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. 25

POLOKWANE,
18 MAY 2018
18 MEI 2018
18 MUDYAXIHI 2018
18 MEI 2018
18 SHUNDUNTHULE 2018

No. 2905

PART 1 OF 4

ISSN 1682-4563

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IMPORTANT NOTICE:

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

NO FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

CONTENTS

Closing times for **ORDINARY WEEKLY** *LIMPOPO PROVINCIAL GAZETTE* 2018

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

- **28 December 2017,** Thursday for the issue of Friday **05 January 2018**
- **05 January,** Friday for the issue of Friday **12 January 2018**
- **12 January,** Friday for the issue of Friday **19 January 2018**
- **19 January,** Friday for the issue of Friday **26 January 2018**
- **26 January,** Friday for the issue of Friday **02 February 2018**
- **02 February,** Friday for the issue of Friday **09 February 2018**
- **09 February,** Friday for the issue of Friday **16 February 2018**
- **16 February,** Friday for the issue of Friday **23 February 2018**
- **23 February,** Friday for the issue of Friday **02 March 2018**
- **02 March,** Friday for the issue of Friday **09 March 2018**
- **09 March ,**Friday for the issue of Friday **16 March 2018**
- **15 March,** Thursday for the issue of Friday **23 March 2018**
- **23 March,** Friday for the issue of Friday **30 March 2018**
- **28 March,** Wednesday for the issue of Friday **06 April 2018**
- **06 April,** Friday for the issue of Friday **13 April 2018**
- **13 April,** Friday for the issue of Friday **20 April 2018**
- **20 April,** Friday for the issue of Friday **27 April 2018**
- **25 April,** Wednesday for the issue of Friday **04 May 2018**
- **04 May,** Friday for the issue of Friday **11 May 2018**
- **11 May,** Friday for the issue of Friday **18 May 2018**
- **18 May,** Friday for the issue of Friday **25 May 2018**
- **25 May,** Friday for the issue of Friday **01 June 2018**
- **01 June,** Friday for the issue of Friday **08 June 2018**
- **08 June,** Friday for the issue of Friday **15 June 2018**
- **15 June,** Thursday for the issue of Friday **22 June 2018**
- **22 June,** Friday for the issue of Friday **29 June 2018**
- **29 June ,**Friday for the issue of Friday **06 July 2018**
- **06 July,** Friday for the issue of Friday **13 July 2018**
- **13 July,** Friday for the issue of Friday **20 July 2018**
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- **10 August,** Friday for the issue of Friday **17 August 2018**
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- **16 November,** Friday for the issue of Friday **23 November 2018**
- **23 November,** Friday for the issue of Friday **30 November 2018**
- **30 November,** Friday for the issue of Friday **07 December 2018**
- **07 December,** Friday for the issue of Friday **14 December 2018**
- **13 December,** Thursday, for the issue of Friday **21 December 2018**
- **19 December,** Wednesday for the issue of Friday **28 December 2018**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

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

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

EXTRA-ORDINARY

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

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at R**3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

Closing Times for Acceptance of Notices

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.

2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

   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:	**Postal Address:**	**GPW Banking Details:**
Government Printing Works	Private Bag X85	**Bank:** ABSA Bosman Street
149 Bosman Street	Pretoria	**Account No.:** 405 7114 016
Pretoria	0001	**Branch Code:** 632-005

For Gazette and Notice submissions: Gazette Submissions:	**E-mail:** submit.egazette@gpw.gov.za
For queries and quotations, contact: Gazette Contact Centre:	**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 31 OF 2018

COLLINS CHABANE AMENDMENT SCHEME 03

NOTICE OF APPLICATION FOR THE AMENDMENT OF THE THULAMELA LAND USE MANAGEMENT SCHEME 2006 IN TERMS OF SECTION 62 (1) OF THE THULAMELA SPATIAL PLANNING & LAND USE MANAGEMENT BY-LAW 2015 READS WITH THE PROVISION OF THE SPATIAL PLANNING & LAND USE MANAGEMENT ACT,2013 (ACT 16 OF 2013)

We, Mavona & Associates Development Consultants cc, being the authorized agent of the owner of the property mentioned below hereby give notice in terms of section 62 (1) of the Thulamela Spatial Planning & Land Use Management By-Law 2015 reads with the provision of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) that we have applied to the Collins Chabane Local Municipality for the amendment of the Land Use Management Scheme known as the Thulamela Land Use Management Scheme, 2006 to rezone the property described as: a portion of the farm Linder 213, Registration Division LT to be known as portion 16 from "Agricultural" to "Business 1" for the establishment of a filling station and related shops.

Particulars of the application will lie for inspection during normal office hours at Collins Chabane Local Municipality: Director, Department of Development and Planning, Old DCO Offices, Hospital Road, First Floor, Malamulele for a period of 30 days from 11 May 2018.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at Private Bag X9271, Malamulele, 0982 within a period of 30 days from 11 May 2018.

Address of agent: Mavona & Associates Development Consultants cc, PO Box 727, Bendor Park, 0713, Tel: 015 065 0446 and Fax: 086 600 7119

11-18

NDZULAMISO WA VU NHARHU (03) WA XIKIMI XA MASIPALA WA COLLINS CHABANE

XITIVISO XA XIKOMBELO XA NDZULAMISO WA XIKIMI XA MASIPALA WA THULAMELA, 2006, KU YA HI XIYENGE XA 62 (1) XA THULAMELA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW 2015 LEXI HLAYIWAKA XIKAN'WE NA SPATIAL PLANNING AND LAND USE ACT, 2013 (ACT 16 OF 2013)

Hina va Mavona and Associates Development Consultants cc tani hi muyimeri wa n'winyi wa xitandi lexi tsariweke la hansi hi mi nyika xitiviso ku ya hi xiyenge xa 62 (1) xa Thulamela Spatial Planning and Land Use Management By-Law 2015 lexi hlayiwaka xikan'we na Spatial Planning and Land Use Act, 2013 (Act 16 of 2013) leswaku hi endlile xikombelo eka masipala wa Collins Chabane xa ndzulamiso wa xikimi lexi tivekaka hi Thulamela Land Use Management Scheme, 2006 kuva hi cinca xiphemu xa khume-ntsevu (16) xa purasi ra Linder 213-LT ku suka ka "xitandi xa swavurimi" kuya eka "xitandi xa swa mabindzu xa tlawa wo sungula", hi xikongomelo xo endla garaji ya petirolo na mavhengele lama fambisanaka na yona.

Vuxokoxoko bya xikombelo lexi mi nga byi kuma hi xitalo etihofisini ta Masipala wa Collins Chabane hi nkarhi wa ntirho eka Mufambisi wa ndzawulo ya mapulanelo bya swavuhluvukisi, etihofisini ta DCO ta khale, Patu ra ku ya exibendlhele, xiphemu xa le henhla xa tihofisi, eka Malamulele ku fikela 30 wa masiku kusuka hi ti 11 Mudyaxihi 2018.

Swisolo na swibumabumelo mi nga swi tsala swi ya eka Mufambisis wa Masipala wa Collins Chabane eka kherefu ya: Private Bag X9271, Malamulele, 0982 kumbe mi yisa eka kherifu ya xitandi xa masipala leyi tsariweke le henhla ku nge se hela masiku ya 30 ku sukela hi ti 11 Mudyaxihi 2018.

Kherefu ya Muyimeri: Mavona and Associates Development Consultants cc, Po Box 727, Bendor Park, 0713, Foyini: 015 065 0446, nomboro ya fekisi: 086 600 7119

11-18

NOTICE 33 OF 2018

NOTICE OF APPLICATION FOR AMENDMENT OF TOWN PLANNING SCHEME IN TERMS OF SECTION 56(1)(b)(i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

POLOKWANE/PERKEBULT AMENDMENT SCHEME 59

I Lebogang Mogale of Opulence Developments being the authorized agent of the Owner of Portion 4 of Erf 587 Pietersburg hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Township Ordinance, 1986, as well as the provision of SPLUMA,2013 (Act 16 of 2013) that I have applied to the Polokwane Municipality for the amendment of the town planning scheme known as the Polokwane/Perskebult Town Planning Scheme, 2016 by the rezoning of Portion 4 of Erf 587 Pietersburg from “Residential 1” to “Business 4”

Particulars of the application will lie for inspection during normal office hours at the office of the Manager: Spatial Planning and Land Use Management, First Floor, West Wing, Civic Centre, Landdros Mare Street Polokwane, for a period of 28 days from 11 May 2018

Objections to or representations in respect of the application must be lodged with or made in writing to the Manager: Spatial Planning and Land Use Management, First Floor, West Wing, Civic Centre, Landdros Mare Street Polokwane or P O Box 111, Polokwane, 0700 within a period of 28 days from 11 May 2018

Address of authorized Agent:

Opulence Developments

6 Villa Santana Main Street, Heatherview 0156: Contact: 0840767294

11–18

KENNISGEWING 33 VAN 2018

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPS-BEPLANNINGSKEMA INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)

POLOKWANE/PERKEBULT WYSIGINGSKEMA 59

Ek, Lebogang Mogale van Opulence Developments, synde die gemagtigde agent van die eienaar van Gedeelte 4 van Erf 587 Pietersburg gee hiermee ingevolge Artikel 56 (1) (b) (i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, asook die voorsiening van SPLUMA, 2013 (Wet 16 van 2013) dat ek by die Polokwane Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as die Polokwane / Perskebult Dorpsbeplanningskema, 2016 deur die hersonering van Gedeelte 4 van Erf 587 Pietersburg vanaf 'Residensieel 1' na “besigheid 4”

Besonderhede van die aansoek le te insae gedurende gewone kantoorure by die kantoor van die Bestuurder: Ruimtelike beplanning en Grondegebruik-bestuur, eerste vloer, Burgesentrum, Landdros Marestraat Polokwane vir n tydperk van 28 dae vanaf 11 Mei 2018.

Besware teen of vertoe ten opsigte van die aansoek moet binne n tydperk van 28 dae vanaf 11 Mei 2018 skriftelike by of tot die Munisipale bestuurder by bovermelde adres of by Posbus 111, Polokwane, 0700 in gedien of gerig word.

Adres Van Agent

Opulence Developments

6 Villa Santana Main Street, Heatherview, 0156: Contact 0840767294

11–18

NOTICE 34 OF 2018

NOTICE OF APPLICATION FOR AMENDMENT OF TOWN PLANNING SCHEME IN TERMS OF SECTION 56(1)(b)(i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

POLOKWANE/PERKEBULT AMENDMENT SCHEME 58

I Lebogang Mogale of Opulence Developments being the authorized agent of the Owner of Portion 2 of Erf 762 Pietersburg hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Township Ordinance, 1986, as well as the provision of SPLUMA,2013 (Act 16 of 2013) that I have applied to the Polokwane Municipality for the amendment of the town planning scheme known as the Polokwane/Perskebult Town Planning Scheme, 2016 by the rezoning of Portion 2 of Erf 762 Pietersburg from “Residential 1” to “Residential 3”

Particulars of the application will lie for inspection during normal office hours at the office of the Manager: Spatial Planning and Land Use Management, First Floor, West Wing, Civic Centre, Landdros Mare Street Polokwane, for a period of 28 days from 11 May 2018

Objections to or representations in respect of the application must be lodged with or made in writing to the Manager: Spatial Planning and Land Use Management, First Floor, West Wing, Civic Centre, Landdros Mare Street Polokwane or P O Box 111, Polokwane, 0700 within a period of 28 days from 11 May 2018

Address of authorized Agent: **Opulence Developments**

6 Villa Santana Main Street, Heatherview 0156: Contact: 0840767294

11-18

KENNISGEWING 34 VAN 2018

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPS-BEPLANNINGSKEMA INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)

POLOKWANE/PERKEBULT WYSIGINGSKEMA 58

Ek, Lebogang Mogale van Opulence Developments, synde die gemagtigde agent van die eienaar van Gedeelte 2 van Erf 762 Pietersburg gee hiermee ingevolge Artikel 56 (1) (b) (i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, asook die voorsiening van SPLUMA, 2013 (Wet 16 van 2013) dat ek by die Polokwane Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as die Polokwane / Perskebult Dorpsbeplanningskema, 2016 deur die hersonering van Gedeelte 2 van Erf 762 Pietersburg vanaf 'Residensieel 1' na 'Residensiele 3'

Besonderhede van die aansoek le te insae gedurende gewone kantoorure by die kantoor van die Bestuurder: Ruimtelike beplanning en Grondegebruik-bestuur, eerste vloer, Burgesentrum, Landdros Marestraat Polokwane vir n tydperk van 28 dae vanaf 11 Mei 2018.

Besware teen of vertoe ten opsigte van die aansoek moet binne n tydperk van 28 dae vanaf 11 Mei 2018 skriftelike by of tot die Munisipale bestuurder by bovermelde adres of by Posbus 111, Polokwane, 0700 in gedien of gerig word.

Adres Van Agent **Opulence Developments**

6 Villa Santana Main Street, Heatherview, 0156: Contact 0840767294

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NOTICE 35 OF 2018

Public Participation Process for proposed Magareng Telecommunications Mast Development

Reference Magareng

Application for Basic Assessment to undertake the following activities

Notice is hereby given in terms of the Environmental Impact Assessment Regulations, 2014, promulgated in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended. On behalf of MTN, the applicant, has appointed ACE Environmental Solutions as the competent Environmental Assessment Practitioner to apply for Environmental Authorizations by following the Basic Assessment process in terms of "Listing Notice 3" (Activity 3(b)(ii)(g)) of the Environmental Impact Assessment regulations 2017 of the National Environmental Management Act.

Proposed project Development:
MTN intends constructing a 54m Telecommunication mast with a footprint of 144m² within the Musina Local Municipality to supplement increased and improved national MTN coverage footprint enabling users to communicate on the MTN network.

Location:
Proposed site for the Telecommunication Mast is located at 24°59'10.40"S, 30° 7'20.30"E

Alternatives: **The exact placement of the proposed telecommunication mast is determined by the radio planning department based on the coverage required. Because of the height of the proposed telecommunication mast, the design of the mast needed is as per standard industry practice.**

Interested and affected parties (I&APs) are invited to provide written comments. I&APs should refer and must provide their comments together with their name, contact details (preferred method of notification, e.g. e-mail address or fax number) and an indication of any direct business, financial, personal or other interest which they have in the application to the contact person indicated below within 30 days from the date of this notice. For a copy of the Basic Assessment and all related documents please refer to www.ace-environmental.co.za or alternatively contact the relevant contacts displayed below.

Should you have any further queries please call ACE Environmental Solutions on **014 001 7005** or fax to **086 565 9264**. Alternatively E-mail **ace.henk@gmail.com**

NOTICE 36 OF 2018

NOTIFICATION OF APPLICATION FOR ENVIRONMENTAL AUTHORISATION

Notice is given of a Basic Assessment process in terms of Section 24D of the National Environmental Management Act (NEMA), Act No. 107 of 1998, as amended and the EIA Regulations, 2017 (GNR 324 of 7 April 2017) Applicant: Tiara Mining. Competent Authority: Department of Mineral Resources (DMR). Proposed Activities: Tiara Mining have applied for Environmental Authorisation for a mining permit. The application is for Silica. The proposed operation is based on the mining of a quartz vein. The Mining Activities will typically entail; site clearance / preparation. Mining of silica deposits. Location: The proposed activity will take place over a 5 hectare area located on the Farm Granville 767 LT, in the district of Mopani. Department of Mineral Resources (DMR) accepted the application on the 27th of March 2018 and assigned the reference Number: LP30/5/1/3/2/11072MP

PUBLIC PARTICIPATION ACE ENVIRONEMTAL SOLUTIONS has been appointed as the independent Environmental Assessment Practitioner (EAP) responsible for undertaking the public participation & BA process. You are hereby invited to register as an Interested & Affected Party (I&AP), with your name, contact information and interest in the matter on or before 10 May 2018 to: Henk Pretorius of ACE Environmental Solutions at the following details: P.O. Box 782, Bela-Bela, 0480.

Tel: (014) 001 7005.

Fax: (086) 565 9264

E-mail: ace.henk@gmail.com

NOTICE 37 OF 2018

NOTICE OF APPLICATION FOR AMENDMENT OF TOWN PLANNING SCHEME IN TERMS OF SECTION 56(1)(b)(i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

POLOKWANE/PERKEBULT AMENDMENT SCHEME 53

I Milton Sebola of G4 GROUP CONSULTANTS Pty(LTD) being the authorized agent remainder of Erf 866 Pietersburg hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Township Ordinance, 1986, as well as the provision of SPLUMA,2013 (Act 16 of 2013) that I have applied to the Polokwane Municipality for the amendment of the town planning scheme known as the Polokwane/Perskebult Town Planning Scheme, 2016 by the rezoning of remainder of Erf 866 Pietersburg, from "Residential 1" to "Residential 3"

Particulars of the application will lie for inspection during normal office hours at the office of the Manager: Spatial Planning and Land Use Management, First Floor, West Wing, Civic Centre, Landros Mare Street Polokwane, for a period of 28 days from 18 May 2018

Objections to or representations in respect of the application must be lodged with or made in writing to the Manager: Spatial Planning and Land Use Management, First Floor, West Wing, Civic Centre, Landros Mare Street Polokwane or P O Box 111, Polokwane, 0700 within a period of 28 days from 18 May 2018

Address of authorized Agent:

G4 GROUP CONSULTANTS Pty(LTD)

P O Box 350, Bochum, 0790

063 345 0463

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KENNISGEWING 37 VAN 2018

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPS-BEPLANNINGSKEMA INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)

POLOKWANE/PERKEBULT WYSIGINGSKEMA 53

Ek Milton Sebola van G4 GROUP CONSULTANTS Pty(LTD) trading synde die ge-magtigde agent van restaant van Erf 866 Pietersburg, gee hiermee ingevolge artikel 56(1)(b)(i) van die ordinnansie op Dorpsbeplanning en Dorpe, 1986, sowel as die verskaffing van SPLUMA, 2013 (Wet 16 van 2013) kennis dat ons by die Polokwane Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as die Polokwane / Perskebult Dorpsbeplanningskema, 2016 deur die hersonering van restaant van Erf 688 Pietersburg vanaf 'Residensieel 1' na 'Residensieel 3'

Besonderhede van die aansoek le te insae gedurende gewone kantoorure by die kantoor van die Bestuurder: Ruimtelike beplanning en Grondegebruik-bestuur, eerste vloer, Burgesentrum, Landros Marestraat Polokwane vir n tydperk van 28 dae vanaf 18 Mei 2018.

Besware teen of vertoe ten opsigte van die aansoek moet binne n tydperk van 28 dae vanaf 18 Mei 2018 skriftelike by of tot die Munisipale bestuurder by bovermelde adres of by Posbus 111, Polokwane, 0700 in gedien of gerig word.

Adres Van Agent

G4 GROUP CONSULTANTS Pty(LTD)

P O Box 350, Bochum, 0790

063 345 0463

18-25

NOTICE 38 OF 2018

NOTICE OF APPLICATION FOR AMENDMENT OF TOWN PLANNING SCHEME IN TERMS OF SECTION 56(1)(b)(i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

POLOKWANE/PERKEBULT AMENDMENT SCHEME 63

I Lebogang Mohale of Opulence Developments being the authorized agent of the owner of Portion 1(Remaining Extent) of Erf 687 Pietersburg Township hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Township Ordinance, 1986, as well as the provision of SPLUMA,2013 (Act 16 of 2013) that I have applied to the Polokwane Municipality for the amendment of the town planning scheme known as the Polokwane/Perskebult Town Planning Scheme, 2016 by the rezoning of Portion 1(Remaining Extent) of Erf 687 Pietersburg Township “Residential 1” to “Residential 3”

Particulars of the application will lie for inspection during normal office hours at the office of the Manager: Spatial Planning and Land Use Management, First Floor, West Wing, Civic Centre, Landdros Mare Street Polokwane, for a period of 28 days from 18 May 2018

Objections to or representations in respect of the application must be lodged with or made in writing to the Manager: Spatial Planning and Land Use Management, First Floor, West Wing, Civic Centre, Landdros Mare Street Polokwane or P O Box 111, Polokwane, 0700 within a period of 28 days from 18 May 2018

Address of authorized Agent:

Opulence Developments

6 Villa Santana Main Street, Heatherview 0156

Contact No: 0840767294

18-25

KENNISGEWING 38 VAN 2018

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPS-BEPLANNINGSKEMA INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)

POLOKWANE/PERKEBULT WYSIGINGSKEMA 63

Ek Lebogang Mohale of Opulence Developments synde die gemagtigde eienaar Gedeelte 1 (Resterende Gedeelte) van Erf 687 Pietersburg gee hiermee ingevolge artikel 56(1)(b)(i) van die ordinnansie op Dorpsbeplanning en Dorpe, 1986, sowel as die verskaffing van SPLUMA, 2013 (Wet 16 van 2013) kennis dat ons by die Polokwane Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as die Polokwane / Perskebult Dorpsbeplanningskema, 2016 deur die hersonering van Gedeelte 1 (Resterende Gedeelte) van Erf 687 Pietersburg Dorpsgebied vanaf 'Residensieel 1' na 'Residensieel 3' van 28 dae vanaf 18 Mei 2018

Besonderhede van die aansoek le te insae gedurende gewone kantoorure by die kantoor van die Bestuurder: Ruimtelike beplanning en Grondegebruik-bestuur, eerste vloer, Burgesentrum, Landdros Marestraat Polokwane vir n tydperk van 28 dae vanaf 18 Mei 2018

Besware teen of vertoe ten opsigte van die aansoek moet binne n tydperk van 28 dae vanaf 18 Mei 2018 skriftelike by of tot die Munisipale bestuurder by bovermelde adres of by Posbus 111, Polokwane, 0700 in gedien of gerig word.

Adres Van Agent

Opulence Developments

6 Villa Santana Main Street, Heatherview 0156

Contact No: 0840767294

18-25

PROCLAMATION • PROKLAMASIE

PROCLAMATION 17 OF 2018

GREATER TZANEEN MUNICIPALITY
TZANEEN AMENDMENT SCHEME 375

It is hereby notified in terms of the provisions of Section 57 of the Spatial Planning and Land Use Management By-Law of Greater Tzaneen Municipality read together with Section 57(1)(a) of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the Greater Tzaneen Municipality has approved the amendment of the Tzaneen Town Planning Scheme, 2000 by the rezoning of Erf 1919, Lenyenye A from **"Industrial 1"** to "**Business 1**" with Annexure 243.

Map 3 and the scheme clauses of the amendment scheme are filed with the Municipal Manager of the Greater Tzaneen Municipality, TZANEEN, and the Director: Department Co-operative Governance, Human Settlements and Traditional Affairs, POLOKWANE, and are open for inspection during normal office hours.

This amendment is known as Tzaneen Amendment Scheme 375 and shall come into operation on the date of publication of this notice.

MR. B.S. MATLALA
MUNICIPAL MANAGER

Municipal Offices
P.O. Box 24
Tzaneen
0850

Date : 18 May 2018
Notice No. : PD 11/2018

PROKLAMASIE 17 VAN 2018

GROTER TZANEEN MUNISIPALITEIT
TZANEEN WYSIGINGSKEMA 375

Hiermee word ingevolge die bepalings van Artikel 57 van die Ruimtelike Beplanning en Grondgebruikbestuurs Bywet van Groter Tzaneen Munisipaliteit saamgelees met Artikel 57(1)(a) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), bekend gemaak dat die Groter Tzaneen Munisipaliteit die wysiging van die Tzaneen Dorpsbeplanningskema, 2000 goedgekeur het, deur die hersonering van Erf 1919, Lenyenye A vanaf **"Nywerheid 1"** na "**Besigheid 1**" met Bylaag 243.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Munisipale Bestuurder van die Groter Tzaneen Munisipaliteit, TZANEEN, en die Direkteur: Departement Samewerkende Regering, Behuising en Tradisionele Sake, POLOKWANE, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Tzaneen Wysigingskema 375 en tree op datum van publikasie van hierdie kennisgewing in werking.

MNR. B.S. MATLALA
MUNISIPALE BESTUURDER

Munisipale Kantore
Posbus 24
Tzaneen 0850

Datum : 18 Mei 2018
Kennisgewing Nr : PD 11/2018

PROVINCIAL NOTICE 73 OF 2018

POLOKWANE PERSKEBULT TOWN PLANNING SCHEME 2016

AMENDMENT SCHEME 55

Emendo Inc., being the authorized agent of the owner of Erf 516 Annadale Extension 2, hereby give notice in terms of Section 56 (1) b (i) of the Town Planning and Townships Ordinance (Ordinance 15 of 1986), read together with Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), that we have applied to Polokwane Municipality for the amendment of the Polokwane/ Perskebult Town-planning Scheme, 2016, for the rezoning of Erf 516 form "Municipal" to "Special" for residential with a density of 78 units per hectare.

Particulars of the application will lie for inspection during normal office hours at the office of the Manager: Spatial Planning and Land Use Management, Civic Centre, Polokwane, for a period of 28 days from 11 May 2018. Objections to or representations in respect of the application must be lodged with or made to The Municipal Manager, at the above address or at P.O. Box 111, Polokwane, 0700, within a period of 28 days from 11 May 2018. Address of applicant: Emendo Town & Regional Planners, 31 Market Street, Polokwane, 0700. Tel: 071 5022 031/072 649 1974, email: info@emendo.co.za

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PROVINSIALE KENNISGEWING 73 VAN 2018

POLOKWANE PERSKEBULT-DORPSBEPLANNINGSKEMA 2016 WYSIGINGSKEMA 55

Emendo Stads-en Streekbeplanners, synde die gemagtigde agent van die eienaar van Erf 516 Annadale, Uitbreiding 2, gee hiermee kennis ingevolge Artikel 56 (1)(b)(i) van die Ordonansie op Dorpsbeplanning en Dorpe (Ordinansie 15 van 1986), saam gelees met die Wet op Ruimtelike Beplanning en Grondgebruikbestuur 16 van 2013 (SPLUMA), dat ons aansoek gedoen het by Polokwane Munisipaliteit vir die wysiging van die Polokwane/ Perskebult Dorpsbeplanningskema 2016, vir die hersonering van Erf 516 vanaf "Munisipaal" na "Spesiaal" vir residensieël met 'n digtheid van 78 eenhede per hektaar.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Bestuurder, Ruimtelike Beplanning en Grondgebruikbeheer, Burgersentrum, Polokwane, vir 28 dae vanaf 11 Mei 2018. Besware en/of vertoë ten opsigte van die aansoek moet binne 28 dae ingedien word vanaf 11 Mei 2018 skriftelik tot die Munisipale Bestuurder, by bovermelde adres of by Posbus 111, Polokwane, 0700, ingedien of gerig word. Adres van applikant: Emendo Stads-en Streekbeplanners , Markstraat 31, Polokwane, 0700 Tel: 071 5022 031/072 649 1974, email: info@emendo.co.za

11-18

PROVINCIAL NOTICE 75 OF 2018

GENERAL NOTICE: POLOKWANE/PERSKEBULT AMENDMENT SCHEME 50

NOTICE OF APPLICATION FOR AMENDMENT OT THE TOWN PLANNING SCHEME IN TERMS OF SECTION 56(1)(b)(ii) OF THE TOWN PLANNING AND TOWNSHIP ORDINANCE, 1986 (ORDINANCE 15 OF 1986), READ IN CONJUNCTION WITH THE PROVISIONS OF SPLUMA (ACT 16 OF 2013)

I, Douw Gerbrand Steyn, of Van Rensburg & Steyn Land Surveyors, being the authorized agent of the registered owner of Portion 3 of Erf 609 Pietersburg hereby give notice in terms of Section 56(1)(b)(ii) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), read together with the provisions of the SPLUMA 2013 Act, (Act 16 of 2013), that I have applied to Polokwane Municipality for the amendment of the town planning scheme known as the Polokwane/Perskebult Town Planning Scheme, 2016 for the rezoning of Portion 3 of Erf 609 Pietersburg, situated in No. 31 Voortrekker Street, Polokwane from Residential 1 to Business 4 for offices.

Particulars of the application will lie for inspection during normal office hours at the office of the Manager, Spatial Planning and Land Use Management, at Polokwane Municipality, Room no 127, First Floor, Cnr of Landdros Mare and Bodenstein Streets, Polokwane, 0699 for a period of 28 days from the 11th of May 2018.

Objections to or representation in respect of the application must be lodge with or made in writing to the Manager, Spatial Planning and Land Use Management, at the above address or at P.O. Box 111 Polokwane, 0700 within a period of 28 days from the 11th of May 2018.

Address of agent: Van Rensburg & Steyn Land Surveyors, P.O. Box 333, Polokwane, 0700.

11–18

PROVINSIALE KENNISGEWING 75 VAN 2018

ALGEMENE KENNISGEWING: POLOKWANE/PERSKEBULT WYSIGINGSKEMA 50

KENNISGEWING VAN AANSOEK OM DIE WYSIGING VAN 'N DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56(1)(b)(ii) VAN DIE ORDONANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONANSIE 15 VAN 1986), SAAMGELEES MET DIE BEPALINGS VAN DIE SPLUMA (WET 16 VAN 2013)

Ek, Douw Gerbrand Steyn van Van Rensburg en Steyn Landmeters, synde die gemagtigde agent van die geregistreerde eienaars van Gedeelte 3 van Erf 609 Pietersburg gee hiermee ingevolge Artikel 56(1)(b)(ii) van die Ordonansie op Dorpsbeplanning en Dorpe, 1986 (Ordonansie 15 van 1986), saamgelees met die bepalings van die SPLUMA 2013 Wet (Wet 16 van 2013), kennis dat ek by die Polokwane Munisipaliteit aansoek gedoen het om die wysiging van die Dorpsbeplanningskema bekend as die Polokwane/Perskebult Dorpsbeplanning Skema, 2016 deur die hersonering van Gedeelte 3 van Erf 609 Pietersburg geleë te Voortrekkerstraat no. 31, Polokwane, vanaf Residensieël 1 na Besigheid 4 vir kantore.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoor ure by die kantoor van die Bestuurder, Ruimtelike Beplanning en Grondgebruikbeheer, Kamer 127, Eerste Vloer, H/v Landdros Mare en Bodenstein Straat, Polokwane, 0699 vir 'n tydperk van 28 dae vanaf 11de Mei 2018.

Besware teen of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf die 11de Mei 2018 skriftelik by of tot die Bestuurder, Ruimtelike Beplanning en Grondgebruikbeheer by bovermelde adres of by Posbus 111, Polokwane, 0700 ingedien of gerig word.

Adres van agent, Van Rensburg & Steyn Landmeters, Posbus 333, Polokwane, 0700.

11–18

PROVINCIAL NOTICE 77 OF 2018

MUSINA LOCAL MUNICIPALITY

PUBLIC NOTICE CALLING FOR INSPECTION OF SUPPLEMENTARY VALUATION ROLL AND LODGING OF OBJECTIONS

Notice is hereby given in terms of section 49 (1) (a) (i) read together with section 78 (2) of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), hereinafter referred to as the "Act", that the supplementary valuation roll for the financial years 2012 / 2016 is open for public inspection at Reception Desk, Civic Centre, 21 Irwin street, Musina, from **26 May 2018 to 27 June 2018**. In addition the supplementary valuation roll is available at website www.musina.gov.za

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

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 supplementary valuation roll as such. The form for the lodging of an objection is obtainable at the website and the address mentioned above. The completed forms must be returned to the following address:

Reception Desk, Civic Centre, 21 Irwin Street, Musina, 0900.

For enquiries please telephone e-mail takalanir@musina.gov.za.

Tel: 015 – 534 6100
Fax: 086 517 0049

N T Tshiwanammbi
Municipal Manager

Private Bag X611
MUSINA
0900

Notice number 24/2018
7 May 2018

PROVINCIAL NOTICE 78 OF 2018

NOTICE IN TERMS OF SECTION 93(1) OF THE MAKHADO LOCAL MUNICIPALITY SPATIAL PLANNING LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW, 2016 - MAKHADO AMENDMENT SCHEME 294

I, Jackson Sebola of GoldenGrey Consortium (Pty) Ltd being the authorized agent of the owner(s) of the property mentioned below, hereby give notice in terms of Section 63 read together Section 85 of the Makhado Municipality Spatial Planning, Land Development and Land Use Management By-Law, 2016 by rezoning Portion 11 Mampakuil 313 L.S from, “Agricultural” to “Special” for the purpose of a Hotel”. Particulars of the application will lie for inspection during normal office hours at the office of the Director Development Planning, Civic Centre (New Building), 83 Krough Street, Makhado, for a period of 28 days from the 18th of May 2018. Objections to the application can be lodged in writing to the Municipal Manager, Private Bag X2596, Makhado, 0920 within a period of 28 days from the 18th of May 2018. Address of the Agent: 97 Anderson Street, Louis Trichardt, 0920. goldengreycon@gmail.com.

18-25

NDIVHADZO HU TSHI TEVHELWA TSHITENWA TSHA 93(1) TSHA MAKHADO LOCAL MUNICIPALITY SPATIAL PLANNING LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW, 2016 - MAKHADO AMENDMENT SCHEME 294

Nne Jackson Sebola wa GoldenGrey Consortium (Pty) Ltd muimeleli o tendelwa ho nga muthu o randelwa ho tshipida tsha mavu nga khantsele dzamisanda yo bulwaho afho fhasi, ndi khou fha ndivhadzo hu tshi tevhelwa tshitenwa tsha 63 I tshi vhalwa khathihi na tshitenwa 85 ya Makhado Municipality Spatial Planning, Land Development and Land Use Management By-Law, 2016 nga u shandukisa ku shumisele lwa mavu kwa tshitende tshi no wananla 11 Mampakuil 313 L.S u bva kha “Agricultural” u ya kha “Special” ya Hodela. Zwidodombedzwa zwa khumbelo idzo zwi do lugelwa u tolwa nga tshifhinga tsha mushumo kha ofisi ya hoho ya muhasho wa Mveledziso na Vhupulani, Civic Centre (tshifhatoni tshiswa), kha nomboro ya 83 kha tshitarata tsha Krogh, Makhado, lwa tshifhinga tsha maduvha a fumbilimalo (28) ubva nga dzi 18 dza Shundunthule 2018.Khanedzo kha khumbelo idzo dzi rumelwa nga u to nwalela kha Municipal Manager, Private Bag X 2596, MAKHADO, 0920 nga ngomu ha maduvha a fumbilimalo (28) ubva nga dzi 18 dza Shundunthule 2018. Adiresi ya Muimeleli: 97 Anderson Street, Louis Trichardt, 0920. goldengreycon@gmail.com.

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PROVINCIAL NOTICE 79 OF 2018

COLLINS CHABANE LOCAL MUNICIPALITY

NOTICE IN TERMS OF CLAUSE 20(3) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013.

The Collins Chabane Local Municipality, in terms of Clause 20(3) of the Spatial Planning and Land Use Management Act 16 of 2013, hereby gives notice that the municipality has compiled a Draft Municipal Spatial Development Framework. All interested and affected parties are invited to submit written representations in respect of the proposed Municipal Spatial Development Framework to the Municipal Council within 60 (sixty) days after the publication of this notice.

MUNICIPAL MANAGER
COLLINS CHABANE LOCAL MUNICIPALITY
PRIVATE BAG X 9271
MALAMULELE, 0982

PROVINCIAL NOTICE 80 OF 2018

CAPRICORN DISTRICT MUNICIPALITY

AIR QUALITY MANAGEMENT BY LAW

CAPRICORN DISTRICT MUNICIPALITY acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act, 1996 has made the air quality management By-Law hereunder.

PREAMBLE

WHEREAS everyone has the constitutional right to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that-

(a) prevent pollution and ecological degradation

(b) promote conservation

(c) secure ecologically sustainable development and use of natural resource while promoting justifiable economic and social development.

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CHAPTER 1

Interpretations and fundamental principles

1. Definitions

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

"adverse effect" means any actual or potential impact on the environment that impair the environment or any aspect of it to an extent that is more than trivial or insignificant.

"air pollutant" includes dust, smoke, fumes and gas that has caused or may cause air pollution

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

"air pollution control zone" means the geographical area to which chapter 4 of this by- law is declared to apply

"AQA" means the National Environmental Management: Air Quality Act, 2004 (Act no.39 of 2004)

"air quality management plan" means a plan referred to in section 15 of the AQA.

"air quality officer" means the air quality officer designated as such in terms of section 14(3) of the AQA.

"ambient air" means the ambient air as defined in section 1 of the AQA.

"asphalt plant" means a plant that produces asphalt for road, driveway or pathway surfacing by mixing aggregate, bitumen and other additives to produce hot mixed asphalt and/or warm mix asphalt.

"atmospheric emission" means any emission or entrainment process emanating from a point, non point or mobile sources that result in air pollution.

"authorized person" means an employee of the Municipality appointed to enforce its By-Laws and in possession of an appointment card issued by the Municipality attesting thereto.

"best practicable environmental option" means the option that provides the most benefit, or causes the least damage to the environment as a whole, at a cost acceptable to society in the long term as well as in the short term.

"compressed ignition powered vehicle" means a vehicle powered by an internal combustion, compression ignition, diesel or similar fuel engine

"dark smoke" means smoke as dark or darker than shade 2 of the Ringelmann chart, which refers to an equivalent of 40% black.

"dust" means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere.

"dustfall" means the deposition of dust

"dwelling" means any building or structure, or part of a building or structure, used as a dwelling and any outbuildings ancillary to it.

"environment" means the surroundings within which humans exist and that are made up of

(a) the land, water and atmosphere of the earth;

(b) micro-organisms, plant and animal life;

(c) any part or combination of (a) and (b) and the interrelationships among and between them; and

(d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

"**industrial area"** means any area classified for industrial use as per the local town planning scheme

"municipality" means Capricorn District Municipality

"non-residential area" means any area not classified for residential use as per the local town planning scheme.

"open burning" means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, and burning in the open has a corresponding meaning.

"operator" means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants.

"person" means a natural person or a juristic person

"premises" includes-

(a) any building or other structure;

(b) any adjoining land occupied or used in connection with any activities carried on in that building or structure;

(c) any vacant land.

"small boiler" means any boiler with a design capacity equal to 10MW but less than 50MW net heat input, capable of burning biomass, solid, liquid and/ or gaseous fuels or a combination thereof, where:

$NHI = M_f \times NCV / (3.6 \times 10^6)$

Where: NHI refers to the Net Heat Input expressed in MW;
M_f refers to the Mass flow rate of the fuel expressed in kg/hour;
NCV refers to the Net Calorific Value of the fuel expressed in kJ/kg;

With:

$NCV = GCV - 2442 \times (H_2O \text{ in fuel} + 9 \times H_2 \text{ in fuel})$

Where:

GCV refers to the Gross Calorific Value expressed in kJ/kg (Air dried basis for solid fuels);
H_2O in fuel refers to the Total moisture in the fuel, expressed as a Mass fraction (As fired condition);
H_2 in fuel refers to the Total hydrogen in the fuel including hydrocarbons, expressed as a Mass fraction (Obtained from the ultimate analysis of the fuel);

"residential area" means any area classified for residential use in terms of the local town planning scheme.

"smoke" means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes soot, grit and gritty particles.

"specialist study" means any scientifically based study relating to air quality conducted by an expert or recognized specialist of appropriate qualifications and competency in the discipline of air quality management.

"temporary asphalt plant" means an asphalt plant that is used for the sole purpose of supplying asphalt for a specific road paving contract not exceeding a period of 24 months.

"the NEMA" means the National Environmental Management Act, 1998 (Act no.107 of 1998)

"use" in relation to all-terrain vehicles includes driving, operating or being conveyed by, that vehicle.

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

2. Objectives

(1) The objectives of this by-law are to-

(a) give effect to the right contained in section 24 of the Constitution in order to enhance the quality of the ambient air for the sake of securing an environment that is not harmful to the health and well-being of people;

(b) provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the municipality can manage and regulate activities that have the potential to adversely impact the environment, public health and well-being; and

(c) secure ecologically sustainable development while promoting justifiable economic and social development.

(2) Any person exercising a power under this by-law must exercise such a power in order to give effect to the objectives as set out in subsection (1) above.

3. Application

This By-Law applies to all properties or premises within the area of jurisdiction of the municipality.

CHAPTER 2

DUTY OF CARE

4. Reasonable measures to prevent air pollution

(1) Any person who is wholly or partially responsible for causing air pollution or creating a risk of pollution occurring must take all reasonable measures including the best practicable environmental option-

(a) to prevent any potential significant air pollution from occurring; and

(b) to mitigate and, as far as reasonably possible, remedy any significant air pollution that has occurred.

(2) The municipality may direct any person who fails to take measures required under subsection (1) to-

(a) investigate, evaluate and assess the impact of specific activities and report thereon;

(b) take specific reasonable measures before a given date;

(c) diligently continue with those measures; and

(d) complete them before a reasonable time or date specified by the municipality

provided that prior to such direction the law enforcement officer must give such person adequate notice and direct him or her to inform the law enforcement officer of his or her

relevant interests, and the law enforcement officer may consult with any other organ of state to ensure compliance with this By-Law.

(3) Should a person fail to comply, or inadequately comply with a directive under subsection (2), the municipality may take reasonable measures to remedy the situation or apply to a competent court for appropriate relief, which may include a fine or imprisonment or both.

(4) The authorized person may, if a person fails to carry out the measures referred to in subsection (1), recover all reasonable costs incurred as a result of him or her acting under subsection (3) from any or all of the following persons:

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

(b) the owner or occupier of the land at the time when the air pollution or the potential air pollution occurred;

(c) any person who deliberately or negligently failed to prevent the
i. activity or the process being performed or undertaken; or
ii. situation from coming about.

(5) No person may-

(a) unlawfully and intentionally or negligently commit any act or omission which causes or is likely to cause air pollution; or

(b) refuse to comply with a directive issued under subsection (2).

(6) Any person who fails to comply with subsection (5) above commits an offence.

CHAPTER 3

SMOKE CONTROL ZONES

5. Declaration of air pollution control zone

(1) The whole area within the jurisdiction of the municipality is hereby declared an air pollution control zone.

(2) No person shall emit or permit the emission of dark smoke from any premises for an aggregate period exceeding three minutes during a continuous period of thirty minutes.

(3) Any person who emits or permits the emission of dark smoke in contravention of sub section (1) commits an offence.

(4) Subsection (1) and (2) do not apply to small boilers and activities listed in terms of section 21 of AQA, and the emission standards listed in such licenses shall apply.

(5) The Municipality may, on application in writing from an applicant, grant such applicant a temporary exemption in writing from specified provisions of this section.

CHAPTER 4

CONTROLLED EMITTERS AND DUST EMISIONS

6. Controlled emitters

(1) Small boilers and temporary asphalt plants are hereby declared as controlled emitters

(2) No person shall install, alter, replace or operates any controlled emitter on any premises without the prior written authorization of the municipality.

(3) The controlled emitters must comply with the standards and conditions established in terms of section 24 of AQA.

(4) Any person who installs, alters, replace or operates a controlled emitter without a written authorization from the municipality is guilty of an offence.

7. Dust Emissions

(1) Any person who conducts any activity in such a way as to give rise to dust in quantities and concentrations that may exceed the dust fall standards established in terms of section 32 of the AQA must, upon receipt of a notice from the air quality officer implement dustfall monitoring program and submit a dust monitoring report.

(2) A dust fallout monitoring report contemplated in (1) must provide-

(a) Information on the location of samples, including coordinates reference on a topographic map and the proximity of the samples to residential and non-residential areas;

(b) Classification of the area where samples were taken from;

(c) Meteorological data of the sampling area;

(d) Any other data that might influence the results; and

(e) The dust fallout monitoring results

(3) Any person who has exceeded the dust fall standards must within three months after submission of the dust monitoring report, develop a dust management plan.

(4) A dust management plan contemplated in (3) must-

(a) Identify all possible sources of dust within the affected areas; and detail best practicable measures to be undertaken to control dust.

(5) Failure to implement a dust monitoring program and submit the report to the air quality officer is an offence.

8. Dust fallout monitoring

(1) An air quality officer may require any person to undertake dust fallout monitoring programme if-

(a) the air quality officer suspects that the person has exceeded the dust fallout standards established in terms of section 32 of AQA; or

(b) the activity being undertaken by the person requires a fugitive emission management plan in terms of a notice published n terms of section 21 of AQA

(2) A dust fallout monitoring programme must include-
(a) the implementation of the best practicable measures to control dust;

(b) compliance or non-compliance report with the standards to the satisfaction of the air quality officer.

9. Measures for the control of dust

(1) Any person who has exceeded the dustfall standards must, within three months after submission of the dustfall monitoring report, develop and submit a dust management plan to the air quality officer for approval.

(2) A dust management plan contemplated in section 9(1) must be implemented within a month of the date of approval.

(3) An implementation progress report must be submitted to the air quality officer at agreed time intervals.

(4) Any person who fails to comply with subsection (1) and (3) above commits an offence.

10. Ambient air quality monitoring for PM10

(1) An air quality officer may require any person to undertake continuous ambient air quality monitoring for PM10, if the dust fallout monitoring programme indicates non-compliance with the dust fallout standards.

CHAPTER 5

EMISSIONS CAUSED BY OPEN BURNING, BURNING OF MATERIAL FOR RECOVERY OF METAL

11. Open burning

(1) Subject to subsection(4), any person who intends to carry out open burning of any material on any land or premises, must apply for prior written authorization of such open burning to the municipality

(2) The municipality may, in the written authorization referred to in subsection (1) impose conditions with which the person requesting authorization must comply.

(3) The municipality may not authorize open burning referred to in subsection (1) unless it is satisfied that the following requirements have been adequately addressed or fulfilled:

(a) the material will be open burned on the land from which it originated;

(b) that the person requesting authorization has investigated and assessed the impact the open burning will have on the environment to the satisfaction of the municipality;

(c) that the person requesting authorization has notified in writing the owners of the and occupier of all adjacent properties of-

(i) all known details of the proposed open burning; and

(ii) the right of owners and occupiers of adjacent properties to lodge written objections to the proposed open burning with the municipality within seven days of being notified; and

(d) a warning under section 10(1) (b) of the National Veld and Forest Act, 1998 (Act no.101 of 1998) has not been published for the region.

(e) the land on which that person intends to open burn the material is state land, a farm or small holding, or land within a proclaimed township that is not utilised for residential purposes;

(f) the open burning is conducted 100 metres from any building or structures; and

(g) the open burning will not pose a potential hazard to human health or safety, private property or the environment.

(4) The provision of this section shall not apply to-

(a) recreational outdoor barbecue or braai activities on private premises;

(b) small controlled fires in informal settlements for the purposes of cooking, heating water and other domestic purpose; or

(c) any other defined area or defined activity to which the municipality has declared this section not to apply.

12. Emissions caused by tyre burning and of rubber and other material for the recovery of metal

(1) No person may without authorisation in writing by the municipality-

(a) carry out or permit the burning of tyres or rubber or other synthetically coated, covered or insulated products and electronic or other equipment on any land or premises;

(b) carry out or permit the burning of any tyres, rubber products, cables or any other products, on any land or premises for the purpose of recovering the scrap metal or fibre reinforcements, or of disposing of tyres, or the rubber products or cable as waste; or

(c) possess, store, transport or trade in any burnt metal or fibre reinforcements referred to in paragraph (a) and (b).

(2) The municipality may take whatever steps it considers necessary in order to remedy the harm caused by the burning referred to in paragraphs (a) and (b) and the possession

referred to in paragraph (c), and prevent any occurrence of it, and may recover the reasonable costs incurred from the person responsible for causing such harm.

CHAPTER 6

LISTED ACTIVITIES

13. Licensing of listed activities

(1) The municipality is the licensing authority for activities listed in terms of section 21 of AQA.

(2) No person shall undertake a listed activity, as published in terms of section 21 of AQA without being in possession of an atmospheric emission license issued by the municipality.

14. Application for an atmospheric emission license

(1) An application for an AEL must be-
   (a) made in writing on the application form prescribed by the municipality;
   (b) accompanied by documents or information as may be required by the municipality;
   (c) accompanied by the prescribed processing fee.

(2) Before considering an application made in terms of subsection (2), the municipality may require the applicant to furnish additional information such as, but not limited to, a specialist air quality impact study and/or proof of public participation.

(3) Any persons who undertakes a listed activity without an atmospheric emission license is guilty of an offence.

(4) Any person who contravenes or fails to comply with a condition or requirement of an atmospheric emission license is guilty of an offence.

CHAPTER 7

OFFENCES AND PENALTIES

15. Offences and penalties

(1) Any person who contravenes any provision of this By-Law commits an offence and shall, upon conviction, be liable to a fine or imprisonment, or to both such fine and such imprisonment, or to such imprisonment without the option of a fine, and in the case of a successive or continuing offence, to a fine for everyday that such an offense continues, or in default of payment thereof, to imprisonment.

(2) It is an offence to:-

   (a) supply false information to an authorised person in respect of any issue pertaining to this By-Law;
   (b) refuse to cooperate with the request of an authorised person made in terms of this By-law and any person convicted of such offence is liable to imprisonment for a period not exceeding 30 days or to a fine or to both such imprisonment and such a fine.

(c) failure to comply with a notice, direction or instruction referred to in this By-Law constitute a continuing offence.

16. Admission of guilt fines

The municipality may impose admission of guilt fines for offences listed on Annexure 1 of these Bylaws.

CHAPTER 8

GENERAL MATTERS

17. Compliance monitoring

(1) For the purposes of compliance monitoring, the designated law enforcement officer must exercise the powers as set out in sections 31G to 31L of the NEMA;

(2) The law enforcement officer may request from any polluter that significantly contributes or is likely to contribute to poor air quality, ambient and point or non-point source monitoring and any other air quality related study, programs or reports to be conducted by a recognised and competent third party, at the cost of the polluter.

18. Enforcement

(1) The law enforcement officer must take all lawful, necessary and reasonable practicable measures to enforce the provisions of this by law.

(2) The municipality may develop enforcement procedures which should take into consideration any national or provincial enforcement procedures.

19. Co-operation between municipalities

(1) In an effort to achieve optimal service delivery in terms of this By-Law, the municipality may enter into any written agreements with the local municipalities with which legislative and executive powers are shared, in respect of the following-

(a) the practical arrangements with regard to the execution of the provisions of this By-law;

(b) any other matter regarded necessary by the parties to achieve optimal service delivery in terms of this By-law.

20. Appeals

(1) Any person may appeal against a decision taken by the law enforcement officer under this By- Law by giving a written notice of the appeal in accordance with the provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act no.32 of 2000).

21. Exemptions

(1) Any person may, in writing apply for exemption from the application of this By- Law to the municipality.

(2) An application in terms of subsection (1) must be accompanied by substantive reasons.

(3) Capricorn District Municipality may require an applicant applying for exemption to take appropriate steps to bring the application to the attention of relevant interested and affected persons and the public.

(4) The steps contemplated in subsection (3) must include the publication of a notice in at least two newspapers circulating within the jurisdiction of the municipality-

(a) giving reasons for the application; and

(b) containing such other particulars concerning the application as the air quality officer may require.

(5) The municipality may-

(a) from time to time review any exemption granted in terms of this section, and may impose such conditions as it may determine; and

(b) on good grounds withdraw any exemption

(6) The municipality may not grant an exemption under subsection (1) until he or she has-

(a) taken reasonable measures to ensure that all persons whose rights may be significantly detrimentally affected by the granting of the exemption, including adjacent land owners or occupiers, are aware of the application for exemption and how to obtain a copy of it;

(b) provided that such persons with a reasonable opportunity to object to the application; and

(c) duly considered and taken into account any objections raised.

22. Short title

Capricorn District Municipality: Air quality Management By-Law

23. Commencement

These By-laws shall commence from date of publication in the gazette until reviewed by the municipality.

Schedule 1

Schedule of offences and fines

Offence	**Maximum fine in Rands**
Emission of dark smoke for an aggregate period exceeding three minutes during a continuous period of thirty minutes	500
Installation and/or operation of the controlled emitter without written authorization of the municipality	5000
Alteration or replacement of the controlled emitter without written authorization of the municipality	1000
Failure to implement dustfall monitoring program	5000
Failure to submit dust monitoring program	500
Unavailability of a copy of the license at the premise where a listed activity is undertaken	500
Failure to submit monthly and quarterly reports	1500
Failure to submit an annual report	5000
Failure to submit a report stating the efficiency and availability of the pollution abatement appliance to the licensing authority.	500
Failure to inform the municipality of abnormal conditions which may detrimentally impact on the environment within 24 hours	1000
Failure to keep a complaints register	500
Open burning	1500
Burning of tyre, rubber or other material for the recovery of metal	1500

Schedule 2

Application Form to Operate Small Boiler (Section 6)

Name of Enterprise: _____

Declaration of accuracy of information provided:

I,_____, declare that the information provided in this application is in all respect factually true and correct.

Signed at _____on the_____ day of _____

_____

SIGNATURE

_____

CAPACITY OF SIGNATORY

I, _____ owner/occupier of the land/property known as _____ (Registered name) within the municipality`s jurisdiction hereby apply for permission to operate a small boiler on the said property.

1. Enterprise details

Enterprise name	
Trading as	
Postal Address	
Telephone number(general)	
Fax number(general)	
Industry type	
Land use zoning as per town planning scheme	
Landuse rights if outside town planning scheme	

2. Contact details

Name of responsible person	
Telephone Number	
Cell Phone Number	
Fax Number	
Email address	

3. Product name and model of the small boiler

Product name	**Product model**	**Serial number**

4. Raw materials used

Raw material used	Maximum permitted consumption rate(volume)	Design consumption rate	Actual consumption rate	Units (quantity/period)

5. Energy used

Energy source	Sulphur content of fuel (%) if applicable	Ash content of fuel (%) if applicable	Maximum permitted consumption rate(volume)	Design consumption rate	Actual consumption rate	Units (quantity/period)

Schedule 3

Application Form to operate a temporary asphalt plant (Section 6)

Name of Enterprise: _____

Declaration of accuracy of information provided:

I,_____, declare that the information provided in this application is in all respect factually true and correct.

Signed at _____on the_____ day of _____

_____

SIGNATURE

_____

CAPACITY OF SIGNATORY

I, _____ owner/occupier of the land/property known as _____ (Registered name) within the municipality`s jurisdiction hereby apply for permission to operate a small boiler on the said property.

1. Enterprise details

Enterprise name	
Trading as	
Postal Address	
Telephone number(general)	
Fax number(general)	
Industry type	
Land use zoning as per town planning scheme	
Landuse rights if outside town planning scheme	

2. Contact details

Name of responsible person	
Telephone Number	
Cell Phone Number	
Fax Number	
Email address	

3. Product name and model of the small boiler

Serial number	Product name	Product model	Capacity

4. Energy used

Energy source	Sulphur content of fuel (%) if applicable	Ash content of fuel (%) if applicable	Design consumption rate	Actual consumption rate	Units (quantity/ period)

5. Point source parameters

Unique stack ID	Point source name	Height of release above ground	Height of nearby building	Diameter at stack tip/vent exit (m)	Actual gas exit temperature	Actual gas volumetric flow	Actual gas exit velocity

6. Point source emissions

Unique stack ID	Pollutant name	Daily average averages			Emission hours	Type of emission (Continuous/intermittent)

PROVINCIAL NOTICE 81 OF 2018

CAPRICORN DISTRICT MUNICIPALITY

CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

Capricorn District Municipality
Credit Control and Debt Collection By-Laws

CAPRICORN DISTRICT MUNICIPALITY:

CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

The Capricorn District Municipality in accordance with section 13(a) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes the Credit Control and Debt Collection By-law, as set out hereunder: ---

TABLE OF CONTENTS

CHAPTER 1: DEFINITIONS AND APPLICATION

1. Definitions

For the purpose of these by-laws any words or word or expressions to which a meaning has been assigned in the Local Government: Municipal Systems Act 32 of 200 or Local Government: Municipal Finance Management Act 56 of 2003 shall bear the same meaning in these by-laws and unless the context indicates otherwise -

"account" means an account rendered specifying charges for municipal services e municipality, or any authorised and contracted service provider, and which account may include assessment rates levies.

"Act" means Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) as amended.

"applicable charges" means the rate (including assessment rates), charge, tariff or subsidy determined by the Municipal Council.

"average consumption" means the average consumption by a customer of a municipal service during a specific period, which consumption is calculated by dividing the total measured consumption of that municipal service by that customer over the preceding three months by three.

"actual consumption" means the measured consumption of any customer for any given period.

"agreement" means the contractual relationship between the municipality and a customer whether in writing or not.

"area of supply" means any area within or partly within the area of jurisdiction of the municipality to which a municipal service or municipal services are provided.

"arrears" means those rates, consumed services, service charges and municipal rent that have not been paid by the due date and for which no arrangement has been made.

"Authorized Agent or Representative" means –

a) Any person authorised by the municipal council to perform any act, function or duty in terms of, or exercise any power under these bylaws
b) Any person to whom the municipal council has delegated the performance of certain rights, duties and obligations in respect of providing revenue services, or
c) Any person appointed by the municipal council in terms of a written contract as a service provider to provide revenue services or municipal services to customers on its behalf, to the extent authorised in such contract.

"arrangement" means a written agreement entered into between the municipality and the customer where specific repayment parameters are agreed to. Such arrangement does not constitute a credit facility envisaged in terms of Section 8(3) of the National Credit Act but is

deemed to be Incidental Credit as envisaged in terms of Section 4(6)(b) read with Section 5(2) and (3) of the National Credit Act.

"customer" means –

a) the occupier of any premises to which the municipality has agreed to supply or is actually supplying municipal services, or if no occupier can be identified or located, then the owner of the premises and includes any customer of the municipality.
b) any person, whether natural or juristic and includes, but is not limited to any local government body or like authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public entity body, voluntary association or trust.

"domestic customer" means a customer that occupies a dwelling, a structure or property primarily for residential purposes.

"commercial customer" means any customer other than domestic customers and indigent customers, including without limitation, business, industrial, government and institutional customers.

"connection" means the point at which a customer gains access to municipal services.

"consolidated account" means an account which is a consolidation of any separate accounts or service charges of a customer who is liable for payment to the municipality.

"Debt Collectors" means an external person or entity appointed by the Municipality to collect monies due and payable to the Municipality, subject to the conditions contained herein.

"defaulter" means a customer who owes any arrears to the municipality.

"due date" in relation to -

a) rates due in respect of any immovable property, means:-
   (i) the seventh (7th) day of October of the financial year for which such rate is made, in the case where rates are levied on an annual basis.
   (ii) the date for payment indicated on the account, in the case where rates are levied on a monthly basis, or
   (iii) any other date determined by Council in terms of a public notice in the Provincial Gazette, and
b) service charges due in respect of any immovable property, means the date for payment indicated on the account, provided that the due date for any service charges means the seventh (7th) day of October in the case where service charges are levied annually, and
c) should such day fall on a Saturday, Sunday or public holiday the due date shall be the next working day.

''emergency situation" means any situation that if allowed to continue poses a substantial assessed risk to the financial viability or sustainability of the municipality ora specific municipal service.

"equipment" means a building or other structure, pipe, pump, w ire, cable, meter, engine or any accessories.

"estimated consumption" means the deemed consumption by a consumer w hose consumption is not measured during a specific period, which estimated consumption is

rationally determined taking into account at least the consumption of municipal services for a specific level of service during a specific period in the area of supply of the municipality.

"household" means a traditional family unit, as determined by the municipality from time to time taking into account the number of persons comprising a household, the relationship between the members of a household, the age of the persons who are members of the household and any other relevant factors.

"illegal connection" means a connection to any system through which municipal services are provided that is not authorized or approved by the municipality.

"indigent customer" means a domestic customer qualifying and registered with the municipality as an indigent in accordance with the municipality's indigent policy and the applicable by-laws.

"interest" means the charge levied on arrears, calculated at the prime rate charged by the bank which holds the municipality's primary bank account, plus a percentage as may be determined by Council from time to time.

"municipal account" means an account rendered specifying charges for services provided by the municipality, or any authorised and contracted service provider, and/or assessment rates levies as well as municipal rent.

"municipality" means –

a) the Capricorn District Municipality or its successor in title, or
b) the Municipal Manager of the Capricorn District Municipality in respect of the performance of any function or exercise of any right, duty, obligation or function in terms of these by-laws, or
c) an authorised agent of the Capricorn District Municipality.

"Municipal Council" means the municipal Council of Capricorn District Municipality as referred to in Section 157(1) of the Constitution, 1996 (Act No. 108 of 1996).

"Municipal Manager" means the person appointed by the municipal council as Municipal Manager in terms of Section 82 of the Local Government:- Structures Act, 1998, (Act 117 of 1998) and include any person acting in that position or to whom authority was delegated.

"municipal services" means those services provided by the municipality, such as, interalia the supply of water, electricity, refuse removal, sewerage treatment, property rates and for which services charges are levied.

"occupier" means any customer who occupies, controls or resides on any premises, or any part of any premises without regard to the title under which he or she so occupies it.

"owner" means:-

a) the customer in w hose name the property is legally vested.
b) in the case w here the customer in w hose name the property is vested, is insolvent or deceased, or is disqualified in terms of any legal action, the person who is responsible for administration or control of the property as curator, trustee, executor, administrator, legal manager, liquidator, or any other legal representative.
c) in the case w here the Council are unable to establish the identity of such person, the person who are entitled to derive benefit from the property or any buildings thereon.

d) in the case of a lease agreement in excess of 30 years was entered into, then the lessee.
e) regarding:-
   (i) a portion of land allotted on a sectional title plan and which is registered in terms of the Sectional Title Act, 1986 (Act 95 van 1986), without limiting it to the developer; or
   (ii) managing body to the communal property.
   (iii) a portion as defined in the Sectional Title Act, the person in whose name that portion is registered in terms of a "sectional title, including the legally appointed representative of such person.
f) any legal entity including but not limited to :--
   (i) a company registered in terms of the Companies Act, 1973 (Act 61 of 1973), a trust inter vivos, trust mortis causa, a closed corporation registered in terms of the Close Corporation Act, 1984 (Act 69 of 1984), and any voluntary organization.
   (ii) any provincial or national government department, local authority.
   (iii) any Council or management body established in terms of any legal framework applicable to the Republic of South Africa, and
   (iv) any embassy or other foreign entity.

"person" means any person whether natural or juristic and includes, but is not limited to any local government body or like authority, a company, close corporation incorporated under any law , a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust.

"property" means any portion of land, of which the boundaries are determined, within the jurisdiction of the municipality

"public notice" means publication in a appropriate media that may include one or more of the following:-
(a) publication of a notice, in the official languages determined by the municipal Council:-
   (i) in any local newspaper or newspapers circulating in the area of supply of the municipality, or
   (ii) in the newspapers circulating in the area of the municipality determined by the municipal Council as a newspaper of record, or
   (iii) by means of radio broadcasts covering the area of supply of the municipality, or
(b) displaying a notice at appropriate offices and pay points of the municipality or its authorized agent, or
(c) communication with customers though public meetings and ward committee meetings.

"rates" means a municipal rate on property envisaged in Section 229 (1) of the Constitution read with the Local Government: Municipal Property Rates Act 6 of 2004 and the Local Government: Municipal Finance Act 56 of 2003.

"service charges" means the fees levied by the municipality in terms of its tariff policy for any municipal services rendered in respect of an immovable property and includes any penalties, interest or surcharges levied or imposed in terms of this policy.

"service delivery agreement" means an agreement between the municipality and an institution or persons mentioned in Section 76(b) of the Local Government: Municipal Systems Act 32 of 2000.

"shared consumption" means the consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing the total metered consumption

of that municipal service within the supply zone within which consumer's premises is situated for the same period by the number of customers within that supply zone, during the same period.

"subsidized service" means a municipal service which is provided to a customer at an applicable rate which is less than the cost of actual providing the service provided to customers at no cost.

"sundry customer accounts" means accounts raised for miscellaneous charges for services provided by the municipality or charges that were raised against a customer as a result of an action by a customer, and were raised in terms of Council's policies, bylaws and decisions.

"supervisory authority" means the Executive Mayor of the municipality or his or her nominee, acting in terms of Section 99 of the Municipal Systems Act 32 of 2000.

"supply zone" means a area, determined by the municipality, within which all customers are provided with services from the same bulk supply connection.

"tariff" means the scale of rates, taxes, duties, levies or other fees which may be imposed by the municipality in respect of immovable property or for municipal services provided.

"unauthorized services" means receipt, use or consumption of any municipal service which is not in terms of an agreement, or authorized or approved by the municipality.

2. Application of the By-laws

These by-laws shall apply to all consumers in respect of amounts due and payable to the municipality for deposits, service charges, collection charges, arrears and interest which has or will accrue in respect of the fore mentioned.

CHAPTER 2: PROVISION OF MUNICIPAL SERVICES TO CUSTOMERS OTHER THAN INDIGENT CUSTOMERS

Part 1: Application for Municipal Services

3. Application for Services and Agreements.

(1) A customer who requires the provision of municipal services must apply for the service from the municipality. The application for the provision of municipal services must be made in writing on the prescribed application form.

(2) By completing the prescribed application form for the provision of municipal services the customer of services enters into an agreement with the municipality. Such agreement does not constitute a credit facility envisaged in terms of Section 8(3) of the National Credit Act (NCA) but shall be incidental credit as envisaged in terms of Section 4(6)(b) of the NCA, to which the NCA will only apply to the extent as stipulated in Section 5 of the NCA.

(3) If, at the commencement of these by-laws or at any other time, municipal services are provided and received and no written agreement exists in respect of such services, it shall be deemed that -

a) an agreement in terms of sub-section (7) exists, and

b) The level of service provided to the customer is the level of service elected, until such time as the customer enters into an agreement in terms of sub-section (2).

(4) The municipality must on application for the provision of municipal services inform the applicant of the then available levels of services and the then applicable tariffs and or charges associated with each level of service.

(5) The municipality is only obliged to provide a specific level of service requested by the applicant if the service is currently being provided and if the municipality has the resources and capacity to provide such a level of service.

(6) The customer may at any time apply to alter the level of service elected in terms of the agreement entered into, in which event the municipality may approve such application if it has the capacity and resources to provide such requested level of service and that any costs and expenditure associated with altering the level of service is paid for by the customer.

(7) An application for services submitted by a customer and approved by the municipality shall constitute an agreement between the municipality and the customer, and such agreement shall take effect on the date referred to or stipulated in such agreement.

(8) Existing customers may be required to complete application forms from time to time, as determined by the Municipal Manager.

(9) In completing an application form for municipal services the municipality will take reasonable measures to ensure that the document and the process interaction with the owner, customer or any other person making such an application are understood by the owner, customer or any other person and advise him or her of the option to register as an indigent customer.

(10) It is the customer's responsibility to ensure that the postal address and other contact details are correct and in the case of any changes the municipality must be notified in writing.

(11) In cases of illiterate or similarly disadvantaged persons, the municipality must take reasonable steps to ensure that the person is aware of and understands the content of the application form and shall assist him or her in completing such form.

(12) Municipal services rendered to a customer are subject to the provisions of the by-laws, any applicable by-law s and the conditions contained in the agreement.

(13) The municipality may undertake and investigation into the credit worthiness of commercial customers, and may impose specific additional conditions on such customers, subject to the provisions of these by-laws.

(14) Service applications will be used to, inter alia, and categorize customers according to credit risk and to determine relevant levels of services and deposits required.

(15) If the municipality –

a) refuses an application for the provision of municipal services or a specific service or level of service,

b) is unable to render such municipal service or a specific service or level of service on the date requested for such provision to commence, or

c) is unable to render the municipal services or a specific service or service level, the municipality must within 7 (seven) days, inform the customer of such refusal or inability, the reasons therefore and, if applicable, when the municipality will be able to provide such municipal services or a specific service or level of service.

(16) Any new application for the provision of municipal services must be made by the registered owner of an immovable property.

(17) The municipality will only entertain an application for the provision of municipal services from existing tenants of a property, or any existing customer who is not the owner of the property with the permission of the owner of the property. Such permission from the owner must be in writing and the services to the tenant or occupier will be terminated should the permission be revoked by the owner. Existing tenants of a property will be requested over a period of time to obtain the permission of the owner in order to maintain their existing service agreement.

(18) If there is an outstanding debt on the property, this debt must be settled in full before a new application on the same property will be allowed.

(19) If an existing tenant is guilty of non-payment, the owner will be liable for the outstanding debt, except where the property concerned is owned by the municipality. In terms of Section 102(3) of the Municipal Systems Act the municipality must provide an owner of a property in its jurisdiction with copies of accounts sent to the occupier of the property for municipal services supplied to such a property if the owner requests such accounts in writing from the municipality.

(20) An agent with a proxy may open an account in the name of the owner.

(21) The agreement with the municipality makes provision for the following:-
a) An undertaking by the occupier that he or she will be liable for collection costs including administration fees, interest, disconnection and reconnection costs, and any other legal costs occasioned by his or her failure to settle accounts by the due date on an attorney/ client basis.
b) An acknowledgement by the occupier that accounts will become due and payable by the due date notwithstanding the fact that the owner did not receive the account.
c) That the onus will be on the occupier to ensure that he or she received an account before the due date.
d) The municipality undertakes to do everything in its power to deliver accounts timeously.

(22) The application for the provision of municipal services shall be made at least 14 (fourteen days) prior to the date on which the services are required to be connected.

(23) On receipt of the application for provision of municipal services, the municipality will cause the reading of metered services linked to the property to be taken on the working day preceding the date of occupation.

(24) The first account for services will be rendered after the first meter reading cycle to be billed following the date of signing the service agreement.

4. Special agreements for Municipal Services

(1) The municipality may enter into a special agreement for the provision of municipal services with an applicant –

a) within the area of supply, if the service applied for necessitates the imposition of conditions not contained in the prescribed form or these by-laws,
b) receives subsidised services, or
c) if the premises to receive such services are situated outside the area of supply, provided that the municipality having jurisdiction over the premises has no objection to such special agreement. The obligation is on the customer to advise the municipality having jurisdiction of such special agreement.

5. Change in the purpose for which municipal service are used

(1) Where the purpose for the extent to which any municipal service used is changed the onus and obligation is on the customer to advise the municipality of such change and to enter into a new agreement with the municipality.

6. Termination of Agreements for Municipal Services

(1) A customer may terminate an agreement for municipal services by giving at least 21 (twenty one) days written notice to the municipality.

(2) The municipality may terminate an agreement for municipal services by giving at least 21 (twenty one) days written notice to the customer where –
a) municipal services were not utilised for a consecutive 2 (two) months period and no arrangement to the satisfaction of the municipality for the continuation of the agreement was made,
b) the premises occupied or owned by a customer have been vacated and no arrangement for the continuation of the agreement was made.

(3) A customer shall remain liable for all arrears and applicable charges payable in respect of municipal services provided notwithstanding the termination of the agreement for municipal services in terms of sub-sections (1) and (2).

7. Property developments

(1) A property developer must on the provision of infrastructure through which municipal services will be provided inform the municipality, in writing, of the details of the municipal services to be provided through the infrastructure and the details of all measuring devices that are installed.

(2) A property developer who fails to comply with the provisions of the sub-section (1) shall be liable for the payment of all applicable charges that would have been payable by customers in respect of municipal services used or consumed.

Part 2: Charges for municipal services

8. Applicable charges for municipal services

(1) All applicable charges payable in respect of municipal services, including but not limited to the payment to the payment of connection charges, fixed charges additional charges or interest must be set by the municipal council in accordance with –
a) its Rates and Tariff policy,
b) any by-laws in respect thereof, and
c) any regulations in terms of national or provincial legislation.

(2) Applicable charges may differ between different categories of customers, users of services and levels of services, quantities of services, infrastructure requirements and geographic areas.

9. Fixed charges for Municipal Services

8. The municipal council may, in addition to the tariffs or charges prescribed for municipal services actually provided, levy a monthly fixed charge, annual fixed charge or a single and final fixed charge where municipal services are available, whether or not services are consumed or not.

10. Subsidised Services

(1) The municipal council may, from time to time subject to principles of sustainability and affordability, by public notice, implement subsidies for basic levels of municipal services, as determined by the municipal council.

(2) The municipal council may in implementing subsidies differentiate between different types of domestic customers, types and levels of services, quantities of services, geographic areas and socio-economic areas.

(3) Public notice in terms of sub-section (1) must contain at least the following details applicable to a specific subsidy –
a) The domestic customers that will benefit from the subsidy.
b) The type, level and quantity of municipal service that will be subsidised.
c) The area within which the subsidy will apply.
d) The rate (indicating the level of subsidy).
e) The method of implementing the subsidy.
f) Any special terms and conditions that will apply to the subsidy.

(4) If a domestic customer's consumption or use of a municipal service is –
a) Less than the subsidised service, the unused portion may not be accrued by the customer and will not entitle the customer to a payment or a rebate in respect of the unused portion.
b) In excess of the subsidised service, the customer will be obliged to pay for such excess consumption at the applicable rate.

(5) A subsidy implemented in terms of sub-section 9.1 may at any time, after reasonable notice, be withdrawn or altered at the sole discretion of the municipal council. Commercial customers shall not qualify for subsidised services. Subsidised services shall be funded from the portion of revenue raised nationally that is allocated to the municipality and if such funding is insufficient the services may be funded from revenue raised through rates, fees and charges in respect of municipal services.

(6) Subsidized services may include electricity, water, sewerage, refuse removal and assessment rates and any consumption service charges.

11. Indigent subsidies

(1) The purpose of the indigent subsidy is to provide funding for a basic level of services to qualifying households with a total gross income level which is below a determined amount, and according to further specified criteria as determined by the municipal council from time to time.

(2) The source of funding of the indigent subsidy is that portion of the equitable share contribution to the municipality made from the national government's fiscus and as provided for the budget. As such, the subsidy can only be credited to the qualifying customers' accounts until the amount received by the Municipality from National Government for this purpose has been exhausted, whereupon no further credits will be made, or the level of the credits reduced, until further national funds are received.

(3) All consumers who qualify for an indigent subsidy may be placed on restricted service levels in order to limit further escalation of debt.

(4) Where applicable, these consumers may be exonerated from a portion of or their total arrear debt.

(5) Where a qualifying indigent applicant customer's account is paid in full at the date of application, or regularly maintains a paid up account after receiving the subsidy, the restriction on service levels may be waived on request by such a customer.

(6) An indigent customer must immediately request de-registration by the municipality or its authorised agent if his/her circumstances have changed to the extent that he/she no longer meet the criteria.

(7) An indigent customer may at any time request de-registration.

(8) A register of indigent customers will be maintained and may be made available to the general public.

12. Authority to recover additional costs and fees

(1) The municipality has the authority, notwithstanding the provisions of any other sections contained in these by-laws, to recover any additional costs incurred in respect of implementing these by-laws against the account of the consumer, including but not limited to–

a) All legal costs, including attorney and own client costs incurred in the recovery of amounts in arrears shall be against the arrears account of the customer, and
b) The average costs incurred relating to any action taken in demanding payment from the customer or reminding the customer, by means of telephone, fax, email, letter or otherwise.

Part 3: Payment

13. Payment of deposits and the Screening of Customer

(1) The municipal council may, from time to time, determine different deposits for different categories of customers, users of services, debtors, services and service standards, provided that the deposits may not be more than three times the monetary value of the most recent monthly municipal service rendered, including rates and taxes, to the premises for which an application is made. A minimum deposit of the equivalent of one month's average consumption will be required.

(2) A customer must on application for the provision of municipal services and before the municipality will provide such services, pay a deposit, if the municipal council has determined a deposit. Deposits either in cash or any other security acceptable to the

municipality may be required, and may vary according to the risk as determined by the Municipality.

(3) The municipality may annually review a deposit paid in terms of sub-section (2) and in accordance with such review -
a) require that an additional amount be deposited by the customer w here the deposit is less than the most recent deposit determined by the municipal council, or
b) refund to the customer such amount as may be held by the municipality where the deposit is in excess of the most recent deposit determined by the municipal council.
c) The municipality reserves the right to increase deposits at any time and at the sole discretion of the municipality to a maximum of three months average consumption.

(4) If a customer is in arrears, the municipality may require that the customer –
a) pay a deposit if that customer was not previously required to pay a deposit, if the municipal council has determined a deposit; and
b) pay an additional deposit w here the deposit paid by that customer is less than the most recent deposit determined by the municipal council.

(5) Subject to sub-section (6), the deposit shall not be regarded as being in payment or part payment of an account.

(6) If an account is in arrears, the deposit will be applied in payment or part payment of the arrears.

(7) No interest shall be payable by the municipality on any deposit held.

(8) The deposit, if any, is refundable to the customer on settlement of all arrears on termination of the agreement. A deposit shall be forfeited to the municipality if it has not been claimed by the customer within 12 (twelve) months of termination of the agreement.

(9) All applicants for municipal services may be checked for credit-worthiness including checking information from banks, credit bureaus, other municipalities or municipal entities, trade creditors and employers.

(10) Deposits can vary according to the credit-worthiness or legal category of the applicant.

14. Methods for determining amounts due and payable

(1) Subject to sub-section (2), the municipality must in respect of municipal services that can be metered, endeavour, within available financial and human resources, to meter all customer connections and read all metered customer connections on a regular basis.

(2) If a service is not measured, a municipality may, notwithstanding sub-section (1), determine the amount due and payable by a customer, for municipal services supplied to him, her or it, by –
a) calculating the shared consumption; or if that is not possible,
b) estimating the estimated consumption.

(3) If a service is metered, but it cannot be read because of financial and human resource constraints or circumstances beyond the control of the municipality, and the customer is charged for average consumption, the average consumption will be based on at least

three consecutive months' consumption. The account following the reading of the metered consumption must state the difference between the actual consumption and the average consumption, and the resulting credit or debt adjustment. Estimates are limited to a maximum period of 3 months.

(4) Where water supply services are provided through communal water services networks (standpipes), the amount due and payable by customers gaining access to water supply services through the communal water services networks, must be based on the shared or estimated consumption of water supplied to the water services network.

(5) Where in the opinion of the municipality is not reasonably possible or cost effective to meter all customer connections or read all metered customer connections within a determined area, the municipal council may, notwithstanding sub-section (1), determine the amount due and payable by a customer for municipal services supplied to him, her or it, by –
   a) calculating the shared consumption; or if not possible,
   b) calculating the estimated consumption.

(6) The municipality must inform customers of the method for determining amounts due and payable in respect of municipal services provided that will apply in respect of their consumption or supply zones.

(7) Customers are entitled to request verification of meter readings and accuracy within reason, but may be held liable for the cost thereof if it is found that the readings are correct or the difference is less than ten percent, up or downwards.

(8) Customers will on request be informed in writing of a meter replacement.

15. Payment for Municipal Services provided

(1) A customer shall be responsible for payment of all municipal services charged to him, her or it from the commencement date of the agreement until his, her or its account has been settled in full and the municipality shall be entitled to recover all applicable charges due to the municipality.

(2) If a consumer uses municipal services for the use other than that for which it is provided by the municipality in terms of an agreement and as a consequence is charged as a charge lower than the applicable charge the municipality may make an adjustment of the amount charged and recover the balance from the customer.

(3) If amendments to the applicable charge become operative on a date between measurements for the purpose of rendering an account in respect of the applicable charges–
   a) it shall be deemed that the same quality of municipal services was provided in each period of twenty-four hours during the interval between the measurements; and
   b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before each amendment and such amended applicable charge.

16. Full and final settlement of an account

(1) Where an account is not settled in full, any lesser amount tendered to the accepted by the Municipality shall not be final settlement of such an account.

(2) Sub-section (1) shall prevail notwithstanding the fact that such lesser payment was tendered and accepted in full and final settlement, unless the municipal manager or the manager of the municipality's authorised agent expressly makes such acceptance in writing.

17. Responsibility for amounts due and payable

16.1 Notwithstanding the provisions of any other sections of these by-laws, the owner of premises shall be liable for the payment of any amounts due and payable to the municipality in respect of the preceding two years, where the owner is not the customer and the municipality after taking reasonable measures to recover any amounts due and payable by the customer from the latter, could not recover such amounts.

18. Dishonoured payments

(1) Where any payment made to the municipality or its authorised representative by negotiable instrument is later dishonoured by a bank, the municipality or its authorised agent:-
   a) May recover the average bank charges incurred relating to dishonoured negotiable instruments against the account of the customer.
   b) Shall regard such an event as a default on payment.
   c) Take appropriate credit control action including, the disconnection or restriction of the services to such applicable property.

19. Incentive Schemes

(1) The municipal council may institute incentive schemes to encourage prompt payment and to reward customers that pay accounts on a regular basis.

20. Pay-points and Approved Agents

(2) A customer must pay his or her or its account at pay-points specified by the municipality from time to time, or approved agents of the municipality.

(3) The municipality must inform a customer of the location of specified pay-points and approved agents for payment of accounts.

Part 4: Accounts

21. Accounts

(1) Accounts will be rendered monthly to customers at the address last recorded with the municipality.

(2) Failure by the customer to receive or accept an account does not relieve a customer of the obligation to pay any amount that may be due and payable.

(3) The municipality must, if it is reasonably possible to do so, issue a duplicate account to a customer on request.

(4) Accounts must be paid not later that the last date for payment specified on such an account.

(5) Accounts for municipal services provided will –
a) reflect at least –
(i) the services rendered;
(ii) the consumption of metered services or average, shared or estimated consumption;
(iii) the period addressed in the account;
(iv) the applicable charges;
(v) any subsidies;
(vi) the amount due(excluding value added tax payable)
(vii)value added tax;
(viii) the adjustment, If any, to metered consumption which has been previously estimated.
(ix) any arrears;
(x) the interest payable on any arrears;
(xi) the final date of payment;
(xii)the methods, places and approved agents w here payment may be made; and
b) state that -
(i) the customer may conclude an agreement at the municipality's offices, with the municipality for payment of the arrears amount instalments before the final date for payment;
(ii) if no such agreement is entered into, the municipality will limit or disconnect the services, subject to section 29(1), after sending a final demand notice in terms of section 25 and 28 to the customer;
(iii) legal action may be instituted against any customer for the recovery of any amount 60 (sixty) days in arrears;
(iv) the account may be ceded to a debt collector for collection; and
(v) proof of registration, as an indigent customer, in terms of the municipality's indigent policy, which may form part of the municipality's credit control and debt collection policy, must be handed in at the offices of the municipality before the final date of payment.

22. Consolidated debt

(1) If one account is rendered for more than one municipal service provided, the amount due and payable by a customer constitutes consolidated debt. The municipality may consolidate separate municipal accounts, or portions thereof, of a customer into a single consolidated account.

(2) The municipality will, at its discretion, allocate a payment between service debts and a customer may not specify the allocation of payment.

(3) Any payment made by a customer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order:-
c) Arrears;
d) Interest;
e) Sundries;
f) Additional – deposit;
g) Penalty on arrears;
h) Collection charges on arrears;
i) Water
j) Sewerage;
k) VAT on vatable services which will be the proportionate amount for the applicable services.

(4) A customer may not elect how an account is to be settled if it is not settled in full or if there are arrears.

Part 5: Queries, Complaints and Appeals

23. Queries or complaints in respect of account

(1) A customer may lodge a query or complaint in respect of the accuracy of an amount due and payable in respect of a specific municipal service as reflected on the account rendered.

(2) A query or complaint must be lodged with the municipality in writing before the due date for payment of the account.

(3) In the case of illiterate or similarly disadvantaged customers the municipality must assist such a customer in lodging his or her complaint in writing and must take reasonable steps to ensure that the query or complaint is reflected correctly.

