

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**

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(E ngwadisits'we bjalo ka Kuranta) • (Yo redzhistariwa sa Nyusiphepha)*

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No. 2990

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Closing times for **ORDINARY WEEKLY** **2019** **LIMPOPO PROVINCIAL GAZETTE**

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

- **27 December 2018**, Friday for the issue of Friday **04 January 2019**
- **04 January**, Friday for the issue of Friday **11 January 2019**
- **11 January**, Friday for the issue of Friday **18 January 2019**
- **18 January**, Friday for the issue of Friday **25 January 2019**
- **25 January**, Friday for the issue of Friday **01 February 2019**
- **01 February**, Friday for the issue of Friday **08 February 2019**
- **08 February**, Friday for the issue of Friday **15 February 2019**
- **15 February**, Friday for the issue of Friday **22 February 2019**
- **22 February**, Friday for the issue of Friday **01 March 2019**
- **01 March**, Friday for the issue of Friday **08 March 2019**
- **08 March**, Friday for the issue of Friday **15 March 2019**
- **14 March**, Thursday for the issue of Friday **22 March 2019**
- **22 March**, Friday for the issue of Friday **29 March 2019**
- **29 March**, Wednesday for the issue of Friday **05 April 2019**
- **05 April**, Friday for the issue of Friday **12 April 2019**
- **12 April**, Friday for the issue of Friday **19 April 2019**
- **17 April**, Wednesday for the issue of Friday **26 April 2019**
- **25 April**, Thursday for the issue of Friday **03 May 2019**
- **03 May**, Friday for the issue of Friday **10 May 2019**
- **10 May**, Friday for the issue of Friday **17 May 2019**
- **17 May**, Friday for the issue of Friday **24 May 2019**
- **24 May**, Friday for the issue of Friday **31 May 2019**
- **31 May**, Friday for the issue of Friday **07 June 2019**
- **07 June**, Friday for the issue of Friday **14 June 2019**
- **13 June**, Thursday for the issue of Friday **21 June 2019**
- **21 June**, Friday for the issue of Friday **28 June 2019**
- **28 June**, Friday for the issue of Friday **05 July 2019**
- **05 July**, Friday for the issue of Friday **12 July 2019**
- **12 July**, Friday for the issue of Friday **19 July 2019**
- **19 July**, Friday for the issue of Friday **26 July 2019**
- **26 July**, Friday for the issue of Friday **02 August 2019**
- **02 August**, Friday for the issue of Friday **09 August 2019**
- **08 August**, Thursday for the issue of Friday **16 August 2019**
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- **08 November**, Friday for the issue of Friday **15 November 2019**
- **15 November**, Friday for the issue of Friday **22 November 2019**
- **22 November**, Friday for the issue of Friday **29 November 2019**
- **29 November**, Friday for the issue of Friday **06 December 2019**
- **06 December**, Friday for the issue of Friday **13 December 2019**
- **12 December**, Thursday for the issue of Friday **20 December 2019**
- **18 December**, Wednesday for the issue of Friday **27 December 2019**

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 47 OF 2019**POLOKWANE MUNICIPALITY****NOTICE OF A REZONING APPLICATION IN TERMS OF SECTION 61 OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017**

I Lebogang Mohale of Opulence Developments being the applicant of property Erf 1264 Pietersburg Ext.4 hereby give notice in terms of Section 95(1)(a) of the Polokwane Municipal Planning By-law, 2017, that I have applied to the Polokwane Municipality for the amendment of the applicable Land Use Scheme and/or Town Planning Scheme, by the rezoning in terms of Section 61 of the Polokwane Municipal By-law, 2017 of the property as described above. The property is situated at: 86 Grobler Street, Polokwane. The rezoning is from "Residential 1" to "Residential 3" for high density development.

Any objection(s) and/or comments, including the grounds for such objection(s) with full contact details, without which the municipality cannot correspond with the person or body submitting the objection(s) and/or comments shall be lodged with, or made in writing to: Manager; City Planning and Property Management, P.O Box 111, Polokwane, 0700 from 12 April 2019 until 12 May 2019.

Full particulars and plans may be inspected during normal office hours at the Municipal offices as set out below, for a period of 28 days from the date of the first publication of the advert in the provincial gazette/Observer newspaper.

Address of Municipal Offices: P.O Box 111, Polokwane, 0700

Address of authorized Agent: Opulence Developments, 6 Villa Santana Main Street, Heatherview 0156, Contact: 0840767294

KENNISGEWING 47 VAN 2019**POLOKWANE MUNISIPALITEIT****KENNISGEWING VAN 'N HERSONERING AANSOEK INGEVOLGE ARTIKEL 61 VAN DIE
POLOKWANE MUNISIPALE BEPLANNING VERORDENING, 2017**

Ek Lebogang Mohale van Opulence ontwikkelings wat die applicant van eiendom van Erf 1264 Pietersurg Ext.4 hiermee gee ingevolge artikel 95(1)(a) van die Polokwane Munisipale Beplanning-verordening, 2017, dat ek aansoek gedoen het by die Polokwane Munisipaliteit vir die Wysiging van die toepaslike grond gebruik skema en/of dorpsbeplanningskema, deur die hersonering in terme van artikel 61 van die Polokwane munisipale verordening, 2017 van die eiendom soos hierbo beskryf. Die eiendom is geleë by: 86 Groblerstraat, Polokwane. Di hersonering is van "Residensiële 1" na "Residensiële 3" vir hoë digtheid ontwikkeling.

Enige besware en/of kommentar, met inbegrip van die gronde vir sondige besware, met volledige volledige kontakbesonderhede, waarsonder die munisipaliteit kan stem ooreen met di persoon of liggaam war die besware en/of kommentaar lewer nie, moet skriftelik by: Bestuurder; Stadsbeplanning en Eiendomsbestuur, Posbus 111, Polokwane, 0700 vanaf 12 April 2019 tot 12 Mei 2019.

Volledige besonderhede en planne kan gedurende gewone kantooure by die Munisipale kantore, soos hieronder uiteengesit, vir 'n typerk van 28 dae vanaf die eerste publikasie van die advertensie in die provinsiale koerant/Observer-koerant besigtig word.

Adres van Munisipale Kantore: Posbus 111, Polokwane, 0700
Adres van gemagtigde Agent: Opulence Developments, 6 Villa Santana Main Street, Heatherview 0156, Kontak: 0840767294

12-19

NOTICE 48 OF 2019**POLOKWANE PERSKEBULT TOWN PLANNING SCHEME, 2016
& POLOKWANE SPLUMA BYLAW, 2017
AMENDMENT SCHEME 77**

Notice is hereby given in terms of provisions of Section 61 of the Polokwane SPLUMA Municipal Bylaws, 2017 and the provisions of SPLUMA (Act 16 of 2013)) that BJVDS Town & Regional Planners CC t/a Planning Concept Town & Regional Planners intend to apply to the Polokwane Municipality for the rezoning of Erf 7424 Bendor X 77 from "Residential 2 with a density of 44 units per ha" to "Residential 3" and in terms of Clause 33 of the Polokwane / Perskebult Town Planning Scheme, 2016 to increase the density to 47 units per ha to allow for the development of 2 additional units (45 units in total).

Particulars of the application will lie for inspection during normal office hours at the applicant at the address mentioned herein, and at the offices of the Town Planners, first floor, west wing, Civic Centre, Polokwane, for the period of 28 days from 12 April 2019.

Any objections to or representations in respect of the application shall be lodged in writing simultaneously with the applicant and with the Municipal Manager, Polokwane Municipality at the above address or at PO Box 111, Pietersburg, 0700, within a period of 28 days from 12 April 2019.

Address and contact detail of applicant/agent: *Planning Concept, PO Box 15001, Polokwane, 0699, Tel: 015 – 2953649, Fax: 015 – 295 4291*

12-19

KENNISGEWING 48 VAN 2019**POLOKWANE / PERSKEBULT DORPSBEPLANNING SKEMA, 2016
& POLOKWANE RUIMTELIKE BEPLANNING EN GRONDGEBRUIK BY WET, 2017
WYSIGINGSKEMA 77**

Hiermee word kennis gegee dat, in terme van Artikel 61 Polokwane Munisipale SRuimtelike Beplanning en Grondgebruik By Wet, 2017, dat ons/ek, BJVDS Town & Regional Planners CC t/a Planning Concept Town & Regional planners van voorneme is om by die Polokwane Munisipaliteit aansoek te doen vir die hersonering van Erf 7424 Bendor X 77 vanaf "Residensieel 2 met 'n digtheid van 44 eenhede per ha" na "Residensieel 3" en in terme van Klousule 33 van die Polokwane / Perskebult Dorps Beplanning Skema, 2016 om die digtheid te verhoog na 47 eenhede per ha ten einde 2 addisionele eenhede te ontwikkel. (45 eenhede in totaal)

Besonderhede wat betrekking het op die aansoek kan gedurende kantoorure ondersoek word by die applikant by onderstaande address of by die kantoor van die Beplanners Eerstevloer, Burgersentrum, Polokwane vir 'n periode van 28 dae vanaf 12 April 2019.

Enige persoon wat besware het teen die aansoek moet so 'n beswaar tesame met 'n geskrewe rede vir so 'n beswaar indien by die applikant en Munisipale Bestuurder, Polokwane Munisipaliteit, Posbus 111, Polokwane, 0700 binne 'n periode van 28 dae vanaf 12 April 2019.

Naam van Applikant: Planning Concept; Posbus 15001; Flora Park; Polokwane; 0699; Tel: 015 – 2953649; Faks: 015 – 2954291

12-19

NOTICE 49 OF 2019

NOTICE OF APPLICATION FOR THE SUBDIVISION OF CERTAIN FARM PORTIONS SITUATED IN THE JURISDICTION OF THE THABAZIMBI LOCAL MUNICIPALITY, LIMPOPO PROVINCE IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) (SPLUMA), READ WITH SECTION 16(12)(A)(III) OF THE THABAZIMBI LAND USE MANAGEMENT BY-LAW, 2015 AS WELL AS FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS IN THE TITLE DEEDS OF THE RESPECTIVE PROPERTIES IN TERMS OF SECTION 41(1) AND SECTION 47(1) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) (SPLUMA), READ WITH SECTION 16(2) OF THE THABAZIMBI LAND USE MANAGEMENT BY-LAW, 2015

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

- 1. The Remaining Extent of Portion 13 of the farm De Put, 412-KQ, Limpopo Province; and**
- 2. Portion 36 of the farm De Put, 412-KQ, Limpopo Province;**

as well as for the removal of restrictive title conditions in the title deeds of the above-mentioned properties, in terms of Section 41(1) and Section 47(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), read with Section 16(2) of the Thabazimbi Land Use Management By-Law, 2015.

Particulars of the applications will lie for inspection during normal office hours at the office of the Manager: Planning and Economic Development, Thabazimbi Municipality, 7 Rietbok Street, Thabazimbi for a period of 30 days from 12 April 2019.

Objections to or representations in respect of the applications must be lodged with or made in writing to the Manager: Planning and Economic Development, Thabazimbi Municipality, at the above-mentioned address or at Private Bag X530, Thabazimbi, 0380 within a period of 30 days from 12 April 2019.

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

KENNISGEWING 49 VAN 2019

KENNISGEWING VAN AANSOEK OM DIE ONDERVERDELING VAN SEKERE PLAASGEDEELTES GELEë IN DIE REGSGEBIED VAN DIE THABAZIMBI PLAASLIKE MUNISIPALITEIT, LIMPOPO PROVINSIE INGEVOLGE DIE WET OP RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR, 2013 (WET 16 VAN 2013) (SPLUMA), SAAMGELEES MET ARTIKEL 16(12)(A)(III) VAN DIE THABAZIMBI BYWET OP GRONDGEBRUIKBESTUUR, 2015, ASOOK VIR DIE OPHEFFING VAN DIE BEPERKENDE TITELVOORWAARDES IN DIE TITELAKTES VAN DIE ONDERSKEIE EIENDOMME INGEVOLGE ARTIKEL 41(1) EN ARTIKEL 47(1) VAN DIE WET OP RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR, 2013 (WET 16 VAN 2013) (SPLUMA), SAAMGELEES MET ARTIKEL 16(2) VAN DIE THABAZIMBI BYWET OP GRONDGEBRUIKBESTUUR, 2015

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

- 1. Die Resterende Gedeelte van Gedeelte 13 van die plaas De Put, 412-KQ, Limpopo Provinsie; en**
- 2. Gedeelte 36 van die plaas De Put, 412-KQ, Limpopo Provinsie,**

asook vir die opheffing van beperkende voorwaardes in die titelaktes van die bogenoemde eiendomme, ingevolge Artikel 41(1) en Artikel 47(1) van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet 16 van 2013) (SPLUMA), saamgelees met Artikel 16(2) van die Thabazimbi Bywet op Grondgebruikbestuur, 2015.

Besonderhede van die aansoeke lê ter insae gedurende gewone kantoorure by die kantoor van die Bestuurder: Beplanning en Ekonomiese Ontwikkeling, Thabazimbi Munisipaliteit, 7 Rietbokstraat, Thabazimbi vir 'n tydperk van 30 dae vanaf 12 April 2019.

Besware teen of verhoë ten opsigte van die aansoeke moet binne 'n tydperk van 30 dae vanaf 12 April 2019 skriftelik by of tot die Bestuurder: Beplanning en Ekonomiese Ontwikkeling, Thabazimbi Munisipaliteit, by bovermelde adres of by Privaat Sak X530, Thabazimbi, 0380 ingedien of gerig word.

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

PROCLAMATION • PROKLAMASIE

PROCLAMATION 24 OF 2019


Postal Address:

Musina Local Municipality
Private Bag X611
Musina
0900

Physical Address:

21 Irwin Street
Musina
0900

Information Center

(015) 534 6100
info@musina.gov.za
www.musina.gov.za

ENQUIRIES SPEAK TO



Makaulule M

REFERENCE NO



143/15N)

DECLARATION AS APPROVED TOWNSHIP

In terms of Section 103 of the Towns-Planning and Township Ordinance, 1986 (Ordinance No 15 of 1986), Musina Local Municipality hereby declares Messina Nancefield Extension 14 to be an approved Township, subject to the conditions as set out in the Schedule hereto:

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION FOR TOWNSHIP ESTABLISHMENT IN TERMS OF THE PROVISIONS OF CHAPTER IV OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 34 OF THE FARM VOGELENGZANG 3 MT, LIMPOPO BY MUSINA LOCAL MUNICIPALITY (HEREINAFTER REFERRED TO AS THE APPLICANT) HAS BEEN APPROVED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be **Messina Nancefield Extension 14**.

1.2 LAYOUT/DESIGN

The Township shall consist of erven and public roads as indicated on General Plan S.G No: 297/2011.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of right to minerals ad real rights, but excluding:

- (a) The following servitudes which do not affect the township area because of the location thereof:



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www.musina.gov.za

- "2.1 By virtue of Notarial Deed K.2845/1974S, the right has been granted to EVKOM to convey electricity over the property hereby convened together with ancillary rights, and subject to conditions, as will more fully appear on reference said Notarial Deed and diagram. By virtue of Notarial Deed K.2185/1976S the route of servitude No K2845/1974S has been defined as indicated on diagram S.G No A1213/75 annexed to the said notarial Deed.
- 2.2 By virtue of Notarial Deed K.306/1981, the right has been granted to EVKOM to convey electricity over the property hereby convened together with ancillary rights, and subject to conditions, as will more fully appear on reference said Notarial Deed and diagram.

1.4 REMOVAL, REPOSITIONING, MODIFICATION OR REPLACEMENT OF EXISTING TELKOM SERVICES

If by any reason of the establishment of the township, it should become necessary to Remove, reposition, modify or replace of existing Telkom Services, the cost thereof shall be borne by the township applicant.

1.5 REMOVAL, REPOSITIONING, MODIFICATION OR REPLACEMENT OF EXISTING ESKOM SERVICES

If by any reason of the establishment of the township, it should become necessary to Remove, reposition, modify or replace of existing Eskom Services, the cost thereof shall be borne by the township applicant.

