephraim Mogale Local Municipality Spatial Development Framework, as referred to in Chapter 4 of the Act and read with sections 23 to 35 of the Municipal Systems Act, 2000 (Act 32 of 2000)

“subdivision” means the division of a piece of land into two or more portions, or farm land or a portion of farm land read with the Division of Land Ordinance, 20 of 1986;;

“the Act” means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015 and any subsidiary legislation or other legal instruments issued in terms thereof;

“this By-law” means any section, Regulation, Schedules and maps to this By-law;

“title deed” means any deed registered in a Deeds Registry recording ownership of land and includes deeds of grant and 99 year leaseholds;

“traditional communities” means communities recognised in terms of section 3 of the Limpopo Traditional Leadership and Governance Act, (*insert number and year*).

“township” means any land laid out or divided into or developed or to be developed, as: a single property or sites for;



- a) residential, business or industrial purposes or similar purposes as may be contained in a Land Use Scheme;
- b) where such property or sites are arranged in such a manner as to have the character of what constitutes a township, in the opinion of the Municipality, including intended or actual multiple ownership of erven, land or units;
- c) that may be intersected or connected by or to abut on any public or private street; and
- d) a property, site or street shall for the purposes of this definition include a right of way or any site or as a road, roadway or street which has not been surveyed or which is only notional in the character; and

shall be read with the definition of what constitutes an “illegal township”;

“township owner” means the person who is the owner of an approved township or any remaining portion of an approved township or his successor in township title.

“township register” means an approved subdivision register of a township in terms of the Deeds Registries Act 1939 (Act 47 of 1939);

“zoning” means where the context indicates the zoning categories and conditions relating thereto contained in a Land Use Scheme as the case may be;

1. The definitions in subsection (1) apply to the Regulations, Schedules and Land Use Scheme in operation within the jurisdiction of Ephraim Mogale Local Municipality and any reference to legislation or regulatory documents in this By-law shall include reference to any lawful amendment thereof.
2. Should any conflict between interpretation of any provision or definition in this By-law and any other National or Provincial legislation arise, this By-law in terms of section 156(2) and section 155(7) of the Constitution read with Schedule 4, Part B of the Constitution, shall prevail

2 Application of By-law

- (1) This By-law applies to all land within the geographical 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 Conflict of laws

- (1) The provisions of the 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 shall prevail.
- (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 shall prevail.
- (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 planning matter.

4 Transitional Arrangements

- 1) Any land development application or other matter in terms of any provision of National or Provincial legislation dealing with land development applications that are pending before the Municipality on the date of the coming into operation of this By-law, shall 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 27 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) shall;
 - 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) or such further period as the Municipality may allow;
 - 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 shall for a period of 15 years from that date be deemed to comply with that provision.
 - d) Where a period of 15 months 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 shall, 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;
- f) 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 shall be deemed to be correct until the contrary is proved.
- g) Where any land use provisions are contained in any title deed, deed of grant or 99 (ninety nine) year leasehold, which did not form part of a land use scheme, such land use provisions shall apply as contemplated in subsection (2).
- h) 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 subject to sections 9 and 13 of this By-law.

CHAPTER 2

MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

5 Municipal spatial development framework

- 1) The Municipality must prepare, amend or review a municipal spatial development framework in accordance with the provisions of sections 20 and 21 of the Act read with sections 23 to 35 of the Municipal Systems Act, 2000 (Act 32 of 2000);
- 2) A 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) In the preparation and drafting of a Municipal Spatial Development Framework the Spatial Development Framework shall contain the essential elements of the content of both the Act and Municipal Systems Act, 2000 (Act 32 of 2000) or provincial legislation and the Municipality may for purposes of reaching its Constitutional objectives include any matter which it may deem necessary for municipal planning;
- 4) The provisions of this Chapter apply, with the necessary change, to the review or amendment of a municipal spatial development framework.
- 5) Over and above that which in terms of subsection (1)-(3) must be contained in a Municipal Spatial Development Framework, the Municipality may determine the components of the Spatial Development Framework and any further plans, policies and or instruments by virtue of which the Municipal Spatial Development Framework shall be applied, interpreted and implemented;



6 Contents of municipal spatial development framework

- (1) A 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) A municipal spatial development framework must make provision for 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, amend or review municipal spatial development framework

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

- (a) may convene an intergovernmental steering committee and a project committee in accordance with section 7;
- (b) must publish a notice in two of the official languages of the Province most spoken in the municipal area of the Municipality 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 two newspapers circulating in the area concerned;
- (c) must inform the Member of the Executive Council in writing of (i) its intention to prepare, amend or review the municipal spatial development framework; (ii) the process that will be followed in the drafting or amendment of the municipal spatial development framework including the process for public participation; and
- (c) must register relevant stakeholders 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, amendment or review of municipal spatial development framework

- (1) 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.
- (2) 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.
- (3) The purpose of the project committee contemplated in section 7(a) is to –
 - (a) prepare, amend or review the municipal spatial development framework for adoption by the Council;
 - (b) provide technical knowledge and expertise;
 - (c) monitor progress and ensure that the drafting 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) 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 consists of –
 - (a) the Municipal Manager;
 - (b) municipal employees from at least the following municipal departments:
 - (i) the integrated development planning office;



- (ii) the planning department;
- (iii) the engineering department;
- (iv) the local economic development department; and
- (v) the human settlement department.

9 Preparation, amendment or review 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) After consideration of the comments of the intergovernmental steering committee, the project committee must finalise the status quo document and submit it to the Council for adoption.
- (3) The project committee must prepare a first draft of the municipal spatial development framework or first draft amendment or review of the municipal spatial development framework and must submit it to the intergovernmental steering committee for comment.
- (4) After consideration of the comments of the intergovernmental steering committee, the project committee must finalise the first draft of the municipal spatial development framework or first draft amendment or review of the municipal spatial development framework and submit it to the Council, together with the report referred to in subsection (5), to approve the publication of a notice referred to in section 7(b) that the draft municipal spatial development framework or an amendment or review thereof is available for public comment.
- (5) The project committee must submit a written report as contemplated in subsection (4) 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) the alignment with the national and provincial spatial development frameworks;
 - (g) any 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.
- (6) After consideration of the comments and representations, as a result of the publication contemplated in subsection (4), the project committee must compile a final municipal spatial development framework or final amendment or review of the municipal spatial development framework for adoption by the Council.
- (7) If the final municipal spatial development framework or final amendment or review 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 or review of the municipal spatial development framework, with or without amendments, and must within 28 days of its decision give notice of its adoption in the media and the Provincial Gazette.
- (9) If no intergovernmental steering committee is convened by the Municipality, the project committee submits the draft and final municipal spatial development framework or amendment or review thereof directly to the Council.

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 newspapers as required in terms of this Chapter, the Municipality may 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) specific consultations with professional bodies, ward communities or other groups; and
 - (b) public meetings.
- (4) The notice contemplated in section 8(4) must specifically state that any person or body wishing to provide comments shall-
- (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; or
 - (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 Compilation, amendment or review of local spatial development framework

- (1) If the Municipality prepares, amends or reviews a local spatial development framework, it must draft and approve a process plan, including public participation processes to be followed for the compilation, amendment, review or adoption of a local spatial development framework.
- (2) The municipality must, within 21 days of adopting a local spatial development framework or an amendment of local spatial development framework, publish a notice of the decision in the media and the Provincial Gazette.
- (3) The municipality must submit the spatial development framework to the District Municipality and the member of executive council within 28 days for noting.

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 8(2).
- (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 rights.

14 Record of and access to Municipal 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 must provide on payment by such body or person of the prescribed fee, a copy to them of the approved municipal spatial development framework



or any component thereof.

- a) provided that if the Municipality is of the opinion that in order to provide the said copy it will take officials unreasonably away from their substantive duties such request for a copy may be dealt with in terms of the Promotion of Access to Information Act, 2000 (Act 2 of 2000);

15 Deviation from Municipal Spatial Development Framework

- (1) For purposes of section 22(2) of the Act, site specific circumstances include –
 - (a) a departure, deviation or amendment that does not materially change the desired outcomes and objectives of a municipal and local spatial development framework, if applicable;
 - (b) a unique circumstance pertaining to a discovery of national or provincial importance.
- (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, prior to taking a decision which constitutes a deviation from the municipal spatial development framework.
- (3) 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 Applicability of Act

Sections 24 to 30 of the Act apply to any land use scheme developed, prepared, adopted and amended by the Municipality.

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; and
- (d) the accommodation of cultural customs and practices of traditional communities in land use management.

18 General matters pertaining to land use scheme

- (1) In order to comply with section 24(1) of the Act, the Municipality must -
 - (a) develop a draft land use scheme as contemplated in section 19;



- (b) obtain Council approval for publication of the draft land use scheme as contemplated in section 20;
 - (c) embark on the necessary public participation process as contemplated in section 21;
 - (d) incorporate relevant comments received during the public participation process as contemplated in section 22;
 - (e) prepare the land use scheme as contemplated in section 20;
 - (f) submit the land use scheme to the Council for approval and adoption as contemplated in section 24;
 - (g) publish a notice of the adoption and approval of the land use scheme in the Provincial Gazette as contemplated in section 25; and
 - (h) submit the land use scheme to the Member of the Executive Council as contemplated in section 26.
- (2) The Municipality may, on its own initiative or on application, create an overlay zone for land within the municipal area.
- (3) Zoning may be made applicable to a land unit or part thereof and zoning 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, and
 - (c) provincial legislation
 - (d) an existing town planning scheme.

19 Development of draft land use scheme

- (1) Before the Municipality commences with the development of a draft land use scheme, the Council must resolve to develop and prepare a land use scheme, provided that in its resolution the Council must:
- (a) establish a land use scheme committee and appoint members to the land use scheme committee from the relevant municipal and sector departments responsible for spatial planning and land use management;
 - (b) publish a notice in newspapers(s) 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,
 - (b) confirm over and above that which is contained in the applicable legislation the public participation to be followed;



- (c) determine the form and content of the land use scheme;
 - (d) determine the scale and whether it should be available in an electronic media;
 - (e) determine any other relevant issue that will impact on the development and final adoption of the land use scheme which will allow for it to be interpreted and or implemented; and
 - (f) 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 may not require a consent or permission from the Municipality for purposes of the use of land.
 - (g) 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, including, townships known as R293 townships, or any other area whereby land use rights are governed through a process, other than a Land Use Scheme; then the Municipality may for purposes of including the said land use rights into a Land Use Scheme prepare a draft amendment scheme for the incorporation of it into the Land Use Scheme in terms of section 10 and 11 hereof.
 - (h) confirm the manner in which the Land Use Scheme shall *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 may not require a consent or permission from the Municipality for purposes of the use of land;
- (2) After the resolution is taken by the Council, the land use scheme committee must develop the draft land use scheme in accordance with the provisions of the Act, provincial legislation and this Chapter.

20 Council approval for publication of draft land use scheme

- (1) Upon completion of the draft land use scheme, the land use scheme 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 land use scheme 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 21 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 Municipal 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) A registered planner/authorised official must sign the report required by subsection (2).
- (4) The Council must approve the draft land use scheme and authorise the public participation thereof in terms of this By-law and the relevant legislation referred to in section 18.

21 Public participation for a draft Land Use Scheme:-

- (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 once a week for two consecutive weeks; and
 - (b) publish a notice in two local newspapers that is circulated in the municipal area of the municipality in two languages commonly spoken in the area, once a week for two consecutive weeks; and
 - (c) 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 objection shall:
 - (i) do so within a period of 60 days from the first day of publication of the notice; and
 - (ii) provide written comments; and
 - (iii) provide their contact details as specified in the definition of contact details.
- (3) The Municipality may for purposes of public engagement arrange -
 - (a) specific consultations with professional bodies, community structures or other groups; and
 - (b) public meetings.
- (4) The Municipality must inform the Member of the Executive Council in writing of the intention to draft a land use scheme and provide him or her with a copy of the draft land use scheme after it has been approved by the Council as contemplated in section 18.

22 Incorporation of relevant comments

- (1) After the public participation process outlined in section 21 the department responsible for Development Planning or as the case may be shall:-
 - (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 or a person duly delegated, may elect to hear the submission through a written or oral hearing process;
 - (ii) all persons and or bodies that made submissions shall 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 means of registered mail or communication able to reach the submitter;
 - (iii) if an oral hearing is to be conducted as contemplated in (ii) the hearing shall be conducted by the Municipal Planning Tribunal for purposes of making a recommendation.
 - (iv) 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 land use scheme committee responsible for development planning in the Municipality and sector departments 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 section 18. This will be done together with the recommendation by the Municipal Planning Tribunal, as the case may be, for final consideration and approval of its Land Use Scheme

23 Preparation of land use scheme

The land use scheme committee responsible for Development Planning in the municipality 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 21(2), the Municipality must follow a further consultation and public participation process in terms of section 21(2) of this By-law, before the land use scheme is adopted by the Council.

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

- (1) The land use scheme committee must 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.

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

- (1) The Council must, within 60 days of its decision referred to in section 24, give notice of its decision to all persons or bodies who gave submissions on the land use scheme, and publish such notice 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.

26 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.



27 Records

- (1) The Municipality must in hard copy and an electronic media and or data base keep record in the register of amendments to the land use scheme contemplated in section 28, the land use rights in relation to each erf or portion of land and which information shall be 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, the Municipality must provide on payment by such body or person of the prescribed fee, a copy to them of the approved land use scheme or any component thereof: Provided that if the Municipality is of the opinion that in order to provide the said copy it will take officials unreasonably away from their substantive duties such request for a copy can be dealt with in terms of the Promotion of Access to Information Act, 2000.

28 Contents of land use scheme

- (1) The contents of a land use scheme developed and prepared 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 properties within the municipal area of the Municipality 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 a land development 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 Municipality's geographical 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.



- (j) A Land Use Scheme Register shall be kept and maintained by the Municipality in a hard copy and/or electronic format in accordance with schedule 2.
- (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; and

29 Register of amendments to land use scheme

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

- (a) Date of application
- (b) Name and contact details of applicant
- (c) Type of Application
- (d) Township/Farm name
- (e) Erf or farm number
- (f) Portion / Remainder
- (g) Property Description
- (h) Existing Zoning
- (i) Square Metres Granted
- (j) Density
- (k) FAR
- (l) Height (storeys/meters)
- (m) Coverage
- (n) Building Line
- (o) Parking Requirements
- (p) Amendment scheme no
- (q) Annexure Number
- (r) Item No
- (s) Item Date
- (t) Decision (Approved/Not Approved)
- (u) Decision Date

30 Replacement and consolidation of amendment of land use scheme

- (1) The Municipality may of its own accord in order to replace or consolidate an amendment scheme or several amendment schemes, map(s), annexure(s) or schedule(s) of the approved land use scheme, of more than one property, prepare a certified copy of documentation as the Municipality may require, for purposes of replacing or consolidating the said amendment scheme(s), which consolidated or replacement amendment scheme shall from the date of the signing thereof, be in operation; provided that:
 - (a) such replacement and consolidation shall 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 and may include a provision for consolidation of property for purposes of consolidating land use schemes; provided that if a consolidation is required, the Municipality only do so after consultation with the owner(s).

- (b) after the Municipality has signed and certified a consolidation or replacement amendment scheme, it must publish it in the *Provincial Gazette* and be recorded in the land use register.
- (2) Where as a result of a 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 15 to 28 apply, with the necessary changes, to the review or amendment of an existing land use scheme other than a rezoning or similar application relating to a property or properties or multiple portions thereof, which in the opinion of the Municipality is dealt with as a land development application.