(4) A query or complaint must be accompanied by a payment constituting the amount due and payable in respect of the amount, minus the amount in respect of which the a query or complaint is lodged. An amount equal to the average consumption of the municipal service is payable in respect of the amount for which a query or complaint is lodged.

(5) The municipality will register the query or complaint and provide the customer with a reference number.

(6) The municipality
a) shall investigate or cause the query or complaint to be investigated within 14 (fourteen) days after the query or complaint was registered; and
b) must inform the customer, in writing, of its finding within 21 (Twenty one) days after the query or complaint was registered.

24. Appeals against finding of municipality in respect of queries or complaints

(1) A customer may appeal against a finding of the municipality in terms of section 23 in writing.

(2) An appeal and request in terms of sub-section 24.1 must be made in writing and lodged with the municipality within 21(twenty-one) days after the customer became aw are of the finding referred to in section 23 and must
a) set out the reasons for the appeal; and
b) be accompanied by a deposit and determined by the municipal council, if the municipality requires a deposit to be made.

(3) The municipality may on appeal by a customer instruct him, her or it to pay the full amount appealed against.

(4) The customer is liable for all the amounts, other than that appealed against, falling due and payable during the adjudication of the appeal.

(5) An appeal must be decided by the municipality within 21 (twenty-one) days after an appeal was lodged and the customer must be informed of the outcome in writing, as soon as is reasonably possible thereafter.

(6) If the municipality decides to reject the query or complaint the customer must pay any amounts found to be due and payable in terms of the decision within 14 (fourteen) days of being informed of the outcome of the appeal.

(7) The municipality may condone the late lodging of appeals or other procedural irregularities.

(8) If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test as determined by the municipality, to establish its accuracy. The customer must be informed of the estimated cost of such a test prior to such test being undertaken.

(9) If the outcome of any test shows that a measuring device is
a) within a prescribed range of accuracy, the customer will be liable for the cost of such a test and any other amount outstanding. Such costs will be debited against the customer's account;
b) outside a prescribed range of accuracy, the municipality will be liable for the costs of such tests and the customer must be informed of the amount of any credit to which he, she or it is entitled as a consequence of any inaccuracy.

(10) A deposit referred to in sub-section (2)(b), shall be
a) retained by the municipality if the measuring device is found not to be defective;
b) refunded to the applicant to the extent that it exceeds the amount payable in respect of quantity determined in accordance with section 12(b), if the measuring device is found in terms of those sub-sections to be defective.

(11) In addition to sub-section 24(9) and 23(10) the municipality must if the measuring device is found defective
a) repair the measuring device or install another device which is in good working order, without charge to the customer, unless the costs thereof are recoverable from the customer in terms of these or any other by-law of the municipality; and
b) determine the quantity of municipal services for which the customer will be charged in lieu of the quantity measured by the detective measuring device by taking as basis for such determination, and as the municipality may decide-
(i) the quantity representing the average monthly consumption of the customer during the three months preceding the month in respect of which the measurement is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective meter or measuring device;
(ii) the average consumption of the costumer during the succeeding three meter periods after the defective meter or measuring device has been repaired or replaced; or
(iii) the consumption of services on the premises recorded for the corresponding period in the previous year.

Part 6: Arrears

25. Consolidated Arrears

(1) If one account is rendered for more than one municipal service provided all arrears due and payable by a customer constitutes a consolidated debt, and any payment made by a customer of an amount less than the total amount due, will be allocated in reduction of the consolidated debit in the following order

a) Arrears;
b) Interest;
c) Instalments – dwelling;
d) Instalments – stand;
e) Sundries;
f) Additional – deposit;
g) Rates;
h) Penalty on arrears;
i) Collection charges on arrears;
j) Refuse removal;
k) Water;
l) Sewerage;
m) VAT on vatable services which will be the proportionate amount for the applicable services.

26. Arrears

(1) If a consumer fails to pay the account on or before the due date, a final demand notice may be:
a) hand delivered or sent by registered post to the most recent recorded address of the customer; or
b) sent per MMS, SMS or other applicable cellular technology, or
c) sent per e-mail, or
d) with any other form of telecommunication to customers within 2 (two) working days of the arrears having accrued.

(2) Failure to deliver or send a final demand notice within 2 (two) working days does not relieve a customer from paying arrear

27. Interest

(1) Interest may be levied on arrears at the prevailing prime interest rate or at the rate prescribed by the municipal council from time to time.

(2) The municipal council may differentiate between types of domestic customers, types and levels of services, quantities of services, geographical arrears and socio-economic arrear in levying interest on arrears.

28. Final Demand Notice

(1) The final demand notice must contain the following statements
a) the amount in arrears and any interest payable;
b) that the customer can conclude an agreement with the municipality for payment of the arrears in instalment within 3 (three**)** working days of the date of the final demand notice;
c) that if not such agreement is entered into within the stated period that specified municipal services will be limited or disconnected
d) that legal action maybe instituted against any customer for the recovery of any amount 40(forty) days in arrears; that the account may be handed over to the debt collector for collection;
e) that proof of registration, as an indigent customer, in terms of these by-laws must be handed in at the offices of the municipality before the final date of the final demand notice.

(2) The municipality must in deciding which municipal service or municipal services to be specified for limitation or disconnection:
a) consider the potential socio-economic and health implication of the limitation or disconnection may have on the consumer; and
b) a domestic customers' right to access to basic municipal services as identified in the municipal council's credit control and debt collection policy

29. Limitation or disconnection of municipal services

(1) The municipality may, immediately on the expiry of the 3 (three) working day period allowed payment in terms of the final demand notice limit or disconnect the municipal services provided that a domestic customers' access to basic water supply services and sanitation services may not be disconnected.

(2) The municipality may only limit a domestic customer's access to basic water supply services by –
a) reducing water pressure; or
b) limiting the availability of water to a specified period or periods during a day.

(3) The costs associated with the limitation or disconnection of municipal services shall be for the cost of the customer and shall be included in the arrears amount due and payable by the customer.

30. Accounts 60 (Sixty) days in arrears

(1) Where an account rendered to a customer remains outstanding for more than 60 (Sixty days) the municipality may:-
a) institute legal action against a customer for the recovery of the arrears; and
b) cede the customer's account to a debt collector for collection.

(2) A customer will be liable for recoverable administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit, as may be determined by the municipal council from time to time.

31. General

(1) No action taken in terms of this section because of non-payment will be suspended or withdrawn, unless the arrears, any interest thereon, recoverable administration fees, additional charges, costs incurred in taking relevant action and any penalties, including the payment of higher deposit, payable are paid in full.

(2) The municipality will not be liable for any loss or damage suffered by a customer due to municipal services being limited or disconnected.

Part 7: Agreement for the Payment of Arrears in instalments

32. Agreements

(1) The following agreements for the payment of arrears in instalments may be entered into–an Acknowledgement of Debt;
a) a Consent to Judgement; or
b) an Emolument attachment order.

(2) Only a consumer with positive proof of identity or a person authorised, in writing, by that consumer, or, if a consumer is illiterate, a person authorised by such consumer personally in the presence of an officer appointed by the municipality for that purpose, will be allowed to enter into an agreement for the payment of arrears in instalments.

(3) No customer will be allowed to enter into an agreement for the payment of arrears in instalments w here that customer failed to honour a previous agreement for the payment of arrears in instalments, unless the Municipality, in its sole discretion, permits the customer to do so.

(4) A copy of the agreement shall be made available to the customer.

(5) An agreement for the payment of arrears in instalments shall not be entered into unless and until a customer has paid his, her or its current account.

33. Additional costs, partial settlement and instalments

(1) The costs associated with entering into agreements for the payment of arrears in instalments and the limitation or disconnection of municipal services in accordance with section 29 shall be included in the arrears amount due and payable by the customer.

(2) The municipality must in determining the amount payable by the customer on entering into an agreement for the payment of arrears in instalments and the instalments payable in respect of any arrear amount take the following factors into account –
a) the credit record of the customer;
b) the arrear amount;
c) the level of consumption of municipal services;
d) the level of service provided to the customer;
e) previous breaches of agreements for the payment of arrears in instalments; and
f) any other relevant factors.

(3) In the event that a customer proves to the municipality that he or she or it is unable to pay the amount referred to in section 31(5) on entering into an agreement for the payment of arrears in instalments, the municipality may, after taking into account the factors referred to in sub-section 33(1), -
a) extend the payment thereof to the end of the month in which the customer enters into such an agreement; or
b) include it in the amount payable in terms of the agreement.

(4) The municipality may, after taking into account the factors referred to in sub-section (2), require a customer to pay an additional amount on entering into an agreement for the payment of arrears, in addition to the current account, representing a percentage of the arrear amount.

(5) The municipality may, when a customer enters into an agreement or any time thereafter–
a) install a pre-payment meter; or
b) limit the municipal services to basic municipal services.

34. Duration of Agreements

(1) The municipality may, in deciding on the duration of the agreement for the payment of arrears has regard to a customer's –
a) credit record;

b) arrears amount;
c) gross income;
d) level of consumption of municipal services;
e) level of service provided;
f) previous breaches of agreements for the payment of arrears in instalments;
g) affordability and
h) any other relevant factors.

(2) No agreement/arrangement entered into after 1 July 2012 for the payment of arrears shall provide for the payment of arrears over a period in excess of 24 (twenty-four) months.

35. Failure to Honour Agreements

(1) If a customer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence and the municipality may –
a) limit or disconnect the municipal services specified in the final demand notice sent to the customer in accordance with section 29;
b) institute legal action for the recovery of the arrears; and
c) hand the customer 's account over to a debt collector or an attorney for collection.

36. Re-connection of Services

(1) An agreement for payment of the arrears amount in instalments, entered into after municipal services were limited or disconnected, will not result in the services being restored until:
a) the arrears, any interest thereon, recoverable administration fees, costs incurred in taking relevant action and any penalties, including payment of a higher deposit, are paid in full; or
b) a written appeal by the customer undertaking a timeous and full payment of arrear instalments and current accounts have been approved by the Municipality.

(2) In addition to any payments referred to in sub-section (1) the customer shall pay the standard re-connection fee as determined by the municipality from time to time, prior to the reconnection of municipal services by the municipality.

(3) Municipal services shall be restored within (3) seven working days after a customer have compiled with the provisions of sub-sections (1) and (2).

CHAPTER 3: PROVISION OF MUNICPAL SERVICES TO INDIGENT CUSTOMERS

37. Qualification for registration

(1) A domestic customer with a household –
a) whose combined monthly gross income of its members over the age of 18 years old is less than an amount determined by the municipal council from time to time;
b) owning not more than one property; and
c) not having an income from letting a property or portion of a property;

may apply for registration as an indigent customer.

38. Application for registration

(1) A domestic customer wishing to qualify as an indigent customer must complete the application form entitled “Application for Registration as Indigent Customer”

(2) Any application in terms of sub-section (1) must be –accompanied by –
a) documentary evidence of income, such as a letter from the customer’s employer, a salary advice, a pension card, unemployment insurance fund card; or
b) an affidavit declaring unemployment or income; and
c) the customer’s latest municipal account in his or her possession; and
d) a certified copy of the customer’s identity document; and
e) the names and identify numbers of all occupants over the age of 18 years who are resident at the property.

(3) A customer applying for registration as an indigent customer shall be required to declare that all information provided in the application form and other documentation and information explained to the customer and that the customer indicated that the contents of the declaration were understood.

39. Approval of application

(1) The municipality may send representatives to premises of domestic customers applying for registration as indigent customers to investigate whether the information provided prior to approval of an application is correct. The provisions of section 61 apply to such an investigation.

(2) The provisions of Part 5 of Chapter 2 shall mutatis mutandis apply in respect of a customer that feels aggrieved by a decision of the municipality.

(3) An application shall be approved for the period of the municipality’s financial year only.

(4) An application approved during the municipality’s financial year shall only be valid for the remaining period of the municipality’s financial year.

40. Conditions

(1) The municipality may on approval of an application or at any time thereafter -
a) install a pre-payment electricity meter for the indigent customer where electricity is provided by the municipality; and
b) limit the water supply services of an indigent customer to basic water supply services.

41. Annual application

(1) An indigent customer must annually, before the end of the municipality’s financial year re-apply for re-registration as an indigent customer for the forthcoming financial year, failing which the assistance will cease automatically.

(2) An indigent customer shall have no expectation of being regarded as an indigent customer in any year that ensues or follow s a year in which he or she was so registered. The municipality gives no guarantee of renew al.

(3) The municipality shall inform the applicant in writing within 14 (fourteen) working days of receipt of such application by the municipality as to whether or not the application is approved. If it is not approved, the applicant shall be given reasons thereof.

(4) The provisions of Part 5 of Chapter 2 shall mutatis mutandis apply in respect of a customer that feels aggrieved by a decision of the municipality in terms of sub-section (4).

42. Subsidised services for indigent customers

(1) The municipal council may annually as part of its budgetary process determine the municipal services and levels thereof that will be subsidised in respect of indigent customers subject to principles of sustainability and affordability.

(2) The municipality must on a determination in terms of sub-section (1) give public notice of such determination.

(3) Public notice in terms of sub-section 42(2) must contain at least the following –
a) the level or quantity of municipal service that will be subsidised;
b) the level of subsidy;
c) the method of calculating the subsidy; and
d) any special terms and conditions that will apply to the subsidy, not provided for in these by-laws.

(4) An indigent consumer shall be liable for the payment of any municipal services rendered by the municipality or municipal services used or consumed in excess of the levels or quantities determined in sub-section (1).

(5) The provisions of Chapter 2 shall mutatis mutandis apply to the amounts due and payable in terms of sub-section (4).

43. Existing arrears of indigent customers on approval of application

(1) Arrears accumulated in respect of the municipal accounts of customers prior to registration as indigent customers will be suspended for the period that a customer remains registered as in indigent customer, and interest shall not accumulate in respect of such arrears during such a suspension.

(2) Arrears suspended in terms of sub-section 43(1) shall become due and shall be paid by the customer in monthly instalments to be determined by the municipality, on de-registration as an indigent customer in accordance with section 46 and interest will be payable in respect thereof.

(3) Notwithstanding the provisions of sub-section 43(2) arrears suspended for a period of two (2) years or longer shall not be recovered from a customer on de-registration, subject to the provisions of sub-section 43(4).

(4) Arrears not recovered due to the provisions of sub-section 43(2) shall remain a charge against the property of the indigent customer for a period of 5 (five) years after the customer was first registered as an indigent customer and shall become due and payable when the property is sold, irrespective of the fact that the customer is no longer registered as an indigent customer at the time that the property is sold. A clearance certificate in respect of the property shall only be issued by the municipality when such arrears have been settled in full.

44. Audits

(1) The municipality may undertake regular random audits to –
a) verify the information provided by indigent customers;
b) record any changes in the circumstances of indigent customers; and
c) make recommendations on the de-registration of the indigent customer.

45. De-registration

(1) Any customer who intentionally or negligently provides or has provided false information in the application form or any other documentation and information in connection with the application –
a) shall automatically, without notice, be de-registered as an indigent customer from the date on which the municipality obtains evidence that such information is false; and
b) shall be held liable for the payment of all services received, in addition to any other legal actions the municipality may take against such a customer.

(2) An indigent customer shall automatically be de-registered if an application in accordance with section 41 is not made or if such application is not approved.

(3) An indigent customer may at any time request de-registration.

(4) The provisions of Part 5 of Chapter 2 shall mutatis mutandis apply in respect of a customer feeling aggrieved by de-registration in terms of sub-section 45(3).

CHAPTER 4: EMERGENCY SITUATIONS

46. Declaration of emergency situations

(1) The municipal council may at any time at the request of the municipality declare by public notice, a supply zone an emergency situation in respect of a municipal service or more than one municipal service if, in its opinion, a significant risk to the financial viability or sustainability of the municipality or a specific municipal service exist and that no other reasonable measures can be taken to avoid or limit the risk, provided that the municipality has submitted a report that contain at least –
a) Details of all measures taken by it to avoid or limit the risk;
b) An assessment of why the measures taken by it to avoid or limit the risk has been unsuccessful.
c) Details of the proposed measures to be taken by it to avoid or limit the risk;
d) An assessment of the impact or potential impact of the proposed measures on individual customers within the relevant supply zone, including, but not limited to health and access to basic service implications;
e) Details of the education and communication measures to be taken prior to the implementation of the proposed measures;
f) The duration of the proposed measures to be taken; and
g) Details of the reasonable measures to be taken to ensure equitable access by each household in the supply zone to that municipal service.

(2) Public notice in terms of sub-section 46(1) must contain at least the following details applicable to a specific emergency situation –
a) The reasons for the declaration;
b) The customers and supply zone that will be affected by the declaration;

c) The type, level and quantity of the municipal service that will be provided;
d) The duration of the declaration;
e) The method of implementing the declaration;
f) Specific measure or precautions to be taken by affected customers; and
g) Special relief that may be granted to individual consumers on application to the municipality.

(3) In the event of a declaration of a supply zone as an emergency area in accordance with sub-sections 46(1) and 46(2), the municipal service to that supply zone may be limited to basic municipal services per household as determined by the municipality from time to time, provided that at no time may the municipal service provided by the municipality to that supply zone be less than the collective quantity and quality of basic municipal services per household in that supply zone.

(4) The municipality must on a monthly basis submit a status report to the municipal council that contain at least the following details –
a) Any improvement in the information on which the declaration was based;
b) The impact of the proposed measures on individual customers within the relevant supply zone, including, but not limited to health and access to basic services implications; and
c) Special relief granted to individual customers

(5) The municipal council must change the declaration of an emergency area by public notice –
a) If any of the information on which the declaration was based improves to the extent that the risk referred to in sub-section (1) is avoided or limited;
b) If in its opinion, undue hardship are endured by the customers affected by the declaration;
c) On expiry of the duration specified in terms of sub-section (1) and (2).

(6) The municipality may again request the municipal council to declare a supply zone an emergency area on a change of a declaration in terms of sub-section (3), if in the municipality's opinion it is required.

(7) The provisions of sub-sections (1) to (4) apply to a request in terms of sub-section (6).

CHAPTER 5: UNAUTHORIZED SERVICES

47. Unauthorized services

(1) No person may gain access to municipal services unless it is in terms of an agreement entered into with the municipality for the rendering of those services.
(2) The municipality may, irrespective of any other action it may take against such person in terms of these by-laws by written notice order a person who is using unauthorized services to –
a) Apply for such services in terms of sections 1 and 2; and
b) Undertake such work as may be necessary to ensure that the customer installation through which access was gained complies with the provisions of these or any other relevant by-laws.

48. Interference with infrastructure for the provision of municipal services

(1) No person other than the municipality shall manage, operate or maintain infrastructure through which municipal services are provided.

(2) No person other than the municipality shall effect a connection to infrastructure through which municipal services are provided

49. Obstruction of access to infrastructure for the provision of municipal services

(1) No person shall prevent or restrict physical access to infrastructure through which municipal services are provided.

(2) If a person contravenes sub-section (1), the municipality may –
a) By written notice require such person to restore access at his or her own expense within a specified period; or
b) If it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

50. Illegal re-connection

(1) A customer whose access to municipal services have been restricted or disconnected, who intentionally unlawfully re-connects or allows another person to re-connect services or who intentionally or negligently interferes with infrastructure through which municipal services are provided , shall immediately be disconnected.

(2) A person who re-connects to municipal services in the circumstances referred to in subsection
(3) shall be liable to pay for any services that he, she or it may have utilized or consumed in breach of these by-laws, notwithstanding any other actions that may be taken against such person.

(4) The consumption will be estimated based on the average consumption of services to the specific area within which the unauthorized connection was made.

51. Immediate disconnections

(1) The provision of municipal services may immediately be disconnected by the municipality if any person unlawfully and intentionally or negligently interferes with infrastructure through which municipal services are provided.

CHAPTER 6: OFFENCES

52. Offences

(1) Any person who –
a) Obstructs or hinders the municipality in the exercising of the powers of performance of functions or duties under these by-laws;
b) Contravenes or fails to comply with a provision of these by-laws other than a provision relating to payment for municipal services;
c) Fails to comply with the terms of a notice served upon him/her in terms of these by-laws shall be guilty of an offence and liable upon conviction to a fine not exceeding R10, 000.00 (ten thousand Rand) or a period of imprisonment or community service not exceeding 6 (six) months, or a combination of the aforementioned and in the event of a continued offence to a further fine of R4, 000.00 (four thousand Rand) for every day during the continuance of such offence.

CHAPTER 7: DOCUMENTATION

53. Signing of notices and documents

(1) A notice or document issued by the municipality in terms of these by-laws and signed by a staff member of the municipality shall be deemed to be duly issued and must on its mere production be accepted by a court as prima facie evidence.

54. Notices and documents

(1) Any notice or other document that is served on an owner, customer or any other person in terms of these by-laws is regarded as having been served –
   a) If it has been delivered to that person personally;
   b) When it has been left at the person's village, place of residence, or business or employment in the Republic with a person apparently over the age of sixteen years;
   c) When it has been posted by registered or certified mail to that person's last known residential address or business address in the Republic and an acknowledgement of posting thereof from the postal service is obtained;
   d) If that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided in subsections (a) – (c); or
   e) If that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.

(2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and is not necessarily the name of that person.

(3) In the case w here compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

55. Authentication of documents

(1) Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated. If signed by the municipal manager or by a duly authorised person of the municipality; such authority being conferred by resolution of the municipality, written agreement or by a by-law.

56. Prima facie evidence

(1) In legal proceedings by or on behalf of the Municipality, a certificate reflecting the amount due and payable to the municipality, under the hand of the municipal manager, or suitably qualified staff member authorised by the municipal manager or the Manager of the municipality's authorised agent, shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness.

CHAPTER 8 GENERAL PROVISIONS

57. Provision of Information

(1) An owner, occupier, customer or person with in the area of supply of the municipality must provide the municipality with accurate information.

58. Power of entry and Inspection

(1) The municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so, where appropriate.
(2) The owner and or occupier of property must allow an authorized representative of the municipality access at all reasonable hours to the property in order to read, inspect, install or repair any metering device or service connection for reticulation, or to disconnect, stop or restrict, or reconnect, the provision of any service. If a customer fails to comply, the municipality or its authorised representative may –
   a) By written notice require such customer to restore access at his/her own expense within a specified period.
   b) If it is the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such customer.

(3) The property owner may be held responsible for the cost of relocating a metering device if satisfactory access is not possible or if the access to the metering device is denied to the municipality.

(4) Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa Act No. 108 of 1996, and any other law, in particular with strict regard to decency and order, respect for a person's dignity, freedom and security and personal privacy.

(5) The Municipality may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.

(6) A person representing the municipality must, on request provide his or her identification.

59. Exemption

(1) The municipality may, in writing exempt an owner, customer, any other person or category of owners, customers, ratepayers, users of services from complying with a provision of these by-laws, subject to any conditions it may impose. If it is of the opinion that the application or operation of that provision would be unreasonable, provided that the municipality shall not grant exemption from any section of these by-laws that may result in –
   a) the wastage or excessive consumption of municipal services;
   b) the evasion or avoidance of water restrictions
   c) significant negative effects on public health, safety or the environment
   d) the non-payment for services
   e) the Act, or any regulations made in terms thereof, is not complied with.

(2) The municipality at any time after giving written notice of at least thirty days withdraw any exemption given in terms of sub-section (1).

60. Indemnification from liability

(1) Neither employees of the municipality nor any person, body or organisation or corporation acting on behalf of the municipality is liable for any damage arising from any omission or act done in good faith in the course of his or her duties.

61. Availability of by-laws

(1) A copy of these by-laws shall be included in the municipality's Municipal Code as required in terms of legislation.

(2) The municipality shall take reasonable steps to inform customers of the contents of the by-laws.

(3) A copy of these by-laws shall be available for inspection at the offices of the municipality at all reasonable times.

(4) A copy of the by-laws may be obtained against payment of R100, 00 from the municipality.

62. Conflict of law

(1) When interpreting a provision of these by-laws, any reasonable interpretation which is consistent with the purpose of the Act as set out in Chapter 9 on Credit Control and Debt Collection, must be preferred over any alternative interpretation which is inconsistent with that purpose.

(2) If there is any conflict between these by-laws and any other by-laws of the Council, these by-laws will prevail.

63. Repeal of existing municipal credit control and debt collection by-laws

(1) The provisions of any by-laws relating to credit and debt collection by the municipality are hereby repealed insofar as they relate to matter provided for in these by-laws; provided that such provisions shall be deemed not have been repealed in respect of any such by-laws which has not been repealed and which is not repugnant to these by-law s on the basis as determined by the relevant by-laws.

64. Short Title and commencement

(1) These by-laws are called the Credit Control and debt Collection by-laws of the Capricorn District Municipality.

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

(3) The Municipality may, by notice in the Provincial Gazette, determine that provisions of these by-laws, listed in the notice, does not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.

(4) Until any notice contemplated in sub-section 64(2) is issued, these By-laws are binding.

PROVINCIAL NOTICE 82 OF 2018

CAPRICORN DISTRICT MUNICIPALITY

TARIFF BY-LAWS

The Capricorn District Municipality in accordance with section 13(a) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes the Tariff By-laws, as set out hereunder: ---

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CHAPTER 1: DEFINITIONS AND APPLICATION

Definitions

For the purpose of these by-laws any words or word or expressions to which a meaning has been assigned in the Local Government: Municipal Systems Act 32 of 200 or Local Government: Municipal Finance Management Act 56 of 2003 shall bear the same meaning in these by-laws and unless the context indicates otherwise –

"**commercial customer**" means any customer other than domestic customers and indigent customers, including without limitation, business, industrial, government and institutional customers.

"**household**"means a traditional family unit as determined by the municipality from time to time taking into account the number of persons comprising a household, the relationship between the members of a household, the age of the persons who are the members of the household and any other relevant factors

"**municipal surcharge**"means in excess of the tariff that a municipality may impose on fees for municipal service provided.

"**Indigent customer**"means a domestic customer qualifying and registered with the municipality as an indigent in accordance with the municipality's indigent policy and the applicable by-laws

"**rising block tariff**" is a tariff, in terms of which the price per kilolitre of water increases from one block of consumption to the next

"**sewage tariff**" means a tariff for the discharge of waste water, industrial effluent, standard domestic effluent and other liquid waste, either charged separately or in combination, but shall not include them.

"**volumetric tariff**"means a tariff, that is multiplied by the volume of water consumed in a charging period

"**water meter**"means any meter, method, procedure, process, device, apparatus or installation that enables the quantity of water services provided to the quantified and includes any method, procedure or process whereby the quantity is estimated or assumed.

"**subsidized service**" means a municipal service which is provided to a customer at an applicable rate which is less than the cost of actual providing the service provided to customers at no cost.

"**tariff**"means the scale of rates, taxes, duties, levies or other fees which may be imposed by the municipality in respect of immovable property or for the municipal services provided.

2. Application of the By-laws

These by-laws are subject to the municipality's by-laws relating to credit control and debt collection and the municipality's by-laws relating to water services.

CHAPTER 2

3. Charges to be prescribed by council

(1) All deposits, tariffs and charges payable in respect of municipal services must be prescribed by the municipal council in accordance with----

(a) its tariff policy

(b) any by-laws, and

(c) any regulations in terms of national or provincial legislation.

(2) Charges for water services must comply with the Norms and standards in the Respect of Tariffs for Water Services I Terms of Section 10(1) Published under GN R652 in GG 22472 of 20 July 2001.

(3) The tariff for water services must take the following charges into account---

(a) Costs of raw water or bulk potable water and:

(b) Costs of overhead and operational costs and;

(c) Costs of replacement and refurbishments and extension

4. Charges may vary for different uses

(1) The deposits, tariffs and charges prescribed by municipal council may vary depending on the type of use for which the water services are supplied to a customer, the level of service, the size of connection, the geographic area, and whether the services are provided through a credit prepayment meter.

(2) The municipal council may prescribe the different types of use.

(3) The types of uses must at least differentiate between water services supplied for domestic purposes and for other purposes.

5. Volumetric tariffs

(1) The prescribed charges for water supplied to a customer through a water meter shall include a volumetric water tariff charged per kilolitre of the measured volume of water supplied to customer.

(2) The effluent discharged by a domestic customer to a municipal sewer shall not be measured unless the council prescribes otherwise.

(3) The prescribed charges for a domestic customer who is connected to a municipal sewer shall include a volumetric sewage tariff charged per kilolitre on a prescribed percentage of the measured volume of water supplies to a customer, regardless of the actual percentage of water that is returned to the sewer.

(4) The council may prescribe the criteria for determining whether the effluent discharged by a commercial customer shall be discharged through water meter or not.

(5) The prescribed charges for effluent discharged by a commercial customer through a water meter shall include a volumetric effluent charged per kilolitre of the measured volume of effluent discharged by a customer,

(6) The prescribed charges of effluent discharged by a commercial customer that is not discharged through a water meter shall include a volumetric effluent tariff charged per kilolitre on a prescribed percentage of the measured volume of water supplied to a customer, regardless of the actual percentage of water that is returned to the sewer.

(7) The council may prescribe percentages of the volume of measured water supplied to a customer on which the volumetric sewage tariff or effluent tariff is charged. The percentage may differentiate between the types of water use. Where no percentage has been prescribed by the council, the prescribed percentage is 100% for the purpose of calculating the volumetric effluent or sewage charge.

(8) The volumetric charge may differentiate between different types of water use.

6. Rising block tariffs for domestic use

(1) The volumetric tariff for water supplied to a customer for domestic purpose through a water meter shall be a rising block tariff

(2) The municipal council shall prescribe the volume of each tariff block for a billing period with the exception of the highest tariff block which shall not have a prescribed maximum volume.

(3) The first block of water measured in each billing period shall be free of charge.

(4) Alternatively, the first block of water measured in each billing period shall be free of charge to customers who are registered as indigent persons for the purposes of receiving subsidised services in terms of the indigent by-laws

(5) The municipal council may not prescribe a first block of water with a volume of less than 6 kilometers per household per month for households connected to the sewer system, and may prescribe a larger first block.

(6) The municipal council shall prescribe a higher per kilolitre volumetric tariff for tariff blocks representing higher consumption than for tariff blocks representing lower consumption.

(7) Where more than one household is supplied with water for domestic purposes through a single water meter, the owner of the property may apply to register the number of households and the particulars of the heads of each household on the prescribed application form

(8) If the number of households supplied through a single water meter decreases, the owner of the property must register the new number of households within 14 (fourteen) working days

(9) The municipality may from time to time verify the number of households on a property.

(10) Where more than one household on a property is supplied with water for domestic purposes through a single water meter, the volume of each tariff block prescribed by the municipal council shall be multiplied by the number of registered households supplied through that water meter and the charge shall be determined in accordance with the resulting block sizes from the beginning of the billing period following the billing period in which the number of registered households changed.

(11) The account for municipal services shall show the number of registered households on a property

7. Quality related charges for industrial effluent

(1) The municipal council may prescribe charges relating to the quality of industrial effluent discharges

(2) Charges relating to the quality to the quality of industrial effluent shall be based on the formula for industrial effluent discharge charges as prescribed by the municipality.

8. Fixed charges for municipal services

(1) The municipal council may prescribe a fixed monthly charge for each billing period for which municipal services are available, irrespective of whether or not the services are or are not, used.

(2) The fixed monthly availability charge may differentiate between water services supplied to customers through a water meter and water services that is not supplied through a water meter

(3) The fixed monthly availability charges for a customer may vary where there is more than one registered household supplied through a single water meter

(4) The Fixed monthly availability charge may differentiate between different types of water use and different diameters and length of connection pipe and different sizes of water meter

9. Deposits, connection fees and re-connection fees

(1) The municipal council may prescribe deposits, connection fees and re-connection fees and other fees as provided for in the by-laws relating to credit control and debt collection.

(2) Different fees may be prescribed for different types of water user and for different diameters and length of connection pipe and for different sizes of the meter.

10. Water services supplied to indigent customers

(1) There shall be no charge for basic water services as defined in the water services by-laws supplied for domestic purposes to customers registered as indigent for the purpose of subsidised services in terms of the indigent by-laws.

CHAPTER 3: OFFENCES

11. Offences

(1) It is an offence-

(a) to provide an incorrect information on an application form to register the number of households on a premises

(b) Not to re-register the number of households on a property within 14 (fourteen) working days if the number of households on a property have decreased.

CHAPTER 4: GENERAL PROVISIONS

12. Conflict of interpretation

(1) If there is any conflict between these by-laws and any other by-laws of the council, the most recently published by-laws will prevail

13. Repeal of existing municipal credit control and debt collection by-laws

(1) The provisions of any other by-laws relating to water services tariffs by the municipality are hereby repealed insofar as they relate to matters provided for in these by-laws.

PROVINCIAL NOTICE 83 OF 2018

CAPRICORN DISTRICT MUNICIPALITY ACADEMY OF SPORT TARIFF STRUCTURE

By concurrence by the CDM Council, the tariff structure for the CDM Academy of Sport is as follows:

1. Club or Federation will pay the Annual Subscription fee of **R500.00** and monthly contribution of **R100.00**
2. Individual persons inclusive of the youth and the old will pay the Annual Subscription of **R100.00** fee and monthly contribution of **R50.00.**
3. People with disability of any kind are exempted from payment or contribution.
4. People of over 60 years of age are exempted from payment or contribution.

PROVINCIAL NOTICE 84 OF 2018

THULAMELA MUNICIPALITY NOTICE OF CLOSURE OF AN OPEN SPACE, SUBDIVISION AND CHANGE OF LAND USE: A/S 104

I, Julia Mmaphuti Nare of Nhlatse Planning Consultants, being an authorized agent of the owner of Erf 660 Thohoyandou-J, hereby give notice in terms of the Thulamela Municipality Spatial Planning and Land Use Management By-Laws 2016 and SPLUMA 16 of 2013 for the closure, subdivision and rezoning of Erf 660 Thohoyandou-J from "Public Open Space" to "Special" with annexure for the purpose of developing student accommodation.

Plans and particulars of the application will lie for inspection during normal office hours at the office of the Senior Manager: Planning and Economic Development, Thulamela Municipality, Ground Floor, Office No. 47, Thohoyandou for the period of 30 days from the first date of publication.

Objections and/or comments or representation in respect of the application must be lodged with or made by writing to the Municipal Manager at the above address or to P.O. Box 5066, Thohoyandou, 0950 within a period of 30 days from the date of publication of notice.

The address of the mentioned Authorised Agent: Nhlatse Planning Consultants, P O Box 4865, Polokwane, 0699 Contact Tel: (015) 297 8673 Contact Cell: 0825587739

18-25

MASIPALA WA VHUPO WA THULAMELA NOTHISI YA U VALWA HA FHETHU HA TSHISHAVA, TSHIPIDA NA TSHANDUKO KHA KUSHUMISELE KWA SHANGO: A/S 104

Nne, Julia Mmaphuti Nare wa Nhlatse Planning Consultants, ndo imela mune wa Tshitensti tsha Nomboro 660 Thohoyandou-J, ndi nekedza nothisi malugana na Masipala wa Thulamela la Fhethu Kudzudzanyele na Fhethu ha vhudzulo Nga Mulayo 2016 Na SPLUMA 16, uri hu valwe fhethu ha tshitshavha , u tsheya tshipida na u shandukisa Tshitensti tsha Nomboro 660 Thohoyandou-J ubva kha phakha uya kha fhethu hau fhata dzi rumu dza matshudeni.

Vhane vha takalela u vhala nga ha khumbulo iyi na manwalo a yelanaho nayo, vha nga a wana ofisini ya minidzhere muhulwane: wa ku dzudzanyele na mvelaphanda , kha luta lwa fhasi ofisini ya nomboro 47 kha masipala wa Thulamela Thohoyandou. Manwalo ayo a do wanala lwa tshifhinga tshi edanaho maduvha a 30 u bva nga duvha la u thoma hau andadziwa ha gurannda.

Vhane vha vha na mmbilaelo malugana na iyi khumbelo vha nwalele minidzhere wa masipala wa Thulamela kha diresi itevhelaho: P.O. Box 5066, Thohoyandou, 0950. Mbilaelo malugana na iyi khumbelo vha nwalele minidzhere wa masipala wa Thulamela kha diresi itevhelaho: P.O. Box 5066, Thohoyandou, 0950. Mbilaelo dzi do tanganedziwa lwa maduvha a 30 u bva nga duvha la u thoma hau andzadziwa ha gurannda.

Diresi ya dzhendedzi lire mulayoni malugana na iyi khumbelo: Nhlatse Planning Consultants, P.O. Box 4865, Polokwane, 0700, Tel: 015 297 8673, Fax: 015 297 8673, Cell: 082 558 7739.

18-25

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 57 OF 2018

APPLICATION FOR REZONING IN TERMS OF SECTION 76/75 OF THE MAKHADO/THULAMELA (COLLINS CHABANE LOCAL MUNICIPALITY) SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016. NOTICE FOR REZONING & CHANGE OF LAND USE. Notice is hereby given that application has been made by DEVELOPLAN TOWN PLANNERS, on behalf of the owner of Stand 786 Shitlhelani for the rezoning of the mentioned stand from PANEL BEATER to GENERAL BUSINESS. The application documents are open for inspection for a period of 30 days from 18 May 2018, at the following place: Office of the DIRECTOR TOWN PLANNING, Collins Chabane local municipality offices, Malamulele. Objections to the application must be lodged with or made in writing to the Municipality manager, Collins Chabane local municipality (LIM345) Private Bag x 9271 Malamulele 0982. Email: hulisani@lim345.gov.za. Agent: Developlan, Box 1883, Polokwane, 0700, Tel. 015-2914177. Fax: 086 218 3267. tecoplan@mweb.co.za

18–25

NTSARISO WO CINCA TIRHELO RA MISAVA HI KUYA HI XINAWANA XA SWA VULAWURI BYA MISAVA LOWU KUMEKAKA EKA XIYENGE XA 76/75 E HANSI KA VULAWURI BYA MASIPALA WA MAKHODO/THULAMELA (COLLINS CHABANE LOCAL MUNICIPALITY). NTSARISO WO CINCA TIRHELO RA MISAVA. Ndzi mi tivisa leswaku ntsariso wu endliwili hi DEVELOPLAN TOWN PLANNERS, loyi a nyikiweke matimba hi nwinyi wa xitandi xa noboro 786 eka Shitlhelani. Ntsariso lowu i wo cinca xitandi lexi tirhisiwaka ku lunghisa timovha ku va xi tirhisiwa swa mabhindzu. Vuxokoxoko mayelana na ntsariso lowu, wu ta kumeka eka tihofisi ta Murhangeri wo pulana swa madoroba eka Masipala wa Collins Chabane, ku sukela hi ti 18 Mudyaxihi 2018. Ntsariso lowu wu ta kumeka ku fikela eka masiku ya makume manharhu hi ku ya hi khalendara ku sukela ka siku ra ti 18 Mudyaxihi 2018. Lava va nga na swisolo, va nga swi endla hi ku switsala hansi va swi rhumela eka tihofisi ta Mininjhere wa masipala eka adirese leyi: Private Bag x 9217 Malamulele 0982. Muyimeri: Developlan, Box 1883, Polokwane, 0700, Tel. (015) 291 4177. Fax 086 218 3267. tecoplan@mweb.co.za

18–25

LOCAL AUTHORITY NOTICE 58 OF 2018

MUNICIPAL PLANNING BY-LAW

POLOKWANE LOCAL MUNICIPALITY

The Municipal Manager of the Polokwane Local Municipality hereby publishes in terms of section 162, read with section 156(2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) read with Section 13 of the Local Government: Municipal Systems Act 2000 (Act 32 of 2000), and the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), the Polokwane Local Municipality: Municipal Planning By-law, 2017, as reflected hereunder and as approved by council on 03 November 2017.

The said By-law will come into operation on 02 July 2018

Mr. D.H. MAKOBE
MUNICIPAL MANAGER

Civic Centre
POLOLKWANE

CITY OF Polokwane

NATURALLY PROGRESSIVE

POLOKWANE MUNICIPAL PLANNING BY-LAW 2017

COMPILED BY:
PLANNING AND ECONOMIC DEVELOPMENT: CITY PLANNING AND PROPERTY MANAGEMENT (SPATIAL PLANNING)
ADOPTED: 03 NOVEMBER 2017

POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

The Municipal Manager of Polokwane Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000), publishes Polokwane Municipal Planning By-law, 2017, as approved by its Council, as set out hereunder

POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

To give effect to "Municipal Planning" as contemplated in the Constitution of the Republic of South Africa, 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 Management Scheme within the area of Polokwane Municipality, in line with the Act, 2013 (Act No. 16 of 2013), to provide for the processes and 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 the municipalities the right to administer local government matters listed in Part B of the schedules 4 and 5; and

WHEREAS Part B of the 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 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 section 20, 21, 22, 23, and 24 and related provisions of the Act, 2013 (Act No. 16 of 2013) to establish a uniform, recognizable and comprehensive system of spatial planning and land use management in its municipal area to maintain economy 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 confirms to constitutional principles; and

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

NOW THEREFORE Polokwane Local Municipality has adopted this By-law in terms of section 13 of the local government: Municipal System Act, 2000 (Act No. 32 of 2000)

BE IT THEREFORE PROMULGATED in terms of section 13 of the Municipal Systems Act, 2000 (Act No. 32 of 2000), by the Polokwane Local Municipality of the following By-law.

ARRANGEMENT OF THE BY-LAW

ARRANGEMENT OF THE SCHEDULES [92-122]

Schedule 20: Requirements for the Public Participation of Applications and Submission of Proof thereof in terms of Section 95(1) to (3) of this By-law

Schedule 21: Requirements for Extension of Time as may be allowed in terms of Section 110 of this By-law

Schedule 22: Withdrawal of a Land Development Application in terms of Section 97 of this By-law

Schedule 23: Amendment of a Land Development Application prior to Approval in terms of Section 99 of this By-law

Schedule 24: Correction of Post Approval Errors or Omission in terms of Section 111 of this By-law

Schedule 25: Contributions Payable and Provision of Land for Open Spaces and Parks in terms of this By-law

Schedule 26: Additional Documents and Information required for Land Development Applications on Communal Land or in Rural Areas in Terms of Section 74 of this By-Law

Schedule 27: Determination of the type of Land Development Applications that may not be submitted simultaneously in terms of section 77 of this By-law

Schedule 28: Pre-application Consultation Meeting Procedure in terms of section 53 of this By-law

ARRANGEMENT OF THE FORMS [123-170]

PLM: F-1 Application form to be submitted for any application and/or request with the applicant and owner details as required in terms of Polokwane Municipal Planning By-law, 2017.

PLM: F-1 (A) application form for use of site on communal land or in rural areas in terms in terms of section 74 and as required in terms of schedule 26 of Polokwane Municipal Planning By-law, 2017.

PLM: F-2 Application form for a Township Establishment or Extension of Boundaries application in terms of Section 54 and as required in terms of Schedule 8 to the Polokwane Municipal Planning By-law, 2017.

PLM: F-3 Application form for a Division of a Township application in terms of Section 55 and as required in terms of Schedule 9 to the Polokwane Municipal Planning By-law, 2017.

PLM: F-4 Application form for Amendment of Land Use Scheme also known as Rezoning application in terms of Section 61 and as required in terms of Schedule 10 to the Polokwane Municipal Planning By-law, 2017.

PLM: F-5 Application form for Amendment, Suspension or Removal of Restrictive Title Conditions application in terms of Section 62 and as required in terms of Schedule 11 to the Polokwane Municipal Planning By-law, 2017.

PLM: F-6 Application form for the Amendment or Cancellation in Whole or in Part of a General Plan of an Approved Township in terms of Section 64 and as required in terms of Schedule 14 to the Polokwane Municipal Planning By-law, 2017.

PLM: F-7 Application form for Subdivision or Consolidation application in terms of Section 67 and as required in terms of Schedule 12 or Schedule 13 to the Polokwane Municipal Planning By-law, 2017

PLM: F-8 Request for Amendment of an application Prior to Approval in terms Section 99 to the Polokwane Municipal Planning By-law, 2017.

PLM: F-9 Request for Extension of Time in terms Section 110 of this By-law and as required in terms of Schedule 21 to the Polokwane Municipal Planning By-law, 2017.

PLM: F-10(A) Township Establishment or Extension of Boundaries: - List of attachments and supporting documents required in terms of the schedules to the Polokwane Municipal Planning By-law, 2017 and/or submitted by the applicant and checklist for Municipal use.

PLM: F-10(A1) Checklist for Layout Plans for a Township Establishment or Extension of Boundaries application in terms of Section 54 and as required in terms of Schedule 8 to the Polokwane Municipal Planning By-law, 2017.

PLM: F-10(B) Division of a Township: -List of attachments and supporting documents required in terms of the schedules to the Polokwane Municipal Planning By-law, 2017 and/or submitted by the applicant and checklist for Municipal use

PLM: F-10(C) Rezoning: - List of attachments and supporting documents required in terms of the schedules to the Polokwane Municipal Planning By-law, 2017 and/or submitted by the applicant and checklist for Municipal use.

PLM: F-10(D) Amendment, Suspension or Removal of Restrictive Title Conditions: - List of attachments and supporting documents required in terms of the schedules to the Polokwane Municipal Planning By-law, 2017 and/or submitted by the applicant and checklist for Municipal use

PLM: F-10(E) Subdivision or Consolidation: - List of attachments and supporting documents required in terms of the schedules to the Polokwane Municipal Planning By-law, 2017 and/or submitted by the applicant and checklist for Municipal use.

PLM: F-11 Notice of Appeal.

PLM: F-12 The Provincial Gazette, Newspapers and Placard Notice in terms of Section 95(1)(a) for the Establishment of a Township /Extension of Boundaries in terms of Section 54 of the Polokwane Municipal Planning By-law, 2017.

PLM: F-13 The Provincial Gazette, Newspapers and Placard Notice in terms of Section 95(1)(a) for a Rezoning application in terms of Section 61 of the Polokwane Municipal Planning By-law, 2017.

PLM: F-14 The Provincial Gazette, Newspapers and Placard Notice in terms of Section 95(1)(a) for the Amendment, Suspension or Removal of a Restrictive Condition in the Title Deed in terms of Section 62 of the Polokwane Municipal Planning By-law, 2017.

PLM: F-15 The Provincial Gazette, Newspapers and Placard Notice in terms of Section95(1)(a) forthe Alteration / Amendment or Partial Cancellation of a General Plan of a Township in terms of Section 64 of the Polokwane Municipal Planning By-law, 2017.

PLM: F-16 The Provincial Gazette, Newspapers and Placard Notice in terms of Section 95(1)(a) for Subdivision of property(ies) as contemplated in terms of Section 67(1)(c) of the Polokwane Municipal Planning By-law, 2017.

PLM: F-17 Example of a Power of Attorney

PLM: F-18 Example of Affidavit / Affirmation

CHAPTER 1
DEFINITIONS, APPLICABLITY AND CONFLICT OF LAWS

1. Definitions

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

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

"appeal authority" means the executive authority of the Municipality, the Municipal Appeal Tribunal established in terms of Part 1 of Chapter 8 of the By-law or any other body or institution outside of the Municipality authorised by the Municipality to assume the obligations of an appeal authority for purposes of appeals lodged in terms of the Act;

"applicant" means an owner(s); or duly authorised person on behalf of the owner or property(ies); or land within the area of the municipality read with section 45 of the Act who submits a land development application or combination of land development applications contemplated in section 51 of this By-law. It also includes the municipality and organ of the state under who's control and management of property(ies) or land falls in terms of the Local Government Ordinance;1939 (Ord.17 of 1939), or relevant legislation;

"application" means a land development and land use application submitted to the municipality as contemplated in the Act read with section 51 this By-law;

"approved amendment scheme" means draft amendment scheme approved in terms of this By-law and advertised in the provincial gazette;

"approved township" means a township declared an approved township in terms of section 59 of this By-law;

"authorised official" means a designated municipal employee authorised by the Municipal Council to exercise any power, function or duty as contemplated in section 35(2) of the Act and as defined in Regulation 1 of the regulation to the Act;

"body" means any organisation or entity, whether a juristic person or not, and includes a community association;

"building" means a building as contemplated in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

"By-law" means this By-law and includes the schedules attached hereto or referred to herein;

"Code of Conduct" means the Code of Conduct approved and adopted by the Municipal Council to which the members of the Municipal Planning Tribunal or Municipal 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 Schedule 3 and 4 of this By-law;

"community" means residents, as may be determined by the Municipality, that have diverse characteristics but living in a particular area, with common interests, agenda, cause, who may or may not be linked by social ties, share common perspectives, and may engage in joint Action in geographical locations or settings;

"communal land" means land under the area of a traditional council determined in terms of the Limpopo Traditional Leadership and Institutions Act, 2005 (Act No. 6 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);

"conditions of approval" means condition(s) imposed in the land use and 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 by the Municipal Planning Tribunal or Municipal Appeal Authority or Authorised Official;

"conditional approval" means an approval of any land use or land development application in terms of this By-law read with sections 43 and 53 of the Act by the relevant decision making body (Municipal Planning Tribunal or Authorized Official or Municipal Appeals Tribunal) in which conditions imposed must be complied with prior to —

(a) the land use rights coming into operation in terms of this By-law, or;

(b) the registration of any property(ies) as a result of the land development or land use application approved;

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

"consolidation" means the joining of two or more adjacent erven into a single entity that is capable of being registered in the deeds registry as one property, in terms of a consolidation application as contemplated in this By-law; provided that it shall:

a) exclude the consolidation of farm portions for purposes of this By-law as contemplated in the Land Survey Act, 1997 (Act No. 8 of 1997);
b) not mean or result in an amendment of the existing land use rights attached to one or both of the component erven so consolidated; and
c) not mean that the existing land use rights of such component erven shall be added together or spread, so as to apply generically to the consolidated erf area, except in the event that the component erven have uniform land use rights and/or zoning in which case the land use rights may not be so concentrated or located on the consolidated erf that it shall bring about a result which, in the opinion of the Municipality, shall require a change in land use rights through a land development application;

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

"council or Municipal Council" means the Council of the Municipality as contemplated in Section 157 of the Constitution;

"date of notice or date of notification" means the date on which a notice is served or delivered on a person or body 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 10 December to 10 January of any year or as may be determined by the Municipality;

"day" means a calendar day provided that 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 further that, if the last day falls on a Saturday, Sunday or public holiday, the number of days must be calculated by excluding the first day and also the Saturday, Sunday or public holiday; and further if the day on which a notice in terms of this By-law must appear in any media or *Provincial Gazette* such notice may not appear on a Saturday, Sunday or public holiday and which shall for purposes of the calculation of days be excluded;

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

"development charge" means a financial charge or contribution that is levied by the Municipality, as contemplated in this By-law, for the provision, installation, enhancing, upgrading of engineering services, including payment of which will contribute towards the Municipality's expenditure on capital investment in municipal infrastructure services and provision of public transport read with sections 40(7)(b) and 49 of the Act and engineering-, engineering services-, development- contributions shall have a corresponding meaning;

"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);

"engineering services agreement" means a written agreement which is concluded between an owner of property on which a land development application has been brought in terms of this By-law and the Municipality and includes:

(a) detailed and specific respective rights and obligations regarding the provision and installation of the external and internal engineering services required for an approved land development, further including the design, provision, installation, financing and maintenance of engineering services;

(b) the associated development charges;

(c) the standard of such engineering services as determined by the Municipality;

(d) the classification of engineering services as internal or external services; and

(e) any matter related to the provision of engineering services in terms of this By-law;

"engineering services agreement and services agreement" shall have a corresponding meaning;

"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;

"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-law or any repealed law;

"general plan" means a general plan approved by the Surveyor-General in terms of the Land Survey Act, 1997 (Act No. 8 of 1997);

"interested and affected person" unless specifically delineated, means any person or group of persons, legal entity or body that can demonstrate their interest in the land development application in terms of section 45(3) of the Act and with specific reference to town planning principles or development principles;

"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 an application submitted in terms of this By-law or any other legislation governing the change in land use and "land area" has a similar meaning;

"land use" means the purpose for which land and/or buildings are/or may be used lawfully in terms of a Land Use Scheme, existing scheme, amendment scheme or in terms of any other authorization, permit or consent issued by an erstwhile authority or the Municipality as its successor in title and includes any conditions related to such land use purposes;

"land use rights" means adopted land use applicable to land in terms of this By-law or relevant law; for purposes of issuing a zoning certificate;

"land use plan "means a plan that indicates existing land uses;

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

"layout plan" means a plan indicating information relevant to a land development application and the land intended for development and includes the relative locations of erven, public places, or roads, subdivision or consolidation, and the purposes for which the erven are intended to be used read with any notation or conditions contained thereon as contemplated in Form PLM: F-10(A1) of this By-law, as may be amended from time to time;

"**local framework plan"** means a micro spatial plans of geographic area referred to in section 11 of this By-law;

"Member of the Executive Council" means the Active Member of the Executive Council responsible for local government in the Province established in terms of 132 of the constitution;

"municipal area" means the area of area of the Polokwane Local Municipality demarcated in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

"Municipal Manager" means the person appointed as the Municipal Manager for the Polokwane Local Municipality in terms of Section 82 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any person Acting in that position or to whom authority has been delegated;

"**Municipal Appeals Tribunal"** means the Executive Authority, a committee established in terms of provincial legislation, or a body or institution of the Municipality authorized in the case of a committee, body or institution, to deal with appeals in terms of section 51(6) of the Act;

"Municipal Planning Tribunal" means the Polokwane Municipal Planning Tribunal established in terms of section 35 (1) of the Act**.**

"Municipality" means the Polokwane Municipality or its successor in title as envisaged in section 155(1) of the Constitution established by Notice under section 11 and 12 in 2000 and amended by Notice No 1866 of 2010 in terms of the Local Government Municipal Structures Act, 1998 (Act No.117 of 1998), and for the purposes of this By-law shall include a committee or official or group of officials duly delegated in terms of section 59 of the Municipal Systems Act, 2000 (Act No. 32 of 2000), to perform any duties assigned to in terms of them in terms of section 56 of the Act or section 170 of this By-law, the Municipal Planning Tribunal or the Authorised Official, where the context so requires;

"notice" means 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 served or published in terms of this By-law in the Provincial Gazette or other media;

"objector" means a body or person who has lodged an objection, with the Municipality, during any period allowed or specified in a notice in the media or Provincial Gazette, placed for purposes of public participation in terms of this By-law, Land Use Scheme or any other planning and development legislation; and includes —

(a) interested and affected persons who negatively commented on a land development application as contemplated in section 45(3) of the Act; or

(b) interested and affected persons who conditionally supported a land development application; or

(c) persons who the Municipal Planning Tribunal or Appeal Authority has determined as qualifying as an interested person in terms of section 45(4) of the Act; or

(d) a person who successfully petitioned the Municipal Planning Tribunal or Appeal Authority to obtain intervener status in terms of section 45(2) of the Act; but excludes —

(i) interested and affected persons who submitted negative comments on the land development application prior to or after the closing date of the period allowed as indicated above;

(ii) interested and affected persons who submitted comments on the land development application indicating conditional support of the land development application prior to or after the closing date of the period allowed as indicated above;

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

"owner" means anybody or person registered in a deeds registry as contemplated in section 1, 2 and 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), 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);

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

"Premier" means the Premier of the Province of Limpopo;

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

"property(ies)" means any erf, erven, lot(s), plot(s) or stand(s), portion(s) or part(s) of farm portions or agricultural holdings, registered in the deeds registry as such;

"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;

"regulations" means the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015;

"rezoning" means the amendment of land in terms of section 28 of the Act read with section 61 of this By-law;

"**rural area**" means any land that is outside the urban edge and is not classified urban, and includes but not limited to commercial farms, land under the control of communal property association;

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

"spatial development framework" means the Polokwane Spatial Development Framework prepared and adopted in terms of sections 20 and 21 of the Act and Chapter 2 of this By-law;

"subdivision" means the division of a piece of land into two or more portions;

"township" means any property(ies), sites and/or land that —

(a) is laid out or divided or subdivided into or developed or to be developed, as a single property or multiple properties for residential, business, industrial, institutional, educational, community

services and/or similar or other purposes or land uses, as may be contained in a Land Use Scheme;

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

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

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

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

"Township register" means an approved subdivision register of a township in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); and

"Traditional communities" means communities recognised in terms of the Limpopo Traditional Leadership and Institutions Act, 2005 (Act No. of 2005).

"Traditional council" means a traditional council that has been established and recognised for a traditional community in accordance with the provisions of section 3 of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003) or any corresponding provision in provincial legislation.

2. Application of the By-law

(1) Subject to subsection (5) below, the provisions of this By-law are consistent with the provisions of the Act.

(2) This By-law applies to all land and land development applications within the area of Polokwane Municipality and all such applications must be submitted under the provisions of this By-law.

(3) No person may use or develop land unless the use or land development is permitted in terms of the Municipality's land use scheme or an approval in terms this By-law.

(4) This By-law binds every owner of land and any successor-in-title of such land and every user of land, including the state and any organ of state.

(5) In the event of a conflict between the Act and its Regulations, any Provincial Act dealing with spatial planning and land use management and any regulations issued in terms thereof and the provisions of this By-law, the provisions of this By-law shall prevail to the extent that the provisions of this By-law give effect to "municipal planning" as a local government matter as per Part B of Schedule 4 of the Constitution.

3. Conflict of laws

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

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

(3) Where a provision of this By-law is in conflict with a provision of the Act or provincial legislation, the Municipality must institute the conflict resolution measures provided for in the Act or in provincial

legislation, or in the absence of such measures, the measures provided for in the Intergovernmental Relations Framework Act, 2005 (Act No.13 of 2005); to resolve the conflict and until such time as the conflict is resolved, the provisions of this By-law prevails.

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

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

4. Provisions and principles which shall guide and inform all land development applications

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

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

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

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

CHAPTER 2
MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

5. Municipal spatial development framework

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

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

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

6. Contents of municipal spatial development framework

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

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

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

Municipality.

7. Intention to prepare, amend or review municipal spatial development framework

(1) For purposes of preparing, amending or reviewing its municipal spatial development framework the Municipality —

(a) may convene an intergovernmental steering committee and must convene a project committee in accordance with section 8;

(b) must publish a notice in two official languages determined by the Council, having regard to language preferences and usage within its municipal area, as contemplated in section 21 of the Municipal Systems Act (Act No.32 of 2000), 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 newspaper(s) that is circulated in the municipal area;

(c) must inform the Member of the Executive Council in writing of its intention to prepare, amend or review the municipal spatial development framework; and

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

8. Institutional framework for preparation, 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 of the municipal spatial development framework or amendment of the municipal spatial development framework is progressing according to the approved process plan;

(d) guide the public participation process, including ensuring that the registered key public sector stakeholders remain informed;

(e) ensure alignment of the municipal spatial development framework with the development plans and strategies of other affected municipalities and organs of state as contemplated in section 24(1) of the Municipal Systems Act;

(f) facilitate the integration of other sector plans into the municipal spatial development framework; and

(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.

(4) The project committee must consist of —
(a) the Municipal Manager; and
(b) employees in the full-time service of the Municipality designated by the Polokwane Municipality.

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 report 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 and inputs of the intergovernmental steering committee, the project committee must finalise the first draft of the municipal spatial development framework or first draft amendment 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 10(4) 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 10 of this By-law;
(d) indicate the involvement of the intergovernmental steering committee, if convened by the Municipality;
(e) indicate the departments that were engaged in the drafting of the municipal spatial development framework;
(f) indicate the alignment with the national and provincial spatial development frameworks;
(g) indicate all sector plans that may have an impact on the municipal spatial development framework;
(h) indicate how the municipal spatial development framework complies with the requirements of relevant national and provincial legislation, and relevant provisions of strategies adopted by the Council; and
(i) recommend the adoption of the municipal spatial development framework for public participation as the draft municipal spatial development framework for the Municipality, in terms of the relevant legislation and this By-law.

(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 and must submit it to the intergovernmental steering committee for comment.

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

(8) 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.

(9) 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 21 days of its decision —

(a) give notice of its adoption in the media and the *Provincial Gazette* in the manner as contemplated in section 7 and that section applies with the necessary changes; and

(b) submit a copy of the municipal spatial development framework to the Member of the Executive Council.

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

(11) 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 newspaper(s) that is circulated in the municipal area, the Municipality may, subject to section 21A of the Municipal Systems Act, use any other method of communication it may deem appropriate.

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

(a) a consultative session with traditional councils and traditional communities;

(b) a specific consultation with professional bodies, ward communities or other groups; and

(c) a public meeting.

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

(a) do so within a period of 60 days from the first day of publication of the notice;

(b) provide written comments; and

(c) provide their contact details.

11. Local spatial framework plan

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

(2) The purpose of a local spatial framework plan is to —

(a) provide detailed spatial planning guidelines or further plans for a specific geographic area or parts of specific geographical areas and may include precinct plans;

(b) provide more detail in respect of a proposal provided for in the municipal spatial development framework or necessary to give effect to the municipal spatial development framework and or its integrated development plan and other relevant sector plans;

(c) address specific land use planning needs of a specified geographic area;

(d) provide detailed policy and development parameters for land use planning;

(e) provide detailed priorities in relation to land use planning and, in so far as they are linked to land use planning, biodiversity and environmental issues;

(f) guide decision making on land development applications; and

(g) give effect to its duty to manage municipal planning in the context of its constitutional obligations.

12. Preparation, amendment or review of local spatial framework plan

(1) If the Municipality prepares, amends or reviews a local spatial framework plan, it must comply with the requirements and procedures for the preparation, amendment or review of the municipal spatial development framework, including notification and public participation, prescribed in terms of this Chapter and sections 6 to 10 apply with the necessary changes as the context may require.

(2) The Municipality must, within 21 days of adopting a local spatial/framework plan or an amendment of local spatial framework plan —

(a) publish a notice of the decision in the media and the *Provincial Gazette* in the manner as contemplated in section 7 and that section applies with the necessary changes to the publication of the decision; and

(b) submit a copy of the local spatial framework plan to the Member of the Executive Council.

13. Effect of local spatial framework plan

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

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

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

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

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

15. Departure from municipal spatial development framework

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

(a) a departure that does not materially change the desired outcomes and objectives of a municipal spatial development framework and local spatial development framework, if applicable;

(b) the site does not permit the proposed development for which an application is submitted to the Municipality as contained in the municipal spatial development framework; or

(c) a unique circumstance pertaining to a discovery of national or provincial importance that results in an obligation in terms of any applicable legislation to protect or conserve such discovery.

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

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

(4) For purposes of this section, "site" means a spatially defined area that is impacted by the decision,

including neighbouring land.

CHAPTER 3
LAND USE SCHEME

16. Land use scheme

(1) The Municipality must adopt and approve, after public consultation, a single land use scheme for its entire area of jurisdiction.

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

17. Purpose of land use scheme

(1) The land use scheme adopted and approved in terms of section 16 above must give effect to and be consistent with the municipal spatial development framework and determine the use and development of land within the Municipal area in order to promote—
  (a) economic growth;
  (b) social inclusion;
  (c) efficient land development; and
  (d) minimal impact on public health, the environment and natural resources.

(2) In addition to the purposes of a land use scheme stipulated in subsection (1), the Municipality must determine the use and development of land within the municipal area to which it relates in order to promote —
  (a) harmonious and compatible land use patterns;
  (b) aesthetic considerations;
  (c) sustainable development and densification;
  (d) the accommodation of cultural customs and practices of traditional communities in land use management; and
  (e) a healthy environment that is not harmful to a person's health.

18. General matters pertaining to land use scheme

(1) In order to comply with section 24(1) of the Act, the Municipality must comply with section 19 to 27 of this By-law.

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

(3) Zoning may be made applicable to a land and must follow cadastral boundaries except for a land 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, 2000 (Act No.32 of 2000);
  (b) the Spatial Development Framework as contemplated in Chapter 4 of the Act and Chapter 2 of this By-law;
  (c) provincial legislation; and
  (d) an existing town planning scheme.

19. Preparation of draft land use scheme

The Municipality which intends to prepare, review or amend its land use scheme —
  (a) may convene an intergovernmental steering committee and must convene a project committee

in accordance with section 20;

(b) must publish a notice in newspaper(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 of its intention to prepare, review or amend the land use scheme;

(c) must inform the Member of the Executive Council in writing of its intention to prepare, review or amend the land use scheme;

(d) must register interested and affected persons who must be invited to comment on the draft land use scheme or draft review or amendment of the land use scheme as part of the process to be followed;

(e) must determine the format and content of the land use scheme;

(f) must determine the scale of the land use scheme;

(g) must determine any other relevant issue that will impact on the preparation and final adoption of the land use scheme which will allow for it to be interpreted and or implemented; and

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

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

(1) The purpose of the intergovernmental steering committee contemplated in section 19(a) is to co-ordinate the applicable contributions read together with section 8(1).

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

(a) departments in the national, provincial and local sphere of government, other organs of state, community representatives, engineering services providers, traditional councils; and

(b) any other body or person that may assist in providing information and technical advice on the content of the land use scheme.

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

(a) prepare, review or amend the land use scheme for adoption by the Council;

(b) provide technical knowledge and expertise;

(c) monitor progress and ensure that the development of the land use scheme or review or amendment thereof is progressing according to the approved project plan;

(d) guide the public participation process, including ensuring that the registered key public sector stakeholders remain informed;

(e) ensure alignment of the land use scheme with the municipal spatial development framework, development plans and strategies of other affected municipalities and organs of state; and

(f) oversee the incorporation of amendments to the draft land use scheme or draft review or amendment of the land use scheme to address comments obtained during the process of drafting thereof.

(4) The project committee must consist of —

(a) the Municipal Manager; and

(b) employees in the full-time service of the Municipality and designated by the Municipality.

21. Council approval for publication of draft land use scheme

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

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

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

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

22. Public participation

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

(2) Without detracting from the provisions of subsection (1) above the Municipality must —
  (a) publish a notice in the *Provincial Gazette*;

  (b) publish a notice in newspaper(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 21A of the Municipal Systems Act, 2000 (Act No.32 of 2000), once a week for two consecutive weeks; and
  (c) enable traditional communities to participate through the appropriate mechanisms, processes and procedures established in terms of Chapter 4 of the Municipal Systems Act;
  (d) use any other method of communication it may deem appropriate and the notice contemplated in subparagraph (b) must specifically state that any person or body wishing to provide comments and or objections must —
    (i) do so within a period of 60 days from the first day of publication of the notice;
    (ii) provide written comments in the form approved by Council; and
    (iii) provide their contact details as specified in the notice.

(3) The Municipality may for purposes of public engagement arrange —
  (a) a consultative session with traditional councils and traditional communities;
  (b) a specific consultation with professional bodies, ward communities or other groups; and
  (c) a public meeting.

23. Incorporation of relevant comments

(1) Within 60 days after completion of the public participation process outlined in section 22, the project committee must —
  (a) review and consider all submissions made in writing or during any engagements; and
  (b) prepare a report including all information they deem relevant, on the submissions made; provided that:
    (i) For purposes of reviewing and considering all submissions made, the Municipal Manager may elect to hear the submission through an oral hearing process;

(ii) all persons and or bodies that made submissions must be notified of the time, date and place of the hearing as may be determined by the Municipality not less than thirty (30) days prior to the date determined for the hearing, by electronic means or registered post;

(iii) for purposes of the consideration of the submissions made on the land use scheme the Municipality may at any time prior to the submission of the land use scheme to the Council, request further information or elaboration on the submissions made from any person or body.

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

24. Preparation of land use scheme

The project committee must, where required and based on the submissions made during public participation, make final amendments to the draft land use scheme, provided that; if such amendments are in the opinion of the Municipality materially different to what was published in terms of section 22(2), the Municipality must follow a further consultation and public participation process in terms of section 22(2) of this By-law, before the land use scheme is adopted by the Council.

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

(1) The project committee must —

(a) within 60 days from the closing date for objections contemplated in section 22(2)(d)(i); or

(b) if a further consultation and public participation process is followed as contemplated in section 23, within 60 days from the closing date of such further objections permitted in terms of section 24 read with section 22(2)(d)(i), submit the proposed land use scheme and all relevant supporting documentation to the Council with a recommendation for adoption.

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

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

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

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

27. Submission to Member of Executive Council

After the land use scheme is published in terms of section 26 of the Act, the Municipality must submit a copy of an approved land use scheme to the Member of the Executive Council.

28. Records

(1) The Municipality must keep record in the register of amendments to the land use scheme of the land use rights in hard copy and electronic format, in relation to each erf or portion of land and which information is regarded as part of its land use scheme as contemplated in section 30 of this By-law.

(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.

(3) Should anybody or person request a copy of an approved land use scheme, or any component thereof, the Municipality must provide on payment by such body or person of the fee approved by the Council, a copy to them of the approved land use scheme or any component thereof in

accordance with the provisions of Promotion of Access to Information Act, 2000(Act 2 of 2000) as guided by the By-law or policy, if applicable.

(4) A body or person as detailed in subsection (3) must access such information from the municipal Records strategic business unit.

29. Content of land use scheme

(1) The content of a land use scheme prepared and adopted by the Municipality must include all the essential elements contemplated in Chapter 5 of the Act and provincial planning and development legislation (if applicable) and must contain —

(a) scheme regulations setting out the procedures and conditions relating to the use and development of land in any zone;
(b) a map indicating the zoning of the municipal area into land use zones;
(c) a register of all amendments to such land use scheme; and
(d) an annexure register.

(2) In addition to the content of a land use scheme stipulated in subsection (1) above, the following may be included —

(a) provisions for public participation that may be required for purposes of any consent, permission or relaxation in terms of an approved land use scheme;
(b) servitudes for municipal services and access arrangements for all properties;
(c) provisions applicable to all properties relating to storm water;
(d) 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;
(e) transitional arrangements with regard to the manner in which the land use scheme is to be implemented.

(3) The land use scheme may —

(a) determine the components of the land use scheme for purposes of it being applied, interpreted and implemented; and
(b) include any matter which it deems necessary for municipal planning in terms of the constitutional powers, functions and duties of a municipality.

30. Register of amendments to land use scheme

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

(a) date of application;
(b) name and contact details of applicant;
(c) type of application;
(d) property description and registration division;
(e) previous and approved zoning and existing land use;
(f) a copy of the approved site development plan;
(g) amendment scheme number;
(h) annexure number;
(i) item number;
(j) item date;
(k) decision (approved/on appeal/not approved);
(l) decision date.

31. Merging of land use schemes

(1) The Municipality may of its own accord merge two or more approved land use schemes; prepare certified copies of documentation as the Municipality may require, for purposes of merging the said

land use schemes, the merged land use scheme will come into operation from the date of the signing thereof provided that—

(a) such merger must not take away any land use rights granted in terms of an approved land use scheme, for purposes of implementation of the land use rights;

(b) after the Municipality has signed and certified merged land use scheme, it must publish it in the *Provincial Gazette*.

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

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

CHAPTER 4
INSTITUTIONAL STRUCTURE FOR LAND DEVELOPMENT AND LAND USE MANAGEMENT DECISIONS

Part 1:
Land Development Application Categories

The categorisation of land development applications, contemplated in sections 35(2) and (3) of the Act read with Regulation 15 of the Regulations to the Act, which must apply to any land development application to be dealt with in terms of national or provincial planning and development legislation, is set out in these subsections, and is brought into effect by virtue of the adoption of this By-law and/or by resolution of the Municipal Council.

32. Category 1 land development applications

(1) Category 1 land development applications are land development applications that must be considered by Municipal Planning Tribunal in terms of the Act read with Regulation 15 of the Regulations to the Act.

(2) The Municipal Planning Tribunal must decide any opposed land development application referred to it in terms of the provisions of this By-law, or the municipal land use scheme or any other applicable law relating to land development.

(3) Land development applications contemplated in subsection (1) and (2) includes an application for:

(a) township establishment or the extension of the boundaries of a township;
(b) division of a township;
(c) amendment or cancellation in whole or in part of a general plan of a township;
(d) amendment of an existing scheme or land use scheme by rezoning of an Erf;
(e) removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
(f) special consent in terms of the applicable Land Use Scheme or existing scheme;
(g) the subdivision of agricultural land, holding, farms and farm portions;
(h) the consolidation of agricultural land, holding, farms and farm portions;
(i) Land Use rights on Communal Land or in Rural Areas;
(j) any application in terms of other legislations not repealed by the Act,

(4) The Municipal Planning Tribunal must also decide on applications as envisaged in section 166 of this By-law.

33. Category 2 land development applications

(1)Category 2land development applications are land development applications that must be considered by an Authorised Official in terms of section 35(2) of the Act read with Regulation 15 of the Regulations to the Act.

(2) An Authorised Official may only decide unopposed land development applications submitted in terms of this By-law, or the municipal land use scheme or any other applicable law relating to land development which application complies with the provisions of section 4 of this By-law.

(3) An Authorised Official may not decide unopposed application which does not comply with one or more of the criteria as set out in of this By-law without forwarding it to the Municipal Planning Tribunal for a decision.

(4) Notwithstanding subsection (1) and (2) above, such authorised official will have the discretion to forward any application referred to him/her to the Municipal Planning Tribunal for a decision.

(5) Land development applications contemplated in subsection (1) and (2) includes an application for—
(a) subdivision or consolidation of an “erf/erven” within the proclaimed Township;
(b) written consent in terms of the applicable Land Use Scheme or existing scheme;
(c) temporary consent in terms of the applicable Land Use Scheme or existing scheme;
(d) all application delegated in terms of the delegation of power by the Council as amended from time to time.

Part 2:
Powers and functions

34. Powers and functions of a Municipal Planning Tribunal

(1) The Municipal Planning Tribunal may—
(a) approve, in whole or in part, or refuse any application referred to it in accordance with this By-law;
(b) in the approval of any application, impose any reasonable conditions, including conditions related to the provision of engineering services and the payment of any engineering services contributions;
(c) make an appropriate determination regarding all matters necessary or incidental to the performance of its functions in terms of this By-law, the Act and/or any planning and development legislation (if applicable);
(d) conduct any necessary investigation;
(e) give directions relevant to its functions to any person in the service of the Municipality; or
(f) decide any question concerning its own jurisdiction.

(2) The Municipal Planning Tribunal must be guided by the provision of section 40 of the Act.

(3) The Municipal Planning Tribunal must provide reasons for any of its decisions made upon any written request submitted by any of the parties which appeared before it within 28 days of date of receipt of the notice of the decision and such reasons shall be provided by the Municipal Planning Tribunal’s Chairperson in writing within 14 days from date of receipt of such request.

(4) The Municipal Planning Tribunal must keep a record of all its proceedings and decisions.

35. Powers and functions of an Authorised Official

(1) As envisaged in terms of section 35(2) of the Act, the Polokwane Municipality has authorised an official in terms of a proper delegated power to decide on certain land development applications.

(2) The authorisation in terms of subsection (1) above may include the power to sub-delegate such authorisation to any suitably qualified official(s) in the employ of the Municipality and under the control or supervision of the authorised official. The authorisation must be granted by an Authorised Official.

(3) The provisions of section 34 above shall apply *mutatis mutandis* to such authorised official or duly authorised sub-delegate(s).

Part 3:
Establishment of Municipal Planning Tribunal

36. Establishment of Municipal Planning Tribunal

(1) The Municipality must, in order to determine land development applications within its area of jurisdiction, establish a Municipal Planning Tribunal.

(2) The Municipal Planning Tribunal must decide on applications referred to it as per the Municipal Planning Tribunal's approved terms of reference, the provisions of the Act and this By-law.

37. Composition of Municipal Planning Tribunal

(1) The Municipal Planning Tribunal must consist of—

(a) officials in the full-time employment of the Municipality in terms of section 36(1)(a) of the Act; and, at the sole discretion of the Municipality, the persons in the full-time service of the Municipality must have at least three years' experience in the field in which they are performing their services, it may also include personnel under subsection (10) (l);

(b) persons appointed by the Municipality who are not municipal officials and who have knowledge and experience of spatial planning, land use management and land development or the law relating thereto in terms of section 36(1)(b) of the Act.

(2) Municipal Councillors shall not be members of a Municipal Planning Tribunal in terms of section 36(2) of the Act.

(3) The Municipal Planning Tribunal must consist of at least 5 members or more as the Municipal Council deems necessary. On a ratio of 60/40, i.e. 60% members from the internal/official from the Municipality and 40% from the external/government official member's reference to section 36(3) of the Act.

(4) The Municipal Planning Tribunal may designate at least three members of the Tribunal which will form a quorum to hear, consider and decide a matter which comes before it.

(5) The Municipal Council must designate a member of the Municipal Planning Tribunal as Chairperson(s) and Deputy Chairperson in terms of section 36(4) (a) and (b) of the Act.

(6) The terms and conditions of service of members of the Municipal Planning Tribunal as provided in section 37 subsection (1) (a) and (b) above shall be as per Schedule 1 of Regulation to the Act.

(7) The members of the Municipal Planning Tribunal must adhere to and will be required to sign a code of conduct as approved by the Council which shall be substantially in accordance with Schedule 3 of the Regulations to the Act.

(8) The members of the Municipal Planning Tribunal shall be subject to disqualification from membership as set out in section 38 of the Act.

(9) Should the Municipality, in its sole discretion, decide to appoint members to the Municipal Planning Tribunal as envisaged in subsection (1)(b) above, it shall comply with the call for nomination procedures as set out in schedule 2 of the Regulation to the Act and this By-law.

(10) Appointed members to the Municipal Planning Tribunal as envisaged in subsection (1)(a) and (b) above must demonstrate knowledge of spatial planning, land use management and land development of the law related thereto; and must have at least minimum of three (3) years' practical experience in the discipline within which they are registered; the appointed member must be registered with the following professional councils or voluntary bodies (if applicable):

(a) a person who is registered as a Professional Land Surveyor in terms of the Professional and Technical Surveyors' Act, 1984 (Act No. 40 of 1984), or a Geomatics professional in the branch of land surveying in terms of the Geomatics Profession Act, 2013 (Act No. 19 of 2013);
(b) a person recognized as an experienced environmental assessment practitioner with appropriate experience registered with the relevant body or Council;
(c) a person registered as a Professional Planner with the South African Council for the Planning Profession in terms of the Planning Profession Act, 2002 (Act No. 36 of 2002);
(d) a person registered as a Professional Engineer with the Engineering Council of South Africa in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000);
(e) 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);
(f) 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);
(g) a person registered as a professional surveyor with the South African Council for Professional and Technical Surveyors (PLATO). Person registered as a Professional land Surveyor in terms of the Professional and Technical Surveyors' Act, 40 of 1984 or any relevant legislation if applicable;
(h) a person registered as a GIS Technologist with the South African Council for Professional and Technical Surveyors (PLATO). person registered as a professional land surveyor in terms of the Professional and Technical Surveyors' Act, Act 40 of 1984; or any relevant legislation if applicable;
(i) a person registered as Professional Valuers in terms of the Property Valuers Profession Act (No. 47 of 2000);
(j) a person registered as Building Control Officer in terms of the provision of building Regulation and Building Standards Act 1977, (Act No. 103 of 1977);
(k) one person registered as environmental practitioner registered with relevant council as environmental a voluntary association;
(l) any other person/s who has knowledge and experience of spatial planning, land use management and land development or the law or any related thereto includes municipal officials who comment on the land development and land use application from:
    (i) local economic development;
    (ii) fire safety;
    (iii) water and sanitation;
    (iv) roads and storm water management;
    (v) transport engineer;
    (vi) legal services;
    (vii) electrical;
    (viii) traffic;
    (ix) records clerk (administration);

(x) records management;
(xi) housing;
(xii) building; and
(xiii) community health;

(m) any other person who has knowledge and experience of spatial planning, land use management and land development or the law related thereto.

(n) any other person(s) from the Traditional Local Council of a Traditional Local Authority who has knowledge and experience of customary laws applicable in that Traditional Local Authority and who does not contravene section 38 (1) (b) of the Act. This may include the person(s) with the following responsibilities at the Traditional Local Authority:

(i) land development;

(ii) local Economic development;

(iii) any other land development matters;

(o) any other relevant expertise/profession as delegated by the responsible authority in terms of the Act.

38. Invitation procedure for nomination

(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 to the Act;

(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 to the Act.

(2) The invitation to the organs of state and non-governmental organisations contemplated in regulation 3(2)(a) of the Regulations to the Act must be addressed to the organs of state and non-governmental organisations and must be in the form contemplated in Schedule 2 of the Regulations to the Act and the form may be amended to contain any other information that the Municipality considers necessary.

(3) The call for nominations to persons in their individual capacity contemplated in regulation 3(2)(b) of the Regulations to the Act must be in the form contemplated in Schedule 2 and the form may be amended to contain any other information that the Municipality considers necessary, and —

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

(b) may be submitted to various professional bodies which registers persons referred to in section 37(10) 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.

39. Requirements for submission of nomination

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

(2) The nomination must consist of —

(a) the completed declaration contained in the form contemplated in Schedule 2 of the Regulation to the Act and all pertinent information must be provided within the space provided on the form;

(b) the completed declaration form of interest contemplated in Schedule 2 of the Regulation to the Act;

(c) the motivation by the nominator contemplated in subsection (3)(a) below; and

(d) a comprehensive curriculum vitae of the nominee contemplated in subsection (3)(b) below.

(3) In addition to the requirements for the call for nominations contemplated in regulation 3(6) of the Regulations to the Act, the nomination must be accompanied —
   (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 comprehensive curriculum vitae of the nominee.

40. 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 38 of this By-law.

(2) The nominations that are incomplete or do not comply with the provisions of section 38 must be rejected by the Municipality.

(3) Every nomination that is complete and complies with the provisions of section 38 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 37(10); or
   (d) is not registered with the professional councils or voluntary bodies contemplated in section 37(10), if applicable,

   the nomination must be rejected and must not be considered by the evaluation panel contemplated in section 41.

(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 41.

(6) The screening and verification process contained in this section must be completed within 28 days from the expiry date for nominations.

41. Evaluation panel

(1) The evaluation panel as contemplated in Regulation 3(1)(g) read together with Regulation 3(11) of the Regulations to the Act, must consists of officials in the employ of the Municipality.

(2) The evaluation panel must evaluate all nominations within 28 days of receipt of the verified nominations or such extended period that the Council deems necessary due to administrative compliance and must submit a report with their recommendations to the Council for consideration.

42. 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 referred to in section 37(5) of this By-law from the members as contemplated in section 37 (10) of this by-law.

(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 47 of this By-law,

publish the names of the members of the Municipal Planning Tribunal and their term office in the same notice.

43. Term of office and conditions of service of members of Municipal Planning Tribunal

(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 for 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) below; or
   (d) dies or becomes permanently incapacitated.

(3) The Council may remove a member of the Municipal Planning Tribunal if —
   (a) sufficient reasons exist for his or her removal;
   (b) he or she contravenes the code of conduct contemplated in Schedule 3 of this By-law;
   (c) he or she becomes subject to a disqualification as contemplated in section 38(1) of the Act, after giving him or her an opportunity to be heard.

(4) A person in the full-time service of the Municipality contemplated in section 36(1)(a) of the Act who serves on the Municipal Planning Tribunal —
   (a) may only serve as member of the Municipal Planning Tribunal for as long as he or she is in the full-time service of the Municipality;
   (b) is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick leave or any other employee benefit as a result of his or her membership on the Municipal Planning Tribunal;
   (c) who is found guilty of misconduct under the collective agreement applicable to employees of the Municipality must immediately be disqualified from serving on the Municipal Planning Tribunal.