1.6 CONDITIONS IMPOSED BY THE EIA SECTION DEPARTMENT OF ECONOMIC DEVELOPMENT , ENVIRONMENT AND TOURISM

The developer shall at his own expense comply with all the conditions imposed by the department for the undertaking of the proposed activity (township development) in terms of the relevant section of the National Environmental Management Act, 1998 (Act 107 of 1998).

2. CONDITIONS OF TITLE

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2.1. ALL ERVEN SHALL WITH THE EXCEPTION OF ERVEN 5692 TO 5698

- (a) The erf is subject to a servitude, 2 metres wide along any two boundaries other than a street boundary, in favour of the Local Authority, for sewerage and other municipal purposes and, in the case of a panhandle Erf, an additional servitude for municipal purposes 1 metres wide across the access portion of the Erf, if and when required by the local authority: provided that the Local Authority may relax or grant exemption from the require servitudes.
- (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 1 metres thereof.
- (c) The Local Authority shall be entitled to deposit temporarily 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.

3. CONDITIONS TO BE INCORPORATED IN THE TOWN PLANNING SCHEME IN TERMS OF SECTION 125 (1) OF TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

The erven mentioned hereunder shall be subject to the conditions as indicated, imposed by the administrator in terms of the provisions of the town-planning and townships ordinance, 1986 (Ordinance 15 of 1986).

(1) ALL ERVEN

The use of the erf is as defined and subject to such conditions as are contained in the land use conditions in the Messina Town Planning scheme 1983.

(2) ALL ERVEN WITH THE EXCEPTION OF ERVEN 5692 TO 5698

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The erf lies in the area where soil conditions can affect buildings and structures and result in damage to them. Building plans submitted to the Local Authority must show measures to be taken, in accordance with the recommendations contained in the geotechnical report for the township, to limit possible damage to the building and structures as a result of detrimental foundation conditions, unless it is proved to the Local Authority that such measures are unnecessary or that the same purpose can be achieved by other or more effective means.

(3) ERVEN 5184-5211, 5213-5218, 5220-5488, 5490-5571, 5573-5633, 5635 AND 5637-5690:

The use zone of the erf shall be "Residential 1". The erven are subject to the following further conditions:

- (a) The density of the erven shall be "One dwelling per erf"
(b) Building lines:

Street: 2m

Lateral: 2m and the Local Authority may relax to 0m on one boundary depending on positioning of municipal services.

Back: 2m

(4) ERVEN 5219 AND 5489:

The use zone of the erven shall be "Business 1"

(5) ERVEN 5212 AND 5572

The use zone of the erven shall be "Educational"

(6) ERVEN 5634, 5636 AND 5691

The use zone of the erven shall be "Municipal"

(7) ERVEN 5692 TO 5698:

The use zone of the erven shall be "Public Open Space"

(8) ERVEN SUBJECT TO SPECIAL CONDITIONS

In addition to the relevant conditions set out above, the undermentioned erven shall be subject to the conditions as indicated.

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(a) **ERVEN 5212; 5636; 5693 AND 5694**

No building of any nature shall be erected within that part of the erf which is likely to be inundated by flood water on an average every 100 years, as shown on the approved layout plan: provided that the Local Authority may consent to the erection of buildings on such part if it is satisfied that the said part of building/s will no longer be subject to inundation. No terracing or other changes within the floodplain shall be carried out unless with the approval by the Local Authority of proposals prepared by a Professional Engineer

(a) **ERVEN 5252-5267 AND 5695**

Ingress and egress from the erf shall not be permitted along the boundary thereof abutting on the 26m wide street to the west thereof.

(b) **ERVEN 5692**

- (i) Ingress and egress from the erf shall not be permitted along the boundary thereof abutting on the 26m wide street to the west as well as along Provincial Road D2692 to the north thereof.
- (ii) Buildings, including outbuildings hereafter erected on the erf shall be located not less than 16m from the northern boundary abutting on the provincial Road D2692.

PROCLAMATION 25 OF 2019
EPHRAIM MOGALE LOCAL MUNICIPALITY
NOTICE OF APPROVAL OF AMENDMENT SCHEME NUMBER 38
AND
THE REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE
IN TERMS OF SECTION 65 OF EPHRAIM MOGALE LOCAL MUNICIPALITY
SPLUM BY-LAW, 2017
ERF 76 MARBLE HALL TOWNSHIP

The Local Municipality of Ephraim Mogale declares hereby that:-

1. In terms of Section 64 of the SPLUM BY-LAW 2017, has approved Amendment Scheme Number 38, being the amendment of the Marble Hall Town Planning Scheme, 2001, by the rezoning of Erf 76 Marble Hall Township from "Residential 1" to "Residential 4".

Map 3 and the scheme clauses of the Amendment Scheme are filed with the Municipal Manager, Ephraim Mogale Local Municipality and is open for inspection at all reasonable times. This amendment scheme is known as Marble Hall Amendment Scheme Number 38 and shall come into operation on date of publication of this notice.

2. In terms of Section 41(2)(e) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), and Section 65 of the Ephraim Mogale Local Municipality SPLUM BY-LAW, 2017 has approved the removal of:

Conditions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n)(i)(ii)(iii)(iv), (o), (p), (q), (r)(i)(ii) as contained in Title Deed No. T2058/1971 being the Title Deed of Erf 76, Marble Hall Township. This removal will come into effect on the date of publication of this notice.

M.J. LEKOLA
ACTING MUNICIPAL MANAGER
Municipal Offices
P O Box 111
MARBLE HALL
0450

Date: 01/04/2019

PROCLAMATION 26 OF 2019
EPHRAIM MOGALE LOCAL MUNICIPALITY
NOTICE OF APPROVAL OF AMENDMENT SCHEME NUMBER 39
AND
THE REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE
IN TERMS OF SECTION 65 OF EPHRAIM MOGALE LOCAL MUNICIPALITY
SPLUM BY-LAW, 2017
Erf 77 MARBLE HALL TOWNSHIP

The Local Municipality of Ephraim Mogale declares hereby that:-

1. In terms of Section 64 of the SPLUM BY-LAW 2017, has approved Amendment Scheme Number 39, being the amendment of the Marble Hall Town Planning Scheme, 2001, by the rezoning of Erf 77 Marble Hall Township from "Residential 1" to "Residential 4".

Map 3 and the scheme clauses of the Amendment Scheme are filed with the Municipal Manager, Ephraim Mogale Local Municipality and is open for inspection at all reasonable times. This amendment scheme is known as Marble Hall Amendment Scheme Number 38 and shall come into operation on date of publication of this notice.

2. In terms of Section 41(2)(e) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), and Section 65 of the Ephraim Mogale Local Municipality SPLUM BY-LAW, 2017 has approved the removal of:

Conditions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n)(i)(ii)(iii)(iv), (o), (p), (q), (r)(i)(ii) as contained in Title Deed No. T43902/2008 being the Title Deed of Erf 77, Marble Hall Township. This removal will come into effect on the date of publication of this notice.

M J LEKOLA
ACTING MUNICIPAL MANAGER
Municipal Offices
P O Box 111
MARBLE HALL
0450

Date: 01/04/2019

PROCLAMATION 27 OF 2019**THULAMELA LOCAL MUNICIPALITY****NOTICE IN TERMS OF SECTION 20(1) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, ACT NO. 16 OF 2013, AND SECTION 8(8) OF THE THULAMELA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016.**

Notice is hereby given in terms Section 20(1) of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) and Section 8(8) of the Spatial Planning and Land Use Management By-law, 2016, of the Thulamela Local Municipality that the Thulamela Local Municipality, at its Special Council Meeting No. 03/2019 held on 28 March 2019, as per Resolution No. SC 02/03/19, resolved to adopt the final Spatial Development Framework (SDF) of the municipality in line with Section 20(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

The Thulamela Spatial Development Framework 2019/2023 replaces the current Thulamela Spatial Development Framework 2010 and its provisions shall come into effect on the date of this publication for a period of five (5) years.

Further details can be obtained from the Municipal Manager: Thulamela Local Municipality, Private Bag X5066, Thohoyandou, 0950 or from Office 103/108, Thulamela Civic Centre, Old Agriven Building, Thohoyandou, 0950, Tel: 015 962 7303/16, during normal office hours.

MASIPALA WAPO WA THULAMELA**NDIVHADZO UYA NGAHA KHETHEKANYO 20(1) YA SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, ACT 16 YA 2013, NA KHETHEKANYO 8(8) YA THULAMELA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016.**

Ndivhadzo uya ngaha kethekanyo 20(1) ya ndayotewa ya Spatial Planning and Land Use Management Act, 2013 (Act 16 ya 2013), na Khethekanyo 8(8) ya Thulamela Spatial Planning and Land Use Management By-law, 2016 khathihi na mutangano wa tshipentshele wa thendelano ya khoro ya 03/2019 wa dzi 28 Thafamuhwe 2019, uya ngaha thendelano ya khoro ya masipala ya: SC 02/03/19, wo dzhia thendelano ya U tangedza bugu ndaula idivheaho sa Spatial Development Framework (SDF) uya ngaha Khethekanyo 20(1) ya Spatial Planning and Land Use Management Act, 2013 (Act 16 ya 2013).

Bugu ndaula ya Thulamela Spatial Development Framework 2019/2023 I do dzhia vhuimo ha bugu ndaula ire hone ya Thulamela Spatial Development Framework 2010 ya dovha hafhu ya shuma lwa mulayo lwa minwaha mitanu (5) ubva divha la undadzwa kha gazete

Zwinwe zwidombedzwa zwi nga wanala kha minidzhere wa masipala wapo wa Thulamela kha diredi itevhelaho: Thulamela Local Municipality, Private Bag X5066, Thohoyandou, 0950 kana kha ofisi 103/108, Thulamela Civic Centre, Old Agriven Building, Thohoyandou, 0950, Tel: 015 962 7503/16, nga awara dza u shuma.

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 44 OF 2019

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 AMENDMENT SCHEME 129

We, Kamekho Consulting CC, being the applicant of Erf 2303, Pietersburg Extension 11, hereby give notice in terms of section 95(1)(a) of the Polokwane Municipal Planning By-Law, 2017, that we have applied to Polokwane Municipality for the amendment of the Polokwane/Perskebult Town Planning Scheme, 2016, for the rezoning in terms of section 61 of the Polokwane Municipal Planning By-Law, 2017, of the property as described above. The property is situated at 30 Bendor Drive, Ster Park.

The rezoning is from "Residential 1" to "Special" for Medical Consulting Rooms

The intention of the applicant in this matter is to establish a Practice with two General Practitioners and two Physiotherapists and/or associated medical health care professionals, subject to Max Coverage: 40%, Max FAR: 0.2, Max Height: 1 storey, Parking: 3 bays/100sqm GLFA.

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, P O Box 111, Polokwane, 0700 from 5 April to 3 May 2019. 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 / Observer.

Address of Municipal offices: 2nd Floor Civic Centre, Landdros Mare Street, Polokwane, 0699

Closing date for any objections and/or comments: 3 May 2019

Address of applicant: P O Box 4169, Polokwane or Suite 2, Biccard Street Polokwane, Tel: 072 190 7516/082 309 5175 Fax: 086 531 3832, email danielle@kamekho.co.za

Dates on which notice will be published: 5 April and 12 April 2019

5-12

PROVINSIALE KENNISGEWING 44 VAN 2019

KENNISGEWING INGEVOLGE ARTIKEL 95(1)(a) VIR 'N HERSONERINGSAAANSOEK INGEVOLGE ARTIKEL 61 VAN DIE POLOKWANE MUNISIPALE BEPLANNINGSBYWET 2017 POLOKWANE WYSIGINGSKEMA 129

Hiemees gee ons, Kamekho Consulting CC, as agente van die eienaars van Erf 2303, Pietersburg Uitbreiding 11, kennis ingevolge Artikel 95(1)(a) van die Polokwane Munisipale Beplanningsbywet 2017, dat ons aansoek gedoen het by die Polokwane Munisipaliteit vir die wysiging van die Polokwane/Perskebult Dorpsbeplanningsskema 2016, vir die hersonering van genoemde eiendom, ingevolge Artikel 61 van die Polokwane Munisipale Beplanningsbywet (2017). Die eiendom is gelee te Bendorrylaan 30, Sterpark. Die hersonering is vanaf "Residensieel 1" na "Spesiaal" vir mediese spreekkamers. Die bedoeling van die aansoeker is om mediese praktyk te bedryf met twee Algemene Praktisyns en twee Fisioterapeute en/of verwante professionele mediese gesondheidsdiens-verskaffers, onderworpe aan Maks Dekking: 40%, Maks VOV: 0.2, Maks Hoogte: 1 verdieping, Parkering: 3 plekke/100vkm VVO.

Enige beswaar en/of kommentare, insluitende die gronde van sodanige beswaar en/of kommentare tesame met vol kontakbesonderhede, waarsonder die Munisipaliteit nie kan korrespondeer met die persoon/instansie wat die beswaar/kommentare ingedien het nie, moet op skrif geloods word aan: Direkteur: Ruimtelike Beplanning en Grondgebruikbestuur, 2de vloer, Burgersentrum, Landdros Marestraat, vanaf 5 April 2019 tot 3 Mei 2019.

Volle besonderhede en planne (indien enige) kan ondersoek word gedurende normale kantoorure by die munisipale kantore hieronder genoem, vir 'n periode van 28 dae vanaf die datum van eerste publikasie in die Provinsiale Koerant en Observer.

Adres van munisipale kantore: 2^e Vloer Burgersentrum, Landdros Marestr, Polokwane, 0699

Sluitingstyd vir enige besware en/of kommentaar: 3 Mei 2019.

Adres van aansoeker: Posbus 4169 Polokwane 0700 of Suite 2, Biccardstr 10A Polokwane, Tel: 072 190 7516/082 309 5175, epos: danielle@kamekho.co.za

Datums waarop kennisgewing gepubliseer word: 5 April en 12 April 2019

5-12

PROVINCIAL NOTICE 45 OF 2019**NOTICE FOR THE AMENDMENT OF THE MOGALAKWENA LAND USE MANAGEMENT SCHEME 2008 IN TERMS OF SECTION 16 (1) (f) (i) OF THE MOGALAKWENA MUNICIPALITY LAND USE MANAGEMENT BY-LAW, 2016. AMENDMENT SCHEME 393.**

We, Masungulo Town and Regional Planners, being the authorized agent of the owner of the Erf mentioned below, hereby give notice in terms of Section 16(1)(f)(i) of the Mogalakwena Municipality Land Use Management By-law, 2016, read together with SPLUMA 2013 (Act 16 of 2013), that we have applied for the Rezoning of Erf 340, Piet Potgietersrus Township, Situated at No. 119 Thabo Mbeki Drive from "Residential 1" to " Business 2" with Primary rights. Particulars of the application will lie for inspection during normal office hours at the office of the Divisional Head, Town Planning, Civic Centre, 34 Retief Street, Mokopane, for a period of 30 days from 05 April 2019. Any objections to, or representations in respect of the application must be lodged with or made in writing (or verbally if you are unable to write), to the Municipal Manager, at the above-mentioned address or at Box 34, Mokopane, 0600. Address of the agent is: Masungulo Town and Regional Planners, First Floor, Bosveld Center, 87 Thabo Mbeki Drive, MOKOPANE, 0600. Telephone: 015 491 4521 Fax: 015 491 2221.