CHAPTER 4

INSTITUTIONAL STRUCTURE FOR LAND USE MANAGEMENT DECISIONS

Part A: Division of Functions

31 Division of functions between Municipal Planning Tribunal and Land Development Officer

- (1) For purposes of section 35(3) of the Act, the following categories of applications defined in section 55 must be considered and determined -
 - (a) by the Municipal Planning Tribunal:
 - (i) All category 1 applications; and
 - (ii) all opposed category 2 applications;
 - (b) by the authorized official
 - i. All category 2 applications that are not opposed.
- (2) For the purposes of subsection (1), an opposed application means an application on which negative comments or objections were received after the public participation process.
- (3) Authorised official may refer any category 2 applications to Municipal Planning Tribunal for consideration.

Part B: Assessment to establish Municipal Planning Tribunal

32 Municipal assessment prior to establishment of Municipal Planning Tribunal

- (1) The decision of a municipality to –
 - (a) establish a joint Municipal Planning Tribunal as contemplated in section 34(1) of the Act; or
 - (b) agree to the establishment of a Municipal Planning Tribunal by a district municipality as contemplated in section 34(2) of the Act; or



- (c) establish a Municipal Planning Tribunal for its municipal area, must be preceded by an assessment of the factors referred to in sub regulation (2).
- (2) The assessment referred to in sub regulation (1) includes, amongst others, the following factors -
 - (a) the impact of the Act on the municipality's financial, administrative and professional capacity;
 - (b) the ability of the municipality to effectively implement the provisions of the Act;
 - (c) the average number of applications dealt with by the municipality annually in terms of existing planning legislation; and
 - (d) the development pressures in the municipal area.

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

33 Establishment of Municipal Planning Tribunal for local municipal area

- (1) Subject to the provisions of Part D and E of this Chapter, the Sekhukhune Joint District Municipal Planning Tribunal is hereby established for the municipal area of Ephraim Mogale Local Municipality, in compliance with section 35 of the Act.
- (2) The provisions of subsection (1) do not apply if, after the assessment contemplated in section 31, the municipality decides to establish a joint Municipal Planning Tribunal or a district Municipal Planning Tribunal.

34 Composition of Municipal Planning Tribunal for local municipal area

- (1) The Municipal Planning Tribunal consists of at least 5 members as contemplated in section 36 of the Act, made up as follows:
 - (a) three officials in the full-time service of the Municipality;
 - (b) a person registered as a professional with the South African Council for the Planning Profession in terms of the Planning Profession Act, 2002 (Act No. 36 of 2002);
 - (c) a person registered as a professional with the Engineering Council of South Africa in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000);
 - (d) 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);
 - (e) a person 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);
 - (f) an environmental assessment practitioner registered with a voluntary association; and



- (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 officials referred to in subsection (1) must have at least five years' experience in the field in which they are performing their services.
- (3) The persons referred to in subsection (1) 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) in the discipline in which he or she is practising;
 - (c) demonstrate leadership in his or her profession or vocation or in community organisations.

35 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 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 of the Municipality in two languages commonly spoken in the area;
 - (b) may be submitted to the various professional bodies which registers persons referred to in section 33(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.

36 Submission of nomination

- (1) The nomination must be in writing and be addressed to the Municipal Manager.
- (2) The nomination must consist of -

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- (a) the completed declaration contained in the form contemplated in Schedule 3 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.

37 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 35.
- (2) The nominations that are incomplete or do not comply with the provisions of section 35 must be rejected by the Municipality.
- (3) Every nomination that is complete and that complies with the provisions of section 35 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 33(3); or
 - (d) is not registered with the professional councils or voluntary bodies contemplated in section 33(1), if applicable,the nomination must be rejected and may not be considered by the evaluation panel contemplated in section 36.
- (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 37.
- (6) The screening and verification process contained in this section must be completed within 30 days from the expiry date for nominations.

38 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.

39 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 thereafter 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.
- (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 43, publish the names of the members of the Municipal Planning Tribunal and their term office in the same notice.

40 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 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 dies.
- (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(1) of the Act after giving the member an opportunity to be heard.
- (4) An official of a municipality contemplated in section 32(2)(a) 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 employ 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 shall immediately be disqualified from serving on the Municipal Planning Tribunal.
- (5) A person appointed by a municipality in terms of section 32(2)(b) to (g) to the Municipal Planning Tribunal -
 - (a) is not an employee on the staff establishment of that 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 municipality, pension, motor vehicle or any other benefit which a municipal employee is entitled to.
- (6) All members of the Municipal Planning Tribunal shall sign the Code of Conduct contain in Schedule 4 before taking up a seat on the Municipal Planning Tribunal.
- (7) All members serving on the Municipal Planning Tribunal shall adhere to ethics adopted and applied by the Municipality and shall 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 shall comply with the provisions of the Act, provincial legislation, these By-laws and the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

41 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 33(2).
- (2) A member who is appointed by virtue of subsection (1) holds office for the unexpired portion of the period for which the member he or she replaces was appointed.

42 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.



- (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.

43 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 payment of any fees prescribed in terms of the Municipal Systems Act.

44 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 38(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

45 Agreement to establish joint Municipal Planning Tribunal

- (1) If, after the assessment contemplated in section 31, 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, within 30 days after signing the agreement, publish the agreement as contemplated in section 34(3) of the Act.

**46 Status of decision of joint Municipal Planning Tribunal**

A decision of a joint Municipal Planning Tribunal is binding on both the applicant and the Municipality in whose area of jurisdiction the land relating to the land development application is located as if that decision was taken by a Municipal Planning Tribunal for a local municipal area.

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

The provisions of Part C, Part F and G apply, with the necessary changes, to a joint Municipal Planning Tribunal.

Part E: Establishment of District Municipal Planning Tribunal**48 Agreement to establish district Municipal Planning Tribunal**

(1) If requested by a district municipality and after the assessment contemplated in section 31, 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, within 30 days after signing the agreement, publish the agreement as contemplated in section 34(3) of the Act.

49 Composition of district Municipal Planning Tribunals

(1) A district Municipal Planning Tribunal must consist of -

- (a) at least one official of each participating municipality in the full-time service of the municipalities; and
- (b) persons who are not municipal officials and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto appointed from a list of service providers maintained by the district municipality to serve on the district Municipal Planning Tribunal.

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

50 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 in whose area of jurisdiction the land relating to the land development application is located as if that decision was taken by a Municipal Planning Tribunal for a local municipal area.

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

The provisions of Part C, Part F and Part G apply, with the necessary changes, to a joint Municipal Planning Tribunal.

Part F: Decisions of Municipal Planning Tribunal**52 General criteria for consideration and determination of application by Municipal Planning Tribunal**



- (1) When the Municipal Planning Tribunal considers an application it 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 and any guidelines issued by the member of the Executive Council regarding proposed land uses;
 - (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 registered planner in terms of the Planning Profession Act, 2002, in respect of the following applications:
 - (i) a rezoning;
 - (ii) a subdivision of more than 20 cadastral units;
 - (iii) a removal, suspension or amendment of a restrictive condition, if it relates to a change of land use.
 - (iv) an amendment, deletion or additional conditions in respect of an existing approval, listed in this paragraph;
 - (v) an approval of an overlay zone as provided in the land use scheme;
 - (vi) a phasing, amendment or cancellation of a plan of subdivision or a part thereof;
 - (vii) a determination of a zoning as contemplated in section 175;
 - (viii) a closure of a public place or part thereof;
 - (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) A municipality must approve a site development plan submitted to the Municipality for approval in terms of applicable development parameters or conditions of approval 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; and
 - (d) complies with this By-law.
- (3) When a site development plan is required in terms of development parameters or conditions of approval—
 - (a) the municipality may not approve a building plan if the site development plan has not been approved; and
 - (b) the municipality may not approve a building plan that is inconsistent with the approved site development plan.

53 Conditions of approval

- (1) When the Municipal Planning Tribunal 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 implementation of a subdivision in phases;
- (o) requirements of other organs of state.
- (p) the submission of a construction management plan to manage the impact of a new building on the surrounding properties or on the environment;
- (q) agreements to be entered into in respect of certain conditions;
- (r) the phasing of a development, including lapsing clauses relating to such phasing;
- (s) the delimitation of development parameters or land uses that are set for a particular zoning;
- (t) the setting of validity periods, if the Municipality determined a shorter validity period as contemplated in this By-law;
- (u) the setting of dates by which particular conditions must be met;
- (v) requirements relating to engineering services as contemplated in Chapter 7;
- (w) 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 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) Municipal public expenditure contemplated in subsection (3) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—
 - (a) community facilities, including play equipment, street furniture, crèches, clinics, sports fields, indoor sports facilities or community halls;
 - (b) conservation purposes;
 - (c) energy conservation;
 - (d) climate change; or
 - (e) engineering services.



- (6) Except for land needed for public places or internal engineering services, any additional land required by the municipality or other organs of state arising from an approved subdivision must be acquired subject to applicable laws that provide for the acquisition or expropriation of land.
- (7) A Municipal Planning Tribunal may not approve a land development or land use application subject to a condition that approval in terms of other legislation is required.
- (8) Conditions which require a standard to be met must specifically refer to an approved or published standard.
- (9) No conditions may be imposed which affect a third party or which are reliant on a third party for fulfilment.
- (10) If the Municipal Planning Tribunal approves a land development or use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.
- (11) The Municipal Planning Tribunal may, on its 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.

Part G: Administrative Arrangements

54 Administrator for Municipal Planning Tribunal for municipal area

- (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 Municipal Planning Tribunal;
 - (b) maintain a diary of hearings of the Municipal Planning Tribunal;
 - (c) allocate meeting dates 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: Categories of Applications

55 Categories of land use and land development applications

- (1) The categories of land development and land use management for the Municipality, as contemplated in section 35 (3) of the Act, are as follows -
 - (a) Category 1 Applications; and
 - (b) Category 2 Applications.
- (2) Category 1 applications are applications for -
 - (a) the establishment of a township or the extension of the boundaries of a township;
 - (b) the amendment of an existing scheme or land use scheme by the rezoning of land;
 - (c) subject to subsection (3), the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - (d) the amendment or cancellation in whole or in part of a general plan of a township;
 - (e) the subdivision and consolidation of any land other than a subdivision and consolidation which is provided for as a Category 2 application;
 - (f) permanent closure of any public place;
 - (g) all applications for the restriction of access to a public road in terms of the Rationalization of Local Government Affairs Act, 1998 (Act No. 10 of 1998);
 - (h) any 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;
 - (i) instances where the Municipality acting on its own accord wishes to remove, amend a restrictive or obsolete condition, servitude or reservation registered against the title deed of a property or properties which may also arise out of a condition of establishment of a township or any other legislation;
 - (j) any consent or approval provided for in a provincial law; and



- (k) land development on communal land that will have a high impact on the traditional community concerned.
- (3) Category 2 applications are applications for:
 - (a) the subdivision of any land where such subdivision is expressly provided for in a land use scheme;
 - (b) the consolidation of any land;
 - (c) the simultaneous subdivision, under circumstances contemplated in paragraph (a) and consolidation of land;
 - (d) the consent of the municipality for any land use purpose or departure or deviation in terms of a land use scheme or existing scheme which does not constitute a land development application;
 - (e) the removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential density is regulated by a land use scheme in operation; and
 - (f) a temporary use application.
- (3) The division of functions per category of application as contemplated in section 35(3) of the Act between a Land Development Officer and a Municipal Planning Tribunal is set out in section 30.

56 Application for land development required

- (1) No person may commence with, carry on or cause the commencement with or carrying on of land development without the approval of the Municipality in terms of subsection (3).
- (2) When an applicant or owner exercises a 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.
- (3) 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.

57 Pre- application discussion

- (1) An applicant who wishes to lodge an application lodge any application in terms of this by-law is subjected to a compulsory pre-application discussion with the Municipality.
- (2) An applicant must liaise division responsible for town planning services at the Municipality to set up an appointment for pre-application discussion.
- (3) The purpose of pre- application discussions is to ensure that the required application procedure is followed and to ensure that the proposed application is in line with the Municipal planning policies and that all the required information is submitted when application is eventually lodged



- (4) An applicant who intends to lodge any application in terms of this By-law is subjected to comply with the subsection 1 and 2
- (5) An applicant, whose application is permitted to be lodged, he/she will be issued with an authorisation letter which set out a procedure on how an application will be lodged.
- (6) A pre-application discussion appointment with the division/unit responsible for town planning services may be lodged in the following manner:
 - (i) Physical visit/engagement with the relevant municipal officials responsible for setting up appointment regarding pre-application discussion
 - (ii) Via electronic format such as letter attached to an email, fax or CD/USB hand delivered\ (Such information must be submitted at least 7 days prior the scheduled meeting)

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

58 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 in a statement of conditions;
 - (b) the statement of conditions shall be known as conditions of establishment for the township; and
 - (c) the statement of conditions must, in the opinion of the Municipality, 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 opening of a township register for the township 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) third party conditions as required by the Registrar of Deeds;
 - (e) the conditions to be incorporated into the land use scheme by means of an amendment scheme.



- (f) if a non-profit company is to be established for purposes of maintaining or transfer of erven within the township to them the conditions that must apply;
 - (g) any other conditions and or obligation on the township owner, which in the opinion of the Municipality deemed necessary for the proper establishment, execution and implementation of the township.
- (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, amend or delete any condition imposed in terms of subsection (3) or add any further condition, provided that if the amendment is in the opinion of the Municipality so material as to constitute a new application, the Municipality may 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 90.
- (6) 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 may 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 90.
- (7) Without detracting from the provisions of subsection (5) and (6) 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.

59 Division or phasing of township

- (1) An applicant who has been notified in terms of section 107 that his or her application has been approved may, within a period of eight months from the date of the notice, or such further period as the Municipality may allow, 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 that he or she consulted with the Surveyor General.
- (3) Where the Municipality approves an application it may impose any condition it may deem expedient and must notify the application in writing thereof and of any conditions imposed.
- (4) The applicant shall, within a period of 3 months from the date of the notice contemplated in subsection (3), submit to the Municipality such plans, diagrams or 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.

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

- (1) An applicant who has been notified in terms of section 107 that his or her application has been approved, shall, within a period of 12 months from the date of such notice, or such further period as the Municipality may allow, 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 shall lapse.
- (2) For purposes of subsection (1), the Municipality must provide to the applicant a final schedule as contemplated in section 56(3) and (4) of the conditions of establishment together with a stamped and approved layout plan.
- (3) The Municipality may 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 shall 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 application shall lapse.
- (5) After an applicant has been notified that his or her 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;
 - (c) 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.

61 Compliance with pre-proclamation conditions

- (1) The applicant shall 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 shall certify that all the conditions that have to be complied with by the applicant or owner as contemplated in section 56(3) and (4) 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.

62 Opening of Township Register

- (1) The applicant shall lodge with the Registrar of Deeds the plans and diagrams contemplated in section 58 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 shall 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 56(3).
- (3) The plans, diagrams and title deeds contemplated in subsection (1) shall 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 shall notify the Municipality forthwith of such endorsement or registration, and thereafter the Registrar shall 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 61.

63 Proclamation of approved township.

After the provisions of sections 57, 58, 59 and 60 have been complied with and the Municipality is satisfied that the township is in its area of jurisdiction, the Municipality or the applicant, if authorized in writing by the Municipality, shall, by notice in the *Provincial Gazette*, declare the township an approved township and it shall, in an Annexure to such notice, set out the conditions on which the township is declared an approved township.