(5) A person appointed by the Municipality in terms of section 36(1)(b) of the Act to the Municipal Planning Tribunal —
   (a) is not an employee on the staff establishment of the Municipality;
   (b) is an employee of an organ of state as contemplated in Regulation 3(2)(a) of the Regulations to the Act, 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 ;
   (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 to the Act, is entitled to a seating and travel allowance for each meeting of the Municipal Planning Tribunal that he or she sits on determined annually by the Municipality in accordance with the Act;
   (f) is not entitled to paid overtime, annual leave, sick leave, maternity leave, family responsibility leave, study leave, special leave, performance bonus, medical scheme contribution by the Municipality, pension, motor vehicle or any other benefit which a municipal employee is entitled to.

(6) All members of the Municipal Planning Tribunal must sign the Code of Conduct, Operating Procedures and Guidelines contained in Schedule 3 of this By-law before taking up a seat on the Municipal Planning Tribunal.

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

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

44. 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 42 of this By-law.

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

(3) The Municipality may, during an existing term of office of the Municipal Planning Tribunal and after a review of the operations of the Municipal Planning Tribunal, increase the number of members appointed in terms of this Part and in appointing such additional members, it must adhere to the provisions of sections 37 to 42 of this By-law.

(4) In appointing such additional members, the Municipal Council may increase the number of members of Municipal Planning Tribunal as it deems necessary as contemplated in section 36(3) of the Act.

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

45. Proceedings of Municipal Planning Tribunal

(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 and present at that meeting as per section 37 (3) of this By-law.

(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 Municipality, and meetings must be held at least once per month, if there are applications to consider.

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

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

46. Tribunal of record

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

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

47. Commencement date of operations of Municipal Planning Tribunal

(1) The Municipal Manager must within 28 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 42(4) of this By-law.

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

Part 4:
Decisions of Municipal Planning Tribunal

48. General criteria for consideration and determination of application by Municipal Planning Tribunal or Authorised Official

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

(a) the application submitted in terms of this By-law or prevailing legislation aligned with this By-law;

(b) the procedure followed in processing the application;

(c) the comments in response to the notice of the application and the comments received from organs of state and internal departments;

(d) the response by the applicant to the comments referred to in paragraph (c);

(e) investigations carried out in terms of other laws which are relevant to the consideration of the application;

(f) a written assessment by a Professional Planner as defined in Section 1 of the Planning Profession Act, 2002, in respect of land development applications to be considered and determined by the Municipal Planning Tribunal;

(g) the Integrated Development Plan and Municipal Spatial Development Framework;

(h) the applicable local framework plans adopted by the Municipality;

(i) the applicable policies of the Municipality that guide decision-making;

(j) the policies, principles, planning and development norms and criteria set by national and provincial government;

(k) the matters referred to in section 42 of the Act;

(l) the relevant provisions of the land use scheme.

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

49. Conditions of approval

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

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

(a) the provision of engineering services and infrastructure;
(b) the cession of land or the payment of money;
(c) the provision of land needed for public places or the payment of money in lieu of the provision of land for that purpose;
(d) the extent of land to be ceded to the Municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the Municipality;
(e) settlement restructuring;
(f) agricultural or heritage resource conservation;
(g) biodiversity conservation and management;
(h) the provision of housing with the assistance of a state subsidy, social facilities or social infrastructure;
(i) energy efficiency;
(j) requirements aimed at addressing climate change;
(k) the establishment of an owners' association in respect of the approval of a subdivision;
(l) the provision of land needed by other organs of state;
(m) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the Municipality or the registration of public places in the name of the Municipality, and the transfer of ownership to the Municipality of land needed for other public purposes;
(n) the excision of land from the agricultural holding register and the endorsement by the Registrar of Deeds of the agricultural holding title, to the effect that the land is excised;
(o) the implementation of a subdivision in phases;
(p) requirements of other organs of state;
(q) the submission of a construction management plan to manage the impact of a new building on the surrounding properties or on the environment;
(r) agreements to be entered into in respect of certain conditions;
(s) the phasing of a development, including lapsing clauses relating to such phasing;
(t) the delimitation of development parameters or land uses that are set for a particular zoning;
(u) the setting of validity periods, if the Municipality determined a shorter validity period as contemplated in this By-law;
(v) the setting of dates by which particular conditions must be met;
(w) the circumstances under which certain land uses will lapse;
(x) requirements relating to engineering services as contemplated in Chapter 7;
(y) requirements for an occasional use that must specifically include —
    (i) parking and the number of ablution facilities required;
    (ii) maximum duration or occurrence of the occasional use; and
    (iii) parameters relating to a consent use in terms of the land use scheme.

(3) If a Municipal Planning Tribunal or Authorised Official 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 thereof arising from the approval, as determined by the Municipality in accordance with norms and standards, as may be prescribed.

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

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

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

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

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

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

Part 5:
Administrative Arrangements

50. Administrator for Municipal Planning Tribunal

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

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

(a) liaise with the relevant Municipal Planning Tribunal members and the parties in relation to any application or other proceedings filed with the Municipality;
(b) maintain a diary of hearings of the Municipal Planning Tribunal;
(c) allocate meeting dates 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 1: Types of Applications

51. Types of applications

(1) Land development applications that may be lodged in terms of this By-law include the following —
- (a) establishment of a township or the extension of the boundaries of a township;
- (b) division of a township;
- (c) amendment or cancellation in whole or in part of a general plan of a township;
- (d) amendment of an existing scheme or land use scheme by the rezoning of an Erf;
- (e) removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
- (f) subdivision or consolidation of land;
- (g) permanent closure of any public place;
- (h) consent use;
- (i) land development application in rural areas and/ or communal land;
- (j) permanent or temporary departure from land use scheme;
- (k) any other application provided for in this By-law;

52. Land use and land development

(1) No person may use or commence with land development which is not permitted in the land use scheme or for which an approval is not granted in terms of this By-law.

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

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

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

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

53. Pre-Application Consultation

(1) An applicant who wishes to lodge an application in terms section 54, 55, 61, 62, 64, 67(1) (b), 72, and 74(2) of this By-law is subjected to a pre-application consultation with the municipality.

(2) The municipality may in its own discretion determine whether an application lodged in terms of any other section of this By-law not mentioned in subsection (1) is subjected to a pre-application consultation or not.

(3) An applicant who intends to lodge any application in terms of this By-law is subjected to comply with subsection (1) and (2) above read together with schedule 28.

(4) An applicant will be issued with a pre-authorisation letter which confirms that the pre-application consultation meeting was held.

(5) A pre-authorisation letter only confirms that the pre-application consultation meeting was held and does not mean that an application will automatically be approved.

Part 2:

Establishment of Township or Extension of Boundaries of Township

(Schedule 8 is applicable)

54. Application for establishment of township or extension of boundaries 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 of this By-law.

(2) An application contemplated in subsection (1) must be accompanied by such plans, diagrams, technical reports and other documents as may be prescribed by the Municipality in schedule 8, and the applicant must —
   (a) furnish the Municipality with such further information as it may require; and
   (b) the number of copies as the Municipality may require of the application and any documentation or information;
   (c) pay the Municipality such fees as it may levy;and
   (d) obtain a Township Name through a request for reservation of a township name in terms of schedule 7 of this By-law.

(3) In dealing with and deciding on the application by the Municipal Planning Tribunal, the application contemplated in subsection (1) and the draft amendment scheme contemplated in subsection 5(e) below, shall be considered together; provided that: neither the township establishment application nor the draft amendment scheme can be dealt with separately and shall be regarded as one land development application and decision.

(4) The Municipality must, in approving an application for township establishment, set out —
   (a) the conditions of approval contemplated in section 49;
   (b) the statement of conditions which shall be known as conditions of establishment for the township; and
   (c) the statement of conditions which in the opinion of the Municipality, substantially be in accordance with this By-law.

(5) The statement of conditions must be read with directives that may be issued by the Registrar of Deeds, including —
   (a) conditions that must be complied with prior to the opening of a township register for the township with the Registrar of Deeds;
   (b) 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) conditions to be incorporated into the land use scheme by means of an amendment scheme; and
   (f) any other conditions and/or obligation on the township owner, which in the opinion of the Municipality is deemed necessary for the proper establishment, execution and implementation of the township.

(6) After the applicant has been notified that his or her application has been approved, the Municipality may in its own discretion or at the applicants request amend or delete any condition imposed in terms of subsection (4)(a) 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 must not exercise its powers in terms hereof and must require the applicant to submit an amended or new

application and in the sole discretion of the Municipality to re-advertise the application in accordance with section 95 or lodge a new application in terms of subsection (1).

(7) After the applicant has been notified that his or her application has been approved, the Municipality may in its own discretion or at the applicants request and the Surveyor General, amend the layout of the township approved as part of the township establishment: Provided that if the amendment is in the opinion of the Municipality so material as to constitute a new application, the Municipality must not exercise its powers in terms hereof and require the applicant to submit an amended or new application in the opinion of the Municipality and re-advertise the application in the sole discretion of the Municipality in accordance with section 95 or lodge a new application in terms of subsection (1).

(8) Without detracting from the provisions of subsection (6) and (7) the Municipality may require the applicant to amend both the conditions and the layout plan of the township establishment application as contemplated therein.

55. Division of a township

(1) An applicant who has been notified in terms of section 109 that his or her application has been approved may, within the period permitted by the Municipality, apply to the Municipality for the division of the township into two or more separate townships.

(2) On receipt of an application in terms of subsection (1) the Municipality must consider the application and may for purposes of the consideration of the application —

(a) require the applicant to pay an application fee as may be determined by the Municipality;
(b) require the applicant to submit plans, information, technical reports and documentation which in the opinion of the Municipality is necessary as prescribed in Schedule 9 of this By-law, for the consideration of a division of a township;
(c) require the applicant to indicate whether the documents contemplated in section 56 have been lodged with the Surveyor-General; or
(d) require the applicant to provide proof that he/she has consulted with the Surveyor-General where the documents contemplated in section 56 have been lodged;
(e) consult with the Surveyor-General;
(f) require the applicant to submit a draft amendment scheme for purposes of incorporation into the Land Use Scheme in terms of section 54(3) and 54(5)(e).

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

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

(5) On receipt of the documents or information contemplated in subsection (4) the applicant 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.

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

(1) An applicant who has been notified in terms of section 109 that his or her application has been approved, must, within a period of 12 months from the date of such notice, or such further period as the Municipality may allow which period may not be longer than 5 years, lodge for approval with the Surveyor-General such plans, diagrams or other documents as the Surveyor-General may require, and if the applicant fails to do so the application lapses.

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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)

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(2) For purposes of subsection (1), the Municipality must provide to the applicant with the approved and stamped conditions of establishment together with a stamped and approved layout plan.

(3) Prior to the lodging of the documents contemplated in subsection (1), the Municipality may require the applicant to apply for street names and numbers as per approved Council policy, which shall be indicated on the layout plan.

(4) Where the applicant has lodged the plans, diagrams or other documents contemplated in subsection (1), but fails to comply with any requirements set by the Surveyor-General, within a period determined by the Surveyor-General, which determination of time shall take into account the provisions of this By-law and shall not accumulatively exceed 5 years read with section 43(2) of the Act, the application shall lapse.

(5) The applicant must, after the Surveyor-General has approved the plans and diagrams for the township, forthwith deliver a notice to the Municipality and must simultaneously provide it with a copy of the approved plans and diagrams, including a copy of the General Plan for the township and the date of the approval of the General Plan shall be regarded as the date for purposes of section 58(1).

57. Compliance with pre-proclamation conditions of approval

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

(2) The Municipality must certify that all the conditions that have to be complied with by the applicant or owner as contemplated in section 54(4) and (5) 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.

58. Opening of Township Register

(1) The applicant must lodge with the Registrar of Deeds the plans and diagrams contemplated in section 56 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 of Deeds must not accept such documents for endorsement or registration until such time as the Municipality has certified that the applicant has complied with such conditions as the Municipality may require to be fulfilled in terms of section 54(5).

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

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

(5) Having endorsed or registered the title deeds contemplated in subsection (1), the Registrar of Deeds must notify the Municipality forthwith of such endorsement or registration, and thereafter the Registrar of Deeds must not register any further transactions in respect of any land situated in the township until such time as the township is declared an approved township in terms of section 59.

59. Proclamation of an approved township.

Upon compliance with sections 56, 57, 58 and 59 the approval of the Municipality is confirmed and cannot lapse and the Municipality or the applicant, if authorised in writing by the Municipality, must, by notice in the *Provincial Gazette*, declare the township an approved township and it must, in an annexure to such notice, set out the conditions on which the township is declared an approved township.

60. Prohibition of certain contracts and options

(1) After an owner of land has taken steps to establish a township on his or her land, no person is permitted to —
   (a) enter into any contract for the sale, exchange or alienation or disposal in any other manner of an erf in that township;
   (b) grant an option to purchase or otherwise acquire an erf in that township, until such time the township is proclaimed.

(2) The provisions of subsection (1) must not be construed as prohibiting any person from purchasing land on which he or she wishes to establish a township subject to a condition that upon the declaration of the township as an approved township, one or more of the erven therein will be transferred to the purchaser.

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

(4) For the purposes of subsection (1) —
   (a) “steps” includes steps preceding an application; and
   (b) “any contract” includes a contract which is subject to any condition, including a suspensive condition.
   (c) “land” refers to agricultural holding or farm portion

Part 3:
Rezoning
(Schedule 10 is applicable)

61. Application for amendment of a land use scheme by rezoning of an Erf

(1) An applicant, who wishes to rezone land, may apply to the Municipality for the rezoning of the land in the manner provided for in Chapter 6.

(2) An applicant is prohibited from rezoning two or more erven using a single amendment scheme number.

(3) A rezoning approval lapses after a period of five years calculated from the date of approval or the date that the approval comes into operation if, within that five years’ period —
   (a) the conditions of approval contemplated in section 49 have not been met; and
   (b) the development charges referred to in Chapter 7 have not been paid or paid in the agreed instalments.

(4) An applicant may, prior to the lapsing of an approval, may apply for an extension of the period contemplated in subsection (3), in accordance with the provisions of section 110.

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

(6) Upon compliance with subsection 3(a) and (b), the approval of the rezoning is confirmed and cannot lapse and the Municipality or the applicant, if authorised in writing by the Municipality, must publish a notice in the *Provincial Gazette* of the amendment of the land use scheme and it comes into operation on the date of publication of the notice.

(7) If a rezoning approval lapses, the zoning applicable to the erf prior to the approval of the rezoning applies.

Part 4:
Restrictive Condition of a Title
(Schedule 11 is applicable)

62. Amendment, suspension or removal of restrictive conditions or obsolete condition, servitude or reservation registered against the title of the land

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

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

(3) The Municipality must, in accordance with section 95, serve a notice of its intention to consider an application under subsection (1) to be served on —
   (a) all organs of state that may have an interest in the title deed restriction;
   (b) every holder of a bond encumbering the land;
   (c) a person whose rights or legitimate expectations will be materially and adversely affected by the approval of the application; and
   (d) all persons mentioned in the title deed for whose benefit the restrictive condition applies.

(4) When the Municipality considers the removal, suspension or amendment of a restrictive condition, the Municipality must have regard to the following —
   (a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;
   (b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;
   (c) the personal benefits which will accrue to the person seeking the removal of the restrictive condition, if it is removed;
   (d) the social benefit of the restrictive condition remaining in place in its existing form;
   (e) the social benefit of the removal or amendment of the restrictive condition; and
   (f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

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

(1) The applicant must, after the amendment, suspension or removal of a restrictive condition by notice in the *Provincial Gazette* as contemplated in section 62(1), submit the following to the Registrar of Deeds —
   (a) a copy of the original title deed;
   (b) a copy of the original letter of approval; and
   (c) a copy of the notification of the approval.

(2) The Registrar of Deeds and the Surveyor-General must, after the amendment, suspension or removal of a restrictive condition by notice in the *Provincial Gazette*, as contemplated in section 62(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 5:
Amendment or Cancellation in Whole or in Part of a General Plan of an Approved Township
(Schedule 14 is applicable)

64. Amendment or cancellation in whole or in part of a General Plan of an approved township

(1) An applicant who wishes to amend or cancel in whole or in part a general plan of an approved township may apply to the Municipality in the manner provided for in Chapter 6.

(2) The Municipality may approve the amendment or cancellation of a General plan, including conditions of approval contemplated in section 49, 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.

(3) When the Municipality approves an application in terms of subsection (2), any public place that is no longer required by virtue of the approval must be closed.

(4) The Municipality must notify the Surveyor-General of an approval in terms of subsection (2), and the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the amendment or cancellation of the General plan.

(5) An approval of an amendment or cancellation of a General plan in terms of subsection (2), remains valid for the period contemplated in section 69(1) calculated from the date of approval of the amendment or cancellation in terms of subsection (2).

65. Notification to Surveyor General

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

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

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

(4) After the Surveyor-General has altered or amended the general plan or has totally or partially cancelled it, in terms of section 30 (2) of the Land Survey Act, 1997, he or she must notify the Municipality.

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

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

66. Effect of amendment or cancellation of general plan

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

(a) the township or part thereof ceases to exist as a township; and

(b) the ownership of any public place or street re-vests in the township owner.

Part 6:
Subdivision or Consolidation
(Schedule 12 and Schedule 13 is applicable)

67. Application for subdivision or consolidation

(1) An applicant who wishes to subdivide or consolidate land —
   (a) within a proclaimed township; or
   (b) within a farm, farm portion or agricultural holding,

   may apply in writing to the Municipality as prescribed in Schedule 12 or Schedule 13 of this By-law and at the same time lodge a diagram setting out the proposed subdivision or consolidation, and such application must be accompanied by fees as may be prescribed.

(2) An applicant who wishes to subdivide any land may not do so, if in the opinion of the Municipality such subdivision constitutes a township.

(3) No person may subdivide or consolidate land without the approval of the Municipality, unless the subdivision or consolidation is exempted under section 70.

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

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

(6) If the Municipality approves a subdivision or consolidation, 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 or consolidation;
   (b) the conditions of approval contemplated in section 49; and
   (c) the approved subdivision or consolidation diagram.

(7) After the provisions of subsection (1) to (4) have been complied with, the Municipality must consider the applications as contemplated in subsection (1) and it may approve or refuse it, provided that where the Municipality fails to approve or refuse an application to subdivide or consolidate land as contemplated in subsection (1) within a period of twelve months from the date of receipt of the application, it shall be deemed that the Municipality has approved the application; provided that where an application is deemed to be approved the following standard conditions shall apply—
   (a) the relocation of any engineering services including the cancellation or registration of servitudes to protect such engineering services must be done by the applicant and at his/her cost, to the satisfaction of the Municipality;
   (b) access to the subdivided or consolidated property must be to the satisfaction of the Municipality;
   (c) the applicant shall alter the buildings as may be required to comply with the provisions of the National Building Regulations and Standards Act, 1977, (Act 103 of 1977); and
   (d) the Municipality must certify to the Surveyor-General and Registrar of Deeds that the subdivision or consolidation diagram may be approved and that the subdivision or consolidation may be registered; subject to such conditions as it may deem expedient.

(8) A confirmation from the Municipality in terms of section 68(1) (b) and 68(2)(b) that all conditions of approval contemplated in section 49 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 or consolidation

(1) Subdivision —

(a) upon compliance with section 67(6), the subdivision or part thereof is confirmed and cannot lapse;

(b) upon confirmation of a subdivision or part thereof, the zonings indicated on the approved subdivision plan as confirmed cannot lapse;

(c) 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;

(d) no building or structure may be constructed on a land unit forming part of an approved subdivision unless the subdivision is confirmed or the Municipality approved the construction prior to the subdivision being confirmed.

(2) Consolidation —

(a) upon compliance with section 67(6), the consolidation is confirmed and cannot lapse;

(b) upon confirmation of a consolidation, the zonings indicated on the approved consolidation plan as confirmed cannot lapse;

(c) the Municipality must in writing confirm to the applicant or to any other person at his or her written request that a consolidation 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;

(d) no building or structure may be constructed on a land unit forming part of an approved consolidation unless the consolidation is confirmed or the Municipality approved the construction prior to the consolidation being confirmed.

69. Lapsing of subdivision or consolidation and extension of validity periods

(1) If a subdivision or consolidation application is approved but no consequent registration by the Registrar of Deeds takes place within three years of the approval, the subdivision or consolidation approval lapses, unless an application for extension of time frame is applied for in terms of section 110 of this By-law.

(2) An applicant may, prior to the lapsing of an approval, apply for an extension of the period referred to in subsection (1), in accordance with the provisions of section 110 of this By-law.

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

(4) If an approval of a subdivision or consolidation lapses as referred to in subsection (1) —

(a) the Municipality must notify the Surveyor-General accordingly; and

(b) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the notification that the subdivision or consolidation has lapsed.

70. Exemption of subdivision or consolidation

(1) An applicant, who wishes to obtain an exemption of subdivision or consolidation, may apply in writing to the Municipality.

(2) 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 (10%);

(d) the registration of a servitude or lease agreement for the provision or installation of —

(i) water pipelines, electricity transmission lines, sewer pipelines, gas pipelines or oil and petroleum product pipelines by or on behalf of an organ of state or service provider;
(ii) telecommunication lines by or on behalf of a licensed telecommunications operator;
(iii) the imposition of height restrictions;

(e) the exclusive utilisation of land for agricultural purposes, if the utilisation—
(i) requires approval in terms of legislation regulating the subdivision of agricultural land; and
(ii) does not lead to urban expansion.

(f) the subdivision and consolidation of a closed public place with an abutting erf; and

(g) the granting of a right of habitation or usufruct;

(h) the subdivision of land for the purpose of the construction or alteration of roads or any other matter related thereto;

(i) the subdivision of land in order to transfer ownership to the Municipality or other organ of state;

(j) the subdivision of land in order to transfer ownership from the Municipality or other organ of state, excluding a subdivision for the purposes of alienation for development;

(k) the subdivision of land where the national or provincial government may require a survey, whether or not the national or provincial government is the land-owner; and

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

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

(4) The Municipality must indicate on the plan of subdivision that the subdivision has been exempted from the provisions of sections 67 to 70.

71. Services arising from subdivision or consolidation

(1) 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) sewer lines;
(viii) storm water pipes; and
(ix) ditches and channels;

(b) allow the following on his or her land unit if considered necessary and in the manner and position as may be reasonably required by the Municipality —
(i) surface installations such as mini–substations;
(ii) meter kiosks; and
(iii) service pillars,

(c) allow access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works referred to in paragraphs (a) and (b); and

(d) receive material or permit excavation on the land unit as may be required to allow use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he or she elects to build retaining walls to the satisfaction of and within a period to be determined by the Municipality.

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

(a) remove all the services as indicated in subsection 1 (a) above at his/her cost; and

(b) comply with all the conditions imposed in terms of section 49 of this By-law.

Part 7:
Permanent closure of Public Place
(Schedule 15 is applicable)

72. Closure of public places

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

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

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

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

(a) for the purpose of or pending the construction, reconstruction, maintenance or repair of the public place;

(b) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under the public place;

(c) if the street or place is, in the opinion of the Municipal Manager, in a state dangerous to the public;

(d) by reason of any emergency or public event which, in the opinion of the Municipal Manager, requires special measures for the control of traffic or special provision for the accommodation of crowds, or

(e) for any other reason which, in the opinion of the Municipal Manager, renders the temporary closing of the public place necessary or desirable.

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

(6) The provisions of this section shall only apply once the Local Government Ordinance, 1939 (Ord. 17 of 1939) is repealed or does not contravene section 2 (2) of the Act.

Part 8:
Consent Use
(Schedule 17 is applicable)

73. 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 49.

(3) A consent use may be granted permanently or for a specified period of time in terms of conditions of approval contemplated in section 49.

(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 shorter period as the Municipality may determine calculated from the date that the approval comes into operation, if within the two-year period —

(a) the consent use is not utilised in accordance with the approval thereof; or

(b) the following requirements, if applicable, are not met —

(i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and

(ii) commencement with the construction of the building contemplated in subparagraph (i).

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

Part 9:
Land Use on Communal Land or in Rural Areas
(Schedule 26 is applicable)

74. Land development application on communal land or in rural areas

(1) An applicant who wishes to lodge a land development application on communal land or in rural areas must apply to the Municipality in the manner provided for in Chapter 6.

(2) An applicant who wishes to apply for a “major impact development” on communal land or in rural areas may do so in the manner provided for in Chapter 6.

(3) No land development application on communal land or in rural areas may be accepted by the Municipality without a recommendation letter from the Traditional Local Authority or power of attorney signed by the property owner.

(4) Major impact development contemplated in subsection (2) are listed in schedule 26 (3) to this By-law.

Part 10:
Departure from provisions of Land Use Scheme
(Schedule 16 is applicable)

75. Application for permanent or temporary departure from the provisions of the land use scheme

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

(a) the relaxation of development parameters such as building line, height, coverage or number of storeys; and

(b) the departure from any other provisions of a land use scheme that will result in the physical development or construction of a permanent nature on land that will not contravene with the purpose of the land use scheme in terms of section 17 of this By-law.

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

(a) prospecting rights granted in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

(b) the erection and use of temporary buildings, or the use of existing buildings for site offices, storage rooms, workshops or such other uses as may be necessary during the erection of any permanent building or structure on the land;

(c) the occasional use of land or buildings for public religious exercises, place of instruction, institution, place of amusement or social hall;

(d) the use of land or the erection of buildings necessary for the purpose of informal retail trade;

(e) any other application to utilise land on a temporary basis for a purpose for which no provision is made in the land use scheme in respect of a particular zone.

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

(4) The Municipality may —

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

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

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

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

(7) A temporary departure contemplated in subsection (2)(b) may not include the improvement of land that is not temporary in nature and which has the effect that the land cannot, without further construction or demolition, revert to its previous lawful use upon the expiry of the period contemplated in subsection (4)(b).

Part 11:
General Matters

76. Power of attorney

(1) Where any land development application, other application or request, either in terms of this By-law, land use scheme in operation or any other applicable law relating to municipal planning is made on behalf of the owner of a property, the person making the application or request shall submit a power of attorney signed by the owner in terms of which he/she is authorized to do so, which power of attorney shall be in accordance with form PLM: F-17 to this By-law.

(2) Where any person acts, performs or appears in any capacity on behalf of the owner of property in terms of this By-law, land use scheme or any other law in any engagement with the Municipality, the Municipal Planning Tribunal, Authorised Official or Municipal Appeals Tribunal, the person so doing shall provide a power of attorney authorizing such person to do so on behalf of the owner in accordance with form PLM: F-17 to this By-law.

(3) Where the Municipality or any official duly authorized to engage in any manner with any person who in terms of this By-law, land use scheme or other relevant legislation, is required to submit an application, any documentation, correspondence or engage in discussions or negotiations on agreements or any other act in terms of this By-law, land use scheme or other relevant legislation,

nothing contained herein shall oblige the Municipality to engage with any other person(s) or legal entity other than the person(s) or legal entity, holding the power of attorney on behalf of the owner of property.

77. Simultaneous Land Development Applications

(1) An applicant who wishes to lodge a simultaneous land development application is subjected to a pre-application consultation in terms of section 53 of this By-law.

(2) Schedule 27 to this By-law list the types of land development application that cannot be lodged simultaneously.

78. 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 49 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.

79. Continuation of application by new owner

(1) If land that is the subject of any land development application in terms of this By-law is transferred to a new owner before the conclusion of such application, the new owner may continue with the application as the successor in the title to the previous owner and the new owner will be regarded as the applicant for the purposes of this By-law.

(2) The new owner must inform the Municipality in writing of the continuation of the application and must simultaneously provide the Municipality with a new power of attorney, if necessary.

(3) The new owner of land must provide the Municipality with the new title deed or proof of ownership as and when it becomes available after the date of actual registration of the property.

80. Naming and numbering of streets

(1) If, as a result of the approval of a land development application, streets or roads are created, whether public or private, the Municipality must approve the naming of streets and must allocate a street number for each of the erven or land units located in such street or road.

(2) The proposed names of the streets and numbers must be submitted as part of an application for township establishment and/or division of a township as contemplated in sections 54 and 55 of this By-law.

(3) In considering the naming of streets, the Municipality must take into account the relevant policies relating to street naming and numbering.

(4) The Municipality must, within 28 days of the approval of street names related to land development applications in writing inform the Surveyor General of the approval thereof as contemplated in subsection (1).

(5) The owner of the land development application must erect street name boards or pavement-curb according to the name board specifications determined by the Municipality.

(6) No person may alter or amend any street name previously approved by the Municipal Council without the Municipal Council approving the amendment/alteration; provided that any unauthorised amendment or alteration shall be regarded as an offence in terms of this By-law.

(7) The Municipality as the sole custodian of street addresses must allocate a street number for each property located in public and private streets/roads read with subsection (1).

(8) An owner of property(ies) to which a street number has been allocated as envisaged in subsection (1) and (7), shall ensure that the number as approved for that property is displayed and remain displayed.

(9) In the case of corner stands, the owner may request the street address to be amended by the Municipality to the side where the entrance is. The street address number must be placed according to the street in which the street address entrance is situated as approved by the Municipality.

(10) The Municipality may, by written notice, direct the owner of a property to display the number allocated to the property and may also, in exceptional circumstances, prescribe the position where it is to be displayed, and the owner or occupier of such land shall, within 28 days of the date of such notice, affix the allocated number on the premises in accordance with such notice.

(11) The Municipality may direct the owner to replace or repaint any digit of such number which has become illegible, obliterated or defaced.

81. Lodging copy of plans, diagrams and/or general plans with the Municipality

(1) The applicant must, within a period of three months from the date upon which the Surveyor-General has approved the plans, diagrams and/or general plans resulting from the approval of a land development application in terms of this By-law, lodge a certified copy or tracing of such plans, diagrams and/or general plans with the Municipality.

(2) Where the applicant fails to comply with the provisions of subsection (1), the Municipality may obtain a copy or tracing contemplated in subsection (1) from the Surveyor-General and recover the costs from the applicant.

82. Approval of Building Plans and Registration

(1) Over and above the requirements with regard to a provisional authorisation in terms of section 7(6) of the National Building Regulations and Standards Act, 1977 (Act No. 103 of 1977), the Municipality shall consider when and whether the land use rights on the property to which the authorisation relates, will come into operation in terms of the provisions of this By-law and specifically the provisions relating to the lapsing of land development applications and land use rights and section 43(2) of the Act.

(2) The Municipality shall not approve the erection of any building in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), on land which is the subject of any land development application, save in accordance with such approval.

(3) The Registrar of Deeds shall not register any transaction in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937) or the Sectional Titles Act, 1986 (Act No. 95 of 1986), where such registration must be authorized in terms of a land development application including the imposition of a condition of title, imposed by the Municipality.

83. Conditions imposed prior transfer and registration of Erf/Erven.

(1) Notwithstanding the provisions contained in this By-law or any conditions imposed in the approval of any application, the owner must, at his or her cost and to the satisfaction of the Municipality, survey

and register all servitudes required to protect the engineering services provided, constructed and installed as contemplated in Chapter 7.

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

(a) all engineering services have been designed and constructed to the satisfaction of the Municipality, including guarantees for services having been provided to the satisfaction of the Municipality as may be required;

(b) all engineering services and development charges have been paid or an agreement has been entered into to pay the development charges in monthly instalments;

(c) all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes;

(d) all conditions of the approval of the application have been complied with or that arrangements have been made to the satisfaction of the Municipality for the compliance thereof within three months of having certified to the Registrar in terms of this section that registration may take place;

(e) the Municipality is in a position to consider a final building plan; and

(f) all the properties have either been transferred or must be transferred simultaneously with the first transfer or registration of a newly created property or sectional title scheme.

84. First transfer

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

(a) the Municipality; or

(b) an owners' association,

by virtue of a condition set out in the conditions to the approval contemplated in section 49, the land must be so transferred at the expense of the applicant, within a period of six months from the date of the land use rights coming into operation in terms of section 59, 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.

85. 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 must 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 to the owners' association; and

(e) proof that the conditions of approval have been complied with before the transfer of erven.

86. Application affecting national and provincial interest

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

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

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

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

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

CHAPTER 6
GENERAL APPLICATION PROCEDURES

87. Applicability of Chapter

This Chapter applies to all types of land development applications contemplated in section 51 submitted to the Municipality accompanied by the relevant schedules and applicable forms.

88. Procedures for making an application

(1) The Municipality may determine the procedure and requirements to any application required in terms of this By-law, which includes —
   (a) information specifications relating to matters such as size, scale, colour, hard copy, number of copies, electronic format and file format;
   (b) the manner of submission of an application; and
   (c) any other procedural requirements not provided for in this By-law in accordance with the guidelines determined by the Municipality in accordance with section 186, if the Municipality has determined guidelines.

(2) A determination contemplated in subsection (1) may —
   (a) relate to the whole application or any part of it; and
   (b) differentiate between types of applications contemplated in section 51, categories of applications contemplated in section 32 and 33 or the type of applicant contemplated in section 45 of the Act.

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

89. Information required

(1) Any application required in terms of this By-law must be accompanied by a complete and signed application form attached to this By-law.

(2) Any application referred to in subsection (1) must be accompanied by —
   (a) a special power of attorney signed by the owner if the applicant is not the owner of the land, in order to authorise the applicant to make the application on behalf of the owner and; if the owner is married in community of property and co-owners, a special power of attorney must be signed by all parties involved;

(b) a company resolution is required if the owner of the land is a company, closed corporation, body corporate or owners' association, in order to proof that the appointed person is authorised to act on behalf of the company, closed corporation, body corporate or owners' association;
(c) an extract of minutes from board of trust; signed by all the trustees is required if the land is owned by a trust; in order to proof that the appointed trustee is authorised to act on behalf of the trust;
(d) a written motivation memorandum for the application based on the criteria for consideration of the application; the motivation must contain at least the following information —
  (i) reference to the objective and principles contained in this By-law;
  (ii) reference to the Integrated Development Plan and Municipal Spatial Development Framework and its components and any other policies, plans or frameworks with specific reference on how an application complies with it or deviate from it;
  (iii) the need and desirability of the application; and
  (iv) discuss the application in terms of the development principles, norms and standards as referred to in Chapter 2 of the Act;
(e) proof of payment of application fees; and
(f) in the case of an application for development on communal land or in rural areas referred to in section 74, the power of attorney or recommendation letter from traditional local authority referred to in section 74(2).

(3) In addition to the documents referred to in subsection (2), an application referred to in subsection (1) must be accompanied by the following documents —
(a) in the case of an application for the establishment of a township or the extension of the boundaries of a township in terms of section 54, the documents contemplated in Schedule 8;
(b) in the case of an application for the division of a township in terms of section 55, the documents contemplated in Schedule 9;
(c) in the case of an application for rezoning of land in terms of section 61, the documents contemplated in Schedule 10;
(d) in the case of an application for the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land, in terms of section 62, the documents contemplated in Schedule 11;
(e) in the case of an application of the amendment or cancellation in whole or in part of a general plan of a township, in terms of section 64 documents contemplated in Schedule 14;
(f) in the case of an application for the subdivision or consolidation of any land, in terms of section 67 the documents contemplated in Schedule 12 and Schedule 13;
(g) in the case of the permanent closure of any public place, in terms of section 72, the documents contemplated in Schedule 15;
(h) in the case of an application for consent use in terms of section 73, the documents contemplated in Schedule 17;
(i) in case of a land development application on communal land or in rural areas in terms of section 74 the documents contemplated in Schedule 26.
(j) in the case of an application for the permanent or temporary departure from the provisions of land use scheme, in terms of section 75 the documents contemplated in Schedule 16.

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

90. Application fees

(1) Where in terms of this By-law the applicant is required to pay an application fee, such fee shall be determined by the Municipality and shall be payable by the applicant prior to or simultaneously with the submission of an application.

(2) This By-law shall not prevent the Municipality from determining application fees for any information, requests, consents or permissions either in terms of this By-law, Land Use Scheme or other law dealing with land development.

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

(4) Fees applicable to application processes and/or requests and certification shall be dealt with as part of the charges and tariffs published by the Municipality in terms of the Municipal System Act, 2000 (Act No. 32 of 2000).

(5) Where any charges and tariffs have been published in terms of the Municipal Systems Act, 2000 (Act No. 32 of 2000), prior to the coming into operation of this By-law, with reference to any law dealing with land development applications, processes and/or requests including certifications, such charges and tariffs shall be applicable to application fees in accordance with the type of land development application, processes and/or requests and certifications as defined or provided for in terms of this By-law.

(6) The Municipality may, in its discretion, exempt any person from the payment of the fees prescribed in terms of subsection (1), provided that the Municipality shall with the determination of fees indicated in subsection (1), also determine criteria for exemptions as set out in Schedule 18 to this By-law.

(7) Land development applications which, prior to the enactment of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), were dealt with by spheres of government other than a Municipality, shall be subject to the payment of fees for such in terms of the categories of land development applications provided for in subsection (4) to (6) as may be determined by the Municipality, provided that the Municipality shall after the publication of this By-law, ensure that when its charges and tariffs are amended in terms of the Municipal Systems Act, 2000 (Act No. 32 of 2000), the fees for land development applications in terms of this By-law are incorporated therein.

91. Grounds for refusing to accept application

The Municipality may refuse to accept an application if —

(a) the Municipality has already decided on the application within a period of twenty-four months, unless the application decided upon is proclaimed in terms of the provisions this By-law;
(b) there is no proof of payment of fees;
(c) the application is not accompanied by forms attached to this By-law or does not contain the documents/information required for the submission of an application as set out in section 89;
(d) the applicant fails to comply to with conditions imposed prior to transfer and registration of erf or erven as contemplated in section 83 of this By-law; and
(e) the application subjected to a pre-application consultation is not accompanied by authorisation letter from the Municipality.

92. Receipt of application and request for further documents

The Municipality must —

(a) record the receipt of an application in writing or by affixing a stamp on the application on the day of receipt and issue proof of receipt to the applicant;
(b) notify the applicant in writing of any outstanding or additional plans, documents, other information or additional fees that it may require within 28 days of receipt of the application or

the further period as may be agreed upon, failing which it is regarded that there is no outstanding information or documents; and

(c) if the application is complete, notify the applicant in writing that the application is complete within 28 days of receipt of the application.

93. Additional information

(1) The applicant must provide the Municipality with the information or documentation required for the completion of the application within 28 days of the request thereof or within the further period agreed to between the applicant and the Municipality.

(2) The Municipality may refuse to consider the application if the applicant fails to provide the information within the timeframes contemplated in subsection (1) read with section 94(1) of this By-law.

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

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

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

94. Confirmation of complete application

(1) The Municipality must notify the applicant in writing that the application is complete and that the notices may be placed as contemplated in this Chapter, within 28 days of receipt of the additional plans, documents or information required by it or if further information is required as a result of the furnishing of the additional information.

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

(3) If further information is required, section 93 applies to the further submission of information that may be required.

95. Public Participation and circulation

(1) If the application is complete, as may be determined by the Municipality in terms of section 94, the applicant must give notice of the application —

(a) by publishing once, a week for 2 consecutive weeks, a notice in such form and such manner in English and one other official language commonly spoken in the area, in the *Provincial Gazette* and two local newspapers as prescribed in schedule 20 to this By-law which applies *mutatis mutandis,* to this subsection;

(b) by posting a notice as contemplated in subsection (1)(a), in such form as may be prescribed in a conspicuous place to the satisfaction of the Municipality, on his/her property(ies) as prescribed in Schedule 20 to this By-law which applies *mutatis mutandis* and the applicant must maintain such notice for a period of at least 14 days from the date of the first publication of the notice contemplated in subsection(1)(a) above, provided that the Municipality may, in its discretion, grant exemption from compliance with the provisions of this subsection;

(c) by delivering a notice of the application as prescribed in Schedule 20 to this By-law which applies *mutatis mutandis* to all the adjoining property owners of the property in respect of which the application is brought, provided that, if such owners form part of a body corporate, it shall be deemed sufficient that copies be delivered in the post boxes of the units and where the trustees, can be identified, to the satisfaction of the Municipality, to the trustees of the body corporate; and

(d) in the case of copies or notices of an application being delivered to a juristic person or organ of state, the applicant shall provide proof to the satisfaction of the Municipality, that he or she has obtained the contact details of the juristic person or a Director General or equivalent of an organ of state together with proof of delivery of the copies; provided that, all the notices contemplated in subsection (1)(a) to (d) shall be placed and delivered on the same date and the periods for submission of objections and/or comments contemplated therein shall expire at the same time.

(2) The Municipality may, in its discretion in order to bring the application to the attention of the general public or interested parties, require the applicant to give and deliver further notice of the application in the form and manner as may be required by the Municipality, provided that such further notice shall be done simultaneously with the notices as contemplated in subsection (1) and provide for the same objection periods.

(3) The applicant must submit proof to the satisfaction of the Municipality that he or she has complied with the provisions of subsection (1) or (2) above.

(4) On receipt of an application in terms of subsection (1) or (2) the applicant may of his or her own accord or the Municipality may direct the applicant to forward a copy of the application to —

(a) any other person who, in the opinion of the Municipality, may be interested in the application; and

(b) a person who claims to be an interested person in terms of section 45(3) of the Act and subject to the provisions of sections 45(2) to 45(5) of the Act.

(5) Where an applicant has on behalf of the Municipality delivered a notice of the application to any person or body contemplated in subsection (4) he or she shall submit proof to the satisfaction of the Municipality that he or she has done so in terms of subsection (3).

(6) The applicant may of his or her own accord or the Municipality may direct the applicant to forward a copy of the application to —

(a) relevant national and provincial departments which in the opinion of the Municipality may be interested or affected by the application in terms of the legislation that they administer or based on practical considerations;

(b) an affected Municipality or body providing any engineering service(s) contemplated in Chapter 7 of this By-law to the land development area concerned;

(c) any internal Business Unit of the Municipality which in the opinion of the Business Unit responsible for City Planning, may have an interest in the application; and

(d) every person to whom or body or organ of state to which a notice of the application has been delivered to may, within a period of 60 days from the date on which the copy was forwarded to him or her or it, or such further period as the Municipality may allow, comment in writing thereon; provided that —

(i) where no comments were received within the prescribed period in terms of subsections (4) to (6) it may be deemed by the Municipality that the persons or body have no comments to offer read with Regulation 16(10) of the Regulations to the Act;

(ii) where in the opinion of the Municipality they cannot consider the application without the said comments, the Municipality may require that the comments be obtained, by the applicant or the Municipality prior to the consideration of the application; and

(iii) where an applicant has on behalf of the Municipality delivered a notice of the application to any person or body or organ of state contemplated in subsection (6) he or she shall submit proof to the satisfaction of the Municipality that he or she has done so.

(7) All notices and copies of the land development application must indicate in the notices that persons intending to lodge objections or provide comments shall provide contact details in their objections

and/or comments, for purposes of the notification of the hearing of these objections and comments contemplated in section 104 of this By-law, provided that, if the Municipality is unable to deliver a notice to objectors and/or commenting persons of the hearing as contemplated in section 104 of this By-law as a result of the failure by the objector or person providing comments, to provide contact details, the application process shall not be suspended or postponed on that basis alone.

(8) After the closing date for objections and/or comments in terms of subsections (6) to (7), the Municipality shall, within 14 days thereof, send copies of all objections and/or comments received by the Municipality, to the applicant; provided that —

(a) no objections and/or comments not received within the prescribed period contemplated in subsection (6) to (7) read with Schedule 20 shall be entertained or sent to the applicant; and

(b) only objections and comments with the necessary contact details as contemplated in subsection (7) shall be notified of a hearing contemplated in section 104 of this By-law; provided further that —

(i) objections and/or comments without contact details shall be considered by the Municipal Planning Tribunal, but the person concerned will not be invited to a hearing; and

(ii) objections and comments in the form of a petition and/or standard letters by objectors or interested persons including communities shall only be dealt with by the Municipality for purposes of correspondence and/or notification of objectors and interested persons as one contact person and only the co-ordinator of the petition or, in the absence of any details of the co-ordinator, one person who is part of the petition or standard letter shall be selected by the Municipality and notified and the provisions of section 104(5) of this By-law shall apply *mutatis mutandis*.

(9) The applicant may within a period of 14 days from the date on which he or she has received copies of the objections and/or comment from the Municipality, reply to any objection and/or comments; provided that if no reply is received within the prescribed period it shall be deemed by the Municipality that the applicant has waived his or her right of reply to the objection and/or comments.

96. Evaluation of application

(1) After the provisions of sections 95 of this By-law have been complied with, the land development application shall be evaluated by the Business Unit responsible for City Planning.

(2) For purposes of evaluating the application, the Municipality may require the applicant to provide additional information which shall be requested from the applicant in writing at his or her last known address, proof of which must be held by the Municipality, provided that —

(a) the Municipality shall indicate the type of information required which may include professional and/or technical reports;

(b) the Municipality shall determine a date by which the applicant must provide the information as contemplated in Regulation 16(9) of the Regulations to the Act;

(c) the applicant may request in writing that the date contemplated in subsection 2(b) be extended by the Municipality, which extension may be granted or refused or may be granted subject to any conditions it deems expedient; and

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

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

(ii) objections and/or comments were received on the land development application; and

(iii) the Municipality shall deliver a notice to the persons contemplated in subsection 2(d)(ii) that the application is deemed to be refused in terms of Regulation 16(9) of the Regulations to the Act.

(3) The Business Unit responsible for City Planning shall evaluate the application with due regard to the content of the Act and this By-law and shall for purposes of the consideration of the application prepare a report as contemplated in section 32 and 33 of this By-law.

97. Withdrawal of application

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

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

98. Requirements for intervener status

(1) Where an application has been submitted to the Municipality, an interested person referred to in section 45(2) of the Act may, at any time during the proceedings, petition the Municipal Planning Tribunal or the Authorised Official in writing to be granted intervener status.

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

(a) does not collude with any of the parties; and

(b) is willing to deal with or act in regard to the application as the Municipal Planning Tribunal or the Authorised Official may direct.

(3) The Municipal Planning Tribunal or the Authorised Official must determine whether the requirements of this section have been complied with and must thereafter submit a copy of the application to the parties of the appeal.

(4) The presiding officer of the Municipal Planning Tribunal or the Authorised Official must rule on the admissibility of the petitioner to be granted intervener status and the decision of the presiding officer or the Authorised Official is final and must be communicated to the petitioner and the parties.

99. Amendments prior to approval

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

(a) at the applicant's own initiative;

(b) as a result of objections and comments made during the public notification process; or

(c) at the request of the Municipality.

(2) 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.

100. Further public notice

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

101. Cost of notice

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

102. Applicant's right to reply

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

(2) The applicant may, within a period of 28 days from the date of the provision of the objections or comments, submit written reply thereto with the Municipality and must serve a copy thereof on all the parties that have submitted objections or comments.

(3) The applicant may before the expiry of the 28 days' 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 or comments lodged with the Municipality, additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be agreed upon between the applicant and the Municipality.

(6) If the applicant does not provide the information within the timeframes contemplated in subsection (5), section 93 (2) to (5) with the necessary changes, applies.

103. Written assessment of application

(1) An employee authorised by the Municipality must in writing assess an application and recommend to the decision-maker whether the application must be approved or refused.

(2) An employee authorised by the Municipality must prepare a site inspection report to be attached to the written assessment, after a routine inspection contemplated in section 107.

(3) An assessment of an application must include a motivation for the recommendation based on the compliance with the applicable municipal policies relevant to land development applications and where applicable, the proposed conditions of approval contemplated in section 49 of this By-law.

104. Oral Hearing of objections

(1) In terms of section 104 of this By-law, read with section 40(1) of the Act, the Municipal Planning Tribunal, shall hear objections lodged by an interested person, it shall determine a day, time and place for the hearing.

(2) Not less than 21 days prior to the day determined in terms of subsection (1), the Municipality shall deliver a notice of the day, time and place so determined, to every objector, the applicant and every other person who, in the opinion of the Municipality, has any interest in the matter.

(3) At a hearing contemplated in subsection (1) —

(a) the Municipal Planning Tribunal shall hear and consider any preliminary issues and *points in limine* which may be raised by any party to the hearing first;

(b) after having heard such preliminary issues and *points in limine* the Municipal Planning Tribunal shall take such decisions and give such directives thereon, as it deems appropriate;

(c) in the event of a *point in limine* being upheld or partially upheld, including any conditions or directives that may be issued by the Municipal Planning Tribunal, which results in the hearing not being able to continue, the hearing will terminate;

(d) if the Municipal Planning Tribunal is satisfied that all *points in limine* procedural matters have been complied with, it shall hear the objections as contemplated in subsection (1);

(e) the Municipal Planning Tribunal, having dealt with all preliminary issues and *points in limine* which may have been raised in terms of paragraph (a) to (c), may determine that no further

points in limine may be raised during the proceedings, and has then concluded the procedural issues relating to the hearing, as a first order of business;

(f) every objector, interested person or body who have been notified of the hearing or persons as determined in terms of subsection (2) as an interested person, may set out the grounds of his or her objection and in accordance with section 45(3) of the Act shall have the burden of establishing his or her status as an interested person;

(g) every objector, interested person or body contemplated in paragraph (f) and the applicant, including the Municipality or any of its Departments, may state his or her or its case and adduce evidence in support thereof or authorize any other person to do so on his/her behalf;

(h) every objector, interested person or body contemplated in paragraph (f) may reply to any matter raised by any other objector, interested person or body in terms of paragraph (g);

(i) any person referred to in paragraph (a) to (h) who acts on behalf of an owner or anybody or person shall present a power of attorney, instructions and/or minutes or any other documentation which in the opinion of the Municipal Planning Tribunal is necessary to ensure that such representation is authorized, read with section 46 of this By-law;

(j) notwithstanding the provisions of paragraph (a) to (i) the Municipal Planning Tribunal may determine the order in which any party to the hearing shall address the Municipal Planning Tribunal;

(k) the Municipal Planning Tribunal members may ask questions for clarity and the Presiding Officer may allow any person as contemplated in paragraph (a) to (i) to ask questions for clarity and no cross examination shall be allowed;

(l) should experts be called by any party for purposes of the hearing, within any particular field to adduce evidence or provide any documents, the other parties, including the Municipal Planning Tribunal, shall at least 7 days prior to the date of the hearing, be provided with a list of experts to be called and copies of the documents to be submitted, with an indication of the expertise to be used;

(m) the Municipal Planning Tribunal shall conduct the hearing substantially in accordance with the Code of Conduct and Operational Procedures as approved by Municipal Council and as substantially prescribed in Schedule 3 to this By-law, provided that for purposes of conducting a hearing in terms of this subsection the chairperson contemplated in section 36(4) of the Act or the Presiding Officer as contemplated in section 40(3) of the Act, may issue directives to the Municipal Planning Tribunal members in that regard; and

(n) the Municipal Planning Tribunal may take any decision on a land development application and impose any condition it deems expedient as contemplated in section 40(7) of the Act read with the provisions relating to specific land development applications in terms of Chapter 5 of this By-law and shall not be bound by agreements that were reached between any applicants, objectors or interested parties, including conditions imposed for purposes of the withdrawal of objections or negative comments by interested and affected parties.

(4) A hearing contemplated in subsection (1) shall be open to the public provided that no member of the public shall be regarded as a party to the hearing, or have any right of making oral submissions or comments, except as provided for in terms of section 45(2) of the Act, after having complied with the provisions of the said section.

(5) Where the objectors or interested persons are notified as contemplated in subsection (2), such objections and comments shall be submitted in the following manner —

(a) under cover of one letter or document by more than one person;

(b) by more than one person through a petition, signed by multiple signatories; or

(c) multiple letters that are substantially the same,

it shall be deemed sufficient compliance with subsection (2) if the person who has co-ordinated the documents in subsection(5)(a) to (c) and one signatory thereto are notified as contemplated in subsection (2).

(6) The Municipal Planning Tribunal must consider all objections and comments by interested persons and after hearing the objectors, comments, the applicant or any other parties to the hearing, approve, or approve with amendments, or refuse, or postpone, or refer the land development application before it back for further investigation and a report; provided that —

(a) in the approval and imposition of conditions for a land development application it sets out the conditions of approval as may be required in terms of the provisions of this By-law for specific land development applications read with section 48 and 49 of this By-law;

(b) it may for purposes of compliance with the conditional approval set timeframes within which the applicant and/or owner shall comply with the conditions of approval; provided further that it may not set any timeframes or alternative procedures for extensions of time, for compliance with conditions of approval, which are in conflict with timeframes and procedures for extensions of time as determined in terms of this By-law or section 43(2) of the Act; and

(c) the Municipal Planning Tribunal shall in terms of section 40(6) of the Act, provide reasons for its decisions.

(7) The Municipal Planning Tribunal may conduct an investigation into any matter related to the land development application before it, including a site inspection and a request for further information to any person to furnish such information, as it may deem expedient; provided that nothing shall prevent the Municipal Planning Tribunal from requesting any additional information or documentation that may be required for the consideration of the application.

(8) The Municipality must, after the minutes of the Municipal Planning Tribunal have been approved, without delay and in writing, communicate or deliver a notice to the applicant, and/or an objector or any person who in the opinion of the Municipality has an interest in the decision, of its decision taken by virtue of subsection (6) subject to any provisions contained in this By-law related to specific type of land development applications and subsection (6) shall apply *mutatis mutandis.*

105. Decision-making period

The Municipal Planning Tribunal or the Authorised Official must consider and decide on the application within the period referred to in regulation 16(4) and (5) of the Regulations to the Act.

106. Failure to act within time period

If no decision is made by the Municipal Planning Tribunal within the period required in terms of the Act, it is considered undue delay for purposes of this By-law and the applicant or interested person may report the non-performance of the Municipal Planning Tribunal or Authorised Official to the Municipal Manager, who must report it to the Council and Mayor unless the applicant fails to comply with section 93 read with section 94 of this By-law.

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 or investigating an alleged illegal land use in terms of this By-law and to prepare a report contemplated in section 103.

(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

(1) The Municipality may in respect of any application submitted in terms of this Chapter —

(a) approve, in whole or in part, or refuse any application referred to it in accordance with this By-law;

(b) on the approval of any application, impose any reasonable conditions, including conditions related to the provision of engineering services and the payment of any development charges;

(c) make an appropriate determination regarding all matters necessary or incidental to the performance of its functions in terms of this By-law, the Act and provincial legislation;

(d) conduct any necessary investigation;

(e) give directions relevant to its functions to any person in the service of the Municipality;

(f) decide any question concerning its own jurisdiction; or

(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 Municipal Planning Tribunal 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. Extension of time for fulfilment of conditions of approval

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

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

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

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

111. Post approval errors and omissions

Where the Municipality is of the opinion that an error or omission in an approved land development application occurred, in the approval thereof and it may be corrected without the necessity for a new application to be brought or the preparing of an amendment scheme to the Land Use Scheme, it may correct such error or omission by —

(a) referring to the original approval and quoting in the amended approval the error and/or omission that occurred and the manner in which it is corrected; or

(b) by notice in the Provincial Gazette, correct such error or omission as the case may be, where this By-law, the land use scheme or other law requires a notice to be placed in the *Provincial Gazette*; provided that —

(i) an amendment or notice as contemplated in paragraph (a) and (b) shall not amend the date of the approval or coming into operation of the land development application for purposes of section 43(2) of the Act or this By-law.

112. Withdrawal of approval

(1) The Municipality may withdraw an approval granted if the applicant or owner fails to comply with a condition of approval, prior to doing so —

(a) the Municipality must serve a notice on the owner—

(i) informing the owner of the alleged breach of the condition;

(ii) instructing the owner to rectify the breach within a specified time period; and

(iii) allowing the owner to make representations on the notice within a specified time period.

(2) An applicant—

(a) who does not wish to proceed with the implementation or the development of land based on an approved land development application; or

(b) who wishes to avoid the payment of development charges and monies for the provision of open spaces or parks, as may be levied by the Municipality in terms of Chapter 7 of this By-law,

may within a period of 60 days from the date of having been notified of the approval of the land development application by the Municipal Planning Tribunal, Authorised Official or Municipal Appeals Tribunal, notify the Municipality in terms of this By-law.

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 112(1)(a)(iii); 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 section112(1)(a)(ii).

(2) An applicant may request the Municipality to withdraw the approval by—

(a) submitting a written request for withdrawal to the Municipality and to any interested person or body that submitted an objection or made a representation on the application; and

(b) providing proof to the satisfaction of the Municipality, that all interested person or body has been notified.

(3) 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.

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

114. Exemptions to facilitate expedited procedures

(1) The Municipality may in writing exempt any person from complying with any procedural provision of this By-law upon good cause shown.

(2) An application for exemption must be in writing setting out which section of the By-law exemption is being applied for accompanied by a full motivation why such exemption should be granted.

(3) Such application shall be considered by the Municipality and a decision shall be made on the application within 14 days from date of receipt of such application and the applicant shall be informed in writing of such decision.

CHAPTER 7
ENGINEERING SERVICES AND DEVELOPMENT CHARGES

Part 1:
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 an application is approved.

(3) The Municipality is responsible for the provision of services through the main and planned existing lines, whereas the developer is responsible for the installation of external engineering services from existing municipal main lines, roads and electric sub-station, subject to the payment of development charges first being received, unless the engineering services agreement referred to in section 117 provides otherwise.

116. Installation of engineering services

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

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

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

(4) The Municipality must, where any private roads, private open spaces or any other private facilities or engineering services are created or to be constructed with the approval of any application set the standards for the width and or any other matter required to provide sufficient access and engineering services; including but not limited to —
   (a) roadways for purposes of sectional title schemes to be created; and
   (b) the purpose and time limit in which private roads, private engineering services and private facilities are to be completed.

117. Engineering services agreement

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

(2) The engineering services agreement must —
   (a) classify the services as internal engineering services, external engineering services or private engineering services;
   (b) be clear when the developer is to commence with construction of internal engineering services, whether private engineering services or not, and external engineering services, at which rate construction of such services is to proceed and when such services must be completed;
   (c) provide for the inspection and handing over of internal engineering services to the Municipality

or the inspection of private internal engineering services;

(d) determine that the risk and ownership in respect of such services must pass to the Municipality or the owners' association as the case may be, when the Municipality is satisfied that the services are installed to its standards;

(e) require the applicant to take out adequate insurance cover in respect of such risks as are insurable for the duration of the land development; and

(f) provide for the following responsibilities after the internal services have been handed over to the Municipality or the owners' association —

(i) when normal maintenance by the relevant authority or owners' association must commence;

(ii) the responsibility of the applicant for the rectification of defects in material and workmanship; and

(iii) the rights of the relevant authority or owners' association if the applicant fails to rectify any defects within a reasonable period after having been requested to do so;

(g) if any one of the parties is to provide and install an engineering service at the request and at the cost of the other, such service must be clearly identified and the cost or the manner of determining the cost of the service must be clearly set;

(h) determine whether additional bulk services are to be provided by the Municipality and, if so, such services must be identified;

(i) determine which party is responsible for the installation and provision of service connections to residential, business, industrial, community facility and municipal erven, and the extent or manner, if any, to which the costs of such service connections are to be recovered;

(j) define the service connections to be made which may include all service connections between internal engineering services and the applicable erf or portion of the land and these include —

(i) a water-borne sewerage pipe terminating at a sewer connection;

(ii) a water-pipe terminating at a water meter; and

(iii) an electricity house connection cable terminating on the relevant erf; and

(k) clearly identify the level and standard of the internal engineering services to be provided and installed and these include, amongst others —

(i) water reticulation;

(ii) sewerage reticulation, sewage treatment facilities and the means of disposal of effluent and other products of treatment;

(iii) roads and storm-water drainage;

(iv) electricity reticulation (high and low tension);

(v) street lighting.

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

(a) the obligations of the parties with regard to such guarantees are clearly stated;

(b) such guarantee is irrevocable during its period of validity; and

(c) such guarantee is transferable by the person to whom such guarantee is expressed to be payable.

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

118. Abandonment or lapsing of land development application

Where an application is abandoned by the applicant or has lapsed in terms of any provision in terms of the Act, provincial legislation or conditions or this By-law, the engineering services agreement referred to in section 117 lapses and if the owner had installed any engineering services before the lapsing of the application in terms of the engineering services agreement, he or she must have no claim against

the Council with regard to the provision and installation of any engineering services of whatsoever nature.

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 by means of link services;

(c) "link services" means all new services necessary to connect the internal services to the bulk services; and

(d) "internal engineering services" has the same meaning as defined in section 1 of the Act and includes any link services linking such internal services to the external engineering services.

Part 2:
Development Charges

120. Payment of development charges

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

(a) the engineering services contemplated in this Chapter where it will be necessary to enhance or improve such services as a result of the commencement of the amendment scheme; and

(b) open spaces or parks or other uses, such as social facilities and services, where the commencement of the amendment scheme will bring about a higher residential density.

(2) If an application is approved by the Municipal Planning Tribunal subject to, amongst others, the payment of a development charge or an amendment scheme comes into operation, the applicant or owner of the land to which the scheme relates, must be informed of the amount of the development charge and must, subject to section 117, pay the development charge to the Municipality.

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

(a) any land use right is exercised;

(b) any connection is made to the municipal bulk infrastructure;

(c) a written statement contemplated in section 118 of the Municipal System Act (Act No 32 of 2002) is furnished in respect of the land;

(d) a building plan is approved in respect of —

(i) the proposed alteration of or addition to an existing building on the land; and

(ii) the erection of a new building on the land, where that building plan, were it not for the commencement of the amendment scheme, would have been in conflict with the land use scheme in operation;

(e) the land is used in a manner or for a purpose which, were it not for the commencement of the amendment scheme, would have been in conflict with the land use scheme in operation.

121. Offset of development charges

(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 and, if applicable, the cost of internal infrastructure where additional capacity is required by the Municipality, against the applicable

development charge, must be in writing and must include the estimated cost of the installation of the external engineering services.

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

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

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

(5) This section does not oblige the Municipality to offset any costs incurred in the provision of external engineering services other than that which may have been agreed upon in the engineering services agreement contemplated in section 117.

122. Payment of development charges in instalments

The Municipality may —

(a) in the circumstances contemplated in section 121(1) of this By-law, allow payment of the development charge contemplated in section 120 in instalments agreed to in the engineering services agreement which must comply with the timeframes provided for in the Municipality's Credit Control and Debt Collection By-law or policy, or if last-mentioned By-law does not provide for such instalments over a period not exceeding three years;

(b) in any case, allow payment of the development charge contemplated in section 119 to be postponed for a period not exceeding three months where security for the payment is given to its satisfaction; and

(c) in exercising the power conferred by paragraphs (a) or (b), impose any condition, including a condition for the payment of interest.

123. Refund of development charges

No development charge paid to the Municipality in terms of section 120 or any portion thereof must be refunded to an applicant or owner, provided that where the owner paid the applicable charge prior to the land use rights coming into operation and the application is abandoned in terms of section 122 the Municipality may, on such terms and conditions authorise the refund of development charges or any portion thereof.

124. General matters relating to contribution charges

(1) 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 application fees and development charges paid to the Municipality together with a statement of the Municipality's infrastructure expenditure and must submit such report and statement to the Premier.

CHAPTER 8
APPEAL PROCEDURES

Part 1:
Establishment of Municipal Appeal Tribunal

125. Establishment of Municipal Appeal Tribunal

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

126. Institutional requirements for establishment of Municipal Appeal Tribunal

(1) The Municipality, in establishing a Municipal Appeal Tribunal in terms of section 125, must —
   (a) determine the terms and conditions of service of the members of the Municipal Appeal Tribunal;
   (b) identify any additional criteria that a person who is appointed as a member of the Municipal Appeal Tribunal must comply with;
   (c) consider the qualifications and experience of the persons it is considering for appointment to the Municipal Planning Tribunal, make the appropriate appointments and designate the chief presiding officer;
   (d) inform the members in writing of their appointment;
   (e) publish the names of the members of the Municipal Appeal Tribunal and their term of office in the *Provincial Gazette*;
   (f) determine the location of the office where the Municipal Appeal Tribunal must be situated; and
   (g) develop and approve operational procedures for the Municipal Appeal Tribunal.

(2) The Municipality may not appoint any person to the Municipal Appeal Tribunal if that person —
   (a) is disqualified from appointment as contemplated in section 128; or
   (b) if he or she does not possess the knowledge or experience required in terms of section 127 or the additional criteria determined by the Municipality in terms of subsection (1)(b).

(3) The Council must —
   (a) remunerate members of the Municipal Appeal Tribunal for each hearing of the Municipal Appeal Tribunal in accordance with the rates determined by Treasury, and as well as professional fees; and
   (b) designate an employee of the Municipality or appoint a person as secretary to the Municipal Appeal Tribunal.

127. Composition, term of office and code of conduct of Municipal Appeal Tribunal

(1) The Municipal Appeal Tribunal must consist of a minimum of three members to a maximum of fifteen members which may include —
   (a) a member who is a persons 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);
   (b) a member who is a persons registered as a professional with the Engineering Council of South Africa in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000);
   (c) a member who is a person's 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);
   (d) a member who is a person who is registered as a professional land surveyor in terms of the Professional and Technical Surveyors' Act, 1984 (Act No. 40 of 1984), or a Geomatics professional in the branch of land surveying in terms of the Geomatics Profession Act, 2013 (Act No. 19 of 2013); and

(e) any member who has other relevant expertise or profession as delegated by the responsible authority in terms of section 56 of the Act.

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

(3) No member of the Municipal Planning Tribunal may be appointed as a member of the Municipal Appeal Tribunal.

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

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

(6) After the first terms of office of five years referred to in subsection (5) has expired the appointment of members of the Municipal Appeal Tribunal for the second and subsequent terms of office must be in accordance with the provisions of this Part.

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

(8) Members of the Municipal Appeal Tribunal must sign and uphold the code of conduct contemplated in Schedule 4.

128. Disqualification from membership of Municipal Appeal Tribunal

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

(a) is not a citizen of the Republic of South Africa, and does not reside in the Limpopo province
(b) is a member of Parliament, a provincial legislature or House of Traditional Leaders;
(c) is an official in the employ of the municipality who decided the application or who is a member of the Municipal Planning Tribunal;
(d) is an un-rehabilitated insolvent;
(e) is of unsound mind, as declared by a court;
(f) has at any time been convicted of an offence involving dishonesty;
(g) has at any time been removed from an office of trust on account of misconduct; or
(h) has previously been removed from a Municipal Planning Tribunal or Municipal Appeal Tribunal for a breach of any provision of the Act and the By-law.

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

129. Termination of membership of Municipal Appeal Tribunal

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

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

(a) misconduct, incapacity or incompetence; and

(b) failure to comply with any provisions of the Act or this By-law.

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

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

Part 2:
Management of an Appeal Authority

130. Presiding officer of appeal authority

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

131. Bias and disclosure of interest

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

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

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

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

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

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

(7) A conflict of interest arises where an appeal assigned to an appeal authority involves any of the following —
   (a) a person with whom the presiding officer or member has a personal, familiar or professional relationship;
   (b) a matter in which the presiding officer or member has previously served in another capacity, including as an adviser, counsel, expert or witness; or
   (c) any other circumstances that would make it appear to a reasonable and impartial observer that the presiding officer’s or member’s participation in the adjudication of the matter would be inappropriate.

132. Registrar of appeal authority

(1) The Municipal Manager is the registrar of the appeal authority.

(2) The Council may appoint a person or designate an official in its employ, to act as registrar of the appeal authority.

(3) Whenever by reason of absence or incapacity any registrar is unable to carry out the functions of his or her office, or if his or her office becomes vacant, the Council may, after consultation with the presiding officer of the appeal authority, authorise any other competent official in the public service to act in the place of the absent or incapacitated registrar during such absence or incapacity or to act in the vacant office until the vacancy is filled.

(4) Any person appointed or designated under subsection (2) or authorised under subsection (3) may hold more than one office simultaneously.

133. Powers and duties of registrar

(1) The registrar is responsible for managing the administrative affairs of the appeal authority and, in addition to the powers and duties referred to in this Chapter, has all the powers to do what is necessary or convenient for the effective and efficient functioning of the appeal authority and to ensure accessibility and maintenance of the dignity of the appeal authority.

(2) The duties of the registrar include —
- (a) the determination of the sitting schedules of the appeal authority;
- (b) assignment of appeals to the appeal authority;
- (c) management of procedures to be adhered to in respect of case flow management and the finalisation of any matter before the appeal authority;
- (d) transmit all documents and make all notifications required by the procedures laid down in the provincial planning and development legislation;
- (e) the establishment of a master registry file for each case which must record —
  - (i) the reference number of each appeal;
  - (ii) the names of the parties;
  - (iii) all actions taken in connection with the preparation of the appeal for hearing;
  - (iv) the dates on which any document or notification forming part of the procedure is received in or dispatched from his or her office;
  - (v) the date of the hearing of the appeal;
  - (vi) the decision of the appeal authority;
  - (vii) whether the decision was unanimous or by majority vote; and
  - (viii) any other relevant information.

(3) The presiding officer of the appeal authority may give the registrar directions regarding the exercise of his or her powers under this Chapter.

(4) The registrar must give written notice to the presiding officer of all direct or indirect financial interest that he or she has or acquires in any business or legal person carrying on a business.

Part 3:
Appeal Process

134. Commencing of appeal

(1) An appellant must commence an appeal by delivering a Notice of Appeal in a form as set out in PLM: F-11 to the Municipal Manager and the parties to the original application within 21 days as contemplated in section 51 of the Act.

(2) The Municipal Appeals Tribunal shall consider the appeal with due regard to —
- (a) the content of the report;
- (b) the record of proceedings;
- (c) all approved policies of the Municipality, its Integrated Development Plan and the Municipal Spatial Development Framework and its components as contemplated in the Municipal Systems Act, 2000 (Act No.32 of 2000); and
- (d) subject to the provisions of the Act and specifically sections 40 and 42 thereof which shall apply *mutatis mutandis* to the consideration of an appeal and may for that purpose —
  - (i) carry out an inspection or institute any investigation; but
  - (ii) may not consider any new evidence on the Land Development Application that may negatively affect the respective rights and obligations of interested and affected parties.

135. 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;
   (b) where applicable, whether the appeal is against any conditions of approval contemplated in section 49 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 7 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.

136. Notice to oppose an appeal

A notice to oppose an appeal must be delivered to the Municipal Manager within 21 days from delivery of the notice of appeal referred to in section 135 and it must clearly indicate —
   (a) whether the whole or only part of the appeal is opposed;
   (b) whether any conditions of approval contemplated in section 49 of an application are opposed and which conditions;
   (c) whether the relief sought by the appellant is opposed;
   (d) the grounds for opposing the appeal including any finding of fact or conclusions of law in dispute; and
   (e) a clear statement of relief sought on appeal.

137. Screening of appeal

(1) When the appeal authority receives a Notice of Appeal, it must screen such Notice to determine whether —
   (a) the appellant has applied to the municipality in the form as set out in PLM: F-11;
   (b) it is submitted within the required time limit; and
   (c) the appeal authority has area over the appeal.

(2) If a Notice of Appeal does not comply with the form approved by the Council, the appeal authority must return the Notice of Appeal to the appellant, indicating what information is missing and require that information to be provided and returned to the appeal authority by the appellant within a specific time period.

(3) If the Notice of Appeal is not provided and returned to the appeal authority with the requested information within the specified time period, the appellant's appeal will be considered abandoned and the appeal authority must notify the parties in writing accordingly.

(4) If the Notice of Appeal is received by the appeal authority after the required time limit has expired, the party seeking to appeal is deemed to have abandoned the appeal and the appeal authority will notify the parties in writing.

(5) If the appeal relates to a matter that appears to be outside the area of the appeal authority, it must notify the parties in writing.

(6) The appeal authority may invite the parties to make submissions on its area and it will then determine, based on any submissions received, if it has area over the appeal and must notify the parties in writing of the decision.

(7) The provisions of this section apply, with the necessary changes, to a notice to oppose an appeal contemplated in section 136.

(8) The required information in subsection (1) must comply with the provision of regulation 30 (2) of the Regulation to the Act.

Part 4:
Parties to an appeal

138. Parties to appeal

The parties to an appeal before an appeal authority are —

(a) the appellant who has lodged the appeal with the appeal authority in accordance with section 51(1) of the Act and this Chapter;
(b) the applicant, if the applicant is not the appellant as contemplated in paragraph (a);
(c) the Municipal Planning Tribunal or the Authorised Official who made the decision; or
(d) any person who has been made a party to the proceeding by the appeal authority after a petition to the appeal authority under section 45(2) of the Act to be granted intervener status.

139. 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 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 Authorised Official and might therefore be affected by the judgement of the appeal authority.

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

(a) does not collude with any of the appellants; and
(b) is willing to deal with or act in regard to the appeal as the appeal authority may direct.

(3) The registrar must determine whether the requirements of this section have been complied with and must thereafter transmit a copy of the form to the parties of the appeal.

(4) The presiding officer of the appeal authority must rule on the admissibility of the petitioner to be granted intervener status and the decision of the presiding officer is final and must be communicated to the petitioner and the parties by the registrar.

Part 5:
Area of Appeal Authority

140. Area 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 application.

141. Written or oral appeal hearing by appeal authority

An appeal may be heard by an appeal authority by means of a written hearing and if it appears to the appeal authority that the issues for determination of the appeal cannot adequately be determined in the absence of the parties by considering the documents or other material lodged with or provided to it, by means of an oral hearing.

142. Representation before appeal authority

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

143. 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 6:
Hearings of Appeal Authority

144. Notification of date, time and place of hearing

(1) The appeal authority must notify the parties of the date, time and place of a hearing no later than 14 days after the municipal manager submitted the appeal to the appeal authority as contemplated in regulation 25(1) of the Regulations to the Act.

(2) The appeal authority will provide notification of the hearing to the appellant at the appellant's address for delivery.

145. Hearing date

(1) A hearing will commence on a date determined by the registrar, the hearing may not take place later than 60 days from the date on which the municipal manager submitted the appeal to the appeal authority as contemplated in regulation 25(1) of the Regulations to the Act.

(2) The parties and the presiding officer may agree to an extension of the date referred to in subsection (1).

146. Adjournment

(1) If a party requests an adjournment more than 1 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 letter 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 1 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.

147. Urgency and Condonation

(1) The registrar may —
   (a) on application of any party to an appeal, direct that the matter is one of urgency, and determine such procedures, including time limits, as he or she may consider desirable to fairly and efficiently resolve the matter;
   (b) on good cause shown, condone any failure by any party to an appeal to comply with this By-law or any directions given in terms hereof, if he or she is of the opinion that such failure has not unduly prejudiced any other person.

(2) Every application for condonation made in terms of this section must be —
   (a) served on the registrar;
   (b) accompanied by a memorandum setting forth the reasons for the failure concerned; and
   (c) determined by the presiding officer in a manner he or she considers proper.

(3) Where a failure is condoned in terms of subsection (1)(b), the applicant for condonation must comply with the directions given by the registrar when granting the condonation concerned.

148. 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 7:
Oral hearing procedure

149. Location of oral hearing

An oral hearing must be held in a location within the area of the Municipality but must not be held where the Municipal Planning Tribunal sits or the office of the Authorised Official whose decision is under appeal.

150. 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 Authorised Official.

151. 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.

152. 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.

153. Recording

Hearings of the appeal authority must be recorded in hard copy and electronic format. The records must be stored as per the provision of records management that are in place or use.

154. Oaths

Witnesses are required to give evidence under oath or confirmation.

155. 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 3 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 8:
Written hearing procedure

156. 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.

157. Presentation of each party's case in written hearing

(1) Each party must be provided an opportunity to provide written submissions to support their case.

(2) The appellant will be given 21 days to provide a written submission.

(3) Upon receipt of the appellant's submission within the timelines, the appeal authority must forward the appellant's submission to the Municipal Planning Tribunal or the Authorised Official.

(4) The Municipal Planning Tribunal or the Authorised Official has 21 days in which to provide a submission in response.

(5) If no submission is received by a party in the time established in the submissions schedule, it will be deemed that the party declined the opportunity to provide a submission.

158. Extension of time to provide a written submission

(1) If a party wishes to request an extension of the time established to provide a written submission, this request must be in writing to the appeal authority in advance of the date on which the submission is due.

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

(3) Following receipt of a request for an extension of time, the appeal authority will issue a decision in writing to the parties.

159. Adjudication of written submissions

(1) Following receipt of any written submissions from the parties, the municipal manager must forward the appeal record, which includes the written submissions, to the appeal authority for adjudication.

(2) If no written submissions are received from the parties, the municipal manager will forward the existing appeal record to the appeal authority for adjudication.

(3) Any submission received after the date it was due but before the appeal authority for adjudication has rendered its decision will be forwarded to the presiding officer of the appeal authority to decide whether or not to accept the late submission.

(4) The appeal authority must issue a decision in writing to the parties and, if the submission is accepted, the other party will be given 7 days to provide a written submission in response.

Part 9:
Decision of appeal authority

160. 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 thereof.

161. Decision of appeal authority

(1) The appeal authority may confirm, vary or revoke the decision of the Municipal Planning Tribunal or Authorised Official 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.

162. Notification of decision

The registrar must notify the parties of the decision of the appeal authority in terms of section 169, together with the reasons thereof within 7 days after the appeal authority handed down its decision.

163. Directives to Municipality

The appeal authority must, in its decision, give directives to the Municipality as to how such a decision must be implemented and which of the provisions of the Act and the Regulations have to be complied with by the Municipality as far as implementation of the decision is concerned.

Part 10:
General

164. Expenditure

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

CHAPTER 9
TRANSITIONAL PROVISIONS

165. Application of this By-law and Conflict of Laws

(1) The provisions of this By-law apply to all properties within the jurisdictional geographical area of the Polokwane Municipality, including properties owned by the state.

(2) This By-law binds every owner and their successor-in-title and every occupier of a property(ies), including the state.

(3) 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.

(4) Where —

(a) any provision of a land use scheme is in conflict with the provisions of this By-law, the provisions of this By-law shall prevail; and
(b) any provision of this By-law is in conflict with the provision of the Act or any provincial planning and development legislation, this By-law shall only prevail in so far as it relates to Municipal Planning.

(5) Where there is a conflict between this By-law and another By-law, this By-law prevails over the affected provision of the other By-law in respect of any Municipal Planning matter.

166. Pending land development applications in terms of other legislation before the Municipality

(1) Any land use or 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, provided that —
   (a) if that legislation is repealed and in terms of that legislation's transitional provisions; or
   (b) in the absence of any transitional provisions in that legislation or other law; or
   (c) where legislation becomes inconsistent with the Act as a result of the enactment of this By-law; it may in consultation with the applicant be dealt with in terms of this By-law, read with section 2(2) and section 60 of the Act; provided that —
      (i) the timeframes in terms of this By-law for the processing and deciding on land development applications shall not be applicable to any applications dealt with in terms of subsection (1)(a) to (c);
      (ii) but the timeframes after approval of a land development application in terms of subsection (1)(a) to (c) read with section 43(2) of the Act shall apply;
   (d) a land development application contemplated in subsection 1(a) to (c), to be dealt with in terms of this By-law, shall be dealt with in accordance with the type and format of land development applications capable of being submitted in terms of this By-law as may be determined by the Municipality.

(2) Reference to the Municipality in terms of legislation contemplated in subsection (1), shall be reference to the Municipal Planning Tribunal or Authorised Official for purposes of the consideration and decision making on land development applications, in that legislation.

(3) Land development applications contemplated in subsection (1) shall be dealt with as categorised in terms of section 32 and 33 of this By-law.

(4) Subsection (3) shall apply *mutatis mutandis* for purposes of dealing with land development applications in terms of subsection (1)(a) and (b).

167. Pending land development applications and land use with the adoption of a new land use scheme

(1) Where on the date of the coming into operation of an approved Land Use Scheme in terms of sections 26 and 27 of the Act and section 16 of this By-Law —
   (a) any land or building is being used; or
   (b) 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 zoned in terms the Land Use Scheme contemplated section 17 of this By-Law, but —
      (i) which is otherwise lawful; and
      (ii) not subject to any prohibition in terms of this By-law,

   the use may, subject to the provisions of subsection (2), be continued after that date.

(2) The right to continue using any land or building by virtue of the provisions of subsection (1) must—
   (a) where the right is not exercised in the opinion of the Municipality for a continuous period of 15 months, lapse at the expiry of that period;
   (b) lapse at the expiry of a period of 15 years calculated from the date contemplated in subsection (1) or such further period as the Municipality may allow; and
   (c) where on the date of the coming into operation of a land use scheme in terms of

subsection (1) —

(i) a building, erected in accordance with an approved building plan, exists on land to which the 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 land use scheme, the building shall for a period of 15 years from that date be deemed to comply with that provision.

(3) Where a period of 15 years, in terms of subsection (2), has commenced in the opinion of the Municipality, from a particular date, in respect of any land or building, no regard shall, be had to those provisions of the adopted Land Use Scheme affecting the land use rights on the property(ies), which comes into operation after that date.

(4) Within one year from the date of the coming into operation of an approved Land Use Scheme:

(a) the holder of a right contemplated in subsection (1) may deliver a notice to the Municipality in writing that he or she is prepared to forfeit that right; and

(b) the owner of a building contemplated in subsection (2)(c) may deliver a notice to the Municipality in writing that he or she is prepared to forfeit any right acquired by virtue of the provisions of that subsection.

(5) Where at any proceedings in terms of this By-law it is alleged that a right has lapsed in terms of subsection (1)(a), such allegation shall be deemed to be correct until the contrary is proved.

(6) 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 Land Use Scheme, such land use provisions shall apply as contemplated in subsection (1).

(7) If the geographic area of the Municipality is demarcated to incorporate land from another Municipality then the Land Use Scheme applicable to that land shall prevail until the Municipality amends, repeals or replaces it subject to sections 16 and 31 of this By-law.

168. Land development applications to be submitted after the coming into operation of this By-law

(1) In terms of the Act and specifically the Regulations, the Municipality may determine the processes and procedures for spatial planning, land use, land use management and land development including land development application, consistent with the Act and upon coming into operation of this By-law, any legislation providing alternative or parallel processes and procedures other than any determined by the Municipality, shall be deemed to be inconsistent with the Act as contemplated section 2(2) of the Act.

(2) Upon the coming into operation of this By-law all land development applications and processes and procedures related thereto shall be submitted and dealt with in terms of this By-law.

169. Appeals pending or submitted in terms of other legislation upon the coming into operation of this By-law

Upon the coming into operation of this By-law, any other legislation, which as a result of the coming into operation of this By-law or in terms of section 2(2) of the Act, is inconsistent with the Act, and which provides for an appeal procedure against a decision of the Municipality on a land development application shall be dealt with by the Municipal Appeals Tribunal, in terms of the processes and procedures as contemplated in that legislation.

CHAPTER 10
GENERAL PROVISIONS

170. Delegations

(1) Any power conferred in this By-law, Act, land use scheme or any other law on the Municipality may be delegated by the Municipality in terms of section 59 of the Municipal Systems Act, 2000 (Act No.32 of 2000) and section 56 of the Act, to any official within its employ, which may include the power to sub-delegate as may be determined by the Council, except in so far as it is a requirement of the Act that applications be dealt with in terms of the categories contemplated in sections 32 and 33 of this By-law.

(2) Where in terms of subsection (1) an official is delegated to consider category 2 land development applications as contemplated in section 33 of this By-law, Chapter 5 of this By-law shall apply *mutatis mutandis* to his or her consideration of a land development application.

(3) Where this By-law requires any discretionary power or opinion to be expressed by the Municipality, such discretion and opinion shall be exercised or expressed, by the official authorized in terms of the delegations contemplated in subsection (1) or, in the absence of a specific delegation by the Director of Economic Development and Planning.