5-12

PROVINSIALE KENNISGEWING 45 VAN 2019**KENNISGEWING VIR DIE WYSIGING VAN DIE MOGALAKWENA GRONDGEBRUIK-BESTUURSKEMA 2008 INGEVOLGE ARTIKEL 16 (1) (f) (i) VAN DIE MOGALAKWENA MUNISIPALITEIT GRONDGEBRUIKBESTUUR SKEMA VERORDENING, 2016. WYSIGINGSKEMA 393**

Ons, Masungulo Stad en Streekbeplanners, synde die gemagtigde agent van die eienaar/s van Erf genoem hieronder, gee hiermee ingevolge Artikel 16 (1) (f) (i) van die Mogalakwena Munisipaliteit Grondgebruikbestuur Verordening, 2016, saamgelees met SPLUMA 2013 (Wet 16 van 2013) , dat ons het die hersonering vir die Erf 340, Piet Potgietersrus Dorpsgebied, geleë te Thabo Mbeki Rylaan 119 vanaf "Residensieel 1" na "Besigheid 2" met primêre regte . Besonderhede van voormelde aansoeke lê ter insae gedurende gewone kantoorure by die kantoor van die Bestuurder: Dorpsbeplanning Burgersentrum, Retiefstraat 34, Mokopane vir `n tydperk van 30 dae vanaf 05 April 2019. Enige besware/vertoë ten opsigte van die aansoeke moet hetsy skriftelik of mondelings (indien u nie kan skryf nie), by of tot die Munisipale Bestuurder voor die sluitingsdatum vir die indiening van sodanige besware/vertoë by bovermelde adres of by Posbus 34, Mokopane 0600 ingedien of gerig word. Adres van die agent is: Masungulo Stad en Streekbeplanners, Eerste Vloer , Bosveld Sentrum, Thabo Mbeki Rylaan 87, Mokopane, 0600. Tel: 015 491 4521, Faks: 015 491 2221.

5-12

PROVINCIAL NOTICE 46 OF 2019

COLLINS CHABANE LOCAL MUNICIPALITY

**COLLINS CHABANE
LOCAL MUNICIPALITY**
Since 2016



SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW, 2019

COLLINS CHABANE LOCAL MUNICIPALITY

SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW, 2019

The Municipal Manager of Collins Chabane Local Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 32 of 2000, read with section 162(2) of the Constitution, 1996, publishes the Carwash By-law for Collins Chabane Local Municipality as approved by its Council which will come into operation on the date of promulgation of this notice.

PREAMBLE

WHEREAS section 156 (1) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) confers on municipalities the right to administer local government matters listed in Part B of Schedules 4 and 5; and **WHEREAS** Part B of Schedule 4 of the Constitution of the Republic of South Africa, 1996 lists all the local government matters; and

WHEREAS section 156 (2) of the Constitution of the Republic of South Africa, 1996 empowers municipalities to make and administer by-laws; and

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

WHEREAS it is necessary that each piece of land within the Collins Chabane Local Municipality is used in accordance to its zoning as per Municipality Land Use Scheme; and

NOW THEREFORE the Collins Chabane Local Municipality has adopted this By-law in terms of in terms of section 13 of the Local Government Municipal System, 2000 (Act 32 of 2000) and in line with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and its regulations

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CHAPTER 1 DEFINITIONS, APPLICABILITY AND CONFLICT OF LAWS

1. Definitions

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

“**Act**” means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), as published on 5 August 2013 and as may be amended from time to time;

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

“**adopt or adopted**” in relation to a municipal Spatial Development Framework, Land Use Scheme, amendment scheme, policy or plans, means;

- (a) the publication as may be required in terms of this By-law, of the said documents by the Municipality, but shall where the date of coming into operation differs from the date in terms of which any document is published in the provisions of this By-law only be adopted upon the date of coming into operation thereof; or

- (b) where any land development application is approved but does not require any further notification in the provincial gazette for it to come into operation and the date of approval shall be the date it has been adopted and shall be deemed to have been adopted.

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

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

- (a) an amendment land use scheme contemplated in section 28(1) of the Act;
- (b) an application deemed to be an amendment scheme in terms of section 41(1)(a) of the Act;
- (c) an amendment of an existing Land Use Scheme as contemplated in Chapter 3 of this By-law;
- (d) a land development application for the amendment of any provision of the Land Use Scheme applicable to a property or properties, and includes a rezoning and township establishment application in terms of section 56 and 63 of this By-law.

“amended Spatial Development Framework” means an amended spatial development framework as contemplated in section 4 in this By-law, which has been amended for purpose of submission to a decision-making person or body, for approval to commence public participation in terms section 20 and 21 of the Act and section 9 of this By-law and shall be referred to as a draft spatial development framework until adopted by a Municipal Council;

“appeal authority” means an appeal authority contemplated in section 124 of this By-law, as established by Council Resolution, in terms of section 51 of the Act and regulation 20 of the Regulations, and Appeals Tribunal shall have a corresponding meaning;

“appeal tribunal” means the appeal authority as contemplated in the Act;

“applicant” means:

- (a) an owner(s); or
- (b) duly authorized person on behalf of the owner;

of property(ies) or land within the jurisdiction of the Municipality read with section 45 of the Act who submits a land development application or combination of land development applications contemplated in sections 56, 63, 64, 76 and 77 of this By-law. It also includes the municipality and an organ of state under who’s control and management the property(ies) or land falls in terms of the relevant legislation;

“approved township” means a township declared an approved township in terms of section 42 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) or an approved township in terms of any other legislation, a township approved in terms of any repealed law relating to townships and a proclaimed township shall have a corresponding meaning;

“application” means an application submitted to the Municipality in terms of sections 56, 63, 64, 76 and 77 of this By-law and read with section 45 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and a land development application shall have a corresponding meaning;

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

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

“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 103 of 1977);

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

“**By-Law**” means this By-Law and includes the schedules, processes, procedures and forms attached hereto or referred to herein;

“**capacity**” means the extent of availability of a municipal infrastructure service;

“**Code of Conduct**” means the Code of Conduct approved and adopted by Council to which the members of the Municipal Planning Tribunal or Municipal Appeals Tribunal/Authority established in terms of section 35 and 51 of the Act, and or any official appointed for purposes of considering land development applications shall be bound, and as contemplated in section 39(6) and Schedule 4 of this By-law;

“**community**” means residents, as may be determined by the Municipality, that have diverse characteristics but living in 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;

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

“**communal land**” means land under the jurisdiction of a traditional council determined in terms of section 6 of the Limpopo Traditional Leadership and Governance Act, **2005 (Act No 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), or
- (b) the government of any area for which a legislative assembly was established in terms of the Self-Governing Territories Constitution Act, 1971 (Act No. 21 of 1971);

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

“**consolidation**” means the joining of two or more adjacent erven into a single registered entity through the registration thereof in the deeds registry and shall not mean the spreading or amending of a zoning of the subject property;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“**Council**” means the council of the Collins Chabane Local Municipality;

“**contact details**” means sufficient details including but not limited to a name, surname, telephone number, identity copy – business or private, e-mail address, postal and residential addresses that will enable a Municipality or organ of state to contact a person for purposes of executing their functions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) or this By-law and in so far as it relates to an organ of state, the details of a contact person within the employ of the organ of state;

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

“**day**” means a weekday 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 Sunday or public holiday, the number of days must be calculated by excluding the first day and also the Sunday or public holiday; and further if the 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 Sunday or public holiday and which shall for purposes of the calculation of days be excluded;

“**date of notice or notification**” means the date on which a notice is served as contemplated in the provisions of this by-law or published in the media or Provincial Gazette as the case may be;

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

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

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

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

“development principles” means the principles as set out in Chapter 2 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) read with development principles as may be determined in addition to those by the Municipality from time to time;

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

“diagram” means a diagram as defined in the Land Survey Act, 1997 (Act No. 8 of 1997), but for purpose of this By-law shall be an approved diagram in terms of the Land Survey Act;

“draft Land Use Scheme” means a scheme prepared in terms of section 24(1), 27 and 28 of the Act and sections 18, 19, 20 of this By-law, for submission to a decision-making person or body, for approval to commence public participation in terms of section 26(5) of the Act and Section 20 of this By-law, and shall be referred to as a draft land use scheme until adopted by Municipal Council;

“draft Spatial Development Framework” means a draft spatial development framework as contemplated in section 5 of this By-law, which has been prepared for purpose of submission to a decision-making person or body, for approval to commence public participation in terms of sections 20 and 21 of the Act and section 5 of this By-law and shall be referred to as a draft spatial development framework until adopted in terms of section 9(6)(d) of this By-law by a Municipal Council;

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

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

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

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

for a public place/space, whether or not such township has been approved, recognised, established and proclaimed as such in terms of the By-law or any repealed law;

“external engineering services” means an engineering services situated outside the boundaries of a land development area and which is necessary to serve the use and development of the land area and may include engineering services in the opinion of the Municipality which accumulatively serve the wider area within which the development falls; or which has been classified by agreement as such in terms of section 117(1) of this By-law;

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

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

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

“illegal township” means a land development or land to be developed which in the opinion of the Municipality constitutes an illegal township, without having established a township as contemplated in section 56 and 63 of this By-law, including but limited to consisting of more than one use, single or multiple proposed erven including a sectional title scheme or multiple ownership, existing or proposed on farm land;

“incomplete land development application” means a land development application submitted without the prescribed accompanying documents as may be required by the Municipality or required in terms of the provisions of this By-law read with Regulation 16(3) of the Regulations to the Act and the Schedules to this By-law;

“incremental upgrading of informal area” means the progressive introduction of administration, management, engineering services and land tenure rights to an area that is established outside the existing planning legislation, and may include any settlement or area under traditional tenure;

“informal settlement” means the informal occupation of land by persons none of who are the registered owner of such land for primarily residential purposes with or without the consent of the registered owner of the land;

“inspector” means a person designated or appointed as an inspector under section 32 of the Spatial Planning and Land Use Management Act, 2013(Act 16 of 2013) or any other relevant legislation pertaining to the inspection of land and or buildings in order to enforce compliance with this By-law, land use conditions, Land Use Scheme or any other legislation under the jurisdiction of the Municipality;

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

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

“land development application” means one of or a combination of the following applications submitted to the Municipality under Chapter 5 (section 55) of this By-law with the intention to obtain approval for land development:

- rezoning;
- consent uses, permissions, temporary uses and relaxations in terms of the Land Use Scheme;
- the subdivision and/or consolidation of land;
- the alteration, suspension or deletion of restrictive conditions
- consent of the Municipality in terms of Title Deed

- the establishment of a township;
- the extension of the boundaries of a township;
- the amendment or cancellation of a general plan; and/or
- any other land development application in terms of the Land Use Scheme or National or Provincial Planning and Development Legislation within the jurisdiction of the Municipality as may be determined by the Municipality from time to time;

but specifically excluding any request, allowance or administrative decision in terms of this Bylaw, National or Provincial planning and development legislation;

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

“land 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 authorisation, permit or consent issued by an erstwhile authority or the Municipality as its successor in title and includes any conditions related to such land uses purposes;

“land use plan” means a plan indicating existing land use;

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

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

“land use management system” means the system of regulating and managing land use and conferring land use rights through the use of schemes and land development procedures;

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

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

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

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

“Mineral Petroleum Resource Development Act” means the Mineral Petroleum and Resources Development Act, (Act 28 of 2002) as may be amended from time to time;

“Mining” means mining as contemplated in the definitions of the Collins Chabane Land Use Scheme, 2018 as may be amended from time to time read with the Mineral Petroleum and Resources Development Act, (Act 28 of 2002) as may be amended from time to time;

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

“municipal Council” means the Council of the Municipality as contemplated in Section 157 of the Constitution;

“municipal infrastructure service” means municipal services that include:

- (i) portable water and the provision of fire flow;
- (ii) sewerage and wastewater treatment;
- (iii) electricity distribution;
- (iv) municipal roads;

- (v) street lighting;
- (vi) storm water management;
- (vii) solid waste disposal;
- (viii) public transport infrastructure;
- (ix) non-motorised transport infrastructure;
- (x) systems, capital assets and other engineering services assets and processes related to engineering services;

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

“Municipal Planning Tribunal” means a Municipal Planning Tribunal established in terms of section 35(1) of the Act and any reference in this By-law to “Tribunal” has a corresponding meaning;

“municipal spatial development framework” means a municipal spatial development framework adopted by the Municipality in terms of Chapter 5 of the Municipal Systems Act, 2000 (Act 32 of 2000) read with Chapter 2 of this By-law and includes any component thereof or regionalised spatial development frameworks forming part of the municipal spatial development framework;

“Municipality” means the Municipality of Collins Chabane or its successor in title as envisaged in section 155(1) of the Constitution, **established by Notice No 308 and Notice No 397 of 2000** in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act;

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

“natural areas” means land ecologically sensitive, naturally rich in biodiversity and non-renewable resources for conservation purposes;

“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 required a notice 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:

- (a) Ward Councillors who negatively commented on a land development application; he/she shall be invited to a hearing, without objector status;
- (b) 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;
- (c) 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;

“open space” means an area of land set aside and required to be legally protected in the opinion and to the satisfaction of the Municipality from development over and above the assignment of land use rights, which shall be for the use and benefit of a community, irrespective of ownership of such land and may include, in

the opinion of the Municipality parks, public and private open space for purpose of compliance with this By-law;

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

“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;

“owner” means the person registered in a deed’s registry as the owner of land or who is the beneficial owner in law;

“owners’ association, property owners’ association and/or homeowners’ association and/or a voluntary association” means an owners’ association established in terms of the relevant legislation, rules and regulations related to the establishment thereof, for purposes of coordinated management of an area or community;

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

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

“precinct plan” means a plan for identified sites where there are particular spatial planning interests or development which forms a smaller geographical component of spatial planning as contemplated in section 10(1)(a) of this By-Law; identified sites where there are particular state planning interests or development matters that need to be resolved;

“private engineering services” means internal engineering services to be owned and operated by a private person or body, as a condition of a land development application and/or as may be agreed upon in a services agreement in terms of this By-law and that is not taken over by the Municipality;

“proclaimed township” means in the context of any land development application in terms of this By-law, a township of which notice has been given in the Provincial Gazette in terms of section 62 of this By-law read with its amendment scheme as contemplated in section 63 of this By-law or an approved township in terms of any other legislation, a township approved in terms of any repealed law relating to townships and a proclaimed township shall have a corresponding meaning;

“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 deed’s registry as such;

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

“prescribe” means requirements or provisions in terms of this By-law, and/or requirements in terms of any of the schedules to this By-law or other relevant legislation;

“prepared spatial development framework” means a prepared spatial development framework as contemplated in section 4 in this By-law, which has been prepared for purpose of submission to a decision-making person or body, for approval to commence public participation in terms section 20 and 21 of the Act and section 9 of this By-law and shall be referred to as a draft spatial development framework until adopted by a Municipal Council;

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

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

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

“public place” means any open or enclosed place, park, street, road or thoroughfare or other similar area of land shown on a general plan or diagram which is for use by the general public and is owned by or vests in the ownership of a Municipal Council, and includes a public open space and a servitude for any similar purpose in favour of the general public;

“registered planner” means a person registered as a professional planner in terms of the Planning Profession Act, 2002 (Act 36 of 2002), and shall mean that category of registered persons for which the work has been reserved;

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

“Regulations” means the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015 as published on 13 November 2015 and as may be amended from time to time;

“restrictive condition” means any condition registered against the title deed of land restricting the use, development or subdivision of land concerned;

“rezoning” means the amendment of the zoning of property(ies) or land as contemplated in a Land Use Scheme;

“reviewed spatial development framework” means a reviewed spatial development framework as contemplated in section 4 in this By-law, which has been reviewed for purpose of submission to a decision-making person or body, for approval to commence public participation in terms section 20 and 21 of the Act and section 9 of this By-law and shall be referred to as a draft spatial development framework until adopted by a Municipal Council;

“social infrastructure” means infrastructure as may be determined by the Minister in terms of the Act, with specific reference to section 42(1)(c)(v) of the Act and may include for purposes of this By-law, infrastructure normally or otherwise reasonably associated with land for cultural social, educational, recreational, welfare and other activities for the use and benefit of the community;

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

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

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

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

“spatial development framework” means the Collins Chabane Local Municipality Spatial Development Framework and spatial development framework referred to in Chapter 4 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and read with sections 23 to 35 of the Municipal Systems Act, 2000 (Act 32 of 2000) and this By-law;

“subdivision” means the division of a piece of land into two or more portions

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

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

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

“township” means any land laid out or divided into or developed or to be developed, as:

(a) a single property or sites for;

(b) residential, business or industrial purposes or similar purposes as may be contained in a Land Use Scheme;

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

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

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

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

“**traditional council**” means a council established and recognised in terms of section 5 of the Limpopo Traditional Leadership and Governance Act, 2005;

“**traditional communities**” means communities recognised in terms of section 3 of the Limpopo Traditional Leadership and Governance Act, 2005 (**Act No 6 of 2005**);

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

2. Purpose of the By-Law

Purpose of this By-Law is to give effect to the Municipality administrative rights as contemplated in the Constitution of Republic of South Africa, 1996 (Act 106 of 1996) and introduction, adoption of consolidated processes and procedures, to implement an effective systems of land development and land use applications, spatial planning and Land Use Scheme within the jurisdiction of the Collins Chabane Local Municipality and provide for the establishment of a Municipal Planning and Appeals Tribunal in line with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and for matters in connection thereto.