Part C: Rezoning of land

64 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.
- (2) A rezoning approval lapses after a period of two years, or a shorter period as the municipality may determine, from the date of approval or the date that the approval comes into operation if, within that two years period or shorter period—
 - (a) the zoning is not utilised in accordance with the approval thereof; or
 - (b) the following requirements 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).
- (3) The Municipality may grant extensions to the periods contemplated in subsection (2), which period together with any extensions that the Municipality grants, may not exceed 5 years.
- (4) 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 175.

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

65 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) In addition to the procedures set out in Chapter 6, the owner must—
 - (a) submit the original title deed to the Municipality or a certified copy thereof; and
 - (b) submit the bondholder's consent to the application, where applicable.
- (4) The Municipality must 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.
- (5) 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.

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

- (1) The applicant shall, after the amendment, suspension or removal of a restrictive condition by notice in the *Provincial Gazette* as contemplated in section 63(1), submit the following to the Registrar of Deeds:
 - (a) the original title deed;
 - (b) 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 63(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: Subdivision and Consolidation

67 Application for subdivision

- (1) No person may subdivide land without the approval of the Municipality, unless the subdivision is exempted under section 71.
- (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) No application for subdivision involving a change of zoning may be considered by the Municipality, unless the land concerned is zoned for such subdivision.
- (4) The Municipality must impose appropriate conditions relating to engineering services for an approval of a subdivision.
- (5) If a 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 (3-4) and section 58; and
 - (c) the approved subdivision plan.



- (6) If the Municipality approves an application for a subdivision, the applicant must within a period of two years or the shorter period as the Municipality may determine, 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) completion of the installation of engineering services in accordance with the conditions contemplated in subsection (3) or other applicable legislation;
 - (c) proof to the satisfaction of the Municipality that all relevant conditions contemplated in section 56 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 or of at least one new land unit shown on the general plan.
- (7) A confirmation from the Municipality in terms of subsection (6)(c) that all conditions of approval 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.

68 Confirmation of subdivision

- (1) Upon compliance with section 67(5), the subdivision or part thereof is confirmed and cannot lapse.
- (2) Upon confirmation of a subdivision or part thereof under section 67(5), 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 67(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 as contemplated in section 65(5) or the Municipality approved the construction prior to the subdivision being confirmed.

69 Lapsing of subdivision and extension of validity periods

- (1) An approved subdivision or a portion thereof lapses if the applicant does not comply with subsection 67(5).
- (2) An applicant may apply for an extension of the period to comply with subsection 67(5) or must comply with subsection (5).
- (3) An extension contemplated in subsection (2) may be granted for a period not exceeding two years and if after the expiry of the extended period the requirements of subsection 67(5) has not been complied with, the subdivision lapses and subsection (6) applies.



- (4) The Municipality may grant extensions to the period contemplated in subsection (2), which period together with any extensions that the Municipality grants, may not exceed 5 years.
- (5) If only a portion of the general plan, contemplated in subsection 67(5)(a) complies with subsection 67(5)(b) and (c), the general plan must be withdrawn and a new general plan must be submitted to the Surveyor-General.
- (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
 - (c) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the notification that the subdivision has lapsed.

70 Amendment or cancellation of subdivision plan

- (1) The Municipality may approve the amendment or cancellation of a subdivision plan, including conditions of approval, 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 67(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).

71 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.
- (2) The Municipality must, in each case, certify in writing that the subdivision has been exempted from the provisions of this Chapter.
- (3) The Municipality must indicate on the plan of subdivision that the subdivision has been exempted from the provisions of sections 67 to 71.

72 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 land unit in respect of other land units:
 - (i) gas mains;
 - (ii) electricity cables;
 - (iii) telephone cables;
 - (iv) television cables;
 - (v) other electronic infrastructure;
 - (vi) main and other water pipes;
 - (vii) foul sewers;
 - (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.

73 Consolidation of land units

- (1) No person may consolidate land without the approval of the Municipality, unless the consolidation is exempted under section 71.
- (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 subdivision;
 - (b) the conditions of approval contemplated in section 58; 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.

74 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 two years of the approval, the consolidation approval lapses, unless the consolidation of land units form part of a land use application which has been approved for a longer period.
- (2) An applicant may apply for an extension of the period to comply with subsection (1).
- (3) An extension contemplated in subsection (2) may be granted for a period not exceeding five years and if after the expiry of the extended period the requirements of subsection (1) has not been complied with, the consolidation lapses and subsection (5) applies.
- (4) If the Municipality may grant extensions to the period contemplated in subsection (2), which period together with any extensions that the Municipality grants, may not exceed 5 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 subdivision has lapsed.

Part F: Permanent Closure of Public Place

75 Closure of public places

- (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) If any person lodges a claim against the Municipality for loss or damage that he or she has allegedly suffered as a result of the wrong doing on the part of the Municipality as a result of the closure of a public place, the authorised employee must—
 - (a) require proof of negligence on the part of the Municipality which resulted in the loss or damage; and
 - (b) before any claim is paid or settled, obtain a full technical investigation report in respect of the circumstances that led to the closure of the public place to determine whether or not there has been negligence on the part of the Municipality.
- (4) The Municipality may pay a claim if—
 - (a) the circumstances of loss or damage reveal that the Municipality acted negligently;
 - (b) the circumstances of the loss are not inconsistent with this By-law;
 - (c) the claimant has proved his or her loss or damage;
 - (d) the claimant has provided the proof of a fair and reasonable quantum;
 - (e) no claim has been made and paid by personal insurance covering the same loss; and
 - (f) any other relevant additional information as requested by the authorised employee has been received.
- (5) 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.
- (6) 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.



- (7) 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 G: Consent Use

76 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 56.
- (3) A consent use may be granted permanently or for a specified period of time in terms of conditions of approval contemplated in section 58.
- (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 the shorter period as the Municipality may determine from the date that the approval comes into operation if, within that two year period or shorter period—
 - (a) the consent use is not utilised in accordance with the approval thereof; or
 - (b) the following requirements 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), which period together with any extensions that the Municipality grants, may not exceed 5 years.

Part H: Application on communal land

77 Application on communal land

- (1) An applicant who wishes to amend the use of communal land such amendment will have a high impact on the community must apply to the Municipality for the amendment of the land use in the manner provided for in Chapter 6.
- (2) For the purpose of this section, "high impact" means a land use that could negatively impact on the health and welfare of the community.

Application for Traditional Use

- (1) An applicant who wishes to amend the use of communal land and if such an amendment will have a high impact on the community and will result in the development of land, must



apply Ephraim Mogale Local Municipality for the amendment of the land use in the manner provided for in Chapter 6.

- (2) The applicant who wishes to make a land development application on land held by the Traditional Council shall approach the relevant Traditional Council to apply for land to be developed by completing an appropriate form.
- (3) The applicant stated in subsection (2) must indicate the description of the property, location, extent, purpose of the intended use.
- (4) The Traditional Council shall upon receipt of the application contemplated in subsection 2, submit the application to Ephraim Mogale Local Municipality for comments before the applicant can be notified of the outcome of the land application, whether it is supported or not. The Municipality shall amongst others determine the extent of the land to be allocated.
- (5) Must within fourteen (14) calendar days of receipt of the land application mentioned in the subsection (2) recommend to the Traditional Council whether to continue or not with the allocation of the land as applied for by the applicant.
- (6) The applicant shall having been informed by the Traditional Council of the outcome submit a land development application to the Municipality in accordance with the provisions of Chapter 6.
- (7) Any person who causes any development of land on land held by a Traditional Council i.e. subdivision, consent use etc., without obtaining prior permission for such development from the Traditional Authority, in terms of subsection (2) shall be guilty of an offense and liable upon conviction of R10 000.00 or imprisonment for a period as determined by a Court of Law or to both a fine and such imprisonment;

Part I: Temporary Use

78 Application for temporary use (i.e Construction/ Contractors camp sites, Circus)

- (1) An applicant may apply to the Municipality-
 - (a) for a departure from the development parameters of a zoning; or
 - (b) 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 for a period not exceeding 5 years or such shorter period as may be necessary, in the manner provided for in Chapter 6. (2) A departure contemplated in subsection (1)(a) lapses after a period of two years or the shorter period as the municipality may determine from the date that the approval comes into operation if, within that five year period or shorter period, the departure is not utilised in accordance with the approval thereof.
- (3) The Municipality may grant extensions to the period contemplated in subsection (2), which period together with any extensions that the Municipality grants, may not exceed five years.
- (4) The Municipality may approve a departure contemplated in subsection (1)(b) for a period shorter than 5 years, provided that, the period may not, together with any extension approved in accordance with section 66, exceed five years;



- (5) A temporary departure contemplated in subsection (1)(b) may not be granted more than once in respect of a particular use on a specific land unit.
- (6) A temporary departure contemplated in subsection (1)(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 back to its previous lawful use upon the expiry of the period contemplated in subsection (1)(b).

Part J: General Matters

79 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 52 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.

80 Restriction of transfer and registration

- (1) Notwithstanding the provisions contained in this By-law or any conditions imposed in the approval of any land development application, the owner shall, 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 shall 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; 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 land development 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 shall be transferred simultaneously with the first transfer or registration of a newly created property or sectional title scheme.



81 First transfer

- (1) Where an owner of land to which a land development application relates is required to:

- (a) transfer land to the Municipality;
- (b) a non-profit company

by virtue of a condition set out in the conditions to the approval of a land development application contemplated in section 52, the land shall 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 52, 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.

82 Certification by Municipality

- (1) A person may not apply to the Registrar of Deeds to register the transfer of a land unit, unless the Municipality has issued a certificate in terms of this section.
- (2) The Municipality may not issue a certificate to transfer a land unit 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 unit 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; and
 - (e) proof that the conditions of approval that must be complied with before the transfer of erven have been complied with.

83 National and provincial interest

- (1) In terms of section 52 of the Act an applicant shall refer any application which affects national or provincial interest respectively to the Minister and the Member of the Executive Council for comments, which comments are to be provided within 21 days as prescribed in subsection 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 or provincial interest as defined in section 52 of the Act, is submitted, such application must be referred to the Minister or the Member of the Executive Council respectively and the provisions of subsections 52(5) to 52(7) of the Act, apply with the necessary changes.
- (3) The Municipal Planning Tribunal or Land Development Officer or Authorised Official as the case may be, as contemplated in this By-law and the Act, may direct that an application before it, be referred to the Minister and the Member of the Executive Council, if such an application in their opinion affects national or provincial interest and the provisions of subsections 52(5) to 52(7) apply with the necessary changes.



- (4) Subsections (1) to (3) shall be read with subsection 33(1) of the Act in that the national and or provincial departments becomes parties to the application that affects national or provincial interest, but the Municipality remains the decision maker of first instance.

CHAPTER 6 GENERAL APPLICATION PROCEDURES

84 Applicability of Chapter

This Chapter applies to all applications submitted to the Municipality in terms of Chapter 5.

85 Procedures for making application

An applicant must comply with the procedures in this Chapter and, where applicable, the specific procedures provided for in Chapter 5 of this By-law.

86 Information required

- (1) An application must be accompanied by the following documents:
- (a) an approved application form, completed and signed by the applicant;
 - (b) if the applicant is not the owner of the land, a power of attorney authorising the applicant to make the application on behalf of the owner;
 - (c) if the owner of the land is a company, closed corporation, trust, body corporate or home owners' association, proof that the person is authorised to act on behalf of the company, closed corporation, trust, body corporate or a home owners' association;
 - (d) the relevant bondholder's consent, if required by the Municipality;
 - (e) a written motivation for the application based on the criteria for consideration of the application;
 - (f) a copy of the Surveyor-General's diagram of the subject property or if it does not exist, an extract from relevant general plan;
 - (g) a locality plan and site development plan, when required, or a plan showing the proposal in its cadastral context;
 - (h) in the case of an application for the subdivision of land, copies of the subdivision plan showing the following:
 - (i) the location of the proposed land units;
 - (ii) the proposed zonings in respect of the proposed land units;
 - (iii) all existing structures on the property and abutting properties;
 - (iv) the public places and the land needed for public purposes;



- (v) the existing access points;
 - (vi) all servitudes;
 - (vii) contours with at least a one meter interval or such other interval as may be approved by the Municipality;
 - (viii) the street furniture;
 - (ix) the light, electrical and telephone poles;
 - (x) the electrical transformers and mini substations;
 - (xi) the storm water channels and catch pits;
 - (xii) the sewerage lines and connection points;
 - (xiii) any significant natural features; and
 - (xiv) the scale and all distances and areas.
- (i) any other plans, diagrams, documents or information that the Municipality may require;
 - (j) the proof of payment of application fees;
 - (k) a full copy of the title deeds indicating all existing title conditions in current and historic title deeds; and
 - (l) if required by the Municipality, a certificate of a conveyancer indicating that no restrictive condition in respect of the application is contained in such title deeds.; and
 - (m) in the case of a traditional use application referred to in section 54, community approval granted as a result of a community participation process conducted in terms of Customary Law.
- (2) The Municipality may make guidelines relating to the submission of additional information and procedural requirements.

87 Application fees

- (1) An applicant must pay the application fees determined by the Municipality 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.

88 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 84.

89 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;
- (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 as per the documents attached, notify the applicant in writing that the application is in order within 30 days of receipt of the application .
- (d) Write a letter stating that the application will be sent to the MPT for consideration.

90 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 there of or within the further period agreed between the applicant and the Municipality.
- (2) The Municipality must 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 make a fresh application and pay the applicable application fees.

91 Confirmation of complete application

- (1) The Municipality must notify the applicant in writing that the application is complete 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) If further information is required, section 88 applies to the further submission of information that may be required.

92 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 with no refund.
- (2) The owner of land must in writing inform the Municipality prior to the decision of the application by the MPT if he or she has withdrawn the power of attorney that authorised another person to make an application on his or her behalf.

93 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 within 14 days excluding holidays and weekends
- (2) If a 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 in the local newspaper based in the area for two weeks, in two different local languages being spoken in the area
- (3) The Municipality must, within 30 days of having notified the applicant that the application is complete, simultaneously—
 - (a) inform the applicant to submit a public notice of the application to be given in terms of section 92(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 a Municipality, the applicant must provide proof that the notice has been published as required.

94 Notification of application in media

- (1) The Municipality must inform the applicant to give notice in the media, in accordance with this By-law, of the following applications:
 - (a) an application for a rezoning or a rezoning on the initiative of the Municipality;
 - (b) the subdivision of land larger than five hectares inside the outer limit of urban expansion as reflected in its municipal spatial development framework;
 - (c) the subdivision of land larger than one hectare outside the outer limit of urban expansion as reflected in its municipal spatial development framework;
 - (d) if the Municipality has no approved municipal spatial development framework, the subdivision of land larger than five hectares inside the physical edge, including existing urban land use approvals, of the existing urban area;



- (e) if the Municipality has no approved municipal spatial development framework, the subdivision of land larger than one hectare outside the physical edge, including existing urban land use approvals, of the existing urban area;
 - (f) the closure of a public place;
 - (g) an application in respect of a restrictive condition;
 - (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 newspapers with a general circulation in the area concerned in at least two of the official languages of the Province most spoken in the area concerned; or English and one of the local language
 - (b) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for at least the duration of the notice period of 14 days excluding holidays and weekends, on the land concerned and on any other notice board as may be determined by the Municipality.
 - (c) the notice of less not than 60 cm x 42 cm be maintained by the applicant within the valid time frames of 14 days excluding holidays and weekends.