171. Provision of information

Subject to the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), and the law relating to documentary privilege, any person shall be entitled to obtain a copy of any document or information relating to a land development application or any other document referred to in this By-law from the Municipality, provided that —

(a) the copy of the document or information must be provided within a reasonable time of the date of such copy of the document or information being requested in writing;
(b) the person requesting a copy of the document or information must pay the reasonable cost of printing or reproducing such copy;
(c) any document containing confidential proprietary information may only be disclosed with the consent of the owner thereof;
(d) where such documents or information can reasonably be accessed at the Municipality's public information counters as public information the Municipality shall not be obliged to provide such information other than making the information available at such public information counters and subject to paragraphs (b) and (c) copies may be requested at those counters;
(e) the Municipality shall not provide information where the provision thereof constitutes research on behalf of the applicant or interpretation of information; and
(f) information provided in terms of this subsection may be provided electronically by the Municipality where practically possible.

172. False or misleading information in connection with application

Any person who wilfully, or with intent to defraud, furnishes false or misleading information in connection with an application contemplated in this By-law shall be guilty of an offence.

173. Excision of land from Agricultural Holding Register

(1) If required to do so the Applicant shall be responsible for the excision of land from an Agricultural Holding.

(2) If the excision of an Agricultural Holding is required as a result of a township establishment application it may be included as a pre-proclamation condition in terms of section 57 of this By-law.

(3) The endorsement of the Agricultural Holding Title by the Registrar of Deeds, to the effect that it is excised and known as a farm portion for purposes of a township establishment application, can be

done simultaneously with the endorsement of the title deed of the farm portion and the opening of a township register in terms of section 58 of this By-law.

(4) The Municipality shall issue a certificate certifying that the pre-proclamation conditions have been complied with in terms of section 57 of this By-law and in so certifying it may require that certain conditions be complied with together with the opening of a township register, which may include the registration of the excision of an Agricultural Holding.

(5) If an applicant wishes to excise an Agricultural Holding from the Agricultural Holding Register at the Registrar of Deeds for whatever purpose, including the removal of restrictive conditions of title applicable to Agricultural Holding, the Municipality shall only regard proof of such excision as being the endorsed title deed of the Agricultural Holding by the Registrar of Deeds and a copy of the farm title deed created at the Registrar of Deeds as a result of the excision.

(6) Where the Municipality is authorized to grant permission for the excision of an Agricultural Holding in terms of any other law, the applicant shall submit an application for excision as may be prescribed in Schedule 19 to this By-law; provided that an application for excision shall not be regarded as a land development application for purposes of this By-law.

(7) The Municipality shall consider the permission application submitted in terms of subsection (6) and may make a recommendation on whether it is in a position to grant the application for excision of an Agricultural Holding and may do so subject to such condition as the Municipality may deem expedient or postpone or refuse the application.

(8) The applicant shall upon receipt from the Municipality of a recommendation for granting the application contemplated in subsection (7) for excision without delay submit the recommendation to the Surveyor-General, with a request for a new property description of the farm into which the Agricultural Holding will be incorporated.

(9) The applicant shall upon receipt of a new farm description as contemplated in subsection (8) from the Surveyor-General submit, proof to the satisfaction of the Municipality of—
    (a) the new farm description; and
    (b) a draft surveyed diagram; and confirm that he/she wishes to proceed with the excision, quoting the new farm portion number contemplated in subsection (8).

(10) The Municipality shall consider the information provided and may grant the permission for the excision application contemplated in subsections (6) and (9) and may impose any condition it deems expedient and for purposes of granting the excision application shall issue a certificate that excision of the Agricultural Holding has been approved.

(11) The Municipality shall deliver a notice to the applicant of its decision in terms of subsection (10) and the applicant shall deliver to the Surveyor-General and the Registrar of Deeds a copy of the excision certificate contemplated in subsection (10).

(12) An excision application granted in term of subsection (10) shall only be valid upon the date on which the title deed of the Agricultural Holding has been endorsed by the Registrar of Deeds to the effect that the Agricultural Holding has been excised.

174. Not more than one application pending at any time

Except for circumstances where the Municipality has —
    (a) granted its prior consent in writing; or
    (b) in terms of the provisions of this By-law the Municipality permitted simultaneous land development applications to be submitted by an applicant or applicants,

not more than one land development application may at any time be pending before the Municipality on the same property either in terms of this By-law or any other legislation, which application seeks to accomplish the same or similar approval of a land development application, as contemplated in this By-law, unless specifically provided for in terms of the provisions of this By-law read with section 77 of this By-law.

175. Enforcement of this By-law and provisions of the Land Use Scheme and other relevant provisions

(1) The observance and enforcement of this By-law, land use scheme or of conditions imposed by the Municipality as a result of any land development application either in terms of this By-law, and land use scheme or any other law must be read with section 32 of the Act.

(2) Where the Municipality has, in terms of the provisions of any law, imposed a condition relating to a land development application or any land use right in terms of a land use scheme it must —
  (a) observe such condition; and
  (b) refuse to approve —
    (i) any land development application;
    (ii) any site development plan or other plan as may be required by the land use scheme in operation; or
    (iii) any building plan for the erection or alteration of or addition to an existing building; in conflict with any provision of a Land Use Scheme, this By-law or any other law related to land development applications.

176. Offences and penalties

(1) An owner or other person are guilty of an offence if such owner or person —
  (a) contravenes or fails to comply with —
    (i) a decision taken or a condition imposed or deemed to have been taken or imposed by the Municipality in terms of this By-law or any other law relating to land development;
    (ii) the provisions of the land use scheme;
    (iii) use of land or permits land to be used in a manner other than permitted by the land use scheme;
    (iv) contravention notice issued in terms of subsection (5); or
    (v) use of land or permits land to be used in a manner that constitutes an illegal township as defined in terms of the provisions of this By-law;
  (b) alters or destroys land or buildings to the extent that the property cannot be used for the purpose set out in the Land Use Scheme or zoning scheme;
  (c) threatens, obstructs, hinders or fails to permit entry when called upon to do so or uses abusive language to a Development Compliance Officer or any persons lawfully accompanying such Development Compliance Officer in the exercising of a power conferred in terms of subsection (5);
  (d) furnishes false or misleading information to an official of the Municipality when called upon to furnish information; or
  (e) supplies particulars, information or answers in a land development application, request or other application, hearing or in an appeal knowing it to be false, incorrect or misleading.

(2) An owner who permits land to be used in a manner contemplated in subsection (1) and who does not cease such use or who permits a person to breach the provision of subsection (1) is guilty of an offence and upon conviction is liable to the penalties contemplated in subsections (3) and (4).

(3) Any person convicted of an offence in terms of this By-law, shall be liable to a fine not exceeding Ten Thousand Rand (R10 000,00) or as may be determined by a Court of Law or to imprisonment for a period more or less than 12 months or both such fine and such imprisonment.

(4) 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 to a fine not exceeding Five Thousand Rand (R5000,00) or as may be determined by a Court of Law or upon conviction, to imprisonment for a period not exceeding three months or to both such fine and imprisonment, in respect of each day for which he/she has so continued or continues with such Act or omission.

(5) The Municipality may issue a contravention notice to a person contemplated in subsections (1) to (4) who uses any land or building or causes it to be used in a manner as contemplated in subsection (1) to (4), in writing requiring that person —
   (a) to discontinue such erection, alteration, addition or other work or such use or cause it to be discontinued; and
   (b) at his or her own expense —
      (i) to remove such building or other work or cause it to be removed; or
      (ii) to cause such building or other work or such use to comply with the provisions of the scheme, and the directive shall state the period within which it shall be carried out.

(6) The provisions of subsection (1) shall not apply to the erection or alteration of or addition to a building in accordance with an approved building plan.

(7) Any person who contravenes or fails to comply with a contravention notice issued in terms of subsection (5) shall be guilty of an offence.

(8) Where any person fails to comply with a contravention notice issued in terms of subsection (5), the Municipality may, whether or not a prosecution has been or will be instituted, remove the building or other works or cause the building or other works executed to comply with the provisions of its land use scheme and recover all expenses incurred in connection therewith from such person.

(9) In the event of an offence in terms of subsection 1(a)(v) the Municipality may request the Registrar of Deeds to place a *caveat* against the property title deed on which the offence is being committed to the effect that no registration transaction may be registered which shall have the purpose of disposing of any property, portion thereof or unit in a sectional title scheme to facilitate or permit the implementation and continuation of an illegal township in terms of this By-law.

(10) Where the Municipality, Surveyor-General or Registrar of Deeds has reasonable grounds to believe that any person in the exercising of land use rights, layout plans, divisions or disposal of land, the erection of any building on a subdivision of any land is defeating or is about to defeat any object of this By-law, Land Use Scheme or relevant legislation in whatever manner the Municipality may issue a notice or notices upon such person as contemplated in subsection (5) and the provisions of subsection (6) to and including (9) shall apply *mutatis mutandis*.

177. Warrant of entry for enforcement purposes

(1) A judge or 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 —
   (a) Development Compliance Officer has been refused entry to land or a building that he or she is entitled to inspect;
   (b) prior permission of the occupier or owner of land on which a private dwelling is situated cannot be obtained after reasonable attempts;
   (c) the owner, occupier or person in control of a private dwelling has refused consent; or
   (d) the purpose of the inspection would be defeated by the prior knowledge thereof.

(2) A warrant referred to in subsection (1) may be issued by a judge of the High Court or by a magistrate who has jurisdiction in the area where the land in question is situated, and may be

issued if it appears to the judge or magistrate from information under oath that there are reasonable grounds for believing that an offence in terms of this By-law is being committed and such warrant must specify which of the acts mentioned in section 107 of this By-law may be performed there under by the person to whom it is issued.

(3) The warrant must contain at least the following information —
   (a) the statutory provision in terms of which it is issued;
   (b) the identity of the person who is going to carry out the investigation;
   (c) the authority conferred on the person concerned;
   (d) the nature of the investigation to be carried out and the items reasonably expected to be obtained;
   (e) the premises to be investigated; and
   (f) the offence which is being investigated.

(4) A warrant authorises the Development Compliance Officer to enter upon land or to enter the building or premises and to perform any of the acts referred to in section 107 of this By-law 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 is issued on grounds of urgency.

178. Resistance of enforcement Action

(1) When implementing an order of court or enforcement Action provided for in this By-law, the Development Compliance Officer may use such force as may be reasonably necessary to overcome any resistance against the implementation of the court order or other enforcement action or against the entry onto the premises, including the breaking of any door, or window of such premises, provided that the Development Compliance Officer shall first audibly demand admission to the premises and deliver a notice concerning the purpose for which he or she seeks to enter such premises.

(2) Nothing contained herein shall prevent the Development Compliance Officer from requesting assistance from the South African Police Service or the Community Safety Directorate of the Municipality in enforcing an order of court.

(3) The Municipality is exempt from liability for any damage arising out of any actions contemplated in subsection (1).

179. Compliance with the provisions, Schedules and Forms to this By-law

(1) The Schedules and Forms to this By-law are aimed at assisting the public and the Municipality in dealing with any matter in terms of this By-law and provides draft forms and formats which shall substantially be complied with, in the opinion of the Municipality, by an applicant, owner or anybody or person as contemplated in this By-law.

(2) Nothing contained in this By-law or any other law shall prohibit the municipal manager from determining through its Schedules or Forms, or subsequent amendments thereof, processes and procedures to be complied with by the owner, applicant on any other person acting in terms of these By-laws, provided that in determining these processes and procedures it shall not do so if the determination materially, in the opinion of the municipal manager, amend this By-law as adopted.

(3) The Municipality's interpretation of the content of the Schedules and Forms to this By-law shall prevail, provided that where a conflict exists between the content of the Schedules or Forms to this By-law and the By-law, the By-law shall prevail.

(4) The headings contained in this By-law are for reference purposes only and do not constitute any provisions in the By-law.

(5) Where any provision of this By-law refers to the Schedules to this By-law, the Schedule in relation to the type of land development application, request, actions or other applications shall be applicable; provided that the Schedules may apply *mutatis mutandis* to other type of land development applications, requests, actions or other applications.

(6) Where in terms of this By-law any Schedule or Form is applicable and reference is made to any Schedule, Form or provision of the By-law therein, the Schedule, Form or provision shall be applicable *mutatis mutandis*.

(7) Where any notice is required in terms of this By-law which has the purpose of soliciting public participation, such notices shall be substantially in accordance with the Schedules and Forms to this By-law, provided that, public participation and notices shall comply with the intention of soliciting comments and objections through public participation is to ensure that the public is properly informed of the land development application brought in terms of this By-law the Municipality may require the applicant to amplify or supplement the notices in terms of the Schedules and Forms to this By-law.

(8) Any documentation issued by the Municipality in terms of the provisions of this By-law—
   (a) which does not comply with any procedural requirement of the By-law, is nevertheless valid if the non-compliance is not material and does not prejudice any person; and
   (b) may be amended or replaced without following a procedural requirement of this By-law if —
      (i) the purpose is to correct an error; and
      (ii) the correction does not change the rights and duties of any person materially.

(9) The failure to take any steps in terms of this By-law as a prerequisite for any decision or action does not invalidate the decision or action if the failure —
   (a) is not material;
   (b) does not prejudice any person; and
   (c) is not procedurally unfair.

180. Limitation of liability

Neither the Municipality nor any other person in the employ of the Municipality or acting on behalf of the Municipality, is liable for any damage or loss caused by —
   (a) the exercise of any power or the performance of any duty under this By-law; or
   (b) the failure to exercise any power, or perform any duty under this By-law, unless such failure was unlawful, negligent or in bad faith.

181. Liability for errors or omissions in the Municipality's Land Use Scheme

(1) The Municipality's land use scheme shall be regarded as the record of land use rights together with the approved and or adopted land development application, its conditions and or any document approved as part of the land development application.

(2) A zoning or land use right(s) recorded in the land use scheme, read with the general provisions of the land use scheme or the approved or adopted land development application, is presumed to be correct, unless proven otherwise by an applicant or owner.

(3) A zoning or land use right ceases to exist on the day when it lapses in terms of this By-law or section 43 of the Act, or a condition of approval of a land development application, even if the land use scheme or zoning map still records the land use right as existing.

(4) The Municipality is exempt from liability for any damage which may be caused by —
   (a) an error in the land use scheme; or
   (b) an erroneous presentation by the Municipality about the land use rights or the zoning of a property.

182. Prohibition of works on and use of certain land.

(1) Where the Municipality intends to acquire land it may subject to subsection (2) prohibit —
   (a) the proposed erection or alteration of or addition to any building on the land;
   (b) any other proposed work on the land; or
   (c) any particular use of the land.

(2) Where the Municipality fails within a period of twelve months from the date of a prohibition imposed in terms of subsection (1) to take possession of the land concerned, the prohibition shall lapse and in such a case no further prohibition shall be so imposed in respect of that land.

(3) Any person who contravenes or fails to comply with a prohibition imposed in terms of subsection (1) shall be guilty of an offence.

(4) Where any person has erected, altered or added to a building or other work in contravention of a prohibition imposed in terms of subsection (1), the Municipality may remove the building or other work and recover all expenses incurred in connection therewith from such person.

183. Legal effect of the adopted Land Use Scheme

(1) The adopted land use scheme —
   (a) has, with effect from the date as contemplated in section 26 of this By-law, the force of law and binds all persons, and particularly owners and users of land, including the Municipality, a state owned enterprise and organs of state within the municipal area are bound by the provisions of such a land use scheme;
   (b) replaces all existing schemes within the municipal area to which the Land Use Scheme applies; and
   (c) provides for land use rights.

(2) Land may be used only for the purposes permitted by the adopted land use scheme.

(3) Where any provision in a land use scheme is in conflict with the provisions of this By-law, the provisions of this By-law shall prevail.

(4) Where a land development application —
   (a) has been approved, but does not require a notice in terms of this By-law; or
   (b) requires a notice in terms of this By-law; or
   (c) requires any other action to bring the land use rights into operation, either in terms of this By-law, land use scheme or any other law, the decision, conditions and documents forming part of the land development application approved shall similarly have force of law.

184. Provision of open spaces and parks

(1) Where, in terms of this By-law, a land use scheme or other legislation, a land development application is approved by the Municipality, Municipal Planning Tribunal, Municipal Appeals Tribunal or Authorised Official and a condition is imposed or it is required that land for the provision of open spaces or parks be provided by the owner in terms of the provisions of this By-law, the Municipality may —
   (a) determine that the requirement be met by providing for —
      (i) public open space;
      (ii) private open space;

(iii) conservation areas, the flood line area; or
(iv) any areas for the benefit of the community or public as may be determined by the Municipality;

(b) not require an area in excess of the area calculated in terms of Schedule 18 to this By-law.

(2) Nothing contained in this By-law shall oblige the Municipality to accept land for the provision of open spaces and parks and the Municipality may *in lieu* of the provision of open spaces and parks require that the owner of property, on which a land development application has been approved, pay an amount of money *in lieu* of the provision of land for opens spaces and parks as contemplated in Section 120(1) (b) of this By-law.

(3) In the event of the Municipality deciding on monetary payment instead of the provision of open spaces and parks the money payable shall be done in accordance with a policy approved by the Municipality and applicable formulate provided for and in accordance with Schedule 18 to the By-law.

(4) Where monies are payable as contemplated in subsections (2) and (3) for the provision of open spaces and parks, the Municipality may determine that the amount of money may be re-calculated annually until the rights have come into operation in terms of the provisions of this By-law.

(5) In the calculation of an area of land for the provision of open spaces and parks as contemplated in subsection (3) read with Schedule 18 to the By-law, the following areas shall not be included as an area of land for the provision of open spaces and parks —

(a) parking areas or roads and/or roadways;
(b) private open spaces and gardens, unless the Municipality is convinced that the said areas will be for the use and benefit of a community or the public;
(c) children's playground as contemplated in a land use scheme;
(d) club houses, recreational areas and facilities;
(e) any area for engineering services including but not limited to Storm water systems or attenuation ponds or a servitude area for power lines which, in the opinion of the Municipality cannot be regarded as open spaces or parks for the benefit of the community or public; and
(f) any other area which in the opinion of the Municipality shall not contribute to the open spaces and parks system of the Municipality and are for the exclusive use of only specific residents.

(6) In the provision of open spaces and parks of whatever nature as contemplated in subsection (3) the formulae in terms of Schedule 18 to this By-law shall apply, provided that the Municipality may determine the formulae applicable to dwelling units or residential units, other than residential units zoned "Residential 1, 2, 3 and 4" or any other residential zoning that may be developed during amendment of the Land Use scheme in term of chapter 3 of this By-law, in which case the formulae in Schedule 18 to this By-law shall apply irrespective of the use zone.

(7) Any areas of land to be provided for purposes of open spaces and parks, may at the request of the Municipality or as a condition of approval of a land development application, be made subject to the requirement that —

(a) a servitude be registered by and at the cost of the owner of a land development area for purposes of protecting or securing the land for the use and benefit of the community, public or specific groups of persons, prior to the exercising of any land use rights granted by virtue of the land development application or at a time as may be determined by the Municipality and subject to section 85 of this By-law; and
(b) the land be transferred to the Municipality or any other entity to the satisfaction of the Municipality for purposes of providing open spaces and parks for the use and benefit of the public, the community or residents or groups of residents to be kept open in trust for their use and benefit subject to section 85 and 86 of this By-law.

(8) Nothing contained in this section shall prohibit the Municipality from accepting an area of land for the provision of open spaces and park or oblige it to accept land that do not form part of a land development area or is located on a property that do not form part of a land development area, provided that —

(a) in the event of the Municipality accepting an area of land as contemplated in subsection (8), such land shall be owned by the owner of property on which the land development application is brought; and

(b) the owner shall be responsible for the development and maintenance of the area of land provided for in terms of subsection (8).

(9) Where any open space or parks are created as a result of a land development application and it is intended as public open space or parks, such public open space or parks shall be vested in terms of section 113(3) of this By-law.

185. Language of Communication, Land Development Applications, Notices and related matters

(1) This By-law on commencement will be published in English, provided that on request to the Municipality it may be provided either wholly or in part in the languages adopted by the Municipality as the official language of communication.

(2) Where practicably possible any and all land development applications, requests, reports, documentation or communication with or to the Municipality in terms of this By-law, should be in English; provided that —

(a) where such land development applications, requests, reports, documentation or communication are in one of the official languages adopted by the Municipality, other than English, the Municipality may require that it be translated prior to dealing with it;

(b) if translated by the Municipality's language services the time delay shall not be calculated as part of the phases as contemplated in Regulation 16 of the Regulations to the Act and such time shall be excluded;

(c) where the applicant submits the application in terms of subsection (2) and have at its own costs translated the application thereafter, the date of the receipt of the translated land development application shall be the date upon which the application shall be regarded as submitted;

(d) where in terms of subsection (a) the Municipality's language services translate any land development application, request, report, documentation or communication, the Municipality shall not be held accountable for the accuracy of the translation; and

(e) where a registered title deed contains conditions or servitudes in any other language than English, the applicant and Municipality shall not be obliged to translate the condition or servitude provision.

(3) All notices for the adoption of any land development application, amendments scheme, Land Use Scheme or other application, by notice in the Provincial Gazette in terms of this By-law, shall be placed in English only; provided that any interested person may request that it be translated either wholly or in part by the Municipality in terms of its approved and adopted language policy.

186. Policy, procedure, determination, standard, requirement and guidelines

(1) The Municipality may adopt a policy, procedure, determination, standard, requirement or guidelines, not inconsistent with the provisions of the Act and this By-law, for the effective administration of this By-law.

(2) Unless the power to determine is entrusted to the Council, another person or body, the Municipal Manager may determine anything which may be determined by the Municipality in terms of the Act, the Regulations or this By-law.

(3) The Municipality must make available any policy, procedure, determination, standard, requirement or guidelines.

(4) An applicable policy, procedure, determination, standard, requirement and guidelines apply to an application submitted and decided in terms of this By-law.

187. Short Title and commencement

(1) This By-law is to be known as the **"Polokwane Municipal Planning By-law, 2017"**

(2) This By-law shall commence on the date of publication in the *Provincial Gazette.*

CITY OF Polokwane

NATURALLY PROGRESSIVE

DOCUMENT CONTAINING POLOKWANE MUNICIPAL PLANNING BY-LAW SCHEDULES, 2017.

SCHEDULE 1

INVITATION TO NOMINATE A PERSON TO BE APPOINTED AS A MEMBER TO THE POLOKWANE MUNICIPAL PLANNING TRIBUNAL

In terms of the Act, the Polokwane Local Municipality hereby invites nominations for officials or employees of the (*insert name of organ of state or non-governmental organisation contemplated in Regulation 3(2)(a) of the Regulations to the Act*) to be appointed to the Polokwane Municipal Planning Tribunal for its term of office.

The term of office of members will be five years calculated from the date of appointment.

Nominees must be persons registered with the professional bodies contemplated in section 37(10) (a) to (k) of the Polokwane Municipal Planning By-law, 2017 who have leadership qualities, 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; and
(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

Polokwane Local Municipality

_____

_____

____

For Attention: _____

For Enquiries: _____

Tel _____

_____

* I, ……..…..(full names of nominee),
ID No (of nominee) ……,

hereby declare that —

(a) I am available to serve on the Polokwane 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 as 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 Polokwane 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 Act, to serve on the Polokwane Municipal Planning Tribunal and I authorise Polokwane Local Municipality to verify any record in relation to such disqualification or requirement.
(d) I undertake to sign, commit to and uphold the Code of Conduct applicable to members of the Polokwane 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 POLOKWANE MUNICIPAL PLANNING TRIBUNAL

CLOSING DATE: (INSERT DATE)

In terms of the Act, the Polokwane Local Municipality hereby call for nominations for members of the public to be appointed to the Polokwane Municipal Planning Tribunal for its term of office.
The term of office of members will be five years calculated from the date of appointment of such members by the Polokwane Local Municipality.
Nominees must be persons registered with the professional bodies contemplated in section 37(10)(a) to (k) of the Polokwane Municipal Planning By-law, 2017, who have leadership qualities, 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;
(c) motivation by the nominator for the appointment of the nominee to the Polokwane Municipal Planning Tribunal (no less than 50 words and no more than 250 words);
(d) a short curriculum vitae of the nominee; and
(e) certified copies of qualifications and registration certificates indicating registration with the relevant professional body or voluntary association.

Please note that failure to comply with the above requirements will result in the disqualification of the nomination.

Nominations must be sent to:

The Municipal Manager

Polokwane Local Municipality

_____

_____

____

For Attention: _____

For Enquiries: _____

Tel: _____

_____

I, ……..….. (full names of nominee),

ID No (of nominee) ……,

hereby declare that –

(a) I am available to serve on Polokwane 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 Polokwane 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 Act to serve on the Polokwane Municipal Planning Tribunal and I authorise the Polokwane Local Municipality to verify any record in relation to such disqualification or requirement;
(d) I undertake to sign, commit to and uphold the Code of Conduct applicable to members of the Polokwane Municipal Planning Tribunal.

No nominations submitted after the closing date will be considered.

_____

Signature of Nominee

_____

Full Names of Nominee

SCHEDULE 3

CODE OF CONDUCT OF MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL, OPERATING PROCEDURES AND GUIDELINES

PROCEDURE FOR THE MUNICIPAL PLANNING TRIBUNAL TO CONSIDER LAND DEVELOPMENT APPLICATIONS

This Code of Conduct aims at providing a foundation for procedures to be followed by the Municipal Planning Tribunal or Authorised Official to consider Development Applications in terms of the applicable legislations and that authorises the Municipality to take decisions.

1. INTRODUCTION: THE PROCESS OF SUBMISSION OF LAND DEVELOPMENT APPLICATIONS

(1) The process refers to all land development applications submitted in terms of this By-law, the Act or other relevant legislation i.e. national, provincial or municipal.

(2) Applicants lodge a land development application with the Business Unit responsible for City Planning or as the case may be. Depending on the nature of the application, an application will be advertised or not. The method of advertising may differ from one type of application to the other. The application is circulated to various departments within the Municipality as well as those bodies the Municipality is obliged to consult with as prescribed by the different legislation.

(3) The different types of land development applications submitted have different procedural requirements, which include different prescribed fees, specific documentations, different advertising requirements, affidavits, etc.

(4) Upon submission of the land development applications the administration must ensure that all procedural requirements have been met in terms of the relevant legislations.

(5) The Deputy Chairperson for the Municipal Planning Tribunal and committees assigned to him/her must ensure that all relevant documents have been submitted for consideration of the land development application and may for that purpose prepare a report if required to that effect.

(6) Once all the advertising periods, as well as circulation dates have expired the application is ready to be processed by the administration.

(7) The Business Unit responsible for City Planning prepares a report capturing the assessment that include assessment and evaluation of evidence presented by the applicant or other parties to the application for their burden of proof in terms of the Act and need and desirability or any other compliance for the application to be considered including policy frameworks, responses to all comments received and specifically dealing with objections.

(8) Once a report has been prepared by the Business Unit responsible for City Planning it will be determined whether the application can be dealt with in terms of powers delegated to the Authorised Official in terms of the categorisation of development applications or whether the application must be referred to the Municipal Planning Tribunal for decision-making in terms of their functions and delegated powers.

(9) If an application is referred to the Municipal Planning Tribunal, all relevant documentation, the applicant's memorandum, objections, the applicant's reply to the objections and the official's comments are annexed to a report which sets out the basis of the application.

(10) The administration responsible for supporting the Municipal Planning Tribunal arranges for a public hearing contacting all objectors and advising them to attend a site inspection and the hearing. It is

important to send out the notification strictly in accordance with the requirements of the relevant legislation, in most instances fourteen days' notice plus seven days for postal delivery for the hearing.

2. OPERATIONAL FRAMEWORK FOR THE MUNICIPAL PLANNING TRIBUNAL

(1) The policy guidelines and operation framework are intended to assist the Municipal Planning Tribunal with decision-making on land development applications and should work towards the implementation of the Integrated Development Plan for Council. These policies would include proposed densities, areas where mixed land use could be supported and policy statements with regard to the treatment of development corridors, etc. before they can be implemented. The most important policy document being the Municipal Spatial Development Framework ("MSDF") and its components.

(2) The Municipal Spatial Development Framework must be adhered to at all times unless it may be departed from as provided for in terms of the Act or this By-law.

(3) In terms of the relevant municipal planning legislation the Municipality may take certain decisions with regard to land development applications.

(4) In taking decisions as contemplated in the various land development pieces of legislation, such decisions may be regarded as an administrative action in terms of administrative law. The Promotion of Administrative Justice Act, 2000 (Act No. 2 of 2000) should be complied with at all times. All administrative actions should be lawful, reasonable and procedurally fair. Furthermore, the Municipal Planning Tribunal can be regarded as a quasi-judicial body in the execution of its responsibilities.

(5) A quasi-judicial act or function refers to an act or function, which influence the liberty, property or other existing rights of an individual. Submissions made to the Municipal Planning Tribunal will range from new development to change of land use rights on a given site, and they involve both public and private sector initiatives, all of which need to be assessed in terms of their strategic influence on the whole of the Polokwane Municipal area.

(6) Any quasi-judicial body is required to comply with the rules of natural justice, as well as administrative action. The legislations dealing with land development provides that certain requirements be adhered to with regards to any decision that may be taken by the Municipal Planning Tribunal and no discretion exists to deviate there from.

(7) In order to remain objective in the decision-making process, the applicant will only discuss the application with the relevant officials and objectors prior to the hearing. If the matter is discussed with any member of the Municipal Planning Tribunal prior to the hearing, it could be construed that, a decision taken by the Municipal Planning Tribunal where such interaction did take place, that such a decision is not objective. The planning official will negotiate conditions and problem areas with the applicant and the service departments may need to discuss specific issues relating to implementation. The rules of natural justice, however, indicate that it would be fair to all parties concerned, if negotiations take place prior to the Municipal Planning Tribunal hearings.

(8) In order to save time and to ensure that matters do not have to be postponed unnecessarily, applicants and objectors would be requested to submit *points in limine* prior to the meeting. These *points in limine* should be submitted, in writing to the administration supporting the Municipal Planning Tribunal within a specific time frame. These may then be dealt with administratively, in consultation with the legal department, prior to the meeting. If necessary, the meeting date may be changed to accommodate the correction of matters i.e. if all objectors did not receive notification of the meeting.

(9) The rules of natural justice, which should be adhered to, include the *nemo index insua causa* rule, i.e. no person may be a judge in his own case. Various case law confirms the above and goes further to

apply the principle that "justice should not only be done, but should be seen to be done". In other words, even if it can indisputably be proven that a person is not biased, if it appears to the layman that somebody may be biased he or she must recuse themselves from the decision making process.

(10) A member of the Municipal Planning Tribunal shall not take part in the discussion of or the making of decisions about any matter before the Tribunal in which he or she or his or her spouse, immediate family, partner of employer or the partner or employer of his or her spouse has, directly or indirectly, may have any pecuniary interest read with section 38 of the Act.

3. SITE INSPECTION

(1) Applicants, interested parties and objectors will be requested to bring evidence along to the hearing such as photographs, video recordings, models, etc. with regards to any physical features they wish to base their submission on.

(2) Parties will be permitted to argue the relevance of a site inspection at the hearing if they so wish.

(3) The Municipal Planning Tribunal will decide whether to go on a site inspection or not. This will follow the next day of the hearing where after the hearing will be concluded or where the Department deems it necessary the site inspection can be arranged before the hearing of the land development application.

(4) In the case where it has been argued and agreed that the inspection of the site is important, the inspection must be attended by a quorum of the Municipal Planning Tribunal and preferably all the members of the Municipal Planning Tribunal who are due to hear the matter.

The procedure adopted to facilitate this is as follows —

The parties agree at the hearing at what time the inspection will take place either on the day, or if the site inspection is scheduled prior to the hearing, as may be determined at the site inspection. The procedure adopted to facilitate this is as follows —

* At the inspection the parties are entitled to point out physical features that they intend arguing as being important during the hearing. There shall be no arguments or debates at the site and during the site inspection.

(a) The following points should be noted with regard to site inspections —

(i) all the Municipal Planning Tribunal members will concentrate on the physical features pointed out by the parties to the hearing and will at all relevant times pay full attention to the submissions made on site.

(ii) the Municipal Planning Tribunal members will follow the Chairman/Presiding Officer on the tour of the site and/or relevant building(s). The inspection will be of a visual nature elucidated by questions or requests for further particulars. No doors, cabinets or drawers are to be opened unless the applicant or his or her representative offers to do so.

(iii) the Chairperson/Presiding Officer will meet the applicant and/or representatives of the applicant and explain the nature and purpose of the site inspection.

(iv) the site inspection will be regarded as concluded when the Chairman/Presiding Officer has ascertained that there are no further questions to be asked and inform the participants where and at which time all parties will meet again to conclude the hearing.

(v) No bias towards a decision should be communicated by any Tribunal member at this stage. All members are to remain objective, until the hearing is concluded. Concerns and objections by Tribunal members should be raised in the Tribunal in committee session.

(vi) Tribunal members and/or officials will switch off their cellular telephones and/or pagers during site inspection and the formal hearing.

(vii) No discussion of any nature whatsoever will be allowed on the bus, should a bus be used, on the merits or physical features or any time prior or after the site inspection thereof.

4. ORDER OF HEARING

(1) In order to ensure that proceedings of the Tribunal take place in a dignified atmosphere. The Municipal Planning Tribunal members are requested to refrain from criticizing other officials, expressing disagreement with other members of the Tribunal or making statements, which could be construed as pre-judgment of the issue before the or during the hearing itself. Members are free to express themselves fully at the decision making stage of the proceedings. Members should respect the procedures by asking leave from the chair to leave the proceedings.

(2) If any Municipal Planning Tribunal member or his or her family has a vested interest as contemplated in section 38 of the Act, in the application, he or she should recuse himself or herself from the hearing for the application.

(3) The Appeal Court has expressed itself as follows regarding the principles that govern properly conducted meetings:

** The* Municipal Planning Tribunal *has specially been created to deal with disputes relating to administration and are not bound to follow the procedure of* a *court of law. Certain elementary principles, speaking generally, they must have due and proper opportunity of producing their evidence and stating their contentions, (and the statutory duties imposed must be honestly and impartially discharged). These elementary principles must be regarded* as *embodied in the Act, and regulations running counter to them could be upheld."*

(4) The above principles should be seen to be observed both at the site inspection and the hearing in order to enhance the reputation of the Tribunal as a credible body and to ensure that the Tribunal proceedings cannot be attacked in the courts on the basis that such principles were not properly observed.

(5) The procedure adopted in the hearing shall be in accordance with section 104(3) of this By-law;

5. IN-COMMITTEE DISCUSSIONS

(1) The Tribunal may approve the application as submitted, in an amended form subject to conditions, refuse the application or postpone its decision as contemplated in the provisions of this By-law read with section 35, 40 and 42 of the Act. The Tribunal should also take a decision on the merit of an application and look at all the relevant information and disregard the irrelevant information. The Tribunal has to apply its mind in the consideration of an application before it.

(2) The Chairman/Presiding Officer facilitates the Tribunal discussions. It is the duty of the legal adviser to ensure that the decision that is made can be substantiated by the relevant facts and can be upheld in a court of law. The proceeding is also recorded and the Tribunal should state its reasons for the decision on record.

(3) If the Tribunal intends to change the conditions of an application substantially, it should be done in consultation with the parties to the application. The development planning legislation makes provision for the amendment of the application, after consultation with the applicant and/or parties to the Tribunal hearing. However, no greater rights than that which has been applied for and consequently advertised may be asked for or given or where the rights of an interested and affected party are affected whether the rights are increased or not can be granted in an amended form.

(4) An application can only be postponed for relevant reasons. These include: by request and agreement of the objectors, if points *in limine* were raised, adequate notification of the hearing was not received, etc.

(5) Consideration of the application should be done with due regard to all relevant facts, policies and in particular the Integrated Development Plans and Municipal Spatial Development Framework with reference to section 35 of the Municipal Systems Act, 2000 (Act No. 32 of 2000) and section 35, 40 and 42 of the Act. It is the responsibility of the Council to formulate policy, including consultation with all stakeholders not that of the Municipal Planning Tribunal and this should be taken into account.

6. OBJECTIVES AND DEVELOPMENT PRINCIPLES FOR CONSIDERATION

The objectives and development principles as set out in section 3, 6 and 7 of the Act must be considered by the Municipal Planning Tribunal in their consideration of the land development applications, however specific reference thereto during the deliberation and decision of applications shall not be required.

7. ASSISTANCE IN TAKING DECISIONS

(1) Council Policies

Some of the developed areas of Polokwane Local Municipality are subject to development policies that were developed for those areas. These are in many cases very detailed and address the specific needs and dynamics of the various areas. These policy documents were drawn up in consultation with the affected community and have been approved by Council. The policies also included an evaluation of the infrastructure capacity and transportation routes, and development proposals were made accordingly.

(2) Official's Comments

The Business Unit responsible for City Planning or as the case may be assesses applications that are submitted to the Municipality. Planning staff is trained to assess the impacts of development and make recommendations thereon. The Municipal Planning Tribunal is a quasi-judicial body, and therefore need to make the final decision on development applications, but the planning staff act in an advisory capacity as professionals in planning in the Municipality to the Municipal Planning Tribunal. Note that the Business Unit responsible for City Planning is not a party to the application, but merely provides a professional assessment of the application and recommendations to guide and assist the Municipal Planning Tribunal to make a decision and for that purpose the report shall include the information as contained in this By-law but for summary may include —

(a) site details and important physical factors that may impact on the development;
(b) development context of the area that may impact on the site;
(c) history of development in terms of use, scale and intensity;
(d) impact of the proposed development on the surrounding properties and area;
(e) assessment of proposed development in terms of Council policies and infrastructure; and
(f) recommendations from a town planning point of view.

It is the responsibility of the planning official to obtain the comments of the other service departments and affected parties and to assess the appropriateness of the development.

(3) The Chair/Presiding Officer and Legal Adviser

The legal adviser, assist the Tribunal to make decisions that are in accordance with the various procedures and guidelines stated in legislation. The legal adviser should also advise the Tribunal of the scope of decisions that may be made, and the necessary procedures to be followed.

If reasons for the Tribunal decision are required, it is the responsibility of the legal adviser to ensure reasons are recorded for the tribunal discussion. The legal adviser and/or chairperson/presiding officer have to represent and state the reasons for Tribunal decisions. It is thus imperative that the correct procedures and motivations be used in decision making. The legal adviser should ensure that a quorum is present at all times, that the members of the hearing were present at the site inspection and that the relevant legislation is adhered to at all times.

(4) Infrastructure Capacity

There is a close relationship between the availability of infrastructure and development that can take place. In terms of the relevant development planning legislation and it is the responsibility of the Municipality to ensure that the development is provided with the necessary infrastructure or that arrangements have been made for the provision thereof.

(5) 3rd party agreements and conditional withdrawal of objections

In terms of section 104(3)(n) of this By-law the Municipal Planning Tribunal shall not be bound by agreements reached between parties to the land development application and the assessment and imposition of conditions shall be done based on the facts and merits in front of it.

8. APPLICABLE LEGISLATION AND LAND USE SCHEME

(1) All members of the Tribunal shall have a duty to familiarize themselves with the content of any legislation, policy, plan framework in terms of which they consider any matter before it and the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 2 of 2000).

(2) They shall have specific regard to what shall be required by the applicant to be proven in terms of the said legislation in order for the land development application or any matter before it, to be considered.

9. NOTICE V. AGENDA

A notice in terms of this By-law to any member whether in the form of an agenda or not, shall have the same purpose as a subpoena to serve on the Municipal Planning Tribunal and only formal apologies and alternative arrangements approved by the Chairperson/Presiding Officer appointed in terms of the Act, shall be accepted.

10. ATTENDANCE REGISTER

Every member attending a meeting must sign his or her name in the attendance register.

11. ADJOURNMENT IN THE EVENT OF NO QUORUM

(1) If a quorum is not present at the expiry of 30 minutes after the time scheduled for a meeting, the meeting may not be held unless it is decided, with the consent of the majority of the members present, that a further 15 minutes should be allowed to enable a quorum to be present.

(2) The quorum at the hearing(s) of the Tribunal will be three or more members, including the Chairperson and of which one member shall be a non-municipal official as contemplated in section 40(2) of the Act.

12. METHOD OF VOTING DURING MEETING(S)

(1) The members of Municipal Planning Tribunal will be required to vote in favour of or against the recommendation of the report(s) or make any other recommendation and vote for the said recommendation.

(2) Should there be an equal number of votes in respect of a proposal/application during meeting(s) the Chairperson/Presiding Officer of a Tribunal must record his or her casting vote.

13. CONSIDERATION OF THE MINUTES OF A PREVIOUS MEETING(S)

Due to the rotation of members of the Municipal Planning Tribunal the minutes must be circulated to all members and it may be amended in accordance with any comments received by the Chairperson and signed off by him or her.

14. RECORDING

Municipal Planning Tribunal is a tribunal of record and all the documents submitted and the proceedings of the committee shall, consequently be recorded. Provision must also be made for the recording of the proceedings during the site inspection, alternatively, that such proceedings be read into the record by the Chairperson or his or her nominee during the site inspection subject to sections 104(7), 134(2) and 135 of this By-law.

.....

15. DECLARATION

I, ……..hereby declare that I have read and understand the contents of the Code of Conduct. I further declare that I will be bound by the Code of Conduct and Operational Procedures in my participation as a member of the Municipal Planning Tribunal at all times.

……

Signature

……

Date

SCHEDULE 4

CODE OF CONDUCT FOR MEMBERS OF THE MUNICIPAL APPEAL TRIBUNAL

I, the undersigned,

Full names: _____
Identity Number: _____
Residing at: _____
_____
_____
_____

do hereby declare that I will uphold the Code of Conduct of the Municipal Appeal Tribunal contained hereunder:

---

1. General conduct

(1)I, as a member of the Municipal Appeal Tribunal will at all times—

(a) act in accordance with the principles of accountability and transparency;
(b) disclose my personal interests in any decision to be made in the appeal process in which I serve or have been requested to serve; and
(c) abstain completely from direct or indirect participation as an advisor or decision-maker in any matter in which I have a personal interest and I will leave any chamber in which such matter is

under deliberation unless my personal interest has been made a matter of public record and the Municipality has given written approval and has expressly authorised my participation.

(2) I will not, as a member of the Municipal Appeal Tribunal —

(a) use the position or privileges as a member of the Municipal Appeal Tribunal or confidential information obtained as a member of the Municipal Appeal Tribunal for personal gain or to improperly benefit another person; and

(b) participate in a decision concerning a matter in which I or my spouse, partner or business associate, has a direct or indirect personal interest or private business interest.

2. Gifts

I will not, as a member of the Municipal Appeal Tribunal receive or seek gifts, favours or any other offer under circumstances in which it might reasonably be inferred that the gifts, favours or offers are intended or expected to influence my objectivity as a member of the Municipal Appeal Tribunal.

3. Undue influence

I will not, as a member of the Municipal Appeal Tribunal —

(a) use the power of any office to seek or obtain special advantage for private gain or to improperly benefit another person that is not in the public interest;

(b) use confidential information acquired in the course of my to further a personal interest;

(c) disclose confidential information acquired in the course of my duties unless required by law to do so or by circumstances to prevent substantial injury to third persons; and

(d) commit a deliberately wrongful act that reflects adversely on the Municipal Appeal Tribunal, the Municipality, the government or the planning profession by seeking business by stating or implying that I am prepared, willing or able to influence decisions of the Municipal Appeal Tribunal by improper means.

Signature of Member: _____

Full Names: _____

Date: _____

SCHEDULE 5

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 Polokwane Municipal Planning Tribunal, or

(c) I have the following interests which may conflict or potentially conflict with the interests of the Polokwane 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 Act, or provincial legislation or the Polokwane Municipal Planning By-law, 2017.

(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 Act, 2013 or provincial legislation or the Polokwane Municipal Planning By-law, 2017.

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 other conscience.

_____

COMMISSIONER OF OATHS

FULL NAMES: _____

DESIGNATION: _____

ADDRESS: _____

* Delete the option that is not applicable

SCHEDULE 6

LAND USE SCHEME REGISTER

A land use scheme register as contemplated in section 30 of this By-law may where applicable include the following information relating to land development applications as contemplated in sections 54, 55, 61 and 73 of this By-law —

(a) date of application of the land development application;
(b) name and contact details of the applicant;
(c) the land development application type;
(d) property description;
(e) existing zoning;
(f) amendment scheme number;
(g) annexure number;
(h) decision and date;
(i) date of adoption and publication; and
(j) any other information which in the opinion of the Municipality shall be required to assist land development in general, provided that information in paragraph 1(a) to (i) can be made available to the public but information in terms of paragraph 1(j) need not be made available**.**

SCHEDULE 7

ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR RESERVATION OF A TOWNSHIP NAME IN TERMS OF SECTION 54 (2)(D) OF THIS BY-LAW

1. Before the submission of a township establishment or extension of boundaries application as contemplated in section 54 of this By-law or a division of a township as contemplated in section 55 of this By-law a request for approval for the reservation of a township name must be submitted to the Municipality.

2. The applicant shall for purposes of a complete submission for a request for reservation of a township name at least submit the following documentation —

(a) an original official receipt or proof of payment for the application fee, the request will not be processed before confirmation has been received of payment;
(b) a covering letter with the written request for a new township name;
(c) if the applicant is not the owner of the property(ies) a power of attorney that complies with the provisions of section 76 of this By-law;
(d) a copy of the Title Deed which is registered in the Deeds Office at the time when the application is submitted or registered ownership or beneficial ownership of property, with all the pages including the endorsement pages and any notarial deed of agreement and/or other rights and/or servitude(s) registered against the property; provided that a draft Title Deed shall not be acceptable;
(e) a locality plan indicating where the proposed township establishment or division of the township establishment will be as well as the exact boundaries of the proposed township; and
(f) the township layout plan on a scale of 1:1 000, 1:1 250, 1:1 500, 1:2 000, 1:2 500 or 1:5 000 as determined by the Municipality.

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 8

ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR THE ESTABLISHMENT OF A TOWNSHIP OR THE EXTENSION OF THE BOUNDARIES OF A TOWNSHIP IN TERMS OF SECTION 54 OF THIS BY-LAW

An applicant who wishes to apply in terms of section 54 of this By-law for the establishment of a township or extension of the boundaries of a township, shall apply to the Municipality in the forms as set out in PLM: F-1, PLM: F-2 (with Part C to D), PLM: F-10(A)and PLM: F-10(A1) to this By-law, and such application shall, in addition to the fees prescribed, be accompanied by the maps and documents indicated below —

(a) proof of payment (i.e application fee "*please consult approved tariffs for application"*);
(b) the completed and signed application Form;
(c) a copy of title deed/ leasehold title/ deed of grant of the land;
(d) bondholder's consent (if the land is encumbered by a bond);
(e) power of Attorney (if the property is not registered in the applicant's name);
(f) company resolution (if the property is registered in the company's name);
(g) minerals' holder's consent (if applicable);
(h) motivational Memorandum (as contemplated in section 89(2)(d);
(i) locality plan/map;
(j) layout plan;
(k) draft conditions of establishment for the proposed township in the format approved by the Council;
(l) EIA approval/exemption (if a listed activity);
(m) traffic impact study (if required by relevant department);
(n) geotechnical report compiled and signed by suitably qualified professional;
(o) flood line certificate (if property is subject to flooding);
(p) feasibility study;
(q) services report;
(r) proof of site notice and affidavit;
(s) adverts from newspaper/ gazette and affidavit; and
(t) township name reservation letter.

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 9

APPLICATION REQUIREMENTS FOR AN APPLICATION FOR THE DIVISION OF A TOWNSHIP IN TERMS OF SECTION 55 OF THIS BY-LAW

1. An applicant who wishes to apply in terms of section 55 of this By-law for a division of a township, shall apply to the Municipality in the forms as set out in PLM: F-1, PLM: F-3(with Part C to D of PLM: F-2) and PLM: F-10(B) to this By-law, and such application shall, in addition to the fees prescribed, be accompanied by the maps and documents indicated in paragraph 3 below.

2. The applicant must first ensure that he or she has applied in accordance with schedule 7to this By-law and received approval for the township name(s) for the division of the township from the Business Unit responsible for City Planning. The applicant must ensure that the township name reservation letter is submitted with the land development application.
3. The applicant shall submit at least for purposes of a complete submission of an application in terms of section 55 of this By-law the following documentation —

(a) an original official receipt or proof of payment of the application fee; the application will not be processed before confirmation of payment has been received;

(b) a covering letter addressed to the Business Unit responsible for City Planning;

(c) the completed and signed application forms as set out in PLM: F-1 and PLM: F-3 (with Part C to D of PLM: F-2) and PLM: F-10(B) to this By-law;

(d) township name reservation letter;

(e) draft amendment scheme (annexure and map) prepared in the format as contemplated in the applicable land use scheme and or town planning scheme read with section 29 of this by-law for purposes of incorporation into the land use scheme in terms of section 55(2)(d) of this By-law; provided that the draft amendment scheme map indicates the following if applicable —

(i) the boundaries, description of surrounding properties and the property(ies) description of all property(ies), townships, agricultural holdings, farms, lots, plots, portions of the land development application property(ies);
(ii) the scale;
(iii) the true north;
(iv) the position and names of all municipal, provincial and national streets, roads, thoroughfares;
(v) the position and names of all open spaces and squares;
(vi) the position of every rail reserve;
(vii) all lines of no access;
(viii) proposed use zone(s);
(ix) existing and proposed building lines and building restriction area(s); and
(x) a legend;

(f) if the applicant is not the owner of property(ies) a power of attorney that complies with the provisions of section 76 and Form PLM: F-16 this By-law;

(g) if the property is encumbered by a bond, the bondholder's consent;

(h) a motivational memorandum with reasons for the division a township and the manner in which it will be done;

(i) the approved conditions for the establishment of the township to be divided together with the township layout plan(s) indicating the individual divisions;

(j) proof of compliance with section 56 or proof of compliance with section 55(2)(d) of this By-law;

(k) a land surveyor’s certificate including a land audit report from a land surveyor indicating whether and how the property(ies) are affected by the conditions of title or servitudes recorded in the title deed(s) affect the proposed land development;

(l) a conveyancer’s certificate including a land audit report from a conveyancer, indicating who the registered owner of the property(ies) is, the conditions of title or servitudes recorded in the title deed(s), how these conditions of title or servitudes affect the proposed land development, as well as the mortgage bond registered against the property. The report must indicate how to deal with such conditions or restrictions in the proposed conditions of establishment;

(m) a geo-technical (including geology) report classifying the soil types, indicate risk classifications and recommended type of development and the National Building Regulation Classification;

(n) proposed township layout plans per proposed division that complies with the requirements as set out in PLM: F-10(A1) to this By-law, preferably maximum A3 size;

(o) the proposed revised statements of conditions of approval;

(p) a copy of the title deed which is registered in the deeds office at the time when the application is submitted or registered ownership or beneficial ownership of property, with all the pages including the endorsement pages and any notarial deed of agreement and/or other rights and/or servitude(s) registered against the property; provided that a draft title deed shall not be acceptable; and

4. The Municipality may require other documents, such as further copies of the plan of the proposed township, drawn to such scale as required, site plans and transport impact studies, to be submitted in support of the application before the application is finalized.

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 10

REQUIREMENTS AND ADDITIONAL DOCUMENTS FOR AN APPLICATION IN TERMS OF SECTION 61 OF THIS BY-LAW FOR THE AMENDMENT OF A LAND USE SCHEME KNOWN AS REZONING.

1. An applicant who wishes to apply in terms of section 61 of this By-law for the amendment of a land use scheme also known as rezoning, shall apply to the Municipality in the forms as set out in PLM: F-1, PLM: F-4, PLM: F-10(C) to this By-law, and such application shall, in addition to the fees prescribed, be accompanied by the maps and documents indicated below —
   (a) an amendment scheme number ("*one amendment scheme number per erf*");
   (b) proof of payment (i.e application fee ("*please consult approved tariffs for application");*
   (c) the completed and signed application form;
   (d) a copy of title deed/ leasehold title/ deed of grant of the land;
   (e) bondholder's consent (if the land is encumbered by a bond);
   (f) power of attorney (if the property is not registered in the applicant's name);
   (g) company resolution (if the property is registered in the company's name);
   (h) motivational memorandum (as contemplated in section 89(2)(d);
   (i) locality plan/map;
   (j) land use/zoning plan/map;
   (k) draft SDP/ site plan;
   (l) development controls: height; far; coverage; no of units and no of parking;
   (m) map 3's and scheme clauses;
   (n) proof of site notice and affidavit; and
   (o) adverts from a local newspaper/ gazette and affidavit.

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 11

ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR THE AMENDMENT, SUSPENSION OR REMOVAL OF A RESTRICTIVE OR OBSOLETE CONDITION, SERVITUDE OR RESERVATION REGISTERED AGAINST THE TITLE OF THE LAND IN TERMS OF SECTION 62 OF THIS BY-LAW

1. An applicant who wishes to apply in terms of section 62 of this By-law for the amendment, suspension or removal of a restrictive or obsolete condition, servitude or reservation registered against the title deed relating to his or her property, shall apply to the Municipality in the forms as set out in PLM: F-1, PLM: F-5, PLM: F-10(D) to this By-law, and such application shall, in addition to the fees prescribed, be accompanied by documents indicated below —
   (a) proof of payment (i.e application fee "*please consult approved tariffs for application"*);
   (b) the completed and signed application form;
   (c) a copy of title deed/ leasehold title/ deed of grant of the land;
   (d) bondholder's consent (if the land is encumbered by a bond);
   (e) power of attorney (if the property is not registered in the applicant's name);
   (f) company resolution (if the property is registered in the company's name);
   (g) motivational memorandum must —
      (i) clearly indicate precisely which conditions are to be removed, amended or suspended;

(ii) indicate the future development of the area; and
(iii) contain a thorough motivation, from a land use point of view, of the proposed removal/ amendment of the conditions in the title deed including, but not restricted to, the need and desirability of the application;

(h) locality plan/map;
(i) land use plan/map;
(j) draft SDP/ site plan;
(k) proof of registered letters/ notices to adjoining property owners;
(l) proof of site notice and affidavit.

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 12

ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR SUBDIVISION IN TERMS OF SECTION 67 OF THIS BY-LAW

1. An applicant who wishes to apply in terms of section 67 of this By-law for subdivision relating to a property, shall apply to the Municipality in the forms as set out in PLM: F-1, PLM: F-7, PLM: F-10(E) to this By-law, and such application shall, in addition to the fees prescribed, be accompanied by the documentation indicated in paragraph 2 below.

2. The applicant shall submit at least but not limited to the following documentation upon submission of the application —
   (a) proof of payment (i.e application fee "*please consult approved tariffs for application"*);
   (b) the completed and signed application form;
   (c) a copy of title deed/ leasehold title/ deed of grant of the land;
   (d) bondholder's consent (if the land is encumbered by a bond);
   (e) power of attorney (if the property is not registered in the applicant's name);
   (f) company resolution (if the property is registered in the company's name);
   (g) motivational memorandum (as contemplated in section 89(2)(d);
   (h) locality plan/map;
   (i) zoning certificate;
   (j) draft SDP/ site plan;
   (k) development controls: height; FAR; coverage; No of units and No of parking;
   (l) proposed subdivision diagram; and
   (m) the appropriate consent where required in terms of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970).

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 13

ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR CONSOLIDATION IN TERMS OF SECTION 67 OF THIS BY-LAW

1. An applicant who wishes to apply in terms of section 67 of this By-law for consolidation of properties, shall apply to the Municipality in the forms as set out in PLM: F-1, PLM: F-7, PLM: F-10(E) to this By-law, and such application shall, in addition to the fees prescribed, be accompanied by the documentation indicated in paragraph 2 below.

2. The applicant shall submit at least but not limited to the following documentation upon submission of the application —
    (a) proof of payment (i.e application fee "please consult approved tariffs for application");
    (b) the completed and signed application form;
    (c) a copy of title deed/ leasehold title/ deed of grant of the land;
    (d) bondholder's consent (if the land is encumbered by a bond);
    (e) power of attorney (if the property is not registered in the applicant's name);
    (f) company resolution (if the property is registered in the company's name);
    (g) motivational memorandum (as contemplated in section 89(2)(d);
    (h) locality plan/map;
    (i) zoning certificate;
    (j) draft SDP/ site plan;
    (k) development controls: height; FAR; coverage; No of units and No of parking;
    (l) proposed consolidation diagram.

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 14

ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION OF THE AMENDMENT OF TOTAL OR PARTIAL CANCELLATION OF A GENERAL PLAN IN TERMS OF SECTION 64 OF THIS BY-LAW

1. An applicant who wishes to apply in terms of section 64 of this By-law for an application of the amendment of total or partial cancellation of a general plan, shall apply to the Municipality in the forms as set out in PLM: F-1, PLM: F-6 submitted together with PLM: F-2(Part C to D) to this By-law, and such application shall, in addition to the fees prescribed, be accompanied by the documentation indicated below —
    (a) proof of payment (i.e application fee "*please consult approved tariffs for application"*);
    (b) the completed and signed application form;
    (c) copy of the title deed which is registered in the deeds office at the time when the application is submitted of the land affected by the alteration, amendment or total or partial cancellation;
    (d) bondholder's consent (if the land is encumbered by a bond);
    (e) copies of the relevant sheet of the general plan which may be reduced copies of the original;
    (f) copies of a plan of the township showing the proposed alteration or amendment or, if partial cancellation is applied for, the portion of the plan cancelled;
    (g) power of attorney (if the property is not registered in the applicant's name);
    (h) company resolution (if the property is registered in the company's name);
    (i) motivational memorandum (as contemplated in section 89(2)(d);
    (j) proof of registered letters/ notices to adjoining property owners; and
    (k) adverts from newspaper/ gazette and affidavit.

2. The applicant shall submit after approval of the amendment, amendment or total or partial cancellation of the general plan of an approved township or a division of land —
    (a) a certified copy of the altered, amended or totally or partially cancelled general plan;
    (b) a statement indicating —
        (i) the use of the land affected by such alteration, amendment or cancellation;
        (ii) every condition imposed, amended or deleted in terms of section 66 of this By-law governing the use of the land contemplated in subparagraph (i).

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 15

ADDITIONAL DOCUMENTS REQUIRED FOR THE PERMANENT CLOSURE OF A PUBLIC PLACE IN TERMS OF SECTION 72 OF THIS BY LAW

1. The Municipality may on its own initiative or on application close a public place or any portion thereof in terms of section 72, and an applicant who also wishes to have a public place closed or a portion of a public place closed must apply to the Municipality, and such application shall in addition to the fees prescribed or determined, be accompanied by the documentation indicated in paragraph 2 below.

2. The applicant shall submit at least but not limited to the following documentation upon submission of the application —
    (a) proof of payment (i.e application fee "*please consult approved tariffs for application"*);
    (b) the completed and signed application form;
    (c) a copy of title deed/ leasehold title/ deed of grant of the land;
    (d) power of attorney (if the property is not registered in the applicant's name);
    (e) company resolution (if the property is registered in the company's name);
    (f) motivational memorandum (as contemplated in section 89(2)(d);
    (g) locality plan/map;
    (h) zoning certificate;
    (i) draft SDP/ site plan; and
    (j) adverts from newspaper/*gazette*, proof of site notice and affidavit.

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 16

ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR TEMPORARY OR PERMANENT DEPARTURE FROM THE PROVISIONS OF THE LAND USE SCHEME IN TERMS OF SECTION 75 OF THIS BY-LAW

1. An application for temporary or permanent departure must, in addition to the documentation referred to in section 89(2), be accompanied by —
    (a) a power of attorney from the registered owner of the land if the applicant is not the registered owner;
    (b) if the land is encumbered by a bond, the bondholder's consent;
    (c) a locality plan;
    (d) a copy of the title deed which is registered in the deeds office at the time when the application is submitted;
    (e) a copy of the zoning certificate, including any notices published in terms of this By-law which has the purpose of changing the land use rights which may be applicable; and
    (f) motivational memorandum (as contemplated in section 89(2)(d).

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 17

ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR CONSENT USE IN TERMS OF SECTION 73 OF THIS BY-LAW

1. An applicant or owner who wish to apply in terms of section 73 of this By-law for consent use relating to his or her property shall apply to the Municipality, and such application shall in addition to the fees prescribed or determined, be accompanied by the documentation indicated in paragraph 2 below.

2. The applicant shall submit at least but not limited to the following documentation upon submission of the application —
    (a) proof of payment (i.e application fee "*please consult approved tariffs for application"*);
    (b) the completed and signed application form;
    (c) a copy of title deed/ leasehold title/ deed of grant of the land;
    (d) power of attorney (if the property is not registered in the applicant's name);
    (e) company resolution (if the property is registered in the company's name);
    (f) motivational memorandum (as contemplated in section 89(2)(d);
    (g) locality plan/map;
    (h) zoning certificate;
    (i) draft SDP/ site plan;
    (j) development controls: height; FAR; coverage; No of units and No of parking; and
    (k) adverts from newspaper/ proof of site notice and affidavit.

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 18

EXEMPTION OF FEES IN TERMS OF SECTION 90(6) OF THIS BY-LAW

1. An applicant may request the Municipality for exemption of payment of application fees and/or fees for a copy of the land use scheme or any component thereof in the following instances —
    (a) the proposed land development application will be for national, provincial of municipal uses; and/or
    (b) municipal projects and/or consultants that have been appointed by the Municipality to lodge a specific land development application or project; and/or
    (c) academic research projects.

2. The applicant must submit at least the following documentation before submission of a land development application as contemplated in Chapter 6 of this By-law for completeness of his or her request —
    (a) written motivation with the reasons for exemption of fees;
    (b) proof that the proposed development will be of national, provincial or municipal purposes or interest;
    (c) proof of ownership of the proposed application property(ies); and
    (d) proof to the satisfaction of the Municipality that the project is for academic research.

3. Exemption for payment of application fees must be granted before the submission of a land development application, failing which section 90(3) of this By-law shall apply.

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 19

EXCISION OF AN AGRICULTURAL HOLDING IN TERMS OF SECTION 173(6) OF THIS BY-LAW

1. An owner of a property(ies) who wishes to apply for the excision of an agricultural holding from the Agricultural Holding Register and the Registrar of Deeds as contemplated in terms of section 173(6) of this By-law, shall apply to the Municipality in the forms as set out in PLM: F-1 and the applicable form in terms of the Transvaal Agricultural Holding Act ,1919 (Act No. 22 of 1919). Unless the provincial legislations are repealed, the applicable form may be prescribed by the Municipality and such application

shall, in addition to the fees prescribed be accompanied by the maps and documents indicated in paragraph 2 below.

2. The applicant shall for purposes of a complete submission of an application in terms of section 173(6) of this By-law at least submit the following documentation —
    (a) an original official receipt or proof of payment of the application fee; the application will not be processed before confirmation of payment has been received;
    (b) a covering letter addressed to the Business Unit responsible for City Planning;
    (c) the completed and signed application form as set out on PLM: F-1;
    (d) a power of attorney that complies with the provisions of section 76 and PLM: F-16 of this By-law;
    (e) if the property is encumbered by a bond, the bondholder's consent;
    (f) a motivational memorandum with at least the following information —
        (i) indicate the reasons for the proposed excision of the agricultural holding; and
        (ii) indicate any other land development application submitted that necessitates the excision of the agricultural holding from the Agricultural Holding Register;
        (iii) purpose of the excision application (whether it is intended to remove the restrictive conditions relevant to Agricultural Holdings or are as a result of an application contemplated in paragraph (b);
        (iv) if the Agricultural Holding is excised the farm register into which it will be re-incorporated with an indication whether that farm is exempted in terms of the Subdivision of Agricultural Land, 1970 (Act No. 70 of 1970);
    (g) a locality plan indicating where the agricultural holding is situated be as well as the exact boundaries of the proposed division(s) of the agricultural holding;
    (h) a copy of the approved Agricultural Holding diagram or General Plans as approved by the Surveyor-General;
    (i) the agricultural holding layout plan on a scale of 1:1 000, 1:1 250, 1:1 500, 1:2 000, 1:2 500 or 1:5 000 as the case may be, or as determined by the Municipality; and
    (j) a copy of the title deed which is registered in the deeds office at the time when the application is submitted or registered ownership or beneficial ownership of property, with all the pages including the endorsement pages and any notarial deed of agreement and/or other rights and/or servitude(s) registered against the property, provided that a draft title deed shall not be acceptable.

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 20

REQUIREMENTS FOR THE PUBLIC PARTICIPATION OF APPLICATIONS AND SUBMISSION OF PROOF THEREOF IN TERMS OF SECTION 95(1) TO (3) OF THIS BY-LAW

1. Notices must be published once a week for two consecutive weeks in a local newspaper and in the *Provincial Gazette* in English and one other official language commonly spoken in the area as set out in PLM: F-12, PLM: F-13, PLM: F-14, PLM: F-15 or PLM: F-16 to this By-law or other provisions, as the case may be.

2. A notice as set out in PLM: F-12, PLM: F-13, PLM: F-14, PLM: F-15 or PLM: F-16 to this By-law or other provisions as the case may be must be placed on the property boundary clearly visible to the general public and maintained for a period of at least 14 days from the date of first publication. The placard must be at least 594 mm x 420 mm and the lettering on the notices shall be at least 6 mm high, legible, upright and in print.

3. A notice as set out in PLM: F-12, PLM: F-13, PLM: F-14, PLM: F-15 or PLM: F-16 to this By-law or other provisions, as the case may be must be sent by registered mail or delivered by hand to each owner of a property that abuts the land development application area and adjacent street, not later than the date of the first publication.

The diagrams below indicate which adjoining owner(s) of properties surrounding the land development application area must be notified by means of a notice.

Diagram A: Land development area in the centre of the block.

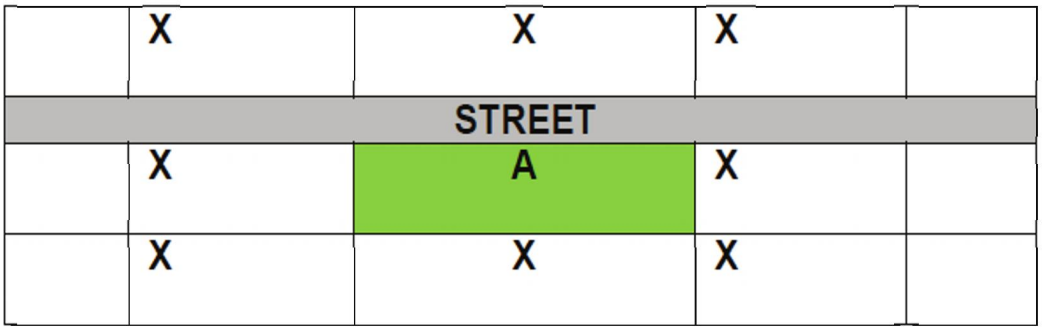

Diagram B: Land development area on a corner of two streets

Erven marked **A** represent the land development area (application property).
Erven marked **X** represent the properties whose owners must receive the notice.

4. In terms of section 93 (3) of this By-law, the applicant must submit proof in the following manner to the satisfaction of the Municipality that he or she has complied with all the provisions of this By-law or relevant legislation —
   (a) the applicant must submit the full pages of the newspapers and *Provincial Gazette* in which the notice appeared or certificates from the editors of the newspapers and *Provincial Gazette*;
   (b) the applicant must submit an affidavit in compliance with PLM: F-18 to this By-law, stating that the provisions of section 95(1) of this By-law have been complied with;
   (c) the applicant must submit two legible dated photographs of the placard notice as contemplated in section 95(1)(b) of this By-law, not smaller than half-postcard size —
      (i) one close-up of the notice to clearly show the wording; and
      (ii) one from a distance across the road to show the visibility of the notice;
   (d) the applicant must submit proof that a notice as prescribed in section 95(1)(c) of this By-law and in accordance of PLM: F-12, PLM: F-13, and PLM: F-14, PLM: F-15 or PLM: F-16 to this By-law as the case may be, have been sent by registered mail or delivered by hand to every

owner of land directly adjacent to and opposite the land development area provided that proof of compliance with this requirement may include —

(i) an affidavit by the applicant of compliance to the satisfaction of the Municipality; and

(ii) where the owner of the adjoining property(ies) cannot be traced and proof having been submitted of the efforts made by the applicant and in the opinion of the Municipality the owner cannot be traced, by affixing of the notice contemplated in section 95(1)(c) of this By-law on the property(ies) and taking a photograph which indicates the date on which it was taken.

5. In terms of section 95(8) of this By-law a copy of every objection and/or comment that is received by the applicant must be submitted to the Municipality. The applicant will also receive a copy of each objection and/or comment from the Business Unit responsible for City Planning.

6. When an application for rezoning to a category of land use zoning or use zone for "Special" is made, the notices in the newspapers and *Provincial Gazette* and placard notices must clearly specify what new land use rights, which may not be defined in the land use scheme, are envisaged with the proposed zoning as well as a clear description of the intended development on the application site.

7. When an application is made for a category of land use zoning or use zone other than "Special", the category of land use zoning or use zone formulated in the land use scheme must be mentioned in the notices.

8. The notice must clearly indicate the current zoning of the property and the new category of zoning or use zoned to which the land use scheme will be amended through the land development application.

9. Notices have the intention of placing the public in a position to provide comment and/or objections to the land development application and therefore shall contain all information which in the opinion of the Municipality shall comply therewith and shall specifically allow for the application to be open for inspection to look at the detail of the land development application to be considered by the Municipality.

10. Notices shall specifically when soliciting or calling for objections and/or comments require that for purposes of commenting or objecting the objector or interested person shall provide contact details as contemplated in this By-law to enable the Municipality to correspond or send notices to the objectors and/or interested parties.

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 21

REQUIREMENTS FOR EXTENSION OF TIME AS MAY BE ALLOWED IN TERMS OF SECTION 110 OF THIS BY-LAW

1. An applicant who wishes to request the Municipality, in terms of any provision of this By-law to allow an extension of time on any land development application, as the case may be, must do so where practically possible at least one month before the expiry date of the time as provided for in this By-law or approval of a land development application to comply with any provision and/or condition(s) of approval.

2. The applicant shall at least for purposes of a complete submission of a request in terms of this By-law submit the following documentation —

(a) an original official receipt or proof of payment of the request application fee; the application will not be processed before confirmation of payment has been received;

(b) a covering letter addressed to the Business Unit responsible for City Planning;
(c) the completed and signed application form as set out in PLM:F-9 to this By-law;
(d) if the applicant is not the owner of the property(ies) a power of attorney that complies with the provisions of section 76;
(e) compelling reasons for the request for extension of time;
(f) proof of submission of documents to the Surveyor-General if relevant; and
(g) summary of the progress of the application.

*The municipality may request any other document(s) it may deem necessary.

SECHEDULE 22

WITHDRAWAL OF A LAND DEVELOPMENT APPLICATION IN TERMS OF SECTION 97 OF THIS BY-LAW

An owner or applicant may request the Municipality to withdraw a land development application as contemplated in terms of section 97 of this By-law and for purposes of completion at least submit the following documentation —

(a) submit proof that the applicant requesting withdrawal, have the authority to do so;
(b) a written notification for the withdrawal;
(c) submit proof that all the persons as contemplated in section 95(1) to (8) of this By-law have been notified of the request for withdrawal of the land development application; and
(d) submit an acknowledgement that the owner shall not have any claim for any re-instatement of such land development application.

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 23

AMENDMENT OF A LAND DEVELOPMENT APPLICATION PRIOR TO APPROVAL IN TERMS OF SECTION 99 OF THIS BY-LAW

1. An applicant may apply to the Municipality for the amendment of his or her land development application in terms of section 99 of this By-law and shall for purposes of a complete submission of such application, submit at least the following documentation —
   (a) an original official receipt or proof of payment for the application fee, the application will not be processed before confirmation has been received of payment; and
   (b) the completed and signed application form PLM: F-8(with PLM: F-2 Part C to D) to this By-law for an application for the amendment of the layout plan of a township as contemplated in terms of section 54(7) of this By-law;
   (c) a covering letter addressed to the Business Unit responsible for City Planning;
   (d) a motivational memorandum clearly indicating the reasons for the amendment as well as the proposed amendment;
   (e) all documents relevant to the proposed amendment including —
      (i) a revised set of the draft amendment scheme referring to a draft amendment scheme map and a draft annexure;
      (ii) proposed conditions of approval; or
      (iii) proposed statement of conditions of establishment;

(iv) proposed amended layout plan, diagrams;
(v) proposed amended site plans; and
(vi) any other relevant documentation, reports and information.

2. Notice of the amendment if required by the Municipality in terms of section 99 of this By-law shall be published in accordance with schedule 20 to this By-law and proof thereof shall be submitted in accordance with schedule 20 to this By-law.

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 24

CORRECTION OF POST APPROVAL ERRORS OR OMISSION IN TERMS OF SECTION 111 OF THIS BY-LAW

1. An applicant who wishes to request the Municipality to correct an error or omission in terms of section 111 of this By-law on and approved land development application must for purposes of completion of his or her submission at least submit the following documentation —

(a) a motivational memorandum that clearly indicates the reasons for the submission as well as the alleged error or omission with specific reference to whether the error or omission is so material as to constitute a new land development application or not as is required to be considered by the Municipality in terms of this By-law;

(b) substantial proof such as an official approval of land use rights must be submitted that clearly and without any doubt indicates the error or omission;

(c) the proposed corrected approval letter, development controls, amendment scheme map and/or annexure statement of conditions of establishment, layout plan or any other document that must be corrected; and

(d) if the application was adopted, promulgated or declared, in accordance with this By-law as the case may be, a correction notice shall be published in the *Provincial Gazette*.

*The municipality may request any other document(s) it may deem necessary.

SCHEDULE 25

CONTRIBUTIONS PAYABLE AND PROVISION OF LAND FOR OPEN SPACES AND PARKS IN TERMS OF THIS BY-LAW

1. Determination of amount or contribution payable in respect of provision of open spaces (private open space or public open space) or parks.

2. Where, by virtue of or in terms of the provisions of this By-law an owner of land on which a land development application is approved (excluding a township establishment in terms of section 54 is required to pay an amount of money or a contribution to the Municipality in respect of the provision of open spaces or parks, such amount or contribution shall be determined substantially, in the opinion of the Municipality, in accordance with the formula—

$$\frac{(a - b) \times c \times e}{d}$$, in which formula

"a" represents the number of residential units which may be erected on the land to which the application relates in terms of the approved application;

"b" represents the number of residential units which could have been erected on the land contemplated in paragraph (a) prior to the approval of the application;

"c" represents:

(a) 24 m² where, in terms of the approved application, the land contemplated in paragraph (a) may be used for Residential 1 or 2 purposes or for purposes as may be determined by the Municipality from time to time, as the case may be;

(b) 18 m² where, in terms of the approved application, the land contemplated in paragraph *(a)* may be used for Residential 3 or 4 for purposes as may be determined by the Municipality from time to time or as the case may be; (e.g. retirement village)

"d" represents the area of the land contemplated in paragraph (a) in m²;

"e" represents the site value of the land contemplated in paragraph 1 —

(a) as reflected in the valuation roll or the supplementary valuation roll of the local authority; or

(b) if the land is not reflected in the valuation roll or supplementary valuation roll of the Municipality, as determined by a valuer

(i) who is a member of the South African Institute of Valuers; or
(ii) as defined in the Local Government Property Rates Act, 2004 (Act No. 6 2004).

3. Provision of Land for Open Spaces (private open space or public open space) or Parks including where a division of township application —

(a) where, in terms of sections 59 the Municipality of an application to establish a township, imposes a condition requiring the applicant to provide land for open spaces or parks, the area of that land shall be determined substantially, in the opinion of the Municipality, in accordance with the formula:

a x 24 m² + b x 18 m², in which formula

"a" represents the number of residential units which may be erected on land in the township which, in terms of the land use scheme concerned, is to be zoned "Residential 1" or "Residential 2" or as may be determined by the Municipality from time to time, as the case may be;

"b "represents the number of residential units which may be erected on land in the township which, in terms of the town planning scheme concerned, is to be zoned "Residential 3' "Residential 4" or "Residential 5" or as may be determined by the Municipality from time to time, as the case may be;

(b) any area of land in a proposed township which is subject to flooding by a 1:100-year flood shall be shown on the plan of the township as an open space or park if so required by the

Municipality concerned and such area may at the request be protected by means of a servitude and shall be indicated in terms of a zoning for the purpose for which it is set aside;

(c) if, in a proposed township, part of any area of land subject to flooding by a flood contemplated in paragraph (2) is less than 32 m measured from the centre of a water course, the area of land shown as an open space or park on the plan of the township shall be extended to measure 32 m from the centre of the water course; and

(d) the area of land to be provided for open spaces or parks in terms of paragraph (1), may not be reduced by the area of land to be shown as open spaces or parks in terms of paragraph (2) and (3); provided that the Municipality may give consent to reduce this requirement.

SCHEDULE 26

ADDITIONAL DOCUMENTS AND INFORMATION REQUIRED FOR LAND DEVELOPMENT APPLICATIONS ON COMMUNAL LAND OR IN RURAL AREAS IN TERMS OF SECTION 74 OF THIS BY-LAW

1. An applicant or owner who wish to apply in terms of section 74 of this By-law for land development application on communal or in rural areas must apply to the municipality, and such application must in addition to the fees prescribed or determined, be accompanied by the documentation indicated in paragraph 2.

2. The applicant must submit the following documentation upon submission of the application —
   (a) proof of payment (i.e application fee “please consult approved tariffs for application”);
   (b) the completed and signed application form;
   (c) a copy of title deed/ leasehold title/ deed of grant of the land/approval or recommendation letter from Traditional Local Authority;
   (d) power of attorney (if the land is granted or issued to the company by the Traditional Local Authority reference to (c) above);
   (e) company resolution (if the land is granted or issued to the company by the Traditional Local Authority reference to (c) above);
   (f) motivational memorandum (as contemplated in section 89(2)(d);
   (g) locality plan/map;
   (h) zoning certificate (in terms of the land use scheme if applicable);
   (i) draft SDP/ site plan; and
   (j) development controls: height; FAR; coverage; No of units and No of parking (in terms of the land use scheme if applicable).

3. For the purpose of section 74(2) of this By-law, “Major impact development” includes any of the following —
   (a) abattoir;
   (b) cemetery;
   (c) community services, including educational institutions and health care facilities;
   (d) crematorium and funeral parlour;
   (e) filling station and public garage;
   (f) lodge;
   (g) high density residential;
   (h) industry and light industry;
   (i) mining;
   (j) office park;

(k) shopping complex and centres;
(l) demarcation of sites (to be lodged only by traditional local authority); and
(m) any other development which may require a specialist report, including a geotechnical report or environmental impact assessment.

4. For the purpose of "major impact development" as contemplated in section 74(2) of this By-law, "Specialist Report(s)" must accompany the application, and such specialist report include —
(a) Market (socio-economic) studies;
(b) environmental impact studies;
(c) traffic impact studies;
(d) geotechnical report or studies;
(e) feasibility studies;
(f) any other specialist report and/or consent from any sector department that may be deemed necessary;

The municipality may request any other document(s) it may deem necessary.

SCHEDULE 27

TYPE OF LAND DEVELOPMENT APPLICATIONS THAT MAY NOT BE SUBMITTED SIMULTANEOUSLY IN TERMS OF SECTION 77 OF THIS BY-LAW.

The type of applications that may not be lodged simultaneously, include but not limited to the following —
(a) application for rezoning and consolidation;
(b) application for rezoning and subdivision;
(c) application for rezoning and removal of restrictive title conditions;
(d) application for rezoning and closure of public places; or
(e) application for consolidation and closure of public places.

SCHEDULE 28
PRE-APPLICATION CONSULTATION PROCEDURE IN TERMS OF SECTION 53 OF THIS BY-LAW

The purpose of a pre-application consultation is to —
(a) provide the applicant an opportunity to present the proposed application;
(b) determine the required information to be submitted with the application;
(c) offer efficient, friendly and profession advice to applicant;
(e) fast track the processing of land development application;
(f) give effect to the right to administrative action that is lawful by ensuring that the correct application procedure is followed;
(g) to strengthen working relationship between the applicant and municipal officials.

1. INTRODUCTION

An applicant, who wishes to apply in terms of section 53 of this By-law for a pre-application consultation meeting, must apply to the Municipality in a form as set out in PLM: F-19 to this By-law.

2. TIMING AND FREQUENCY OF PRE-APPLICATION CONSULTATION

(1) The Chief Town Planner within City Planning must arrange a pre-application consultation. The consultation must be arranged within 7 days of receipt of a form as set out in PLM: F-19 to this By-law.

(2) During a pre-application consultation meeting, representation from the following departments is compulsory: Spatial Planning; Land Use Management; Planning Control and Outdoor Advertising.

(3) Other departments such as Building Control; Water and Sanitation; Roads and Storm Water or any other department deemed necessary may be required from time-to-time and will be invited to a pre-application consultation meeting on an "as needed" basis.

(4) The 7 days as provided in subsection (1) above will be determined as follows —
   (a) the submission for pre-application consultation meeting request shall be between Mondays and Wednesdays during office hours, and no request will be accepted on Thursdays and Fridays;
   (b) an applicant will be given a minimum of 10 minutes to present the proposed development; and further 20 minutes must be reserved for discussion; and
   (c) a maximum of an hour may be granted for each pre-application consultation meeting.

3. CONDUCTING OF THE PRE-APPLICATION CONSULTATION

(1) The applicant must provide the Municipality with, at minimum, general information sufficient to indicate the intention of the development proposal. This information must include the locality map of the subject property and a description of the intended development. The applicant must also be prepared to answer general questions related to proposed development. The information received must be circulated to the applicable departments in advance.

(2) The applicant must present the proposal, following which municipal officials will ask questions and provide preliminary comments related to the proposal

4. PRE-APPLICATION CONSULTATION FORM

A pre-application consultation form will include general information concerning the development proposal, including name of the property owner and applicant, nature and intention of the proposal, location, and other such matters related to the proposed development. The form will also indicate the information required to be submitted to the Municipality in order to allow an efficient and comprehensive review of the development proposal.

5. PRE- APPLICATION CONSULTATION MEETING NOT HELD

(1) In the event that a pre-application consultation meeting is not held, the Municipality will in its sole discretion re-schedule the meeting thereafter.

(2) In the event that a pre-application consultation meeting is not held for land development applications subjected to a compulsory pre-application consultation in terms of section 53(1) and 53(2) of this By-law, an authorisation letter will not be issued.

(3) A formal receipt of a land development application will not occur, nor processing of it be formally initiated, until the provisions of section 53 of this By-law have been complied with.

(4) The required processing timeframes as set out in the Spatial Planning and Land Use Management Act (Act No. 16 of 2013) will not be initiated until such time the "authorisation letter" has been issued and the application is confirmed complete in terms of section 94 of this By-law.

*The municipality may request any other document(s) it may deem necessary.

DOCUMENT CONTAINING POLOKWANE MUNICIPAL PLANNING BY-LAW FORMS, 2017.

NOTE:

The Polokwane Municipality hereby makes available to the public/applicants the MS Word format of the Forms as contemplated in the Polokwane Municipal Planning By-law 2017 in order to assist them with preparing and submitting land development applications.