3. Application of By-law

- (1) This By-law applies to all land within the geographical area of the Collins Chabane Local Municipality, including land owned by the state.
- (2) This By-law binds every owner and their successor-in-title and every user of land, including the state.
- (3) The definitions in subsection (1) apply to the Regulations, Schedules and Land Use Scheme in operation within the jurisdiction of the Collins Chabane Local Municipality.

4. Conflict of laws

- (1) The provisions of the By-law are subject to the relevant provisions of the Act and the provincial legislation.
- (2) When considering an apparent conflict between this By-law and another law, a court must prefer any reasonable interpretation that avoids a conflict over any alternative interpretation that results in a conflict.
- (3) Where a provision of this By-law is in conflict with a provision of the Act or provincial legislation, the Municipality must institute the conflict resolution measures provided for in the Act or in provincial legislation, or in the absence of such measures, the measures provided for in the Intergovernmental Relations Framework Act, 2005 (Act No.13 of 2005); to resolve the conflict and until such time as the conflict is resolved, the provisions of this By-law shall prevail.
- (4) Where a provision of the land use scheme is in conflict with the provisions of this By-law, the provisions of this By-law shall prevail.

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

CHAPTER 2 MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

5. Municipal Spatial Development Framework

- (1) The Municipality must prepare, amend or review a municipal spatial development framework in accordance with the provisions of sections 6, 20 and 21 of the Act read with sections 23 to 35 of the Municipal Systems Act, 2000 (Act 32 of 2000).
- (2) A municipal spatial development framework does not confer or take away land use rights but guides and informs decisions to be made by the Municipality relating to land development.
- (3) The provisions of this Chapter apply, with the necessary changes, to the review or amendment of a municipal spatial development framework.

6. Contents of municipal spatial development framework

- (1) A municipal spatial development framework must provide for the matters contemplated in section 21 of the Act, section 26 of the Municipal Systems Act and provincial legislation, if any, and the Municipality may for purposes of reaching its constitutional objectives include any matter which it may deem necessary for municipal planning.
- (2) Over and above the matters required in terms of subsection (1), the Municipality may determine any further plans, policies and instruments by virtue of which the municipal spatial development framework must be applied, interpreted and implemented.
- (3) A municipal spatial development framework must make provision for transitional arrangements with regard to the manner in which the municipal spatial development framework is to be implemented by the Municipality.

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

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

- (1) may convene an intergovernmental steering committee and a project committee in accordance with section 7;
- (2) must publish a notice in two of the official languages of the Province most spoken in the municipal area of the Municipality of its intention to prepare, amend or review the municipal spatial development framework and the process to be followed in accordance with section 28(3) of the Municipal Systems Act in two newspapers circulating in the area concerned;
- (3) must inform the Member of the Executive Council in writing of -
 - (a) its intention to prepare, amend or review the municipal spatial development framework;
 - (b) the process that will be followed in the drafting or amendment of the municipal spatial development framework including the process for public participation; and
- (4) must register relevant stakeholders who must be invited to comment on the draft municipal spatial development framework or draft amendment of the municipal spatial development framework as part of the process to be followed.

8. Institutional framework for preparation, amendment or review of Municipal Spatial Development Framework

- (1) The purpose of the project steering committee contemplated in section 6(1) 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 6(1) is to –
- (a) prepare, amend or review the municipal spatial development framework for adoption by the Council;
 - (b) provide technical knowledge and expertise;
 - (c) monitor progress and ensure that the drafting municipal spatial development framework or amendment of the municipal spatial development framework is progressing according to the approved process plan;
 - (d) guide the public participation process, including ensuring that the registered key public sector stakeholders remain informed;
 - (e) ensure alignment of the municipal spatial development framework with the development plans and strategies of other affected municipalities and organs of state as contemplated in section 24(1) of the Municipal Systems Act;
 - (f) facilitate the integration of other sector plans into the municipal spatial development framework;
 - (g) oversee the incorporation of amendments to the draft municipal spatial development framework or draft amendment or review of the municipal spatial development framework to address comments obtained during the process of drafting thereof;
 - (i) if the Municipality decides to establish an intergovernmental steering committee—
 - (i) assist the Municipality in ensuring that the intergovernmental steering committee is established and that timeframes are adhered to; and
 - (ii) ensure the flow of information between the project committee and the intergovernmental steering committee.
- (4) The project committee consists of –
- (a) the Municipal Manager;
 - (b) municipal employees from at least the following municipal departments:
 - (i) the integrated development planning office;
 - (ii) the planning department;
 - (iii) the engineering department;
 - (iv) the local economic development department; and
 - (v) the human settlement department.

9. Preparation, amendment or review of Municipal Spatial Development Framework

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

intergovernmental steering committee for comment.

(2) After consideration of the comments of the intergovernmental steering committee, the project committee must finalise the status quo document and submit it to the Council for adoption.

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

(4) After consideration of the comments of the intergovernmental steering committee, the project committee must finalise the first draft of the municipal spatial development framework or first draft amendment or review of the municipal spatial development framework and submit it to the Council, together with the report referred to in subsection (5), to approve the publication of a notice referred to in section 6(b) that the draft municipal spatial development framework or an amendment or review thereof is available for public comment.

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

- (a) indicate the rationale in the approach to the drafting of the municipal spatial development framework;
- (b) summarise the process of drafting the municipal spatial development framework;
- (c) summarise the consultation process to be followed with reference to section 9 of this By-law;
- (d) indicate the involvement of the intergovernmental steering committee, if convened by the Municipality;
- (e) indicate the departments that were engaged in the drafting of the municipal spatial development framework;
- (f) the alignment with the national and provincial spatial development frameworks;
- (g) any sector plans that may have an impact on the municipal spatial development framework;
- (h) indicate how the municipal spatial development framework complies with the requirements of relevant national and provincial legislation, and relevant provisions of strategies adopted by the Council; and
- (i) recommend the adoption of the municipal spatial development framework for public participation as the draft municipal spatial development framework for the Municipality, in terms of the relevant legislation and this By-law.

(6) After consideration of the comments and representations, as a result of the publication contemplated in subsection (4), the project committee must compile a final municipal spatial development framework or final amendment or review of the municipal spatial development framework for adoption by the Council.

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

(8) The Council must adopt the final municipal spatial development framework or final amendment or review of the municipal spatial development framework, with or without amendments, and must within 14 days of its decision give notice of its adoption in the media and the Provincial Gazette.

(9) If no intergovernmental steering committee is convened by the Municipality, the project committee submits the draft and final municipal spatial development framework or amendment or review thereof directly to the Council.

10. Public Participation

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

(2) In addition to the publication of notices in the *Provincial Gazette* and newspapers as required in

terms of this Chapter, the Municipality may use any other method of communication it may deem appropriate

(3) The Municipality may for the purposes of public engagement on the content of the draft Municipal Spatial Development Framework arrange-

- (a) Specific consultation with professional bodies, ward communities or other groups; and
- (b) open day(s) in order for the public to peruse the draft Municipal Spatial Development Framework
- (c) public meetings

To engage in the content of the draft Municipal Spatial Development Framework.

(4) The notice contemplated in subsection (2) must specifically state that any person or body wishing to provide comments shall-

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

(5) The Municipality must inform the MEC of the Province in writing of:

- (a) its intention to draft, review or amend the Municipal Spatial Development Framework;
- (b) its decision in terms of section (8)(8); and
- (c) the process that will be followed in the drafting, review or amendment of the Municipal Spatial Development Framework including the process for public participation.

(6) Consideration of the Municipal Spatial Development Framework:

(a) After the public participation process contemplated in section (9)(1) to (5) the Department responsible for Development Planning shall review and consider all submissions made in writing or during any engagements.

(b) The Department responsible for Development Planning shall for purposes of proper consideration provide its written comments on the submissions made, which comments shall form part of the documentation to be submitted to the Municipal Council for final consideration, approval and adoption of its Municipal Spatial Development Framework.

(c) The Department responsible for Development Planning shall where required, and based on submission received, make final amendments to the Municipal Spatial Development Framework, provided that if such amendments are in its opinion materially different to what was published in terms of section 9 (1) to (5), the Municipality must follow a further consultation and public participation process before adoption by the Municipal Council as provided for in section 9 (1) to (5).

(d) The Municipal Council must adopt the Municipal Spatial Development Framework with or without amendments, and must within 60 days of its decision give notice of the adoption thereof in the media circulating in its area of jurisdiction, in English and one other official language, and in the Provincial Gazette; which notice may include a summary in accordance with subsection 25(4) of the Municipal Systems Act, 2000 (Act 32 of 2000).

(e) After the approval of the Municipal Spatial Development Framework the Municipality shall submit the approved and adopted Municipal Spatial Development Framework to the MEC.

11. Local Spatial Development Framework

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

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

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

12. Compilation, amendment or review of local Spatial Development Framework

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

13. Effect of local Spatial Development Framework

- (1) A local spatial development framework or an amendment thereof comes into operation on the date of publication of the notice.
- (2) A local spatial development framework guides and informs decisions made by the Municipality relating to land development, but it does not confer or take away land use rights.

14. Record of and access to municipal Spatial Development Framework

- (1) The Municipality must keep, maintain and make accessible to the public, including on the Municipality's website, the approved municipal or local spatial development framework and or any component thereof applicable within the jurisdiction of the Municipality.
- (2) Should anybody or person request a copy of the municipal or local spatial development framework the Municipality must provide on payment by such body or person of the prescribed fee, a copy to them of the approved municipal spatial development framework or any component thereof.

15. Status and departure from Municipal Spatial Development Framework

- (1) Nothing contained in Chapter 2 of this By-law shall be construed as prohibiting a Municipality from taking a decision on a land development application, which decision in the opinion of the Municipality, departs from the adopted Municipal Spatial Development Framework, provided that:
 - (a) it must motivate site specific circumstances that may justify the departure;
 - (b) subject subsection (1)(c) such departure does not materially change the Municipal Spatial Development Framework;
 - (c) if such departure materially changes the Municipal Spatial Development Framework, the Municipality shall in terms of Chapter 2 of this By-law amend the Municipal Spatial Development Framework in so far as it relates to the departure only, in such form as the Municipality may determine without necessarily amending the full Municipal Spatial Development Framework, prior to taking a decision which constitutes a departure from the Municipal Spatial Development Framework;
- (2) In determining whether the site specific circumstances exist in terms of subsection (1)(a) and (b), the Municipality must have regard to the land development application or applications which have been submitted and any other relevant considerations.
- (3) In the event of an application departing from the Municipal Spatial Development Framework, the

applicant must describe the departure in the application and the impact of such departure on the overall Municipal Spatial Development Framework.

(4) If there is a conflict between the Municipal Spatial Development Framework and Regionalized, Local Spatial Development Frameworks or any other plans emanating from the Municipal Spatial Development Framework, the Municipal Spatial Development Framework prevails over other development frameworks to the extent of the conflict.

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

- (a) a departure, deviation or amendment that does not materially change the desired outcomes and objectives of a municipal and local spatial development framework, if applicable;
- (b) a unique circumstance pertaining to a discovery of national or provincial importance.

(6) If the effect of an approval of an application will be a material change of the municipal spatial development framework, the Municipality may amend the municipal spatial development framework in terms of the provisions of this Chapter, prior to taking a decision which constitutes a deviation from the municipal spatial development framework.

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

CHAPTER 3 LAND USE SCHEME

16. Applicability of Act

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

17. Purpose of Land Use Scheme

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

- (a) harmonious and compatible land use patterns;
- (b) aesthetic considerations;
- (c) sustainable development and densification; and
- (d) the accommodation of cultural customs and practices of traditional communities in land use management.

18. General matters pertaining to Land Use Scheme

- (1) In order to comply with section 24(1) of the Act, the Municipality must -
 - (a) develop a draft land use scheme as contemplated in section 18;
 - (b) obtain Council approval for publication of the draft land use scheme as contemplated in section 19;
 - (c) embark on the necessary public participation process as contemplated in section 20;
 - (d) incorporate relevant comments received during the public participation process as contemplated in section 21;
 - (e) prepare the land use scheme as contemplated in section 22;
 - (f) submit the land use scheme to the Council for approval and adoption as contemplated in section 23;
 - (g) publish a notice of the adoption and approval of the land use scheme in the Provincial Gazette as contemplated in section 24; and
 - (h) submit the land use scheme to the Member of the Executive Council as contemplated in section 25.

- (2) The Municipality may, on its own initiative or on application, create an overlay zone for land within the municipal area.
- (3) Zoning may be made applicable to a land unit or part thereof and zoning must follow cadastral boundaries, except for a land unit or part thereof which has not been surveyed, in which case a reference or description as generally approved by Council may be used.
- (4) The land use scheme of the Municipality must take into consideration:
 - (a) the Integrated Development Plan in terms of the Municipal Systems Act;
 - (b) the Spatial Development Framework as contemplated in Chapter 4 of the Act and Chapter 2 of this By-law, and
 - (c) provincial legislation.

19. Development of draft land use scheme

- (1) Before the Municipality commences with the development of a draft land use scheme, the Council must develop and prepare a land use scheme, provided that in its resolution the Council must:
 - (a) establish a land use scheme committee and appoint the members to the land use scheme committee from the relevant municipal department responsible for spatial planning and land use management;
 - (b) confirm over and above that which is contained in the applicable legislation the public participation to be followed;
 - (c) determine the form and content of the land use scheme;
 - (d) determine the scale and whether it should be available in an electronic media;
 - (e) determine any other relevant issues that will impact on the development and final adoption of the land use scheme which will allow for it to be interpreted and or implemented; and
 - (f) confirm the manner in which the land use scheme must inter alia set out the general provisions for land uses applicable to all land, categories of land use, zoning maps, restrictions, prohibitions and or any other provision that may be relevant to the management of land use, which may or may not require a consent or permission from the Municipality for purposes of the use of land.
- (2) After the resolution is taken by the Council, the land use scheme committee must develop the draft land use scheme in accordance with the provisions of the Act, provincial legislation and this Chapter.

20. Council approval for publication of draft land use scheme

- (1) Upon completion of the draft land use scheme, the land use scheme committee must submit it to the Council for approval as the draft land use scheme.
- (2) The submission of the draft land use scheme to the Council must be accompanied by a written report from the land use scheme committee and the report must at least –
 - (a) indicate the rationale in the approach to the drafting of the land use scheme;
 - (b) summarise the process of drafting the draft land use scheme;
 - (c) summarise the consultation process to be followed with reference to section 20 of this By-law;
 - (d) indicate the departments that were engaged in the drafting of the draft land use scheme;
 - (e) indicate how the draft land use scheme complies with the requirements of relevant national and provincial legislation, and relevant mechanism controlling and managing land use rights by the Municipal Council;
 - (f) recommend the approval of the draft land use scheme for public participation in terms of the relevant legislation and this By-law.

(3) The Council must approve the draft land use scheme and authorise the public participation thereof in terms of this By-law and the relevant legislation referred to in section 15.

21. 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 once a week for two consecutive weeks; and
- (b) publish a notice in two local newspapers that is circulated in the municipal area of the municipality in two languages commonly spoken in the area, once a week for two consecutive weeks; and
- (c) use any other method of communication it may deem appropriate and the notice contemplated in subparagraph (b) must specifically state that any person or body wishing to provide comments and or objections shall:
 - (i) do so within a period of 60 days from the first day of publication of the notice; and
 - (ii) provide written comments; and
 - (iii) provide their contact details as specified in the definition of contact details.

(3) The Municipality may for purposes of public engagement arrange -

- (a) specific consultations with professional bodies, community structures or other groups; and
- (b) public meetings.

(4) The Municipality must inform the Member of the Executive Council in writing of the intention to draft a land use scheme and provide him or her with a copy of the draft land use scheme after it has been approved by the Council as contemplated in section 19.