95 Serving of notices

- (1) Notice of an application contemplated in section 92(1) and subsection (2) must be served—
- (a) in accordance with section 115 of the Municipal Systems Act;
 - (b) in at least two of the official languages of the Province most spoken in the area concerned; and
 - (c) on each person whose rights or legitimate expectations will be affected by the approval of the application.
- (2) When the Municipality intends to consider any of the following, it must at least request a notice to be served as contemplated in section 92 of its intention:
- (a) a determination of a zoning;
 - (b) a land use application for subdivision or the amendment or cancellation of a subdivision contemplated in sections 65 and 68, respectively;
 - (c) a land use application for consolidation contemplated in section 71; or
 - (d) the imposition, amendment or waiver of a condition.
- (3) The Municipality may require the serving of a notice as contemplated in this section for any other application made in terms of this By-law.
- (4) The Municipality may require notice of its intention to consider all other applications not listed in subsection (2) to be given in terms of section 95.



- (5) The Municipality may require the applicant to attend to the serving of a notice of an application contemplated in subsection (1).
- (6) Where an applicant has served a notice at the request of a Municipality, the applicant must provide proof in the form of visuals and affidavits that the notice has been served as required.
- (7) The date of notification in respect of a notice served in terms of this section—
 - (a) when it has been served by certified or registered post is the date of registration of the notice; and
 - (b) when it has been delivered to the property and or that person personally is the date of delivery to that person Acknowledgements/Receipt proof thereof ;
 - (c) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years is the date on which it has been left with that person; or
 - (d) when it has been posted in a conspicuous place on the property or premises to which it relates is the date that it is posted in that place.

96 Content of notice

When notice of an application must be given in terms of section 92 or served in terms of section 93, the notice must contain the following information:

- (a) the details of the applicant;
- (b) identify the land or land unit to which the application relates by giving the property description and the physical address;
- (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, objections or representations together with the reasons therefor in respect of the application;
- (g) state in which manner comments, objections or representations may be submitted;
- (h) state the date by when the comments, objections or representations must be submitted within 28 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, comments or representations.

97 Additional methods of public notice

- (1) If the Municipality considers notice in accordance with sections 92 or 93 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 display a notice contemplated in section 92 of a size of at least 60 cm by 42 cm on the frontage of the erf concerned or at any other conspicuous and easily accessible place on the erf, provided that—
 - (i) the notice must be displayed for a period of 28 working days Monday to Friday excluding holidays, during the period that the public may comment on the application;
 - (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.
 - (b) to convene a meeting for the purpose of informing the affected members of the public of the application;
 - (c) to broadcast information regarding the application on a local radio station in a specified language;
 - (d) to hold an open day or public meeting to notify and inform the affected members of the public of the application;
 - (e) to publish the application on the Municipality's website for the duration of 28 days that the public may comment on the application; or
 - (f) 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 a Municipality, the applicant must provide proof that the additional public notice has been given as required.

98 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, contact details 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.

99 Requirements for objections, comments or representations

- (1) A person may, in response to a notice received in terms of sections 92, 93 or 95, object, comment or make representations 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 person 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) The Municipality must not accept an objection, comment or representation received after the closing date.

100 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-laws 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) 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.

101 Further public notice

- (1) The Municipality may require that fresh notice of an application be given if more than 18 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.

102 Cost of notice

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

103 Applicant's right to reply

- (1) Copies of all objections, comments or representations lodged with a 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.
- (a) The municipality will use available reliable communication to reply to the applicant on the objection, comments or representations received.
- (2) The applicant may, within a period of 28 days from the date of the provision of the objections, comments or representations, submit written reply thereto with the Municipality and must serve a copy thereof on all the parties that have submitted objections, comments or representations.
- (3) The applicant may before the expiry of the 28 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 28 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, comments or representations lodged with a Municipality, additional information regarding the application are 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 88(2) to (5) with the necessary changes, applies.

104 Written assessment of application

- (1) An employee authorised by the Municipality must in writing assess an application in accordance with section 51 and recommend to the decision-maker whether the application must be approved or refused.
- (2) An assessment of an application must include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

105 Decision-making period

- (1) When the power to take a decision is delegated to an authorised employee and no integrated process in terms of another law is being followed, the authorised employee must decide on the application within 60 days of the closing date for the submission of comments, objections or representations.
- (2) When the power to take a decision is not delegated to an authorised employee and no integrated process in terms of another law is being followed, the Municipal Planning



Tribunal must decide on the application within 120 days of the closing date for the submission of comments, objections or representations.

106 Failure to act within time period

If no decision is made by the Municipal Planning Tribunal or Land Development Officer (Authorized Official) within the period required in terms of the Spatial Planning and Land Use Management Act, Act 16 of 2013 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 municipal council and mayor.

107 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 102.
- (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.

108 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 and provincial legislation;
- (d) conduct any necessary investigation;
- (e) give directions relevant to its functions to any person in the service of a Municipality or municipal entity;

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- (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;

109 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 taken 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.

110 Duties of agent of applicant

- (1) An applicant who is not the owner of the land concerned must ensure that he or she has the contact details of the owner of the property.
- (2) The agent must ensure that all information furnished to the Municipality is accurate.
- (3) The agent must ensure that no misrepresentations are made.
- (4) The provision of inaccurate, false or misleading information is an offence.

111 Errors and omissions

- (1) The Municipality may at any time 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.

112 Withdrawal of approval

- (1) The Municipality may withdraw an approval granted for a consent use 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 time period of 14 days;
 - (c) allowing the owner to make representations on the notice within a time period 14 days.

113 Procedure to withdraw an approval

- (1) The Municipality may withdraw an approval granted—
 - (a) after consideration of the representations made in terms of section 111(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 111(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.

114 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 application processes as contemplated in section 91;
 - (ii) the provision of housing with the assistance of a state subsidy; or
 - (iii) incremental upgrading of existing settlements;
- (b) in an emergency situation authorise that a development may deviate from any of the provisions of this By-law

CHAPTER 7 ENGINEERING SERVICES AND DEVELOPMENT CHARGES

Part A: Provision and Installation of Engineering Services

115 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 a land development application is approved.
- (3) The Municipality is responsible for the installation and provision of external engineering services, unless the engineering services agreement referred to in section 115 provides otherwise
- (4) When the Municipality is not the provider of an engineering service, the applicant must satisfy the Municipality that adequate arrangements have been made with the relevant service provider for the provision of that service, as contemplated in section 49(3) of the Spatial Planning and Land Use Management Act.
- (5) The Municipality may enter into a written agreement with an applicant to provide that—
 - (a) the applicant will install the external engineering service instead of paying the applicable development charges; or
 - (b) the fair and reasonable cost of the external engineering service may be set off against the development charges payable by the applicant.
- (6) A land development application in terms of this By-law or any other relevant law shall not be approved by the Municipal Planning Tribunal or Authorized Official, unless and until the



Municipality is satisfied that engineering services, social infrastructure and open spaces can be provided and installed for the proper development of the land development area or that arrangements have been made for the provision and installation of engineering services, social infrastructure and open spaces, to the satisfaction of the Municipality.

116 Installation of engineering services

- (1) The applicant shall provide and install the internal engineering services in accordance with the conditions of establishment and to the satisfaction of the Municipality, and for that purpose the applicant shall lodge with the Municipality such reports, diagrams and specifications as the Municipality may require.
- (2) The Municipality shall have regard to such standards as the Minister/MEC 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.

117 Engineering services agreement

- (1) An applicant of a land development 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 or external engineering services;
 - (b) be clear when the applicant and the Municipality are to commence construction of internal engineering services 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;
 - (d) determine the date on which all risk and ownership in respect of such services shall pass to the Municipality;
 - (e) require the applicant and the Municipality 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:
 - (i) when normal maintenance by the relevant authority 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 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.
- (2) The engineering services agreement may –
- (a) 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; and
 - (b) provide for the manner in which the parties are to finance their relative responsibilities in terms of the engineering services agreement and where appropriate, either party may undertake to provide bridging finance to the other party.
- (3) 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.



118 Abandonment or lapsing of land development application

Where a land development 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 115 lapses and if the applicant had installed any engineering services before the lapsing of the application in terms of the engineering services agreement, he or she shall have no claim against the Council with regard to the provision and installation of any engineering services of whatsoever nature.

119 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;
- (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

120 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 improves such services as a result of the commencement of the amendment scheme; and
 - (b) open spaces or parks where the commencement of the amendment scheme will bring about a higher residential density.
- (2) If a land development 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, subject to section 119, pay the development charge to the Municipality.
- (3) An applicant or owner who is required to pay a development charges in terms of this By-law shall pay such development charges to the Municipality before:
 - (a) a written statement contemplated in section 118 of the Municipal System Act is furnished in respect of the land;
 - (b) 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;

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.

121 Offset of development charge

- (1) An agreement concluded between the Municipality and the applicant in terms of section 49(4) of the Act, to offset the provision of external engineering services 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 applicant or 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 exceed 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 115.

122 Payment of development charge in instalments

The Municipality may -

- (a) in the circumstances contemplated in subparagraph (b) or (c), allow payment of the development charge contemplated in section 118 in instalments over a period not exceeding three months;
- (b) in any case, allow payment of the development charge contemplated in section 118 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.

123 Refund of development charge

No development charge paid to the Municipality in terms of section 118 or any portion thereof shall 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 116 the Municipality may, on such terms and conditions as it may determine, authorise the refund of development charges or any portion thereof.

124 General matters relating to contribution charges



- (1) 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.
- (2) The Municipality must annually prepare a report on the development charges paid to the Municipality together with a statement of the expenditure of such amounts and the purposes of such expenditure and must submit such report and statement to the Premier.

CHAPTER 8

APPEAL PROCEDURES

PART A: Management of an Appeal Authority

125 Presiding officer of appeal authority

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

126 Bias and disclosure of interest

- (1) No presiding officer or member of an 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 official contemplated in section 35(2) of the Act and he or she made the decision that is the subject of the appeal.
- (2) No presiding officer or member of an appeal authority who has at any time convicted of an offence involving dishonesty may sit at the hearing of an appeal
- (3) A presiding officer or member of an appeal authority who has or appears to have a conflict of interest as defined in sub regulations (5) and (6) must recuse himself or herself from the appeal hearing.
- (4) Presiding officer or member of an appeal authority may not sit at the hearing of an appeal if has previously removed from tribunal for a breach of provision of the Act or provincial legislation enacted in terms of the Act.
- (5) 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.
- (6) 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.
- (7) For the purpose of this Chapter “conflict of interest” means any factor that may impair or reasonable 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.



- (8) 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.

127 Registrar of appeal authority

- (1) The municipal manager of a municipality is the registrar of the appeal authority.
- (2) Notwithstanding the provisions of sub regulation (1), a municipal council may appoint a person or designate an official in its employ, to act as registrar of the appeal authority and if it so appoints or designates a person or an official, that person or official has delegated authority as contemplated in section 56 of the Act.
- (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 municipal 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 under subsection (2) or authorised under subsection (3) may hold more than one office simultaneously.

128 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 cash 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;

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LIMPOPO PROVINCE
LIMPOPO PROVINSIE
XIFUNDZANKULU XA LIMPOPO
PROFENSE YA LIMPOPO
VUNDU LA LIMPOPO
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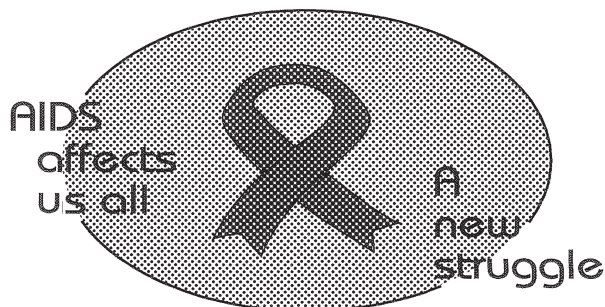
Vol. 24

POLOKWANE,
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- (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.
- 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 B: Appeal Process

129 Commencing of appeal

An appellant must commence an appeal by delivering a Notice of Appeal in the form approved by Council to the registrar of the relevant appeal authority within 21 days as contemplated in section 51 of the Act.

130 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 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.

131 Notice to oppose an appeal

A notice to oppose an appeal 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 of an application are opposed and which conditions;
- (c) whether the relief sought by the appellant is opposed; and
- (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.

132 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 referred to in section 128;



- (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 referred to in section 128, the appeal authority must return the Notice of Appeal to the appellant, indicating what information is missing and requires that information to be provided and returned to the appeal authority by the appellant within 14 days
- (3) If the Notice of Appeal is not provided and returned to the appeal authority with the requested information within the specified time period of 14 days, 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.

PART C: Parties to an Appeal

133 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;
 - (b) the Municipal Planning Tribunal that or the official authorised by the municipality as contemplated in section 35(2) of the Act who made the decision;
 - (c) if the Minister or MEC intervenes in the proceeding under regulation 9, the Minister or the MEC, as the case may be; and
 - (d) any other 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.

134 Intervention by Minister or MEC

- (1) The Minister or the MEC may, on behalf of the national or provincial sphere of government, intervene in a proceeding before the appeal authority and must request to the appeal authority in writing to be added as a party to the appeal.
- (2) The appeal authority may after due consideration of the request contemplated in subregulation (1), in its own discretion, make the Minister or the MEC a party to the appeal.
- (3) Where the Minister or the MEC intervenes under subregulation (1) in an appeal proceeding, the Minister or the MEC may authorise the payment to a party to the proceeding by the department concerned of such costs as he or she considers were reasonably incurred by that party in relation to the proceeding as a result of that intervention.



135 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 official referred to in section 34(2) of the Act 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 regulation 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.
- (5) The presiding officer may, in his or her discretion or on request of one of the parties to the appeal, require security for that party's costs of appeal from the petitioner, in the form and manner determined by him or her, by delivering a notice setting forth the grounds on which the security is claimed and the amount demanded.
- (6) If one of the parties request security for costs and only the amount of security is contested, the registrar must determine the amount to be given and his or her decision is final.
- (7) If the person from whom security is demanded contests his or her liability to give security or if he or she fails or refuses to furnish security in the amount demanded or the amount fixed by the registrar within ten days of the demand or the registrar's decision, the other party may apply to the appeal authority for an order that such security be given and that the proceedings be stayed until such order is complied with.
- (8) The appeal authority may, if security is not given within the time determined in the order, dismiss any petition for intervener status.
- (9) An "interested person" for the purpose of this Part means a person who -
 - (a) does not have a direct or indirect pecuniary or proprietary interest in the land affected by the decision of the Municipal Planning Tribunal or Land Development Officer referred to in section 34(2) of the Act and might therefore be affected by the judgement of the appeal authority; and
 - (b) who submitted written comments or made oral representations during the decision-making process of the Municipal Planning Tribunal or Land Development Officer referred to in paragraph (a).

PART D: Jurisdiction of Appeal Authority

136 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); and
- (b) the merits of the land development or land use application.

137 Appeal hearing by appeal authority

- (1) An appeal may be heard by an appeal authority by means of -
 - (a) an oral hearing; or
 - (b) a written hearing.

138 Written hearing by appeal authority

A written hearing may be held if it appears to the appeal authority that the issues for determination of the appeal can be adequately determined in the absence of the parties by considering the documents or other material lodged with or provided to it.