The applicants have to comply with the provisions of the Polokwane Municipal Planning By-law by including the Forms in terms of section 179 of the By-law. Therefore, they must ensure that the Forms are not amended in so far as the requirements contained therein are concerned. The applicants may, however, add the information required from them on the Forms for the purposes of indicating information related to the submission of their land development applications. Should it be found that the Forms have been altered or amended in order to deviate from the requirements as set out in the Polokwane Municipal Planning By-law, the application will not be accepted and in terms of section 172 of the Polokwane Municipal Planning By-law it may constitute an offence to provide misleading or false information.

Applicants are required to familiarise themselves with the content of the legislation, the Land Use Scheme and/or any policies applicable within the Polokwane Municipality.

COMPILED BY:
CITY PLANNING AND PROPERTY MANAGEMENT
Spatial Planning SBU

PLM: F-1

APPLICATION FORM TO BE SUBMITTED FOR ANY APPLICATION AND/OR REQUEST WITH THE APPLICANT AND OWNER DETAILS AS REQUIRED IN TERMS OF POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

APPLICANT DETAILS			
Please indicate the type of applicant :			
Individual ☐		Legal Entity / Other ☐	
Applicant Details: Individual			
Title			
Initials			
First Name(s)			
Surname			
Preferred Name			
ID Number			
Marital status if the owner is the applicant	Single/not married ☐ Out of community of property ☐	In community of property ☐	
Applicant Details: Legal Entity / Other			
Name			
Registration number			
Representative name			
Physical Address of the Applicant			
Physical Address(Work)			
Address Line 1 (street no)			
Address Line 2 (street name)			
Township/Village/Area		Postal Code	
Physical Address (Home)			
Address Line 1 (street no)			
Address Line 2 (street name)			
Township/Village/Area		Postal Code	
Postal Address of the Applicant			
Postal Type	PO Box ☐ Private Bag ☐	Physical Address (Home) ☐ Physical Address (Work) ☐	
Postal Number			
Township		Postal Code	
Communication Details of the Applicant			
E-Mail Address			
Cell Phone			
Home Phone			
Work Phone			
Home fax			
Work fax			
Preferred method of communication – please indicate			

OWNER DETAILS			
Please indicate the type of applicant :			
Individual ☐		Legal Entity / Other ☐	
Owner Details : Individual			
Title			
Initials			
First name			
Surname			
Preferred name			
ID Number			
Marital status	Single/not married ☐ In community of property ☐ Out of community of property ☐		
Owner Details: Legal Entity/other			
Name			
Registration number			
Representative name			
Physical Address of the Owner			
Physical Address (Work)			
Address Line 1 (street no)			
Address Line 2 (street name)			
Township/Village/Area		Postal Code	
Physical Address (Home)			
Address Line 1(street no)			
Address Line 2 (street name)			
Township/Village/Area		Postal Code	
Postal Address of the Owner			
Postal Type	PO Box ☐ Physical Address (Home) ☐ Private Bag ☐ Physical Address (Work) ☐		
Postal Number			
Township		Postal Code	
City			
Communication Details of the Owner			
E-Mail Address			
Cell Phone			
Home Phone			
Work Phone			
Preferred method of communication – please indicate			
FOR OFFICIAL USE			

Receipt Amount	
Receipt Number	
Payment Date	
Application Form Date	

I, ……being the applicant described herein, declare that the above information is correct.

I hereby acknowledge that, should all the required documentation not be submitted in compliance with the requirements of the Municipality, the Municipality may elect not to consider the application as contemplated in section 89 and 93(2) of this By-law. Should the application found to be incomplete; the application will be returned to the applicant without further consideration or refunding of the application fees.

I hereby acknowledge that the Municipality has the right to request additional information or documentation should it be deemed necessary to place the Municipality in a position to take an informed decision on the matter.

I acknowledge that the provision of false or misleading information is an offence in terms of section 172 of this By-law.

I acknowledge that the Municipality may contact the applicant at any time regarding the application.

SIGNATURE …… DATE: ……

PLM: F-1(A)

APPLICATION FORM FOR USE OF SITE ON COMMUNAL LAND OR IN RURAL AREAS IN TERMS IN TERMS OF SECTION 74 AND AS REQUIRED IN TERMS OF SCHEDULE 26 OF POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

APPLICANT DETAILS			
Please indicate the type of applicant :			
Individual ☐		Legal Entity / Other ☐	
Applicant Details			
Title			
Initial			
First Name(s)			
Surname			
ID Number			
Cell/ Tel Number			
Address of the Applicant			
Physical Address			
		Code	
Postal Address			
		Code	

PROPERTY INFORMATION	
Area/ Village	
Site Number/ Land Portion	
Size (m²/ ha)	
Traditional Authority	
Headmen	
Applicable Land Use Scheme	
Current Use of Property	

PROPOSED USE /APPLICATION FOR:			
Place of Public Worship(e.g. Church)		Telecommunication Mast	
Spaza/ Tuck-Shop		Filling Station/Public Garage	
Tarven		Residential	
Cafe/Restaurant/		High Density Residential	
General Dealer		Offices	
Supermarket		Scrap-yard	
Hardware		Shopping Complex/Mall	
Brickyard		Agricultural Use (e.g. Farming)	
Butchery		Liquor Restaurant/ Bottle Store	
Abattoir		Drop-in-Centre	
Funeral Parlour		Pre-School	
Guest House/ Lodge		Crèche/Day Care Centre	
Cemetery		Health care facilities	
Other:		Specify:	

Surrounding land uses (only of Erven/stands direct adjacent to the site of application)

	8	7	6	
	1		5	
	2	3	4	

Site of application

STAND NUMBER **LAND USE**

1. _____ _____
2. _____ _____
3. _____ _____
4. _____ _____
5. _____ _____
6. _____ _____
7. _____ _____
8. _____ _____

TRADITIONAL AUTHORITY'S CONSENT

	Traditional Local Authority Stamp: Headman
Name of Traditional Authority: _____	Name of Headman: _____

NB: Attach letter from the Traditional Authority as well.

REQUIRED DOCUMENTS

Receipt of proof of payment of application fees		Motivational Memorandum		Traffic Impact Study (if required by relevant department)	
Power of Attorney (If applicable)		Locality Map		Geotechnical Report/Letter signed by a qualified Engineer (If applicable)	
Consent from Ward Councillor		Layout Plan/ Draft SDP or Site Plan		Flood line Certificate (If property is subject to flooding)	
Tribal Authority Letter		Proof of consent from adjoining property owners or institutions within 250m radius		Feasibility Study (If applicable)	
ID Copy (individual)		EIA executive Summary if relevant (If a listed activity)		Services Report (If applicable)	

Additional documents required:

- A locality map, must show the location of the site (where in the area/village and the site or stand is situated and also show significant adjacent or nearby land uses such as a school, clinic, church, shop).
- A site plan, must show the proposed development on the site or stand.
- Applications that require specialist reports, studies and/or consent from any sector department are contemplated in schedule 26 of this By-law.

I, …… being the applicant

described herein, declare that the above information is correct. I hereby acknowledge that, should all the required documentation not be submitted in compliance with the requirements of the Municipality, the Municipality may elect not to consider the application as contemplated in section 93(2) of this By-law. Should the application found to be incomplete; the application will be returned to the applicant without further consideration or refunding of the application fees.

I hereby acknowledge that the Municipality has the right to request additional information or documentation should it be deemed necessary to place the Municipality in a position to take an informed decision on the matter.

I acknowledge that the provision of false or misleading information is an offence in terms of section 172 of this By-law.

I acknowledge that the Municipality may contact the owner and /or applicant at any time regarding the application.

SIGNATURE …….…… DATE: ……..……

FOR OFFICIAL USE ONLY

Application received by:				
Date received				
Correct application fee paid	Yes	No	Amount	

PLM: F-2

APPLICATION FORM FOR A TOWNSHIP ESTABLISHMENT OR EXTENSION OF BOUNDARIES OF A TOWNSHIP IN TERMS OF SECTION 54 AND AS REQUIRED IN TERMS OF SCHEDULE 8 TO THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

PART A: PROPERTY INFORMATION
Complete this section for each property (make a separate copy for each property)

Agricultural Holding / Farm			
Plot / Farm No		Portion	
Title Deed No/ Certificate of Registered Title No			
Size of property			
Name of Bond Holder			
Mortgage Bond Account No		Date of Bond	

PART B: EXISTING LAND USE INFORMATION

Town-planning or Land Use Scheme	
Present Zoning	
Existing Development	

PART C: PROPOSED TOWNSHIP

Name and Extension of the proposed township							
Use zone no	Proposed use zone	Erf no	Average size m²	Height	FAR	Coverage	Other development control measures (density)

PART D: GENERAL INFORMATION

Is the property situated within 3 km of a sewerage disposal works?		Yes	No
Name the local authorities or authorised bodies that provide the following services:			
Water			
Electricity			
Sewerage			
Roads and storm water			
Is the existing development (structures and land use) on the property described in the memorandum?		Yes	No
Is it required that the building(s) on the property be conserved in terms of the National Heritage Resource Act, Act 25 of 1999?		Yes	No
PAYMENT OF OPEN SPACES AND PARKS/DWELLING UNITS			
Does the layout plan provide for open spaces or parks according to sections 120 and 184 of this By-law?		Yes	No
Motivate if answer is “no” above			
Provide the total number of dwelling units on all Erven in the proposed township			
ENVIRONMENTAL/BIOPHYSICAL SENSITIVITIES			
Is any part of the proposed development, forming the subject of this application, deemed to be a "listed Activity" in terms of the National Environmental Management Act with specific reference to the regulations promulgated under Section 24(5) thereof?		Yes	No
If "Yes" please provide the reference number of the application submitted to the environmental authorities with regard to the requirement to procure environmental authorization to conduct the listed Activity as aforesaid: Reference Number …….			
Provide the contact details of the appointed Environmental Assessment Practitioner: Name: ……, Contact Details ……			
Indicate which process has been initiated	Basic	Yes	No
	Scoping	Yes	No
	None	Yes	No
Appointed environmental consultant	Name		
	Contact details		
If the development is not a "listed Activity" or if the above EIA process has not been initiated, have the on-site ecological issues been discussed in the memorandum?		Yes	No
The applicant acknowledge that he/she is responsible to forward a copy of the application to external bodies and to submit proof thereof to the Municipality.		Yes	No

REQUIRED DOCUMENTS

Receipt of proof of payment of application fees		Covering Letter		Township Reservation Letter	
Power of Attorney		Company/Close Corporation/Trust resolution		Proof of Members of Company /Close Corporation/Trust	
Proof of Marital Status of the Owner		Bondholders Consent		Motivating Memorandum	
Draft annexure		Draft amendment scheme map		Conveyancer's Certificate	
Land Surveyor Certificate		Geo-technical Report		Township Layout Plan	
Locality Plan		Statement of conditions		Application to Dpt. Minerals and Energy or compliance with section 54 of Act 28 of 2002	
EIA executive Summary if relevant		Registered Title Deed and/or notarial deeds		Zoning Certificate	
Proof of Served letters to the adjoining owners/registered mail within a radius of 500m		Form PLM: F-1		PLM: F-10(A1**)**	
Form PLM: F-10(A)					

I, …… being the applicant of the property(ies) described herein, declare that the above information is correct and that the required documents and information are attached in compliance with the requirements of the Municipality.

I hereby acknowledge that, should all the required documentation not be submitted in compliance with the requirements of the Municipality, the Municipality may elect not to consider the application as contemplated in section 89 and 93(2) of this By-law. Should the application found to be incomplete, the application will be returned to the applicant without further consideration or refunding of the application fees.

I hereby acknowledge that the Municipality has the right to request additional information or documentation should it be deemed necessary to place the Municipality in a position to take an informed decision on the matter.

I hereby acknowledge that the provision of false or misleading information is an offence in terms of section 172 of this By-law.

I hereby acknowledge that the Municipality may contact the owner at any time regarding the application.

SIGNATURE ……..…….. DATE: ……..……

PLM: F-3

APPLICATION FORM FOR A DIVISION OF A TOWNSHIP IN TERMS OF SECTION 55 AND AS REQUIRED IN TERMS OF SCHEDULE 9 TO THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

NOTE: PLM: F-2 (PART C TO D) MUST BE SUBMITTED TOGETHER WITH PM: F-6.

COMPLETE A PM: F-6 FORM FOR EACH DIVISION OF THE APPROVED TOWNSHIP

1. Name and extension of the approved Township: …….

2. Date of approval of township to be divided: …….

3. Has extension of time in terms of section 110been granted?

   Yes ☐ No ☐ Not applicable ☐

4. Has the general plan of the township to be divided been approved by the Surveyor-General?

   Yes ☐ No ☐

5. Division of township in ……..…….…. separate townships, namely:

   ……..
   ……..
   ……..

6. **APPROVED ZONING**

Details of approved zoning of the township to be divided as per plan……..

Use zone no	Proposed use zone	Erf no	Size m²	Height	FAR	Coverage	Other development control measures (density)

7. **PROPOSED ZONING FOR SEPARATE TOWNSHIPS**

Details of proposed zoning for township: ….…….....……..……..…….
……..……

Use zone no	Proposed use zone	Erf no	Ave-rage size m²	Height	FAR	Coverage	Other development control measures (density)

(Complete a separate table for each new township.)

8. **PROVISION FOR OPEN SPACES AND PARKS AND DWELLING-UNITS**

Details of the provision of open spaces and parks and total number of dwelling-units for separate townships

Township name	Is payment required for the provision of open spaces and parks?			Total number of dwelling-units
	Yes	No	If "No", why not?	

REQUIRED DOCUMENTATION

Receipt of application fees		Covering Letter		Township Name Reservation Letter	
Power of Attorney		Company/Close Corporation/Trust resolution		Proof of Members of Company /Close Corporation/Trust	
Proof of Marital Status of the Owner		Bondholder's Consent		Motivating Memorandum	
Approved conditions of Establishment		Draft annexure per proposed township		Draft amendment scheme map per proposed township	
Proof of compliance with section 55(2)(d) or section 56		Land Surveyor Certificate		Geo-technical Report	
Conveyancer's Certificate		Locality Plan		Proposed Statement of conditions	
Township Layout plan		EIA executive Summary if relevant		Registered Title Deed or notarial deeds	
Application to Dpt. Minerals and Energy or compliance with section 54 of Act 28 of 2002		Zoning Certificate		Form PLM: F-1	
Form PLM: F-3		Form PLM: F-10(B)			

I, …… being the applicant of the property(ies) described herein, declare that the above information is correct and that the required documents and information are attached in compliance with the requirements of the Municipality.

I hereby acknowledge that, should all the required documentation not be submitted in compliance with the requirements of the Municipality, the Municipality may elect not to consider the application as contemplated in section 89 and 93(2) of this By-law. Should the application found to be incomplete, the application will be returned to the applicant without further consideration or refunding of the application fees.

I hereby acknowledge that the Municipality has the right to request additional information or documentation should it be deemed necessary to place the Municipality in a position to take an informed decision on the matter.

I hereby acknowledge that the provision of false or misleading information is an offence in terms of section 172 of this By-law.

I hereby acknowledge that the Municipality may contact the applicant at any time regarding the application.

SIGNATURE …….…… DATE: ……

PLM: F-4

APPLICATION FORM FOR AMENDMENT OF LAND USE SCHEME ALSO KNOWN AS REZONING IN TERMS OF SECTION 61 AND AS REQUIRED IN TERMS OF SCHEDULE 10 TO THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

PROPERTY INFORMATION

Complete this section for each property (make a separate copy for each property)

Township			
Erf No		Portion	
Street name			
Street number			

REZONING DETAILS

Town-planning or Land Use Scheme				
Present Zoning				
Property Size (m²)				
Present Height (Scheme)				
Present Density (Scheme)				
Present Coverage (Scheme)				
Present Floor Area Ratio (FAR)				
Present Annexure No				
Present Amendment Scheme No				
Bond (Yes/No)				
If yes specify Bond Account No				
Bondholder's Name				
Existing Development				
Title Deed/ Notarial Deed No				
Restrictive Title Deed Condition paragraph No				
Proposed Use Zone				
Proposed Primary Right				
Proposed number of units				
Proposed density				
Proposed Density (m²/units per ha)				
Proposed Height (m/storey)				
Proposed coverage (%)				
Proposed Floor Area Ratio (FAR)				
Applicant responsible to request comments from external departments/institutions?		Yes	No	N/a

REQUIRED DOCUMENTS

Receipt of proof of payment of application fees		Covering Letter		Application Form PLM: F-1	
Power of Attorney		Company/Close Corporation/Trust resolution		Proof of Members of Company /Close Corporation/Trust	
Proof of Marital Status of the Owner		Bondholders Consent		Motivating Memorandum	
EIA executive Summary if relevant		Draft annexure		Draft amendment scheme map	
Locality Plan		Land Use Plan		Zoning Plan	
Site Plan		Registered Title Deed and/or notarial deed		Zoning Certificate	
Proof of Served letters to the adjoining owners/registered mail within a radius of 150m		Form PLM: F-10(C)			

I, …… being the applicant of the property(ies) described herein, declare that the above information is correct and that the required documents and information are attached in compliance with the requirements of the Municipality.

I hereby acknowledge that, should all the required documentation not be submitted in compliance with the requirements of the Municipality, the Municipality may elect not to consider the application as contemplated in section 89 and 93(2) of this By-law. Should the application found to be incomplete; the application will be returned to the applicant without further consideration or refunding of the application fees.

I hereby acknowledge that the Municipality has the right to request additional information or documentation should it be deemed necessary to place the Municipality in a position to take an informed decision on the matter.

I hereby acknowledge that the provision of false or misleading information is an offence in terms of section 172 of this By-law.

I hereby acknowledge that the Municipality may contact the applicant at any time regarding the application.

SIGNATURE: …….... DATE: ……

PLM: F-5

APPLICATION FORM FOR AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE TITLE CONDITIONS IN TERMS OF SECTION 62 AND AS REQUIRED IN TERMS OF SCHEDULE 11 TO THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

PROPERTY INFORMATION

Complete this section for each property (make a separate copy for each property)

Township / Agricultural Holding / Farm		Portion	
Erf / Plot / Farm No			
Street Name			
Street Number			
Town-planning or Land Use Scheme			
Present Annexure No			
Present Zoning			
Property Size (m²)			
Bond (Yes/No)			
If yes specify Bond Account No			
Bondholder's Name			
Existing Development			

REMOVAL, AMENDMENT OR SUSPENSION OF RESTRICTIONS IN TITLE DEED

Title Deed Number	
Indicate the conditions to be removed, or suspended in the Title Deed	
Indicate the conditions to be amended in the Title Deed	

REQUIRED DOCUMENTS

Receipt of proof of payment of application fees		Covering Letter		Motivating Memorandum	
Power of Attorney		Company/Close Corporation/Trust resolution		Proof of Members of Company /Close Corporation/Trust	
Proof of Marital Status of the Owner		Bondholders Consent		Locality Plan	
Registered Title Deed and/or notarial deed		Zoning Certificate		Proof of Served letters to the adjoining owners/registered mail within a radius of 150m (Township) or Radius of 1000m (Farms/holdings).	
Form PLM: F-1		Form PLM: F-10(D)			

I, ……. being the applicant of the property(ies) described herein, declare that the above information is correct and that the required documents and information are attached in compliance with the requirements of the Municipality.

I hereby acknowledge that, should all the required documentation not be submitted in compliance with the requirements of the Municipality, the Municipality may elect not to consider the application as contemplated in section 89 and 93(2) of this By-law. Should the application found to be incomplete; the application will be returned to the applicant without further consideration or refunding of the application fees.

I hereby acknowledge that the Municipality has the right to request additional information or documentation should it be deemed necessary to place the Municipality in a position to take an informed decision on the matter.

I hereby acknowledge that the provision of false or misleading information is an offence in terms of section 172 of this By-law.

I hereby acknowledge that the Municipality may contact the applicant at any time regarding the application.

SIGNATURE: ……..…… DATE: ……..…

PLM: F-6

APPLICATION FORM FOR THE AMENDMENT OR CANCELLATION IN WHOLE OR IN PART OF A GENERAL PLAN OF AN APPROVED TOWNSHIP IN TERMS OF SECTION 64 AND AS REQUIRED IN TERMS OF SCHEDULE 14 TO THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

NOTE: PLM: F-2 (PART C TO D) MUST BE SUBMITTED TOGETHER WITH PLM: F-6

1. Name and extension of approved township: ……..……

2. Date of approval of township: ……

3. Have the documents contemplated in the above township been lodged at the Surveyor-General?

Yes ☐ No ☐

4. **APPROVED ZONING (USE ZONES)**

Details of approved zoning (use zones)

Use zone no	Approved use zone	Erf no	Size m²	Height	FAR	Coverage	Other development control measures (density)

5.**PROPOSED ZONING (USE ZONES)**

Details of proposed zoning (use zones)

Use zone no	Proposed use zone	Erf no	Average size m²	Height	FAR	Coverage	Other development control measures (density)

REQUIRED DOCUMENTS

Receipt of application fees		Covering Letter		Motivating Memorandum	
Approved conditions of Establishment		Amended Draft annexure		Amended draft amendment scheme map	
Amended Township Layout Plan		Amended Draft Statement of Conditions of establishment		Form PLM: F-2	

I, …… being the applicant of the property(ies) described herein, declare that the above information is correct and that the required documents and information are attached in compliance with the requirements of the Municipality.

I hereby acknowledge that, should all the required documentation not be submitted in compliance with the requirements of the Municipality, the Municipality may elect not to consider the application as contemplated in section 89 and 93(2) of this By-law. Should the application found to be incomplete; the application will be returned to the applicant without further consideration or refunding of the application fees.

I hereby acknowledge that the Municipality has the right to request additional information or documentation should it be deemed necessary to place the Municipality in a position to take an informed decision on the matter.

I hereby acknowledge that the provision of false or misleading information is an offence in terms of section 172 of this By-law.

I hereby acknowledge that the Municipality may contact the applicant at any time regarding the application.

SIGNATURE …….. DATE: ……

PLM: F-7

APPLICATION FORM FOR SUBDIVISION OR CONSOLIDATION IN TERMS OF SECTION 67 AND AS REQUIRED IN TERMS OF SCHEDULE 12 OR SCHEDULE 13 TO THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

PROPERTY INFORMATION

Complete this section for each property (make a separate copy for each property and complete relevant section)

Township / Agricultural Holding / Farm	
Erf(Erven) / Plot (s)/ Farm(s) No	
Street Name	
Street Number(s)	

SUBDIVISION DETAILS	
Description of Proposed Subdivided Portions	Portion Area(m²)

CONSOLIDATION DETAILS		
Description of Properties to be Consolidated	Size (m²)	Present Zoning (Scheme)
Overall size after consolidation:		

Town-planning or Land Use Scheme			
Present Zoning (Scheme)			
Present Height (Scheme)			
Present Density(Scheme)			
Present Coverage (Scheme)		Present FAR (Scheme)	

Present Annexure No		Present Amendment Scheme No	
Property Size (m²)			
Existing Development			
Title Deed Number			
Restrictive Title Deed Condition paragraph No (If any)			
Do all the erven to be consolidated belong to the same owner?			

REQUIRED DOCUMENTS

Receipt of application fees		Covering Letter		Proof of Marital Status of the Owner	
Company/Close Corporation/Trust resolution		Proof of Members of Company /Close Corporation/Trust		EIA executive Summary if relevant	
Bondholder's Consent		Motivating Memorandum		Subdivision and/or consolidation Plans	
Subdivision and/or consolidation plans		Locality Plan		Form PLM: F-1	
Registered Title Deed or notarial deeds		Zoning Certificate			
Conveyancer's Certificate if relevant		Land Surveyor Certificate if relevant			
Form PLM: F-10(E)		Power of Attorney			

I, …… being the applicant of the property(ies) described herein, declare that the above information is correct and that the required documents and information are attached in compliance with the requirements of the Municipality.

I hereby acknowledge that, should all the required documentation not be submitted in compliance with the requirements of the Municipality, the Municipality may elect not to consider the application as contemplated in section 89 and 93(2) of this By-law. Should the application found to be incomplete; the application will be returned to the applicant without further consideration or refunding of the application fees.

I hereby acknowledge that the Municipality has the right to request additional information or documentation should it be deemed necessary to place the Municipality in a position to take an informed decision on the matter.

I hereby acknowledge that the provision of false or misleading information is an offence in terms of section 172 of this By-law.

I hereby acknowledge that the Municipality may contact the applicant at any time regarding the application.

SIGNATURE …… DATE: ……

PLM: F-8

APPLICATION FORM FOR REQUEST FOR AMENDMENT PRIOR TO APPROVAL IN TERMS SECTION 99 AS REQUIRED IN TERMS OF SCHEDULE 23 TO THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

LAND DEVELOPMENT APPLICATION INFORMATION
Complete this section for each property (make a separate copy for each property)

Type of land development application (section in terms of the By-law)			
Reference number			
Township / Agricultural Holding / Farm			
Erf / Plot / Farm No		Portion	
Street name			
Street number			
Date the application (existing) was confirmed complete and accepted by the municipality			
Reason(s) for request to amend an application prior to approval			
Date(s) of previous request(s) for amendment of an application prior to approval.			

REQUIRED DOCUMENTS

Official Receipt of fees		Covering Letter		Power of Attorney	
Motivating Memorandum with reasons for amendment of an application		Proof that an existing land development application has been submitted to the Municipality		Summary of progress of the application	

I, …… being the applicant of the property(ies) described herein, declare that the above information is correct and that the required documents and information are attached in compliance with the requirements of the Municipality.

I hereby acknowledge that, should all the required documentation not be submitted in compliance with the requirements of the Municipality, the Municipality may elect not to consider the application as contemplated in section 89 and 93(2) of this By-law. Should the application found to be incomplete; the application will be returned to the applicant without further consideration or refunding of the application fees.

I hereby acknowledge that the Municipality has the right to request additional information or documentation should it be deemed necessary to place the Municipality in a position to take an informed decision on the matter.

I hereby acknowledge that the provision of false or misleading information is an offence in terms of section 172 of this By-law.

I hereby acknowledge that the Municipality may contact the applicant at any time regarding the application.

SIGNATURE ……..…… DATE: ……. …..……..……..

PLM: F-9

APPLICATION FORM FOR REQUEST FOR EXTENSION OF TIME IN TERMS SECTION 110 OF THIS BY-LAW AND AS REQUIRED IN TERMS OF SCHEDULE 21 TO THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

APPROVED LAND DEVELOPMENT APPLICATION INFORMATION

Complete this section for each property (make a separate copy for each property)

Type of land development application (section in terms of the By-law)			
Reference number			
Township / Agricultural Holding / Farm			
Erf / Plot / Farm No		Portion	
Street name			
Street number			
Date of approval of the land development application			
Date approval will lapse			
Date(s) of previously approved extension of time			

REQUIRED DOCUMENTS

Official Receipt of fees		Covering Letter		Power of Attorney	
Motivating Memorandum with reasons for extension		Proof of submission of documents to Surveyor-General if required		Summary of progress of the application	

I, …… being the applicant of the property(ies) described herein, declare that the above information is correct and that the required documents and information are attached in compliance with the requirements of the Municipality.

I hereby acknowledge that, should all the required documentation not be submitted in compliance with the requirements of the Municipality, the Municipality may elect not to consider the application as contemplated in section 89 and 93(2) of this By-law. Should the application found to be incomplete; the application will be returned to the applicant without further consideration or refunding of the application fees.

I hereby acknowledge that the Municipality has the right to request additional information or documentation should it be deemed necessary to place the Municipality in a position to take an informed decision on the matter.

I hereby acknowledge that the provision of false or misleading information is an offence in terms of section 172 of this By-law.

I hereby acknowledge that the Municipality may contact the applicant at any time regarding the application.

SIGNATURE …….. DATE: …… ……..……..……..

PLM: F-10(A) – Township Establishment or Extension of Boundaries

LIST OF ATTACHMENTS AND SUPPORTING DOCUMENTS REQUIRED IN TERMS OF THE SCHEDULES TO THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017 AND/OR SUBMITTED BY THE APPLICANT AND CHECKLIST FOR MUNICIPAL USE

RECEIVED FROM: ……..……..

PROPERTY DESCRIPTION: ……...

Checklist: to be completed by the Applicant				**Checklist: for Official Use only**		
YES	**NO**	**ANNEXURE OR PAGE REFERENCE**	**DOCUMENT ATTACHED**	**YES**	**NO**	**NA**
			Receipt of payment of the application fees			
			Covering letter			
			Completed Application form of the relevant application (PLM :F-2)			
			Power of Attorney*			
			Company/ Close corporation/Trust resolution*			
			Proof of Members of Company/Close Corporation/Trust*			
			In the instant of the owner being a company: CM 29 form*			
			In the instant of a close corporation: CK 1 or 2 forms*			
			In the instant of a Trust: Letter of appointment of the Trustees *			
			Proof of marriage out / in community of property*			
			Bondholder's consent			
			Motivational Memorandum			
			Proof of served notice to the adjoining owners			
			Draft annexure			
			Draft amendment scheme map			
			Draft statement of conditions of approval			
			Locality Plan			
			Township Layout Plan			
			Zoning Certificate			
			Registered Title Deed and/or Notarial Deed			
			Township Name Reservation Letter			
			Conveyancer's Certificate			
			Land Surveyor Certificate			
			Environmental Impact Assessment executive summary *			
			Flood line Certificate (if property is subject to flooding)			
			Geo-technical Report (including geology) (copies + CD)			
			Transport/Traffic Impact Report (copies + CD)			
			Retail/Feasibility Study*			
			Noise Impact assessment *			
			Application to the Department Minerals and Energy or compliance with section 54 of Act 28 of 2002			

Checklist: to be completed by the Applicant				**Checklist: for Official Use only**		
YES	**NO**	**ANNEXURE OR PAGE REFERENCE**	**DOCUMENT ATTACHED**	**YES**	**NO**	**NA**
			Form PLM: F-1			
			Form PM: F-10(A)			

I, …… being the applicant described herein, declare that the above information is correct.

I hereby acknowledge that, should all the required documentation not be submitted in compliance with the requirements of the Municipality, the Municipality may elect not to consider the application as contemplated in section 89 and 93(2) of this By-law. Should the application found to be incomplete; the application will be returned to the applicant without further consideration or refunding of the application fees.

I hereby acknowledge that the Municipality has the right to request additional information or documentation should it be deemed necessary to place the Municipality in a position to take an informed decision on the matter.

I acknowledge that the provision of false or misleading information is an offence in terms of section 172 of this By-law.

I acknowledge that the Municipality may contact the owner at any time regarding the application.

SIGNATURE …… DATE: …… ……..

NOTE: the fields marked with an * must be completed if it applies to the application. If these fields are not completed an the documents are attached to the application, the application will be regarded as incomplete.

FOR OFFICIAL USE ONLY

Application received by:				
Date received				
Correct application fee paid	Yes	No	Amount	

PLM: F-10(A1)

CHECKLIST FOR LAYOUT PLANS FOR A TOWNSHIP ESTABLISHMENT OR EXTENSION OF BOUNDARIES APPLICATION IN TERMS OF SECTION 54 AND AS REQUIRED IN TERMS OF SCHEDULE 8 TO THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

No	Requirements of information to be provided	Yes	No
1	Prints of the layout plan of the proposed township		
2	Township name, extension / number of plan		
3	* Contour lines and values		
4	A bar scale		
5	The true north		
6	The name of the Municipality within whose area of jurisdiction the land on which the applicant proposes to establish the township is situated		
7	The boundaries of the proposed township		
8	The Property description as indicated in the 'Township name reservation letter'		
9	Grid co-ordinates and a reference to the geodetic system used		
10	Existing buildings in the proposed township		
11	Adjoining existing and adjoining proposed streets and roads with their names;		
12	Adjoining proposed public streets/roads with their names and widths		
13	Adjoining Erven, farm portions/agricultural holdings in existing townships or proposed townships in respect of which applications have been submitted or notice has been given in terms of section 54 or 55		
14	Streets, squares and Recreational / Natural Open spaces (Private and Public) in the proposed township		
15	Adjoining Erven in existing townships or proposed townships in respect of which applications have been submitted		
16	Water courses, railways, pipe lines, power lines, existing public roads and all servitudes in or abutting the proposed township		
17	Public roads in or abutting the proposed township		
18	All servitude in or abutting the proposed township		
19	Private 'access' Erven (name and widths) in or abutting the proposed township		
20	A table indicting the total number of Erven in the proposed township, the number of Erven for specific purposes (proposed zoning) and their numbers, the minimum size of the Erven, the ruling size of the Erven, the minimum and maximum gradient of the streets, the total length of the streets within the township, the area of streets as a percentage of the total area of the township and the area of parks and open spaces, if any, as a percentage of the total area of the township		
21	A locality plan, as an inset on the plan of the township, accurately drawn to a scale of not less than 1:50 000 or such other scale which the Municipality, as the case may be, may approve indicating:		
21.1	The situation of the proposed township on the farm or agricultural holding		
21.2	The routes giving access to the nearest main road and the road network in the vicinity of the township		
21.3	The boundaries of the farm portion or agricultural holding on which the township is to be established		
21.4	the situation of existing sewage disposal works and the distance from the proposed township of such works, where such works are situated within 3 km of the boundaries of the township		
21.5	A bar scale, in respect of the locality plan		
21.6	The true north		
22	The Erven in the proposed township accurately drawn to a scale of 1:1 000, 1:1 250, 1:1 500, 1:2 000; 1:2 500 or 1: 5000 and numbered consecutively in each block		
23	In an enclosure, the names of the persons responsible for the contour surveys and the design of the township and a reference to the datum plan on which the contour values are based		
24	If the township is to be established on two or more farm portions or agricultural holdings, the boundaries and description of such farm portions or holdings		
25	Each registered servitude over the land in the proposed township with a reference to the purpose of the servitude, the notarial deed or approved diagram relating to such servitude and, where an alteration in the route of such servitude is contemplated, the proposed route		
26	The boundaries and descriptions of the geological zones shall be depicted on the layout plan as well as the original certification thereof of the geologist and the Council		

No	Requirements of information to be provided	Yes	No
	for Geo-science (where applicable);		
27	The 1:50 year and 1:100 year flood line shall be certified on the layout plan (not more than 3 years old)		

* The Contour lines, the value of which shall be based on the datum plane of national geodetic bench-marks based on sea-level as datum plane, or, with the written approval of the authorized local authority concerned, on some other datum plane; and the minimum size of contour intervals shall be determined in accordance with the following:

Gradient of land	Contour interval
Less than 1 in 20 and 1 in 20	1m
Greater than 1 in 20 but less than 1 in 5	2m
1 in 5 and greater	5m

It is hereby certified that, in terms of the provisions of Section 144 of the National Water Act, 1998 (Act 36 of 1998), the area taken up by the proposed township denoted on the plan enclosed herewith is not affected by any 1:50 or 1:100-year flood line or are correctly indicated on the plan.

SIGNATURE …….. DATE: ……

PLM: F-10(B) – Division of a Township

LIST OF ATTACHMENTS AND SUPPORTING DOCUMENTS REQUIRED IN TERMS OF THE SCHEDULES TO THE POLOKWANE MUNICPAL PLANNING BY-LAW, 2017 AND/OR SUBMITTED BY THE APPLICANT AND CHECKLIST FOR MUNICIPAL USE

RECEIVED FROM: ……..…….

PROPERTY DESCRIPTION: ……..

Checklist: to be completed by the Applicant				**Checklist: for Official Use only**		
YES	**NO**	**ANNEXURE OR PAGE REFERENCE**	**DOCUMENT ATTACHED**	**YES**	**NO**	**NA**
			Receipt of payment of the application fees			
			Covering letter			
			Completed Application form of the relevant application (PLM :F-3, and Part C to D of PLM: F-2)			
			Power of Attorney*			
			Company/ Close corporation/Trust resolution*			
			Proof of Members of Company/Close Corporation/Trust*			
			In the instant of the owner being a company: CM 29 form*			
			In the instant of a close corporation: CK 1 or 2 forms*			
			In the instant of a Trust: Letter of appointment of the Trustees *			
			Proof of marriage out / in community of property*			
			Bondholder's consent			
			Motivational Memorandum			
			Draft statement of conditions of establishment			
			Locality Plan			
			Township Layout Plan			
			Zoning Certificate			
			Registered Title Deed and/or Notarial Deed			
			Township Name Reservation Letter			
			Conveyancer's Certificate			
			Land Surveyor Certificate			
			Geo-technical Report (including geology)			
			Approved conditions of Establishment			
			Amended Township Layout Plan			
			Amended conditions of establishment			
			Amended draft annexure			
			Amended draft amendment scheme map			
			Form PLM: F-1			
			Form PLM: F-10(B)			

I, …… being the applicant described herein, declare that the above information is correct.

I hereby acknowledge that, should all the required documentation not be submitted in compliance with the requirements of the Municipality, the Municipality may elect not to consider the application as contemplated in section 89 and 93(2) of this By-law. Should the application found to be incomplete, the application will be returned to the applicant without further consideration or refunding of the application fees.

I hereby acknowledge that the Municipality has the right to request additional information or documentation should it be deemed necessary to place the Municipality in a position to take an informed decision on the matter.

I acknowledge that the provision of false or misleading information is an offence in terms of section 172of this By-law.

I acknowledge that the Municipality may contact the owner at any time regarding the application.

SIGNATURE ……..…… DATE: ……. …..……..

NOTE: the fields marked with an * must be completed if it applies to the application. If these fields are not completed and the documents are attached to the application, the application will be regarded as incomplete.

FOR OFFICIAL USE ONLY

Application received by:				
Date received				
Correct application fee paid	Yes	No	Amount	

PLM: F-10(C) -Rezoning

LIST OF ATTACHMENTS AND SUPPORTING DOCUMENTS REQUIRED IN TERMS OF THE SCHEDULES TO THE POLOKWANE MUNICPAL PLANNING BY-LAW, 2017 AND/OR SUBMITTED BY THE APPLICANT AND CHECKLIST FOR MUNICIPAL USE

RECEIVED FROM: ……..……..

PROPERTY DESCRIPTION: ……...

Checklist: to be completed by the Applicant				**Checklist: for Official Use only**		
YES	**NO**	**ANNEXURE OR PAGE REFERENCE**	**DOCUMENT ATTACHED**	**YES**	**NO**	**NA**
			Receipt of payment of the application fees			
			Covering letter			
			Completed Application form of the relevant application (PLM :F-4)			
			Power of Attorney*			
			Company/ Close corporation/Trust resolution*			
			Proof of Members of Company/Close Corporation/Trust*			
			In the instant of the owner being a company: CM 29 form*			
			In the instant of a close corporation: CK 1 or 2 forms*			
			In the instant of a Trust: Letter of appointment of the Trustees *			
			Proof of marriage out / in community of property*			
			Bondholder's consent			
			Motivational Memorandum			
			Proof of served notice to the adjoining owners			
			Draft annexure			
			Draft amendment scheme map			
			Locality Plan			
			Land Use Plan			
			Zoning Plan			
			Site Plan			
			Zoning Certificate			
			Registered Title Deed and/or Notarial Deed			
			Form PLM: F-1			
			Form PLM: F-10(C)			

I, …… being the applicant described herein, declare that the above information is correct.

I hereby acknowledge that, should all the required documentation not be submitted in compliance with the requirements of the Municipality, the Municipality may elect not to consider the application as contemplated in section 89 and 93(2) of this By-law. Should the application found to be incomplete; the application will be returned to the applicant without further consideration or refunding of the application fees.

I hereby acknowledge that the Municipality has the right to request additional information or documentation should it be deemed necessary to place the Municipality in a position to take an informed decision on the matter.

I acknowledge that the provision of false or misleading information is an offence in terms of section 172 of this By-law.

I acknowledge that the Municipality may contact the applicant at any time regarding the application.

SIGNATURE ……..…….. DATE: ……..…..…… …..……..

NOTE: the fields marked with an * must be completed if it applies to the application. If these fields are not completed an the documents are attached to the application, the application will be regarded as incomplete.

FOR OFFICIAL USE ONLY

Application received by:				
Date received				
Correct application fee paid	Yes	No	Amount	

PLM: F-10(D) – Amendment, Suspension or Removal of Restrictive Title Conditions

LIST OF ATTACHMENTS AND SUPPORTING DOCUMENTS REQUIRED IN TERMS OF THE SCHEDULES TO THE POLOKWANE MUNICPAL PLANNING BY-LAW, 2017 AND/OR SUBMITTED BY THE APPLICANT AND CHECKLIST FOR MUNICIPAL USE

RECEIVED FROM: ……

PROPERTY DESCRIPTION: ……..

Checklist: to be completed by the Applicant				**Checklist: for Official Use only**		
YES	**NO**	**ANNEXURE OR PAGE REFERENCE**	**DOCUMENT ATTACHED**	**YES**	**NO**	**NA**
			Receipt of payment of the application fees			
			Covering letter			
			Completed Application form of the relevant application (PLM :F-5)			
			Power of Attorney*			
			Company/ Close corporation/Trust resolution*			
			Proof of Members of Company/Close Corporation/Trust*			
			In the instant of the owner being a company: CM 29 form*			
			In the instant of a close corporation: CK 1 or 2 forms*			
			In the instant of a Trust: Letter of appointment of the Trustees *			
			Proof of marriage out / in community of property*			
			Bondholder's consent			
			Motivational Memorandum			
			List of adjoining owners			
			Locality Plan			
			Site Plan			
			Zoning Certificate			
			Registered Title Deed and/or Notarial Deed			
			Form PLM: F-1			
			Form PLM: F-10(D)			

I, …… being the applicant described herein, declare that the above information is correct.

I hereby acknowledge that, should all the required documentation not be submitted in compliance with the requirements of the Municipality, the Municipality may elect not to consider the application as contemplated in section 89 and 93(2) of this By-law. Should the application found to be incomplete, the application will be returned to the applicant without further consideration or refunding of the application fees.

I hereby acknowledge that the Municipality has the right to request additional information or documentation should it be deemed necessary to place the Municipality in a position to take an informed decision on the matter.

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I acknowledge that the Municipality may contact the owner at any time regarding the application.

SIGNATURE ……..…….. DATE: ……..…….. ……..……..

NOTE: the fields marked with an * must be completed if it applies to the application. If these fields are not completed an the documents are attached to the application, the application will be regarded as incomplete.

FOR OFFICIAL USE ONLY

Application received by:				
Date received				
Correct application fee paid	Yes	No	Amount	

PLM: F-10 (E) – Subdivision or Consolidation

LIST OF ATTACHMENTS AND SUPPORTING DOCUMENTS REQUIRED IN TERMS OF THE SCHEDULES TO THE POLOKWANE MUNICPAL PLANNING BY-LAW, 2017 AND/OR SUBMITTED BY THE APPLICANT AND CHECKLIST FOR MUNICIPAL USE

RECEIVED FROM: ……

PROPERTY DESCRIPTION: ……...

Checklist: to be completed by the Applicant				**Checklist: for Official Use only**		
YES	**NO**	**ANNEXURE OR PAGE REFERENCE**	**DOCUMENT ATTACHED**	**YES**	**NO**	**NA**
			Receipt of payment of the application fees			
			Covering letter			
			Completed Application form of the relevant application (PLM:F-7)			
			Power of Attorney*			
			Company/ Close corporation/Trust resolution*			
			Proof of Members of Company/Close Corporation/Trust*			
			In the instant of the owner being a company: CM 29 form*			
			In the instant of a close corporation: CK 1 or 2 forms*			
			In the instant of a Trust: Letter of appointment of the Trustees *			
			Proof of marriage out / in community of property*			
			Bondholder's consent			
			Motivational Memorandum			
			Proof of served notice to the adjoining owners *			
			Locality Plan			
			Zoning Certificate			
			Registered Title Deed and/or Notarial Deed			
			Proposed Subdivision Plan*			
			Proposed Consolidation Plan*			
			Proposed simultaneous Subdivision and Consolidation Plan *			
			Environmental Impact Assessment executive summary *			
			Form PLM: F-1			
			Form PLM: F-10(E)			

I, …… being the applicant described herein, declare that the above information is correct.

I hereby acknowledge that, should all the required documentation not be submitted in compliance with the requirements of the Municipality, the Municipality may elect not to consider the application as contemplated in section 89 and 93(2) of this By-law. Should the application found to be incomplete; the application will be returned to the applicant without further consideration or refunding of the application fees.

I hereby acknowledge that the Municipality has the right to request additional information or documentation should it be deemed necessary to place the Municipality in a position to take an informed decision on the matter.

I acknowledge that the provision of false or misleading information is an offence in terms of section 172of this By-law.

I acknowledge that the Municipality may contact the owner at any time regarding the application.

SIGNATURE …….…….. DATE: ……..…… …..……..

NOTE: the fields marked with an * must be completed if it applies to the application. If these fields are not completed an the documents are attached to the application, the application will be regarded as incomplete.

FOR OFFICIAL USE ONLY

Application received by:				
Date received				
Correct application fee paid	Yes	No	Amount	

PLM: F-11

NOTICE OF APPEAL

APPELLANT DETAILS			
Please indicate the type of appellant:			
Individual ☐		Legal Entity / Other ☐	
Appellant Details: Individual			
Title			
Initials			
First Name(s)			
Surname			
Preferred Name			
ID Number			
Appellant Details: Legal Entity / Other			
Name			
Registration number			
Representative name			
Physical Address of the Appellant			
Physical Address(Work)			
Address Line 1 (street no)			
Address Line 2 (street name)			
Township/Village/Area		Postal Code	
Physical Address (Home)			
Address Line 1 (street no)			
Address Line 2 (street name)			
Township/Village/Area		Postal Code	
Postal Address of the Appellant			
Postal Type	PO Box ☐ Private Bag ☐	Physical Address (Home) ☐ Physical Address (Work) ☐	
Postal Number			
Township		Postal Code	
Communication Details of the Appellant			
E-Mail Address			
Cell Phone			
Home Phone			
Work Phone			
Home fax			
Work fax			
Preferred method of communication – please indicate			

APPEAL DETAILS				
Type of application				
Relevant legislation applicable				
Reference number				
Indicate decision maker	MPT (Municipal Planning Tribunal)		AO (Authorised Official)	
Date of decision				
PROPERTY DESCRIPTION				
Township/ Agricultural Holding/Farm				
Erf/ Lot/ Plot/ Farm No				
CONCISE AND SUCCINCT GROUNDS OF APPEAL				
LIST OF ATTACHED DOCUMENTS				
RELIEF SOUGHT BY THE APPELLANT FROM THE APPEAL AUTHORITY				

If the appellant wishes to raise any *points in limine* with regard to the appeal it must form part of the documents submitted

Any expert reports must be submitted and copies thereof must be made available to all respondents on lodging of the appeal

REQUIRED DOCUMENTS

Official Receipt of fees	
Proof that all the parties on record to the land development application including the Business Unit responsible for City Planning has been notified of the appeal	
All information on the land development application to which the appeal relates	
Every objection lodged and all comments made in respect of the land development application	
Every reply to an objection or comment	

Declaration:

I/We …….. (*full names*) hereby submit an appeal to the Appeals Authority in terms of section 134 of the Polokwane Municipal Planning By-law, 2017. I declare that I shall be bound by all the provisions of this By-law. I solemnly declare that, to the best of my knowledge and belief, all the information contained herein is true and correct.

Signed:…… Date: ……

PLM: F-12

THE PROVINCIAL GAZETTE, NEWSPAPERS AND PLACARD NOTICE IN TERMS OF SECTION 95(1)(a) FOR THE ESTABLISHMENT OF A TOWNSHIP /EXTENSION OF BOUNDARIES OF A TOWNSHIP IN TERMS OF SECTION 54 OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

POLOKWANE LOCAL MUNICIPALITY

NOTICE OF APPLICATION FOR THE ESTABLISHMENT OF TOWNSHIP/EXTENSION OF BOUNDARIES OF A TOWNSHIP IN TERMS OF SECTION 54 OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

……. EXTENSION ……

I/We……(*full name*) being the applicant hereby give notice in terms of section 95(1)(a) of the Polokwane Municipal Planning By-law, 2017,that I/we have applied to Polokwane Municipality for the establishment of the township/extension of boundaries in terms of section 54 of the Polokwane Municipal Planning By-law, 2017 referred to in the Annexure hereto,

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: Manager: City Planning and Property Management, PO Box 111, Polokwane, 0700 from ……..…….. (*the first date of the publication of the notice set out in section 95(1)(a) of the By-law referred to above)*, until ……..…… *(not less than 28 days after the date of first publication of the notice*).

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 /.....……. newspaper.

Address of Municipal offices: ……..……..…….

……..…… closing

date for any objections and/or comments: …..……...

Address of applicant (*Physical as well as postal address*): ……..……

……..

Telephone No: ……..……..

Dates on which notice will be published: ……..……..…..……

ANNEXURE

Name of township: ....……..……..……..…… Extension ……...……

Full name of applicant: ……..……..

Number of erven, proposed zoning and development control measures ……

The intension of the applicant in this matter is to: (*indicate the proposed development)*

……

Locality and description of property(ies) on which township is to be established:

……

The proposed township is situated .....….....……..……..……

*Delete whichever is not applicable

PLM: F-13

THE PROVINCIAL GAZETTE, NEWSPAPERS AND PLACARD NOTICE IN TERMS OF SECTION 95(1)(a) FOR A REZONING APPLICATION IN TERMS OF SECTION 61 OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

POLOKWANE LOCAL MUNICIPALITY
NOTICE OF A REZONING APPLICATION IN TERMS OF SECTION 61 OF THE POLOKWANE MUNICPAL PLANNING BY-LAW, 2017

I/We, ……. (*full name*), being the applicant of property(ies) erf/erven…..……..……..……..……..
……..…….. (*complete description of property as set out in title deed*) hereby give notice in terms of section 95(1)(a) of the Polokwane Municipal Planning By-law, 2017,that I/we have applied to Polokwane Municipality for the amendment of the applicable Land Use Scheme/or Town planning Scheme, by the rezoning in terms of section 61 of the of the Polokwane Municipal Planning By-law, 2017**,** of the property(ies) as described above. The property(ies) is/are situated at:

……..……

……..……

……..……..……

The rezoning is from ……..……..

to ……..……..……..……..…

The intension of the applicant in this matter is to: (*indicate the proposed development)*

……..

……..……..…

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: Manager: City Planning and Property Management, PO Box 111, Polokwane, 0700 from ……..... *(the first date of the publication of the notice set out in section 95(1)(a) of the By-law referred to above),* until ……..…..… *(not less than 28 days after the date of first publication of the notice).*

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 notice in the Provincial Gazette / ……..… newspaper.

Address of Municipal offices: ……..……

……..……

……..……

Closing date for any objections and/or comments: ……..……..……..

Address of applicant *(Physical as well as postal address):*
……

……

Telephone No: ……..……

Dates on which notice will be published: ……..……..…..

*Delete whichever is not applicable

PLM: F-14

THE PROVINCIAL GAZETTE, NEWSPAPERS AND PLACARD NOTICE IN TERMS OF SECTION 95(1)(a) FOR THE REMOVAL, AMENDMENT OR SUSPENSION OF A RESTRICTIVE CONDITION IN THE TITLE DEED IN TERMS OF SECTION 62 OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

POLOKWANE LOCAL MUNICIPALITY

NOTICE OF AN APPLICATION FOR THE REMOVAL / AMENDMENT / SUSPENSION OF A RESTRICTIVE CONDITION IN THE TITLE DEED IN TERMS OF SECTION 62 OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

I/We ……..……,(*full name*) being the applicant of property(ies) and/or erf/erven …….……...

……..……

(*complete description of property as set out in title deed*) hereby give notice in terms of section 95(1)(a) of the Polokwane Municipal Planning By-law, 2017,that I/we have applied to Polokwane Municipality for the removal/amendment/ suspension of certain conditions contained in the Title Deed in terms of section 62 of the Polokwane Municipal Planning By-law, 2017 of the above- mentioned property. The property(ies) is situated at:
.....……
…….....……

The application is for the removal / amendment / suspension of the following conditions ……..in Title Deed ……../…..……..

The intension of the applicant in this matter is to: (*indicate the proposed development)*
……
……

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: Manager: City Planning and Property Management, PO Box 111, Polokwane, 0700 from…….....…….... (*the first date of the publication of the notice set out in section 95(1)(a) of the By-law referred to above)*, until ……..…….. *(not less than 28 days after the date of first publication of the notice*).

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 / .....…… newspaper.

Address of Municipal Offices: …….
……
……
Closing date for any objections and/or comments: ……..……..

Address of applicant *(Physical as well as postal address):*

……
……..……..……
Telephone No: ……
Dates on which notice will be published: ……..……..

*Delete whichever is not applicable.

PLM: F-15

THE PROVINCIAL GAZETTE, NEWSPAPERS AND PLACARD NOTICE IN TERMS OF SECTION 95(1)(a) FOR THE ALTERATION / AMENDMENT OR PARTIAL CANCELLATION OF A GENERAL PLAN OF A TOWNSHIP IN TERMS OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

POLOKWANE LOCAL MUNICIPALITY

NOTICE OF AN APPLICATION FOR THE ALTERATION/AMENDMENT OR PARTIAL CANCELLATION OF A GENERAL PLAN IN TERMS OF SECTION 64 OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

I/we ……..(*full name*) the applicant hereby gives notice in terms of section 95(1)(a) of the Polokwane Municipal Planning By-law, 2017, that an application has been made for the alteration/amendment/total or partial cancellation of the general plan of the township known as:

…….....

……

The application together with the relevant plans, documents and information will lie for inspection during normal office hours at the Municipal offices, at.....

.....……..……..……..……..

for a period of 28 days from ..... *(the date of first publication of this notice).*

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: Manager: City Planning and Property Management, PO Box 111, Polokwane, 0700 from…… *(the first date of the publication of the notice)* until ..... (*not less than 28 days after the date of first publication of the notice)*.

Closing date for any objections : ……..……..

Address of applicant *(Physical as well as postal address):*

……

……

……

Telephone No: ……..……

Dates on which notice will be published: ……..……..

*Delete whichever is not applicable.

PLM: F-16

THE PROVINCIAL GAZETTE, NEWSPAPERS AND PLACARD NOTICE IN TERMS OF SECTION 95(1)(a)FOR SUBDIVISION OF PROPERTY(IES) AS CONTEMPLATED IN TERMS OF SECTION 67(1)(c) OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

POLOKWANE LOCAL MUNICIPALITY

NOTICE OF AN APPLICATION FOR A SUBDIVISION OF LAND IN TERMS OF SECTION 67(1)(b) OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

I/We, …….…… (*full name*), being the applicant of ……..……..
…….. hereby give notice, in terms of section 95(1)(a)of the Polokwane Municipal Planning By-law, 2017, that I/we have applied to Polokwane Municipality for the subdivision of the property(ies) described below.

The intension of the applicant in this matter is to: (*indicate the proposed development)*
……..
……..……

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: Manager: City Planning and Property Management, PO Box 111, Polokwane, 0700 from…… *(the first date of the publication of the notice)* until ..... (*not less than 28 days after the date of first publication of the notice)*.

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 notice in the Provincial Gazette / ……. newspaper.

Address of Municipal offices: ……
……..……

Closing date for any objections: ……..……..

Address of applicant *(Physical as well as postal address*):
……
……
……
Telephone No: ……
Dates on which notice will be published:
……..…….
Closing date for any objections: ……..……..
Description of property(ies):
Number and area of proposed portions:
Proposed Portion ……. in extent approximately ……..m²
Proposed Remainder…….. ….. in extent approximately ……. m²
TOTAL …….m²

*Delete whichever is not applicable.

PLM: F-17

EXAMPLE OF A POWER OF ATTORNEY

I/We, ……..

ID No: …… the undersigned, hereby nominate, constitute and appoint – ……

(*Include the company name and registration number of the company)* and ……..…… ID No: ……..…….. (*name and ID no of person from the company who in turn is granted authority by the said company)* with the power of substitution to be my/our *legal attorney(s) and *agent(s) in my/our name, place and stead to apply for -

…… *(type of application and property description*)

at ……..…… The Polokwane Local Municipality and in general to do everything to effect the application and to do whatever I/we would do if I/we were present in person and Acting in the matter; and I/we hereby ratify, allow and confirm, and promise and agree to ratify, allow and confirm everything and anything my/our *attorney(s) and *agent(s) may do or may permit to be done legally in terms of this power of attorney.

Signed at …… on this …… day of ……20……

in the presence of the undersigned witnesses.

AS WITNESSES:

1……..

2……..

……
Registered Owner

*Delete whichever is not applicable.

PLM: F-18

EXAMPLE OF AFFIDAVIT / AFFIRMATION

TO WHOM IT MAY CONCERN:

I, the undersigned, …… (*full name and surname)*, hereby *make oath/affirm that the placard notice(s) as prescribed in terms of Section 95(1)(a) on Erf No ……..…….....…., Township ……..…., was displayed and maintained in a conspicuous and to the public accessible place, for a period of 14 days from the first day the advertisements were advertised in local newspapers, viz from ……..…….…… to ……., both dates inclusive.

SIGNED ……..…….. (SIGNATURE OF APPLICANT)

on …… at ……

I hereby certify that the deponent acknowledges that *he/she was conversant with the contents of this statement and understood it, and that the deponent uttered the following words: "I swear that the contents of this statement are the truth and nothing but the truth, so help me God".

COMMISSIONER OF OATHS:……..

DATE : ……..

*Delete whichever is not applicable.

CONTINUES ON PAGE 258 - PART 3

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. 25

POLOKWANE,
18 MAY 2018
18 MEI 2018
18 MUDYAXIHI 2018
18 MEI 2018
18 SHUNDUNTHULE 2018

No. 2905

PART 3 OF 4

ISSN 1682-4563

PLM: F-19

APPLICATION FORM TO BE SUBMITTED FOR PRE- APPLICATION CONSULTATION IN TERMS OF SECTION 53 AND AS REQUIRED IN TERMS OF SCHEDULE 28 TO THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

APPLICANT DETAILS			
Please indicate the type of applicant :			
Individual ☐		Legal Entity / Other ☐	
Applicant Details: Individual			
Title			
Initials			
First Name(s)			
Surname			
Preferred Name			
ID Number			
Marital status if the owner is the applicant	Single/not married ☐ Out of community of property ☐	In community of property ☐	
Applicant Details: Legal Entity / Other			
Name			
Registration number			
Representative name			
Physical Address of the Applicant			
Physical Address(Work)			
Address Line 1 (street no)			
Address Line 2 (street name)			
Township/Village/Area		Postal Code	
Communication Details of the Applicant			
E-Mail Address			
Cell Phone			
Home Phone			
Work Phone			
Home fax			
Work fax			
Preferred method of communication – please indicate			

General Property Description			
Township/ Farm			
Erf No/ Farm No		Portion	
Street Name and Number			
Existing Use of Property	☐Agricultural ☐Commercial ☐Industrial ☐Residential ☐Vacant ☐Other(s) If Other; Specify:		
Existing or Proposed Access to subject lands:	☐National Road ☐Provincial Road ☐Municipal Road ☐Other (describe below) If Other; Specify:		

Details of the Proposal	
Proposed Application	☐ Township Establishment ☐ Division of a Township ☐ Rezoning ☐ Removal of Restrictive Conditions of a Title ☐ Amendment/ Cancellation of a General Plan ☐ Subdivision/Consolidation of a Farm Portion ☐ Closure of Public Place ☐ Communal Land Application (High Impact) ☐ Other If Other; Specify: .....

Provide a complete written description of the application with details of the proposed development including, but not limited to: proposed use(s), development controls (i.e. height/storeys, floor area(s), number of parking/loading spaces, coverage etc). If additional space is needed, attach a separate page.

_____

_____

_____

Does your proposal involve?			
	YES	**NO**	**N/A**
Demolition of existing building(s)			
Renovation of existing buildings(s)			
Addition to existing building(s)			
Construction of a new building			
Formalisation of existing land use rights			

General Information Required	
Bond (Yes/No)	
If yes specify Bond Account No	
Bondholder's Name	
Existing Development	
Title Deed/ Notarial Deed No	
Restrictive Title Deed Condition Paragraph No	

I, ……..…… being the applicant described herein, declare that the above information is correct.

I hereby acknowledge that, should all the required documentation not be submitted in compliance with the requirements of the Municipality, the Municipality may elect not to consider the application as contemplated in section 89 and 93(2) of this By-law. Should the application found to be incomplete; the application will be returned to the applicant without further consideration or refunding of the application fees.

I hereby acknowledge that the Municipality has the right to request additional information or documentation should it be deemed necessary to place the Municipality in a position to take an informed decision on the matter.

I acknowledge that the provision of false or misleading information is an offence in terms of section 172 of this By-law.

I acknowledge that the Municipality may contact the applicant at any time regarding the application.

SIGNATURE ……..…. DATE: ……..……..

LOCAL AUTHORITY NOTICE 59 OF 2018

DEPARTMENT OF CO-OPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS
REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967)
PORTION 1 OF ERF 88 GROBLERSDAL

It is hereby notified in terms of

1. Section 2(1) of the Removal of Restrictions Act, 1967, that the MEC has approved that conditions **(a), (b), (c), (d), (e), (f), (g), and (h),** in Title Deed **T126862/2005** of Portion 1 of Erf 88 Groblersdal be removed; and
2. The Greater Groblersdal Town Planning Scheme, 2006, be amended by the rezoning of Portion 1 of Erf 88 Groblersdal from "Residential 1" to "Business 1" with a density of 90 dwelling units per hectare on the property. The amendment scheme will be known as Groblersdal Amendment Scheme **DP15/16-61**, as indicated on the relevant Map 3 documentation, which are open for inspection at the office of the Deputy Director-General: Department of Co-Operative Governance, Human Settlements and Traditional Affairs (CoGHSTA) Limpopo Province, Polokwane, and the Municipal Manager of the Elias Motsoaledi Municipality. The above-mentioned amendment scheme shall come into operation on the date of publication of this notice. **[Reference: LH12/1/4/3/2/2/3/19]**

HEAD OF DEPARTMENT, Private Bag X9485, Polokwane, 0700

PLAASLIKE OWERHEID KENNISGEWING 59 VAN 2018

DEPARTEMENT VAN KOÖPERATIEWE REGERING , NEDERSETTINGS EN TRADISIONELE SAKE
WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET 84 VAN 1967)
GEDEELTE 1 VAN ERF 88 GROBLERSDAL

Hiermee word kennis gegee ooreenkomstig die bepalings van

1. Artikel 2 (1) van die Wet op Opheffing van Beperkings , 1967, dat die MEC goedgekeur het dat voorwaardes **(a), (b), (c), (d), (e), (f), (g), en (h),** in titelakte **T126862/2005** van Gedeelte 1 van Erf 88 Groblersdal, opgehef word; en
2. Die Groter Groblersdal Dorpsbeplanningskema, 2006, gewysig word deur die hersonering van Gedeelte 1 van Erf 88 Groblersdal vanaf "Residensieel 1" na "Besigheid 1" Met 'n digtheid van 90 wooneenhede per hektaar op die eiendom.
   Die wysiging bekend sal staan as Groblersdal Wysigingskema **DP15/16-61** soos aangedui op die betrokke Kaart 3 dokumentasie, wat ter insae by die kantoor van die Adjunk Direkteur-Generaal: Departement van koöperatiewe regering, nedersettings en tradisionele Sake (CoGHSTA) Limpopo Provinsie, Polokwane, en die Munisipale Bestuurder van die Elias Motsoaledi Munisipaliteit is. Die bogenoemde wysigingskema tree op die datum van publikasie van hierdie kennisgewing in werking. **[Verwysing: LH12/1/4/3/2/2/3/19]**

HOOF VAN DEPARTMENT, Privaat Sak X9485, Polokwane, 0700

LOCAL AUTHORITY NOTICE 60 OF 2018

REMOVAL OF RESTRICTIVE CONDITIONS REGISTERED AGAINST TITLE OF LAND: ERF 444, TZANEEN EXTENSION 5

It is hereby notified in terms of Section 58(7) of the SPLUMA By-Law of Greater Tzaneen Municipality that the Municipality has approved the removal of condition B(g) in Title Deed Nr. T85952/2015 of Erf 444, Tzaneen Extension 5 to relax the street building line to zero (0) metre.

MR. B.S. MATLALA
MUNICIPAL MANAGER

Municipal Offices
P.O. Box 24
TZANEEN
0850

Date: 18 May 2018
Notice Nr: PD12/2018

LOCAL AUTHORITY NOTICE 61 OF 2018

GREATER TUBATSE LAND-USE SCHEME, 2006

Notice is hereby given that in terms of clause 21.1(a) of the above-mentioned land-use scheme, I, **Mdu Mashaba,** the undersigned of the **Siphila Sonke Property Holding (Pty) Ltd**, intend applying to the Greater Tubatse Local Municipality for consent to use the **Remainder of the farm Vlakplaats no.770 - LS** for the purpose(s) of constructing a cellular telephone mast on the property.

Plans and/or particulars relating to the application may be inspected during normal office hours at the, Fetakgomo Tubatse Local Municipality, Civic Centre, Town Planning Department, 1 Kastania Street, Burgersfort, 1150.

Any person having any objection to the granting of this application, must lodge such objections together with the grounds thereof in writing, with The Manager, Town Planning Department, Fetakgomo Tubatse Local Municipality, P.O. Box 206, Burgersfort, 1150, within 28 days from the first date of publication: **18 May 2018.**

First date of advertisement: **18 May 2018**

Second date of advertisement: **25 May 2018**

Objection expiry date: **08 June 2018**

Applicant:

Siphila Sonke Property Holding (Pty) Ltd, 502 Avignon Building, 147 Vlok Street, Sunnyside, Pretoria, 0002,

Tel: (012) 757 6574, e-mail: admin@siphilasonke.co.za

site ref: ATLM110 Geluk's West

TSEBISHO

GREATER TUBATSE LAND-USE SCHEME, 2006

Tsebisho ye e dirwa mabapi le clause 21.1(a) ya land-use scheme yeo e ngwadilwego mo godimo, nna, **Mdu Mashaba**, moshomedi wa **Siphila Sonke Property Holding (Pty) Ltd**, ke dira kgopelo go Mmasepala mogolo wa Selegae wa Fetakgomo Tubatse ya go dumelelwa go shomisha seripa sa **polasa ya Vlaplaats no. 770-KS** mabapi le go aga tora ya megala le dillathekeng (cellular telephone mast) mo go yona.

Ditokomane ka moka tseo di amanago le kgopelo ye, di gona gore di ka lekolwa ka di nako tjeo di tlwaelegilego tja moshomo, dikantorong tja Mmasepala mogolo wa Selegae wa Fetakgomo Tubatse, Civic Centre, Lefapha la Town Planning, 1 Seterateng sa Kastania, Burgersfort, 1150.

Motho mang le mang yo a nago le boipelaetjo mabapi le di kgopelo tje, a ka ipelaetja ka go ngwalela phaphushi ya Mookamedi wa lefapha la Town Planning, Mmasepala mogolo wa Selegae wa Fetakgomo Tubatse, P.O. Box 206, Burgersfort, 1150, ka matjatji a 28 go tloga ka tjatji la phatlalatjo e lego la: **18 May 2018**.

Phatlalatjo / papatjo ya mathomo **:** **18 May 2018**

Phatlalatjo / papatjo ya bobedi **:** **25 May 2018**

letjatji la mafelelo la go ipelaetja **:** **08 June 2018**

Applicant:

Siphila Sonke Property Holding (Pty) Ltd, 502 Moagong wa Avignon, 147 Seterateng sa Vlok, Sunnyside, Pretoria, 0002,

Tel: (012) 757 6574, e-mail: admin@siphilasonke.co.za

site ref: ***ATLM110 Geluk's West***

18-25

LOCAL AUTHORITY NOTICE 62 OF 2018

MUNICIPAL HEALTH SERVICES BY-LAW

MUNICIPAL HEALTH SERVICES BY-LAWS

The objective of the bylaws is to enable Capricorn District Municipality to promote and protect the health and well-being of all people within the municipal area by providing an effective legal and administrative framework, in conjunction with any other applicable laws, within which the municipality can develop and manage its municipal health service obligations.

BE IT ENACTED by the Council of **CAPRICORN DISTRICT MUNICIPALITY**, as follows:

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SHORT TITTLE

CHAPTER 1

INTERPRETATION AND FUNDAMENTAL PRINCIPLES

Definitions and interpretation

1. (1) In these By-laws, unless the context otherwise indicates -

"**adequate**" when used to describe a standard or manner in which anything required by these By- laws must be done, means the standard or manner that, in the opinion of an Environmental Health Practitioner, is sufficient to safeguard public health, and to achieve the purpose and apply the principles of these By- laws and "adequately" has a corresponding meaning:

"**approved**" when used to describe a particular object, measure or material, means an object, measures or material which has been approved in terms of section 13 as being adequate in specified circumstances to prevent, or reduce to a level acceptable to the Municipality, the risk of any public health hazard or public health nuisance occurring, continuing or recurring:

"**authorised official**" means any official of the Municipality who has been authorised by the Municipality to administer, implement and enforce the provisions of these By-laws

"**communicable diseases**" means any disease which can be communicated directly or indirectly from any animal or through any agent to any person or from any person suffering there from or who is a carrier thereof, to any other person;

"**Municipality**" means – Capricorn District Municipality

(a) Capricorn District Municipality established in terms Chapter 2 of the Local Government Municipal Structures Act No. 117 of 1998 exercising its legislative and executive authority through its Municipality: or

(b) its successor in title; or

(c) 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 Local Government: Municipal System Act, 2000 (Act No. 32 of 2000) ; or

(d) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81 (2) of the Local Government: Municipal System Act, or any other law, as the case may be;

"**dwelling**" means any house, room, shed, hut, tent, cave, container, shelter, vehicle boat or any other structure or place whatsoever, any part of which is used or appears

intended for use by any human being for sleeping or in which any human being dwells or sleeps and "room" has a corresponding meaning;

"**environmental health**" means those aspects of human health, including quality of life, that are determined by physical, chemical, biological, social and psychosocial factors in the environment. It also refers to the theory and practice of assessing, correcting, controlling and preventing those factors in the environment that can potentially adversely affect the health of present and future generations.

"Environmental Health Practitioner" means an official appointed by the Municipality in terms of The National Health Act, 2003 (Act 61 of 2003) as amended and who is duly registered as an Environmental Health Practitioner with the Health Professions Council of South Africa in terms of section 34 of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended

"**exemption certificate**" means a certificate issued in terms of section 11

"**hot water**" means water which has a minimum temperature of 55°C at the point of discharge;

"**municipal area**" means the area under the jurisdiction of Capricorn District Municipality;

"**municipal manager**" means a person appointed as such by the Municipality in terms of section 82 of the Local Government: Municipal Structure Act, 1998 (Act No. 117 of 1998) ;

"**National Building Regulations and Building Standards Act**" means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) as amended;

"**occupier**", in relation to any premises, means any person –

(a) occupying the premises;

(b) leasing the premises;

(c) who is not occupying the premises but is entitled to do so; or

(d) who manages the premises or a business on the premises on behalf of a person referred to in paragraph (a), (b) or (c) ;

"**organ of state**" means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)

"**owner**", in relation to any premises, means –

(a) the person in whose name the title to the premises is registered, and includes the holder of a stand or

(b) if the person referred to in paragraph (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

"**permit**" means a public health permit issued by the Municipality in terms of the section 12;

"**person**" means a natural person or a juristic person, and includes an organ of state;

"**pest**" means any animal, reptile, insect or mammal, which may create a public health hazard or public health nuisance if it is present in significant numbers and including but not limited to rats, mice, flies, mosquitoes, bed bugs, fleas, lice, termites and cockroaches;

'**potable water**" means water that complies with the requirements set out in SANS 241- 1: Water for Domestic Suppliers;

"**premises**" means –

(a) any land without any buildings or other structure on it;

(b) any building or other structure and the land on which is situated;

(c) any land which adjoins land referred to in paragraph (a) or (b) and any building or other structure on the adjoining land, if that land, building or structure is occupied or used in connection with any activity carried out on the premises referred to in paragraph (a) or (b) ; or

(d) any land on which a caravan park or camping ground situated; or

(e) any vessel, vehicles or movable structure which is used for a scheduled use;

"**prescribed fee**" means a fee determined by the Municipality by resolution in terms of section 75A of the Local Government: Municipal System Act, 2000 (Act 32 of 2000) as amended;

"**public health**" means the art and science which aims at preventing disease, prolonging life and promoting health through the organized efforts of society and includes the mental and physical health and well-being of people in the municipal area:

"**public health hazard**" means any actual threat to public health, and without limitation, includes –

(a) the circumstances referred to in section 5(3)

(b) unsanitary conditions

(c) circumstance which make it easier for a communicable disease to break out or spread;

(d) circumstances which make food or drinks, including water for domestic

consumption, unhygienic or unsafe to eat or drink; and

(e) circumstances which allows pests to infest any place that may affect public health;

"**public health nuisance**" means the use of any premises or place in a manner which creates conditions that significantly increase the risk of a public health hazard occurring or which compromises any aspect of public health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist in terms of Schedule 1;

"**public place**" means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in the Municipality and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use, and includes a public place as defined in the Tobacco Control Amendment Act 12 of 1999.

"**scheduled use**" means a use listed in Schedule 2.

(2) Unless the context otherwise indicates, any word or expression which is defined in any Chapter, has the same meaning wherever it is used in these By- laws.

(3) If any provision in these By-laws vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section 81 (2) of the Local Government: Municipal System Act, 2000, or any other law, been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

Purpose

2. The Municipality being aware of the constitutional rights of every person to an environment that is not harmful to his or her health or well – being, and the principles that underlines the National Health Act, 2003 (Act 61 of 2003) as amended and the National Environmental Management Act, 1998 (Act 107 of 1998) as amended, adopts this By-laws with the purpose that these By-laws will enable the Municipality to set minimum environmental health standards to prevent diseases, prolong life, protect and promote the long term health and well-being of people in the Municipal area by:

(a) providing, in conjunction with other applicable laws, an effective legal and administrative framework within which the municipality can develop and manage its Municipal Health Services obligations by:

(i) managing and regulating activities that have the potential to impact adversely on public health; and

(ii) requiring premises to be properly maintained and managed ; and

(b) defining the rights and obligations of the Municipality and the public in relation to this purpose.

CHAPTER 2
PUBLIC HEALTH

Part 1: Public health principles

Principles

3. (1) Every person has a constitutional right to an environment that is not harmful to his or her health or well-being and to have access to sufficient water and the municipality has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment as per Section 24 and 27 of the Republic of South Africa Constitution 1996 (Act 108 of 1996)

(2) The risk of a public health hazard occurring, continuing or recurring must be eliminated wherever reasonably possible, and if it is not reasonably possible to do so, it must be reduced to a level acceptable to the Municipality.

(3) Any person who owns or occupies premises in the municipal area must ensure that it is used for and maintained in a manner that ensures that no public health hazard or public health nuisance occurs on the premises.

(4) Any person who wishes to undertake an activity which creates a risk to public health that is more than trivial or insignificant must -

(a) take all reasonable measures to eliminate that risk, and if that is not reasonably possible, to reduce the risk to a level acceptable to the Municipality; and

(b) bear the costs of taking those measures and of any reasonable costs incurred by the Municipality in ensuring that the risk is eliminated or reduced to an acceptable level.

(5) The Municipality must regulate all activities and administer all matters for which it is legally responsible in a manner that -

(a) avoids creating a public health hazard or a public health nuisance;

(b) does not make it easier for any human or animal disease to spread;

(c) does not give rise to unsanitary or unhygienic conditions;

(d) prevents unsafe food or drink from being consumed ;

(e) avoids creating conditions favourable for infestation by pests; or

(f) wherever reasonably possible, improves public health in the municipal area.

(6) In dealing with matters affecting public health the Municipality must -

(a) adopt a cautious and risk averse approach;

(b) prioritise the collective interest of the people of the municipal area, and of South Africa, over the interests of any interest group or sector of society;

(c) take account of historic inequalities in the management and regulation of activities that may have an adverse impact on public health and redress these inequalities in an equitable and non-discriminatory manner;

(d) adopt a long-term perspective that takes account of the interests of future generations; and

(e) take account of, and wherever possible without compromising public health, minimize any adverse effects on other living organisms and ecosystems.

Application of principles

4. The public health principles set out in section 3 must be considered and applied by any person -

(a) exercising a power or function or performing a duty under these By-laws;

(b) formulating or implementing any policy that is likely to have a significant effect on, or which concerns the carrying on of activities likely to impact on, public health in the municipality area; or

(c) exercising a public power or function or performing a public duty in the municipal area which is likely to have a significant effect on public health in that area.

Part 2: Public health hazard and public health nuisances

Prohibition on causing public health hazards

5. (1) No person may create a public health hazard anywhere in the municipal area.

(2) Every owner or occupier of premises must ensure that a public health hazard does not occur on those premises.

(3) An owner or occupier of premises creates a public health hazard if:

(a) the premises are infested with pests;

(b) there are conditions on the premises which are conducive to the spread of a communicable disease or which may cause a non-communicable disease;

(c) there is any unsanitary condition in any part of the premises; or

(d) any water supply for domestic consumption on the premises is unsafe for human consumption.

Duty to report public health hazards

6. The owner or occupier of premises who knows of a public health hazard on those premises, must within 24 hours of becoming aware of its existence -

(a) eliminate the public health hazard; or

(b) if the owner or occupier is unable to comply with paragraph (a), take reasonable steps to reduce the risk to public health and forthwith report the existence of the public health hazard to the Environmental Health Department of the municipality in writing.

Prohibition on causing a public health nuisance

7. (1) No person may cause a public health nuisance anywhere in the municipal area.

(2) Every owner or occupier of premises must ensure that a public health nuisance does not arise on those premises.

CHAPTER 3

POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT

Definitions

8. "**vicinity**" the area as seen in the context of the problem which could range from adjacent premises up to an entire neighbourhood.

Part 1: Potentially hazardous uses

Duty to list potentially hazardous uses

9. If the Municipality reasonably believes that any premises have been, or are likely to be, used for a purpose or in a manner that has caused, or is likely to cause, a public health hazard or to create a public health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level, the Municipality must list the activity concerned in Schedule 2 and must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Municipality.

Scheduled uses

10. (1) Any person who uses premises in a manner or for a purpose listed in Schedule 2 must comply with every provision specified in the Chapter of these By-laws relating to that use, unless that person has been granted an exemption in terms of section 11 from complying with any such provision.

(2) Any person who uses premises in a manner or for a purpose that is listed in Part A of Schedule 2, must obtain a permit in terms of section 12 before commencing that use and must comply with the terms and conditions of that permit.

Exemption Certificates

11. (1) Any person who wants to undertake a scheduled use on any premises but wishes to be exempted from complying with any requirement of these By-laws relating to the use

concerned, may apply to the Municipality in accordance with section 14 for an exemption certificate.

(2) The Municipality may grant an exemption certificate, subject to such condition as it may impose, if an Environmental Health Practitioner is satisfied that -

(a) the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant requirement of these By-laws; and

(b) the scheduled use in respect of which the exemption is required, is not likely to cause a public health hazard or a public health nuisance.

Public health permits

12. (1) Any person who wants to undertake a scheduled use that is listed in Part A of Schedule 2, must apply to the Municipality's Department responsible for Environmental Health in accordance with section 14 for a public health permit.

(2) The Municipality may issue a public health permit to the owner or occupier of any premises, if an Environmental Health Practitioner is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.

(3) A public health permit -

(a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Municipality

(b) may exempt the permit holder from complying with any relevant provision of these By-laws, if the Municipality reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than, the measures required by the relevant provision of these By-laws; and

(c) may approve any measure or material in connection with the activity authorized by the permit that must be approved in terms of these By-laws.

Approval of measures, object and materials

13. (1) The Municipality may approve, provided that the said approval is not in conflict with any other legal requirement, any object or material used, or any measure taken, in specified circumstances as being adequate to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Municipality.

(2) An object, material or measure referred to in subsection (1) may be approved by the

Municipality in -

(a) a public health permit; or

(b) guidelines prescribed by the Municipality in terms of subsection (3)

(3) The municipality may publish guidelines in the Provincial Gazette which describe -

(a) appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Municipality; and

(b) the circumstances in which taking these measure or using these objects or materials are acceptable to the Municipality.

Application procedure

14. (1) Any person who wants to obtain an exemption certificated or a permit must apply to the Municipality's Department responsible for Environmental Health in writing in a form attached as **Annexure 1**, prior to undertaking the schedule use concerned.

(2) When the Municipality receives an application contemplated in subsection (1), it must ensure that the relevant premises concerned are inspected by an Environmental Health Practitioner within 14 days.

(3) Before deciding whether or not to approve an application contemplated in subsection (1), the Municipality -

(a) must ensure that any persons in the vicinity of the premises whose health or well-being may be affected if the premises are used for the scheduled use concerned, have been consulted and have had an opportunity to make representation; and

(b) may require the applicant to provide any further information which the Municipality considers relevant to enable it to make an informed decision.

(4) In deciding whether or not to issue an exemption certificate or a permit, and what terms and conditions, if any, to include in it, the Municipality must apply the public health principles set out in section 3.

General terms applicable to certificates and permits

15. (1) An exemption certificate or a permit -

(a) is not transferable from one person to another; and

(b) applies only to the premises specified in that certificate or permit.

(2) Every exemption certificate or permit must -

(a) specify the address and other relevant details regarding the location of the

premises concerned;

(b) describe the premises concerned;

(c) describe the activity concerned;

(d) specify terms and conditions imposed, if any, and

(e) indicate the expiry date

(3) An applicant must pay a prescribed fee, if determined by the Municipality, in respect of an application for a permit or exemption certificate and such fee must accompany the application.

(4) The Municipality may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribe fees has been paid.

Suspension, cancellation and amendment of exemption certificates and permits

16. (1) An Environmental Health Practitioner may by written notice to the holder of an exemption certificate or permit, suspend, amend or cancel that certificate or permit, after having informed such holder of the reasons for such an exemption certificate or permit being cancelled or suspended.

(2) An Environmental Health Practitioner may suspend or cancel an exemption certificate or permit with immediate effect -

(a) If the Environmental Health Practitioner reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance, or

(b) If the holder of such certificate or permit fails to comply with a compliance or prohibition notice as contemplated in these bylaws which is stated that such certificate or permit may be suspended or cancelled without further notice if the holder fails to comply with that notice, and

(c) in terms of The Municipal Systems Act (Act 32 of 2000), Chapter 3, 8(2) of this Act

(3) An Environmental Health Practitioner may suspend or cancel an exemption certificate or permit after having given the holder thereof a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled if -

(a) The Environmental Health Practitioner reasonably believes that it is desirable to do so to eliminate or reduce the risk to public health posed by a public health hazard or a public health nuisance; or

(b) The holder of such certificate or permit contravenes or fails to comply with any relevant provision of these By-laws.

(4) An Environmental Health Practitioner may amend an exemption certificate or permit by endorsing such certificate or permit or by written notice to the holder thereof, if the Environmental Health Practitioner reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the exemption certificate or permit concerned was issued.

CHAPTER 4
SANITARY SERVICES

Compulsory connection to municipal sewage system

17. Every owner of premises to which a municipal sewage service is available, must ensure that all waste drainage pipes from any bath, wash hand basin, toilet, shower, kitchen sink, washing machines and dish washers are connected to the municipality sewer in an approved manner.

Prohibition against obstruction of sanitary service

18. No person may prevent, obstruct or interfere with any sanitary service provided by the Municipality.

Requirements in respect of toilet facilities

19. Every owner of premises must ensure that the number of toilets provided on those premises comply with the provisions of the National Building Regulations and Building Standard Act or any other applicable legislation.