22. Incorporation of relevant comments

(1) After the public participation process outlined in section 20 the land use scheme 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 shall be notified of the time, date and place of the hearing as may be determined by the Municipality not less than 30 days prior to the date determined for the hearing, by means of registered mail;
 - (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 land use scheme committee responsible for development planning in the Municipality 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.

23. Preparation of land use scheme

The land use scheme 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 20(2), the Municipality must follow a further consultation and public participation process in terms of section 20(2) of this By-law, before the land use scheme is adopted by the Council.

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

- (1) The land use scheme committee must submit the proposed land use scheme and all relevant supporting documentation to the Council with a recommendation for adoption.
- (2) The Council must consider and adopt the land use scheme with or without amendments.

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

- (1) The Council must, within 60 days of its decision referred to in section 19, give notice of its decision to all persons or bodies who gave submissions on the land use scheme, and publish such notice in the media and the *Provincial Gazette*.
- (2) The date of publication of the notice referred to in subsection (1), in the *Provincial Gazette*, is the date of coming into operation of the land use scheme unless the notice indicates a different date of coming into operation.

26. Submission to Member of Executive Council

After the land use scheme is published in terms of section 24 the Municipality must submit the approved land use scheme to the Member of the Executive Council for cognisance.

27. Records

- (1) The Municipality must in hard copy and an electronic media and or database keep record in the register of amendments to the land use scheme contemplated in section 28, the land use rights in relation to each erf or portion of land and which information shall be regarded as part of its land use scheme.
- (2) The Municipality must keep, maintain and make accessible to the public, including on the Municipality's website, the approved land use scheme and or any component thereof applicable within the municipal area of the Municipality.
- (3) Should anybody or person request a copy of the approved land use scheme, the Municipality must provide upon payment by such body or person of the prescribed fee, a copy to them of the approved land use scheme or any component thereof: Provided that if the Municipality is of the opinion that in order to provide the said copy it will take officials unreasonably away from their substantive duties such request for a copy can be dealt with in terms of the Promotion of Access to Information Act, 2000.

28. Contents of land use scheme

- (1) The contents of a land use scheme developed and prepared by the Municipality must include all the essential elements contemplated in Chapter 5 of the Act and provincial legislation and must contain –
 - (a) a zoning for all properties within the municipal area of the Municipality in accordance with a category of zoning as approved by Council;
 - (b) land use regulations including specific conditions, limitations, provisions or prohibitions relating to the exercising of any land use rights or zoning approved on a property(ies) in terms of the approved land use scheme or any amendment scheme, consent, permission or conditions of approval of a land development application on a property(ies);
 - (c) provisions that permit the incremental introduction of land use management and regulations in areas under traditional leadership, rural areas, informal settlements, slums and areas not previously subject to a land use scheme;
 - (d) provisions for public participation that may be required for purposes of any consent, permission or relaxation in terms of an approved land use scheme;

- (e) provisions relating to the provision of engineering services, which provisions must specifically state that land use rights may only be exercised if engineering services can be provided to the property to the satisfaction of the Municipality;
 - (f) servitudes for municipal services and access arrangements for all properties;
 - (g) provisions applicable to all properties relating to storm water;
 - (h) 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;
 - (i) zoning maps as approved by Council that depicts the zoning of every property in Municipality's geographical area as updated from time to time in line with the land use rights approved or granted; and
 - (j) transitional arrangements with regard to the manner in which the land use scheme is to be implemented.
- (2) The land use scheme may –
- (a) determine the components of the land use scheme for purposes of it being applied, interpreted and implemented; and
 - (b) include any matter which it deems necessary for municipal planning in terms of the constitutional powers, functions and duties of a municipality; and

29. Register of amendments to land use scheme

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

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

30. Replacement and consolidation of amendment of land use scheme

(1) The Municipality may of its own accord in order to replace or consolidate an amendment scheme or several amendment schemes, map(s), annexure(s) or schedule(s) of the approved land use scheme, of more than one property, prepare a certified copy of documentation as the Municipality may require, for purposes of replacing or consolidating the said amendment scheme(s), shall from the date of the signing thereof, be in operation; provided that:

- (a) such replacement and consolidation shall not take away any land use rights granted in terms of an approved land use scheme,
- (b) for purposes of implementation of the land use rights and may include a provision for consolidation of property for purposes of consolidating land use schemes; provided that
- (c) if a consolidation is required, the Municipality only do so after consultation with the owner(s).
- (b) after the Municipality has signed and certified a consolidation or replacement amendment scheme, it must publish it in the *Provincial Gazette*.

(2) Where as a result of a repealed legislation, the demarcation of municipal boundaries or defunct processes it is necessary in the opinion of the Municipality for certain areas including townships known as R293 townships, or any other area whereby land use rights area governed through a process, other than a land use scheme; the Municipality may for purposes of including such land use rights into a land use scheme prepare an amendment scheme and incorporate it into the land use scheme.

(3) The provisions of sections 15 to 28 apply, with the necessary changes, to the review or amendment of an existing land use scheme other than a rezoning or similar application relating to a property or properties or multiple portions thereof, which in the opinion of the Municipality is dealt with as a land development application.

CHAPTER 4

INSTITUTIONAL STRUCTURE FOR LAND USE MANAGEMENT DECISIONS

Part A: Division of Functions

31. Division of functions between Municipal Planning Tribunal and Authorised Official

(1) For purposes of section 35(3) of the Act, the following categories of applications defined in section 54 of these By-laws must be considered and determined -

- (a) by the Municipal Planning Tribunal:
 - (i) All category 1 applications; and
 - (ii) all opposed category 2 applications;
- (b) by the Authorised Official, all category 2 applications that are not opposed;

(2) For the purposes of subsection (1), an opposed application means an application on which negative comments or objections were received after the public participation process from persons, internal municipal departments, ward councillors, service providers and organs of state.

Part B: Assessment to establish Municipal Planning Tribunal

32. Municipal assessment prior to establishment of Municipal Planning Tribunal

- (1) The decision of a municipality to –
 - (a) establish a joint Municipal Planning Tribunal as contemplated in section 34(1) of the Act; or
 - (b) agree to the establishment of a Municipal Planning Tribunal by a district municipality as contemplated in section 34(2) of the Act; or
 - (c) establish a Municipal Planning Tribunal for its municipal area,
 must be preceded by an assessment of the factors referred to in subregulation (2).
- (2) The assessment referred to in subregulation (1) includes, amongst others, the following factors -
 - (a) the impact of the Act on the municipality's financial, administrative and professional capacity;
 - (b) the ability of the municipality to effectively implement the provisions of the Act;
 - (c) the average number of applications dealt with by the municipality annually in terms of existing planning legislation; and
 - (d) the development pressures in the municipal area.

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

33. Establishment of Municipal Planning Tribunal for local municipal area

(1) Subject to the provisions of Part D and E of this Chapter, the Collins Chabane Municipal Planning Tribunal is hereby established for the municipal area of Collins Chabane, in compliance with section 35 of the Act.

(2) The provisions of subsection (1) do not apply if, after the assessment contemplated in section 31, the municipality decides to establish a joint Municipal Planning Tribunal or a district Municipal Planning Tribunal.

34. Composition of Municipal Planning Tribunal for local municipal area

(1) The Municipal Planning Tribunal consists of at most 15 members made up as follows

- (a) five officials in the full-time service of the Municipality;
- (b) one person registered as professional planners with the South African Council for the Planning Profession in terms of the Planning Profession Act, 2002 (Act No. 36 of 2002);
- (c) one person registered as professionals with the Engineering Council of South Africa in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000);
- (d) one person with financial experience relevant to land development and land use and who are registered with a recognised voluntary association or registered in terms of the Auditing Profession Act, 2005 (Act No. 26 of 2005);
- (e) one person either admitted as an attorney in terms of the Attorneys Act, 1979 (Act No. 53 of 1979) or admitted as advocate of the Supreme Court in terms of the Admission of Advocates Act, 1964 (Act No. 74 of 1964);
- (f) one environmental assessment practitioner registered with a voluntary association; and
- (g) any other person who has knowledge and experience of spatial planning, land use management and land development or the law related thereto.

(2) The officials referred to in subsection (1)(a) must have at least five years' experience in the field in which they are performing their services.

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

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

(4) All members of the Municipal Planning Tribunal shall sign a Code of Conduct and comply with Operational Procedures as may be approved by the Municipal Council in terms of Regulation 3(1)(k) and Regulation 12 of the Regulations to the Act, before participating in any decisions by the Municipal Planning Tribunal and which shall substantially comply with specifically Schedule 17 of this By-law as may be amended from time to time.

(5) All members serving on the Municipal Planning Tribunal shall adhere to the Code of Conduct and Operational Procedure as contemplated in subsection (4) and shall conduct themselves in a manner that will not bring the name of the Municipality into disrepute.

(6) The Municipal Planning Tribunal in the execution of its duties shall comply with the provisions of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).

(7) The Municipal Planning Tribunal may, subject to the provisions of the Act and substantially in accordance with the Operating Procedures as determined by Council, make its own rules regulating its procedure and proceedings as a committee of Council; provided that it shall conduct its processes and procedures in compliance with the purpose of the establishment of the Municipal Planning Tribunal and ensure public participation in accordance with this By-law.

(8) Should any member of the Municipal Planning Tribunal, who is a municipal official be found guilty of misconduct under the collective agreements applicable to employees of the Municipality, he/she shall be disqualified immediately from serving as a member of the Municipal Planning Tribunal and be dealt with in terms of disciplinary procedures applicable to municipal employees.

(9) The Municipal Planning Tribunal may for purposes of considering any matter before it, conduct an inspection or conduct an oral hearing or institute a further investigation as they deem necessary.

(10) The Municipal Planning Tribunal shall be a Tribunal of record and shall record all proceedings, but shall not be obliged to provide the in-committee discussions, as part of the record, to any member of the public or any person or body.

(11) The record of the Municipal Planning Tribunal shall be made available after the payment of any prescribed fees in terms of the Municipal Systems Act, 2000 (Act 32 of 2000), have been paid.

35. Nomination procedure

(1) The Municipality must -

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

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

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

- (a) must be published in one local newspaper that is circulated in the municipal area of the Municipality in two languages commonly spoken in the area;
- (b) may be submitted to the various professional bodies which registers persons referred to in section 33(1) with a request to distribute the call for nominations to their members and to advertise it on their respective websites;
- (c) may advertise the call for nominations on the municipal website; and
- (d) utilise any other method and media it deems necessary to advertise the call for nominations.

36. Submission of nomination

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

(2) The nomination must consist of –

- (a) the completed declaration contained in the form contemplated in Schedule 3 and all pertinent information must be provided within the space provided on the form;
- (b) the completed declaration of interest form contemplated in Schedule 3;
- (c) the motivation by the nominator contemplated in subsection (3)(a); and
- (d) the summarised curriculum vitae of the nominee contemplated in subsection (3)(b).

(3) In addition to the requirements for the call for nominations contemplated in regulation 3(6) of the Regulations, the nomination must request –

- (a) a motivation by the nominator for the appointment of the nominee to the Municipal Planning Tribunal which motivation must not be less than 50 words or more than 250 words; and
- (b) a summarised curriculum vitae of the nominee not exceeding two A4 pages.

37. Initial screening of nomination by Municipality

- (1) After the expiry date for nominations the Municipality must screen all of the nominations received by it to determine whether the nominations comply with the provisions of section 35.
- (2) The nominations that are incomplete or do not comply with the provisions of section 35 must be rejected by the Municipality.
- (3) Every nomination that is complete and that complies with the provisions of section 35 must be subjected to verification by the Municipality.
- (4) If, after the verification of the information by the Municipality, the nominee is ineligible for appointment due to the fact that he or she –
 - (a) was not duly nominated;
 - (b) is disqualified from appointment as contemplated in section 38 of the Act;
 - (c) does not possess the knowledge or experience as required in terms of section 33(3); or
 - (d) is not registered with the professional councils or voluntary bodies contemplated in section 33(1), if applicable,
 the nomination must be rejected and may not be considered by the evaluation panel contemplated in section 36.
- (5) Every nomination that has been verified by the Municipality and the nominee found to be eligible for appointment to the Municipal Planning Tribunal, must be considered by the evaluation panel contemplated in section 37.
- (6) The screening and verification process contained in this section must be completed within 30 days from the expiry date for nominations.

38. Evaluation panel

- (1) The evaluation panel contemplated in regulation 3(1)(g) read with regulation 3(11) of the Regulations, consists of five officials in the employ of the Municipality appointed by the Municipal Manager.
- (2) The evaluation panel must evaluate all nominations within 30 days of receipt of the verified nominations and must submit a report with their recommendations to the Council for consideration.

39. Appointment of members to Municipal Planning Tribunal by Council

- (1) Upon receipt of the report, the Council must consider the recommendations made by the evaluation panel and thereafter appoint the members to the Municipal Planning Tribunal.
- (2) After appointment of the members to the Municipal Planning Tribunal, the Council must designate a chairperson and a deputy chairperson from the members so appointed.
- (3) The Municipal Manager must, in writing, notify the members of their appointment to the Municipal Planning Tribunal and, in addition, to the two members who are designated as chairperson and deputy chairperson, indicate that they have been appointed as such.
- (4) The Municipal Manager must, when he or she publishes the notice of the commencement date of the operations of the first Municipal Planning Tribunal contemplated in section 43, publish the names of the members of the Municipal Planning Tribunal and their term office in the same notice.

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

- (1) A member of the Municipal Planning Tribunal appointed in terms of this Chapter is appointed for a term of five years, which is renewable once for a further period of five years.
- (2) The office of a member becomes vacant if that member -
 - (a) is absent from two consecutive meetings of the Municipal Planning Tribunal without the leave of the chairperson of the Municipal Planning Tribunal;

- (b) tenders his or her resignation in writing to the chairperson of the Municipal Planning Tribunal;
 - (c) is removed from the Municipal Planning Tribunal under subsection (3); or
 - (d) dies.
- (3) The Council may remove a member of the Municipal Planning Tribunal if -
- (a) sufficient reasons exist for his or her removal;
 - (b) a member contravenes the code of conduct contemplated in Schedule 4;
 - (c) a member becomes subject to a disqualification as contemplated in section 38(1) of the Act, after giving the member an opportunity to be heard.
- (4) An official of a municipality contemplated in section 33(1)(a) who serves on the Municipal Planning Tribunal -
- (a) may only serve as member of the Municipal Planning Tribunal for as long as he or she is in the full-time employ of the municipality;
 - (b) is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick leave or any other employee benefit as a result of his or her membership on the Municipal Planning Tribunal;
 - (c) who is found guilty of misconduct under the collective agreement applicable to employees of the Municipality shall immediately be disqualified from serving on the Municipal Planning Tribunal.
- (5) A person appointed by a municipality in terms of **section 33(1)(b) to (g)** to the Municipal Planning Tribunal -
- (a) is not an employee on the staff establishment of that municipality;
 - (b) if that person is an employee of an organ of state as contemplated in regulation 3(2)(a) of the Regulations, is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick leave or any other employee benefit as a result of his or her membership on the Municipal Planning Tribunal;
 - (c) performs the specific tasks allocated by the chairperson of the Municipal Planning Tribunal to him or her for a decision hearing of the Municipal Planning Tribunal;
 - (d) sits at such meetings of the Municipal Planning Tribunal that requires his or her relevant knowledge and experience as determined by the chairperson of the Municipal Planning Tribunal;
 - (e) in the case of a person referred to in regulation 3(2)(b) of the Regulations is entitled to a seating and travel allowance for each meeting of the Municipal Planning Tribunal that he or she sits on determined annually by the municipality in accordance with the Act;
 - (f) is not entitled to paid overtime, annual leave, sick leave, maternity leave, family responsibility leave, study leave, special leave, performance bonus, medical scheme contribution by municipality, pension, motor vehicle or any other benefit which a municipal employee is entitled to.
- (6) All members of the Municipal Planning Tribunal shall sign the Code of Conduct contained in Schedule 4 before taking up a seat on the Municipal Planning Tribunal.
- (7) All members serving on the Municipal Planning Tribunal shall adhere to ethics adopted and applied by the Municipality and shall conduct themselves in a manner that will not bring the name of the Municipality into disrepute.
- (8) The members of the Municipal Planning Tribunal in the execution of their duties shall comply with the provisions of the Act, provincial legislation, these By-laws and the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

41. Vacancy

- (1) A vacancy on the Municipal Planning Tribunal must be filled by the Council in terms of section 33(2).
- (2) A member who is appointed by virtue of subsection (1) holds office for the unexpired portion of the period for which the member he or she replaces was appointed.