139 Oral hearing by appeal authority

- (1) An oral hearing may be held –
 - (a) if it appears to the appeal authority that the issues for determination of the appeal cannot be adequately determined in the absence of the parties by considering the documents or other material lodged with or provided to it; or
 - (b) if such hearing would assist in the expeditious and fair disposal of the appeal.
- (2) If appropriate in the circumstances, the oral hearing may be held by electronic means.

140 Representation before appeal authority

At the hearing of an appeal before an appeal authority, a party to the proceeding may appear in person or may be represented by another person.

141 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 E: Hearings of Appeal Authority

142 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 at least five days before the hearing commences.
- (2) The appeal authority will provide notification of the hearing to the appellant at the appellant's address for delivery.

143 Hearing date

A hearing will commence within 15 days after the completed Notice of Appeal has been delivered to the appeal authority, unless the parties and the presiding officer of the appeal authority consent to a later date.

144 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.

145 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 these Regulations 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 regulation 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 subregulation (1)(b), the applicant for condonation must comply with the directions given by the registrar when granting the condonation concerned.

146 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 F: Oral Hearing Procedure

147 Location of oral hearing

An oral hearing must be held in a location within the area of jurisdiction of the Municipality where the land affected by the decision is located, but may not be held in the office of the Municipal Planning Tribunal or the Land Development Officer authorised whose decision is under appeal.

148 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.

149 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.

150 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.

151 Recording

Hearings of the appeal authority may be recorded

152 Oaths

Witnesses (including parties) are required to give evidence under oath or confirmation.

153 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

154 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.

155 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 seven 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 seven 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.

156 Extension of time

- (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.

157 Adjudication of written submissions

- (1) Following receipt of any written submissions from the parties, the registrar 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 registrar 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 H: Decision of Appeal Authority

158 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;
- (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.

159 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.

160 Notification of decision

The registrar must notify the parties of the decision of the appeal authority in terms of regulation 34, together with the reasons therefor within seven days after the appeal authority handed down its decision.

161 Directives to municipality

- (1) 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.
- (2) Where an appeal authority upholds a decision on a development application, the Municipal Manager must, within 21 days of the decision, take the necessary steps to have the decision published in the *Provincial Gazette*.

PART I: General

162 Expenditure

Expenditure in connection with the administration and functioning of the appeal authority must be defrayed from moneys appropriated by the applicable municipality.

CHAPTER 9 COMPLIANCE AND ENFORCEMENT

163 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.

164 Offences and penalties

- (1) Any person who—
 - (a) contravenes or fails to comply with section 56 and subsection (2);
 - (b) fails to comply with a compliance notice issued in terms of section 163;
 - (c) utilises land in a manner other than prescribed by the land use scheme of the Municipality;

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- (d) upon registration of the first land unit arising from a subdivision, fails to transfer all common property, including private roads and private places originating from the subdivision, to the owners' association;
 - (e) supplies particulars, information or answers in an application or in an appeal to a decision on a land development application, knowing it to be false, incorrect or misleading or not believing them to be correct;
 - (f) falsely professes to be an authorised employee or the interpreter or assistant of an authorised employee; or
 - (g) hinders or interferes an authorised employee in the exercise of any power or the performance of any duty of that employee,
 - (h) 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) A Municipality must adopt fines and contravention penalties to be imposed in the enforcement of this By-law.

165 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 162.
- (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.

166 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 162 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 163 with the contact person stated in the notice;
 - (g) issue a warning to the effect that—
 - (i) the person could be prosecuted for and convicted of an offence contemplated in section 162;
 - (ii) on conviction of an offence, the person will be liable for the penalties as provided for;
 - (iii) the person 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 165.

167 Objections to compliance notice

- (1) Any person or owner who receives a compliance notice in terms of section 163 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.

168 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 the High 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 163.

169 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 the High Court for an urgent interdict or any other relief necessary.

170 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 163 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.

171 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.

172 Power and functions of authorised employee



- (1) In ascertaining compliance with this By-law as contemplated in section 161, 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 may not have a direct or indirect personal or private interest in the matter to be investigated.

173 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 a High 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 162 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 162 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 162 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.

174 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 regard to—

- (a) a person's right to respect for and protection of his or her dignity;
- (b) the right to freedom and security of the person; and
- (c) the right to a person's personal privacy.

175 Court order



Whether or not a Municipality has instituted proceedings against a person for an offence contemplated in section 161, the Municipality may apply to the High 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

176 Transitional provisions

- (1) Any land development application or other matter in terms of any provision of National or Provincial legislation dealing with land development applications that are pending before the Municipality on the date of the coming into operation of this By-law, shall 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 27 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 Town Planning Scheme or land use scheme.
- (3) The right to continue using any land or building by virtue of the provisions of subsection (2) shall;
 - (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 months 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 shall for a period of 15 months from that date be deemed to comply with that provision.



- (d) where a period of 15 months 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 shall, 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 shall be 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 shall 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 or town planning scheme applicable to that land remains in force until the Municipality amends, repeals or replaces it.

177 Determination of zoning

- (1) Notwithstanding the provisions of section 174(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 92.
- (4) A land use that commenced unlawfully, whether before or after the commencement of this By-law, may not be considered to be the lawful land use.

CHAPTER 11 GENERAL PROVISIONS

178 Delegations

Any power conferred in this By-law on the Municipality may be delegated by the municipality subject to section 56 of the Act and section 59 of the Local Government: Municipal Systems Act.

179 Repeal of by-laws

The *(insert the name of the applicable by-laws)* are hereby repealed.

180 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.

181 Short title and commencement

- (1) This By-law is called the Ephraim Mogale Local Municipality By-law on Municipal Land Use Planning.
- (2) This By-law comes into operation on the date that the Act comes into operation in the municipal area of the Municipality.



181

SCHEDULE 1**INVITATION TO NOMINATE A PERSON TO BE APPOINTED AS A MEMBER TO THE -
_____ MUNICIPAL PLANNING TRIBUNAL**

In terms of the Spatial Planning and Land Use Management Act, 16 of 2013, the _____ 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 _____ Municipal Planning Tribunal for its first term of office.

The period of office of members will be five years calculated from the date of appointment of such members by the _____ Municipality.

Nominees must be persons registered with the professional bodies contemplated in section 33(1)(b) – (f) of the By-law on Municipal Land Use Planning, 2015, 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
_____ Municipality
P.O. Box _____

For Attention: _____

For Enquiries: _____

Tel _____

* I, _____(full names of nominee),

ID No (of nominee) _____,

hereby declare that –

- (a) I am available to serve on _____ 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 _____ 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 _____ Municipal Planning Tribunal and I authorise the _____ 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 _____ 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

**SCHEDULE 2****CALL FOR NOMINATIONS FOR PERSONS TO BE APPOINTED AS MEMBERS TO THE -
_____ MUNICIPAL PLANNING TRIBUNAL****CLOSING DATE: (INSERT DATE)**

In terms of the Spatial Planning and Land Use Management Act, 16 of 2013, the _____ Municipality hereby call for nominations for members of the public to be appointed to the _____ Municipal Planning Tribunal for its first term of office.

The period of office of members will be five years calculated from the date of appointment of such members by the _____ Municipality.

Nominees must be persons registered with the professional bodies contemplated in section 33(1)(b) – (f) of the By-law on Municipal Land Use Planning, 2015, 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 _____ 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 may result in the disqualification of the nomination.

Nominations must be sent to:

The Municipal Manager

_____ Municipality

P.O. Box _____

For Attention: _____

For Enquiries: _____

Tel _____

* I,(full names of nominee),

ID No (of nominee),

hereby declare that –



- (a) I am available to serve on _____ 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 _____ 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 _____ Municipal Planning Tribunal and I authorise the _____ 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 _____ Municipal Planning Tribunal.

No nominations submitted after the closing date will be considered.

Signature of Nominee

Full Names of Nominee



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 _____ Municipal Planning Tribunal; or
- (c) I have the following interests which may conflict or potentially conflict with the interests of the _____ 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 Land Use Planning By-Laws, 2015 enacted by the _____ 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 Land Use Planning By-Laws, 2015 enacted by the _____ 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:

**SCHEDULE 4****CODE OF CONDUCT OF MEMBERS OF THE 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 _____ Municipal Planning Tribunal contained hereunder:

General conduct

1. A member of the Municipal Planning 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 planning 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.
2. A member of the Municipal Planning Tribunal may not—
 - (a) use the position or privileges of a member of the Municipal Planning Tribunal or confidential information obtained as a member of the Municipal Planning 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 Planning Tribunal may 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 an advisor or decision-maker in the planning process.

**Undue influence**

4. A member of the Municipal Planning Tribunal may not—
- (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 his or her duties to further a personal interest;
 - (c) 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
 - (d) commit a deliberately wrongful act that reflects adversely on the Municipal Planning 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 Planning Tribunal by improper means.

Signature of Nominee: _____

Full Names: _____

Date: _____



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 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 subitem 3 is approved by the Municipality.
6. An owners' association which comes into being by virtue of subitem 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 subitem 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 subitem 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 subitem 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 subitem 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.

LOCAL AUTHORITY NOTICE 73 OF 2017**EPHRAIM MOGALE LOCAL MUNICIPALITY
BY-LAW RELATING TO OUTDOOR ADVERTISING AND SIGNAGE**

To provide a set of regulations governing the use of land and buildings for outdoor advertising and signage and for matters incidental thereto, in terms of Section 12 Subsection (1) to (4), Section 13 read in conjunction with Section 75(1) of the Municipal Systems Act, 2000 (Act 32 of 2000).

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SCHEDULE A

CHAPTER 1 INTERPRETATION AND APPLICATION

1. Definitions

In this bylaw, unless the context otherwise indicates :-

“advertisement” means any representation by a word, or abbreviation thereof, letter, logo, symbol, sign, figure, painting, drawing or other pictorial presentation, or light displayed in or in view of any public place, provincial or national road within the jurisdiction of the municipality for the purposes of drawing the attention of the public to or promoting any product, service, business or commercial enterprise, trade, person, election or candidature in an election, voter registration, entertainment, function, meeting or any event, aspects relating to security and news headlines;

“advertising” means the process of or act of displaying an advertisement and “advertise” has the corresponding meaning;

“advertising sign” means a screen, fence, wall or any object, structure or device, freestanding or attached to any wall or structure, in a fixed position intended to be used or used for the purpose of displaying any advertisement and any object, structure or device which is in itself an advertisement, in or in view of a public place and includes an advertising hoarding and billboard and in so far as any provision of these bylaw relating to an advertising sign is practically capable of being applied to an advertisement, includes an advertisement displayed on an advertising sign and a poster;

“advertising structure” means any screen, fence, wall or other physical structure or object erected to display an advertisement or which is in itself an advertisement or used to display an advertisement;

“affix” means to firmly secure, which includes “painting onto” and “affixed” has a corresponding meaning;

“animation” means a process whereby an advertisement’s visibility or message is enhanced by means of moving units or pictures, flashing lights or similar devices, or an advertisement containing a variable message;

“approved” means approved in writing by the Council and “written approval” has a corresponding meaning;

“arcade” means a covered pedestrian thoroughfare not vested in the Municipality, to which the public has regular and unrestricted access.

“area of advertisement” means the total area of that which constitutes the advertisement;

“area of control” refers to the degree of advertising control to be applied in a specific area, i.e. maximum, partial or minimum control as determined by the municipality from time to time;

“area of jurisdiction” means the area under the control of the municipality according to the legally determined and declared boundaries of the Municipality;

“authorized official” means any official of the municipality who has been authorized by the Council to implement and enforce the provision of this by-law;

“banner” means a piece of cloth or any other similar material upon which an advertisement is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstaff projecting vertically, horizontally or at an angle, or attached to buildings or to specific structures, for a temporary period, but excludes banners carried as part of a procession;

“billboard” means any screen or board larger than 4.5m², supported by a structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting a third-party advertisement and can be classified as a small, large or super billboard. This can be attached to a structure manufactured specifically for advertising, or to a structure of any other form, used to attach the advertisement to, which can also include towers, bridges and pylons;

“bit of information” refers to the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, abbreviations or graphics of any nature;

“bus or taxi shelter displays” means advertisements or posters positioned as an integral part of a freestanding covered structure at a bus stop or mini taxi rank or lay-bye;

“centre point of intersection” means the point of contact between the centre lines of two roads;

“charge / tariff” means the appropriate monetary charge, tariff or fee determined by the municipality;

“clear height” means the minimum vertical distance from the physical or natural ground level to the bottom of the advertisement and / or to the advertising sign, whichever is the smallest;

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

“Council” means the Municipal Council of Ephraim Mogale Local Municipality established by the relevant legislation, exercising its legislative and executive authority over the municipality, its successor in title including a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Municipal Systems Act as amended, as the case may be;

“directional sign” means an advertising sign indicating or directing their attention of the public to a place, undertaking or activity for the purposes of advertising it;

“display” means the display of an advertisement;

“elections” means national, provincial or local government election, any by-election and a referendum held in terms of any law;

“electronic advertising sign” means an advertising sign which has an electronically controlled, illuminated display surface, which allows all or a portion of the advertisement to be changed, animated or illuminated in different ways;

“environmental impact assessment” (EIA) means a report requested by the National Department of Environmental Affairs and Tourism, as listed in the “List of Activities and Competent Authorities identified in Terms of Section 24 and 24D of the National Environmental Management Act, 1998”;

“estate agent’s board” means an advertisement that is temporarily displayed to advertise the fact that land, premises, development or other forms of fixed property are for sale, to let or on show;

“event” means an occasion organized for the general public;

“flag” means a piece of cloth or similar material upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff projecting vertically in

such a way that its contents are normally not legible in windless conditions but excludes; a national flag which does not carry any advertisement in addition to the design of the flag a flag carried as part of a procession;

“flat sign” means any advertisement affixed to any external wall of a building used for commercial, office, industrial or entertainment purposes, but excluding a parapet wall, balustrade or railing of a verandah or balcony, which at no point projects more than 300mm from the surface of such a wall and which may consist of a panel or sheet or of individual numbers, letters or symbols;

“gantry” means a structure that spans over the entire width of road surface;

“gateway” means a prominent entrance to or exit from an urban or built-up area or a specific part of an urban area, consisting of man-made or natural features and creating a sense of arrival or departure;

“height of an advertising sign” means the maximum vertical distance from the ground, or where the foundation of the sign starts or is visible above natural ground level, as the case may be, to the top of the advertisement and / or the advertising sign, whichever is the highest;

“illegal sign” means any sign or poster, painted, affixed, displayed, exhibited, posted or erected without approval by the municipality;

“locality-bound sign / first party sign” means a sign displayed on a specific site, premises or building and which refers to an activity, product, service or attraction located, rendered, sold or provided on that premises or site or inside that building.

“intersection” means that area embraced within the prolongation of the lateral boundary lines of two or more public streets, open to vehicular traffic that join one another at any angle;

“Municipality” means Ephraim Mogale Local Municipality;

“Municipal Stamp” means a small adhesive paper signifying formal notification for approved outdoor advertisements & signage;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000) and any regulation made thereunder.;

“on-premises advertising sign” means an advertising sign located on a property other than a public place; or a public street and adjacent to a property contemplated in

paragraph (a) on which sign an advertisement is displayed, advertising any business, industry, service activity or attraction taking place;

“outdoor advertising” means the display of any advertisement in or in view of any public place, provincial or national road within the jurisdiction of the municipality;

“owner of the advertisement” means the person who owns the advertisement itself, which is displayed on the advertising sign, or any person who has a right to or shares in the ownership of the advertisement;

“owner of the advertising structure or advertising sign” means the person who owns the advertising structure, or will own the structure once it has been erected, or any person who has a right to or share in the ownership of the advertising structure;

“owner of the land” means the person who owns the land or property on which the advertising sign is, or will be erected, or any person who has a right to or share in the ownership of the land.