Toilets for workers

20. (1) Every contractor must provide his or her workers with toilet facilities as prescribed by the National Building Regulations and Building Standards Act or any other applicable legislation

(2) No temporary toilet may be erected or placed on any pavement or other public place without the written approval of Municipality.

Prohibition against use of a bucket toilet under the same roof as a dwelling

21. No person may provide, erect, retain or use any bucket toilet inside, or under the same roof, as a dwelling.

Condition of toilets, urinals, backyards and refuse areas

22. Every owner or occupier of any premises must keep every backyard; refuse area, toilet, and urinal in a sanitary condition and good state of repair.

Separate storage of urine

23. (1) Any owner or occupier required by the Municipality to provide for the separate storage of urine, due to the size, extent of occupation or use of any premises, must comply with any notice issued by the Municipality calling on him or her to provide an adequate urine tank or an adequate number of urine buckets on the premises.

(2) Every owner or occupier referred to in subsection (1) must use the urine tank or urine bucket exclusively for the reception of urine.

Provision of tank for waste liquids in areas without sewers

24. (1) Any owner of premises not connected to a public sewer or not provided with other adequate measures for the disposal of waste liquid, must provide the premises with a tank big enough to contain the slops, bath water or other waste water produced on the premises during a period of 48 hours.

(2) Subject to the provisions of subsection (3), premises referred to in subsection (1), must be equipped either with -

(a) an overhead tank placed in a way that its contents can be gravity fed into the Municipality's or other approved waste removal vehicle, or

(b) an adequate filter, pump and indicator, with outlet pipes constructed and placed in a way that the tank may be easy emptied and cleansed.

(3) The provisions of subsection (2) do not apply if -

(a) adequate arrangements have been made for dispersing waste water produced on the premises, other than urine, over land associated with the premises concerned; and

(b) the waste water is dispersed in a way that will not create a public health nuisance.

Pumping of contents of underground tank to surface tank

25. Any occupier of premises on which both underground and overhead tanks are provided for the storage of waste water, must pump the contents of the underground tank to the overhead tank immediately prior to the overhead tank being emptied by the Municipality.

Blocked or defective outlet pipes

26. Every owner or occupier of premises must keep any drainage system free from obstruction and in a good state of repair.

Prohibition against urine in slops tanks

27. No person may discharge or allow any urine or excrement to be discharged into a slops tank situated on any premises.

CHAPTER 5

PRIVATE SEWAGE WORKS

Permit for provision of service for the removal of human excrement or urine

28. No person may provide any service for the removal or disposal of human excrement and urine on any premises except in terms of a permit authorizing that service.

Permit for installation of sewage works

29. No person may, on any private premises, install, alter, re-site, operate or maintain any septic tank, filter installation or other works for the disposal of sewage, except in terms of a permit authorizing that activity.

Maintenance of sewage works

30. Any person operating a sewage works must ensure that it is maintained in a sanitary condition and good state of repair at all times.

Disposal of sewage, sewage effluent and wastewater without causing a public health nuisance and/or hazard

31. No person may dispose of sewage or waste water from any bath, wash hand basin, toilet, shower, kitchen sink, swimming pool, washing machines, dish washers and refuse receptacles in a way or in a location that may-

(a) cause dampness in or on any premises;

(b) endanger the quality of any water supply, surface water, stream or river, or

(c) create a public health nuisance and/or hazard.

Compulsory use of Municipality's sewage removal service

32. Every occupier of premises must use the sewage removal service prescribed by the Municipality for those premises.

CHAPTER 6

WATER

Definitions

33. In this Chapter, unless the context otherwise indicates -

"**domestic consumption**" in relation to water, means the use of water for –

(a) human consumption

(b) preparing or manufacturing food or drink for human consumption;

(c) cleaning vessels or utensils used in the preparation or manufacture of food or drink for human consumption; or

(d) any other domestic purpose.

"**effluent**" means any waste water which may be generated as a result of undertaking any

scheduled use or any activity which is likely to cause a public health nuisance.

Pollution of sources of water supply

34. No person may pollute or contaminate any catchment area, river, canal, well, reservoir, filter bed, water purification or pumping works, tank, cistern or other source of water supply or storage in a way that creates a public health nuisance or a public health hazard.

Dangerous wells, boreholes and excavations

35. Every owner or occupier of premises must ensure that any well, borehole or other excavation located on his or her premises -

(a) is fenced, filled in or covered over in a way that adequately safeguards it from creating a public health nuisance or public health hazard; and

(b) is not filled in a way, or with material, that may cause any adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create a public health nuisance or a public health hazard.

Provision of adequate water supply

36. Every owner of premises must provide every resident on the premises with an adequate and readily available potable water supply at all times.

Use of water from source other than the municipal supply

37. No person may use, or permit to be used; any water obtained from a source other than the municipal water supply for domestic consumption, unless the water concerned has been approved for that purpose and complies with standards of potable water.

Furnishing of particulars of the source of water

38. (1) Any owner or occupier of premises on which well, borehole, spring, dam, river or other water source is located, the water of which is used for domestic consumption, must within 14 days of receiving a notice from the Municipality calling on him or her to do so, provided the Municipality with all particulars of the water source reasonably available to the owner or occupier.

(2) An owner or occupier of premises contemplated in subsection (1), must, if requested to do so by the Municipality, and at his or her own cost, furnish to the Municipality a certificate of chemical analysis and bacteriological investigation issued by an analyst, as defined in the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), in respect of any water supply on that premises used for domestic consumption.

(3) If water from a borehole is used for domestic consumption, a certificate of analysis as contemplated in subsection (2) must be submitted to the Municipality annually or at any time on request of an Environmental Health Practitioner.

Notice of the sinking or digging of boreholes or wells

39. (1) No person may sink or dig, or cause or permit to be sunk or dug, a well or borehole, to obtain water, unless -

(a) it is done so in accordance with any relevant law; and

(b) her or she has given the Municipality at least 14 days' written notice of his or her intention to do so.

(2) The notice referred to in subsection (1)(b), must state the proposed location and the purpose for which the water is to be used.

Storm water runoff from premises which may impact on public health

40. (1) Every owner or occupier of premises must erect adequately designed, constructed and maintained hydraulic and hydrological structures on those premises -

(a) to divert the maximum storm water runoff, which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years, from any part of the premises on which any waste, likely to create a public health nuisance, is or was handled, produce, stored, dumped or spilled

(b) to collect all polluted runoff water from any part of the premises on which waste, likely to create a public health nuisance is or was handled, produced, stored, dumped or spilled, for reuse, treatment or purification;

(c) to separate all effluent from storm water systems;

(d) to prevent the erosion or leaching of material from any slimes dam, ash dam and any dump or stock-pile on the premises, and to contain any eroded or leached material in the area where it originated;

(e) to prevent any waste or waste water from entering any borehole, well, spring, vlei or water course; and

(f) to prevent any adverse impact on the quality of surface and ground water occurring , due to the location of any dump, stock-pile, dam, drain, canal, conduit, sewer or any other structure on the premises.

(2) An owner or occupier of premises -

(a) must keep all water passages open and free of obstruction from matter which may impede the flow of water or effluent;

(b) may not locate any dump within the one hundred year flood line of any water resource;

(c) may not use coal, coal discard, carbonaceous material or any other material for the construction of any slurry, evaporation, or catchment dam, or any

embankment, road or railway in a way likely to create a public health nuisance;

(d) must construct bund walls around any tank, or group of tanks, containing any substance that can create a public health nuisance, of a size that is capable of containing the volume of the largest tank plus an additional 10% in the event of any unlawful or accidental discharge from the tank or group of tanks; and

(e) must clean any industrial surface area so as to prevent the pollution of storm water which may result in adverse impact on the quality of any surface or ground water.

Containment of waste water

41. Any dam, conduit or channel used for the containment of waste water must have a free board of at least 0.5 metres above the highest level of precipitation which could be expected within a period of 24 hours with an average frequency of recurrence of one in 100 years.

CHAPTER 7
FOOD CONTROL

Definitions:

42. In this chapter, unless the context otherwise indicated:

"**adequately ventilated and lighted**" means ventilated and illuminated by means of windows with an uninterrupted transparent area equal to at least 10 percent of the floor area and with an area which can be opened equal to at least 5 percent of the floor area, and so placed that cross ventilation is facilitated;

"**animal**" means a creature or living thing other than a human , any member of the animal kingdom;

"**approved milking shed**" means a milking shed in respect of which a certificate of acceptability has been issued and is enforced;

"**baker**" shall mean any person who carries on the business of manufacturing any bakery products;

"**bakery**" shall mean the premises or any part thereof on or in which the business of a baker is carried on;

"**bakery product**" shall include bread, rolls, pies, biscuits, cakes, tarts, confectionery, sweet meats and similar products;

"**best before**" means, with respect to food, the date indicating the end of the period under any stated storage conditions specified on the label by the manufacturer during which the product will remain fully marketable, edible and safe and will retain any specific qualities for which tacit or express claims are or have been made;

"**butcher**" shall mean a person carrying on the business of selling meat in wholesale quantities, offering or exposing meat for sale by retail in a shop or fixed place, or by offering meat for sale or delivery from some other place;

"**butchery**" shall mean any premises used for the purpose of such business;

"**certificate of acceptability**" means a certificate of acceptability referred to in Regulation 3 of R962, framed under the Foodstuffs Cosmetics and Disinfectants Act, Act 54 of 1972 as amended;

"**clean**" means free of any dirt, impurity, objectionable matter or contamination to the extent that acceptable states of hygiene is attained, and keep clean has a similar meaning;

"**colourant**" means any substance referred to in the By-laws on food colourants, published under the Foodstuffs Cosmetics and Disinfectants Act, Act 54 of 1972;

"**dairy**" means any premises occupied and used by a dairyman, for the production and sale or supply of dairy product ;

"**dairy product**" means milk or a product obtained or manufactured exclusively or mainly from milk and to which no unpermitted substances or another foodstuff of which the solids are not meant to substitute any part of the milk solids, are added and it also includes a product of which a maximum of 50 percent of the fat content, protein content and carbohydrate content respectively, are obtained from a source other than milk;

"**dairyman**" means any person who produces, supplies, or keeps for sale, or sells milk obtained from his own herd, and who is registered as such;

"**dairy stock**" means cows, she-goats, ewes, and mares used in the production of milk for human consumption;

"**disinfection**" means the reduction, without adversely affecting the food by means of hygienically satisfactory chemical agents or physical methods, of the number of micro-organisms to a level that will not lead to harmful contamination of food;

"**expiry date**" means, with respect to food, the date indicating the end of the period under which the product will remain fully marketable, edible and safe and must thereafter be sold or disposed of;

"**facility**" means any apparatus, appliance, equipment, implement, storage space, working surface or object used in connection with the handling of food;

"**food**" means a foodstuff intended for human consumption, as defined in section 1 of the Foodstuffs, Cosmetics and Disinfectants Act (Act 54 of 1972), excluding food referred to in regulation 14;

"**food handler**" means a person who in the course of his or her normal routine work on food premises comes into contact with food not intended for his or her personal use;

"**food premises**" means a building, structure, stall, or other similar structure, and includes a caravan, vehicle, stand or place used for or in connection with the handling of food;

"**food vending machine**" means any mechanical device, whether attended or not, by means of which foodstuffs are sold;

"**foodstuff**" means any article or substance, including natural mineral water or bottled water, but excluding medicine, ordinarily eaten or drunk by humans or purporting to be suitable, or manufactured or sold, for human consumption and includes any part or ingredient of any article or substance or any substances used, intended or destined to be used as a part of any article or substance;

"**food additive**" means any substance not normally consumed as a foodstuff by itself, and not normally used as a typical ingredient of the foodstuff, whether or not such substance has nutritive value;

"**good manufacturing practice**" means a method of manufacture or handling or a procedure employed, taking into account the principles of hygiene, so that food cannot be contaminated or spoiled during the manufacturing process;

"**handle**" includes process, produce, manufacture, packaging, storing, preparation, display, transport, sale or serving of foodstuffs;

"**hands**" includes the forearm or part of the arm extending from the wrist to the elbow;

"**health hazard**" includes any condition, act or omission that may contaminate or spoil food so that consumption of such food is likely to be dangerous or detrimental to health;

"**inspector**" means a person authorized as such, under section 10 of the Foodstuffs Cosmetics and Disinfectants Act, 54 of 1972 or an "Environmental Health Practitioner (EHP)" shall mean a person registered as such in terms of section 34 of The Health Professions Act, 1974 (Act 56 of 1974) and who performs functions as listed in the Schedule of the Scope of Professions of Environmental Health, Government Gazette No. R698 dated 26 June 2009.

"**manufacture**" includes production, or preparation, processing, preservation or other manufacturing process;

"**meat**" means the clean, sound and wholesome skeletal musculature and fatty tissue of any animal species, including game or bird species, used as a foodstuff, together with any connective tissue, bone, fat and cartilage that occurs naturally in the skeletal musculature of the dressed carcass and head, excluding the musculature of the lips, snout, scalp and ears;

"**milk**" means the mammary secretion of dairy stock, obtained from one or more milking for consumption as liquid milk or for further processing;

"**milk dealer**" means any person, other than a dairyman, who receives, collects, treats, prepares for sale, or sells milk at or from a milk depot, and who is registered as such;

"**milking parlour**" means that area of the milking shed in which dairy stock are milked;

"**milk tanker**" means a vehicle for the transportation of milk in bulk;

"**milk vessel**" means and includes every receptacle, can, vessel, utensil, bottle, appliance, or any other thing, which is used by a dairyman, milk dealer or milk purveyor, for the production, collection, keeping, storage, preparation, treatment, measurement, conveyance, delivery or distribution of milk;

"**perishable food**" means any foodstuff which on account of its composition, ingredients, moisture content and/or pH value and of its lack of preservatives and suitable packaging is susceptible to an uninhibited increase in microbes therein or thereon, if the foodstuff is kept within the temperature spectrum of 5^{o}C to 63^{0}C, and includes the perishable foodstuffs listed in Government Notice No. R1183 of 1 June 1990 as amended;

"**person in charge**" means a natural person who is responsible for the food premises and/or the owner of such food premises, as the case may be;

"**poultry**" means any chicken, duck, goose, guinea-fowl, ostrich, partridge, pheasant, pigeon, quail, turkey and chicks thereof;

"**pre-packed food**" means food which, before it is presented for sale or for serving, has been packed;

"**protective clothing**" means overall of a light colour and head gear that completely covers the head;

"**pure water**" means clean and clear water that does not contain Escherichia Coli;

"**rodent-proof**" means ensuring that an area is free of all rodents, vermin, insects, disease carriers or other pests;

"**sell**" includes to offer, advertise, keep, display, transmit, convey or deliver for sale, or to exchange, or to dispose of to any person in any manner whether for a consideration or otherwise; and sold, selling and sale have corresponding meanings;

"**sell by**" means, with respect to food, the last date of offer for sale, as specified on the label by the manufacturer, to the consumer after which there remains a reasonable storage period in the home and after which the product is still safe and edible;

"**unsound food**" means unwholesome sick, polluted, infected, contaminated, decaying or spoiled, or unfit for human consumption for any reason whatsoever;

"**vehicle**" means a train, trolley, wagon, cart, bicycle, truck, boat, and includes any other craft, vehicle or conveyance used in the handling or transport of food; and

"**water**" means, for domestic consumption, pure water which complies with SANS 241-2001 and any standards set in terms of national and provincial legislation.

Requirements for food caterer premises:

43. Caterer to have a certificate of acceptability issued by the Municipality.

(a) All food areas must have adequate ventilation and lighting (visual).

(b) All working surfaces and equipment such as tongs, must be in a good state of repair and capable of being easily cleaned.

(c) Provision must be made for a wash hand basin or any other similar utensil for washing of hands.

(d) Provision must be made for soap, nail brush, and disposable paper toweling at the afore-mentioned wash hand basin or utensil.

(e) Provision must be made for a sink or any other similar utensil, for washing of food and equipment.

(f) Suitable provision must be made for a constant supply of hot and cold water.

(g) All waste water emanating from the property of food caterer must be suitably disposed of, as per requirements of the Environmental Health Practitioner.

(h) Adequate measures must be taken to prevent contamination of food by flies, chemicals, rodents and other vermin, and pathogens.

(i) Suitable refrigeration facilities must be provided, with proper holding temperatures, namely foodstuffs to be stored at or below 5^{o}Celsius or at or above 63^{o}Celsius

(j) Raw and cooked foods must be kept separately during all stages of catering process.

(k) Refuse Control: the premises must have an adequate number of bins with tight fitting lids and bins must be regularly cleaned.

(l) All staff must be provided with personal protective clothing namely footwear, overalls of a light colour and head covering that completely covers the hair of the head.

(m) All staff must maintain a good sense of hygiene, and be free of any open cuts and wounds.

(n) Proper quality control must be implemented, namely "first in – first out" policy.

Requirements for food premises

44. (1) Certificate of acceptability

No person shall handle food or permit food to be handled -

(a) on food premises in respect of which a valid certificate of acceptability

has not been issued or is not in force

(b) in contravention of any restriction or condition or stipulation contained in such certificate of acceptability.

(2) The provisions of sub-section (1) shall come into effect in the case of food premises existing at the time of publication of these by-laws.

(3) The person in charge of any food premises, including a food vending vehicle, wishing to obtain a certificate of acceptability in respect of such food premises shall apply in writing to the municipality in whose area of jurisdiction the food premises are situated on an application form containing the particulars that are the same as those contained in the form in **Annexure 6** of these by-laws.

(4) Upon receipt of an application referred to in section 44(3), the municipality shall without delay refer the application to an inspector for consideration.

(5) An inspector may, in considering such an application, request such further information as he or she may deem necessary or expedient from the applicant or from any other person.

(6) If an inspector, after having carried out an inspection, is satisfied that the food premises concerned, having due regard to existing conditions of the adjacent land and facilities, subject to the provisions of section 45(2) and section 58 of these by-laws.

(a) do in all respects comply with the provisions of section 46 and section 47, the Municipality shall issue a certificate of acceptability in the name of the person in charge on the form in **Annexure** 6 of these By-laws,

(b) do not in all respects comply with the provisions of section 46 and section 47 the municipality may, subject to the provisions of section 45(2), grant an extension for a maximum period of six months to enable the person in charge so to change or equip the food premises that they comply with the provisions in question: Provided that during the said period of extension, the provisions of sub-section (1) shall not apply to the person concerned.

(7) A certificate of acceptability shall be displayed in a conspicuous place for the information of the public on the food premises in respect of which it was issued or a copy thereof shall immediately be made available on request where the display thereof is impractical.

(8) If the person in charge of food premises is replaced by another person, such person shall inform the municipality in writing of such replacement within 30 days after the date hereof and the local authority shall subject to the provisions of section 45(2) , issue a

new certificate of acceptability in the name of the new person in charge.

(9) A certificate of acceptability –

(a) shall not be transferable from one person to another person and from one food premises to another food premises;

(b) shall be valid only in respect of the nature of handling set out in the application for a certificate of acceptability;

(c) may at any time be endorsed by a municipality by -

(i) the addition of any further restriction that may be necessary to prevent a health hazard; and

(ii) the removal of any restriction with regard to the category or type of food or the method of handling;

(d) shall expire temporarily for the period during which a prohibition under section 45(2) is in effect

(e) shall expire permanently if a prohibition referred to in section 45(2) is not removed within a stipulated period which shall not exceed six months from the date on which a notice was issued in terms of section 45(2);

(f) shall expire permanently if the provisions of section 49 are not complied with.

(10) No person may make any unauthorised changes or additions to or forge a certificate of acceptability.

Prohibition on the handling and transportation of food

45. (1) No person shall handle food in a manner contrary to the provisions of these by-laws.

(2) If an inspector following an inspection of food premises or a facility is of the opinion -

(a) that such food premises or facility -

(i) are or is in such a condition or used in such a manner; or

(ii) do or does not comply with these by-laws to the extent;

(b) that a particular activity with regard to the handling of food takes place in such a manner; or

(c) that such circumstances exist with regard to the food premises or facility or any other activity, that they or it constitute a health hazard and that the continued use of the food premises or facility or the activity should be prohibited, the municipality may summarily prohibit the use of the food premises or facility for the handling of food or any of the activities that relate to the handling of food, by serving a written order on the person in charge or, if he or she is not available, his or her representative informing such person of the prohibition.

(3) A notice referred to in sub-section (2) shall contain at least the following particulars:

(a) The reason(s) for the prohibition;

(b) a statement that the prohibition will in writing be removed by a municipality as soon as the reason(s) for the prohibition has (have) been removed and provided the inspector is satisfied that the reason(s) for the prohibition is (are) not likely to recur.

(4) (a) A prohibition shall come into operation from the time at and the date on which a notice is served under sub-section (2).

(b) No person shall perform any act that is contrary to such prohibition.

(5) An inspector shall, within 72 working hours of receiving a request for the removal of a prohibition, carry out an investigation of the food premises, facility, activity or circumstance which gave rise to the prohibition and the municipality shall upon completion of such investigation in writing inform the person on whom the prohibition notices was served or, if he or she is not available, any other person representing such person that the prohibition has been removed or remains, as the case may be.

(6) The municipality may levy an inspection fee equivalent to the expenses incurred by the local authority for carrying out the inspection on the person in charge for each investigation carried out by an inspector in terms of sub-section (5).

Standards and requirements for food premises

46. (1) Subject to section 58 no person shall handle food elsewhere than on food premises that meet the requirements of this By-laws and section 47.

(2) Food premises shall be of such location, design, construction and finish and shall be so equipped, in such condition and so appointed that they can be used at all times for the purpose for which they were designed, equipped and appointed -

(a) without creating a health hazard; and

(b) in such manner that food -

(i) can be handled hygienically on the food premises or with the equipment thereon;

(ii) Can be effectively protected by the best available method against contamination or spoilage by poisonous or offensive gases, vapours, odours, smoke, soot deposits, dust, moisture, insects or other vectors, or by any other physical, chemical or biological contamination or pollution or by any other agent whatsoever.

(3) For the purposes of sub-section (2), food premises shall meet the following

requirements;

(a) All interior surfaces of walls, sides or ceilings, or of roofs without ceilings, and the surfaces of floors, or any other similar horizontal or vertical surfaces that form part of or enclose the food-handling area shall-

(i) have no open joints or open seams and shall be made of smooth, rust-free, non- toxic, cleanable and non-absorbent material that is dust-proof and water-resistant: Provided that in a food-serving or storage area must -

(aa) be face brick;

(bb) have similar walls the joints of which are formed properly or are so formed and finished that they are easy to clean; or

(cc) the decorative wall or ceiling finishes must be easy to clean;

(ii) be of such a nature that they cannot contaminate or contribute to the contamination of food.

(b) Each room of food premises shall be -

(i) ventilated effectively by means of -

(aa) natural ventilation through openings or openable sections which are directly connected to the outside air and so positioned in the external walls and/or roof that effective cross-ventilation is possible: Provided that such openings shall have a surface area equal to at least 5% of the floor area of the room concerned; or

(bb) artificial ventilation that complies with the requirements of the National Building By-laws and Building Standards Act, 1977 (Act No. 103 of 1977), whichever of the two methods will facilitate the addition of adequate fresh air to and the effective removal of polluted or stale air from the food-handling area to the extent that air contaminants that could contaminate food, and that gas, vapours, steam and warm air that may arise during the handling of food are effectively removed, and that the emergence of any unhygienic or unhealthy condition in the food-handling area is prevented;

(ii) illuminated by means of -

(aa) unobstructed transparent surfaces in the external walls and/or roof which admit daylight, with an area equal to at least 10% of the floor area in the room concerned; or

(bb) artificial illumination which complies with the requirements of the National Building By-laws and the Building Standards Act, 1977, and which permits an illumination strength equal to at least 200 lux to fall on all food-handling surfaces in the room concerned.

(c) Food premises shall -

(i) have a wash-up facility with hot and cold water for the cleaning of facilities;

(ii) be rodent proof in accordance with the best available method, namely the external doors are to be constructed of acceptable rodent-proof material.

(iii) be provided with effective means of preventing the access of flies or other insects to an area where food is handled;

(iv) have a waste-water disposal system approved by the municipality.

(v) be provide, immediately over the cooking area, an extractor hood and canopy, of adequate size, having a flue of at least 300mm in diameter.

(vi) The floor area of the kitchen, scullery and preparation area, shall not be less than 14sq metres

(d) The following shall be available in respect of food premises:

(i) The number of latrines, urinal stalls and hand washbasins as specified in the National Building Regulations 103/1977 for the use of workers on the food premises and for use by persons to whom food is served for consumption on the food premises: Provided that separate sanitary facilities for workers and clients shall not be required: Provided further that where persons of only one sex or no more than ten persons work on food premises, separate sanitary facilities shall not be required for workers of different sexes;

(ii) hand-washing facilities which shall be provided with cold and/or hot water for the washing of hands by workers on the food premises and by persons to whom food is served for consumption on the food premises, together with a supply of soap (or other cleaning agents) and clean disposable hand-drying material or other hand-cleaning facilities or hand-drying equipment for the cleansing and drying of hands by such workers and persons;

(iii) liquid proof, easy-to-clean refuse containers with close-fitting lids suitable for the hygienic storage of refuse pending its removal from the food-handling area;

(iv) storage space for the hygienic storage of food, facilities and equipment and a suitable separate area for the hygienic storage of refuse containers on the

food premises;

(v) a separate changing area with storage facilities for clothes;

(vi) an adequate supply of water.

(e) No room in which food is handled shall have a direct connection with any area -

(i) in which gas, fumes, dust, soot deposits, offensive odours or any other impurity is present or may arise in such a manner that food in the food-handling room could be contaminated or spoilt;

(ii) in which an act is performed in any manner or where any condition exists that could contaminate or spoil food in the food handling area;

(4) A room in which food is handled may be connected to a room in which a latrine or urinal is situated –

(i) only via a properly ventilated lobby: Provided that all relevant interconnecting doors shall cover the whole area of their apertures: Provided further that they shall be equipped with;

(ii) durable self-closing devices; or

(iii) without such a lobby between them: Provided that the connecting aperture shall have a self-closing door as contemplated in item (ii): Provided further that the latrine or urinal room shall be equipped with effective mechanical extraction ventilation to the outside air to render the atmosphere inside such room under a negative pressure in relation to the atmosphere in the food-handling room.

(5) No person must be allowed to sleep in any room where food is handled.

Standards and requirements for facilities on food premises

47. (1) The surface of any table, counter or working surface on which unwrapped food is handled and any equipment, utensil or basin or any other surface which comes into direct contact with food shall be made of smooth, rust-proof, non-toxic and non-absorbent material that is free of open joints or seams: Provided that wooden chopping blocks, cutting boards and utensils shall not be prohibited providing such items are kept in such a condition that dirt does not accumulate thereon or therein.

(2) No surface referred to in sub-section (1) and no crockery, cutlery, utensils, basins or any other such facilities shall be used for the handling of food if they are not clean or if they are chipped, split or cracked.

(3) Any utensil or item which is suitable for single use only -

(a) shall be stored in a dust-free container until used; and

(b) shall not be used more than once.

(4) A surface referred to in sub-section (1) and a facility referred to in sub-section (1) shall be -

(a) cleaned and washed before food come into direct contact with it for the first time during each work shift; and

(b) cleaned and washed, as and when necessary, during and/or immediately after the handling of food, so that contamination of the food that comes into contact with any such surface or facility is prevented, and any such surface or facility shall, before food comes into direct contact therewith, contain -

(i) no more than 100 viable micro-organisms per cm2 upon analysis, conducted in accordance with acknowledged scientific microbiological methods of investigation, of a sample taken in accordance with the swab technique prescribed by SABS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique;

(ii) no remains of cleaning materials or disinfectants which may pollute the food.

(5) (a) Every chilling and freezer facility used for the storage , display or transport of perishable food shall be provided with a thermometer which at all times shall reflect the degree of chilling of the refrigeration area of such facility and which shall be in such a condition and positioned so that an accurate reading may be taken unhampered.

(b) Every heating apparatus or facility used for the storage, display or transport or heated perishable food shall be provided with a thermometer which at all times shall reflect the degree of heating of the heating area concerned and which shall be in such a condition and positioned so that an accurate reading may be taken unhampered.

Standards and requirements for food containers

48. (1) No person shall sell canned or hermetically sealed food in a container which -

(a) bulges at the flat or round sides or ends or one side of which bulges when the other side is pressed;

(b) is in any way blown or from which gas escapes when it is opened or punctured, unless

(i) the container contains an aerated drink; or

(ii) gas has been used as a preservative;

(c) is so rusted or damaged that it is liable to contaminate food or that it leaks or has become unsealed;

(d) had a leak which was resealed.

(2) A container shall be clean and free from any toxic substance, ingredient or any other substance liable to contaminate or spoil the food in the container.

(3) Repacked food, depending on the type of food, shall be packed in a dustproof and liquid proof container that protects the product therein against contamination under normal handling conditions and shall be so packed or sealed that the food cannot be removed from its container without the stopper or lid or similar seal being removed or without the wrapping, container or seal being damaged.

(4) Perishable food, excluding the products referred to in section 57 and products that are not pre-packed, except food for consumption as meals on food premises, shall, when served to the consumer, be packed in a container that protects the food therein against contamination.

Standards and requirements for the display, storage and temperature of food

49. (1) Food that is displayed or stored shall not be in direct contact with a floor or any ground surface.

(2) Any shelf or display case used for displaying or storing food or any container shall be kept clean and free from dust or any other impurity.

(3) Non-pre-packed, ready-to-consume food, including food served as meals and displayed in an open container, shall be protected in accordance with the best available method against droplet contamination or contamination by insects or dust.

Standards and requirements for protective clothing

50. (1) No person shall be allowed to handle food without wearing suitable protective clothing as specified in subsection (2) below.

(2) The protective clothing, including head covering and footwear, of any person handling food that is not packed so that the food cannot be contaminated shall

(a) be clean and neat when such person begins to handle the food;

(b) at all times during the handling of the food be in such a clean condition and of such design and material that it cannot contaminate the food;

(c) be so designed that the food cannot come into direct contact with any part of the body, excluding the hands.

(d) be provided with overalls of a light colour and head gear that completely covers the head.

Duties of a person in charge of food premises

51. (1) A person in charge of food premises shall ensure that –

(a) effective measures are taken to eliminate flies, other insects, rodents or vermin on the food premises;

(b) any person working on the food premises is adequately trained in food hygiene by an inspector or any other suitable person:

(c) refuse is removed from the food premises or from any room or area in which food is handled as often as is necessary and whenever an inspector requires it to be done;

(d) waste is stored in a proper waste bin area, constructed as per the specifications of the Environmental Health Practitioner, and disposed of in such a manner that it does not create a nuisance;

(e) waste bins are -

(i) cleaned regularly; and

(ii) disinfected whenever necessary and whenever an inspector requires it to be done;

(f) waste water on the food premises is disposed of to the satisfaction of the municipality;

(g) the food premises and any land used in connection with the handling of food and all facilities, freight compartments of vehicles and containers are kept clean and free from any unnecessary materials, goods or items that do not form an integral part of the operation and that have a negative effect on the general hygiene of the food premises;

(h) no person handling non-pre-packed food wears any jewelry or adornment that may come into contact with the food, unless it is suitably covered;

(i) no animal, subject to the provisions of any law, is kept or permitted in any room or area where food is handled, except that –

(j) a guide dog accompanying a blind person may be permitted in the sales or serving area of the food premises;

(k) no condition, act or omission that may contaminate any food arises or is performed or permitted on the food premises;

(l) the provisions of these By-laws are complied with;

(m) all persons under his or her control who handle food at all times meet the standards and requirements and execute the duties prescribed by sections 50 and

52, respectively;

(n) a room or area in which food is handled shall not be used for -

(i) sleeping purposes;

(ii) washing, cleaning or ironing of clothing or similar laundry;

(iii) any other purpose or in any manner that may contaminate the food therein or thereon;

(o) no food handler touches ready-to-consume non-pre-packed food with his or her bare hands, unless it is unavoidable for preparation purposes, in which case such food shall be handled in accordance with good manufacturing practice.

Duties of a food handler: Personal Hygiene

52. (1) Food, a facility or a container shall not be handled by any person -

(a) whose fingernails, hands or clothes are not clean;

(b) who has not washed his or her hands thoroughly with soap and water or cleaned them in another effective manner -

(i) immediately prior to the commencement of each work shift;

(ii) at the beginning of the day's work or after a rest period;

(iii) after every visit to a latrine or urinal;

(iv) every time he or she has blown his or her nose or after his or her hands have been in contact with perspiration or with his or her hair, nose or mouth;

(v) after handling a handkerchief, money or a refuse container or refuse;

(vi) after handling raw vegetables, fruit, eggs, meat or fish and before handling ready-to-use food;

(vii) after he or she has smoked or on return to the food premises; or

(viii) after his or her hands have, or may have become contaminated for any other reason.

(2) Food, a facility or a container shall not be handled by any person -

(a) who has on his or her body a suppurating abscess or a sore or a cut or abrasion, unless such abscess, sore, cut or abrasion is covered with a moisture proof dressing which is firmly secured to prevent contamination of the food;

(b) who is or who is suspected of suffering from or being a carrier of a disease or condition in its contagious stage that can be transmitted by food, unless any such person immediately reports the disease or condition to the person in charge and a certificate by a medical practitioner stating that such person is fit to handle food is submitted;

(c) whose hands or clothing are not clean.

(3) No person shall -

(a) spit in an area where food is handled or on any facility;

(b) smoke or use tobacco in any other manner while he or she is handling non-pre-packed food or while he or she is in an area where such food is handled;

(c) handle non-pre-packed food in a manner that brings it into contact with any exposed part of his or her body, excluding his or her hands;

(d) lick his or her fingers when he or she is handling non-pre-packed food or material for the wrapping of food;

(e) cough or sneeze over non-pre-packed food or food containers or facilities;

(f) spit on whetstones or bring meat skewers, labels, equipment, or any other object used in the handling of food or any part of his or her hands into contact with his or her mouth, or inflate sausage casings, bags or other wrappings by mouth or in any other manner that may contaminate the food;

(g) walk, stand, sit or lie on food or on non-hermetically sealed containers containing food or on containers or on food-processing surfaces or other facilities;

(h) use a hand washbasin for the cleaning of his or her hands and simultaneously for the cleaning of facilities; or

(i) while he or she is handling food, perform any act other than those referred to above which could contaminate or spoil food.

Standards and requirements for the handling of meat (Butchery)

53. (1) (a) No person shall on food premises handle meat derived from an animal slaughtered in contravention of the Meat Safety Act, 2000 (Act No.40 of 2000).

(b) No person shall on food premises handle the meat of an animal exempted from the provisions of the Meat Safety Act, 2000 (Act No.40 of 2000), unless a notice that is clearly visible and legible and that contains the following information or information to that effect, in letters at least 18 mm high, is displayed at the food premises: "The meat sold on these premises has been exempted from inspection in terms of Meat Safety Act, 2000 (Act No.40 of 2000).

(2) Meat on a carcass shall not be handled on food premises, unless -

(a) the carcass has been properly bled;

(b) Un-skinned carcasses shall not be so handled that the skin thereof comes into contact with other food on food premises or that the meat of such carcasses is contaminated or spoiled.

(3) Subject to Meat Safety Act, 2000 (Act No.40 of 2000) no animal shall be killed, bled, eviscerated, skinned or dressed on food premises other than in a room used specifically and exclusively for that purpose in accordance with good manufacturing practice, provided that no further handling or processing of any such carcass shall take place in that room.

(4) No person shall be permitted to operate butchery or conduct the business of a butcher, unless:

(i) The butchery area is physically separated from the food preparation area, by means of a solid wall, dry partitioning is not permitted.

Requirements for meat handling

54. (a) All meat that is sold for human consumption must be from an abattoir approved by the relevant authority

(b) Correct temperature control must be maintained at all times;

(c) Offal requirements

(i) No person may handle dirty offal unless there is a separate room with washing facilities provided for cleaning the offal and all equipment used for such;

(ii) Offal must be prepared and stored separately from all other meat;

(iii) Offal may not be sold in a manner that creates or is likely to create a nuisance or pose risk to any person;

(d) Game meat requirements

(i) The operator of the premises must be in possession of a valid permit from the veterinary office;

(ii) No person may handle game meat in any butchery or other premises without prior approval from the Environmental Health Practitioner;

(iii) Separate preparation room and storage facilities of game meat must be provided;

(iv) Game meat must be clearly marked when sold in the butchery or other premises;

Street trading requirements

55. (i) No person shall trade with any food on the street unless in possession of a written approval from the Municipality;

(ii) No person may prepare or sell food on the street unless in possession of a valid health certificate issued by the Environmental Health Practitioner;

Standards and requirements for the transportation of food

56. (1) No person shall transport food on or in any part of a vehicle -

(a) unless that part is clean and has been cleaned to such an extent that chemical,

physical or microbiological contamination of the food is prevented;

(b) together with -

(i) contaminated food or waste food;

(ii) poison or any harmful substance;

(iii) a live animal; or

(iv) any object that may contaminate or spoil the food.

(2) Subject to subsections (1) and (4), the freight compartment of a vehicle that is used for the transportation of food that is not packed or wrapped in liquid-proof and dustproof sealed containers -

(a) shall have an interior surface made of an easy-to-clean and smooth, Rust free, non-toxic and non-absorbent material without open joints or seams and,

(b) shall be dustproof;

(c) shall not be used simultaneously for the transport of any person or any other item that may contaminate the food.

(3) Notwithstanding any provisions to the contrary contained in this by-law, no non-pre-packed food shall be -

(a) transported in such a manner that it comes into contact with the floor of a vehicle or the floor covering thereof or a surface thereof that can be walked on or with anything else that could pollute the food; or

(b) transported or carried in such a manner that the food could be spoiled or contaminated in any way.

General requirements for vending carts

57. (1) Anyone operating a food vending cart, shall ensure that the cart:

(a) Has an interior surface made of an easy-to-clean, rust free, non-toxic and non-absorbent material, without open joints or seams.

(b) Has an adequate supply of potable water.

(c) Has suitable facilities for the disposal of waste water generated from the cart.

(d) Is consistent in size, compatible with the activities being undertaken.

(e) Is provided with at least one(1) waste receptacle, with a tight fitting lid

(f) Has the name and address of the owner inscribed conspicuously on the sides of the cart.

(g) Is not used for any other purpose, than the purpose for which it is designed.

(h) Provides effective protection from contamination by dust, flies or other causes.

(2) All persons engaged in the handling of food, must be provided with protective clothing,

namely overalls of a light colour and head gear that completely covers the head.

Sale of food through a food vending machine

58. A person may not sell food through a food vending machine unless –

(a) the food vending machine is of a type approved by the relevant municipality and –

(i) is constructed of non-absorbent material;

(ii) is designed to be easily cleaned at all times;

(iii) has a refrigeration or heating unit capable of maintaining the core temperature required by the relevant municipality; and

(iv) is inscribed with an identifying serial number;

(b) written authority for the installation and use of the food vending machine has been obtained in terms of section 59(6) ; and

(c) the person responsible for the food vending machine complies with any condition or restriction imposed by the relevant municipality.

Procedure for application of sale of food from vending machines

59. (1) A person who contemplates distributing or selling food through a food vending machine must apply in writing to the relevant municipality in the area of jurisdiction in which the food vending machine is contemplated.

(2) The application for a food vending machine must be in the form prescribed by the relevant municipality.

(3) On receipt of an application contemplated in subsection (2), the application must be referred within 14 days to an Environmental Health Practitioner, acting for and on behalf of the relevant municipality, for investigation.

(4) An Environmental Health Practitioner, acting for and on behalf of a municipality, may, in investigating an application contemplated in subsection (2), request further information from the applicant.

(5) An Environmental Health Practitioner , acting for and on behalf of the relevant municipality, may –

(a) grant an application contemplated in subsection (2) for a specified period for a food vending machine, unconditionally or with conditions, if, based on the Environmental Health Practitioner's investigation, he or she is satisfied that the food vending machine concerned complies in all respects with the provisions of these by-laws; or

(b) refuse an application contemplated in subsection (2) where the food vending machine concerned does not comply with these by-laws.

(6) An Environmental Health Practitioner, acting for and on behalf of the relevant municipality, granting an application in terms of subsection (5) (a) must give the applicant a written permit stating the –

(a) name and address of the applicant;

(b) address of the premises at which the food vending machine is to be installed;

(c) address of the premises at which perishable food to be stored in and sold through the food vending machine is to be prepared;

(d) That the permit holder shall not sell/supply any other category of food other than that which is specified on the permit.

(e) conditions, if any, imposed on the installation, operation and use of the food vending machine; and

(f) Date of expiry of the permit.

(7) The owner of the food vending machine must display the information contained in the permit issued in terms of subsection (6) in a conspicuous place on the food vending machine.

(8) A permit issued in terms of subsection (6) is not transferable from one person to another and from one food vending machine to another.

(9) A permit issued in terms of subsection (6) may at any time be endorsed by an Environmental Health Practitioner, acting for and on behalf of the relevant municipality, by the –

(a) Addition of any further restriction that may be necessary to prevent a health hazard; or

(b) Removal of any restriction with regard to the category or type of food or the method of handling the food.

Prohibition on the production of milk except in an approved milking shed

60. (1) No person shall use a milking shed for the purpose of milking dairy stock in order to produce milk for human consumption, unless the milking shed in which the dairy stock are milked is an approved milking shed and such milking shed is used in accordance with the provisions of these By-laws and the conditions of the certificate of acceptability issued in respect of that milking shed.

(2) The provisions of sub section (1) shall not be applicable to a milking shed in which milk is produced solely for own use.

(3) If a local authority is of the opinion that a milking shed is being used in a way which, constitutes a health hazard or that a situation has developed in the milking shed

constituting such hazard, the local authority may, order in writing the owner or possessor of an existing milking shed not to remove any milk for human consumption from the milking shed until the hazard or situation has been rectified to the satisfaction of the local authority.

Standards and requirements

61. Milking sheds

(1) An approved milking shed shall consist of at least -

(a) (i) A milking parlour referred to in paragraph (2);

(ii) a milking room referred to in paragraph (3) where milk shall be received from the milking parlour, and such milk shall be stored and where it may be treated, processed and packed provided that where due to the design and construction of a milking shed all the requirements included under paragraph (3) cannot be situated within the milking room, it should be otherwise provided on the premises;

(iii) a change room

(iv) a scullery for the washing, cleaning, disinfection and sterilisation of milk containers and other unfixed apparatus and equipment used in the handling of milk.

(b) (i) The facilities referred to in paragraph (a) shall, subject to the provisions of sub-paragraph (ii), be erected as separate rooms in one building complex or as separate detached buildings

(ii) A scullery referred to in paragraph (a) (iv), may be erected as an integral part of a milk room or as a separate room.

(2) In the case of a milking parlour-

(a) there shall be no direct connection with a latrine or with a room where gases, smoke, vapours, dust or soot deposit are present or may originate owing to the nature of the activities in such room;

(b) which, provides standing-room of more than one row of dairy stock parallel with one another, there shall be a dividing corridor of at least one meter wide between the rows.

(c) the partitions, if any, that separate dairy stock from each other when they are being milked, shall be of smoothly finished, non-absorbing and corrosion resistant material, free of any open seams and cracks;

(d) mangers shall be arranged so that fodder which accumulates behind the mangers

can be removed and be disposed of appropriately;

(e) where walls are provided, the exterior walls -

(i) shall be at least 2, 4 metres high on the inside;

(ii) shall, at places where dairy stock are milked, extend to at least 2, 1 metres above the level on which the dairy stand;

(f) the interior surfaces of the walls, if provided shall be made of impervious materials with no toxic effect in intended use;

(g) the ceilings, if provided or overhead structures and fixtures shall be constructed and finished to minimize the build-up of dirt and condensation, and the shedding of particles;

(h) the floors shall be constructed to allow adequate drainage and cleaning;

(i) such parlour shall be adequately ventilated and illuminated;

(j) such parlour shall be provided with at least one water tap with running water to which a flexible pipe may be connected for washing purposes; and

(k) the entrances and exists for dairy stock shall have a floor covering with an impenetrable surface connected to a disposal system, and such floor covering shall be installed in such a way that any milk animal entering or leaving the milking parlour shall walk on it for a distance of at least 4 metres.

(3) In the case of a milking room -

(a) such milking room shall comply mutatis mutandis with the provisions of sub section (2 (e) (i), (f), (g), (h) and (i);

(b) where the scullery forms an integral part of the milking room as referred to in sub-section (1) (b) (ii) there shall be sufficient space to allow for the cleaning and disinfections of all milk containers, and the storage of milk;

(c) such milking room shall be provided with at least one sink, with hot and cold water (or temperature controlled water), and running water with the run-off connected to a disposal system;

(d) such milking room shall be erected so that a milk tanker can be connected to a bulk farm tank through a suitable opening and the distance between the two connection points shall not exceed 6 metres;

(e) such milking room shall be rodent-proof;

(f) the doors should have smooth, non-absorbent surfaces, and be easy to clean and, where necessary disinfect;

(g) windows should be easy to clean, be constructed to minimize the build-up of dirt

and where necessary, be fitted with removable and cleanable insect-proof screens. Where necessary windows should be fixed;

(h) such milking room may be equipped with a farm tank referred to in section 63 for the storage of milk.

(4) A change room shall -

(a) comply mutatis mutandis with sub-regulation (2) (e) (i), (f), (g), (h) and (i);

(b) have at least one hand-basin and shower provided with hot and cold running water, soap, disinfectant and disposable towels, and the used water from such hand wash-basin and shower shall adequately drain into a disposal system.

(c) be within easy reach of the milking parlour and milking room

(5) Any effluent originating from a milking shed shall -

(a) not be stored, treated or dumped in any place except in or on a suitable disposal system;

(b) not be conveyed to or dumped in or on a suitable disposal system in any other way than by means of a pipeline, or cement ditches or in a container;

(c) not be dumped so that a water source is or may be polluted by it;

(d) not constitute a nuisance or cause a condition that is a health hazard.

(6) A holder shall ensure that -

(a) in or at a milking shed -

(i) a nuisance or a condition that is a health hazard is not caused or does not arise;

(ii) no poisonous or hazardous substances or gases are stored;

(iii) no activity is carried on which can pollute or harm or contaminate or spoil the milk;

(iv) appropriate storage conditions to avoid feed contamination.

(b) rodents and flies, cockroaches and other insects on the premises of the milking shed are controlled.

(c) (c) raw milk destined for human consumption or raw milk intended for further processing shall comply with the By-laws relating to Milk and Dairy Products, R. 1555 of 21 November 1997, published under the Act.

(7) A milking shed shall not be used for any other purpose except the production and handling of milk.

(8) Unfixed milk containers and other apparatus and equipment used in the handling of milk shall not be washed, cleaned, disinfected or sterilised in a place other than the scullery

referred to in sub-section (1) (a)(iv).

(9) No person shall smoke, use or handle tobacco in any form or eat in a milking shed except in the designated area of a milking shed;

(10) As soon as milk animal have left a milking shed, all manure shall be removed from the milking shed and from the floor, and all entrances and exits of the milking shed shall be cleaned.

Milk containers and milking machine

62. (1) A milk container shall-

(a) be designed and constructed in such a way that it has smooth finish, free from open seams, cracks and rust stains to ensure that, where necessary, they can be adequately cleaned, disinfected and maintained to avoid the contamination of milk;

(b) not be made wholly or partly of copper, or any copper alloy or any toxic material;

(c) be constructed in such a way that any surface that comes into contact with milk is accessible for the purpose of washing and disinfection; and

(d) not be used for any other purpose except the handling of milk.

(2) A milking machine shall-

(a) be designed, constructed or manufactured in such a way that-

(i) the vacuum pipe of the machine can be drained to remove all the moisture;

(ii) be adequately cleaned, disinfected and maintained to avoid the contamination of milk;

(iii) is equipped with a device rendering visible the milk flow from each milk animal and;

(iv) comply with sub-section (1) (a), (b), (c) and (d);

(b) be durable and movable or capable of being disassembled to allow for maintenance, cleaning, disinfection, monitoring and, to facilitate inspection.

(3) A bulk farm tank shall -

(a) be designed, constructed or manufactured in such a way that it-

(i) has a drainage incline leading directly to the outlet point;

(ii) is fitted with an outlet pipe made or manufactured and fitted in a way that all liquid can drain out of such tank, and the end of such outlet pipe shall be screw-threaded and fitted with a screw-on cap permitting such end to be shut off;

(iii) is fitted with an automatic operated stirring mechanism capable, within five

minutes of being put into operation, of mixing the milk in such a tank;

(iv) is fitted with a thermometer capable of measuring the temperature of the milk in such tank accurately to the nearest 2^0 Celsius;

(v) (v)is equipped to cool the milk in such tank to 5^0 Celsius or lower temperature within three hours, and, capable of keeping such cooled milk at a required temperature of between one and five degrees Celsius effectively;

(vi) is installed at a minimum distance of 0, 5 metres from any roof, ceiling or wall to effectively keep the milk cool;

(vii) (vii)is insulated in such a way that when no cooling takes place, the temperature of the milk in such tank shall not increase by more than 3^0 C in 12 hours if the surrounding temperature is 32 ^{0} Celsius;

(b) comply mutatis mutandis with the provisions of subsections (1) (a), (b), (c) and (d);

(c) be able to allow for maintenance, cleaning, disinfection, monitoring, and, to facilitate inspection.

(4) The tank of a milk tanker shall -

(a) be designed, constructed and installed in such a way that:

(i) it has an incline leading to the outlet pipe so that the total contents of such tank can drain out of the tank through the outlet pipe while the vehicle itself is in a horizontal position;

(ii) is insulated in such a way that the temperature of the milk in such tank shall not increase by more than 2 ^{0} Celsius every 48 hours;

(iii) it has at least one opening fitted with dust-proof lid through which the inside of such tank can be inspected and shall be equipped so that all surfaces that come into contact with milk can be adequately cleaned, disinfected as prescribed in sub-regulation (5);

(b) comply mutatis mutandis with the provisions of subsections (1) (a), (b), (c), (d) and (3)(c).

(5) Milk containers, and other fixed and unfixed apparatus and equipment shall be so washed and disinfected after use that they are clean, that fats and milk residues are dissolved and removed and that the bacteriological count on surfaces coming into contact with milk does not exceed 10 bacteria per 100 square millimetres of such surfaces after disinfection. The swabbing of the contact surfaces shall be conducted according to SABS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment

and Utensils: Swab Technique.

Handling of milk

63. (1) The first/fore milk from every teat shall be taken as a sample to be tested for visual examination and shall be disposed of after testing in such a manner as to prevent contamination of the area.

(2) If such testing reveals any signs of abnormality in the milk, the milk of the animal concerned shall be kept separate and shall not be mixed with other milk or used for human consumption.

(3) Milk obtained from dairy stock following a minimum of four days after parturition (post-partum) shall not be added to milk destined for human consumption.

(4) Milk shall not be transferred from one container to another by means of a third container.

(5) Milk shall be protected from direct sunlight.

(6) Milk shall be transferred to the milking room immediately after the stock has been milked.

(7) Except when milk is being pasteurized or undergoing some other heat treatment process, the milk shall be cooled to a temperature of 5^{o} C or lower, but above freezing point and kept at that temperature until it is removed from the milking area.

Health status of dairy stock:

(8) Every milk animal shall be marked with a distinguishing and indelible mark, which, such could identify the animal.

(9) A register shall be kept of each separate milk animal's diseases, each withdrawal from the dairy herd and, each return to the dairy herd for milking purposes and all veterinary examinations and treatment records with the name of the veterinarian, if involved in such examinations or treatments.

(10) Each individual milk animal shall be examined by a veterinarian at a minimum of at least once in every two-year cycle, provided that milk animals are further examined as required; and a report shall be obtained from the veterinarian after each examination.

(11) The milk of any milk animal that is or appears to be ill shall not be made available for human consumption until such time as the holder has made sure that the animal is not suffering from a disease mentioned in sub-section (5).

(12) The milk of dairy stock that suffer from mastitis, indurations of the udder, a secretion of

bloody or ropy milk or milk otherwise abnormal, tuberculosis, salmonellosis, acute fever (with the inclusion of anthrax, anaplasmosis, red water, ephemeral fever and lumpy skin disease, septic mastitis, septic multiple mange, serious tick infection or brucellosis, or that have any open or septic wounds which may contaminate milk, milk containers, or apparatus or equipment or people who work with the milk animals, shall not be made available or used for human consumption unless steps have been taken to the satisfaction of the local authority to eliminate such health hazard.

(13) Substances and materials used in the milking process or on dairy stock shall be kept in containers that are free of foreign or toxic matter and dirt, and such containers, when not in use, shall be covered with tight-fitting lids.

Where applicable, such substances and materials shall be approved in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947).

(14) All flanks, udders, bellies and tails of visibly dirty milk animals shall before the milking process be cleaned, and if necessary dried with disposable or clean towel.

Personal hygiene – Milker's and Handlers of Milk

64. (1) Hygiene facilities for personnel shall be made available to ensure that an appropriate degree of personal hygiene can be maintained and to avoid contaminating milk, where appropriate facilities shall include-

(a) adequate means of hygienically washing and drying hands, including hand wash basins and a supply of hot and/or cold water and soap and disinfectant;

(b) toilets of appropriate hygienic design; and

(c) adequate changing facilities for personnel;

(2) Such facilities shall be suitably located and designed.

(3) The hands and fingernails of every milker or handler of milk shall be washed thoroughly with soap and water, and there shall be no accumulation of grime under the nails when milk is handled.

(4) Each person handling milk, shall daily before commencement of activities or work put on clean and undamaged over-clothes and gumboots and wear them continuously while he is handling milk in the interests of milk safety and suitability for use.

(5) Milk shall not be handled by any person -

(a) who has on his or her body a suppurating abscess or a sore or a cut or abrasion, unless such abscess, sore, cut or abrasion is covered with a moisture proof dressing which is firmly secured to prevent contamination of the milk;

(b) who is or who is suspected of suffering from or being a carrier of a disease or condition in its contagious stage that can be transmitted by food or animals, unless any such person immediately reports the disease or condition to the person in charge and a certificate by a medical practitioner stating that such person is fit to handle food is submitted;

(c) whose hands or clothing are not clean.

(6) All employees shall be subjected to personal and food hygiene training relevant to the production and handling of milk and in the case of new employees prior to the commencement of handling milk. Records of such training must be made available to an Environmental Health Practitioner on request.

(7) The holder of a certificate of acceptability for a milking shed shall undergo training on food safety and hygiene aspects of the production & handling of milk by an accredited service provider.

Standards and requirements for transport of milk

65. Duties of the driver of a vehicle-

(1) If milk that is not already packed in its final retail packaging is loaded on a vehicle at a milking shed for transportation to a further distribution point, the driver of such vehicle shall-

(a) before any milk is loaded on such vehicle:

(i) carry out an alizarin test (68 percent alcohol) on a sample of the milk to be loaded, which sample shall be taken by himself or under his/her direct supervision from the container from which such milk will be loaded; and

(ii) take the temperature of the milk in the tank, if the alizarin test is positive, or if the temperature from such milk in the tank exceeds 5^{o} Celsius, which indicate inappropriate handling and the temperature under which the milk was stored, not accept such milk for transportation;

(b) ensure that a milk tanker or milk container is cleaned and disinfected as soon as all the milk has been unloaded there from.

(2) Samples taken in terms of subsection (1) (a), shall comply with the relevant provisions of ISO 707/IDF 50:2008, Milk and milk products-guidance on sampling.

(3) The bacteriological count on the surfaces coming into contact with milk shall not exceed 10 bacteria per 100 square millimetres of such surfaces after appropriate cleaning and disinfection has been done.

(4) The swabbing of the contact surfaces shall be conducted according to SABS Standard

Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique.

Offences and Penalties

66. Offences: Foodstuff By-law

(1) Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 16, By-laws Governing the General Hygiene requirements for food premises (R 962 of 23rd November 2012), framed under the Foodstuffs, Cosmetics and Disinfectants Act, no 54 of 1972

BUSINESS ACT No. 71 of 1991

As amended

(2) Schedule 1

Item 1 Sale or supply of meals or perishable foodstuffs – no licence R300.00

(3) Schedule 1

Item 2 Provision of certain types of health facilities or entertainment R300.00

(4) Schedule 1

Item 3 Hawking in meals or perishable foodstuffs R300.00

ISSUING OF CERTIFICATES OF REGISTRATION

(5) Person fails to be in possession of certificate of registration R 2 500.00

HEALTH CERTIFICATES

(6) Related health certificate not displayed on premises R500.00

(7) Health certificate not clearly visible R500.00

(8) Not in possession of a certificate of acceptability R1000.00

(9) Denies/cause/permit another person to deny an official entry to the premises R1000.00

(10) Obstruct/hinders/cause/permit another person to obstruct/hinder an official to perform his/her duties R1000.00

(11) Fail/refuse/cause/permit another person not to give the official lawfully required information R1000.00

(12) Knowingly/cause/permit another person to give the official false/misleading

(13) Information R1000.00

(14) Contravenes or fails to comply with any provision of these by-laws R300.00

CHAPTER 8

ENVIRONMENTAL POLLUTION CONTROL

67. Noise pollution control

(1) Prohibition of Disturbing Noise

No person may make, produce or cause a disturbing noise, or allow it to be made, produced or caused by any person, animal, machine, device or apparatus or any combination thereof.

(a) Any person intending to host an event shall consult with neighbours who are likely to be affected by an event to seek their consent in writing before any event is staged, such written consent shall detail the time, date and type of event; the application can be in the format attached in **Annexure 6;**

(b) Application for traditional and religious ceremonies, promotions and marketing events shall be submitted to the Municipality 14 days before the event takes place, such an application must be accompanied by the written consent as outlined above in subsection 1(a);

(c) Any person producing noise that is 7 decibels as measured against an approved standard above the norm shall be guilty of an offence and shall be on conviction liable to a fine as determined by the magistrate;

(2) General powers of the municipality

The municipality may –

(a) for the purpose of applying these regulations, at any reasonable time enter a premises –

(i) to conduct any examination, inquiry or inspection thereon as it may deem expedient; and

(ii) to take any steps it may deem necessary;

(b) if a noise emanating from a building premises, vehicle, recreational vehicle, animal or street is a disturbing noise or noise nuisance, instruct in writing the person causing such noise or who is responsible therefore, or the owner or occupant of such building, premises, vehicle, recreational vehicle or street, or all such persons, to discontinue or cause to be discontinued such noise or to take steps to lower the level of such noise to a level conforming to the requirements of these regulations within the period stipulated in the instruction: Provided that the provisions of the paragraph shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles, air traffic or by vehicles that are not used as recreational vehicles on a public road;

(c) if the owner or person in charge of an animal fails to comply with an instruction referred to in subsection (b), subject to the applicable provisions of any other law, impound or cause to be impounded such animal;

(d) impose such conditions as it deems fit when granting any permission or exemption in terms of these regulations, including the specification of times and days when activities that may cause noise are permitted or prohibited;

(e) subject to the applicable provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within its area of jurisdiction for the enforcement of the provisions of these regulations: Provided that road traffic signs and notices shall be placed on private property only with the permission of the owner.

(3) Exemptions

The provision of these regulations shall not apply, if –

(a) the emission of sound is necessary for the purpose of warning people of a dangerous situation; or

(b) the emission of sound takes place during an emergency.

(4) Motor Vehicles

(1) No person may drive a vehicle, or allow it to be driven, on a public road, if the sound level at the measuring point measured in accordance with the procedure prescribed in SANS 10181 exceeds:

(a) in the case of a non-exempted vehicle, the sound level specified in Table 1 of SANS 10281 for that type of vehicle; or

(b) in the case of an exempted vehicle, the applicable sound level indicated in the tables of Annexure A to SANS 10281, for that type of vehicle by more than 5 dBA;

(2) The municipality may –

(a) in order to determine whether a vehicle being used on any road in the area of jurisdiction of that municipality, including a private, provincial or national road crossing its area of jurisdiction, complies with the provisions of these regulations, instruct the owner or person in control of the vehicle –

(i) to have an inspection or test conducted on the vehicle as the municipality may deem necessary, on a date and at a time and place determined by the municipality in writing; and

(ii) to stop the vehicle or cause it to be stopped;

(b) subject to the provisions of subsections (3) and (4) and the applicable provisions of any other law, attach a vehicle if the sound level of such vehicle exceeds the sound level referred to in subsection (1) by more than 5 dBA.

(3) A vehicle attached under subsection (2) (b) must be kept in safe custody by a municipality;

(4) The municipality may lift the attachment contemplated in subsection (2) (b) if the owner or person in control of the vehicle concerned has been instructed in writing by such authority –

(a) to repair or to modify the vehicle concerned or to cause it to be repaired or to be modified; and

(b) to have any inspection or test, as the municipality may deem necessary, conducted on the vehicle on a date and a time and place mentioned in the instruction.

(5) General prohibition

No person may –

(a) fail to comply with a written condition, instruction, notice, requirement or demand issued by a municipality in terms of these regulations;

(b) tamper with, remove, put out of action, damage or impair the functioning of a noise monitoring system, noise limiter, noise measuring instrument, acoustic device, road traffic sign or notice placed in a position by or on behalf of a municipality;

(c) for the purposes of these regulations, in respect of a duly authorized employee of a municipality –

(i) fail or refuse to grant admission to such employee to enter and to inspect a premises;

(ii) fail or refuse to give information which may lawfully be required of him or her to such employee;

(iii) hinder or obstruct such employee in the execution of his or her duties; or

(iv) give false or misleading information to such employee knowing that it is false or misleading.

68. Land and soil pollution control

(a) No person is allowed to dispose of any chemical toilets contents, pesticide contents and containers or any other waste in any area unless permitted by the municipality;

(b) No person may dispose of oil or any hazardous waste on any soil;

(c) No person is allowed to dump any building rubble in any area unless permitted by the municipality;

(d) No person may litter or dump any waste.

69. Water pollution control

(a) No person may pollute any water source;

(b) No person is allowed to dispose of any chemical toilets contents or pesticides contents and containers or any waste into water sources;

CHAPTER 9

AIR POLLUTION CONTROL

Part I: Interpretation and fundamental principles

Definitions

70. In this chapter, unless the context indicates otherwise-

"**adverse effect**" means any actual or potential impact on the environment that impairs, or would impair the environment or any aspect of it to an extent that is more than trivial or insignificant, or that is harmful to human health or well-being.

"**air pollutant**" means any substance (including but not limited to dust, smoke, fumes and gas) that causes or may cause air pollution;

"**air pollution**" means any change in the composition of the air cause by smoke, soot, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, aerosols, and odours substances.

"**Air Quality Act**" means the National Environmental Management: Air Quality Act, 2004 (Act no. 39 of 2004)

"**Air quality management plan**" means the air quality management plan referred to in section 15 of the Air Quality Act

"**Air Quality Officer**" means the Air Quality Officer designated as such in terms of the Air Quality Act

"**Ambient Air**" means air that is not enclosed by a building, machine, chimney or other such structure;

"**Atmospheric emissions or emissions**" means any emissions or entrainments processes emanating from a point, non-point or mobile source that results in the air pollution

"**authorized person**" means any person authorized by the Municipality to implement any provision of this bylaws including but not limited to-

(a) Peace officers as contemplated in section 334 of the Criminal Procedures Act, 1977 (Act no. 51 of 1977)

(b) Municipal or Metro police officers as contemplated in the South African Police Services Act 1995 (Act no. 68 of 1995): and

(c) Such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorized by the Municipality in this regard:

Provide that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer.

"**best practicable**" means the most effective measures that can reasonably be taken to prevent, reduce or minimize air pollution, having regard to all relevant factors including, among others, local conditions and circumstances, the likelihood of adverse effects, the current state of technical knowledge and financial implications relative to the degree of environmental protection expected to be achieved by application or adoption of the measures;

"**chimney**" means any structure or opening of any kind from or through which air pollutants may be emitted;

"**Combustible liquid**" means a liquid which has a close-cap flash point of 38˚C or above

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

"**Constitution**" means the Constitution of the Republic of South Africa, 1996 (108 of 1996)

Control measures" means a technique, practice or procedure used to prevent or minimise the generation, emission, suspension, or air borne transport of fugitive, dust, pesticides or sand blasting activities.

"**dark smoke**" means:

(a) in respect of Part 4 and 5 of this chapter, smoke which when measured using, a light absorption meter or obscuration measuring equipment has an obscuration of 20% or greater,

(b) in respect of Part 5 of this chapter

  (i) smoke which has a density of 60 Hartridge smoke units or more, provided that in relation to emissions form turbocharge compressed ignition powered engines, it means a density of 66 Hartridge smoke units or more, or

  (ii) smoke which has a light absorption coefficient of more than 2.125m^{-1}, provided that in relation to emissions from turbocharge compressed ignition powered engines, it means a light absorption coefficient of more than 2.5 1m^{-1}.

"**dust**" means any solid matter in a fine or disintegrated stage from which is capable of being dispersed or suspended in the atmosphere;

"**dwelling**" means any building or other structure, or part of a building or structure, used as a dwelling, and any outbuildings ancillary to it, but excludes shacks and informal settlements:

"**environment**" means the surroundings within which humans exist and that are made up of –

(a) the land, water and atmosphere of the earth,

(b) microorganisms, plant and animal life,

(c) any part of combination of (a) and (b) and the interrelationships among and between them; and

(d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

"**Environmental Management Inspector**" means an Environmental Management Inspector appointed in terms of 31 C of the National Environmental Management Act 1998 (Act 107 of 1998) as amended

"**free acceleration test**" means the method described in section 87 (2) employed to determine whether vehicles are being driven or used in contravention of section 85 (a);

"**fuel- burning equipment**" means any furnace, boiler, incinerator, or other fuel burning equipment, including a chimney:

(a) designated to burn or capable of burning liquid, gas or solid fuel;

(b) used to dispose of any material waste by burning; or

(c) used to subject liquid, gas, or solid fuel to an process involving the application of heat;

"**Fumes**" means any pungent or toxic vapour, gas, or smoke including but not limited to diesel fumes, spray painting fumes and exhaust fumes.

"**licensing authority**" means an authority referred to in section 36(1), responsible for implementing the licensing system set out in Chapter 5 of the Air Quality Act;

"**light absorption meter**" means a measuring device that uses a light-sensitive cell or detector to determine the amount of light absorbed by an air pollutant;

"**living organism**" means any biological entity capable of transferring or replicating genetic material, including sterile organisms and viruses'

"**NEMA**" means National Environmental Management Act 1998 (107 of 1998) as amended.

"**Non-point source**" means as source of atmospheric emissions which cannot be identified as having emanated from a single identifiable source of fixed location, and includes veld, forests and open fires, mining activities, agricultural activities and stockpiles.

"**nuisance**" means an unreasonable interference or likely interference caused by air pollution with:

(a) the health or well-being of any person or living organism; or

(b) health or wellbeing or the environment

(c) the use and enjoyment by an owner or occupier of his or her property or environment:

"**obscuration**" means the ratio of visible light attenuated by air pollutants suspended in the effluent streams to incident visible light, expressed as a percentage;

"**Offensive odour**" means any smell which is considered to be malodorous or a nuisance to a reasonable person

"**open burning**" means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, and "burning in the open" has a corresponding meaning;

"**operator**" means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants;

"**person**" means a natural person or a juristic person;

"**proclaimed township**" means any land unit zoned and utilized for residential purposes;

"**premises**" means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structure and any locomotive, which operates or is present within the area under the jurisdiction of the Municipality.

"**public road**" means a road which the public has the right to use;

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

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

Part 2: Duty of care

71. Person causing air pollution

(1) any person who is wholly or partially responsible for causing air pollution or creating a risk of air pollution occurring must take all reasonable measures:

(a) to prevent any potential air pollution from occurring; and

(b) to mitigate and, as far as reasonably possible, to remedy any air pollution that has occurred.

(2) The Municipality may direct any person who fails to take measures required under subsection (1):

(a) to investigate, evaluate and assess the impact of specific activities and report thereon;

(b) to commence taking specific reasonable measures before a given date;

(c) to diligently continue with those measures;

(d) to complete them before a specified reasonable date; and

(e) Prior to making such decision, the Municipality must give affected persons adequate opportunity to inform them of their relevant interests and to consult with any other organ of state.

(3) Should a person fail to comply, or inadequately comply, with a directive under subsection (2), the Municipality may take reasonable measures to remedy the situation referred to in the directive.

(4) Provided that if such person fails to take the measures required of him or her under subsection (1), the Municipality may recover all reasonable costs incurred as a result of it acting under subsection (3) from any or all of the following person

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

(b) the owner of the land at the time when the air pollution or the potential for air pollution occurred, or that owner's successor in title;

(c) the person in control of the land or any person who has or had a right to use the land at the time when the activity or the process in question is or was performed or undertaken; or

(d) any person who negligently failed to prevent the activity or the process being performed or undertaken, or;

(5) If more than one person is liable under subsection (4), the liability may be apportioned among the persons concerned according to the degree to which each was responsible for the harm to the environment resulting from their respective failures to take the measures required under subsection (1) and (2).

72. Designation or appointment of the air quality officer and environmental management inspectors

(1) The Municipal Manager must, in consultation with the Head of Environmental Health must designate or appoint a qualified employee of the Municipality as the Air Quality Officer to be responsible for co-ordinating matters pertaining to air quality management in the Municipality.

(2) The Mayor in consultation with the Municipal Manager may request the MEC responsible for the Environment in the Province to appoint qualified Environmental Management Inspectors in terms of Part 2, section 31C of the NEMA. (Act 107 of 1998 as amended),

73. Establishment of Atmospheric Emission Licensing System

(1) The Municipality hereby establishes an Atmospheric Emission Licensing System as contemplated in Chapter 5 of the Air Quality Act (Act no. 39 of 2004).

74. Licensing Authority

(1) The municipality is responsible for performing the functions of the licensing authority by implementing and maintaining an atmospheric emission licensing system, referred to in section 22 as set out in Chapter 5 of the Air Quality Act (Act no. 39 of 2004) together with all other provisions of the Air Quality Act (Act no. 39 of 2004).

(2) No person may without a provisional atmospheric emission license or an atmospheric emission license, authorised by the municipality, conduct any activity listed in the Government Notice No. 893 dated 22 November 2013 in terms of The Air Quality Act 2004 (Act No. 39 of 2004) within the jurisdiction area of the municipality.

(3) Any person who contravenes subsection (2) commits and offence.

Part 3: Smoke emissions from premises other than dwellings

75. Application

(1) For the purpose of this Part, "premises" does not include dwellings.

76. Prohibition

(1) Subject to subsection (2), dark smoke shall not be emitted from any premises for an aggregated period exceeding three minutes during any continuous period of thirty minutes.

(2) This section does not apply to dark smoke which is emitted from fuel-burning equipment which occurs while the equipment is being started or while the equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practicable means available.

(3) If dark smoke is emitted in contravention of subsection (1) the owner, operator and/or the occupier of the premises shall be guilty of an offence.

77. Installation of fuel-burning equipment

(1) No person shall install, alter, extend or replace any fuel-burning equipment which is above 10 MW heat input on any premises without the prior written authorization of the Municipality, which may only be given after consideration of the relevant plans and specifications.

(2) Application for an authorization to operate fuel-burning equipment shall be made on a form prescribed by the municipality.

(3) An application for installation of fuel burning equipment must be accompanied by:

(a) the prescribed processing fee; and

(b) such documentation and information as may be required by the municipality;

(4) After considering the application submitted in terms of subsection (1), the municipality must either:

(a) grant an application and issue an authorization, subject to any conditions that may be imposed; or

(b) refuse an application with reasons.

(5) An authorization granted will be valid for a period of five (5) years from the date of issue following which a renewal application together with a prescribed processing fee and supporting documentation must be lodged with the municipality;

(6) The authorization issued in terms of subsection (1) must specify:

(a) the product name and model of the small boiler;

(b) the premises in respect of which it is issued;

(c) the person to whom it is issued;

(d) the period for which the authorization is issued;

(e) the name of the municipality;

(f) the periods at which the authorization may be reviewed;

(g) the fuel type and quality;

(h) the maximum allowed amount, volume, emission rate or concentration of pollutants that may be discharged in the atmosphere;

(i) any other operating requirements relating to atmospheric discharges and reporting requirements; and

(j) any other matters which are necessary for the protection or enforcement of air quality.

(7) The municipality must review the authorization issued in terms of this section at intervals specified in the authorization, or when circumstances demand that a review is necessary.

(8) Where fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of subsection (1):

(9) Any fuel-burning equipment installed, altered, extended or replaced on premises in accordance with plans and specifications submitted to and approved, for the purpose of this section, by the Municipality shall be presumed until the contrary is proved to comply with the provisions of subsection (1)

(10) Where fuel-burning equipment has been installed, altered, extended or replace on premises in contravention of subsection (1):

(a) the owner and occupier of the premises and the installer of the fuel-burning equipment shall be guilty of an offence;

(b) the Municipality may, on written notice to the owner and occupier of the premises, order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

78. Transitional arrangements in respect of authorised fuel-burning equipment.

(a) Any fuel-burning equipment that was authorised to operate in terms of any by-law of the municipality continues to be authorised to operate subject to section 78 (c).

(b) During the period for which the authorised fuel-burning equipment continues to operate, the provisions of this by-law, read with the necessary changes as the context may require, apply in respect of:

(i) the holder of an existing authorization as if that person is the holder of the

(ii) authorization issued in terms of subsection (i); and

(iii) the existing authorization as if the authorization was issued in terms of

(iv) subsection (i).

(c) The holder of an existing authorization must apply for an authorization in terms of subsection (i), when required to do so by the municipality, in writing, and within the period stipulated by the municipality

79. Operation of fuel-burning equipment

(1) No person shall use or operate any fuel-burning equipment on any premises contrary to the authorization referred to in section 77(1).

(2) Where fuel-burning equipment has been used or operated on the premises in contravention of subsection (1)

(a) the owner and occupier of the premises and operator of the fuel-burning equipment shall each be guilty of an offence:

(b) The Municipality may on written notice to the owner and occupier of the premises:

i. revoke its authorization under section 77(1); and

ii. order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

80. Presumption

(1) In any prosecution for an offence under section 76 dark smoke shall be presumed to have been emitted from premises if it is shown that any fuel or material was burned on the premises and the circumstances were such that the burning would be reasonably likely to give rise to the emission of dark smoke, unless the owner, occupier or operator, as the case may be, shows that no dark smoke was emitted.

81. Installation and operating of obscuration measuring equipment

(1) An authorize person may give notice to any operator of fuel-burning equipment or the owner or occupier of premises on which fuel-burning equipment is used or operated, or intended to be used or operated, to install, maintain and operate obscuration measuring at his or her own cost, if:

(a) unauthorized and unlawful emissions of dark smoke from the relevant premises have occurred consistently and regularly over a period of at least two days;

(b) unauthorized and unlawful emissions of dark smoke from the relevant premises have occurred intermittently over a period of at least fourteen days;

(c) fuel-burning equipment has been or is intended to be installed on the relevant premise which is reasonably likely in the opinion of an authorized person to emit dark smoke;

(d) the person on whom the notice is served has been convicted more than once under this Part and has not taken adequate measures to prevent further contravention of the provisions of this Part ; or

(e) the authorized person considers that the nature of the air pollutants emitted from the relevant premises is reasonably likely to create a hazard to human health or the environment.

(2) A notice referred to in subsection (1) must inform the person to who it is addressed of:

(a) that person's right to make written representations and to appear in person to present and dispute information and arguments regarding the notice, and must stipulate a reasonable period within which such must be done;

(b) that person's right of appeal under section 100;

(c) that person's right to request written reasons for issuing of the notice; and

(d) the measures that must be taken and the potential consequences if the notice is not complied with.

82. Monitoring and sampling

(1) An occupier or owner of premises, and the operator of any fuel-burning, equipment, who is required to install obscuration measuring equipment in terms of section 81 must;

(a) record all monitoring and sampling results and maintain a copy of this record for at least five years after obtaining the results;

(b) if requested to do so by an authorized person, produce the record of the monitoring and sampling results for inspection, and

(c) if requested to do so by an unauthorized person, provide a written report (in a form and by a date specified by the authorized person) of part or all of the information in the record of the monitoring and sampling results.

(d) ensure that the air pollution measuring equipment is calibrated at least once per year or at intervals as specified by the manufacturer of the equipment and provide records of such calibration on request by the authorised person.

83. Exemption

(1) Subject to section 103 and on application in writing by the owner or occupier of premises or the operator of fuel-burning equipment, the Municipality may grant a temporary exemption in writing from one or all the provisions of this Part.

(2) Any exemption granted under subsection (1) must state at least the following:

(a) a description of the fuel-burning equipment and the premises on which it is used or operated;

(b) the reason for granting the exemption;

(c) the conditions attached to the exemption, if any;

(d) the period for which the exemption has been granted; and

(e) any other relevant information.

Part 4: Smoke emissions from dwellings

84. Restriction to emission of dark smoke

(a) Subject to section 76 (1), no person shall emit or permit the emission of dark smoke from any dwelling for an aggregate period exceeding three minutes during any continuous period of thirty minutes.

(b) Any person who emits or permits the emission of dark smoke in contravention of subsection (1) commits an offence.

(c) Upon application in writing by the owner or occupier of any dwelling, the Municipality may grant a temporary exemption in writing from one or all of the provisions of this Part.

Part 5: Emission from compressed ignition powered vehicles

85. Prohibition

(a) No person may on a public road drive or use, or cause to be driven or used, a compressed ignition powered vehicle that emits dark smoke.

(b) If dark smoke is emitted in contravention of subsection (1) the owner and the driver of the vehicle shall each be guilty of an offence.

(c) For purposes of this section the registered owner of the vehicle shall be presumed to be the driver unless the contrary is proven.

86. Stopping of vehicles for inspection and testing

(a) In order to enable an authorized person to enforce the provisions of this Part, the driver of vehicle must comply with any reasonable direction given by an authorized person:

i. to stop the vehicle; and

ii. to facilitate the inspection or testing of vehicle.

(b) Failure to comply with a direction given under subsection (a) is an offence.

(c) When a vehicle has stopped in compliance with a direction given under subsection (a), the authorized person may:

(aa) inspect and test the vehicle at the roadside, in which case inspection and testing must be carried out:

i. at or as near as practicable to the place where the direction to stop the vehicle is given; and

ii. as soon as practicable, and in any case within one hour, after the vehicle is stopped in accordance with the direction; or

(bb) conduct a visual inspection of the vehicle and, if the authorized person reasonably believes that an offence has been committed under section 86(a), instruct the driver of the vehicle, who is presumed to be the owner of the vehicles unless her or she produces evidence to the contrary, in writing to take the vehicle to a testing station, within a specified period of time, for inspection and testing in accordance with section 87.

87. Testing procedure

(1) An authorized person must use the free acceleration test method in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of section 85(a).

(2) The following procedure must be adhered to in order to conduct a free acceleration test:

(a) when instructed to do so by the authorized person, the driver must start the vehicle, place it in neutral gear and engage the clutch;

(b) while the vehicle is idling, the authorized person must conduct a visual inspection of the emission system of the vehicle;

(c) when instructed to do so by the authorized person, the driver of the vehicle must in less than one second smoothly and completely depress the accelerator throttle pedal of the vehicle, provided that the authorized person may do so himself or herself if the driver fails or refuses to comply with the authorized person's reasonable instructions;

(d) while the throttle pedal is depressed, the authorized person must measure the smoke emitted from the vehicle's emission system in order to determine whether or not it is darks smoke;

(e) the driver of the vehicle may only release the throttle pedal of the vehicles when the engine reaches cut-off speed, or when directed to do so by the authorized person.

(3) if, having conducted the free acceleration test, the authorized person is satisfied that the vehicle:

(a) is not emitting dark smoke, then the authorized person must furnish the driver of the vehicle with a certificate indicating that the vehicles is not being driven or used in contravention of section 85(1); or

(b) is emitting dark smoke, the authorized person must issue the driver of the vehicle with a repair notice in accordance with section 88.

88. Repair notice

(1) A repair notice must direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for retesting before the expiry of that period.

(2) The repair notice must contain inter alia the following information:

(a) the make, model and registration number of the vehicle;

(b) the name, address and identity number of the driver of the vehicle; and

(c) if the driver is not the owner, the name and address of the vehicle owner.

(3) A person commits an offence under this Section if that person fails:

(a) to comply with the notice referred to in subsection (1)

(b) the retest referred to in subsection (1).

(4) It shall not be a defect in proceedings under subsection (3) to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.

Part 6: Emissions caused by open burning

89. Open burning of material on any land

(1) Subject to subsection 4, any person who carries out open burning of any material on any land or premises is guilty of an offence, unless the prior written authorization of the Municipality, which may include the imposition of further conditions with the person requesting authorization must comply, has been obtained.

(2) The Municipality may not authorize open burning under subsection (1) unless it is satisfied that the following requirements have been adequately address or fulfilled:

(a) the material will be open burned on the land from which it originated;

(b) that person has investigated and assessed every reasonable alternative for reducing, reusing or recycling the material in order to minimize the amount of material to be open burned, to satisfaction of the Municipality;

(c) that person has investigated and assessed every reasonable alternative for removing the material for the land or premises, to the satisfaction of the Municipality;

(d) that person has investigated and assessed the impact that the open burning will have on the environment, to the satisfaction of the Municipality;

(e) a warning under section 10 of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998) has not been published for the region,

(f) the land on which that person intends to open burn the material is State land, a farm or smallholding, or land within a proclaimed township that is not utilized for residential purposes;

(g) the open burning is conducted at least 100 metres from any buildings or structure;

(h) the open burning will not pose a potential hazard to human health or safety, private property or the environment.

(i) That person has notified in writing the owners and occupiers of all adjacent properties of:

i. all known details of the proposed open burning; and

ii. the right of owner and occupiers of adjacent properties to lodge written objections to the proposed open burning with the Municipality within 7 days of being notified; and

(j) the prescribed fee has been paid to the Municipality.

(3) Any person who undertakes or permits to be undertaken open burning in contravention of subsection (1) commits an offence.

(4) The provisions of this section shall not apply to:

(a) recreational outdoor barbecue or braai activities on private premises;

(b) small controlled fires in informal settlements for the purposes of cooking, heating water and other domestic purposes; or

(c) any other defined area or defined activity to which the Municipality has declared this section not to apply.

90. Emissions Caused by Tyre Burning and Burning of Rubber and Other Material for the Recovery of Metal

(1) No person may without authorization in writing from the Municipality —

(a) carry out or permit the burning of any tyres, or rubber or other synthetically coated, covered or insulated products and electronic or other equipment on any land or premises;

(b) carry out or permit the burning of any tyres, rubber products, cables or any other products, on any land or premises for the purpose or recovering the scrap metal or fibre reinforcements, or of disposing of tyres, or the rubber products or cables as waste; or

(c) possess, store, transport or trade in any burnt metal or fibre reinforcements referred to in paragraph (a) and (b).

(2) The Municipality may─

(a) take whatever steps it considers necessary in order to remedy the harm caused by the burning referred to in paragraphs (a)and (b) and the possession referred to in paragraph (c), and prevent any occurrence of it, and

(b) recover the reasonable costs incurred from the person responsible for causing such harm.

(3) The Municipality may, for the purposes of gathering evidence, confiscate any burnt metal or metal reasonably suspected of being recovered, possessed, stored, transported or traded from burning referred to in subsection (1) where authorization has not been obtained or cannot be provided.