42. Proceedings of Municipal Planning Tribunal for municipal area

- (1) The Municipal Planning Tribunal must operate in accordance with the operational procedures determined by the Municipality.
- (2) A quorum for a meeting of the Municipal Planning Tribunal or its committees is a majority of the members appointed for that decision meeting.
- (3) Decisions of the Municipal Planning Tribunal are taken by resolution of a majority of all the members present at a meeting of Municipal Planning Tribunal, and in the event of an equality of votes on any matter, the person presiding at the meeting in question will have a deciding vote in addition to his or her deliberative vote as a member of the Municipal Planning Tribunal.
- (4) Meetings of the Municipal Planning Tribunal must be held at the times and places determined by the chairperson of the Municipal Planning Tribunal in accordance with the operational procedures of the Municipal Planning Tribunal but meetings must be held at least once per month, if there are applications to consider.
- (5) The chairperson may arrange multiple Municipal Planning Tribunal meetings on the same day constituted from different members of the Municipal Planning Tribunal and must designate a presiding officer for each of the meetings.

43. Tribunal of record

- (1) The Municipal Planning Tribunal is a Tribunal of record and must record all proceedings, but is not obliged to provide the in -committee discussions to any member of the public or any person or body.
- (2) The Municipality must make the record of the Municipal Planning Tribunal available to any person upon payment of any fees prescribed in terms of the Municipal Systems Act.

44. Commencement date of operations of Municipal Planning Tribunal for local municipal area

- (1) The Municipal Manager must within 30 days of the first appointment of members to the Municipal Planning Tribunal -
 - (a) obtain written confirmation from the Council that it is satisfied that the Municipal Planning Tribunal is in a position to commence its operations; and
 - (b) after receipt of the confirmation referred to in paragraph (a) publish a notice in the *Provincial Gazette* of the date that the Municipal Planning Tribunal will commence with its operation together with the information contemplated in section 38(4).
- (2) The Municipal Planning Tribunal may only commence its operations after publication of the notice contemplated in subsection (1).

Part D: Establishment of Joint Municipal Planning Tribunal**45. Agreement to establish joint Municipal Planning Tribunal**

- (1) If, after the assessment contemplated in section 31, the Municipality decides to establish a joint Municipal Planning Tribunal, it must, as soon as possible, commence discussions with the other Municipalities that have indicated that they would be party to a joint Municipal Planning Tribunal.
- (2) The parties to the discussion contemplated in subsection (1) must, as soon as practicable, conclude an agreement that complies with the requirements of the Act.
- (3) The Municipality must, within 30 days after signing the agreement, publish the agreement as contemplated in section 34(3) of the Act.

46. Status of decision of joint Municipal Planning Tribunal

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

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

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

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

(1) If requested by a district municipality and after the assessment contemplated in section 31, the Municipality decides to establish a district Municipal Planning Tribunal, it must, as soon as possible, commence discussions with the other Municipalities in the district and conclude the necessary agreement that complies with the requirements of the Act.

(2) The Municipality must, within 30 days after signing the agreement, publish the agreement as contemplated in section 34(3) of the Act.

49. Composition of district Municipal Planning Tribunals

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

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

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

50. Status of decision of district Municipal Planning Tribunal

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

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

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

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

(1) When the Municipal Planning Tribunal considers an application, it must have regard to the following:

- (a) the application submitted in terms of this By-law;
- (b) the procedure followed in processing the application;
- (c) the desirability of the proposed utilisation of land and any guidelines issued by the member of the Executive Council regarding proposed land uses;
- (d) the comments in response to the notice of the application and the comments received from organs of state and internal departments;
- (e) the response by the applicant to the comments referred to in paragraph (d);
- (f) investigations carried out in terms of other laws which are relevant to the consideration of the application;
- (g) a written assessment by a professional planner registered in terms of the Planning Profession Act, 2002, in respect of the following applications:
 - (i) a rezoning;

- (ii) a subdivision of more than 20 cadastral units;
 - (iii) a removal, suspension or amendment of a restrictive condition, if it relates to a change of land use.
 - (iv) an amendment, deletion or additional conditions in respect of an existing approval, listed in this paragraph;
 - (v) an approval of an overlay zone as provided in the land use scheme;
 - (vi) a phasing, amendment or cancellation of a plan of subdivision or a part thereof;
 - (vii) a determination of a zoning as contemplated in section 176;
 - (viii) a closure of a public place or part thereof;
 - (h) the integrated development plan and municipal spatial development framework;
 - (i) the applicable local spatial development frameworks adopted by the Municipality;
 - (j) the applicable structure plans;
 - (k) the applicable policies of the Municipality that guide decision-making;
 - (l) the provincial spatial development framework;
 - (m) where applicable, the regional spatial development framework;
 - (n) the policies, principles, planning and development norms and criteria set by national and provincial government;
 - (o) the matters referred to in section 42 of the Act;
 - (p) the relevant provisions of the land use scheme.
- (2) A municipality must approve a site development plan submitted to the Municipality for approval in terms of applicable development parameters or conditions of approval if the site development plan—
- (a) is consistent with the development rules of the zoning;
 - (b) is consistent with the development rules of the overlay zone;
 - (c) complies with the conditions of approval; and
 - (d) complies with this By-law.
- (3) When a site development plan is required in terms of development parameters or conditions of approval—
- (a) the municipality may not approve a building plan if the site development plan has not been approved; and
 - (b) the municipality may not approve a building plan that is inconsistent with the approved site development plan.

53. Conditions of approval

- (1) When the Municipal Planning Tribunal approves an application subject to conditions, the conditions must be reasonable conditions and must arise from the approval of the proposed utilisation of land.
- (2) Conditions imposed in accordance with subsection (1) may include conditions relating to—
 - (a) the provision of engineering services and infrastructure;
 - (b) the cession of land or the payment of money;
 - (c) the provision of land needed for public places or the payment of money in lieu of the provision of land for that purpose;
 - (d) the extent of land to be ceded to the Municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the Municipality;
 - (e) settlement restructuring;

- (f) agricultural or heritage resource conservation;
 - (g) biodiversity conservation and management;
 - (h) the provision of housing with the assistance of a state subsidy, social facilities or social infrastructure;
 - (i) energy efficiency;
 - (j) requirements aimed at addressing climate change;
 - (k) the establishment of an owners' association in respect of the approval of a subdivision;
 - (l) the provision of land needed by other organs of state;
 - (m) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality or the registration of public places in the name of the municipality, and the transfer of ownership to the municipality of land needed for other public purposes;
 - (n) the implementation of a subdivision in phases;
 - (o) requirements of other organs of state.
 - (p) the submission of a construction management plan to manage the impact of a new building on the surrounding properties or on the environment;
 - (q) agreements to be entered into in respect of certain conditions;
 - (r) the phasing of a development, including lapsing clauses relating to such phasing;
 - (s) the delimitation of development parameters or land uses that are set for a particular zoning;
 - (t) the setting of validity periods, if the Municipality determined a shorter validity period as contemplated in this By-law;
 - (u) the setting of dates by which particular conditions must be met;
 - (v) requirements relating to engineering services as contemplated in Chapter 7;
 - (w) requirements for an occasional use that must specifically include –
 - (i) parking and the number of ablution facilities required;
 - (ii) maximum duration or occurrence of the occasional use; and
 - (iii) parameters relating to a consent use in terms of the land use scheme;
- (3) If a Municipal Planning Tribunal imposes a condition contemplated in subsection (2)(a), an engineering services agreement must be concluded between the municipality and the owner of the land concerned before the construction of infrastructure commences on the land.
- (4) A condition contemplated in subsection (2)(b) may require only a proportional contribution to municipal public expenditure according to the normal need therefore arising from the approval, as determined by the municipality in accordance with norms and standards, as may be prescribed.
- (5) Municipal public expenditure contemplated in subsection (3) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—
- (a) community facilities, including play equipment, street furniture, crèches, clinics, sports fields, indoor sports facilities or community halls;
 - (b) conservation purposes;
 - (c) energy conservation;
 - (d) climate change; or
 - (e) engineering services.
- (6) Except for land needed for public places or internal engineering services, any additional land required by the municipality or other organs of state arising from an approved subdivision must be acquired subject to applicable laws that provide for the acquisition or expropriation of land.

- (7) A Municipal Planning Tribunal may not approve a land development or land use application subject to a condition that approval in terms of other legislation is required.
- (8) Conditions which require a standard to be met must specifically refer to an approved or published standard.
- (9) No conditions may be imposed which affect a third party or which are reliant on a third party for fulfilment.
- (10) If the Municipal Planning Tribunal approves a land development or use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.
- (11) The Municipal Planning Tribunal may, on its own initiative or on application, amend, delete or impose additional conditions after due notice to the owner and any persons whose rights may be affected.

Part G: Administrative Arrangements

54. Administrator for Municipal Planning Tribunal for municipal area

- (1) The Municipal Manager must designate an employee as the administrator for the Municipal Planning Tribunal.
- (2) The person referred to in subsection (1) must—
- (a) liaise with the relevant Municipal Planning Tribunal members and the parties in relation to any application or other proceedings filed with the Municipal Planning Tribunal;
 - (b) maintain a diary of hearings of the Municipal Planning Tribunal;
 - (c) allocate meeting dates and application numbers to applications;
 - (d) arrange the attendance of meetings by members of the Municipal Planning Tribunal;
 - (e) arrange venues for Municipal Planning Tribunal meetings;
 - (f) administer the proceedings of the Municipal Planning Tribunal;
 - (g) perform the administrative functions in connection with the proceedings of the Municipal Planning Tribunal;
 - (h) ensure the efficient administration of the proceedings of the Municipal Planning Tribunal, in accordance with the directions of the chairperson of the Municipal Planning Tribunal;
 - (i) arrange the affairs of the Municipal Planning Tribunal so as to ensure that time is available to liaise with other authorities regarding the alignment of integrated applications and authorisations;
 - (j) notify parties of orders and directives given by the Municipal Planning Tribunal;
 - (k) keep a record of all applications submitted to the Municipal Planning Tribunal and the outcome of each, including—
 - (i) decisions of the Municipal Planning Tribunal;
 - (ii) on-site inspections and any matter recorded as a result thereof;
 - (iii) reasons for decisions; and
 - (iv) proceedings of the Municipal Planning Tribunal; and
 - (l) keep records by any means as the Municipal Planning Tribunal may deem expedient.

CHAPTER 5 DEVELOPMENT MANAGEMENT

Part A: Categories of Applications

55. Categories of land use and land development applications

(1) The categories of land development and land use management for the Municipality, as contemplated in section 35(3) of the Act, are as follows -

- (a) Category 1 Applications; and
 - (b) Category 2 Applications.
- (2) Category 1 applications are applications for -
- (a) the establishment of a township or the extension of the boundaries of a township;
 - (b) the amendment of an existing scheme or land use scheme by the rezoning of land;
 - (c) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - (d) the amendment or cancellation in whole or in part of a general plan of a township;
 - (e) the subdivision and consolidation of any land other than a subdivision and consolidation which is provided for as a Category 2 application;
 - (f) permanent closure of any public place;
 - (g) all applications for the restriction of access to a public road in terms of the Rationalization of Local Government Affairs Act, 1998 (Act No. 10 of 1998);
 - (h) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
 - (i) instances where the Municipality acting on its own accord wishes to remove, amend a restrictive or obsolete condition, servitude or reservation registered against the title deed of a property or properties which may also arise out of a condition of establishment of a township or any other legislation;
 - (j) any consent or approval provided for in a provincial law; and
 - (k) land development on communal land that will have a high impact on the traditional community concerned.
- (3) Category 2 applications are applications for:
- (a) the subdivision of any land where such subdivision is expressly provided for in a land use scheme;
 - (b) the consolidation of any land;
 - (c) the simultaneous subdivision, under circumstances contemplated in paragraph (a) and consolidation of land;
 - (d) the consent of the municipality for any land use purpose or departure or deviation in terms of a land use scheme or existing scheme which does not constitute a land development application; and
 - (e) a temporary use application.

(4) The division of functions per category of application as contemplated in section 35(3) of the Act between Authorised Official and a Municipal Planning Tribunal is set out in section 30 of this By-laws.

56. Application for land development required

- (1) No person may commence with, carry on or cause the commencement with or carrying on of land development without the approval of the Municipality in terms of subsection (3).
- (2) When an applicant or owner exercises a use, right granted in terms of an approval he or she must comply with the conditions of the approval and the applicable provisions of the land use scheme.

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

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

57. Application for establishment of township

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

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

- (a) the conditions of approval in a statement of conditions;
- (b) the statement of conditions shall be known as conditions of establishment for the township; and
- (c) the statement of conditions must, in the opinion of the Municipality, substantially be in accordance with this By-law.

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

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

(4) After all the requirements and the provision under Chapter 6 have been complied with, the Municipal Planning Tribunal, Authorised Official or Authorised Official shall, consider the application taking into consideration section 63(1) and it may-

- (a) approve the application either wholly or in part;
- (b) approve the application with amendments;
- (c) approve the application subject to any conditions that may be necessary;
- (d) refuse/disapprove the application; or
- (e) postpone a decision thereon, either wholly or in part; provided that neither the township establishment application nor the rezoning can be dealt with separately and shall be regarded as one decision.

(5) After the applicant has been notified that his or her application has been approved, the Municipality or at the applicant's request may, after consultation with the applicant, amend or delete any condition imposed or add any further condition, provided that if the amendment is in the opinion of the Municipality so material as to constitute a new application, the Municipality may not exercise its powers in terms hereof and must require the applicant to submit an amended or new application and in the sole discretion of the Municipality to re-advertise the application in accordance with section 92.

(6) After the applicant has been notified that his or her application has been approved, the Municipality or at the applicant's request may, after consultation with the applicant and the Surveyor General, amend the layout of the township approved as part of the township establishment: Provided that if the

amendment is in the opinion of the Municipality so material as to constitute a new application, the Municipality may not exercise its powers in terms hereof and require the applicant to submit an amended or new application in the opinion of the Municipality and re-advertise the application in the sole discretion of the Municipality in accordance with section 92.

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

58. Division or phasing of township

(1) An applicant who has been notified in terms of section 108 that his or her application has been approved may, within a period of eight months from the date of the notice, or such further period as the Municipality may allow, apply to the Municipality for the division or phasing of the township into two or more separate townships.

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

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

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

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

59. Lodging of layout plans, diagrams and documents with the Surveyor General.

(1) An applicant who has been notified in terms of section 108 that his or her application has been approved, shall, within a period of 12 months from the date of such notice, or such further period as the Municipality may allow, lodge for approval with the Surveyor-General such plans, diagrams or other documents as the Surveyor-General may require, and if the applicant fails to do so the application shall lapse.

(2) For purposes of subsection (1), the Municipality must provide to the applicant a final schedule as contemplated in section 56(3) and (5) of the conditions of establishment together with a stamped and approved layout plan.

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

(4) Where the applicant fails, within a reasonable time as may be determined by the Municipality after he or she has lodged the plans, diagrams or other documents contemplated in subsection (1), to comply with any requirement the Surveyor-General may lawfully determine, the Surveyor-General shall notify the Municipality that he or she is satisfied, after hearing the applicant, that the applicant has failed to comply with any such requirement without sound reason, and thereupon the application shall lapse.

60. Amendments of documents

(1) After an applicant has been notified that his or her application has been approved, the municipality may:

- (a) where the documents contemplated in subsection (1) have not yet been lodged with the Surveyor General;
- (b) where the documents contemplated in subsection (1) have been lodged with the Surveyor General, after consultation with the Surveyor General;

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

61. Compliance with pre-proclamation conditions

- (1) The applicant shall provide proof to the satisfaction of the Municipality within the timeframes as prescribed in terms of this By-law, that all conditions contained in the schedule to the approval of a township establishment application have been complied with.
- (2) The Municipality shall certify that all the conditions that have to be complied with by the applicant or owner as contemplated in section 56(3) and (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.