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

“prohibited sign” means a sign, which does not conform to advertising by-laws and policy documentation and can thus not be approved;

“project board” means an advertisement displaying information with regard to the relevant contractor(s) and / or consultant(s) involved in the construction project and displayed on the construction site;

“property” means any piece of land registered in a deeds registry as an erf, lot, plot, farm, stand or agricultural holding;

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

“public street” means a road, street, thoroughfare or other right of way to which the public has a right of access or which is commonly used by the public and includes any portion of a public street between the edge of the road way and boundary of the land reserved for such public street, including a sidewalk;

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

“road” means a public road which includes the shoulder, the land of which the road consist or over which the road extends, and anything on that land forming part of, connected with, or belonging to the road, which the public has the right to use and shown on the general plan of a township, agricultural holding or any other division of land in respect of which the public have acquired a prescriptive or other right of way and which vests in the municipality;

“roof sign” means a sign on the main roof of a building lower than fifteen floors and which building is used or partly used for commercial, office, industrial or entertainment purposes;

“road traffic sign” means any road traffic sign as defined in the Road Traffic Act, 1989 (Act 29 of 1989) or as amended from time to time;

“rural area” refers to areas of transition between developed urban areas and relatively unspoiled natural areas and includes rural small holdings, unproclaimed township areas, villages and areas outside the formal urban edge;

“security advertisements” means an outdoor advertisement for neighborhood watch, farm watch, security schemes and other similar schemes, and an advertisement containing the name, address and telephone number of a security company contracted to protect the premises on which the advertisements are displayed;

“service facility advertisement” means an advertisement at a filling station or roadside rest and service area referring to the types of services provided at such facility;

“shoulder” is the outer portion of the roadway which, whether surfaced or not, does not normally constitute part of the traveled way;

“show house” means a house on a newly built estate which is furnished and decorated to be shown to prospective buyers;

“street furniture advertisement” means an advertisement displayed on any public facility or structure which is not primarily intended for advertising and includes a seating bench, plant box, side walk litter bin, pole mounted litter bin, public transport shelter, place name sign and a street name;

“suburb name sign advertisement” means a pole mounted advertisement at the entrance to a town, township, village or suburb that carries an advertisement beneath the road traffic sign bearing the name of the town or suburb;

“temporary advertisement / advertising sign” means an advertisement / advertising sign displayed for a maximum period of 30 days or less as determined by the municipality;

“third party advertisement” means any advertisement / advertising sign displayed by an advertiser not being in physical occupation of the property on which the advertisement/ advertising sign is to be erected or to which the sign is to be affixed;

“township” means an area divided into erven or plots, whether with or without public open spaces, and into streets bounded by the erven, plot or open spaces, and established or recognized as a township under any law;

“trailer advertising” means a sign mounted on a trailer, bicycle or vehicle, with the sole purpose of advertising.

2. Application and responsibility for complying with bylaw

- 2.1 This by-law apply to all outdoor advertising in all the 16 wards of the Ephraim Mogale Local Municipality’s jurisdictions;
- 2.2 Approval for outdoor advertising in terms of this bylaw is required irrespective of the zoning of any property in terms of any applicable town planning scheme and irrespective of the provisions of any other law.
- 2.3 The owner of an advertising sign and any person who has applied for approval of an advertising sign in terms of this by-law must comply with any provision of this by-law relating to that sign and must ensure that such provisions are complied with.

CHAPTER 2 ADVERTISEMENTS

3. Permission to Display

- 3.1 No person may erect any advertising sign or use or continue to use any advertising sign or any structure or device as an advertising sign without the prior

written approval of the Council, provided that the provisions of this subsection do not apply to any advertising sign exempted in terms of this by law.

- 3.2 No person may affix, attach, fasten, place, display or cause to be displayed an advertisement in or in view of any street, or distribute, or cause or allow to be distributed any pamphlet, excluding pamphlets in envelopes addressed to specific household which are placed in a letter box without prior approval and has paid the applicable charges as prescribed in terms of sundry tariffs approved by Council annually.
- 3.3 No advertising sign erected and displayed with the approval of the Council or any by-law repealed, may in any way be altered, removed, re-erected or upgraded, other than for maintenance work which may be required for the upkeep of an advertising sale, without prior written approval of the Council and subject to such conditions and requirements as the Council may consider appropriate.
- 3.4 Every person who applies in the municipality for approval or permission of an advertising sign or advertisement to be displayed, must, on making the application, pay to the municipality the charge / tariff determined therefore, and no application shall be considered until the relevant tariff has been paid. The set of rates / tariffs as drawn up by the municipality and revised from time to time, shall apply.

4. Considering applications for approval

- 4.1 In considering the application of any advertising sign, the Council must, in addition to the other relevant factors, legislation, policy and by-laws of the Council, have due regard to the following:
- (a) the compatibility of the proposed advertising sign with the environment and with amenity of the immediate neighborhood, urban design and street scope.
 - (b) whether the proposed advertising sign will-

- (i) have a negative visual impact on any property zoned or used for residential purposes under any applicable town planning scheme, situated within 50m radius.
 - (ii) constitute a danger to any person or property or to motorists or pedestrians or obstruct vehicular or pedestrian traffic;
 - (iii) in any way impair the visibility of any road traffic sign;
 - (iv) obscure any existing and legally erected advertising sign;
 - (v) obscure any feature which in the opinion of the Council is a natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or
 - (vi) in the Council's opinion, be unsightly or objectionable or detrimentally impact on the architectural design of any building on the property concerned or any adjacent property;
- (c) the number of advertising signs displayed or to be displayed on the property concerned and on any adjacent property and its visibility in the circumstances in which it will be viewed in compliance with the minimum distances specified in this by-law;
- (d) any restrictive or any other condition and any existing building line and servitude specified in a title deed, town planning scheme, conditions of establishment or any other law;
- (e) any comments submitted by and conditions determined or prescribed by a statutory authority in terms of any legislation applicable to outdoor advertising;
- (f) any written representations, objections and comments received from any interested party; and
- (g) any conflict with the provisions of this bylaw.

- 4.2 (a) The Council may refuse any application in terms of the provisions of this bylaw or approve it, subject to any amendment or condition it considers appropriate.
- (b) Any approval in terms of paragraph (a) above may not be for a period exceeding:
- (i) eighteen (18) months if the advertising sign concerned is to be located on any property other than a public place; or
- (ii) six (6) months if the advertising sign concerned is to be located on any public place.
- (c) The period of approval must be specified on the approval form and letter.
- 4.3 The Council must within twenty one (21) days from the date of receiving the application take a decision whether to approve the request or not, in writing notify every interested party who has furnished his or her postal address to the Council, of its decision, and must provide written reasons for its decision on receipt of a written request as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000 (Act 32 of 2000).
- 4.4 The Council must for its records retain every application, plans, drawings and other documentation submitted during the application for a period not exceeding seven (7) years.
- 4.5 If an application in terms of this bylaw has been refused, no further application may be lodged in respect of the same property for a period of two years from the date of such a refusal, unless motivation acceptable to the Council is submitted indicating a change of circumstances prior to a further application being lodged.
- 4.6 If an advertising sign approved in terms of this bylaw is not erected within six months from the date of notification of such approval or within a time specified in such approval or any further period which the Council on good cause shown allows, in writing, the approval lapses, where after a new application must be submitted.

5. Application and approvals

5.1 An application for approval must be made in writing and be accompanied by the following:

- (a) the prescribed fee as determined by Council annually from time to time;
- (b) the written consent of the owner of the proposed advertising sign and the registered owner of the property or building upon which the advertising sign is to be erected or on behalf of the owner of the property or building by his or her agent duly authorized in writing by such an owner;
- (c) a locality plan, in colour, indicating the position of the advertising sign within the area of jurisdiction of the municipality;
- (d) a block plan of the property upon which an advertising sign is to be erected, drawn to scale acceptable to the Council of the municipality, showing every building line and servitude on the site and the position dimensions of the advertising sign in relation to two boundaries of the property closest to the proposed advertising sign and the location of any public street and any building on a property adjacent to the property upon which such sign is to be erected.
- (e) an artistic impression showing all the detail and measurements of the proposed advertising sign including all relevant construction details and elevations;
- (f) a drawing showing the proposed advertising sign and the distances in relation to any other third party advertisement sign situated within a radius of 200m from the proposed advertising sign on the same side of the road;
- (g) a diagram showing that the proposed position of the advertising sign is in conformity with the prescribed requirements;
- (h) a copy of a title deed of the property upon which the proposed advertising sign is to be erected, if applicable.

- (i) a diagram of the property indicating the position of the proposed advertising sign with measurements from that position to the closets two boundaries of the property concerned;
 - (j) proof of compliance with any other law, including but not limited to, the National Road Traffic Act and any other relevant legislation;
 - (k) if a proposed advertising sign is to be attached to, or displayed on, the façade of a building, the approved building plans of that building showing an elevation and measurements of the building, and the details, measurements and position of the proposed advertising sign and the details and position of every existing advertising sign on the building drawn to a scale acceptable to the Council;
 - (l) any other written information which the municipality may require in writing;
- 5.2 The Council may at its discretion exempt an applicant from complying with any of the above requirements.
- 5.3 Every plan and drawing required in terms of the above clause must be on a sheet of not less than A4 size.
- 5.4 All approved pamphlets and advertisements must bear a Municipal stamp obtainable upon payment of the prescribed fee before they can be displayed.

6. Disapproval of application

The Council reserve the right to disapprove an application if:-

- (a) any requirement of subsection 5 has not been complied with; or
- (b) the application relates to an advertising sign which is prohibited.
- (c) If any information requested by the Council in terms of this bylaw is not provided within 60 days from the date of the first written request, or within such further period as the Council may in writing permit, the application concerned lapses without further notice.

CHAPTER 3 PROHIBITIONS, REQUIREMENTS AND EXEMPTIONS

7. Prohibited Advertisements, Pamphlets and Publications

- 7.1 No advertisement or pamphlet which in the opinion of the Council is suggestive of anything indecent or which may prejudice the public morals shall be displayed or distributed;
- 7.2 No publication whatsoever may be attached without approval of the Council to any building, pole or structure which is the property of the Council;
- 7.3 No person may in any way scatter any pamphlets in any street or in such a way that it will become scattered in any street;
- 7.4 Which is indecent or suggestive of indecency, prejudicial to public morals, or is insensitive to the public or any portion thereof or to any religious or cultural group;
- 7.5 Which is an illuminated advertising sign, the level of illumination of which disturbs the residents or occupants of a building or is a source of nuisance to the public or a portion of the public;
- 7.6 Which is painted on or attached to a boundary wall or fence which wall or fence has not been approved as an advertising sign which is attached to a road traffic sign;
- 7.7 Which is attached to a security access control structure to any property or building;
- 7.8 Which is a flag displaying a third party advertisement on a property zoned for residential purposes in terms of the applicable town planning scheme and used for such purposes;
- 7.9 On a property where the main land use is residential in nature;
- 7.10 Which is swinging not rigidly attached to any building or structure;

8. Requirements for Advertising Signs

8.1 Any person who in the exercise of a permission granted in terms of section 3 displays or causes to be displayed in a street or public place an advertisement, must comply with or cause to be complied with the following requirements:

- (a) The advertisement must be attached, in such a manner that it shall not become wholly or partially dislodged by wind or rain, to a neat and strong board made of wood or other suitable material to the satisfaction of the Council, and neither such board or other material nor the poster or advertisement itself shall measure more than 850 millimeters by 600 millimeters;
- (b) A board or material as prescribed in terms of paragraph (a) may not be placed on or against or be attached to or otherwise supported by any tree, transformer box, telegraph pole, traffic light or sign or other structure or thing erected by the Council, the Provincial Government or the Government of the Republic, subject to subsection (4);
- (c) A board or material as prescribed in terms of paragraph (a) must be firmly fastened to a strong and stable support by wire of suitable gauge;
- (d) No board or material as aforesaid may be placed in such a position or fastened in such a manner as is likely in the opinion of the Council, to constitute a danger to any vehicular traffic or pedestrian in any street or other public place;
- (e) No advertisement relating to a meeting, function or event other than an election may be displayed prior to 60 days before the day on which it begins or longer than three days after the day on which it ends;
- (f) Not more than one hundred (100) posters or advertisements relating to a meeting, function or event other than an election, can be displayed at any one time;
- (g) Not more than two advertisements in respect of the same function, event, presentation or business and in the case of election advertisements in respect of the same candidate or party, may be displayed on the same side of any one street block and not closer than 25m from the nearest border of the sidewalk at any street intersection;

- 8.2 Any person who in the exercise of an authority granted in terms of section 3, displays or causes to be displayed on in or in view of a street a free-standing sign, must comply with subsection (8) as well as or cause to be complied with the following requirements:
- (a) The sign shall be constructed of durable material to the satisfaction of the Council;
 - (b) The highest point of the sign may not be higher than 1,5m above ground level;
 - (c) The sign may not have any one face with an area exceeding 1m².
- 8.3 Any person who in the exercise of an authority granted in terms of section 3, displays or causes to be displayed in view of a street or other public place a banner, must comply with or caused to be complied with subsection 8.1-8.2 as well as the following requirements:
- (a) The banner may only be affixed on the premises of the person to whom authority has been granted for the display thereof, and shall not be affixed on or across any sidewalk, street or other public place: Provided that in the case of banners of which the purpose is the advertising of any welfare, religious, or educational function, meeting or other occasion, a banner may be displayed on or across a sidewalk, street or other public place with the prior written approval of the Council and on such conditions as the Council may impose;
 - (b) Every banner must be properly kept and maintained to the satisfaction of the Council;
 - (c) If the Council is of opinion that any banner is not being maintained in a satisfactory condition the Council may instruct that such banner be removed and the person to whom authority has been granted for the affixing or display thereof, shall then be bound to do so. In such instance the Council shall not be responsible for the refund of any fees which have already been paid.
- 8.4 An advertisement cannot withstanding the stipulations in Section 5.1(b), be displayed on a lamppost erected by the Council, by the persons or institutions

mentioned hereunder and subject to the following conditions mentioned hereunder:

- (a) By a political party or candidate participating in a National, Provincial or Municipal election or by-election or referendum which is to be held in the Municipal area of the Council: subject thereto that not more than one advertisements may be displayed per political party or candidate on lamppost, and further subject to the payment of the prescribed tariffs, only for such period.
- (b) By persons or institutions mentioned hereunder:
 - (i) Religious institutions or organizations;
 - (ii) Cultural institutions or organizations registered in terms of an act as a cultural institution or organization;
 - (iii) Educational institutions or organizations registered in terms of an Act as an educational institution or organization;
 - (iv) Welfare institutions or organizations registered in terms of an Act as a welfare institution or organization.