Part 7: Pesticide and crop spraying

91. Spraying of a pesticide, herbicide or other related material

(1) No person may carry out or permit the spraying of a pesticide, herbicide or other related material unless such pesticide, herbicide or material and the pest control operator is registered in terms of section 3 of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).

(2) Any person who contravenes subsection (1) of this By-law is guilty of an offence as set out in section 18(1)(c) of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).

(3) A person who carries out or permits the spraying of pesticides, herbicides or other materials referred to in subsection (1), within the area of jurisdiction of the Municipality, must comply with the following controlled measures:

(a) obtain prior written authorization of the Municipality which may be granted with conditions, including —

i. the area of land on which the pesticide, herbicide or other material may be applied; and

ii. the period of time in which the pesticide, herbicide or other material may be applied;

(4) notify in writing the owners and occupiers of all adjacent properties within 150 metres of the proposed area of land, of —

i. the details of such land;

ii. the reason for use of pesticide, herbicide or other material;

iii. the active ingredient of pesticide, herbicide or other material;

iv. the date and approximate time of the use of pesticide, herbicide or other material;

v. in the event of inclement weather conditions, an alternative date or dates on which the use of pesticide, herbicide or other material may occur;

vi. the time, if any, indicated on the product label specifying when the area can safely be re-entered after application of the pesticide, herbicide or other material;

vii. the right of owners and occupiers of adjacent properties to lodge written objections to the proposed spraying of pesticides with the Municipality within seven days of being notified; and

viii. the prescribed fee has been paid to the Municipality.

(5) Any person who contravenes subsection (3) is guilty of an offence.

(6) A person may apply to the Municipality for an exemption if —

(a) the spraying of the pesticide is for the management of pests that transmit human diseases or adversely impact agriculture or forestry;

(b) the spraying of the pesticide is for the management of pests that threaten the integrity of sensitive ecosystems; or

(c) the need for the use of the pesticide is urgent.

(7) The provisions of this section are not applicable to —

(a) residential areas of farms;

(b) buildings or inside of buildings; or

(c) any other defined area or defined activity to which the Municipality has declared this section not to apply.

Part 8: Spray painting emissions

92. Control of spray painting emissions

(1) No person shall, within the municipality's jurisdiction, spray, coat, plate, or epoxy-coat any vehicle, article, object or allow them to be sprayed, coated, plated, or epoxy-coated with any substance outside an approved spray painting room or booth without the necessary authorization.

(2) No person may spray, coat, plate, or epoxy-coat any vehicle, article, object, or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any substance unless:

(a) that person is in possession of a spraying authorization contemplated in

(b) subsection (1);

(c) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the designated fire officer, in consultation with the air quality officer, on premises registered for that purpose.

(3) A person that contravenes subsections (1) and (2) commits an offence.

(4) Any person who wishes to obtain a spraying authorization must complete and submit to the designated fire officer an application form for such permit in the form and manner as prescribed.

(5) The designated fire officer, in consultation with the air quality officer, may grant or refuse a spraying authorization contemplated in subsection (1) based on the information submitted.

(6) A spray room or booth or area designated for the application of a substance must be constructed and equipped according to the requirements prescribed by the designated fire officer.

(7) The designated fire officer may cancel the spraying authorization if there is reason to believe that the holder of the spraying authorization contravenes or fails to comply with any provision of this by-law.

(8) Subject to subsection (9), before the designated fire officer cancels the spraying authorization as contemplated in subsection (7), that officer must

(a) give the holder of the spraying authorization written notice of the intention to cancel the spraying authorization and the reasons for such cancellation;

(b) give the holder a period of at least 30 days to make written representations

regarding the matter to the municipality.

(9) If the designated fire officer has reason to believe that the failure to cancel the spraying authorization may endanger any person, that officer may cancel the spraying authorization without prior notice to the holder as contemplated in subsection (7).

Part 9: Offensive odours

93. Control of offensive odours

(1) The occupier or owner of any premises must take all reasonable steps to prevent the emission of any offensive odour caused by any activity on such premises.

(2) Any person who emits or permits the emission of any offensive odour in contravention of subsection (1) commits an offence.

Part 10: Fume nuisance

94. Control of fumes

(1) The occupier or owner of any premises must take all reasonable steps to prevent the nuisance by fumes caused by any activity on such premises.

(2) Any person who emits or permits the emission of fumes in contravention of subsection (1) commits an offence.

Part 11: Sand blasting operations

95. Control of sand blasting operations

(1) Any person conducting sand blasting activities which customarily produce emissions of dust that may be harmful to public health, well-being and/or cause a nuisance shall take control measures to prevent emissions into the atmosphere.

(2) Any person who undertakes any sand blasting activity that causes dust emissions must implement the following control measure:

(a) dust extraction control measure; or

(b) any alternative dust control measure approved in writing by the Air Quality Officer.

(3) A person that contravenes subsections (1) and (2) commits an offence.

Part 12: Dust nuisance

96. Control of dust

(1) The occupier or owner of any premises must take control measures to prevent the nuisance by dust caused by any activity on such premises.

(2) Any person who undertakes any activity that causes dust emissions must implement one or more of the following control measures:

(i) pave;

(ii) use dust palliatives or suppressants;

(iii) uniformly apply and maintain any surface gravel;

(iv) erect physical barriers and signs to prohibit access to the disturbed areas;

(v) use ground covers;

(vi) re-vegetation which is similar to adjacent undisturbed native conditions; or

(vii) any alternative control measure approved in writing by the air quality officer.

(3) The control measures must be consistent with the provisions of any applicable legislation.

(4) Any person who emits or permits the emission of dust in contravention of subsection (1) commits an offence.

Part 13: Emissions that cause a nuisance

97. Prohibition

Any occupier or owner of premises from which a nuisance emanates, or where a nuisance exists, is guilty of an offence.

98. Abatement notice

(1) An authorized person may serve abatement notice on any person whom the authorized person reasonably believes is likely to commit or has committed an offence under section 100, calling upon that person:

(a) to abate the nuisance within a period specified in the notice;

(b) to take all necessary steps to prevent a recurrence of the nuisance; and

(c) to comply with any other conditions contained in the notice.

(2) For the purpose of subsection (1), an authorized person may from a reasonable belief based on his or her own experience that an air pollutant was emitted from premises occupied or owned by the person on whom the abatement notice is to be served.

(3) An abatement notice under subsection (1) may be served:

(a) upon the owner of any premises, by:

i. delivering it to the owner or if the owner cannot be traced or is living abroad that person's agent; or

ii. transmitting it by registered post to the owner's last known address, or the last known address of the agent; or

iii. delivering it to the address where the premises are situated, if the owner's address and the address of the agent are unknown;

(b) upon the occupier of the premises, by:

i. delivering it to the occupier;

ii. transmitting it by registered post to the occupier at the address at which the premises are situated.

(4) Any person who fails to comply with an abatement notice served on that person in terms of subsection (1) is guilty of an offence.

(5) In addition to any other penalty that may be imposed, a court may order a person convicted of an offence under subsection (4) to take steps the court considers necessary with an period determined by the court in order to prevent a recurrence of the nuisance.

99. Steps to abate nuisance

At any time, the Municipality may at its own cost take whatever steps it considers necessary in order to remedy the harm caused by the nuisance and prevent a recurrence of it, and may recover the reasonable costs so incurred from the person responsible for causing the nuisance.

Part 14

100. Appeals

(1) A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

(2) Pending confirmation, variation of revocation of decision in terms of subsection (4), any person appealing a decision in terms of subsection (1), unless the Municipality provides otherwise:

(a) must nonetheless substantively comply with any obligations that may have been imposed as a result of the decision that is the subject of the appeal; and

(b) may not exercise any rights that may have accrued as a result of the decision that is the subject of the appeal application, provided that no other person may exercise any right that may accrue either.

(3) Within 14 days of receipt of the notice of appeal, the city manager must:

(a) submit the appeal to the appropriate appeal authority mentioned in subsection (5);

(b) take all reasonable measures to ensure that all persons whose rights may be significantly detrimentally affected by the granting of the appeal application, including any persons registered as interested and affected parties, are notified in writing of the appeal application and advised of their right to :

i. obtain a copy of the appeal application;

ii. submit written objections to the application to the city manager within 30 days of date of notification.

(4) After the expiry of the 30 day period referred to in subsection (3)(b)(ii), the appeal authority must consider the appeal and any objections raised to it, and confirm, vary or revoke the decision.

(5) When the appeal is against a decision taken by

(a) an authorized person other than the City Manager, then the City Manager is the appeal authority or

(b) the City Manager, then the Municipality or such committee as it may delegate is the appeal authority.

(6) An appeal authority must commence with an appeal within 60 days of receiving notification and must decide the appeal within a reasonable period.

Part 15

101. General provisions

(1) In the event of a conflict within any other bylaw which directly or indirectly regulates air pollution, the provisions of this bylaw shall prevail.

(2) In the event of a conflict with the National Environment Management Air Quality Act, 2004 (Act 39 of 2004) the provisions of that Act will prevail within the area jurisdiction of the Municipality.

Part 16

102. Offences and penalties

(1) Any person who contravenes sections 84(a), 89(3), 85(2) or 96 (3) of this bylaw shall be liable of conviction to imprisonment not exceeding 30 days or to a fine or both a fine and imprisonment.

(2) Any person who contravenes sections 77, 80(2), 88(3)(a) ;88(3)(b) or 93(2) of this bylaw shall be liable of conviction to imprisonment not exceeding two (2) years or a fine or both a fine and imprisonment.

(3) any person who contravenes section 97 of this bylaw shall be liable on conviction to imprisonment not exceeding one (1) year or a fine or both a fine and imprisonment.

(4) It is an offence to:

(a) supply false information to an authorized person in respect of any issue pertaining to this bylaw, or;

(b) refuse to cooperate with the request of an authorized person made in terms of this bylaw

(c) and any person convicted of such offence shall be liable to imprisonment not exceeding 30 days or a fine or both a fine or imprisonment.

(5) Where no specific penalty is provided, any person committing an offence in terms of this bylaw is liable on conviction to imprisonment for a period not exceeding one (1) year or to a fine or both imprisonment and fine.

(6) Failure to comply with a notice, direction or instruction referred to in this bylaw constitutes a continuing offence.

(7) Any person who commits a continuing offences shall be guilty of a separate offence for each day during which that person fails to comply with a notice, direction or instruction referred to in this bylaw.

(8) In addition to imposing a fine and/or imprisonment, a court may order any person convicted of an offence under this bylaw:

(a) to remedy the harm caused;

(b) to pay damages for harm caused to another person or property, which order shall have the force and effect of a civil judgment; and

(c) to install and operate at person's own expense obscuration reading equipment in accordance with the provisions of section 81.

Part 17

103. Exemptions

(1) The Municipality may grant a temporary exemption in writing from one or all of the provisions of Part 3, 4 and 5 , provided that the Municipality:

(a) is satisfied that granting the exemption will not significantly prejudice the purpose referred to in section 76(1); and

(b) grants any exemption subject to conditions that promote the attainment of the purpose referred to in section 76(1)

(2) The Municipality may not grant an exemption under subsection (1) until the Municipality has:

(a) taken reasonable measures to ensure that all persons whose rights may be significantly detrimentally effected by the granting of the exemption, including but not limited to adjacent land owners or occupiers, are aware of the application for exemption and how to obtain a copy of it;

(b) provide such person with a reasonable opportunity to object to the application, and

(c) duly considered and taken into account any objections raised.

Part 18

104. Savings

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

CHAPTER 10
HEALTH CARE WASTE

105. Definitions

In this Chapter, unless the context otherwise indicates –

"**generator**" means any person or institution which generates health care waste;

"**genotoxic waste**" means highly toxic waste that may have mutagenic, teratogenic or carcinogenic properties and includes certain cytostatic drugs as well as vomit, urine or faeces from patients treated with cystotatic drugs, chemicals and radioactive material;

"**hazardous waste**" means waste that has the potential, even in low concentrations, to have a significant adverse effect on public health and the environment because of its inherent toxicological, chemical and physical characteristics.

"**health care waste**" means waste generated at a health establishment and includes both health care general waste and health care risk waste

"**health care general waste**" means that portion of health care waste which is not hazardous

"**health care risk waste**"; means that portion of health care waste which is hazardous and includes infections waste, pathological waste, genotoxic waste, chemical waste, waste containing heavy metals, radioactive waste, and any other waste which is considered hazardous in terms of the Waste Management Series: Document 1: Minimum Requirements for the handling, classification and disposal of Hazardous Waste, 2nd Edition as published by the Department of Water Affairs and Forestry.

"**waste containing heavy metals**" means waste which includes, but is not limited to, mercury waste from thermometres, blood pressure gauges, residues from density, cadmium from batteries, reinforced wood panels used in radiation proofing and drugs containing arsenic:

106. Separation at source and marking:

(1) Health care waste generators, transporters, treaters and disposers have a general duty of care in terms of these By-laws and any other relevant provincial and national legislation, to separate all health care risk waste at source and to handle, package, store and dispose of health care risk waste in a safe manner that poses no threat to human

health or to the environment.

(2) Without limiting the generality of the duty in subsection (1), generators must:

(a) ensure that the generation of health care risk waste is minimized as far as possible at source

(b) separate health care waste into health care risk waste and health care general waste at point at which it is generated:

(c) store health care risk waste in purpose manufactured, leak-proof, sealable containers and must ensure that such containers used to store sharps, razors, blades, needles and any other instrument which can cause cuts, punctures or injections, are rigid and puncture resistant;

(d) ensure that the radioactive waste for which he/she is responsible, treated in accordance with the Hazardous Substances Act, 1973, (Act No. 15 of 1973) as amended;

(e) ensure that health care waste is properly labelled to identify point of origin;

(f) ensure that all the employees in their employ are adequately trained in the identification, collection, separation, handling, storing of health care risk waste;

(g) take appropriate steps to ensure the health and safety of all the employees in their employ in terms of the Occupational Health & Safety Act, (Act 85 of 1993) as amended;

(h) label all health care risk waste containers clearly in large, legible lettering with indelible ink with the following information:

(i) the name , address and contact telephone number of the generator

(ii) the words: DANGER – HEALTH CARE RISK WASTE; GEVAAR – GESONDHEIDSAFVAL, and INGOZI: INKUNKUMA YEZAMAYEZA and the international bio-hazard logo, and

(iii) the date on which the health care risk waste is removed from the premises of the generator.

(i) Prevent public access to health care risk waste containers which are in use;

(j) Store full health care risk waste containers in controlled, secure areas which are reserved for the storage of health care risk waste;

(k) Make arrangements for the removal of health care risk waste from their premises and for the transportation of health care risk waste by a person who is registered in terms of Section 109 (2) of these By-laws as a transporter of health care risk waste;

(l) Make arrangements for the disposal of the health care risk waste by a person/institution permitted to dispose of health care risk waste in terms of these By-laws of the Municipality or any other applicable legislation.

(3) Generators may apply to the Municipality for permission to handle, store and otherwise deal with health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above

(4) The Municipality may in writing grant the permission referred to in subsection (3) subject to certain conditions.

(5) Generators may transport dispose of health care risk waste generated on their premises, provide they do so in terms of this By-law;

(6) Generators must:

(a) Maintain an up-to-date written record of all health care risk waste generated and removed from their premises in a format from time to time prescribed by Municipality;

(b) Obtain written notification from the disposer of the health care risk waste that the health care risk has been dispose of and upon receiving such notification; indicate in their written record that the health care risk waste has been disposed of by mentioning the name of the disposer and the date of disposal:

(c) Provide copies of the record referred to in (a) and the information in (b) to Municipality on a six-monthly basis or at any other frequency as may from time to be prescribed by Municipality.

107. Duty of transporters

(1) Transporters must remove health care risk waste from the premise of the generator, transport, store and deliver such health care risk waste to a site at which it will be disposed of in manner which poses no threat to human health or the environment.

(2) Without limiting the generality of the duty referred to in subsection (1), transporters must:

(a) not remove the health care risk waste from the containers in which the generator placed it;

(b) transport and store the health care risk waste in such way that no member of the public can gain access to the health care risk waste or the containers in which it is stored;

(c) transport the health care risk waste in vehicles which:

(i) comply with all applicable legislation as from time to time promulgated by

National and Provincial Government or in the absence of such legislation

(ii) are capable of containing the health care risk waste;

(iii) are designed to prevent spillage;

(iv) are constructed of materials which are easy to clean and to disinfect;

(v) are capable of being secured in order to prevent unauthorized access.

(d) deliver health care risk waste only to a person and site permitted to dispose of health care risk waste in terms of section 108

(3) Transporters may apply to the Municipality for permission to remove, transport, store and deliver health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above

(4) The Municipality may in writing grant the permission referred to in subsection (3) subject to certain conditions.

(5) Transporters may dispose of health care risk waste provided they do so in terms of these By-laws

(6) Transporters must maintain a written record in respect of each collection and delivery of health care risk waste, which they must update simultaneously with each collection and delivery. The record must be in the format as prescribed from time to time by the Municipality and must be kept for a period of three years form date on which the heath care risk waste is delivered to the disposal site. Transporters must keep a copy of the said record in the vehicle used for the transportation of the health care risk waste.

108. Disposal of Health Care Risk Waste

(1) Health care risk waste may only be disposed of by a person

(a) Who holds a permit to operate a hazardous waste site in terms of section 20 of the Environmental Conversation Act, 73 of 1989,

(b) Who compiles to all the terms and conditions attached to such a permit.

(2) A person permitted in terms of subsection (1) to dispose of health care risk waste must do so at the site at which the permit permits him or her to dispose of health care risk waste and may not dispose of health care risk waste at any other place.

(3) Persons who dispose of health care risk waste must:

(a) maintain an up to date written record as required in terms of the National Waste Information System and any additional information as may from time to time be required by the Municipality of all health care risk waste received and disposed of at the site;

(b) keep such records for a period of three years or for such a period as may be

prescribed in terms of the guidelines provided for compliance to the National Waste Information System, whichever the shortest.

109. Duty to register

(1) Every generator must register with the Municipality within 6 months of the coming into effect of these By-laws by completing and submitting a written notification to Municipality in the format prescribed from time to time.

(2) Every transporter must register with the Municipality within 6 months of the coming into effect of these By-laws by completing and submitting a written notification to the Municipality in the format prescribed from time to time.

(3) Generators and transporters must notify the Municipality of any changes to the information provided in terms of subsection (1) and (2) as soon as such changes take place.

110. Power of Environmental Health Practitioners

(1) Any Environmental Health Practitioner in the employ of the Municipality may:

(a) Enter sites and premises on which health care waste is being generated, handled, treated, stored or disposed of, or on which he or she suspects health care waste is being generated, handled, stored or disposed of,

(b) Gain access to vehicles on which health care waste is being contained or transported, or on which her or she suspects health care waste is being contained or transported.

(2) Where an Environmental Health Practitioner enters premises or a site or gain access to a vehicle in terms of subsection (1), he or she may, for the purpose of administering these By-laws, undertake any inspection or enquiry, including but not limited to:

(a) inspecting premises, site or vehicle for the presence of health care risk waste;

(b) inspecting the manner in which health care risk waste is being, handled, stored, transported, treated or disposed of;

(c) requesting information regarding the health care risk waste from the person who is in charge of the health care risk waste or form the person in charge of the health care risk waste or form the person in charge of the premises, site or vehicle;

(d) examine extract or make copies of any health care risk waste records and request an explanation from the person in charge of the record, or from the person in charge of the site, premise or vehicle.

111. Offences:

Any person who contravenes any provision of the chapter or fails to comply with any notice given in relation hereto in terms of these By-laws, commits an offence.

CHAPTER 11

HAZARDOUS WASTE

112. Applicable legislation

The municipality, taking cognizance of the provisions of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as amended the Hazardous Substances Act, 1973 (Act 15 of 1973) as amended, the National Health Act, 61 of 2003, and the regulations made under these Acts, adopts the provisions in this Chapter.

113. Storage of hazardous waste

(1) An empty container in which hazardous waste such as, but not limited to, pesticides was stored is to be treated as hazardous waste, and –

(a) must be stored in such a manner that –

(i) no pollution of the environment occurs at any time;

(ii) no health nuisance is created at any time;

(b) while being stored on site, must be clearly marked or labelled with the words "Hazardous Waste";

(c) the owner or occupier of the land must fence off the storage area to prevent unauthorised access; and

(d) shall be dealt with as Class 6 waste as described in the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (Second Edition, 1998) as published by the Department of Water Affairs and Forestry and as amended from time to time.

(2) A person who contravenes a provision of subsection (1)(a) to (d) commits an offence.

CHAPTER 12

OFFENSIVE TRADES

114. Definitions

In this Chapter, unless the context otherwise indicates -

"**effluent**" means any waste water which may be generated as a result of undertaking any scheduled use or an activity which is likely to cause a public health nuisance;

"**offensive trade**" means of any business listed below or business which involves an activity listed below:

(a) Panel beating or spray painting ;

(b) operating a hazardous waste recycling plant including oil and petroleum product recycling;

(c) scrap yard or scrap metal dealing;

(d) blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling , tripe boiling or cleaning, skin storing , bone storing, hide boiling, skin curing, blood drying, gut scraping, leather dressing , tanning or glue or size making,

(e) charcoal burning, brick burning, lime burning;

(f) manure making or storing or compost making;

(g) parchment making;

(h) manufacturing malt or yeast;

(i) cement works, coke-ovens or salt glazing works;

(j) sintering of sulphurous materials;

(k) viscose works;

(i) ore or mineral smelting, calcining, pudding or rolling of iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion or compounding of carbon with iron or other metal

(l) Work of a knacker

(m) Slaughtering of animals

(n) Fish mongering and fish frying

(o) Manufacture of flock and rags.

(p) Animal bristle and hair storing and sterilizing.

(q) Manufacture of chemicals.

(r) Fell-mongering

(s) Storage of rags.

(t) Wood saw-dust.

(u) Iodoform.

(v) works for the production of carbon bisulfide, cellulose, lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, pyridine, liquid or gaseous sulphur chlorides;

(w) works for the production of amly acetate, aromatic ethers, butyric acid, caramel, enameled wire, compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide; or

(x) the refining or processing of petrol, oil or their products;

(y) Any other work or trade of an offensive nature which, with the sanction of the

Municipality may add to the list.

"**offensive trader**" means any person who owns, conducts or carries on an offensive trade.

115. Permit requirement

No person may conduct an offensive trade in or any premises, except in terms of a permit authorizing such trade.

116. Requirements for premises

No person may conduct an offensive trade in or on any premises unless -

(a) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;

(b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;

(c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with a light-coloured, washable paint;

(d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish:

(e) the premises are provided with adequate light and ventilation as prescribed in the National Building Regulations and Building Standards Act;

(f) an adequate supply of running potable water is provided;

(g) an adequate number of portable containers constructed of iron or another non-absorbent material, equipped with closely fitting lids, are provided for the removal of all waste and waste water from the premises;

(h) adequate means are provided for the disposal of all effluent arising from the manufacturing or other process performed on the premises;

(i) adequate accommodation is provided for the storage of all finished products, articles or materials which are used in the manufacturing or other process and which may –

(i) discharge offensive or injurious effluent or liquid, or

(ii) decompose in the course of the work or trade;

(j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gas, fume, vapour or dust produced during any handling, preparation, drying, melting, rendering, boiling, roasting, grilling, sandblasting or grinding process or storage of material,

(k) adequate sanitary fixtures are provided as prescribed in the National Building Regulation and Building Standards Act;

(l) a perimeter wall made of brick or some other impervious material, with a minimum

height of 2 metres, is constructed around the premises.

(m) all gates to the premises are of solid construction with a minimum height of 2 metres;

(n) all perimeter walls and gates adequately screen activities on the premises from public view;

(o) all materials are stacked or stored on the premises below the height of the perimeter screening;

(p) adequate separate change-rooms for male and female employees must be provided containing -

(i) an adequate metal locker for every employee;

(ii) a wash-hand basin provided with a supply of running hot and cold potable water; and

(iii) an adequate supply of soap and disposable towels at every wash- hand basin;

(q) if no change-room has been provided in terms of paragraph (p) –

(i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position, and

(ii) an adequate metal locker must be provided for every employee in the work area.

(r) An approved wash bay must be provided for the washing of vehicles and containers if required by the Environmental Health Practitioner

117. Duties of offensive traders

Every offensive trader must -

(a) maintain the premises in a clean, hygienic and good condition at all times;

(b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;'

(c) maintain all machinery, plant, apparatus, furniture, fitting, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times;

(d) prevent any waste accumulating on the premises and provide proof when required of safe disposal of recycled or hazardous related waste materials,

(e) prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying,

(f) melting, rendering, boiling or grinding process or storage of any material on the premises; and

(g) provide and maintain effective measures to preclude the open attraction of pest and to prevent the breeding thereof.

118. Liquid refuse from bone and tripe boiling

(1) Every bone boiler and every tripe boiler must adequate cool all waste water before it is discharge into any sewer or other receptacle.

(2) The cooling process referred to in subsection (1), must take place in a manner that prevents the generations of any noxious and injurious effluent.

119. Liquids, tanks and tubs in leather making

Every fell-monger, leather dresser or tanner must -

(a) renew and dispose of the liquid from every tank or other receptacle used on the premises to wash or soak any skin or hide, other than a lime pit, at adequate intervals and in and adequate manner,

(b) clean the entire tank or other receptacle every time it is emptied;

(c) clean every tub or other receptacle used to contain a solution of the material known as "puer"

120. Storage or rags, bones and waste

No trader in rags, bones or waste may place or store, or cause or permit to be stored, rags, bones or waste in any part of the premises concerned which is -

(a) inhabited by people; or

(b) not adequately ventilated.

CHAPTER 13

SECOND-HAND GOODS

121. Definitions

In this Chapter, unless context otherwise indicates -

"**second-hand goods business**" means any business in which used goods and materials are sold, including, without limitation –

clothing, furniture, scrapped motor vehicles, footwear, timber, building bricks or blocks, building material or fittings, machinery, drums, tins, bottles, packing cases, boxes, crates or other containers, metal, rags, plastic bags, paper or any other material, which has previously been used; and bones or tallow.

122. Requirements for premises

No person may operate a second-hand goods business in or on any premises which do not comply with the following requirements:

(a) any section of the premises where second-hand goods are stored and handled must be enclosed by walls constructed of brick, rock or concrete, with a minimum height of two metres;

(b) all gates to the premises must be of solid construction with a minimum height of two metres;

(c) all materials must be stacked or stored below the height of the perimeter screening;

(d) adequate lighting and ventilation, as prescribed in the National Building Regulations and Building Standards Act must be provided;

(e) all storage areas must be paved with cement, concrete or other approved impervious material;

(f) all backyard surface and open spaces of the premises must be graded and drained to allow for the effective run-off of all precipitation;

(g) adequate sanitary fixtures for both sexes employed on the premises must be provide, as prescribed in the National Building Regulations and Building Standard Act;

(h) an adequate number of refuse containers must be provided.

(i) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing -

(i) an adequate metal locker for every employee;

(ii) a wash-hand basin provided with a supply of running hot and cold potable water; and

(iii) an adequate supply of soap and disposable towels at every wash-hand basin;

(j) if no change-rooms has been provided in terms of paragraph (i)

(i) a wash hand basin with a supply of running hot and cold potable water, must be provided in accessible position; and

(ii) an adequate metal locker must be provided for every employee in the work area.

123. Duties of second-hand goods traders

Any person who conducts a second-hand goods business must -

(a) store second-hand goods in a backyard, building or open space that is constructed of an approved material in such a manner as to prevent the harbourage of rodents or other vermin and pests;

(b) ensure that no water accumulates in any article stored on the premises;

(c) ensure that goods are stored in such a manner as to prevent the pollution of the surrounding environment which includes but is not limited to air, water or soil.

(d) keep the premises in a clean, neat and sanitary condition at all times;

(e) immediately on receipt, disinfect all furniture, soft furnishings, clothing, bedding or other fabrics in an adequate manner;

(f) keep any other articles separate from articles which have been disinfected; and

(g) label all articles which have been disinfected in a conspicuous place on each article.

CHAPTER 14

HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICE

124. Definitions

In this Chapter, unless the context otherwise indicates -

"**body piercing**" means the piercing of the skin for the purpose of inserting any foreign object;

"**cosmetology or beauty service**" includes, but is not limited to anyone or more of the following services:

(a) Manicure, pedicure, nail technology, or the application of false or artificial nails or nail extensions, whatever the substance used;

(b) eyebrow shaping and plucking including the application of false or artificial eyebrows or eyelashes and tinting of eyelashes

(c) cosmetic and camouflage make-up of the face and its features, whether by permanent, semi-permanent or temporary means;

(d) facial skin care;

(e) removal of unwanted or superfluous hair from any part of the body by any means, other than shaving , including by means of waxing, chemical depilatories., electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations;

(f) body piercing and tattooing for cosmetic purposes;

(g) massaging;

(h) body bronzing by means of ultraviolet radiation or any similar method, or

(i) body contouring including all forms of slimming;

'**hairdressing**" includes, but is not limited to, any one or more of the following services:

(a) Shampooing and cleansing , conditioning and treating hair;

(b) chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;

(c) hair colouring , including tinting, dyeing and colouring by means of permanent, semi-permanent or temporary means, including the use of colour rinses, shampoos, gels or mousses and lightening by means of tints, bleaches, highlights or high lifting tints or tones;

(d) hair cutting and shaping

(e) barbering services including shaving and singeing of hair; or

(f) the adding to hair of natural and artificial hair and hair extensions, board work, pastiche, wig-making or the performing of any operation specified in paragraphs (a) to (e) on a wig or hairpiece to be worn by any person; or

(g) trichology and trichological treatment of the hair including the treatment of abnormalities and disorders of the hair;

"**salon**" means any place where any or more of the following services are performed for gain:

(a) hairdressing service;

(b) cosmetology on beauty services;

(c) body piercing and tattooing; or

(d) massaging services;

"**salon service**" means any one or more or a combination of the practices or services generally and usually performed by a person rendering service in the hairdressing, cosmetology or beauty service industry including any message, body piercing and tattooing service

125. Permit requirement

No person may operate a salon except in terms of permit authorizing that activity

126. Requirement for premises

No person may operate a salon on any premises which do not comply with the following requirements:

(a) adequate lighting and ventilation, as prescribed in the National Building Regulations and Buildings Standards Act, must be provided;

(b) all shelves, fixtures and table tops on which instruments are placed must be constructed of an approved material that is durable, non-absorbent, and easy to clean;

(c) water and toilet facilities must be provided as prescribed in the National Building Regulations and Building Standards Act;

(d) adequate, separate facilities, with a supply of running potable water, must be available for the washing of hair and hands;

(e) an approved system for the disposal of waste water must be provided;

(f) adequate storage facilities must be provided;

(g) the walls and floors must be constructed of a material that is easy to clean and which prevents cut hair from being dispersed, and

(h) the premises may not be used for the storage and preparation of food or for sleeping unless any area for that purpose is clearly separated by an impervious wall.

(i) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing –

(i) an adequate metal locker for every employee;

(ii) a wash-hand basin provided with a supply of running hot and cold potable water; and

(iii) an adequate supply of soap and disposable towels at every wash-hand basin;

(j) if no change-rooms has been provided in terms of paragraph (i) –

(i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and

(ii) an adequate metal locker must be provided for every employee in the work area.

127. Duties of salon operators

Any person operating a salon must -

(a) maintain the premises, tools, equipment and clothing in a hygienic and good condition at all times;

(b) equip the premises with an adequate means to disinfect and sterilize instruments and equipment that may come into direct contact with any customer's hair or skin;

(c) provide employees on the premises with approved protective clothing and equipment;

(d) collect all hair clippings and other waste in an approved container after every service;

(e) store or dispose of waste in an approve manner;

(f) adequately train any person working on the premises on health and hygiene matters;

(g) not permit any animal on the premises unless it is guide dog accompanying a blind person, and

(h) ensure that any employee working with the public with an open wound on their hands or with a communicable skin condition to take the necessary precautions.

(i) ensure that every person working in the salon complies with the requirements of this section and section 128 and 129.

128. Required minimum health standards for the operation of a salon

Any person operating or employed in, a salon must take the following measures:

(a) adequately disinfect all the instrument after each use;

(b) adequately sterilize the following instruments after each use;

(i) any instrument used for body piercing or tattooing

(ii) any instrument which has come in contact with blood or any other body fluid;

(c) wash and clean all plastic and cloth towels after each use;

(d) dispose of all disposable gloves or other disposable material after each use;

(e) wash all aprons and caps daily;

(f) wash his or her hands with soap and water or disinfectant before and after rendering each service to a client;

(g) wear disposable gloves when providing one of the following salon services:

(i) any chemical services;

(ii) any hair implant;

(iii) body piercing; and

(iv) tattooing;

(h) wash all walls, floors, chairs and other surfaces in the premises at least once a day with a disinfectant or household detergent;

(i) dispose of all waste water, sharp instruments, bloodied and otherwise contaminated towels and towelling paper in an approved manner;

(j) store razors, blades, needles and other sharp instruments separately in a 'sharp instrument" container;

(k) adequately treat any injury or wound which may occur on the premises

(l) clean and disinfect all surface that have been contaminated by blood after each service;

(m) keep an approved first aid kit on the premises at all times as prescribed by the Occupational Health and Safety Act 1993 (Act No. 85 of 1993);

(n) All tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the present of the client.

Only professional tattooing and body piercing machines designed and assembled in a manner which prevents contamination of sterilized needle sets may be used for applying permanent tattoo's or body piercing

129. Prohibition against the use of salon premises for other purposes

(1) Any person operating a salon must ensure that the premises are used exclusively for that purpose.

(2) Any person who wants to prepare any beverage for customers on the premises of a salon, must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose.

CHAPTER 15

DRY-CLEANING AND LAUNDRY ESTABLISHMENTS

130. Definitions

In this Chapter, unless the context otherwise indicates -

"**dry-cleaning or laundry business**" means any business in which clothes or other fabrics

are cleaned with water or other solvents, or clothes or fabrics are ironed,

"**dry-cleaning or laundry receiving depot**" means premises used for the receipt, storage and dispatch of clothes or other fabrics in connection with a dry cleaning or laundry business.

131. Premises for dry-cleaning or laundry business

No person may conduct a dry-cleaning or laundry business on premises which do not comply with the following requirements:

(a) work-room or area used for housing dry-cleaning machines, washing- machines, ironing boards, presses and other fixed or movable equipment, with a minimum unobstructed floor area of 2,5 m² per person employed on the premises, must be provided;

(b) adequate separate areas for marking clean and dirty articles must be provided with:

(i) tables with an impervious surface;

(ii) adequate washable containers for dirty articles; and

(iii) hanging rails and shelves constructed of an impervious material in the area for marking clean articles;

(c) a separate room or area with separate designated counters, with impervious surface, must be provided for the receipt and dispatch of articles; and

(i) a store-room or facility for the storage of packing material and other articles must be provided and equipped with adequate packing shelves of which the lowest shelf must be at least 250 mm above floor level; adequate separate change rooms for males and females, where five or more persons of the same sex are employed, must be provided containing –an adequate metal locker for every employee;

(ii) a wash hand basin provided with a supply of running hot and cold potable water, and

(iii) an adequate supply of soap and disposable towels at every wash hand basin,

(d) if no change rooms has been provided in terms of paragraph (e) -

(i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and

(ii) an adequate metal locker must be provided for every employee in the work area;

(e) a tea kitchen with a single-basin stainless steel sink, with a supply of running hot and cold potable water, must be provided;

(f) separate toilets for males and females must be provided which comply with the

provisions of the National Building Regulations and Building Standards Act;

(g) every toilet and change-room must be clearly gender designated;

(h) all internal walls must be constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;

(i) all ceilings must be dust-proof, smoothly finished, and painted with a light- coloured washable paint;

(j) all floor surfaces must be constructed of cement or some other adequate impervious material, brought to a smooth finish and property drained;

(k) the minimum height from floor to ceiling of any room or area must be 2,4 metres;

(l) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act must be provided;

(m) all machinery and equipment must be equipped with adequate suction fans to remove any noxious gas, steam and hot air from any room and to release it in he open air in an adequate manner;

(n) all machinery and equipment must be placed so that there is free access to all areas around and underneath each machine or item of equipment, to enable those areas to be adequately cleansed; and

(o) a separate pre-rinsing area must be provided on any premises where nappies are laundered.

132. Premises for dry-cleaning or laundry receiving depots

No person may operate a dry-cleaning or laundry receiving deport on premises which do not comply with the following requirements:

(a) A separate room or area with a minimum width of two metres must be provided for the receipt and dispatch of articles;

(b) fifty percent of the floor space of the room referred to in paragraph (a) must be unobstructed;

(c) a wash-hand basin with a supply of running potable water must be provided;

(d) an adequate supply of soap and disposable towels must be provided at every wash-hand basin;

(e) all internal wall and ceiling surface must be constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;

(f) all floor surfaces must be constructed of cement or other impervious material, brought to a smooth finish;

(g) lighting and cross-ventilation, as prescribed by the National Building Regulations and

Building Standards Act, must be provided;

(h) adequate washable containers for storing dirty articles must be provided;

(i) adequate quantities of hanging rails or impervious shelves for the storage of clean articles must be provided;

(j) adequate designated counters, with impervious surfaces, must be provided separately for the receipt and dispatch of dirty and clean articles; and

(k) an adequate metal locker must be provided for every person employed in the receiving depot.

133. Premises for coin-operated laundries

No person may operate a coin-operated laundry on premises which do not comply with the following requirements:

(a) separate toilet and hand washing facilities for the different sexes, as prescribed in the National Building Regulations and Building Standards Act, must be provided;

(b) an adequate area must be provided where ironing is done on the premises; and

(c) any machine on the premises must be installed in accordance with any applicable law.

134. General requirements for dry-cleaning and laundry business

Any person conducting a dry-cleaning or laundry business or in charge of premises on which dry-cleaning, laundry or receiving depot exists, must -

(a) keep the premises, all fittings, equipment, appliances, machinery, containers and business vehicles in a clean, hygienic and good condition at all times;

(b) separate dirty articles from clean articles at all time, including when in transit;

(c) use a change room solely for changing;

(d) ensure that every person who handles clean or dirty articles wears adequate protective clothing at all times

(e) keep protective clothing in a clean and sound condition at all times;

(f) store protective clothing in a locker when it is not being worn;

(g) affix the name and business address, in clear lettering, to the outside of any business vehicles;

(h) ensure that the premises are not directly connected to any food premises, new clothing shop, hairdresser or any other area from which contamination might occur;

(i) comply with the requirements of the following legislation at all times:

(i) the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) as amended;

(ii) the National Environmental Management: Air Quality Act, 2004 (Act 39 of

2004)as amended;

(j) place all piping in the building, not chased into the walls, at least 100 mm away from all walls or floors and comply with the provisions of the National Building Regulation and Building Standards Act;

(k) insulate all steam piping with an adequate material, and

(l) dispose of all waste water in an approve manner.

CHAPTER 16

SWIMMING POOLS AND SPA-BATHS

135. Definitions

In this Chapter, unless the context otherwise indicates -

"**spa-bath**" means a structure constructed of an approved material, provided with a controlled circulating water supply and used for bathing, excluding a spa bath situated at a private home which is not used for commercial purpose;

"**spa-bath keeper**" means any person who owns or controls the operation of a spa- bath;

"**swimming pool**" means a structure with a controlled water supply used for swimming or bathing, including a children's swimming and paddling pool, but excluding a swimming pool at a private home which is not used for commercial purposes;

"**swimming pool keeper**" means any person who owns or controls the operation of a swimming pool.

136. Requirements for premises

No person may operate a swimming pool or spa bath in or on any premises which do not comply with the following requirements:

(a) readily accessible change-rooms, showers and toilet facilities must be provided separate for each sex in compliance with the National Building Regulations and Building Standards Act;

(b) every swimming-pool must be surrounded by a wall or fence as prescribed by the National Building Regulations and Building Standards Act or be covered with a SABS approved pool net;

(c) the surface of the floor area surrounding any spa-bath or swimming –pool must be constructed of an impervious, non-slip material;

(d) an approved chemical gas mask must be provided at the chlorinator installation;

(e) if so instructed in writing by an Environmental Health Practitioner, an oxygen or air breathing apparatus must be provided, and

(f) an adequate number of refuse receptacles must be provided on the premises.

137. Duties of spa-bath keepers

Every spa-bath keeper must -

(a) keep the premises in a safe, clean and sanitary condition and in good repair at all times;

(b) provide a properly maintained approved first-aid kit in a prominent, easily accessible and protected position;

(c) purify, treat and maintain the spa-bath water to an adequate quality level at all times;

(d) provide and maintain, in good working order, equipment for testing the quality of the spa-bath water

(e) be capable of undertaking routine tests on the water quality in the spa-bath and interpreting the test results; and

(f) maintain a daily record of the spa-bath water quality.

138. Duties of swimming pool keepers

Every swimming pool keeper must -

(a) keep the premises in a safe, clean and sanitary condition at all times;

(b) provide a property maintained approved first-aid kit in a prominent, easily accessible and protected position;

(c) be qualified and proficient in life saving, rendering first aid, use of a resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of swimming pool water;

(d) ensure that the swimming pool water is purified, treated and maintained to an adequate quality at all times:

(e) provide and maintain, in proper working order, equipment for testing the quality of the swimming pool water;

(f) be capable of undertaking routine tests on the water quality in the swimming pool and interpreting the tests results, and

(g) maintain a daily record of the swimming pool water quality.

139. Water supply

(1) Unless the prior written approval of an Environmental Health Practitioner has been obtained, no person operating a spa-bath or swimming pool may use water from a source other than a municipal supply to clean, fill or maintain the water level in a swimming pool or spa-bath.

(2) An Environmental Health Practitioner must -

(a) take samples of a swimming pool or spa-bath water, at intervals which he or she considers appropriate for the purpose of a chemical analysis or bacteriological

examination of that water;

(b) submit the samples to an analyst authorized in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, Act 54 of 1972 to conduct an analysis.

140. Safety of water

Every spa-bath keeper and swimming pool keeper must ensure that the water in the spa-bath or swimming pool complies with the following requirements:

(a) it must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime and algae;

(b) the pH value of the water must be not less than 7 and not greater than 8;

(c) where chlorine based disinfectants are used, a minimum free available chlorine residual of 0,5 mg/l, with a maximum free available chlorine residual of 3 mg/l, must be maintained,

(d) if a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of paragraph (c);

(e) the total viable bacteriological count of any sample submitted for analysis, must not exceed 100 organisms per ml of water; and

(f) Escherichia coli type 1 bacteria must not be present in any 100 ml of water.

141. Order and behaviour

No person may -

(a) interfere with a spa-bath keeper or swimming pool keeper in the execution of his or her duties;

(b) allow any dog or other pet belonging to him or her or under his or her care to enter or to remain within the premises of a spa-bath or swimming pool, unless it is a guide dog accompanying a blind person;

(c) enter or remain in any premises of a spa-bath or swimming pool if he or she knows or suspects that he or she may be suffering from any communicable or contagious disease; and

urinate, defecate, spit or blow his or her nose in a spa-bath or swimming pool.

CHAPTER 17

ACCOMMODATION ESTABLISHMENTS

142. Definitions

In this Chapter, unless the context otherwise indicates -

"**accommodation establishment**" means any place in which accommodation is provided for gain to four or more people, with or without meals;

"**dormitory**" means a sleeping room in which sleeping accommodation is provided for four or more persons.

"**dwelling house**" means a single building designed for use as a residence for a single family.

"**dwelling unit**" means an inter-connected suite of rooms which include kitchen or scullery, designed for occupation by a single family other than a dwelling house, irrespective of whether such unit is a single building or forms part of a building containing two or more such units.

"**family**" means a man or women or both or one of both partners, of a same sex relationship, with or without their parents and with or without the children of one or the other or both of them , living together as one household

143. Permit requirement

No person may operate an accommodation establishment except in terms of a permit authorizing that activity.

144. Requirements for premises of accommodation establishments

No person may operate accommodation establishments on premises which do not comply with the following requirements:

(a) No room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons that will allow-

(i) less than 11,3m³ of free air space and 3,7 m² of floor space for each person over the age of 10 years; and

(ii) less than 5,7m³ of free air space and 1,9 m² of floor space for each person under the age of 10 years;

(b) No latrine, passage, staircase, landing, bathroom, cupboard, out building, garage, stable, tent, storeroom, lean-to, shed, kitchen, dining room, food preparation area, cellar or loft may be used as sleeping accommodation;

(c) If a dormitory is provided on the premises –

(i) a single bed, manufactured of metal or some other durable material and equipped with a mattress, must be provided for every person housed in the dormitory;

(ii) a separate locker must be provided for every person making use of the dormitory for safeguarding the person's clothing and other possessions;

(iii) every bed in a dormitory must be so placed that its sides are at least one meter away from any part of any other bed;

(d) An accommodation establishment must be provided with -

(i) an area of the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the accommodation establishments;

(ii) adequate separate wash-up facilities; and

(iii) where meals are provided to persons housed in the accommodation establishment, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and benches, of at least 1,2 m² for every seat provided for dining purposes; (Such establishment to comply with the provisions of R918 of the National Building Regulations and Building Standards Act.).

(iv) an accommodation establishment must be provided with one or more showers, each suitably placed in a separate compartment, easily accessible to every occupier, and fitted with waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act.

(e) A bath fitted with a waste pipe may be substituted for each shower referred to in subparagraph (i) the facilities referred to in subparagraphs (i) and (ii) must be designated for the different sexes;

(f) An accommodation establishment must be provided with sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act and such fixtures must be designated for the different sexes;

(g) An accommodation establishment must be provided with an adequate supply of hot and cold running potable water;

(h) All rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act;

(i) Openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;

(j) A separate room with approved containers must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered; and

(k) If articles used in connection with an accommodation establishment are laundered on the premises, a separate approved washing, drying and ironing areas equipped with the necessary facilities for this purpose must be provided.

(l) A store-room for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with an accommodation establishment, must be provided;

(m) All walls and ceilings must have a smooth finish and be painted with a light coloured washable paint, or have some other approved finish;

(n) The floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed or concrete or some other durable, impervious material brought to a smooth finish;

(o) The floor surface of every habitable room must be constructed of an approved material;

(p) The following facilities must be provided for people who are employed and also reside on the premises:

(i) Sleeping quarters equipped with a bed, mattress and locker which comply with the provisions of paragraphs (a), (b) and (c) for each employee; and

(ii) if employees are not provided with meals in the accommodation establishment, food preparation and dining facilities that comply with the provisions of paragraph (d).

(q) adequate changing facilities must be provided for nonresident employees;

(r) adequate ablution and sanitary facilities, which comply with the provisions of paragraphs (e) and (f), must be provided for resident and non-resident employees;

(s) an adequate refuse holding area must be provided and an approved refuse removal system must be maintained,

(t) all walls, floors and roofs must be constructed in a manner which prevents wind or rain entering an accommodation establishment or dampness entering the interior surfaces of any wall or floor;

(u) all accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and

(v) all windows must be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed.

145. Duties of operators of accommodation establishments

Every person who conducts an accommodations establishment must -

(a) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hanging and other soft furnishings, table linen, bed linen, and other bedding, towels and cloths of whatever nature used in connection with the accommodation establishment, in a clean, hygienic and good condition at all times;

(b) clean and wash any bed linen, towel, bath mat or face cloth after each use by a different person;

(c) take adequate measures to eradicate pests on the premises;

(d) provide a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females;

(e) provide towel rails or hooks in every bathroom and in every room in which there is a wash hand basin or shower;

(f) store all dirty linen, blankets, clothing, curtains and other articles used in connection with an accommodation establishments in the manner provided in section 144(j);

(g) store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided in section 144(l);

(h) keep all sanitary, ablution and water supply fittings in good working order;

(i) keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at the intervals to ensure that the area painted, remains clean and in a good state of repair; and

(j) handle refuse in the manner provided in section 144(s).

(k) must ensure compliance with R918 of the National Building Regulations and Building Standards Act if food is provided to the occupants.

CHAPTER 18

CHILD-CARE SERVICE

146. Definitions

In this Chapter, unless the context otherwise indicates -

"adequate" **and "suitable"** means adequate or suitable as the case may be, in the opinion of the Head of Health or an Environmental Health Practitioner.

"approved" means approved by the Head of Municipal Health Services in a municipality or an Environmental Health Practitioner, regard being had to the reasonable public health requirements of the particular case, or to the physical and mental health of the children, as the case may be.

"best available method" means the method available that will best prevent disease.

"child" means a child admitted to a pre-school institution in terms of these Guidelines.

"domestic staff" or "general worker" means staff employed in a pre-school institution for cleaning, cooking and other related work.

"head of municipal health services" means the person appointed by the municipality as such

"health certificate" means a health certificate issued in terms of these By-laws

"health certificate holder" means a natural person or a partnership, or an association of person, to whom a health certificate has been issued in terms of section 148 of these By-Laws.

"municipal health service" means services as defined in section of the National- Health Act. 61 of 2003

"municipality or municipality" means a Metropolitan Municipality, District Municipality, Local Municipality as defined in section 155 of the Constitution of RSA, Act 108 of 1996, or as defined in Municipal Structures Act, No. 117 of 1998.

"pre-school institution" means any undertaking or institution involving the custody, care or tuition or any combination of these functions, during the whole or part of the day on all or any of the days of the week of children under the age of seven years, or the building or the premises maintained or used for the purpose of conducting such undertaking

"registered Body" means the National Department or Municipality authorized to issue a registration certificate

"registration certificate" means a certificate issued by the authorized National Department.

147. Application of Guidelines

These guidelines shall apply to all pre-school institutions. The Head of Municipal Health Services or an Environmental Health Practitioner when implementing these guidelines shall apply the principle of best available method.

148. Health Certificate

(a) No person or body of persons shall conduct a pre-school institution unless such person or body of persons is in possession of a health certificate to the effect that the premises, general health facilities and services to which such health certificate relates, comply with these By-laws, such certificate shall state:

(i) the number and both minimum and maximum age of the children permitted to be kept on such premises.

(ii) the hours during which such pre-school institution may operate.

(b) The head of municipal Health Services shall issue the Health certificate contemplated in paragraph (a) if he/she is satisfied that the these by-laws are complied with.

(c) A health certificate issued is not transferable.

149. Requirements of Premises for Accommodation of Children between three and seven years

(1) General

(a) (i) A room adequate in size to be used for the purpose of isolating a sick child must be provided.

(ii) Such room must have a minimum area of 6m² and where more than 50 children are cared for this room must be a minimum of 12m² to be used as an office as well.

(iii) Such room be provided with a wash hand basin and at least one 25 litre closed container with potable water.

(iv) An approved first aid kit must be provided

(v) A bed or stretcher or other approved sleeping equipment must be provided.

(b) Adequate storage facilities for food, stretches, sleeping mats, bedding, linen, indoor and outdoor play equipment must be provide.

(c) Separate storage facilities for the personal belongings of each child and staff member must be provided.

(d) Sanitary and ablution facilities for children shall have:-

(i) Ready access between the outdoor play area and the toilet facilities.

(ii) There must be one toilet pan or bucket for every twenty children which must be provided with a lid to be kept closed at all times except for the time it is being used.

(iii) Each toilet pan or bucket must be emptied and sanitized after each use thereof

(iv) The toilet pan or bucket must be emptied into an approved toilet which is either a pit latrine or other approved closet.

(v) There must be hand washing facilities with water next to the toilets pans or bucket.

(vi) There must be one wash hand basin for every 20 (twenty) children

(vii) The wash hand basin and buckets for the toilets must be of a suitable size and height for the children.

(viii) The toilet pan/bucket must be placed in such a way as to be enclosed and screened from the public.

(ix) An adequate number of bins with self-closing lids for disposal of paper, towels, tissues and other waste articles must be provided.

(x) A minimum of one towel for each child's individual use must be provided unless the Environmental Health Practitioner permits the use of disposable paper towels.

(xi) Individuals pegs or nodes for each child's towel which shall be placed 225 mm apart and within child's reach and marked in such a manner as to be easily recognized by each child must be provided.

(xii) A reasonable supply of toilet paper, tissue and soap available to the children must be provided.

(xiii) There must be a supply of about 25 liters of potable water in the toilet and at wash hand basins.

(e) Sanitary and ablution facilities for staff:

(i) Shall have one toilet and one wash hand basin for every 15 persons or part thereof.

(ii) Shall have 25 liters of water supply soap, toilet paper and clean towel.

(iii) Shall have a bin with self-closing lid or other approved disposal unit installed in each water closet intended to be used by females.

(f) Separate approved laundry facilities on the premises; unless laundering is done on other approved premises must be provided.

(g) Indoor Play Area

Child care premises on which children under school going age are cared for, must be provide with an indoor play area as follows:-

(i) The building or structure may be of wood and iron and be constructed to be securely placed and be able to provide protection from the weather such as strong winds, rain and other conditions.

(ii) The interior walls must be brought to a smooth finish and insulated with approved material.

(iii) No plastic or cardboard may be used in the construction of the structure.

(iv) The floor surface must be constructed of an impervious material such as concrete and brought to a smooth finish.

(v) The structure must be rodent proof.

(vi) The windows and doors must be positioned to be able to provide cross ventilation and natural lighting.

(vii) The windows of all playrooms and isolation areas shall be so designed and installed as not more than 750 mm from the ground.

(viii) The indoor play area shall provide at least 1,5m² of free floor space per child.

(ix) separate indoor play areas shall be provided for the following age groups: under 3 years, 3-7 years and after school children.

(x) The interior part of the roof must be provided with insulating material.

(h) Outdoor Play Area

(i) An outdoor play area which is free of any excavations, projection, levels or any surface which is dangerous or may constitute a safety hazard shall be provided.

(ii) A minimum outdoor play area of 2m² per child shall be provided.

(iii) If no outdoor area is available an approve additional indoor area of 1,5m² per child shall be provided

(iv) The premises shall have an approved fence and lockable gets to prevent a child leaving the premises on its own and to prevent the entrance or animals or unauthorized person.

(v) Separate outdoor play area should be provided for the following different age groups: Under 3 years, 3-7 years and after school children.

150. Requirements of premises for Children under two years

(a) Indoor area

(i) A nursery for playing eating and sleeping purposes where a minimum indoor area of 1,5m² per child is provided.

(ii) Cots shall be arranged so that there shall be a minimum space of 500 mm between cots

(iii) Adequate heating facilities to be provide in the indoor area.

(iv) If children aged two years and over are accommodated a separate indoor area must be provided for this group that is able to provide 1,5m² per child of available floor space.

(b) Outdoor area

(i) The outdoor area for children under two years must be a minimum of 2m² per child for the use of perambulators play pens and outdoor activities.

(ii) In high density areas where the pre-school is situated in a building, the outdoor area of 1,5m² per child must be provided.

(iii) If a nursery school which has been registered is conducted on the same premises as a pre-school institution for ages 3-7 years, the nursery and the pre-school institution must be separated.

(iv) An after school care centre shall not be permitted on the same premises as a pre-school institution, unless in completely separate facilities or unless conducted at different times.

(c) Kitchen

(i) In addition to the requirement for the kitchen referred to in R962 of the Food, Drug and Disinfectant of 23 July 2012, if bottles and teats are used for feeding of children the kitchen shall be increased in size, if in the opinion of the Environmental Health Practitioner it is necessary to have a separate area for milk kitchen purpose.

(ii) The milk kitchen shall have the following:-

a) Approved containers for washing bottles and the other for rinsing with adequate, potable water.

b) A separate cooling facility for the storage of milk and milk bottles.

(iii) There must be adequate storage facilities for food line perambulators and other equipment

(iv) Separate storage facilities for the personal belongings of each child and staff members.

(v) Sanitary ablution facilities for children under two years shall have the following:-

a) Ready access to the Nursery school or indoor play area of the nursery.

b) A separate sluice area with a minimum size of 3m² and which shall have a container with a tight fitting lid for soiled nappies.

(vi) The sluice area must have a hand washing facility provided with water in a 25l container

(vii) Approved chamber pots which can be emptied in an approved toilet must be provided which are accessible and suitable for use by children.

(viii) There must be one chamber pot for every five (1:5) children.

(ix) Disposable and approved material for cleaning of children wearing nappies must be provided.

(x) A minimum of one towel and one face cloth for each child's use must be

provided.

(xi) Individual pegs or hooks placed at 225 mm apart individually marked must be provided for each child.

(xii) There must be an adequate number of bins with self-closing lids for disposal of paper, paper towels, tissues and other waste.

151. After school care facilities

An after school care centre shall not be permitted on the same premises as a pre- school institutions, unless in completely separate facilities or unless conducted at different times.

152. General duties and liabilities for compliance with regulations

The health certificate holder shall ensure that the children are at all times properly cared for and supervised and shall:

(a) Maintain every part of the child care service, including any outdoor area and all structure and equipment in good repair and in a clean and hygienic condition at all times.

(b) Ensure that all persons on or in the premises are clean in person and clothing and are in good state of health.

(c) Ensure that no person shall smoke or use any tobacco product in the presence of children.

(d) Ensure toys, books and other indoor play materials intended for day to day use are available in the indoor play areas and suitably stored so as to be within easy reach of the children.

(e) Ensure that the children are at all times under the direct supervision of the specified number of adults in the following ratio:

(i) One adult supervisor for every 6 babies between 0-18 months.

(ii) One adult supervisor for every 12 children between 18 months and 3 years

(iii) One adult supervisor for every 20 children between 3 and 5 years

(iv) One adult supervisor for every 30 children between 5 and 6 years

(v) One adult supervisor for every 35 children of school going age

(f) If transport to or from a child care service is provided - shall ensure that:

(i) The children are supervised by at least one adult apart from the driver during transport.

(ii) The doors of the vehicle are lockable and cannot be opened from the inside by the children

(iii) No children are transported in the front seat of the vehicle

(iv) No babies are placed under the seat of a vehicle

(v) The vehicle is not overloaded in terms of any applicable law.

(vi) The transport of children are not allowed in the boot of any vehicle

(vii) The driver of the vehicle is licensed to transport passengers as stipulated in the National Road Traffic Act, No 93 of 1996

(viii) The vehicle is licensed and is in a road worthy condition

(ix) That when children are transported in the back of an enclosed light commercial vehicle, care shall be taken to ensure that no exhaust fumes enter the enclosed are, and that the said enclosed area is sufficiently ventilated.

(x) If meals are provided an approved two weekly menu is displayed at place visible to the parents.

(xi) Meals provided shall be nutritionally balanced and of adequate volume to satisfy the energy needs of the children in each age group.

(xii) Ensure that all perishable foodstuffs, other than unfrozen fruit and vegetables are stored in cooing facilities able to maintain 0°C or 7°C for milk.

153. Resting and Play Equipment

Suitable juvenile seating accommodation and tables shall be provided for each child:

(i) adequate and approved individual resting or sleeping equipment shall be provided for the separate use of each child

(ii) An approved blanket for the individual use of each child shall be provided.

(iii) Adequate, approved and safe indoor and outdoor play equipment shall be provided for the children's use.

154. Medical care for Children

(1) The parent or guardian of the child who becomes ill or has suffered an injury requiring medical attention shall be notified as soon as possible.

(2) Whenever a child becomes ill or has suffered an injury requiring medical attention, medical assistance shall be summoned for which purpose a telephone shall be easily available.

(3) Any child who falls ill or has suffered any injury shall receive the necessary care and treatment in the sick bay area, so designated.

(4) In the event of a communicable diseases, the municipality shall be notified immediately.

(5) The child-care provider shall ensure that all children have completed basic immunization schedules as deemed necessary.

(6) The provisions of the Regulations R2438 of 20 October 1987 as amended by R.485 of 23/4/1999, promulgated under the Health Act, 63 of 1977 as amended, regarding communicable diseases and notification of notifiable medical conditions shall apply to child care services.

(7) All child-care service providers shall be trained in basic first aid.

155. Safety Measures

The following measures shall be taken on premises on which child-care services are conducted -

(a) Children shall be adequate protected against fires, hot water installations electrical fitting and appliances, heating appliances and any other article or substances which may be dangerous or cause harm to any child.

(b) Any slats or rails forming part of an enclosure, security gate, play pen, bed, cot or any other object or structure whatsoever, shall not be more than 75 mm apart and shall be suitably installed and maintained in a good state of repair and if painted only non-toxic paint shall be used.

(c) All medicines, pesticides, detergents and other harmful substances shall be stored so as not to be accessible to any child and be under lock and key at all times.

(d) No noxious or poisonous or dangerous plant or shrub shall be permitted on the premises and no animals or birds be kept on the premises without the approval of the Environmental Health Practitioner.

(e) No person known or suspected to be suffering from infections or contagious disease and no person so suffering, shall be allowed on the premises while in the opinion of the Environmental Health Practitioner or medically trained person, such person is capable of communicating such infections or contagious disease.

(f) No padding pool, swimming pool or other structure shall be permitted in any child-care service without an approved fencing and safety net.

(g) The sandpit shall be covered with an approved covering material when not in use.

(h) The provisions of the Regulation regarding the exclusion of children from day- care services on account of infectious diseases made in terms of the National Health Act, Act 61 of 2003 as amended shall apply to all child-care services.

(i) Any other reasonable measures that may in the opinion of the Environmental Health Practitioner be necessary to protect the children from any physical danger shall be taken by the child-care service on instruction of the Environmental Health Practitioner.

(j) The premises must comply with fire regulations by providing at least two doors on opposite sides.

156. Application for admission

(1) The health certificate holder shall ensure that an application form containing the following information is completed by the parent or guardian of a child on admission to child care service.

(a) The child's name and date of birth

(b) Name, address and telephone number of the parent or guardian

(c) Place of employment and telephone number of the parent or guardian

(d) Name address and telephone number of a responsible person other than the parent or guardian who may be consulted in emergencies

(e) Name, address and telephone number of the child referred to, in such form, shall be entered thereon.

(2) The relevant date of admission and discharge of the child's doctor and permission to consult him.

(3) All application forms shall be retained for a minimum of 3 years.

157. Registers

(1) An admission and discharge register of all children admitted to and discharged from the child care service shall be kept

(2) A register of attendance shall be kept in which the presence or absence of children shall be noted daily

(3) Such attendance register shall include the children's respective dates of birth

158. Medical Report

A report containing the following health data shall be obtained from the parent or guardian in respect of each child admitted and cared for:

(a) Information concerning the child's general state of health and physical condition.

(b) Operations, illness and any communicable disease which the child has suffered and the relevant dates.

(c) Details of required immunizations

(d) Details of allergies and any medical treatment such child may be undergoing.

159. Food Preparation

(1) An area adequate in size and separate from indoor play area where food is to be handled, prepared, stored or provided to children or for any other purpose shall be provided.

(2) Such area shall comply with the provisions of Regulations R962 promulgated in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972) and be provided.

160. Right of entry and inspection of premises and records

Any duly authorized officer of the municipality may for any purpose connected with the application of these by-laws at all reasonable times and without notice, enter any premises upon which a pre-school institutions is conducted or upon which such officer has reasonable grounds for suspecting the existence of such pre-school and make such examination, enquiry and inspection thereon as he may deem necessary.

161. Journal

Any person who provides a child-care service must keep a journal, in which any important or outstanding event, including any accident on the premises or during transportation of children, and any explanations is recorded.

162. Suspension or termination of operations

The health certificate holder shall notify the municipality of the suspension or termination of the operations of the pre-school institution to which such health certificates relates or in the event of any occurrence as specified in section 3(2).

163. Offences

(1) Any person who fails to give, or refuses access to any official of the municipality duly authorized by these by-laws or by the municipality to enter upon and inspect any premises, if the official requests entrance to such premises, or obstructs or hinders such official in the execution of his/her duties in terms of this by-laws, or who fails or refuses to give information that he/she may lawfully be required to give to such official, or who gives to such official false or misleading information, knowing it to be false or misleading, or who unlawfully prevents any other person from entering upon such premises, shall be guilty of an offence.

(2) Any person who –

(a) fails or refuses to comply with any provision of these by-laws or any conditions imposed by the Head of Health Services in terms of sub-section 2;

(b) being a health certificate holder, allows –

(i) a greater number of children than the number stated on the health certificate to be enrolled or to be present in the pre- school institution to which the health certificate relates;

(ii) any child whose age is more or less than the maximum or minimum ages of

the children who may be kept on the premises concerned, in terms of the health certificate, to be enrolled at or to be present in such pre-school institution; or

(iii) such pre-school institution to be operated during hours not stated on such health certificate, shall be guilty of an offence and liable, on conviction, to a fine not exceeding R500 or imprisonment for a period not exceeding 12 months, or both, and in the event of a continuing offence shall be guilty of a separate offence and liable as aforesaid for every day or part of a day during which the offence continues.

(3) Presumptions

If at any prosecution in terms of these by-laws, it is alleged –

(a) that the owner, lessee or occupier of the premises conducts a pre- school institution at such premises, he/she shall prima facie be deemed to have conducted a pre-school institution at the said premises, unless the contrary is proved, or

(b) that any child was of a certain age, such child shall be deemed, prima facie, to have been that age, unless the contrary is proved

164. Withdrawal of health certificate

The Municipality may at its discretion withdraw a health certificate issued in terms of these by-laws, should such health certificate holder be convicted of a breach of the provisions of the by-laws.

CHAPTER 19

NURSING HOMES/OLD AGE HOME

165. Requirements

No person may be allowed to operate a nursing home or an Old age home without a valid health certificate issued by an Environmental Health Practitioner;

(a) The nursing home may either be used for maternity purposes or general practice;

(b) General requirements for premises apply to these premises as referred to in the National Building Regulations and Building Standards Act (Act No.103 of 1977) as amended

(c) Separate facilities for patients and staff must be provided;

(d) Adequate storage facilities must be provided;

(e) Provision for the handling of the dead must be made;

(f) The operator must enter into a contract with an approved service provider for the removal of all health care risk waste;

(g) Provision must be made for electricity supply in case of an emergency;

(h) Adequate equipment for sterilisation or preparation of instruments, dressings and other equipment must be made;

(i) Milk kitchen must be provided;

(j) Adequate sluice room must be provided;

(k) 8.5 square metre must be provided for each bed;

(l) Ward labels must be provided;

(m) adequate laundry facilities must be provided;

(n) The operator must provide staff accommodation;

CHAPTER 20

CARAVAN PARKS AND CAMPING GROUNDS

166. Definitions

For the purposes of this chapter, unless the context otherwise indicates

"**approved**" means approved by the Municipality, regard being had to the reasonable public health requirements of the particular case:

"**camp**" or "camping" means the erection or use of a temporary or movable structure for the purpose of human occupation, including tents but excluding non-folding caravans;

"**camping ground**" means an area of land on which accommodation is provided for camping purposes, whether or not a charge is made for such accommodation;

"**camp site**" means an area or plot of ground within a camping ground for the accommodation of camper's party:

"**camper's party**" means a party of not more than six persons;

"**caravan**" means a vehicle, with or without means of self-propulsion, designed and permanently constructed for sleeping or dwelling purpose, or both, intended for travel, recreation and vocational purposes and having no foundation other than wheels which may be supplemented by stabilizing jacks.

"**caravan park**" means an area of land on which accommodation is provided for three or more caravans, whether or not a charge is made for such accommodation:

"**caravan site**" means an area or plot of ground within a caravan park for the accommodation of a caravan and its towing vehicle, if any;

"**Park Home**" means a movable structure designed and manufactured for habitation purposes.

167. Camping Permit

No person shall without the written permission of the municipality, occupy or permit to be

occupied for human habitation, a caravan, camp, park home or other shelter of any description on un-serviced land except on an authorized camping or caravan site.

168. Requirements for Premises

(1) For each caravan or camp site there shall be provide a clearly demarcated and numbered level area of not less than 120 m² with a minimum width of 10m.

(2) In addition to the area required in terms of sub-section (1), there shall be provided, for recreational purposes, an area equal to at least 25% of the gross usable area of the caravan park or camping ground.

(3) Roadways not less than 5m in width, with a hardened surface, shall be provided so as to afford vehicle adequate access to all caravan or camp sites under all weather conditions, and such roads shall afford free access to a public road.

(4) The caravan park or camping ground shall be properly and attractively laid out and landscaped, and it shall be a condition that the plan as approved by the Municipality shall be adhered to in every detail by the licensee.

(5) Approved direction signs, indicating the water closets, urinals, ablution and other facilities required in the caravan park or camping ground in terms of these by-laws, shall be placed at approved points.

(6) A fence not less than 2m high and meeting with the approval of the Municipality shall be provided to enclose the entire area of the caravan park or camping ground.

(7) The entrance to the caravan park or camping ground, roadways, paths, water closets, urinals, ablution and other facilities, and firefighting and first aid points, shall be adequately illuminated during the hours of darkness.

(8) An adequate and constant supply of potable water, shall be available and one permanent stand pipe shall be provided in a convenient position for every four caravan or camp sites, and under every stand pipe tap there shall be a gully trap set in a dished and properly rendered surround and connected to an approved drainage system.

(9) All bath, showers and wash hand basins shall be provided with an adequate and constant supply of hot and cold running water and shall be fitted with waste pipes suitably trapped and discharging over and into an external gully connected to an approved drainage system.

(10) Every bathroom or shower cubicle shall have a door which is lockable from the inside and shall be provided with a built-in soap dish. In addition, every bathroom shall be provided with a seat and a wall hook or towel rail of at least 600 mm and every shower cubicle with a disrobing area suitably screened from the shower, a seat and a wall hook

or towel rail of at least 600 mm.

169. Sanitary Facilities

The following separate water closet and urinal accommodation shall be provided.

(1) *Males*: A minimum of one water closet and 750 mm of urinal space for every eight caravan or camp sites or part thereof. The bucket and channel of the urinal shall be of stainless steel or other approved material.

(2) *Females:* A minimum of two water closets and thereafter an additional water closet for every six caravan or camp sites or part thereof in excess of twelve sites. A bin with a self-closing lid shall be provided in each water closet.

(3) he internal wall surface of all bathrooms, shower cubicles and water closets shall be painted with a light coloured oil paint or shall be provided with a wall covering of an approved material.

(4) All water closets, urinals, ablution and other facilities shall be suitably designated and the entrances in the water closets, urinals and ablution facilities shall be screened from public view.

(5) An approved slop sink unit with an adequate and constant supply of cold running water shall be provided for caravanners and campers where chemical toilets receptacles shall be emptied and cleaned. The unit shall be installed within a separate compartment adjacent to an ablution block with access thereto for both sexes. The floor of such compartment shall be graded and drained to an approved drainage system.

(6) For every twenty caravan or camp sites or part thereof for the uses of caravanners or campers, a screened or enclosed drying yard and a laundry room equipped with a double bowl stainless steel laundry trough and an ironing board or table shall be provided. The laundry trough shall be provided with an adequate and constant supply of hot and cold running water and fitted with waste pipes suitably trapped and discharging over and into an external gully connected in an approved drainage system. An earthed 15 ampere socked outlet for a three-pin plug shall be fitted in the laundry room.

(7) For every twenty caravan sites or part thereof and for every ten camp sites or part thereof, there shall be provided under a roofed area, on an approved impervious floor, which shall be graded and drained to an approved drainage system, a double compartment wash-up sink unit for the washing of caravanners or camper's culinary utensils.

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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)

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Any person who contravenes any provisions of section 168 and 169 or any conditions imposed by the municipality is deemed to have committed an offence.

CHAPTER 21

KEEPING OF ANIMALS

170. Definitions

In this Chapter, unless the context otherwise indicates -

"**agricultural holding**" means the same as defined in the applicable Town Planning Scheme;

"**animal**" means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, reptile, insects and wild animal;

"**aviary**" means an enclosure used for the keeping of birds, other than poultry but does not include a portable cage;

"**battery system**" means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;

"**cattery**" means premises in or upon which –

(a) boarding facilities for cats are provided ; or

(b) cats are bred for commercial purposes;

"**enclosure**" in relation to an animal, means any kraal, pen, paddock, cage or other fenced or enclosed area erected to confine an animal from escaping of roaming freely on the remainder of the premises;

"**keeper**" means –

(a) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal;

(b) in relation to a battery system cattery, kennels, pet parlour or pet shop means the person who owns the business of which if it forms part of and the person in charge of the premise in which the animals are kept;

"**kennels**" means premises in or upon which –

(a) boarding facilities for dogs are provided;

(b) dogs are bred for commercial purposes;

(c) dogs are kept for the purposes of being trained or hired out with or without handlers; or

(d) dogs are kept for commercial security purpose;

"**livestock**" means horse, cattle, sheep, goats, pigs, mules, donkeys and poultry.

"**pet**" means a domestic animal, reptile, insect, bird or poultry kept in a household for companionship or amusement:

"**pet parlour**" means any premises where beauty treatment is given to pets by

washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

"**pet shop**" means the premises on which the business of keeping and selling of pets is carried out;

"**portable cage**" means a cage that can be carried around by hand or a cage mounted on wheels used for the keeping of one or more birds.

"**poultry**" means fowls, ducks, Muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

"**poultry house**" means an roofed-over building or structure in which poultry is kept, other than one in which a battery system is operated;

"**poultry run**" means any unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;

"**proclaimed township**" means an approved township as contemplated in the Town Planning scheme of the Municipality or a Township approved relating to any prior law relating to townships

"**rabbit hutch**" means any roofed-over building or structure in which rabbits are kept, other than one in which a battery system is operated;

"**rabbit run**" means any unroofed wire mesh or other enclosure in which rabbits are kept, whether or not it is attached to a rabbit hutch;

"**stable**" means any building or structure used to accommodate livestock other than poultry;

"**wild animal**" means an animal of a species that is not generally domesticated and without limitation includes all animals indigenous to South Africa other than domesticated guinea-fowls.

Part 1: General provisions relating to the keeping of animals

171. Application of chapter

(1) Subject to the provisions of subsection (2), the provisions of this Part do not apply to -

(a) any agricultural show where animal are kept on a temporary basis; and

(b) any laboratory where animals are kept for research purposes.

(2) The provisions of section 171 apply to the keeping of animals at any agricultural show and at research laboratory.

(3) No person may, subject to the provision of section 196, keep or allow to be kept, any animal other than an approved pet on an erf in a proclaimed township, provided the keeping of such pet does not create or constitute a nuisance

(4) If at any time it appears to an authorized official that the keeping of poultry or

rabbits on an erf or agricultural holding, in respect of which a permit has been granted, is likely to constitute a nuisance or danger to the public health, that official may -

(a) cancel the permit; or

(b) prohibit the keeping of such poultry or rabbits.

(5) An authorized official must serve a notice on the permit holder or the owner of the erf or agricultural holding concerned, informing him or her of a decision in terms of subsection (1) and instruct the owner to comply with the requirements within the period stated in such notice, which must be at least 48 hours.

(6) An authorized official must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.

(7) An authorized official may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

Part 2: Keeping of cattle, horses, mules and donkeys

172. Requirements for premises

(1) No person may keep any cattle, horse, mule or donkey in a stable or enclosure that does not comply with the following requirements:

(a) Every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;

(b) the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;

(c) the height of the walls to the wall plates of the stable must –

(i) if the roof is a pitched roof be 2,4 metres;

(ii) if the roof is a flat roof be 2,7 metres;

(iii) if the roof is a lean to roof be a mean height of 3 metres with a minimum of 2,4 metres on the lowest side;

(iv) in the case of a stable which has an opening along the entire length of one of its long sides be not less than 2 metres;

(d) the stable must have a floor area of at least 9m² for each head of cattle, horse, mule or donkey accommodated in it;

(e) lighting and ventilation must be provided by openings or glazed opening windows or louvers totaling at least 0,3 m² for each animal to be accommodated in it except in the case of a stable open along the entire length of one of its long sides;

(f) the lowest point of every opening , window or louvers must be at least 1,8 metres, above floor level;

(g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained in terms of section 197;

(h) an enclosure must have an area of at least 10m² for each head of cattle, horse, mule or donkey accommodated in it and the fencing must be strong enough to prevent the animals from breaking out;

(i) no enclosure or stable may be situated within –

(i) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or

(ii) 50 metres of any water resource or water supply intended or used for human consumption; and

(iii) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

173. Duties of keeper of cattle, horses, mules and or donkeys must –

Any person who keeps any cattle, horse, mule or donkey must -

(a) maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal, in a clean and sanitary condition and in good repair,

(b) provide portable manure storage receptacles of an impervious material and with close fitting lids;

(c) keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the stable or enclosure;

(d) if these is so much manure and bedding that storage receptacles are impractical, provide a manure container or area complying with the following requirements:

(i) The manure container or area must be roofed and enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish, and

(ii) the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 150 mm in a diameter and is kept filled with water

(e) remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage receptacles or manure container or area until it is

removed from the premises;

(f) remove the contents of the manure storage receptacles or manure container or area from the premises at least one every second day and dispose of the manure in a way which will not create a public health nuisance;

(g) remove all bedding from the stable at least once a week and store it in the manure receptacles or manure container or area until it is removed from the premises;

(h) store all saddles, bridles, harnesses and other equipment or articles use in connection with the keeping of the animals, in a storeroom or other adequate storage facility;

(i) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids; and

(j) Take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of cattle, horses, mules and donkeys.

Part 3: Keeping of goats and sheep

174. Application

The provision of section 174 and 175 also apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons

175. Requirements for premises

(1) No person may keep goats or sheep in –

(a) an enclosure which does not comply with the following requirements:

(i) the minimum overall floor area must be 30m²; and

(ii) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it, or

(b) a stable which does not comply with the following requirements:

(i) every wall must be constructed of brick, stone, concrete or other durable material;

(ii) every wall must be at least 2 metres in height and have a smooth internal finish;

(iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 197;

(iv) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6 m²; and

(v) lighting and ventilation opening totaling at least 0.15 m² per goat or sheep must be provided.

(2) No person may keep goats or sheep in an enclose or stable within -

(a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or

(b) 50 metres of any water resources or water supply intended or used for human consumption.

(3) Every person must provide a water supply adequate for dinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate goats or sheep.

176. Duties of keeper of goats and sheep

Any person who keeps goats or sheep must -

(a) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;

(b) provide portable manure storage receptacles of an impervious material and with close fitting lids;

(c) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;

(d) remove all manure from the enclosure or stable at least once every seven days and place it in the manure storage receptacles;

(e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance; and

(f) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.

(g) Take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of goats and sheep.

Part 4: Keeping of poultry

177. Application

The provisions of sections 179(d), (f), (g) and (e), do not apply to any person keeping ten or less poultry.

178. Permit requirement

No person may keep more than 10 poultry on an erf in a proclaimed township or 100 poultry on premises zoned for agricultural purposes except in terms of a permit authorizing that activity.

179. Requirement for premises

No person may keep poultry in premises which do not comply with the following requirements:

(a) In relation to a poultry house -

(i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;

(ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish;

(iii) the upper floor of a two or more story structure must be constructed of an impervious and easily cleanable material;

(iv) the minimum floor area must be -

(aa) 0,20 m² for each grown fowl, duck, muscovite duck or guinea fowl;

(bb) 0,5 m² for each grown goose, turkey or peacock; and

(cc) 0,14 m² for each grown pigeon; and

(v) the minimum aggregate floor area must be 4m²;

(b) a poultry run, if provided, must be enclosed with wire mesh or other durable material;

(c) in relation to a building or structure housing a battery system –

(i) every wall, if provided, must be at least 2,4m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;

(ii) If walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building or structure;

(iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by an Environmental Health Practitioner, the floor surface must be graded and drained by means of a channel drained in terms of section 197;

(iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges;

(v) the cages of the battery system must be made of an impervious material; and

(vi) if required by an Environmental Health Practitioner, a tray of an impervious material must be fitted under every cage for the collection of manure;

(d) a water supply adequate for drinking and cleaning must be provided in or next to every

poultry house and poultry run and in or next to a building or structure housing a battery system;

(e) no poultry house, poultry run, or building or structure housing a battery system, may be constructed within 3 metres of –

(i) any dwelling or other building or structure used for human habitation; and

(ii) any place where foodstuffs are stored or prepared for human consumption; or

(iii) the nearest boundary of any land;

(f) feed must be stored in an adequate rodent-proof storeroom,

(g) adequate washing facilities must be provided for the cleaning of the cages;

(h) If required by an Environmental Health Practitioner, due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:

(i) A roofed platform constructed of concrete or other impervious material;

(ii) the platform's outside edges must have a minimum curb of 100 mm high;

(iii) the platform must be graded and drained in terms of section 197 and

(iv) the roof of the platform must extend a minimum of 1 meter beyond the edges of the base of the platform.

180. Duties of keeper of poultry

Any person who keeps poultry must-

(a) ensure that all poultry is kept within a poultry run or building or structure housing a battery system;

(b) maintain the premises and any equipment, apparatus, container or receptacle used in connection will keeping the poultry, in a clean, sanitary condition and in good repair;

(c) maintain the premises and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;

(d) ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;

(e) provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform;

(f) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every four days form a building or structure housing a battery system;

(g) place the manure and other waste matter in manure storage receptacles;

(h) remove the contents of the manure storage receptacles from the premises at least once

every seven days and dispose of the manure in a way which will not create a public health nuisance; and

(i) take adequate measure to keep the premises free of flies, cockroaches and rodents and to prevent offensive odours arising from the keeping of poultry on the premises.

Part 5: Keeping of rabbits

181. Application

The provisions of section 183(b), (c), (d), (f) and (g), do not apply to any person keeping ten or less rabbits.

182. Permit requirement

No person may keep more than 5 adult rabbits on an erf in a proclaimed township or more than 20 adult rabbits on premises zoned for agricultural purposes, except in terms of a permit authorizing that activity.

183. Requirements for the premises

No person may keep rabbits in premises which do not comply with the following requirements:

(a) In relation to a rabbit hutch -

(i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;

(ii) the floor surface must be –

(aa) constructed of concrete or other impervious material brought to a smooth finish;

(bb) situated at least 150 mm above ground level, and

(cc) graded to a channel drained in terms of section 197, if required by an Environmental Health Practitioner,

(iii) adequate ventilation must be provided; and

(iv) the rabbit hutch must be adequate in size to allow free unobstructed movement of animals kept therein.

(b) any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;

(c) in relation to a building or structure housing a battery system –

(i) every wall must –

(aa) be at least 2,4 metres high;

(bb) be constructed of concrete, stone, brick or other durable material; and

(cc) must have a smooth internal surface;

(ii) if walls are provided, the building or structure must be ventilated and lighted by means of natural openings or windows of an area not less than 15% of the floor area of the building or structure;

(iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an Environmental Health Practitioner, the floor surface must be graded to a channel drained in terms of section 197;

(iv) if no walls are provided, or walls are made of metal, the floor must be provided with curb at least 150 mm high around its outside edges; and

(v) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;

(d) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing battery system;

(e) no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres of -

(i) any dwelling, building or other structure used for human habitation;

(ii) any place where foodstuffs are stored or prepared for human consumption; or

(iii) the nearest boundary of any land;

(f) an adequate rodent-proof storeroom must be provided for the storage of feed, and

(g) adequate washing facilities must be provided for the cleaning of cages.

184. Duties of keepers of rabbits

Any person who keeps rabbits must -

(a) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;

(b) maintain the premises and any equipment, apparatus, containers or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;

(c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free form pests,

(d) provide portable manure storage receptacles of an impervious material with close-fitting lids which receptacles must be kept on a platform;

(e) remove all manure and any other waste matter form the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;

(f) keep the manure and waste in manure storage receptacles until it is removed from the premise; and

(g) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create public health nuisance.