62. Opening of Township Register

- (1) The applicant shall lodge with the Registrar of Deeds the plans and diagrams contemplated in section 58 as approved by the Surveyor-General together with the relative title deeds for endorsement or registration, as the case may be.
- (2) For purposes of subsection (1) the Registrar of Deeds shall not accept such documents for endorsement or registration until such time as the Municipality has certified that the applicant has complied with such conditions as the Municipality may require to be fulfilled in terms of section 55(3).
- (3) The plans, diagrams and title deeds contemplated in subsection (1) shall be lodged within a period of 12 months from the date of the approval of such plans and diagrams, or such further period as the Municipality may allow.
- (4) If the applicant fails to comply with the provisions of subsections (1), (2) and (3), the application lapses.
- (5) Having endorsed or registered the title deeds contemplated in subsection (1), the Registrar shall notify the Municipality forthwith of such endorsement or registration, and thereafter the Registrar shall not register any further transactions in respect of any land situated in the township until such time as the township is declared an approved township in terms of section 60.

63. Proclamation of approved township

- (1) Where an application for township establishment has been approved, the conditions of establishment as required in terms of section 56 (2) shall contain the conditions to be incorporated into the Land Use Scheme, by means of an amendment scheme.
- (2) After the provisions of sections 57, 58, 59, 60 and 61 have been complied with and the Municipality is satisfied that the township is in its area of jurisdiction, the Municipality or the applicant, if authorized in writing by the Municipality, shall, by notice in the *Provincial Gazette*, declare the township an approved township and it shall, in an Annexure to such notice, set out the conditions on which the township is declared an approved township.

Part C: Land Development Applications procedure

64. Application for amendment of a land use scheme by rezoning of land

- (1) An applicant, who wishes to rezone land or amend land use scheme, must apply to the Municipality for the rezoning of the land or amendment of land use scheme in the manner provided for in Chapter 6.
- (2) The Municipality may require that an application be separated and or consolidated where an application is submitted for multiple uses on multiple properties, to the satisfaction of the Municipality.
- (3) The Municipal Planning Tribunal/Authorised official may-
 - (a) may approve the application subject to any conditions which may deem expedient;

- (b) may approve the application with amendments and conditions;
- (c) may refuse/disapprove the application or postpone a decision and provide reason/s.
- (4) The Municipal Planning Tribunal/Authorised official may-
 - (a) approve the application subject to any conditions which may deem expedient
 - (b) approve the application with amendments and conditions;
 - (c) refuse/disapprove the application or postpone a decision and provide reason/s.
- (5) A rezoning approval lapses after a period of five years, or a shorter period as the municipality may determine, from the date of approval or the date that the approval comes into operation if, within that five-year period or shorter period—
 - (a) the zoning is not utilised in accordance with the approval thereof; or
 - (b) the following requirements are not met:
 - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
 - (ii) commencement with the construction of the building contemplated in subparagraph (i).
- (6) The Municipality may grant extensions to the periods contemplated in subsection (4), which period together with any extensions that the Municipality grants, may not exceed 10 years.
- (7) If a rezoning approval lapses, the zoning applicable to the land prior to the approval of the rezoning applies, or where no zoning existed prior to the approval of the rezoning, the Municipality must determine a zoning as contemplated in section 176.

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

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

- (1) 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 and any other additional requirements by the Municipality.
- (2) 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.
- (3) In addition to the procedures set out in Chapter 6, the owner must—
 - (a) submit the original title deed to the Municipality or a certified copy thereof; and
 - (b) submit the bondholder's consent to the application, where applicable.
- (4) The Municipality must cause a notice of its intention to consider an application under subsection (2) to be served on—
 - (a) all organs of state that may have an interest in the title deed restriction;
 - (b) every holder of a bond encumbering the land;
 - (c) a person whose rights or legitimate expectations will be materially and adversely affected by the approval of the application; and
 - (d) all persons mentioned in the title deed for whose benefit the restrictive condition applies.
- (5) When the Municipality considers the removal, suspension or amendment of a restrictive condition, the Municipality must have regard to the following:
 - (a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;
 - (b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;
 - (c) the personal benefits which will accrue to the person seeking the removal of the restrictive condition, if it is removed;

- (d) the social benefit of the restrictive condition remaining in place in its existing form;
- (e) the social benefit of the removal or amendment of the restrictive condition; and
- (f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

(6) After all the processes have been followed and to the satisfaction of the Municipality, the Municipality may remove, amend or suspend a restrictive or obsolete condition, servitude or reservation registered against the title of the land or refuse to remove, amend or suspend a restrictive or absolute condition, servitude or reservation registered against the title of the land.

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

(1) The applicant shall, after the amendment, suspension or removal of a restrictive condition by notice in the *Provincial Gazette* as contemplated in section 64(1), submit the following to the Registrar of Deeds:

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

(2) The Registrar of Deeds and the Surveyor-General must, after the amendment, suspension or removal of a restrictive condition by notice in the *Provincial Gazette*, as contemplated in section 64(1), make the appropriate entries in and endorsements on any relevant register, title deed, diagram or plan in their respective offices or submitted to them, as may be necessary to reflect the effect of the amendment, suspension or removal of the restrictive condition.

Part E: Subdivision and Consolidation

67. Application for subdivision

(1) No person may subdivide land without the approval of the Municipality, unless the subdivision is exempted under section 70.

(2) An owner or beneficial owner of:

- (a) an erf in a proclaimed township who wishes to subdivide that erf or a registered owner of farm portion, land or agricultural holding who wishes to subdivide the farm portion, land or agricultural holding; provided that such subdivision shall not constitute a township in the opinion of the Municipality;

may apply to the Municipality for the subdivision of land in the manner provided for in Chapter 6 and any other additional requirements by the Municipality.

(3) The Municipal Planning Tribunal/Authorised official may-

- (a) approve the application subject to any conditions which it may deem expedient;
- (b) approve the application with amendments and conditions;
- (c) refuse/disapprove the application or postpone a decision and provide reason/s.

(4) No application for subdivision involving a change of zoning may be considered by the Municipality, unless the land concerned is zoned for such subdivision.

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

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

- (a) the Municipality's decision to approve the subdivision;
- (b) the conditions of approval; and
- (c) the approved subdivision plan.

(7) If the Municipality approves an application for a subdivision, the applicant must within a period of five years or the shorter period as the Municipality may determine, from the date of approval of the subdivision or the date that the approval comes into operation, comply with the following requirements:

- (a) the approval by the Surveyor-General of the general plan or diagram;
- (b) completion of the installation of engineering services in accordance with the conditions contemplated in subsection (5) or other applicable legislation;
- (c) proof to the satisfaction of the Municipality that all relevant conditions contemplated in section 56 for the approved subdivision in respect of the area shown on the general plan or diagram and that must be complied with before compliance with paragraph (d) have been met; and
- (d) registration of the transfer of ownership in terms of the Deeds Registries Act of the land unit shown on the diagram or of at least one new land unit shown on the general plan.

(8) A confirmation from the Municipality in terms of subsection (7)(c) that all conditions of approval have been met, which is issued in error, does not absolve the applicant from complying with the obligations imposed in terms of the conditions or otherwise complying with the conditions after confirmation of the subdivision.

68. Confirmation of subdivision

- (1) Upon compliance with section 66(6), the subdivision or part thereof is confirmed and cannot lapse.
- (2) Upon confirmation of a subdivision or part thereof under section 66(6), the zonings indicated on the approved subdivision plan as confirmed cannot lapse.
- (3) The Municipality must in writing confirm to the applicant or to any other person at his or her written request that a subdivision or a part of a subdivision is confirmed, if the applicant has to the satisfaction of the Municipality submitted proof of compliance with the requirements of section 66(6) for the subdivision or part thereof.
- (4) No building or structure may be constructed on a land unit forming part of an approved subdivision unless the subdivision is confirmed as contemplated in section 64(6) or the Municipality approved the construction prior to the subdivision being confirmed.

69. Lapsing of subdivision and extension of validity periods

- (1) An approved subdivision or a portion thereof lapses if the applicant does not comply with subsection 66(6).
- (2) An applicant may apply for an extension of the period to comply with section 66(6) or must comply with subsection (7).
- (3) An extension contemplated in subsection (2) may be granted for a period not exceeding five years and if after the expiry of the extended period the requirements of section 66(6) has not been complied with, the subdivision lapses and subsection (6) applies.
- (4) The Municipality may grant extensions to the period contemplated in subsection (2), which period together with any extensions that the Municipality grants, may not exceed 10 years.
- (5) If only a portion of the general plan, contemplated in subsection 66(6)(a) complies with subsection 66(6)(b) and (c), the general plan must be withdrawn and a new general plan must be submitted to the Surveyor-General.
- (6) If an approval of a subdivision or part thereof lapses under subsection (1) —
 - (a) the Municipality must—
 - (i) amend the zoning map and, where applicable, the register accordingly; and
 - (ii) notify the Surveyor-General accordingly; and
 - (b) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the notification that the subdivision has lapsed.

70. Amendment or cancellation of subdivision plan

- (1) The Municipality may approve the amendment or cancellation of a subdivision plan, including conditions of approval, the general plan or diagram, in relation to land units shown on the general plan or diagram of which no transfer has been registered in terms of the Deeds Registries Act.
- (2) When the Municipality approves an application in terms of subsection (1), any public place that is no longer required by virtue of the approval must be closed.
- (3) The Municipality must notify the Surveyor-General of an approval in terms of subsection (1), and the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the amendment or cancellation of the subdivision.
- (4) An approval of a subdivision in respect of which an amendment or cancellation is approved in terms of subsection (1), remains valid for the remainder of the period contemplated in section 66(6) applicable to the initial approval of the subdivision, calculated from the date of approval of the amendment or cancellation in terms of subsection (1).

71. Exemption of subdivisions and consolidations

- (1) The subdivision or consolidation of land in the following circumstances does not require the approval of the Municipality:
 - (a) if the subdivision or consolidation arises from the implementation of a court ruling;
 - (b) if the subdivision or consolidation arises from an expropriation;
 - (c) a minor amendment of the common boundary between two or more land units if the resulting change in area of any of the land units is not more than 10 per cent;
 - (d) the registration of a servitude or lease agreement for the provision or installation of—
 - (i) water pipelines, electricity transmission lines, sewer pipelines, gas pipelines or oil and petroleum product pipelines by or on behalf of an organ of state or service provider;
 - (ii) telecommunication lines by or on behalf of a licensed telecommunications operator;
 - (iii) the imposition of height restrictions;
 - (e) the exclusive utilisation of land for agricultural purposes, if the utilisation—
 - (i) requires approval in terms of legislation regulating the subdivision of agricultural land; and
 - (ii) does not lead to urban expansion.
 - (f) the subdivision and consolidation of a closed public place with an abutting erf; and
 - (g) the granting of a right of habitation or usufruct.

(2) The Municipality must, in each case, certify in writing that the subdivision has been exempted from the provisions of this Chapter.

(3) The Municipality must indicate on the plan of subdivision that the subdivision has been exempted from the provisions of sections 66 to 69.

72. Services arising from subdivision

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

- (a) allow without compensation that the following be conveyed across his or her land unit in respect of other land units:
 - (i) gas mains;
 - (ii) electricity cables;
 - (iii) telephone cables;
 - (iv) television cables;
 - (v) other electronic infrastructure;
 - (vi) main and other water pipes;

- (vii) foul sewers;
- (viii) storm water pipes; and
- (ix) ditches and channels;
- (b) allow the following on his or her land unit if considered necessary and in the manner and position as may be reasonably required by the Municipality:
 - (i) surface installations such as mini-substations;
 - (ii) meter kiosks; and
 - (iii) service pillars;
- (c) allow access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works referred to in paragraphs (a) and (b); and
- (d) receive material or permit excavation on the land unit as may be required to allow use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he or she elects to build retaining walls to the satisfaction of and within a period to be determined by the Municipality.

73. Consolidation of land units

- (1) No person may consolidate land without the approval of the Municipality, unless the consolidation is exempted under section 70.
- (2) An owner or beneficial owner of land who wishes to consolidate two or more erven or portions of the erven or land must apply to the Municipality for the consolidation of erven or portions or land in the manner provided for in Chapter 6 and any other additional requirements by the Municipality
- (3) The Municipal Planning Tribunal/Authorised official may-
 - (a) approve the application subject to any conditions which may deem expedient;
 - (b) approve the application with amendments and conditions.
- (4) A copy of the approval must accompany the diagram which is submitted to the Surveyor-General's office.
- (5) If the Municipality approves a consolidation, the applicant must submit a diagram to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—
 - (a) the decision to approve the subdivision;
 - (b) the conditions of approval contemplated in section 56; and
 - (c) the approved consolidation plan.
- (6) If the Municipality approves a consolidation, the Municipality must amend the zoning map and, where applicable, the register accordingly.

74. Lapsing of consolidation and extension of validity periods

- (1) If a consolidation of land units is approved but no consequent registration by the Registrar of Deeds takes place within five years of the approval, the consolidation approval lapses, unless the consolidation of land units form part of a land use application which has been approved for a longer period.
- (2) An applicant may apply for an extension of the period to comply with subsection (1).
- (3) An extension contemplated in subsection (2) may be granted for a period not exceeding five years and if after the expiry of the extended period the requirements of subsection (1) has not been complied with, the consolidation lapses and subsection (5) applies.
- (4) If the Municipality grants extension to the period contemplated in subsection (2), which period together with any extensions that the Municipality grants, may not exceed 10 years.
- (5) If an approval of a consolidation lapses under subsection (1) the Municipality must—
 - (a) amend the zoning map and, where applicable, the register accordingly; and
 - (b) notify the Surveyor-General accordingly; and

- (c) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the notification that the subdivision has lapsed.

Part F: Permanent Closure of Public Place

75. Closure of public places

- (1) The Municipality may on 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 and any other additional requirements by the Municipality.
- (3) If any person lodges a claim against the Municipality for loss or damage that he or she has allegedly suffered as a result of the wrong doing on the part of the Municipality as a result of the closure of a public place, the authorised employee must—
- (a) require proof of negligence on the part of the Municipality which resulted in the loss or damage; and
 - (b) before any claim is paid or settled, obtain a full technical investigation report in respect of the circumstances that led to the closure of the public place to determine whether or not there has been negligence on the part of the Municipality.
- (4) The Municipality may pay a claim if—
- (a) the circumstances of loss or damage reveal that the Municipality acted negligently;
 - (b) the circumstances of the loss are not inconsistent with this By-law;
 - (c) the claimant has proved his or her loss or damage;
 - (d) the claimant has provided the proof of a fair and reasonable quantum;
 - (e) no claim has been made and paid by personal insurance covering the same loss; and
 - (f) any other relevant additional information as requested by the authorised employee has been received.
- (5) The ownership of the land comprised in any public place or portion thereof that is closed in terms of this section continues to vest in the Municipality unless the Municipality determines otherwise.
- (6) The municipal manager may, without complying with the provisions of this Chapter temporarily close a public place—
- (a) for the purpose of or pending the construction, reconstruction, maintenance or repair of the public place;
 - (b) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under the public place;
 - (c) if the street or place is, in the opinion of the municipal manager, in a state dangerous to the public;
 - (d) by reason of any emergency or public event which, in the opinion of the municipal manager, requires special measures for the control of traffic or special provision for the accommodation of crowds, or
 - (e) for any other reason which, in the opinion of the municipal manager, renders the temporary closing of the public place necessary or desirable.
- (7) The Municipality must notify the Surveyor-General of an approval in terms of subsection (1), and the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the closure of the public place.