8.5 Any person who wishes or intends to display or erect a new type of sign, not accommodated for in this By-Law, must before such a sign is displayed or erected, apply for approval in terms of Section 5 the municipality will consider the application on its merits on an ad-hoc basis;

8.6 Traffic flow may not be impeded during the erection and maintenance of an advertising sign located in a public street, unless prior permission has been obtained and necessary precautions arranged with the Council;

8.7 The height of an advertising sign may not exceed 12m with a clear height of 2.1m;

8.8 Any advertising Sign on a public street facing a public street, including public road controlled by a road traffic sign must in addition to any other requirement in terms of this bylaw, must comply with the following conditions:

- (a) No advertising sign may have red, amber or green as its main colours,
- (b) No advertising sign may obscure or interfere with any road sign;

(c) Any sign must be clear of any road traffic sign concerned and must be positioned in compliance with the following:-

(i) no street furniture used for advertising or a sign containing the name of the geographical area and an advertisement at an intersection may be within 5m from any road traffic sign;

8.9 Any advertising sign on a public street of facing a public street, including advertising signs facing a provincial road must comply with the following:-

(a) A minimum distance of 100m must be maintained between advertising signs or advertisements on the same side of a public street, provide that the Council may require a minimum distance exceeding 100m if it considers it necessary in the interests of road safety; and

(b) No advertising sign may be located inside a prohibited area of a public road.

9. Exempted Advertisements

The following advertisements and pamphlets are exempted from the provisions of this by law:

(a) Advertisements and pamphlets which are displayed or distributed by the Council or under the control of the Council;

(b) an advertising sign when advertising a current place of public entertainment, displayed in a fixture or on a building intended for such display;

(c) a single advertising sign not exceeding 600mm x 45mm in size on any street boundary of a property or portion of a property on which the existence of a security service or burglar alarm system is displayed; not exceeding 2m in extend attached to a boundary wall or fence of a property on which the existence of a security company or protection service conducted on that property is displayed;

(d) an advertising sign contain only the name of a hotel shop or restaurant and displayed on an awning of the building concerned.

(e) Temporary advertisements:-

(i) Displayed by a person other than an estate agent, regarding the sale or lease of a property for the duration of the period during which it is being

offered as such and for a period not exceeding 21 days after the property has been sold or leased.

- (ii) Regarding applications in terms of the Council's Town-planning Scheme or other advertisements prescribed by law during the period of compulsory advertising;
- (iii) Regarding building or similar activities for as long as such activities are being carried out; which are displayed on the site to which it refers.
- (iv) Existing advertisements, duly approved by the Council, which comprise part of the structure or design of a building or which have been included in the building.
- (v) an advertising sign erected on a property where there is a construction taking place on which the activity of any architect, contractor or consultant is displayed and the branch or industry or the profession involved is specified.

CHAPTER 4

OFFENCES, ENFORCEMENT AND REPEALS

10. Offences and penalties

- 10.1 Any person who displays or causes to be displayed any advertisement, estate advertisement or election advertisement in view of any street or other public place or who scatters, places, distributes, causes to be scattered, placed or distributed, any pamphlet without having obtained approval to do so, as may be applicable, and any person who, having obtained approval as aforesaid, fails in respect of an advertisement, estate advertisement, election advertisement or pamphlet to comply with any requirements, contravenes any provision of this bylaw, shall be guilty of an offence and liable on conviction to a penalty.
- 10.2 The Council is entitled without giving notice to anyone, to remove any advertisement or estate advertisement displayed without its approval having been obtained as may be applicable, or in contravention of any provision of this bylaw or which has not been removed within the specified period and the person who

displayed such advertisement or estate advertisement, or caused, permitted it to be displayed shall be liable to pay the Council the cost of the said removal, and in addition shall be guilty of an offence.

10.3 Any person who;

- (a) contravenes or fail to comply with any provision of this bylaw;
- (b) refuses or fails to comply with any notice served on him or her in terms of or for the purpose of this bylaw;
- (c) refuses or fails to comply with the terms and conditions of any approval issued in terms of this bylaw,
- (d) obstructs, hinders or interferes with an authorized official or other official of the Council acting under the power delegated to him or her, in the exercise of any power or the performance of any duty under this bylaw;

Shall be guilty of an offence.

- 10.4 Any person who, having displayed or caused to be displayed any advertising sign or advertisement, fails to remove it or cause it to be removed within the periods prescribed shall be guilty of an offence and shall, in addition to any penalty imposed upon him, forfeit the deposit relating to it or such proportionate part of that deposit as the Municipality shall access having regard to the number of posters, advertising signs or advertisements not removed.

11. Enforcement

- 11.1 If any sign or structure displayed on any property of or under the control of the municipality, is so displayed that, in the opinion of the municipality is detrimental to the environment or to the amenity of the surrounding areas or is otherwise in contravention of this By-Law, the municipality shall serve a notice on the responsible person to remove such sign or carry out such alteration thereto as may be specified in such notice within a time specified therein. After the municipality has done everything that is reasonably possible in its power and in the circumstance to establish the identity of the Advertiser or responsible person, the municipality may also remove or destroy the sign without serving a notice, in cases such as where the owner of the sign is unknown, or where the owner could not be reached.

- 11.2 If the responsible person fails to comply with an instruction contained in a notice, the municipality may remove and destroy such sign.
- 11.3 The municipality may issue or send a spot fine with the notice.
- 11.4 The municipality will not be held responsible or be required to compensate any person in respect of removing any advertising signs, where damage of whatever nature arising from the confiscation, or loss was incurred due to its removal or disposal of the sign.
- 11.5 “Notwithstanding the provisions of the section. If the advertisement contravenes this by law and is erected on, attached to, or displayed on any property of or under the control of the municipality, the municipality may without serving Notice, remove any such advertisement or structures from such property, if in the opinion of the municipality, such an advertisement poses an immediate danger to the general public.
- 11.6 Any cost incurred by the municipality in removing and storing a sign, or doing alterations or other works in terms of this section, will be recovered from the responsible person.

12. Entry and inspection

The municipality shall be entitled, through its duly authorized officers, to enter into and upon any premises, at any reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of this By-Law.

13. Serving of notices

Where any notice or other document is required by this By-Law to be served on any person, it shall be deemed to have been properly served if served personally on him, or any member of his household over the age of sixteen years, or at his place of residence, or on any person employed by him at his place of business, or if sent by registered post to such persons residential or business address as it appears in the records of the municipality, or if such person is a company, if served on an officer of that company at its registered office or its place of principal business in the jurisdiction of the municipality or sent by registered post to such office or place of principal business.

14. Damage to Municipal Property

No person may cause any damage to any tree, electric pole, transformer or any other municipal property, and any person who causes any damage, or permits any damage to be caused shall be guilty of an offence and shall be responsible, in addition to the fine imposed, to repair any damage at his or her own expense to the satisfaction of the Council.

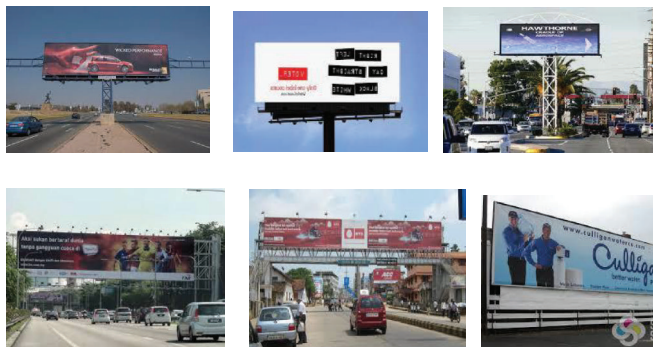
15. Repeal of Bylaws

The provisions of any by-laws relating to billboards and advertising by the Municipality are hereby repealed insofar as they relate to matters provided for in this bylaw.

16. Short Title

The Bylaw shall be known as the Ephraim Mogale Local Municipality Outdoor Advertising and Signage Bylaw and shall come into operation on the date of publication in the Provincial Government Gazette.

SCHEDULE A

Class 1 Billboards and other high impact free-standing**Class 1(a) Billboards Signs**

Special application for such displays and/or ads is required.

1. Billboards will only be permitted on a temporary basis not exceeding twelve months. After this 12 months has expired, a request for the extension of the permission period for a maximum of another 12 months can be submitted to the municipality.
2. The advertising structure shall be erected within 3 months after the first approval. One further extension for the erection of the structure of 3 months and more, in the discretion of the municipality may be granted in writing.
3. These signs shall be utilized for the advertising of specific events of a civic, cultural, religious, social, sporting, welfare, of fundraising-related nature;
4. The Signs should have a maximum sign size of 12m², subject to approval of environmental impact assessments for signs exceeding 12m² in area, and may only be located in a position approved by the Municipality.
5. Super Billboards should be spaced at least 250m apart, when visible from each other.

Free standing signs at educational facilities and institutions

1. Free-standing signs at educational facilities and at institutions may indicate the name and nature of the facility or institution and the name of a sponsor.
2. Signs shall not, in any way detrimentally affect the residential character and amenity of the neighbourhood or any other amenities of the area and/or the surroundings.
3. Signs shall only be displayed on property boundaries adjacent to public roads.
4. General requirements as stated in Chapter 3 apply.

Class 2 Posters and general signs

This class comprise of sub-classes laid out as follows:

Class 2(a) 3-D Signs



1. These signs shall not be permitted, except where, in the opinion of the Municipality they reflect a local craft product.
2. The highest point of a free-standing product replica or three-dimensional advertisement above ground level shall not exceed three metres in an urban area of partial control and four metres in an urban area of minimum control.

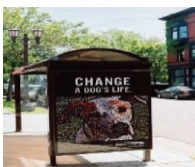
Class 2(b) Street Poles Ads



Special application is required.

1. Standardized pole mounted posters shall be permitted only where they will not have a negative visual impact on the streetscape and the character of an area;
2. No advertising sign shall be mounted on a short (4,5m) streetlight pole;
3. No steel or aluminium ladders shall be placed against the standards on which the posters are to be erected;
4. These advertising signs may not be illuminated or animated;
5. The number of posters shall be limited to 30 posters per applicant;
6. Street poles positioned in front of or adjacent to primary or secondary schools may not be used for posters and notices;
7. All posters, backing boards cord or string shall be removed within 3 days of the lapsing of the granted display period. Failure to remove a poster, will result in forfeiting the deposit for the poster;
8. The display period of such posters shall not exceed 30 days;
9. An applicant shall submit a street list indicating positions of posters erected within 3 days after approval is granted.
10. Every deposit paid shall be refunded when all posters, advertising signs or advertisements to which the deposit relates, have been removed to the satisfaction of the Municipality.

Class 2(c) Street furniture Ads



1. Poster signs and advertisements on street furniture may not exceed 2,2m² in area, provided that where the poster signs or street furniture face in more than one direction,
2. The total area shall not exceed 4,4m², may not exceed a maximum height of 3m; and especially designed advertising furniture of high visual quality may be utilized for the sole purpose of displaying street maps and other tourist information subject to prior approval of the Municipality,
3. A large poster advertising on street furniture may be displayed on the road reserve, but not on a road median or island.
4. Should the applicant not comply with the conditions of this by-law, he/she shall be liable to penalties pertaining to this advertisement hereon.

Class 2(d) Banners and Flags



Banners and Flags may be used only for:

1. Advertising functions and events conducted for religious, social, welfare, sporting, civic, or cultural purposes or for the purposes of nonprofit organisations; or functions or events relating to municipal, provincial or parliamentary elections or referendums, and for street-scaping urban areas such as pedestrian malls and gateways.
2. Only locality-bound banners and flags may be used for advertising functions, events, producers, except when incorporated in a street-scaping project, or where the consent of the Municipality has otherwise been obtained for the placing of non-locality bound banners at designated points.
3. Banners and flags may not be used for advertising sales promotions or commercial projects or events, except with the consent of the Municipality.
4. A flag must be attached to or supported by poles or other supports on the site, or against the building where the function or event is to be held, or where the enterprise is located.
5. No-one may display a flag larger than five square metres in a rural area or urban area of maximum control and six square metres in an urban area of partial or minimum control without obtaining the approval of the Municipality.
6. A flag may not be attached in such a manner as to interfere with or constitute a danger to passing pedestrians or traffic.
7. Banners and flags not in a good condition may not be displayed and any such banners and flags must be removed if notified in writing by the Municipality.
8. The display period of such banners and/or flags shall not exceed 21 days. Failure to remove such signs, will result in forfeiting the deposit thereon;

Class 2(e) Street name Advertisements

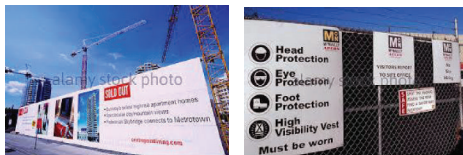


A special application is required in order to comply with Regulation 290 of the National Road Traffic Act. The following conditions apply:

1. The maximum size of the advertisement is 1m²
2. The minimum height of the advertisement is 2,1m
3. The maximum height of the advertisement is 3,5m
4. No one may erect a street name advertisement without first obtaining the written approval of the municipality.
5. Where illuminated, the illuminated portion of the advertisement must be above the level of standard pole-mounted traffic lights and may not extend over the road surface.
6. A street name advertisement may be erected only at an intersection and may be erected on a road reserve or road median.
7. Illumination on a street name advertisement must be static and the degree of illumination of the advertising section may equal, but may not exceed, the street name section. The advertisement may not be animated and may not flash. The colour of the street name and background will be determined by the municipality.
8. Only two street name advertisements will be permitted per intersection, and such advertisements may not be placed on the same side of any of a national road.

Class 2(f) Temporary Advertisements

Class 2(f)(i) Construction Sites Advertisements



Development or sales boards includes signs describing the type of development being carried out on a property and giving details such as the type of accommodation being provided, floor space available and the name, address and telephone number of the developer or agent, provided that:

1. not more than two signs describing the type of development shall be allowed per property;
2. signs describing the type of development shall not exceed 3,0m in height, and shall not exceed 4,5m² in size;
3. Signs may be erected only for the duration of the relevant construction works.
4. Signs describing the type of development and other relevant information may, subject to approval by the Municipality, remain on the property after completion of construction work

for a maximum period of three months after date of completion, or until initial sale of all units or erven, whichever date is the earlier. Failure to remove such signs, will result in forfeiting the deposit thereon;

5. Advertisements may be illuminated but not animated;
6. Non-locality bound signs are not allowed.

Class 2(f)(ii) Project boards



1. Contractor or consulting boards consist of signs displaying the involvement of contractors and consultants in construction projects or alterations to existing structures or facilities and;
2. Boards concerning road construction may be positioned in any road reserve,
3. Shall describe only the building or structure being erected or other work or activity being done during the construction period of the project, and the names of the contractors or consultants concerned in such work or activity;
4. Shall not exceed 1,5m² per consultant or contractor, whether displayed as part of a combined project board or individually;
5. Shall not exceed 9m² in total if they are combined project boards;
6. No individual or single boards shall be displayed if no other consultants or contractors are involved or if a combined project board has already been erected;
7. Only one such sign per contractor or consultant is permitted per street frontage of a property;
8. May be displayed only during the period of construction on the property.

Class 2(f)(iii) Signs for sporting events, festivals and exhibitions

Inflatable signs shall not be permitted, except where, in the opinion of the Municipality, they reflect a local craft product. For other signs special application is required. Signs are limited to a maximum height of 3m.

Class 2(f)(iv) Estate Agents' boards and show house signs



1. A sign shall consist of a single board not exceeding 0,27m² in size for a single residential property, but two duplicate boards with a total size of 2,3m² may be allowed for other types of property, with the Municipality's consent.
2. An estate agents' board may not contain information other than the words "for sale", "to let" or "sold" and the name, logo, and telephone number of the selling or letting agent.