(h) take adequate measures to keep the premises free of pests.

Part 6: Keeping of birds other than poultry

185. Requirements for the premises

No person may keep any bird, other than poultry, in an aviary which does not comply with the following requirement:

(a) the aviary must be constructed of durable rodent-proof material;

(b) adequate access must be provided for cleaning purpose;

(c) if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300 mm above ground level;

(d) the aviary may not be situated within three metres of any building or structure, boundary fence or boundary wall; and

(e) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

186. Duties of keepers of aviaries

Any person who keeps birds in an aviary must -

(a) ensure that the aviary and the premises are kept in a clean condition and free from pests;

(b) provide and use rodent-proof facilities for the storage of bird food; and

(c) ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public.

Part 7: Kennels and catteries

187. Requirements for premises

No person may use premises as kennels or cattery except in terms of a permit authorizing that activity and unless the premises comply with the following requirements:

(a) every dog or cat must be kept in an enclosure which complies with the following requirements:

(i) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;

(ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width

of the floor, which channel must be graded and drained into a gully connected to the Municipality's sewer by means of a pipe 100 mm in diameter; and

(iii) a curb 150 mm high must be provided along the edge of the channel, referred to in subparagraph (ii), to prevent any storm water runoff entering the channel; and

(iv) the enclosure must be adequate in size to allow free unobstructed movement of animals kept therein.

(b) subject to the provisions of paragraph (c) every enclosure referred to in paragraph (a), must be provided with an adequate roofed shelter that complies with the following requirements:

(i) every wall must be made of brick, stone, concrete or other impervious material;

(ii) every wall must have a smooth internal surface;

(iii) the floor must be made of concrete or other impervious material brought to a smooth finish; and

(iv) every shelter must have adequate access for cleaning and eliminating pests;

(c) a dog kennel which complies with the following requirements may be provided instead of the shelter contemplated in paragraph (b):

(i) the kennel must be constructed of an approved weatherproof and insulating material or other similar material;

(ii) the kennel must be movable;

(iii) the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and

(iv) a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;

(d) a concrete apron extending at least one metre wide around the edges of the enclosure must be provided;

(e) the apron must be graded and drained in a way that drains storm water away for the enclosure;

(f) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;

(g) any cage in which cats are kept must be constructed of durable impervious material and in a manner that it may be easily cleaned; and

(h) no shelter, enclosure or kennel may be situated within five metres of any –

(i) dwelling or other building or structure used for human habitation;

(ii) place where food is stored and prepared for human consumption; or

(iii) the boundary of the premises.

188. Food preparation areas

Any keeper of kennels or cattery who is so instructed by an Environmental Health Practitioner must provide a separate room or roofed area for the preparation of food which complies with the following requirements:

(a) The floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;

(b) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;

(c) adequate washing facilities for food bowls and utensils must be provided; and

(d) a rodent-proof storeroom must be provided for the storage of food.

189. Duties of a keepers of kennels or catteries

Any person operating kennels or a cattery must -

(a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;

(b) provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces;

(c) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (b);

(d) remove the contents of the storage receptacles from the premises at least twice every seven days and dispose of it in a manner that will not create a public health nuisance;

(e) store all loose food in receptacles, with close fitting lids, in the food store;

(f) provide adequate refrigeration facilities to store perishable foods on the premises;

(g) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;

(h) keep any sick dog or cat isolated from any other animals; and

(i) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests.

(j) ensure that no dog or cat disturbs the comfort, convenience, peace and quiet of the public.

Part 8: Pet shops and pet parlours

190. Requirements for premises

No person may operate a pet shop or pet parlour in or on any premises which do not comply

with the following requirements:

(a) Any wall and partition must -
  (i) be constructed of brick, concrete or other impervious material;
  (ii) have a smooth and easily cleanable internal surface; and
  (iii) be painted with a washable paint or other adequate finish:

(b) all floors surface must be constructed of concrete or other impervious material brought to a smooth finish;

(c) all ceilings must be dust proof and easily cleanable;

(d) at least one wash hand basin, with a supply of running hot and cold potable water must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15

(e) the wash hand basins, referred to in subparagraph (d), must be drained in terms of section 197;

(f) adequate storage facilities must be provided;

(g) facilities for the washing of cages, trays and other equipment must be provided in the form of ether –
  (i) a curbed and roofed over platform with a minimum surface area 1,5m² , raised at least 100 mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or
  (ii) a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;

(h) the platform, sink or trough referred to in paragraph (g) must be drained in terms of section 1987

(i) any wall surface within 0,5 metres of the platform, sink or trough referred to in paragraph (g), must be permanently covered with waterproof material to minimum height of 1,4 metres above the floor;

(j) a clearly designated change room must be provided if more than six persons are employed on the premises and every change room must –
  (i) have a floor area providing at least 0,5m² for each employee;
  (ii) have a minimum overall floor area of 6m² and width of two metres; and
  (iii) be equipped with an adequate metal locker for each employee;

(k) if no change room is required in terms of paragraph (j) each employee must be provided with an adequate metal locker;

(l) for the purposes of washing, clipping or grooming of pets –

(i) a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided;

(ii) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;

(iii) at least 50 % of the floor area of the rooms referred to in subparagraphs (i) and (ii), must be unobstructed; and

(iv) the floors of the rooms referred to in subparagraphs (i) and (ii), must be graded to a channel drained in terms of section 197;

(m) all buildings, including storage areas, must be rodent-proof; and

(n) the premises may not have direct internal access with any room or place –

(i) used for human habitation;

(ii) where clothing is stored or sold; or

(iii) where food is prepared, stored or sold for human consumption

191. Duties of pet shop or pet parlour keepers

Any keeper of a pet shop or pet parlour must -

(a) provide cages for housing the pets which comply with the following requirements:

(i) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning;

(ii) the exterior cavity of any tubular or hollow material used to construct a cage must be sealed;

(iii) the cages must be able to be moved easily;

(iv) where rabbits are kept in a cage, the metal floor –tray referred to in subparagraph (i), must be drained to a removable receptacle;

(v) the cages must be fitted with a drinking vessel filled with water;

(vi) the distance from any cage to the nearest wall must be a minimum of 150 mm;

(vii) the cages must be kept a minimum of 450 mm above floor level, and

(viii) the space below every cage must be unobstructed;

(b) provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the storage facilities required in terms of section 189 (d)

(c) provide adequate refrigeration facilities to store all perishable pet food on the premises;

(d) ensure that in any room in which the pets are kept –

(i) 50% of the floor space is unobstructed; and

(ii) the cages are placed a minimum of 800 mm from one another;

(e) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop or pet parlour, in a clean and sanitary condition, free from pests and in good repair;

(f) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;

(g) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;

(h) provide an adequate supply of potable water for drinking and cleaning purposes;

(i) provide adequate ventilation to ensure the comfort and survival of the pets; and

(j) ensure that the number of pets contained in each cage does not impede their free movement.

Part 9: Keeping of wild animals

192. Requirements for the premises

No person may, without the approval of the relevant nature conservation authorities, keep wild animals on premises which do not comply with the following requirements:

(a) Every wild animal must be kept in an enclosure and/or housing constructed and equipped as follows:

(i) the enclosure and/or housing must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;

(ii) the enclosure and/or housing may not be situated within 50 metres of –

(aa) any boundary of the premises;

(bb) any dwelling, building or structure used for human habitation;

(cc) any dwelling, building or structure where food is stored, handled or prepared for human consumption; or

(dd) any water resource intended for domestic consumption;

(iii) an adequate supply of potable water for drinking and cleaning purposes must be provided; and

(iv) the enclosure and/or housing must be graded and drained in a way that does not pollute any water resource or create a public health nuisance,

(b) a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and drained in accordance with section 197, must be provided

for the preparation of food;

(c) adequate facilities must be provided for washing any cages, trays, crate, refuse receptacles and food containers in the form of either –

(i) a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or

(ii) a stainless steel sink or trough adequate in size to accommodate the equipment to be washed;

(d) both facilities referred to in paragraph (c) must be provided with a supply of running water adequate for drinking and cleaning and be drained in accordance with section 197;

(e) any area and room in which fodder and food are stored must be rodent-proof; and

(f) the enclosure and/or housing must be adequate in size to allow free unobstructed movement of animals kept therein.

193. Duties of keepers of wild animals

Any person who keeps wild animals must -

(a) maintain the premises in a clean and sanitary condition at all times;

(b) clean all manure and food scraps from any enclosure and/or housing at adequate intervals;

(c) prevent the soil beneath or around any enclosure and/or housing from becoming saturated with urine or polluted by any other matter or liquid; and

(d) remove all bedding from any housing at least once every seven days and store it in a manure receptacle or manure container or area, until is removed from the premises.

Part 10: Keeping of pigs

194. Requirements for premises

No person may keep pigs on premises which do not comply with the following requirements

(a) Every wall must –

(i) be constructed of brick, stone, concrete or other durable material;

(ii) have a minimum height of 1,5 metres; and

(iii) have a smooth , impervious internal surface;

(b) the floor area must provide at least 3m² for each pig accommodated in the pigsty, with an overall minimum floor area of 6m²;

(c) the roof over any portion of a pigsty must have a minimum height of 1,5 metres;

(d) except in the case of a roofed structure having one of its long sides completely open, the

lighting and ventilation openings must –

(i) be situated opposite one another in the external walls, and

(ii) provide a minimum of 0,15 m² for each pig;

(e) the floor must be –

(i) at least 150 mm above the surrounding ground level;

(ii) constructed of concrete or other durable and impervious material brought to a smooth finish; and

(iii) graded for the run-off liquids into an open channel outside the pigsty;

(f) the open channel referred to in paragraph (e)(iii) must -

(i) be constructed of concrete or other durable and impervious material;

(ii) be a minimum of 100 mm in diameter; and

(iii) be drained in terms of section 197;

(g) the pigsty must be strong enough to prevent the pigs breaking out,

(h) the pigsty may not be situated within 100 metres of –

(i) the boundary of the premises;

(ii) any dwelling, building or structure used for human habitation;

(iii) any place where foodstuffs are stored or prepared for human consumption; or

(iv) any water resource intended for domestic consumption;

(i) a roofed over concrete platform must be provided for -

(i) the storage of all swill in containers; and

(ii) the preparation of pig feed;

(j) the platform referred to in paragraph (i) must comply with the provisions of paragraph (e) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and

(k) a water supply, adequate for drinking and cleaning purpose, must be provided in or adjacent to the pigsty.

195. Duties of keepers of pigs

Every person keeping pigs must -

(a) ensure that every pig is kept within a pigsty;

(b) maintain the premises and any equipment, apparatus, containers and receptacles concerned in a clean and sanitary condition and in good repair;

(c) provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;

(d) keep all manure storage receptacles on a platform that compiles with the provisions of section 194 (j);

(e) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;

(f) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance;

(g) provide a rodent-proof store-room of adequate size in which all feed, other than swill, must be stored; and

(h) provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

Part 11: Keeping of pets

196. Duties of keepers of pets

Any person who keeps pets must -

(a) maintain the premises in a clean and sanitary condition at all times;

(b) clean all manure and food scraps from any premises at adequate intervals;

(c) prevent the soil beneath or around any premises form becoming saturated with urine or polluted by any other matter or liquid

Part 12: General provisions

197. Drainage

Any person keeping animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of this Chapter, are drained in accordance with the provisions of the National Building Regulations and Building Standards

198. Requirements for keeping of bees

(1) No person may keep bees on any premises unless –

(a) that person is the holder of a permit authorizing that activity; and

(b) every bee hive is situated –

(i) a minimum of five metres from any boundary of the premises; and

(ii) a minimum of twenty metres from any public place or building used for human habitation or from any place used for the keeping of animals, poultry and birds;

(c) the bees are kept in an approved bee hive, and

(d) the bee hive is –

(i) kept in an area inaccessible to children and animals;

(ii) kept in the shade at all times; and

(iii) supplied with a source of drinking water within five metres of the hive.

(2) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive.

199. Illness attributable to animal, poultry or birds

(1) he illness of any person, which may be attributed to any animal, poultry or bird kept or handled by that person, must be report to an Environmental Health Practitioner within 24 hours of diagnosis, by the person making the diagnosis.

(2) An Environmental Health Practitioner may order the removal of an animal, poultry or bird from premises if he or she reasonably believes that the animal poses a public health nuisance or public health hazard.

CHAPTER 22

RITUAL SLAUGHTER

Keeping of and slaughtering animals for religious and ceremonial purposes

200. Requirements

(1) A person intending to slaughter an animal in any place other than in recognizes abattoir must

(a) notify the Municipality in writing, fourteen days prior to the event; and funerals are excluded from the minimum of 14 days notification period, a reasonable prior notification must be submitted to the municipality and;

(b) submit prior written permission from the owner, tenant or person in control of the land where such a slaughtering will occur if the person who performs the slaughtering is not the owner, tenant or person in control of the relevant land; if the applicant is the owner, proof of ownership must be submitted with the application.

(c) obtain prior written permission from Municipality to conduct such a slaughtering.

(d) slaughter the animal in a position where the slaughtering cannot be observed by any person on neighbouring premises or any member of the public;

(e) use the meat derived from the slaughtered animal solely for the purpose of the religious or ceremonial feast;

(f) handle the meat in a hygienic manner at all times;

(g) dispose of any portions, faecal deposits and blood of the animal which are not used or consumed, in a manner which will not become a public health hazard or

public health nuisance; and

(h) not keep such animal on the premises prior to slaughtering for a period in excess of 24 hours;

(i) ensure that the animal does not cause a noise nuisance or disturbing noise whilst being kept for slaughter or being slaughtered.

(j) take care not to soil the carcass with the bowl contents. Any part of the carcass soiled in this way may have to be discarded.

(k) Ensure an animal to be slaughtered must be securely held or tied up properly so that the slaughtering can be done quickly and without subjecting the animal to excessive pain and suffering.

(l) Ensure that the knife used for the slaughter should be sharp and clean and hot water provided for washing it.

(m) Ensure that the slaughtered animal should be hung by its hind legs to drain of all the blood and the offal intestines, head, trotters, lungs, heart, tripe as well as other internal organs should be removed.

(n) Be informed that keeping of privately slaughtered meat in a butchery or any food establishment without the permission of the Environmental Health Practitioner concerned is not allowed.

(o) Ensure that if the carcass/offal or part thereof is found to be diseased or soiled it must be disposed of in a manner agreed to by the Environmental Practitioner concerned.

(2) A person intending to slaughter an animal for religious and/or ceremonial purposes may require the service of an Environmental Health Practitioner for post-mortem examination of the slaughtered animal at a cost determined by Municipality from time to time.

(3) The permission of the local Police Authority may be required if it is the intention to use a firearm or similar devise for slaughtering the animal.

(4) An application to conduct ritual slaughter must be made in terms of Regulation R677 of the Abattoir Hygiene Act 1992 (Act no.121 of 1992) as amended– relating to exemptions of persons who slaughter animals under the exemption of Section 3(1) of the Act . A permit must be issued by the Municipality prior to the slaughtering on the premises. (**Annexure 5 and 5B).**

CHAPTER 23

OPERATION AND MANAGEMENT OF INITIATION SCHOOLS

201. Definitions

(1) "**Abduction or kidnap**" means taking a person forcefully without his consent or in the case of a minor without the consent or permission from parents or guardian.

(2) "**Circumcision**" means the surgical removal of the foreskin including any external genitalia by traditional practitioner, medical practitioner or any person registered as such.

(3) "**Culture**" means a traditional way of doing things and shall include habits, norms, mores, ethics and values.

(4) "**Health Officer**" means a person who holds such qualifications which entitles him/her to be registered as a medical practitioner, or Environmental Health Practitioner or nursing personnel and appointed to exercise the provision of these guidelines according to their professional practices.

(5) "**Initiate**" means a person who has been admitted in the circumcision or initiation school for the purpose of being circumcised.

(6) "**Initiation Schools**" means a cultural institution or place where circumcision is carried out and registered in terms of this document and circumcision school shall have the corresponding meaning.

(7) "**Police Officer**" means any person appointed by the South African Police Service or the Municipality as a police or peace officer.

(8) "**Overseer**" means a person who looks after initiates.

(9) "**Traditional Surgeon**" means a traditional healer who performs the circumcision and includes any person who has been trained to do so and complies with the necessary requirements.

202. Reporting and registration of an Initiation school

(1) An accredited person who intends opening an Initiation School for the purpose of circumcision, shall submit a written application to the Municipality accompanied by a Certificate of Compliance completed by an Environmental Health Practitioner employed by Municipality.

(2) The Municipality shall upon receipt of such a letter of intention to operate an Initiation School, issue the prescribed consent form as reflected in **Annexure 2** and **Annexure 3**.

(3) Such consent form shall be completed and submitted to the Municipality within a reasonable period not exceeding thirty days prior the commencement of an Initiation

School. No Initiation Sch`ool will commence before due process to inform the municipality have been acknowledge by the Municipality.

(4) The Environmental Health Practitioner in the employment of the Municipality shall issue the applicant with a list of requirements which must be complied with before a registration certificate can be issued **Annexure 3B**.

(5) The Environmental Health Practitioner shall after conducting an inspection of the proposed Initiation School, grant a registration certificate conditionally or unconditionally.

(6) A registration certificate shall be issued if minimum requirements pertaining to water, shelter and sanitation have been complied with.

(7) No person shall open, operate or conduct any activity pertaining to the operation and management of an Initiation School without being registered with the Municipality.

203. Permission to conduct an Initiation school

Any medical practitioner, or traditional health practitioner and/or any person or traditional surgeon authorized in writing as competent by the Municipality may conduct male circumcision.

204. Admission to an Initiation School.

(1) Any male person who is eighteen (18) years of age or above may be admitted to an initiation School.

(2) The parent or guardian of any male initiate who is below the age of eighteen (18) years must give a written consent before the male initiate being admitted to an Initiation School (**Annexure 2**)...

(3) Any male person below the age 18 years, who submits himself to an Initiation school without the parent's consent, shall be detained temporally before being admitted to an Initiation School.

(4) The Municipality shall be informed accordingly and shall in turn receive the consent of the parents or guardians.

(5) No person may abduct or kidnap any person to an Initiation School.

(6) Any person who abduct or kidnaps any person to an Initiation School, shall be charge by the police officers for criminal acts.

205. Closure of an Initiation School

The Municipality may close any Initiation School which has been operating without being registered with the Municipality.

206. Establishment of an Initiation School advisory committee

(1) The Municipality shall establish an Initiation School Advisory Committee within its area of jurisdiction which shall receive all appeals and ensure the smooth management of the initiation schools.

(2) The advisory committee may advise the Municipality to close any Initiation School if in its opinion the initiates' health is at risk.

(3) Each of the following affected stakeholders shall have at least one representative on the initiation advisory committee:-

(a) Medical, nursing, environmental health and emergency medical services.

(b) The South African Police or Metro Police.

(c) The Traditional Healers Association.

(d) The Department of Education.

(e) The civic association.

(f) The association for the Initiation School fraternity.

(g) The local hospital.

207. Duties of a traditional surgeon at an Initiation School

(1) The traditional surgeon shall ensure that the initiates submit a premedical examination certificate prior to being admitted to an Initiation School. **Annexure 4.** The certificate shall state clearly that the initiate is free from any medical condition which may cause unnecessary complications after the circumcision.

(2) Any authorized traditional surgeon may conduct an Initiation School and shall immediately after that take the necessary measures to stop bleeding.

(3) The traditional surgeon shall thereafter treat the initiates with medicines as recommended by the medical practitioner to stop unnecessary bleeding and to prevent any possible sepsis.

(4) The removed body parts (e.g. foreskins) shall be disposed of as approved by an Environmental Health Practitioner.

(5) The instruments used for circumcising must be used once per initiate unless sterilized accordingly.

208. Duration of an Initiation School.

(1) An Initiation School shall be conducted for a period of three to four months to allow healing.

(2) A school calendar of the Department of Education shall be followed in the event that school going initiates under the age of eighteen are admitted in an Initiation School

and shall be conducted during the school holidays unless initiates are not in attendance of any formal education.

209. Treatment of initiates

(1) No initiate shall be subjected to any unnecessary suffering or punishment of any nature.

(2) An initiation School teacher or any person are free to teach the initiates the cultural language, idioms and poems without any form of intimidation or interrogation.

(3) No initiate shall be refused any water or food to the extent that it may result in starvation or dehydration.

(4) Adequate sanitary facilities shall be provided for the initiates.

(5) Initiates must be protected against extreme temperatures especially cold during winter.

(6) Initiates who appear to be developing septic wounds shall be referred to the medical practitioner for further treatment.

(7) An Initiation School shall identify at least one medical practitioner of their choice who shall assist them for referral purposes and in case of an emergency.

210. Cultural ethics and inspection of an Initiation School

(1) The Municipality, South African Police Service, and where necessary the Department of Education shall identify one or more persons with a medical, nursing or environmental health, background who are well conversant with the proceedings at an initiation School to conduct regular visits to an Initiation School.

(2) The environmental health practitioner, medical officer or nurse shall during their visits take into consideration the environmental hygiene, medical and nursing aspects of an Initiation School and general health conditions of the initiates.

(3) Such officers shall at all times keep themselves well informed or up to date with proceedings of an Initiation School to avoid any conflict which may arise.

(4) Any matter which in the discretion of the said officers contravenes these By-laws shall be reported to the relevant authority.

(5) No circumcision on females of any description shall be performed within the area of jurisdiction of the Municipality.

CHAPTER 24

DISPOSAL OF THE DEAD

211. Definitions:

In these By Laws –

"**the Act**" shall mean the National Health Act 2003, (Act 61 of 2003) as amended, and any expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates-

"**adequately ventilated and illuminated**" means adequately ventilated and illuminated as laid down in the Standard Building Regulations enacted in section 14(b) of the Standards Act, 1962 (Act 33 of 1962), or the health regulations applicable within the area of jurisdiction of the local authority concerned;

"**approved**" means approved by the local authority concerned;

"**approved container**" means a coffin or other approved containers;

"**cadaver**" refers to a corpse or a dead body (mortal remains and human remains/human waste shall have a corresponding meaning);

"**certificate of competence**" means a document contemplated in section 214 (a) of this By Law;

"**certificate holder**" means the person in whose name a certificate of competence has been issued;

"**crematorium**" means a place used for the purpose of burning or cremating a corpse and includes every part of those premises;

"**corpse**" means a dead human body or its remains whether decomposed or otherwise;

"**embalming**" means the treatment of human remains in order to prevent decay;

"**environmental authorization**" means an authorization as defined in the National Environmental Management Act 1998, (Act 107 of 1998)

"**Environmental Health Practitioner**" shall mean a person registered as such in terms of the Health Professions Act, 1974 (Act 56 of 1974) and who performs functions as listed in the Scope of Professions of Environmental Health (Govt. Notice No. R698, 26 June 2009);

"**funeral undertaker's premises**" shall mean premises that are used or intended to be used for the preparation and storage of corpses and may undertake funeral and burial services;

"**embalmer**" means a person who embalms corpses; something which preserves and prevents decay

"**import permit**" means the permit issued by the Director-General or delegated Provincial Head of the Department authorizing the importation of mortal remains into South Africa;

"**mortal/human remains**" means the remains of a dead person in any form (corpse has a corresponding meaning);

"**municipality**" means a relevant municipality as established under section 155 of The Constitution, Act, 1996 (Act No. 108 of 1996) as amended;

"**preparation**" means any action aimed at the preparation of a corpse for a funeral or for cremation, export or other disposal and shall include the embalming of such corpse for the said purposes, and "**prepare**" and any word derived there from shall have a corresponding meaning;

"**potable water**" means water which complies with the SANS 241 of 2011 with regards to its chemical, microbiological and physical quality or any subsequent amendments, Pure water has a corresponding meaning;

"**rodent proof**" means rodent-proof as laid down in the regulations 2(a) and (b) promulgated by Government Notice R.1411 of 23 September 1966 and any subsequent amendments;

Part 1: Funeral undertaker's premises and mortuaries

212. Application

These By Laws shall apply to-

(a) Any private or public mortuaries including those in the police services and hospitals under the control of the State or any department in any sphere of Government;

(b) Any natural person who is not in the service of a funeral undertaker and who does not, either directly or indirectly, undertake or arrange funerals but only prepares corpses. The preparation of such corpses shall only take place on fixed premises and must be used specifically for such purpose.

213. Exemption

Exemptions to these By Laws are-

(a) A municipality may, in writing exempt any person from compliance with all or any of these By Laws where, in the opinion of the municipality, non-compliance does not or will not create a nuisance; and that

(b) Such exemptions shall be subject to such conditions and valid for such a period as the municipality may, stipulate in the certificate of exemption.

Part 2: Certificate of competence

214. Issue of a certificate of competence

(a) No person shall prepare any corpse except on funeral undertaker's premises or mortuary in respect of which a certificate of competence has been issued by the Environmental Health Practitioner and is in effect, this condition shall also apply to sub -section (b)

below.

(b) A municipality may, if it is satisfied that nuisance exist on funeral undertaker's premises or mortuary situated in its area of jurisdiction, issue a written notice to the enterprise in question to stop all activities connected with the preparation of corpses until the nuisance referred to in the notice has been eliminated.

215. Application for the issue or transfer of a certificate of competence

(1) Any person wishing to apply for a certificate of competence in respect of new funeral undertaker's premises shall, not less than 21 days before submitting his application to the municipality concerned, cause a notice to be published in one of the official languages in a newspaper that appears mainly in that language, and in the other official language in a newspaper that appears mainly in the latter, where each of the said newspapers circulates in the area in which such premises are situated, or shall, where separate newspapers in each of the official languages do not so circulate, cause such notice to be published in both official languages in a newspaper that so circulates.

(2) Such notice shall contain information to the effect that an application for the issue of a certificate of competence in terms of these By Laws is to be submitted to the municipality mentioned in the notice and that any person who will be affected by the use of such funeral undertaker's premises or mortuary and wishes to object to such use shall lodge his/her objection, together with substantiated representations, with the municipality concerned in writing within 21 days of the date of publication of such notice.

(3) An application for the issue or transfer of a certificate of competence shall be made in writing by the applicant or his authorized representative to the municipality in whose area of jurisdiction funeral undertaker's premises fall on such form as the municipality may require.

(4) An application for the issue of a certificate of competence shall be accompanied by-

(i) a description of the premises and the location thereof;

(ii) a complete ground plan of the proposed construction or of existing buildings on a scale of 1:100;

(iii) a block plan of the premises on which north is shown indicating which adjacent premises are already occupied by the applicant or other persons and for what purpose such premises are being utilized or are to be utilized; and

(iv) Particulars of any person other than the holder or any of his employees who prepares or will prepare corpses on the premises.

(5) A municipality, when considering issuing or transferring a certificate of competence, may request from the applicant or any other person any such further information as to enable it to properly consider the application concerned.

(6) No municipality shall consider any application for the issue or transfer of a certificate of competence unless a complete inspection of the premises concerned has been carried out by an Environmental Health Practitioner employed by the relevant municipality and his/her report including recommendation on such inspection, is available to the municipality.

216. Issue or transfer of certificate of competence

Where a municipality, after consideration of an application for the issue or transfer of a certificate of competence, the report concerned by an Environmental Health Practitioner, including his/her recommendation, and any objections to the use of funeral undertaker's premises or mortuary, is satisfied that the premises or mortuary concerned-

(a) comply with all requirements laid down in these By Laws;

(b) are in all respect suitable for the preparation of corpses; and

(c) will not be offensive to any occupant of premises in the immediate vicinity of such premises,

it shall, issue a certificate of competence in the name of the holder in such form as it may determine or shall by endorsement transfer an existing certificate of competence to a new holder subject to conditions as may be necessary, as the case may be.

217. Validity and transfer of certificate of competence

A certificate of competence, excluding a provisional certificate of competence shall on endorsement by the issuing authority, be transferable from one holder to a new holder and such certificate shall be valid from the date on which it was issued until it is revoked or suspended.

218. Issue of provisional certificate of competence

(1) If the municipality is not satisfied as contemplated in section 217, read with sub- section 2 and 3 below, with regard to funeral undertaker's premises in respect of which a certificate of competence has been applied for, a municipality -

(a) shall, in the case of existing funeral undertaker's premises; and

(b) may, in all other cases, subject to such conditions as such municipality may determine in general or in each specific case, issue a provisional certificate of competence in respect of such premises for a maximum period of only 6 months to enable the applicant to alter such premises to comply with the provisions of

these By Laws provided that the use of such funeral undertaker's premises or mortuary does not and will not create a nuisance.

(2) Provisional certificate may not be extended unless the concerned municipality is satisfied that the owner or representative thereof is in the process of making the necessary changes as prescribed in sub-section (1) above.

(3) Any such extension in sub-section 2 above will be granted for a period of not more than 12 months.

219. Duties of holder

(1) The certificate holder shall immediately inform the issuing authority in writing, if there are any changes in the particulars supplied to the issuing authority in the application for the certificate of competence concerned.

(2) Failure by the holder or a person in charge/authorized person to comply with this By Law shall constitute an offence.

220. Suspension or revocation of a certificate of competence or provisional certificate of competence

(1) If a municipality in whose area of jurisdiction funeral undertaker's premises or a mortuary are used by virtue of a certificate of competence or a provisional certificate of competence is of the opinion of an Environmental Health Practitioner that there are reasonable grounds to suspect that-

(a) such premises are being used in a way that is hazardous to health, or that conditions entailing a hazard to health have been or are being created on such premises; or

(b) such premises are being used in contravention of the provisions of these bylaws and National and Provincial legislation or the conditions to which such certificate of competence or provisional certificate of competence is subject, such municipality may, serve a written notice on the holder or the person in charge of such premises in which the holder is instructed to remove such health hazard from the premises, to ease the use of the premises in contradiction with the certificate of competence or provisional certificate of competence and or to also furnish reasons, at a place and a time specified in such notice, why such certificate should not be dealt with

(2) A municipality may suspend a certificate of competence or provisional certificate of competence immediately on the strength of a report by an Environmental Health Practitioner in the service of the municipality concerned, stating that the hazard referred

to in sub-section (1)(a) is a nuisance and a health risk and recommending such suspension.

(3) A notice referred to in sub-section (1) shall set out such particulars are adequate to inform the holder concerned why the withdrawal of the certificate is contemplated and shall be served by the municipality concerned not less than 21 days prior to the date specified in such notice.

(4) Any funeral undertaker who fails to comply with the notice served on him/her in terms of these bylaws is guilty of an offence.

(5) Any funeral undertaker who feels his rights are affected by a decision delegated by the municipality may appeal against the decision by giving written notice of the appeal and the reasons therefore in terms of Section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000) to the Municipal Manager within 21 days of the date of the decision.

221. Requirements relating to funeral undertaker's and mortuary premises

(1) Provision for at least the following shall be made on funeral undertaker's and mortuary premises:

(a) A preparation room for the preparation of corpses.

(b) Change-rooms, separate for each sex, for the use of the employees employed at such premises.

(c) Refrigeration facilities for the refrigeration of corpses.

(d) Facilities for the washing and cleansing of utensils and equipment inside the building.

(e) Facilities for the cleansing of vehicles on such premises.

(f) Facilities for the loading and unloading of corpses as contemplated in sub-section 7.

(2) No room on funeral undertaker's premises or mortuary shall be used for any purpose other than the purpose for which it is intended and no act other than an act related to the said purpose shall occur in such room.

(3) Such preparation room-

(a) shall be so designed as to-

(i) be separated from all other rooms on the premises and as not to communicate directly with any office or salesroom: Provided that, where a preparation room on existing funeral undertaker's premises so communicates, the entrance thereto shall be so concealed that the interior

thereof is completely out of the sight of any person in such office or salesroom;

(ii) enable obnoxious odours and vapours to be adequately treated; and

(iii) be sufficiently ventilated and lighted;

(b) shall have a floor-

(i) covering an area of not less than $16m^2$ for the first table of the kind referred to in paragraph *(e)* and $8m^2$ for each additional such table;

(ii) constructed of concrete or similar waterproof material with a smooth non slippery surface that is easy to clean, and sloped at an angle to ensure that any run-off will drain into an approved disposal system; and

(iii) which, if it is replaced or laid after the date of commencement of these By Laws, shall be provided with half-round filling where it meets the walls;

(c) shall have walls the inner surfaces of which have a smooth finish and are covered with a light-coloured washable paint or other approved, suitable and waterproof paints;

(d) shall be provided with a ceiling not less than 2,4 m above the floor level, which ceiling shall be dust-proof and painted with a light-coloured washable paint;

(e) shall contain not less than one table of stainless steel or glazed earthenware or other approved material, equipped with a raised rim on the outside, a tap with cold running water to which a flexible pipe can be connected and a drainage opening connected to an approved disposal system;

(f) shall contain not less than one wash-basin for each such table, made of stainless steel or other approved material, with a working surface of the same material, taps with hot and cold running water and a drainage opening permanently connected to an approved disposal system, and provided with disposable towels, a nailbrush and soap;

(g) shall have not less than one tap with running water to which a flexible pipe, long enough to reach all corners of such room, can be connected for cleaning the interior surfaces;

(h) shall have door openings that are not less than 0,82m in width and 2,00m in height so that corpses can be taken into and out of such room without any difficulty.

(4) Each such change-room shall contain at least the following:

(a) One hand-basin with hot and cold running potable water for every six employees or part thereof;

(b) disposable towels, soap, nailbrushes and disinfectants; and

(c) not less than one latrine for every 15 male employees or part thereof and not less than one latrine for every 15 female employees or part of this number employed at the funeral undertaker's premises concerned: Provided that, where a separate urinal for men forms part of such facilities, one latrine plus one separate urinal shall be permissible for every 30 men or part thereof.

(5) Refrigeration facilities such as refrigerators or cold chambers shall be installed in or within easy reach of such preparation room for the keeping of corpses, and-

(a) where refrigerators are provided, they shall be made of a material that does not absorb moisture and shall be provided with removable trays and shall be so designed as to drain properly and be easy to clean;

(b) the surface temperature of any corpse shall be no higher than 5^0C within three hours of its being received on the premises and no higher than 15^0C during preparation; and

(c) Where cold chambers are provided, they shall comply with sub-section (3)(a)(ii), (b)(ii), (c), (d) and (h) and shall be provided with shelves manufactured from a material that does not absorb moisture and that is easy to clean.

(6) Such cleansing and loading and unloading facilities shall consist of a paved area, screened from public view, with a drainage system into a gulley connected to an approved disposal system.

(7) The loading and unloading of corpses and the cleansing of vehicles shall not take place anywhere except in the area contemplated in sub-section (6).

(8) The funeral undertaker's premises shall be rodent-proof.

222. Hygiene requirements for funeral undertaker's and mortuary premises

(1) All solid refuse on the premises of a funeral undertaking or mortuary shall be kept in corrosion-resistant containers with tight-fitting lids and shall be dealt with in accordance with the solid waste management requirements of the municipality concerned.

(2) Every holder of a certificate of competence or provisional certificate of competence for funeral undertaker's premises or mortuary shall ensure that -

(a) Employees and all other persons involved in handling of corpses are provided clean protective over-clothes consisting of surgical gloves, gumboots, plastic aprons so designed that the front hangs over the top of the gumboots, face masks

and linen overcoats, and each such employee or other person shall, at all times when so involved, wear such clothing;

(b) Premises are kept free of insects, offensive odours, gases and fumes;

(c) All working areas or surfaces at such premises where corpses are prepared are cleaned and disinfected immediately after the preparation of any corpse;

(d) cause all equipment used for the preparation of corpses to be washed and disinfected immediately after use;

(e) cause all used protective over-clothes to be washed, cleansed and disinfected daily on the premises; and

(f) if a corpse has been transported without a moisture-proof covering, cause the loading space of the vehicle concerned to be washed and disinfected after such corpse has been removed.

(3) Every certificate holder shall ensure that the following hygiene measures are maintained when handling mortal remains on the premises;-

(a) workers shall wear adequate and appropriate protective clothing when handling mortal remains;

(b) all waste generated in the preparation room shall be deemed to be health risk waste and should be collected, handled and disposed of as such;

(c) non disposable gloves shall be cleaned and disinfected after each use;

(d) disposable gloves shall be discarded after each use;

(e) all workers responsible for handling mortal remains in the preparation room shall be vaccinated against Hepatitis B.

Part 3: Handling and disposal of mortal remains

Burial in excavated land graves

223. Burial sites and burials

(1) No land or site shall be identified and used for the purpose of a burial site, unless a land survey has been conducted by a municipality and approval granted, such approval must be in writing and should contain such conditions for use as the availability of waste management and ablution facilities which shall include access to potable water and sanitation facilities.

(2) All burial sites must comply with the following environmental requirements-Burial sites;

(a) shall conform to the requirements of the National Environmental Management Regulations, 2010 as amended with regards to Environmental Authorization;

(b) shall be located outside 100 year floodplain;

(c) shall be located at least 350 m from ground water sources used for drinking purposes and at least 500 m from the nearest habitable building;

(d) for a preferred burial site with a soil of sand-clay mix of low porosity and a small and fine-grain texture, the water table should be at least 2.5m deep in order to allow for traditional grave depth of six feet (1.8 metres).

(e) for areas with higher water tables, the local authority may determine a reasonable depth with additional walling recommendations to protect underground water;

(f) the covering soil shall not be less than 1 m, should two bodies be buried in the same grave, 300mm of soil shall be maintained between the coffins;

(3) All burials must be registered with the municipality in accordance with such municipality By-Laws; the relevant authority shall thereupon enter such burial in the register of burials of such municipality.

224. Disposal of mortal remains by cremation

(a) Mortal remains shall only be cremated in a crematorium

(b) A crematorium shall be authorized in terms of the National Environmental Management Regulations, 2010 as amended with regards to environmental authorization;

225. Issue of a cremation permit

(1) All cremations shall be permitted by the relevant municipality in terms of such municipality's By-Laws; or other relevant legislation concerning Cemeteries and Crematoria

(2) A municipality may not issue a cremation permit; unless the application is accompanied by a declaration by the medical officer who declared the deceased dead, (and if applicable, who also performed post mortem examination of the deceased) whom cremation is intended, indicating causes of death whether is natural or from any dreadful communicable disease, and that the remains of the deceased may be disposed.

226. Minimum requirements for a cremation facility

(1) All cremation facilities must comply to the following-

(a) site must be located at least 500m downwind of any habitable dwelling;

(b) the chimney must have a height of not less than 3 metres above the roof;

(c) no cremation shall take place until the minimum combustion temperatures of the urn has been reached,

(d) the premises shall be kept in a clean, sanitary and in good repair.

(e) the facility shall be adequately ventilated and illuminated.

(f) the facility shall be operated and managed in such a manner as to prevent the dispersion of ash into the atmosphere.

(g) emissions from a crematorium shall conform to the National Ambient Air Quality and Emission Standards in terms of the National Environmental Management;: Air Quality Act 2004 (Act no 39 of 2004).

227. Register for cremations

(1) Every crematorium shall keep a register for each cremation and such register shall contain the following-

(a) The date of each cremation;

(b) The name, identity number, address, occupation, age, sex, and marital status of each deceased person cremated therein;

(c) The date of death of each deceased person;

(d) The name, identity number and address of the person in whose name the crematorium is registered in;

(e) The name, designation and address of the person issuing the certificate of the cause of death of each person to be cremated;

(f) The cause of death and the registration number of the death certificate of each person to be cremated; and

(g) The manner in which the ashes of the person were disposed.

228. Application to exhume a body, body ashes and reburial of human remains

Any person who intends to exhume a body or body ashes and reburial of human remains shall comply with the Municipality Bylaws for Cemetery and Crematoria or any other relevant legislation.

Part 4: Exhumation and reburials of human remains

229. Authorization for exhumation of human remains

(1) All exhumations reburials of human remains or body ashes to be conducted shall be authorized by the municipality or the authorized official subject to compliance of these bylaws or:

(a) A court order and shall be permitted by the Municipality

(2) Exhumation approval shall not be issued without the reburial permit issued by the municipality, or without a cremation permit.

(3) No person shall exhume any mortal remains, except for the following:-

(a) Removal from the original grave to a new grave acquired in the same cemetery;

(b) Removal for burial in another cemetery;

(c) Removal for cremation;

(d) Removal for forensic examination of the deceased;

(e) Transfer from a public grave to a private grave;

(f) For legal reasons, such as crime related investigations;

(g) For archeological reasons.

(4) The municipality shall grant a permit for an exhumation on condition that the exhumation of the mortal remains shall only be done by a registered undertaker, such undertaker shall be based in the jurisdiction of the municipality issuing the exhumation permit referred to in sub-section (1).

230. Exhumation requirements

(1) The following are the exhumation requirements:

(a) whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner of the South African Police Services.

(b) a member of the South African Police Services must always be present when an exhumation is being conducted.

(c) an exhumation must not take place when the cemetery is open to the public and must take place under the supervision of the officer-in-charge.

(d) the exhumation of mortal remains shall be carried out under the supervision of an Environmental Health Practitioner of the relevant municipality;

(e) only persons with direct involvement may be present at the disinterment or removal of mortal remains and no dogs or other animals maybe allowed at the grave site;

(f) the Environmental Health Practitioner shall ensure or cause the following measures are in place, and cause to be provided, at the exhumation site:

(i) on his/her authority that the grave and the mortal remains are treated with a disinfectant after exhumation and any other protective measures as he/she may deem necessary;

(ii) an adequate supply of water, soap and disinfectants for cleansing shall be available at the grave for cleansing of persons handling the mortal remains;

(iii) the correct grave is re-opened;

(iv) mortal remains are placed in a non-transparent and closely sealed container immediately after it has been disinterred and be handled in a way that no nuisance or health hazard is caused;

(v) A new container is supplied or the existing container is secured in a suitable leak proof container that has been approved by an Environmental Health Practitioner;

(vi) human remains exhumed and all pieces of the original coffin are placed in the new coffin;

(vii) a new coffin is properly sealed and identified;

(viii) the health and safety of the workers is maintained by use of protective equipment;

(ix) during the exhumation of mortal remains the grave shall not be left unguarded and immediately after the remains have been removed such grave shall be sealed.

(x) All used disposable protecting clothing to be placed into refuse bags and the disposal of such must be done in an approved manner.

231. Reburial of human remains

(1) All reburials shall be registered with the relevant municipality in accordance with the municipality By-Laws; such municipality shall thereupon enter such reburial in the register of reburials of such municipality

(2) For mortal remains of a person whose cause of death was small pox, anthrax or viral hemorrhagic fever, the body shall not be embalmed, but strict guidelines on management of communicable diseases as published by the National Department of Health and or the World Health Organization shall be followed.

Part 5: Conveyance (transportation, importation and exportation) of mortal remains

232. Conveyance of mortal remains

(1) The mortal remains of a person who suffered from anthrax, cholera, a haemorrhagic fever of Africa, hepatitis B, rabies, meningococcemia, plague, poliomyelitis or typhoid fever or Acquired Immune Deficiency Syndrome at the time of his or her death will not be conveyed in public in any way unless-

(a) Such remains are sealed in an airtight container, placed in a strong non-transparent sealed coffin, embalmed and the total surface of the body is covered with a 5 cm layer of wood sawdust or other absorbent material which is treated with a disinfectant and a medical officer of health, district surgeon an Environmental Health Practitioner in the employ of the municipality concerned, or any medical practitioner specifically so authorized by the municipality concerned declares in writing that in his or her opinion the conveyance of the mortal remains will not

create a health hazard; and

(b) Such declaration must accompany the mortal remains at all times during the conveyance and up to the burial.

(2) The declaration referred to in sub-section (1) shall be shown to an officer on demand by the person responsible for the conveyance of the mortal remains.

(3) No person shall damage or open a container referred to in sub-section (1), or remove the mortal remains from the container or come into direct contact with the mortal remains without prior approval from an officer referred to in sub-section(1) after it has been sealed.

233. Conveyance of remains on public transportation

(1) No person shall convey any mortal remains in any manner other than the manner prescribed in section 232

(a) On public transport unless, the mortal remains have been sealed in an airtight container and placed in a non-transparent, sturdy, sealed coffin; or

(b) In any other way in public unless the mortal remains have been placed at least in an approved container

(2) No coffin or container in which the mortal remains have been placed may be conveyed unless –

(a) the outer surface of such coffin or container is free from any leakages or any other secretion matter emanating from such mortal remains; and

(b) Offensive odours are absent.

(3) Should any leakages, secretions or odours emanating from the container of the mortal remain conveyed , such coffin or container is to be taken forthwith to the nearest mortuary or undertaker's premises, by the person responsible for the conveyance of mortal remains where the necessary measures shall be taken to eliminate the conditions.

Part 6: Handling of radioactive corpses

234. Storage

(1) Precautions to be taken in handling radioactive corpses depend on the nature and quantity of the radionuclide present and on the type of handling intended (e.g. autopsy or embalming prior to burial).

(2) Persons handling radioactive cadavers shall ensure they wear appropriate protective clothing.

(3) The cadaver shall be stored in an adequately refrigerated compartment until the exposure dose rate at one meter from it is less than 2.5 mR/hr. The storage area must be

labeled restricted area.

235. Embalming

(1) The embalming of radioactive cadavers constitutes an undesirable hazard and should be avoided if possible. If the body is not autopsied due to high radiation levels, embalming shall be done through injection method.

(2) All embalmers should wear disposable gloves, protective clothing and face protectors.

(3) Embalmers should be supervised by a radiologist or expect to observe proper radiation protection measures.

(4) All cadavers in this category shall have a label attached, identifying the radionuclide and its activity at the time of death.

236. Cremation

Cadavers containing levels higher than 15 mCi shall be stored until the limits of 15 mCi are reached; a radiologist shall be consulted before such cadaver is released for cremation.

237. Burial

(a) The amount of incorporated radioactivity allowed for the burial of radioactive cadaver shall depend on regional and environmental conditions, climate, distance to cemetery, type of transport, and availability of low-temperature refrigerators.

(b) All objects, clothes, and other material that might have been in contact with the deceased must be tested for contamination.

(c) The body of a radioactive cadaver shall be marked with a radiation symbol.

Part 7: General provisions

238. Appeals

(1) a person affected by a decision taken in terms of these By Laws who wishes to appeal against the decision, must lodge an appeal with the Municipal Manager or delegated official of the Municipality within 30 days after that person has been notified of the decision.

(2) The Municipal Manager or the delegated official, in writing, on good cause extend the period within which an appeal must be submitted.

(3) The Municipal Manager or the delegated official may after considering all relevant information make a decision and inform the appellant.

(4) Reasons for the decision must on written request be given to the appellant in writing.

239. Offences

Any person who contravenes a provision of these By Laws or allows such a contravention to take place shall be guilty of an offence and liable to an imprisonment not exceeding six years or an equivalent fine or both such a fine and imprisonment.

CHAPTER 25

DISEASE SURVEILLANCE

240. Definitions

In this chapter, unless the context otherwise indicated

"**Communicable disease**" means a disease resulting from an infection due to pathogenic agents or toxins generated by the infection, following the direct or indirect transmission of the agents from the source to the host;

"**Health Officer**" means any person appointed as a health officer under section 80 of the National Health Amendment Act, Act No.12 of 2013 or designated as such in terms of that section;

"**Environmental Health Practitioner (EHP)**" means a person registered as such in terms of section 34 of the Health Professions Act 56/1974 and who performs functions as listed in the Schedule of the Scope of Professions of Environmental Health, Government Notice R.698 dated 26 June 2009.

241. Infectious diseases and quarantine.

(1) If any person: -

(a) While suffering from any infectious disease wilfully exposes himself without proper precautions against spreading the said disease in any street, public place, shop, store, hotel, boarding or lodging house, place of refreshment, entertainment, or assembly, or any place used in common by any person other than members of the family or household to which such infected person belongs; or

(b) Being in charge of a person suffering from any infectious disease, wilfully exposes such sufferer without proper precautions against spreading the said disease in any street, public place, shop, store, hotel, boarding or lodging house, place of refreshment, entertainment, or assembly, or any place used in common by any person other than members of the family or household to which such infected person belongs; or

(c) Knowingly gives, lends, sells, pawns, transmits, removes, or exposes any bedding, clothing, or other articles which have been exposed to infection from any

infectious disease without previous disinfection to the satisfaction of the Environmental Health Practitioner

(d) Permits any person to assemble or congregate in any house, room, or place over which he has control in which there shall be the body of any person who has died of any infectious disease;

(e) After receiving a written or printed notice to this effect, deposits, or causes or permits to be deposited any filth, rubbish, or matter has been exposed to infection, without previous disinfection, in any sewer or drain, or any receptacle or elsewhere than in a receptacle specially provided by the Environmental Health Practitioner or other person employed under him, to receive and contain such filth, rubbish, or matter; He shall be liable to a penalty for a breach of these By-laws: Provided, however, that any person transmitting with proper precautions any bedding, clothing, or other articles for the purpose of having the same disinfected shall not be liable to any penalty hereunder.

(2) Every parent or person having care or charge of a child who is or has been suffering from any infectious disease, or resides in a house where such disease exists, or has existed within a period of three months, who shall knowingly or negligently permit such child to attend school without procuring and producing to the teacher or other person in charge of such school a certificate from the Environmental Health Practitioner, which he shall grant free of charge, that such child has become free from disease and infection, and that the house and everything therein exposed to infection has been disinfected to the satisfaction of the Environmental Health Practitioner, shall be deemed to have contravened this By-law.

242. Unburied bodies.

No person shall, without the sanction of the Environmental Health Practitioner, in writing, .retain unburied elsewhere than in a public mortuary, for more than twenty-four hours the body of any person who has died from any infectious disease.

243. Persons dying from infectious disease.

If any person dies from any infectious disease in a hospital or place of temporary accommodation for the sick the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried, and it shall not be lawful for any person to remove such body except for that purpose; and the body when taken out of such hospital or place shall be forthwith taken direct to the place of burial and there buried. Nothing in this section shall prevent the removal of a dead body from a hospital or place of temporary accommodation to a public mortuary, and such mortuary shall for the purpose of this By-law be deemed part of such hospital or place as aforesaid

244. By-laws as to disposal of body.

If the dead body of any person who has died from an infectious disease is retained or kept in any house, building, or other place so as to be, in the opinion of the Environmental Health Practitioner, dangerous to health, he may order that the body shall be removed, or he may order that such body shall be removed to a burial place and there buried within a time to be specified in such order, and in the event of such order not being complied with in all respects, the Environmental Health Practitioner may cause the body to be removed and buried, and any person who shall retain or keep any such dead body in any house, building, or other place contrary to any order as aforesaid, served on or received by him shall be liable to be prosecuted for contravening this By-law.

245. Vehicles.

If any owner or person in charge of a public vehicle knowingly convey therein, or any other person knowingly place therein, a person suffering from any infectious disease, or if a person suffering from any such disease enter any public vehicle, he shall be deemed to have contravened this By-law.

246. Disinfection of vehicles.

The owner or person in charge of any public vehicle in which a person suffering from any infectious disease has been conveyed, or been placed, or has entered shall forthwith inform the Environmental Health Practitioner and shall send such vehicle to such place as the Environmental Health Practitioner shall then appoint to be disinfected by such practitioner and any owner or person as aforesaid failing to comply with the provisions hereof shall be deemed to have contravened this By-law.

247. Transportation of body through the municipal area

Any person who shall transport through the municipality the body of any person who has died from any infectious disease unless and until the Environmental Health Practitioner shall be satisfied that every precaution necessary for the public safety has been taken shall be deemed to have contravened this By-law.

248. Driver or owner of vehicle to be notified.

Any person who hires or uses a public vehicle other than a hearse for the conveyance of the body of a person who has died from any infectious disease, without previously notifying to the owner or driver of such public vehicle that the person whose body is intended to be conveyed has died from such disease, and any owner or driver or puller of a public vehicle, other than a hearse, which had to the knowledge of such owner or driver has been used for conveying the body of a person who has died from any infectious disease, who shall not

immediately provide for the disinfection of such vehicle, shall be deemed to have contravened this By-law.

249. Knowingly letting infected house.

Any person who knowingly lets for hire any house, or part of a house, in which any person has been suffering from any infectious disease without having such house, or part of a house, and all articles therein liable to retain infection disinfected to the satisfaction of the Environmental Health Practitioner, shall be deemed to have contravened this By-law.

250. Entry by Environmental Health Practitioner on suspected premises.

(1) The Environmental Health Practitioner, or any official specially authorised by him in writing, may enter upon any premises in which infectious disease has been reported or is suspected to exist, and may make such inquiries and inspections of premises as may be necessary, and the Environmental Health Practitioner may further, for the purpose of discovering infectious disease, inspect such persons as he may deem it necessary to inspect, and any person who directly or indirectly wilfully hinders, obstructs, or resists such entry, enquiry, or inspection, or refuses to answer or knowingly makes false answers to any such inquiry, shall be deemed to have contravened this By-law.

(2) Any person:

(a) Who, having been ordered to remain in quarantine, shall escape from quarantine, or who shall depart there from without being released from the operation of such quarantine by authority in writing of the Environmental Health Practitioner, or

(b) Who shall disobey or disregard any proper instruction or order given by an official, agent, or servant appointed for the establishing or carrying out of quarantine, shall be guilty of an offence.

251. Relating to typhus

(1) If it shall appear to the Environmental Health Practitioner that any premises are, owing to their condition or that of the neighbourhood, or to the condition of their occupation, or for any other reasons, likely to be a source of danger to the public health or to favour the spread of Typhus, it shall be lawful for the Environmental Health Practitioner , on the authority of the Manager of Environmental Health , to order that any house or building on such premises shall be closed and the inmates removed there from until such time as the Environmental Health Practitioner shall advise that such house or building may with safety be reoccupied. If such order be not complied with within the time specified by the Environmental Health Practitioner he may instruct any person to

remove the inmates there from and close up such premises, and any person neglecting to comply with the provisions hereof shall be deemed to have contravened this By-law.

(2) Any employer or medical practitioner as hereinbefore mentioned who shall fail to comply with any of the provisions herein contained shall be deemed to have contravened this By-law.

252. Offences and penalties

Section (1) - Contravenes or fails to comply with any provision of these by-laws R2000.00

Section (2) - Denies/cause/permit another person to deny an official entry to the premises R1000.00

Section (3) - Obstruct/hinders/cause/permit another person to obstruct/hinder an official to perform his/her duties R1000.00

Section (4) - Fail/refuse/cause/permit another person not to give the official lawfully required information R1000.00

Section (5) - Knowingly/cause/permit another person to give the official false/misleading Information R1000.00

CHAPTER 26

MISCELLANEOUS

253. Duties of Municipality:

(1) In addition to any other duty of Municipality in terms of this By-law or any other applicable legislation, the Municipality must within its area of jurisdiction:

(a) enforce the relevant portions of this By-law

(b) carry out water quality monitoring at all potable, industrial and commercial water sources:

(c) perform food control inspections, enquiries, monitoring and observation;

(d) monitor waste management;

(e) undertake health surveillance of properties

(f) undertake surveillance and prevention of communicable diseases, excluding immunizations;

(g) undertake effective vector control measures:

(h) prevent environmental pollution;

(i) monitor activities related to the disposal of the dead, and

(j) ensure chemical safety,

254. Appointment and identification of Environmental Health Practitioner

The mayor of the Municipality may appoint any person in the employ of the municipality in terms of 80(1) of the National Health Act 2003 (Act no. 61 of 2003) as amended as a health officer for the municipality to exercise the provision of these by laws according to their professional practice and qualification as stipulated in 83 (5) of the National Health Amendment Act, 2013 (Act No. 12 of 2013).

(1) The Municipality must issue an identity card to each Environmental Health Practitioner in terms of Section 80(3) of the National Health Act 2003 (Act 61 of 2003) as amended.

(2) The identity card must -

(a) contain a recent photograph of the Environmental Health Practitioner;

(b) be signed by the Environmental Health Practitioner; and

(c) identify the person as an Environmental Health Practitioner.

(3) The Environmental Health Practitioner must display his or her identity card so that it is clearly visible or produce it at the request of any person in relation to whom the Environmental Health Practitioner is exercising a power under these by-laws.

a) In the event of a conflict within any other By - Law which directly or indirectly regulates Municipal Health Services the provisions of this By - Law shall prevail.

b) This law is binding on the State and the Municipality.

255. General powers of an Environmental Health Practitioner

(1) An Environmental Health Practitioner may, for the purposes of implementing or administering any power or duty under these by-laws -

(a) exercise any power afforded to such officer in terms of these by-laws or any other applicable legislation;

(b) issue a compliance notice in terms of section 257 requiring any person to comply with the provisions of these by-laws;

(c) issue a prohibition notice in terms of 258 prohibiting any person from conducting an activity;

(d) undertake measures in terms of section 262 to remove, reduce and/or minimise any public health nuisance;

(e) cancel ,suspend or amend any permit or exemption certificate in terms of chapter 3, section 16 or

(f) enter and inspect premises and for this purpose may-

(i) question any person on the premises;

(ii) take any sample that the Environmental Health Practitioner considers necessary for examination or analysis;

(iii) monitor and take readings or make measurements; and

(iv) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises.

(2) An Environmental Health Practitioner who removes anything from any premises being inspected must -

(a) issue a receipt for it to the owner, occupier or person apparently in control of the premises; and

(b) return it as soon as practicable after achieving the purpose for which it was removed.

256. Compliance Notices

(1) If an Environmental Health Practitioner, after inspecting premises, reasonably believes that a public health hazard or public health nuisance exists on the premises or that the premises are being used in a manner or for a purpose listed in the Schedule to these by-laws without a permit, the Environmental Health Practitioner may serve a compliance notice on one or more of the following persons:

(a) the owner of the premises;

(b) the occupier of the premises; or

(c) any person apparently in charge of the premises.

(2) A compliance notice must state -

(a) why the Environmental Health Practitioner believes that these by-laws is being contravened;

(b) the measures that must be taken -

(i) to ensure compliance with these by-laws or;

(ii) to eliminate or minimize any public health nuisance

(c) the time period within which the measures must be taken

(d) the possible consequences of failing to comply with the notice; and

(e) how to appeal against the notice.

(3) If a person fails to comply with a compliance notice that requires a particular action be taken, the Municipality may ,--

(a) take the required action specified in the compliance notice; and

(b) recover, as a debt, from the person to whom the notice was given, the

costs and expenses reasonably incurred in taking the required action.

257. Prohibition notice

(1) An Environmental Health Practitioner may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and requiring measures to be taken to ensure that this occurs, on one or more of the following persons:

(a) the owner of the premises;

(b) the occupier of the premises; or

(c) any person apparently in charge of the premises.

If the Environmental Health Practitioner reasonably believes that that person has not complied with the terms of a compliance notice

(2) The Environmental Health Practitioner must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice unless the Environmental Health Practitioner reasonably believes that the delay in doing so would significantly compromise public health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.

(3) A prohibition notice must state -

(a) the reasons for serving the notice;

(b) whether or not the Municipality will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;

(c) the possible consequences of failing to comply with the notice; and

(d) how to appeal against the notice.

(4) The Environmental Health Practitioner must as soon as possible affix a copy of the notice in a conspicuous position on the premises.

(5) No defect in the notice shall invalidate any action taken by virtue of such notice or order, or found any legal proceedings following upon such notice or order, if such notice or order substantially sets out the requirements thereof

258. Withdrawal of prohibition notice

(1) An Environmental Health Practitioner must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the premises.

(2) After completing the investigation the Environmental Health Practitioner must

inform the person on whom the prohibition notice was served or that person's agent in writing, whether or not the prohibition has been removed or the prohibition order withdrawn.

(3) The Municipality may charge the owner or occupier of any premises where an investigation is carried out in terms of section 262, a prescribed fee for undertaking the investigation.

259. Service of notices or other documents:

(1) Service of Compliance notices, Prohibition Notices, Withdrawal of Prohibition Notices or any other documents by the Municipality, Authorised Official or Municipal Manager is served

(a) on any person, it shall be deemed to be duly and sufficiently served if it is sent by registered post to that person at his last known address or it is left with him personally or with some adult inmate thereof

(b) on an owner or occupier of any land or premises and the address of such owner or occupier of such land is unknown, it shall be deemed to be duly and sufficiently served if it is posted in some conspicuous place on such land or premises

(2) It shall not be necessary in any notice in subsection 1 above to an owner or occupier of land or premises to name him, it the notice describes him as the owner or the occupier of the land or premises in question

(3) A notice in terms of section 260 may be served

(c) upon the owner of any premises, by

(i) delivering it to the owner, or if the owner cannot be traced or is living abroad to his/her agent

(ii) transmitting it by post to the owners last known address, or the last known address of the agent

(iii) delivering it to the address where the premises are situated, if the owners address and his agent's address are both unknown

(d) upon the occupier of the premises by

(i) delivering it to the occupier

(ii) transmitting it by registered post to the occupier at the address at which the premises are situated

260. Demolition orders

(1) If the Municipality believes that a public health hazard would be eliminated or

a public health nuisance would be significantly reduced by demolishing a building or other structure, it may, subject to the provisions of any other law, apply to any court having jurisdiction for an order directing any person to demolish the building or structure or authorizing the Municipality to do so and to recover the costs of doing so from the owner or the occupier of the premises concerned, or from both.

(2) The Municipality may not apply to court in terms of subsection (1) unless it has given the owner and the occupier of the premises not less than 14 days' notice in writing of its intention to make the application and has considered any representations made within that period.

261. Municipal remedial work

(1) The Municipality may enter any premises and do anything on the premises that it reasonably considers necessary -

(a) to ensure compliance with these by-laws or with any compliance notice or prohibition notice;

(b) to reduce, remove or minimise any public health nuisance; or

(c) to reduce, remove or minimise any significant public health hazard.

(d) Any expenses borne in providing such services shall be recovered from the owner of the premises.

262. Cost orders

(1) The Municipality may recover any costs reasonably incurred by it in taking measures contemplated in section 261 from any person who was under a legal obligation to take those measures, including -

(a) a person on whom a compliance notice referred to in section 256 that required those steps to be taken, was served;

(b) the owner or occupier of the premises concerned; or

(c) any person responsible for creating a public health hazard or a public health nuisance.

(2) The municipal manager or delegated official may issue a cost order requiring a person who is liable to pay costs incurred by the Municipality in terms of subsection (1), to pay those costs by a date specified in the order and such order constitutes prima facie evidence of the amount due.

263. Appeals

(1) A person whose rights are affected by a decision taken by any authorised

official under these by-laws, may appeal against the decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.

(2) The Municipal Manager must promptly submit the appeal to the appropriate appeal authority as stipulated in this section of the By-law.

(3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(4) When the appeal is against a decision taken by -

(a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority; or

(b) the Municipal Manager, the Executive Mayor is the appeal authority.

(5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

264. Offences

(1) Any person who -

(a) contravenes or fails to comply with any provisions of these by-laws; or

(b) fails to comply with any notice issued in terms of or for the purpose of these by-laws; or

(c) fails to comply with any lawful instruction given in terms of or for the purpose of these by-laws; or

(d) obstructs or hinders any authorized official in the execution of his or her duties under these by-laws -

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R15 000 or imprisonment for a period not exceeding twenty four (24) months or both.

SCHEDULE 1

PUBLIC HEALTH NUISANCE

General nuisance

1. An owner or occupier of premises creates a public health nuisance if he or she causes or allows-

(a) any premises or part thereof to be of such a construction or in such a state as to be offensive, injurious or dangerous to health;

(b) any street, stream, pool, lagoon, ditch, gutter, watercourse, sink, cistern, water-closet, earth close, pail closet, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap to be so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;

(c) any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;

(d) any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;

(e) any public building to be so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;

(f) any dwelling to be occupied without proper and sufficient supply of potable water within a reasonable distance;

(g) any factory or industrial or business premises not to be kept in a clean state and free from offensive smells arising from any drain, water closet, earth-close, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gas, vapour, dust or other impurity generated, or so overcrowded or so badly lighted or ventilated, as to be injurious or dangerous to the health of those employed therein or thereon;

(h) any factory or industrial or business premises to cause or give rise to any smell or effluvium which is offensive or injurious or dangerous to health;

(i) any building, room or structure to be used wholly or partly by a greater number of persons than will allow less than 11,3m³ of free air space and 3,7 m² of floor space for each person aged 10 years or more and 5,7 m³ of free air space and 1,9 m² of floor space for each person less than 10 years of age' or

(j) the accumulation of filth, debris rubbish, glass, paper, rags, tins, lumber, disused motor vehicles and parts and the growing or presence of weeds, long grass or undergrowth

which is unsightly or is likely to become a nuisance or injurious to health or cause an annoyance to the inhabitants of the neighbourhood,

(k) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the National Health Act, 2003 (Act 61 of 2003) or any other relevant legislation.

(l) Any other condition at or on a place or premises whatever, which in the opinion of Municipality is or can be detrimental, dangerous, inconvenient, offensive, injurious or dangerous to health, or which may in any other way cause a risk of disease, death or injuries.

Pest control

2. (1) An owner or occupier of premises creates a public health nuisance if –

(a) the premises are maintained in a manner that attracts or harbours rodents or other pests, or is conducive to the breeding thereof;

(b) flies are being attracted to, or can breed on, the premises, in significant numbers because –

(i) insufficiently rotted manure or any other organic material is being kept or used; or

(ii) any other substance that attracts flies is used or kept other than for the purposes of trapping or killing flies

(c) mosquitoes can breed in significant number on the premises because -

(i) containers in which mosquitoes can breed, such as tyres, bottles, crockery, and tins, have been left or are kept on the premises;

(ii) tanks, barrels and similar containers in which mosquitoes can breed are not fitted with mosquito-proof covers or mosquito gauze screens in a manner that prevents mosquitoes gaining access to water contained in them;

(iii) gutters and down pipes are sagging or clogged so that stagnant water can accumulate in them; or

(2) approved measures have not been taken to prevent mosquitoes breeding in ponds, excavations, wells, swimming pools or any other stagnant water source on the premises.

(3) The following measures are approved measures for the purposes of subsection (1)(c)(iii) -

(a) draining accumulated water at least once every seven days;

(b) covering accumulated water with a larvicide at least once every seven days; and

(c) in the case of well, providing a mosquito-proof cover and a pump.

Air Pollution

3. An owner or occupier of premises creates health nuisance if -

(a) any waste on the premises is burned outside except in an approved appliance;

(b) ash, grit, soot or smoke is emitted from any chimney or appliance or form any other means on the premises in a manner or quantity that is sufficient to have an adverse impact on public health;

(c) the erection or destruction of a building or structure causes dust to be discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on public health; or

(d) Any dust is generated on, and emitted from the premises due to any activity or process and discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on public health.

Fouling and littering of public place and open spaces

4. (1) A person creates a public health nuisance if he or she throws, dumps, stores, Keeps or drops refuse, rubbish, glass, tins, paper, car wrecks or parts of motor vehicles, dead animals, waste water of flushing water or other litter or waste, whether liquid or solid, on or in a street, road, bridge, through fare, open space, vacant stand, public place or erf, spruit or watercourse, or cause or permit it to be thrown, dumped or dropped there, or cause or permit any such liquid to flow into such place.

(2) The person who has contravened sub item (1), must remedy, to the satisfaction of the Environmental Health Practitioner, any damage to the environment which resulted from such contravention.

APPLICATION TO THE STATE

These bylaws bind the State, including the municipality.

REPEAL

the bylaws listed in Schedule …… are hereby repealed.

SHORT TITLE

These bylaws are called the …… Municipality, Municipal Health Services Bylaws……. (year).

SCHEDULE 2

SCHEDULED USES

The activities and uses of premises listed in this Schedule are considered to pose an unacceptable risk to public health unless the measures specified in the relevant Chapter of these By-laws and where required, in a permit, are taken to avoid the risk or to reduce it to a level acceptable to the Municipality.

Part A: Activities for which a permit is required:

Section	Activity
28	Provision of service to remove human excrement or urine
29	Installations of sewage works
116	Offensive trades
125	Hairdressing, beauty and cosmetology services
144	Accommodation Establishments
149	Child care services
179	Keeping of poultry
183	Keeping of rabbits
188	Dog kennels and catteries
199	Keeping of bees

Part B: Scheduled Uses

Chapter	Scheduled Uses
4	Sanitary services
5	Private Sewage Works
6	Water
12	Offensive Trades
13	Second- Hand Goods
14	Hairdressing, Beauty and Cosmetology Services
15	Dry Cleaning and Laundry Establishments
16	Swimming Pools and Spa- Baths
18	Child- care Services
21	Keeping of Animals
23	Operating and Managing an Initiation School for Boys

ANNEXURE 1

APPLICATION FOR A PERMIT

NAME OF APPLICANT:	
PHYSICAL ADDRESS:	
POSTAL ADDRESS:	
PERMIT APPLIED FOR:	
SIGNATURE:	
DATE:	

ANNEXURE 2

APPLICATION AND CONSENT FORM BY PARENT/GUARDIAN

I, _____ ID NO._____ hereby give consent and permit _____ Age _____ to be circumcised and attend an Initiation School for the duration of the prescribed period of the school.

I further declare that I am the parent/guardian of the said applicant and I reside at the following address:

_____

_____

_____

I can be contacted at the following telephone numbers in case of any emergency:

Work Tel No: _____

Cell No: _____

SIGNATURE: _____DATE: _____

ANNEXURE 3

APPLICATION FORM FOR A PERMIT TO OPERATE AN INITIATION SCHOOL

A	**NAME AND SURNAME OF APPLICANT**		
	DOB/ID		
B	**PHYSICAL ADDRESS:**		
	POSTAL ADDRESS:		
C	**PARTICULARS OF AN INITIATION SCHOOL**		
	PHYSICAL ADDRESS:		
	NUMBER OF INITIATES INTAKE:		
	PERIOD OF OPERATION:	**MONTH TO**	**MONTH**
	SANITARY FACILITIES:		
	METHOD OF DISPOSAL OF BODY PARTS:		
	Note: This document has to be completed by the applicant and returned with the attached Form Annexure 3B (Certificate by Environmental Health Practitioner) duly completed by an Environmental Health Practitioner in the employ of the Municipality.		

ANNEXURE 3B

CERTIFICATE BY ENVIRONMENTAL HEALTH PRACTITIONER

I the undersigned:

_____confirm as follows:

1. I am presently employed by the _____ Municipality as an Environmental Health Practitioner;
2. On _____ I inspected a certain terrain which was pointed out to me by the applicant as a proposed Initiation School. The address of the site is:

   _____

   _____

   _____
3. I confirm that the terrain complies with the minimum requirements as contained in these By-laws.

Signed at _____at this the _____ day of _____20 …

_____

Full Names:

Designation: Environmental Health Practitioner

ANNEXURE 4

STANDARD PRE-CIRCUMCISION MEDICAL EXAMINATION PATIENT'S PARTICULARS

NAME:

_____

SURNAME:

_____

DOB/ID:

_____

RESIDENTIAL ADDRESS: _____

_____

1. **EXAMINATION**

GENERAL – ANY ALLERGIES?: _____

ANY BLEEDING TENDENCIES: _____

ANAEMIA: _____

JAUNDICE: _____

LYMPHADENOPATHY: _____

HEART: _____

LUNGS: _____

ABDOMEN: _____

PSYCHIATRIC DISORDER: _____

UROGENITAL: _____

OTHER: _____

I, _____

being a registered medical practitioner, certify that _____

is a male person of _____years and is fit to be circumcised.

Date:	
Signature:	
Qualifications:	
Practice number:	

ANNEXURE 5: RITUAL SLAUGHTER

APPLICATION FOR RITUAL SLAUGHTER PERMIT

Date of Application	
Name of Applicant	
Postal Address	
Telephone Number (Residential)	
Cellular Phone Number	

I, _____would like to seek permission to conduct Ritual Slaughter in terms of Regulation R. 677 of the Abattoir Hygiene Act 1992 (Act No. 121 of 1992) – Relating to Exemption of Certain Categories of Persons from Section 3(1) of the said Act.

The ritual slaughter will take place at the following physical address:

_____

_____

_____

On the (date)

_____

Date	**Type of Animal**	**Number to be slaughtered**

Signature of Applicant: _____

RITUAL SLAUGHTER PERMIT (ANNEXURE: 5 B)

Name and Address of Applicant **Date:**

Dear Sir/Madam,

PERMIT TO CONDUCT RITUAL SLAUGHTER ON PREMISES:

_____

_____

Your application for a Ritual Slaughter Permit dated

_____refers:

In reply thereto, you are advised that in terms of Regulation R.677 of the Abattoir Hygiene Act 1992 (Act No. 121 of 1992) – Relating to Exemption of Certain Categories of Persons from Section 3(1) of the Act, this department raises no objection to your request to slaughter as per detailed below:

Date	**Type of Animal**	**Number to be slaughtered**

This exemption is valid for _____ (date/s) only.

Furthermore this approval is granted subject to:

1. The conditions as listed in the attached bylaws being adhered to, paying particular attention to Chapter 22, Section 126(h) which states that animals shall not be brought onto the premises more than 24 hours prior to the event;
2. The animals being kept so as not to give rise to any nuisance to any persons residing on the above premises or the surrounding neighborhood in terms of Section 126 (i) of the bylaws.

Your attention is drawn to Section 3(b) of the abovementioned regulation which states that a person who slaughters animals under this exemption shall obtain prior permission thereto from the owner, tenant or person in control of the land where such slaughtering occurs if the person who performs the slaughtering is not the owner, tenant or person in control of the relevant land.

ENVIRONMENTAL HEALTH PRACTITIONER

_____

ANNEXURE 6

APPLICATION FORM FOR A CERTIFICATE OF ACCEPTABILITY FOR FOOD PREMISES

PARTICULARS OF APPLICANT

FULL NAME :
……

CAPACITY :
……
(e.g. : Owner, Managing Director, Secretary, Manager, Agent, Attorney)

POSTAL ADDRESS :
……

EMAIL ADDRESS :
……

TELEPHONE NO. : …… DATE :
……

FOR ATTENTION : ENVIRONMENTAL HEALTH SECTION

Application is hereby made in terms of Section 3(3) of Regulation R962 - Regulations Governing General Hygiene Requirements for food premises and the transport of food to the _____Municipality for a Certificate of Acceptability and in support of the application hereby provide the following particulars:-

A. OWNER OF BUSINESS

OWNER'S FULL NAME IN WHOSE NAME THE CERTIFICATE OF ACCEPTABILITY MUST BE ISSUED:- …… ……	I.D. NUMBER:- …… ……

POSTAL ADDRESS :		
RESIDENTIAL ADDRESS :		
TELEPHONE NUMBERS :	Business :	Residential :

B. PARTICULARS OF FOOD PREMISES

TRADE NAME OF FOOD PREMISES : (IF ANY)	
ADDRESS :	
TYPE OF FOOD PREMISES (E.G. BUILDING, VEHICLE, STALL)	

ADDRESS WHERE THE FOOD PREMISES IS SITUATED:-

……

……

……

……

If the following are not situated on the food premises, note the address or describe the location thereof:-

	ADDRESS
A) SANITARY (LATRINE) FACILITIES	
B) CLEANING FACILITIES (WASH-BASINS FOR EQUIPMENT)	
C) HAND-WASHING FACILITIES	
D) STORAGE FACILITIES FOR FOOD / FACILITIES	
E) PREPARATION PREMISES	

C. FOOD CATEGORY

List and describe the food items or the nature of type of food involved:-

D. NATURE OF HANDLING

List and describe what your activities will entail (e.g. preparation or packing and processing):-

E. STAFF

NUMBER PERSONS EMPLOYED OR TO BE EMPLOYED	Men		Women	

F. PARTICULARS OF EXEMPTION BEING APPLIED FOR - [Regulation 152 (1)]

OWNER'S SIGNATURE: ……..……..……..…….

COMMENTS:-

ENVIRONMENTAL HEALTH PRACTITIONER

……
……

……
……

……
……

Name : ……..……. Date:
……

SENIOR ENVIRONMENTAL HEALTH PRACTITIONER

……

……

……

Name : ……..……. Date: ……..

ENVIRONMENTAL MANAGER

……

……
Name : ……..……. Date: ……...

For office use

File:

Municipality Resolution:

Provincial Gazette Number

Local Authority Notice Number

LOCAL AUTHORITY NOTICE 63 OF 2018

POLOKWANE LOCAL MUNICIPALITY
DECLARATION AS AN APPROVED TOWNSHIP
ANNADALE EXTENSION 3

In terms of Section 111(1) of the Town Planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986), the Polokwane Local Municipality hereby declares Annadale Extension 3 to be an approved township, subject to the conditions as set out in the Schedule hereto.

SCHEDULE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY PQR 128 PROPERTIES (PROPRIETARY) LIMITED (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER III OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON THE REMAINING EXTENT OF PORTION 87 (A PORTION OF PORTION 14) OF THE FARM DOORNKRAAL 680, REGISTRATION DIVISION L.S., LIMPOPO PROVINCE, HAS BEEN APPROVED

1. DISPOSAL OF EXISTING TITLE CONDITIONS
   The following conditions in the title (Deed of Transfer T32781/2001) shall be removed from the title deed, either by court order or in terms of the Removal of Restrictions Act:
   "THE FORMER Portion 87 (a Portion of Portion 14) of the farm Doornkraal 680, Registration Division LS, Transvaal; Measuring 7,1958 (SEVEN comma ONE NINE FIVE EIGHT) hectares (of which the remaining Extent forms a portion) is SUBJECT TO THE FOLLOWING CONDITIONS:
   1.1 Subject to the reservation in favour of Eva Moschke (born von der Trenck) married out of community of property to Hermann Moschke, her heirs, executors, administrators of assigns, of the free, undisturbed and exclusive use of the water furrow running through the land hereby transferred to the other portion of the portion marked 8 of the Eastern Portion of the quitrent farm Doornkraal 680, aforesaid.
   1.2 Subject to the right to use certain water granted to certain Martin Petrus Albertus Coetzee, senior, as more fully set out in Deed of Transfer 2116/1895, dated 19th July 1895.
   1.3 Subject to certain servitude relative to the distribution of water, as more fully set out in Deed of Transfer 935/1893, dated 1st April 1893
2. CONDITIONS OF ESTABLISHMENT
   (1) NAME
   The name of the township shall be Annadale Extension 3.
   (2) DESIGN
   The township shall consist of erven and streets as indicated on General Plan S.G. Number 900/2014.
   (3) EXISTING CONDITIONS OF TITLE
   All erven shall be made subject to existing conditions and servitude's, if any, but excluding the conditions mentioned under paragraph 1.1 above, which shall be cancelled or alternatively uplifted.
   (4) PROVISIONS AND INSTALLATION OF SERVICES
   The Township Owner shall make the necessary arrangements with the local authority for the provision and installation of water, electricity and sanitation as well as the construction of roads and storm-water drainage in and for the township.
3. CONDITIONS OF TITLE
   (1) CONDITIONS IMPOSED BY THE AUTHORISED LOCAL AUTHORITY IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE NO 15 OF 1986
   The erven mentioned hereunder shall be subject to the conditions imposed by the local authority in terms of the provisions of the Town-Planning and Townships Ordinance, 1986.
   (i) ALL ERVEN
   (a) These erven are subject to a servitude, 2 m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary: Provided that the local authority may dispense with any such servitude.
   (b) No building or other structure shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within 2 m thereof.

(c) The local authority shall be entitled to deposit temporally on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as it in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

D Makobe, Municipal Manager
Polokwane Local Municipality

POLOKWANE LOCAL MUNICIPALITY
POLOKWANE / PERSKEBULT AMENDMENT SCHEME 61

The Polokwane Local Municipality, hereby declares in terms of the provisions of Section 125(1) of the Town-planning and Townships Ordinance, 1986, that it has approved an amendment scheme being an amendment of the Polokwane / Perskebult Town Planning Scheme, 2016, comprising the same land as included in the Township of Annadale Extension 3.

The Map 3 and Scheme Clauses of the amendment scheme are filed with the Manager: City Planning & Property Management: Polokwane Municipality, and are open for inspection at all reasonable times.

The amendment is known as the Polokwane/Perskebult Amendment Scheme No. 61 and shall come into operation on the date of publication of this notice.

D Makobe, Municipal Manager
Polokwane Local Municipality

LOCAL AUTHORITY NOTICE 64 OF 2018

Greater Tubatse Amendment Scheme 133/2006

I, Jaco Daniël du Plessis, being the authorised agent of the owner of Erf 8481, Burgersfort Extension 21, hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986 (Ord. 15 of 1986) read together with the provisions of the Spatial Planning and Land Use Management Act, 2013 and its Regulations, that I have applied to the Fetakgomo - Tubatse Local Municipality for the amendment of the Greater Tubatse Municipality Land-Use Scheme, 2006 by the rezoning of Erf 8481, Burgersfort Extension 21, located in Lepati Street, from "Residential 1" to “Residential 2” to allow for the development of ten dwelling units on the property.

Particulars of the application will lie for inspection during normal office hours at the office of the Town Planner, Office 15, Ground Floor, Civic Centre, 01 Kastania Street, Burgersfort, 1150 for a period of 28 days from 18 May 2018.

Objections to or representations in respect of the application must be lodged with or made in writing to the Manager: Development Planning Services at the abovementioned address or at P.O. Box 206, Burgersfort, 1150 and/or the agent within a period of 28 days from 18 May 2018.

Address of Agent: ProfPlanners & Associates (PTY) LTD., P.O. Box 11306, BENDOR PARK, 0713,
Tel: (015) 2974970/1, Fax: (015) 2974584, email jaco@profplanners.co.za

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Skimi sa Phetošo sa Greater Tubatse 133/2006

Nna, Jaco Daniël du Plessis, ke lego moemedi yo a dumeletšwego wa mong wa Erf 8481, Burgersfort Extension 21, ke fa tsebišo go ya ka Karolo 56(1)(b)(i) ya Peakanyo ya Toropo le Molao wa Motsesetoropo wa 1986 (e lego Molawana. 15 wa 1986) wo o badilwego mmogo le dineo tša Molao wa Peakanyo ya Sebaka le Taolo ya Tšhomišo ya Naga wa 2013 gammogo le Melawana ya yona, yeo e dirišitšwego go Mmasepala wa Selegae wa Fetakgomo – Tubatse, go fetoša Skimi sa Tšhomišo ya Naga sa Mmasepala wa Tubatse, e tsebjago ka la Greater Tubatse Municipality Land-Use Scheme, 2006) ka go bea legora leboelela go Erf 8481, Burgersfort Extension 21, yeo e lego Mmileng wa Lepati, go tloga go "Tulo 1" go fihla go “Tulo 2” go dumeleleng ga go agwa ga diyuniti tše lesome tša madulo prophating.

Ditlhalošišo tša kgopelo di tla beelwa gore di hlahlobje nakong ya diiri tša mošomo kantorong ya Town Planner, Office 15, Ground Floor, Civic Centre, 01 Kastania Street, Burgersfort, 1150 lebakeng la matšatši a 28 go tloga ka la 18 May 2018.

Tšeo go gananwago le tšona goba dikemelo mabapi le kgopelo di swanetše go direlwa boipiletšo goba di ngwalelwe go Manager: Development Planning Services atereseng ya ka godimo ya P.O. Box 206, Burgersfort, 1150 le/goba moemedi lebakeng la matšatši a 28 go tloga ka la 18 May 2018.

Aterese ya Moemedi: ProfPlanners & Associates (PTY) LTD., P.O. Box 11306, BENDOR PARK, 0713,
Tel: (015) 2974970/1, Fax: (015) 2974584, emaile jaco@profplanners.co.za

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