3. An estate agents' board is permissible in any area, but not more than one such board per estate agent may be erected on any erf and not more than three agents may display their boards simultaneously on the same erf.
4. An estate agents' board may only be a single board or two duplicate boards joined together.
5. An estate agents' board must be removed not later than 14 days after conclusion of a contract of sale or lease for the property in question.
6. Failure to remove such signs the person, will result in liability to penalties and also forfeiting the deposit thereon;
7. Not more than 10 direction boards indicating the position of a property, are permitted per erf,
8. No illumination or animation of estate agents' boards is allowed.

Show House Signs

1. Show house signs may be erected from 12 noon on Fridays until 12 noon on Mondays without prior approval by the Municipality, as well as over public holidays immediately before and/or immediately after weekends, in which case they may be erected after 12 noon on the day preceding the public holiday and are to be removed by no later than 12 noon after the weekend or public holiday.
2. Show house signs may be erected at other times only with prior written approval of the Municipality.
3. Only one show house board may be displayed per property, except for a corner property when one board may be displayed on each street frontage, or where visibility reasonably requires a board on either side of a road.
4. Show house signs must be erected in such a way as not to obstruct the normal movement of pedestrians along pavements.
5. No show house sign may be erected on any traffic circle.
6. Only one show house sign per agency may be erected at any intersection guiding visitors
7. In one direction on one route along which the agency may have more than one show house. Where it is necessary to guide visitors off the route to a particular show house, a sign may be erected to indicate the route to that show house as well as another sign indicating that there is another show house(s) further along the original route.
8. Show house signs may only be erected on a property that is on show with a qualified agent or registered show house sitter in attendance for a minimum of 2 hours over the weekend or other properly authorized period that the show house signs are erected.
9. All On Show signs are not to exceed 0,27m² in size and are to be fitted to frames or standards. No other items may be affixed to such signs.
10. These signs shall not be displayed in the road reserve or on road islands or medians, except with the specific consent of the Municipality.
11. Bunting or banners flags may be displayed at show houses during the period the houses are actually on show.
12. In the case of a residential development or apartment block, only one show house board per agency may be displayed outside the development or block.
13. Should a show house be cancelled due to unforeseen circumstances, even at short notice, the show house signs are to be removed.

For Sale Signs

1. Only two For Sale signs are permitted per property, of which not more than one may be of a particular estate agency. In the case of a corner property each of two agencies may erect a For Sale board on the two street frontages of the property.
2. Signs are to be fitted to frames or standards and erected inside the boundary of a property. Where this is not possible due to a boundary wall or fence, the sign is to be placed within 0,5m of the wall or fence and parallel to it. In suitable cases the board may be fixed to a gate or wall or fence of the property.
3. Agencies and agents are to inspect their signs on a regular basis to ensure that they are well maintained and comply with this by-law.
4. For Sale signs may only be erected on the property concerned and may not be used with arrows or similar indicators to lead clients to a property that is for sale, except in the case of a pan handle erf.
5. In the case of an enclosed residential development, only one For Sale board per agency may be displayed outside such development.
6. These signs shall be placed at or fixed to the building concerned, or attached to the boundary fence of the premises concerned, or displayed within the boundaries of such premises, or where acceptable to the Municipality, in the road reserve within a distance of 0,5m of the boundary of the premises concerned.
7. All For Sale signs are not to exceed 1m² in size and are to be fitted to frames or standards. No other items may be affixed to such signs.

Sold Signs

1. Sold signs may be erected on a property, under the same conditions applicable to “For Sale signs”, for a period of one month after the sale.
2. These signs shall be placed at or fixed to the building concerned, or attached to the boundary fence of the premises concerned, or displayed within the boundaries of such premises, or where acceptable to the Municipality, in the road reserve within a distance of 0,5m of the boundary of the premises concerned.

Class 2(f)(v) Auction Signs



1. All boards advertising an auction may only be erected 14 days before such auction, and shall be removed one working day after such auction;
2. A maximum of two direction signs may be erected only on the day of the auction, limited to a maximum size of 1,5m² for all on-site boards;
3. Failure to comply, will result in the deposit forfeited and also the liability to penalties.

Class 2(f)(vi) Election Posters

1. Special application is required
2. No poster or advertisement shall be displayed for longer than the period which proceeds a National, Provincial or Municipal election or by election or referendum, determined by the Council from time-to-time subject that such a period shall terminate at the end of the fourth day after any elections.

Class 2(f)(vii) Handbills, leaflets and pamphlets

No special application required. The Municipality reserves the right to control distribution of this form of advertising if it causes a nuisance or littering.

Class 2(f)(viii) Temporary window signs

No special application is required. However, Offensive signs are prohibited.

Class 2(g) Suburban advertisements

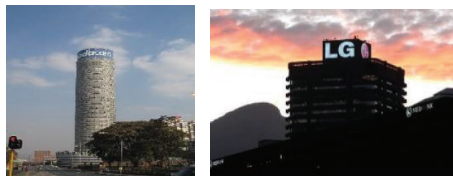
1. No person may erect a suburban advertisement without obtaining prior written approval by the Municipality.
2. A suburban advertisement must be rectangular, and must be not more than 0,4 metres in height and not wider than the suburb name sign. It must be less conspicuous than the suburb name sign.
3. A suburban advertisement may not bear colors that may cause confusion with road traffic signs and may not be illuminated or animated.
4. Suburban advertisements must comply with the requirements of the suburb name GL2 sign as prescribed in the National Road Traffic Act.

Class 2(h) Security Signs

Signs shall not exceed 0,35m² in area nor a height of 3m above ground level with the exception of farm watch signs which shall not exceed 1,5m².

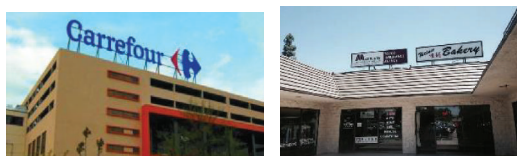
Class 3 Signs on buildings, structures and premises

Class 3(a) Sky Signs



Special application is required

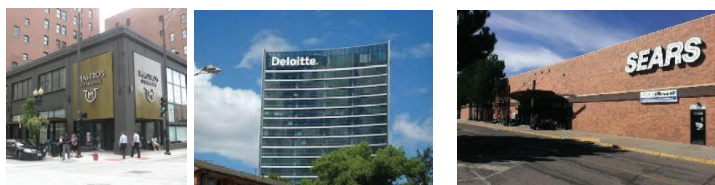
Class 3(b) Roof Signs



Special application required

1. These advertising signs may be illuminated, but not animated;
2. Height: may not be higher than the height restriction in terms of the Municipality's Town Planning Scheme;
3. General requirements as stated in Section 8 and 11 of this bylaw apply.

Class 3(c) Wall Signs



Flat and painted wall signs that are affixed to any external or main wall of a building used for commercial office, industrial or entertainment purposes, excluding a parapet wall, balustrade or railing of a veranda or balcony of such a building, shall:

1. not exceed 15% of a specific ground floor façade of the enterprise to which they relate;
2. not exceed 20% of a specific façade of the shopping centre (excluding office levels);
3. In the case of any flat or painted sign exceeding 12m² in area an environmental impact assessment shall be required.

Class 3(d) Advertising on towers, bridges and pylons

Signs affixed to and painted on towers and bridges not used primarily for advertising purposes, including signs on cellular telephone base station towers, water towers, radio towers and similar structures, and signs attached to pylons are not permitted, unless approved by the Municipality for

advertising of specific events of a civic, cultural, religious, social, sporting or welfare-related nature.

Class 3(e) On-premise business signs



1. Free-standing “on-premises” may be permitted where a building, housing, or enterprise is so situated that any such signs affixed to such building are not legible from the road or street onto which it face, or where it is not structurally possible or visually feasible to affix appropriate signs to such building, or where such a sign is needed to locate the entrance to business premises or the private access road to a business, or where a free-standing combination may prevent the proliferation of signs,
2. Subsection (1) is not applicable to small businesses on urban residential sites or in buildings that were originally constructed for residential or community purposes;
3. Only one sign or advertising panel on a communication sign may be permitted per enterprise, provided that if there are more-than one entrance to a premises on different road frontages, two signs or advertising panels may be permitted per enterprise, each on a different road frontages.
4. A maximum sign area of 4,5m² is permitted, provided that where a sign is affixed to a non-advertising structure such as a boundary wall or gate structure it may not occupy more than 50% of the structure to which it is affixed and a maximum height of 4m shall apply;
5. In the case of elaborate and solid advertising structures, a maximum area per sign, including the supporting structure of 9m² is permitted, provided that the actual sign panel or lettering may not occupy more than 50% the total sign area and a maximum height of 6m shall apply;
6. Where a sign is incorporated in a combination sign, a maximum area of 3m² per advertising panel shall apply.

Class 3(g) Projecting Signs



Projecting signs shall have a maximum size and dimension of 1,2m² with a maximum horizontal dimension of 1,0m and a maximum vertical dimension of 1,5m and only one such sign shall be allowed per enterprise façade.

Class 3(g) Veranda, Balcony, Canopy and under awning signs

1. Signs on balconies shall not be displayed above the lower edge of any visible second-floor window
2. Canopy advertisements shall, in the opinion of the Municipality, form an integral part of the canopy or blind without dominating the canopy structure or blind;
3. Signs or Veranda railings, supporting columns, pillars or posts shall not be permitted.

Class 3(i) Window signs

The size of a permanent window sign is limited to 25% of the total ground floor window area. All electronic signs larger than 1m² shall be subject to SEA.

Class 3(j) Advertisements on forecourts of business premises

The total permitted area for all free-standing forecourt advertisements shall not exceed 5m² on each forecourt frontage to the premises, i.e. a building with two forecourt frontages shall have advertisements not exceeding 10m² in all, provided that those on each frontage shall not exceed 5m².

Class 3(k) Miscellaneous signs for urban residential oriented land use and community services

These signs may be used in urban residential areas, at community services and on smallholdings, and such signs relate to:

1. Identification, direction and warning with regard to place of residence, (e.g. street numbers and names of houses, flat complexes, farms and smallholdings, and notices or signs such as "Beware of the dog" and "No entrance" and such signs may not exceed area of 0.25m² per premises with a maximum letter size of 350mm provided that if there is more than one entrance to the property (i.e. one each on different road frontages), a total sign area of 0,05m² may be displayed (with not more than 0,25m² per frontage);
2. Small businesses, enterprises and practices on urban residential properties (including small holdings) or in buildings that were originally constructed and used for residential purposes or for community services (i.e. residential area where office an commercial and encroachment has taken place), and small-scale urban and rural accommodation facilities with a residential and neighborhood character such as guest houses, B&B establishments, boarding houses and smaller hotels,
 - 2.1. Signs containing the name and nature of the business, practice or enterprise and/or the name(s) of the owner, practitioner or partners are permitted;
 - 2.2. One sign with a maximum area of 0,075m² per premises is permitted;
 - 2.3. If there are more than one entrance to the property (i.e. one each on different road frontages), two advertisements with a maximum area of 0,75m² each may be displayed (each on a different frontage);

- 2.4. Where a more elaborate and solid supporting structure is provided the maximum area per sign, including the supporting structure, may be increased to 1,5m² on the condition that the sign panel or lettering shall not occupy more than 50% of the total sign area;
3. Community services and institutions such as religious, educational, cultural, recreational and certain medical and similar institutions:
- 3.1. Such signs may contain the name and nature of the institution, the name(s) of
- (a) Practitioner(s) and the name and the nature of the institution, opening times, and such
 - (b) Other information as may be determined by the Municipality.
- 3.2. Subject to the volume of information to be displayed, a sign not exceeding 3m² in area may be permitted per property;
- 3.3. If there are more-than one entrance to the property on different frontages (i.e. one each per road frontage), two signs with a maximum area of 3m² each may be displayed, each on a different frontage;
- 3.4. Where a more elaborate and solid supporting structure forms part of the sign, the total sign area may be enlarged to 6m², on the condition that the actual sign panel or lettering shall not occupy more than 50% of the total sign area;
- 3.5. In cases where more than one institution or community facility shares the same property, a combination sign or collective board shall be provided which will allow for not more than 2m² per institution or community facility.

Class 3(l) Signs for agricultural and related land use in rural and natural areas

1. The signs must be displayed next to the entrance of the access road to the homestead or must be affixed to the gate at the entrance of such access road;
2. In the case of more than one farm/small holding sharing a unnumbered or private access road, a collective advertisement board or combination sign maybe placed at the entrance to the access road or, where appropriate, a smaller sign indicating the property numbers in question only may be displayed;
3. If any official traffic sign bearing a destination or route number is displayed at the entrance to such access road, no farm or smallholding name signs shall be allowed;
4. A standard name sign for specific smallholdings may be prescribed by the Municipality.
5. In cases where more than one farm or smallholding share the same unnumbered or private access route, or more than one enterprise shares the same property, a combination sign or collective board shall be provided which will allow for not more than 0,5m² per farm, smallholding or enterprise.
6. The maximum size of these signs shall not exceed 9m².

Class 3(m) Signs incorporated in the fabric of a building

These signs are to be treated as wall or roof signs.

1. Free-standing signs shall be allowed only when it is not practical or visually acceptable to attach a sign to a building, boundary wall, boundary fence, gate or gate structure, and the highest point of any single freestanding sign shall not exceed 4m above natural ground level measured directly below any portion of the sign,
2. All signs in this class may be permitted only on the property to which they specifically refer or on the boundary wall or fence or gate of such premises;
3. The Municipality may, at the expense of the owner, impound or confiscate any vehicle, trailer or other craft or object which is not authorized signage structure and which in primary purpose of advertising, unless otherwise approved by the Municipality, and the Municipality may prescribe conditions, including a fee, for the release of such unauthorized vehicle, trailer or other craft or object;

Class 4 Signs for the tourist and traveller

Class 4(a) Service facility signs

1. These signs may not exceed 7,5m in height and 2,0m in width, and a maximum of eight advertising panels may be permitted per combination sign, with only one enterprise or service allowed per panel;
2. An advertising panel may not exceed 4,5m² in area and only one combination sign may be permitted on the premises of a filling station or roadside service are;
3. Illumination may be permitted only if the business provides a 24-hour service;
4. Facilities with limited after-hours services may be permitted to illuminate advertisements during business hours only.

Class 4(b) Tourism signs

1. Tourism signs which form part of the South African Road Traffic Sign System and which are provided supplementary to direction signs, must comply with the provisions of the SA Road Transport Signage Manual;
2. Signs must comply with SADC-RTSM as amended from time to time

Class 5 Mobile signs

Class 5a Advertising trailers and self-propelled advertising vehicles



1. Limited to special events approved by the Municipality.
2. The size of signs allowed in this class, are as follows:
 - a) Maximum vertical dimensions: 3m
 - (b) Maximum horizontal dimensions: 6m

3. Only one trailer per site will be allowed, as indicated by the municipality. It must be properly secured at both ends in order to withstand strong winds.
4. General requirements, as stated in Chapter 3, apply.

Class 5b Aerial signs



1. These advertising signs may not be illuminated or animated
2. General requirements stated in Chapter 3 of this By-Law apply
3. An aerial sign shall not be flown without the, permission of the Commissioner of Civil Aviation.

Class 5d Walking sandwich boards and other portable notices

4. Only allowed in shopping centres, and events and exhibitions.
5. Not allowed on municipal pavements, except where local tourism is promoted.

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

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