Part G: Consent Use

76. Application for consent use

- (1) The Land Use Scheme approved and/or adopted in terms of Chapter 3 of this By-law, read

together with Section 24 of the Act or any other legislation, may contain provisions requiring applications and conditions as the Municipality may determine, for the consent and/or permission of the Municipality for the use of land and buildings or to relax certain conditions provided for in the Land Use Scheme, including:

- (a) provisions relating to the requirement of public participation;
 - (b) minimum requirements for the submission of applications for consent, permission or relaxation; and
 - (c) other matters related thereto.
- (2) 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 and any other requirements provided on the Land Use Scheme related to the consent use.
- (3) Where the development parameters for the consent use that is being applied for are not defined in an applicable land use scheme, the Municipality must determine the development parameters that apply to the consent use as conditions of approval contemplated in section 56.
- (4) After submission of application with all the required information or documents the Municipality may-
- (a) grant the consent use with conditions
 - (b) refuse the consent use and provide reasons
- (5) When granting or refusing consent use, the Municipality may consider the relevant clause contained in the Land Use Scheme related to granting or refusal of consent use and the granting or refusal may read together with such clause.
- (6) A consent use may be granted permanently or for a specified period of time in terms of conditions of approval contemplated in section 58.
- (7) 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.
- (8) A consent use contemplated in subsection (1) lapses after a period of five years or the shorter period as the Municipality may determine from the date that the approval comes into operation if, within that five-year period or shorter period—
- (a) the consent use is not utilised in accordance with the approval thereof; or
 - (b) the following requirements are not met:
 - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
 - (ii) commencement with the construction of the building contemplated in subparagraph (i).
- (8) The Municipality may grant extensions to the period contemplated in subsection (7), which period together with any extensions that the Municipality grants, may not exceed 10 years.

Part H: Application on communal land

77. Application on communal land

- (1) An applicant who wishes to amend the use of communal land where such amendment will have a high impact on the community must apply to the Municipality for the amendment of the land use in the manner provided for in Chapter 6 and any other additional requirements by the Municipality.
- (2) For the purpose of this section, "high impact" means a land use that could negatively impact on the health and welfare of the community.
- (3) The Municipality may determine other land development applications in communal land and the procedures to be followed in order for the owner or beneficial owner to obtain land use rights.

Part I: Temporary Use

78. Application for temporary use

- (1) An applicant may apply to the Municipality-
- (a) for a departure from the development parameters of a zoning; or
 - (b) to utilise land on a temporary basis for a purpose for which no provision is made in the land use scheme in respect of a particular zone for a period not exceeding 5 years or such shorter period as may be necessary,
- in the manner provided for in Chapter 6.
- (2) A departure contemplated in subsection (1)(a) lapses after a period of five years or the shorter period as the municipality may determine from the date that the approval comes into operation if, within that five-year period or shorter period, the departure is not utilised in accordance with the approval thereof.
- (3) The Municipality may grant extensions to the period contemplated in subsection (2), which period together with any extensions that the Municipality grants, may not exceed 10 years.
- (4) The Municipality may approve a departure contemplated in subsection (1)(b) for a period shorter than 5 years, provided that, the period may not, together with any extension approved in accordance with section 68, exceed five years;
- (5) A temporary departure contemplated in subsection (1)(b) may not be granted more than once in respect of a particular use on a specific land unit.
- (6) A temporary departure contemplated in subsection (1)(b) may not include the improvement of land that is not temporary in nature and which has the effect that the land cannot, without further construction or demolition, revert back to its previous lawful use upon the expiry of the period contemplated in subsection (1)(b).

Part J: General Matters

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

- (1) The ownership of land that is earmarked for a public place as shown on an approved subdivision plan vest in the Municipality upon confirmation of the subdivision or a part thereof.
- (2) The Municipality may in terms of conditions imposed in terms of section 52 determine that land designated for the provision of engineering services, public facilities or social infrastructure on an approved subdivision plan, be transferred to the Municipality upon confirmation of the subdivision or a part thereof.

80. Restriction of transfer and registration

- (1) Notwithstanding the provisions contained in this By-law or any conditions imposed in the approval of any land development application, the owner shall, at his or her cost and to the satisfaction of the Municipality, survey and register all servitudes required to protect the engineering services provided, constructed and installed as contemplated in Chapter 7.
- (2) No Erf/Erven and/or units in a land development area, may be alienated or transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered in the name of the owner, prior to the Municipality certifying to the Registrar of Deeds that:
- (a) All engineering services have been designed and constructed to the satisfaction of the Municipality, including guarantees for services having been provided to the satisfaction of the Municipality as may be required; and
 - (b) all engineering services and development charges have been paid; and
 - (c) all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes; and
 - (d) all conditions of the approval of the land development application have been complied with or that arrangements have been made to the satisfaction of the Municipality for the compliance thereof within 3 months of having certified to the Registrar in terms of this section that registration may take place; and
 - (e) that the Municipality is in a position to consider a final building plan; and

- (f) that all the properties have either been transferred or shall be transferred simultaneously with the first transfer or registration of a newly created property or sectional title scheme.

81. First transfer

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

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

by virtue of a condition set out in the conditions to the approval of a land development application contemplated in section 52, the land shall be so transferred at the expense of the applicant, within a period of 6 months from the date of the land use rights coming into operation in terms of section 52, or within such further period as the Municipality may allow, but in any event prior to any registration or transfer of any erf, portion, opening of a sectional title scheme or unit within the development.

82. Certification by Municipality

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

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

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

83. National and provincial interest

(1) In terms of section 52 of the Act an applicant shall refer any application which affects national or provincial interest respectively to the Minister and the Member of the Executive Council for comments, which comments are to be provided within 21 days as prescribed in subsection 52(5) of the Act.

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

(3) The Municipal Planning Tribunal or Authorised Official as the case may be, as contemplated in this By-law and the Act, may direct that an application before it, be referred to the Minister and the Member of the Executive Council, if such an application in their opinion affects national or provincial interest and the provisions of subsections 52(5) to 52(7) apply with the necessary changes.

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

CHAPTER 6 LAND DEVELOPMENT APPLICATION PROCEDURES

84. Applicability of Chapter

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

85. Procedures for making application

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

86. Information required

(1) An application must be accompanied by the following documents:

- (a) an approved application form, completed and signed by the applicant;
- (b) if the applicant is not the owner or beneficial owner of the land, a power of attorney authorising the applicant to make the application on behalf of the owner;
- (c) if the owner of the land is a company, closed corporation, trust, body corporate or home owners' association, proof that the person is authorised to act on behalf of the company, closed corporation, trust, body corporate or a home owners' association;
- (d) the relevant bondholder's consent, if required by the Municipality;
- (e) a written motivation for the application based on the criteria for consideration of the application;
- (f) a copy of the Surveyor-General's diagram of the subject property or if it does not exist, an extract from relevant general plan;
- (g) a locality plan and site development plan, when required, or a plan showing the proposal in its cadastral context;
- (h) in the case of an application for the subdivision of land, copies of the subdivision plan showing the following:
 - (i) the location of the proposed land units;
 - (ii) the proposed zonings in respect of the proposed land units;
 - (iii) all existing structures on the property and abutting properties;
 - (iv) the public places and the land needed for public purposes;
 - (v) the existing access points;
 - (vi) all servitudes;
 - (vii) contours with at least a one meter interval or such other interval as may be approved by the Municipality;
 - (viii) the street furniture;
 - (ix) the light, electrical and telephone poles;
 - (x) the electrical transformers and mini substations;
 - (xi) the storm water channels and catch pits;
 - (xii) the sewerage lines and connection points;
 - (xiii) any significant natural features; and
 - (xiv) the scale and all distances and areas.

- (i) any other plans, diagrams, documents or information that the Municipality may require;
- (j) the proof of payment of application fees;
- (k) a full copy of the title deeds indicating all existing title conditions in current and historic title deeds; and
- (l) if required by the Municipality, a certificate of a conveyancer indicating that no restrictive condition in respect of the application is contained in such title deeds.; and
- (m) in the case of a traditional use application referred to in section 54, community approval granted as a result of a community participation process conducted in terms of Customary Law.

(2) The Municipality may have guidelines relating to the submission of additional information and procedural requirements.

87. Application fees

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

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

88. Grounds for refusing to accept application

The Municipality may refuse to accept an application if—

- (a) the municipality has already decided on the application;
- (b) there is no proof of payment of fees;
- (c) the application is not in the form required by the Municipality or does not contain the documents required for the submission of an application as set out in section 85.

89. Receipt of application and request for further documents

The Municipality must—

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

90. Additional information

(1) The applicant must provide the Municipality with the information or documentation required for the completion of the application within 30 days of the request 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).

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

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

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

91. Confirmation of complete application

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

(2) If further information is required, section 89 applies to the further submission of information that may be required.

92. Withdrawal of application

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

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

93. Notice of applications in terms of integrated procedures

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

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

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

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

- (a) cause public notice of the application to be given in terms of subsection 93(1); and
- (b) forward a copy of the notice together with the relevant application to every municipal department, service provider and organ of state that has an interest in the application, unless it has been determined by the Municipality that a procedure in terms of another law, as determined in subsection (1), is considered to be public notice in terms of this By-law.

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

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

94. Notification of application in media

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

- (a) an application for a rezoning or a rezoning on the initiative of the Municipality;
- (b) township establishment or extension of a township boundary
- (c) the subdivision of land larger than five hectares inside the outer limit of urban expansion as reflected in its municipal spatial development framework;
- (d) the subdivision of land larger than one hectare outside the outer limit of urban expansion as reflected in its municipal spatial development framework;
- (e) if the Municipality has no approved municipal spatial development framework, the subdivision of land larger than five hectares inside the physical edge, including existing urban land use approvals, of the existing urban area;
- (f) if the Municipality has no approved municipal spatial development framework, the subdivision of land larger than one hectare outside the physical edge, including existing urban land use approvals, of the existing urban area;
- (g) the closure of a public place;
- (h) an application in respect of a restrictive condition;
- (l) other applications that will materially affect the public interest or the interests of the community if approved.

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

- (a) publishing a notice of the application, in the provincial gazette and a newspaper with a general circulation in the area concerned in at least two of the official languages of the Province most spoken in the area concerned; or
- (b) posting a copy of the notice of application, for a period of 14 days on the land concerned and on any other notice board as may be determined by the Municipality.

95. Serving of notices

- (1) Notice of an application contemplated in section 93(1) and subsection (2) must be served—
 - (a) in accordance with section 115 of the Municipal Systems Act;
 - (b) in at least two of the official languages of the Province most spoken in the area concerned; and
 - (c) on each person whose rights or legitimate expectations will be affected by the approval of the application.
- (2) When the Municipality intends to consider any of the following, it must at least cause a notice to be served as contemplated in section 93 of its intention:
 - (a) a determination of a zoning;
 - (b) a land use application for subdivision or the amendment or cancellation of a subdivision contemplated in sections 66 and 69, respectively;
 - (c) a land use application for consolidation contemplated in section 72; or
 - (d) the imposition, amendment or waiver of a condition.
- (3) The Municipality may require the serving of a notice as contemplated in this section for any other application made in terms of this By-law.
- (4) The Municipality may require notice of its intention to consider all other applications not listed in subsection (2) to be given in terms of section 96.
- (5) The Municipality may require the applicant to attend to the serving of a notice of an application contemplated in subsection (1).
- (6) Where an applicant has served a notice at the request of a Municipality, the applicant must provide proof that the notice has been served as required.
- (7) The date of notification in respect of a notice served in terms of this section—
 - (a) when it has been served by certified or registered post is the date of registration of the notice; and
 - (b) when it has been delivered to that person personally is the date of delivery to that person;
 - (c) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years is the date on which it has been left with that person; or
 - (d) when it has been posted in a conspicuous place on the property or premises to which it relates is the date that it is posted in that place.

96. Content of notice

When notice of an application must be given in terms of section 93 or served in terms of section 94 of this By-law, the notice must contain the following information:

- (a) the details of the applicant;
- (b) identify the land or land unit to which the application relates by giving the property description and the physical address;
- (c) state the intent and purpose of the application;
- (d) state that a copy of the application and supporting documentation will be available for viewing during office hours and at the place mentioned in the notice;
- (e) state the contact details of the relevant municipal employee;

- (f) invite members of the public to submit written comments, objections or representations together with the reasons thereof in respect of the application;
- (g) state in which manner comments, objections or representations may be submitted;
- (h) state the date by when the comments, objections or representations must be submitted which may not be less than 30 days from the date on which the notice was given;
- (i) state that any person who cannot write may during office hours attend at an address stated in the notice where a named staff member of the Municipality will assist that person to transcribe that person's objections, comments or representations.

97. Additional methods of public notice

(1) If the Municipality considers notice in accordance with sections 93 or 94 to be ineffective or the Municipality decides to give notice of any application in terms of this By-law, the Municipality may on its own initiative or on request require an applicant to follow one or more of the following methods to give additional public notice of an application:

- (a) to display a notice contemplated in section 93 of a size of at least 60 cm by 42 cm on the frontage of the erf concerned or at any other conspicuous and easily accessible place on the erf, provided that—
 - (i) the notice must be displayed for a minimum of 30 days during the period that the public may comment on the application;
 - (ii) the applicant must, within 21 days from the last day of display of the notice, submit to the Municipality—
 - (aa) a sworn affidavit confirming the maintenance of the notice for the prescribed period; and
 - (bb) at least two photos of the notice, one from nearby and one from across the street.
- (b) to convene a meeting for the purpose of informing the affected members of the public of the application;
- (c) to broadcast information regarding the application on a local radio station in a specified language;
- (d) to hold an open day or public meeting to notify and inform the affected members of the public of the application;
- (e) to publish the application on the Municipality's website for the duration of the period that the public may comment on the application; or
- (f) to obtain letters of consent or objection to the application.

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

98. Requirements for petitions

(1) All petitions must clearly state—

- (a) the contact details of the authorised representative of the signatories of the petition;
- (b) the full name and physical address of each signatory; and
- (c) the objection and reasons for the objection.

(2) Notice to the person contemplated in subsection (1)(a), constitutes notice to all the signatories to the petition.

99. Requirements for objections, comments or representations

(1) A person may, in response to a notice received in terms of sections 93, 94 or 96, object, comment or make representations in accordance with this section.

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

100. Amendments prior to approval

- (1) While a land development application is pending approval before the Municipality, the applicant may amend his or her application at any time after notice of the application has been given in terms of this by-laws and prior to the approval thereof—
 - (a) at the applicant's own initiative;
 - (b) as a result of objections and comments made during the public notification process; or
 - (c) at the request of the Municipality.
- (2) The applicant may also be required to deliver a notice of the amendments to the land development application, as contemplated in subsection (1), to any person who may have an interest in the matter, including but not limited to:
 - (i) any interested parties who may have objected or made comments on the application during the public participation period, as contemplated in section 16 of this By-law; and
 - (ii) the Ward Councillor for the area within which the application falls, whether comments have been received from him/her on the application or not;and provide proof of delivery of the notice to the satisfaction of the Municipality.

101. Further public notice

- (1) The Municipality may require that fresh notice of an application be given if more than 18 months has elapsed since the first public notice of the application and if the application has not been considered by the Municipality.
- (2) The Municipality may, at any stage during the processing of the application—
 - (a) require notice of an application to be republished or to be served again; and
 - (b) an application to be resent to municipal departments for comment,
if new information comes to its attention which is material to the consideration of the application.

102. Cost of notice

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

103. Applicant's right to reply

- (1) Copies of all objections, comments or representations lodged with a Municipality must be provided to the applicant within 14 days after the closing date for public comment together with a notice informing the applicant of its rights in terms of this section.
- (2) The applicant may, within a period of 30 days from the date of the provision of the objections, comments or representations, submit written reply thereto with the Municipality and must serve a copy thereof on all the parties that have submitted objections, comments or representations.
- (3) The applicant may before the expiry of the 30 day period referred to in subsection (2), apply to the Municipality for an extension of the period with a further period of 14 days to lodge a written reply.
- (4) If the applicant does not submit comments within the period of 30 days or within an additional period of 14 days if applied for, the applicant is considered to have no comment.
- (5) If as a result of the objections, comments or representations lodged with a Municipality, additional information regarding the application are required by the Municipality, the information must be supplied within the further period as may be agreed upon between the applicant and the Municipality.
- (6) If the applicant does not provide the information within the timeframes contemplated in subsection (5), section 89(2) to (5) with the necessary changes, applies.

104. Written assessment of application

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

105. Decision-making period

- (1) When the power to take a decision is delegated to an authorised employee and no integrated process in terms of another law is being followed, the authorised employee must decide on the application within 60 days of the closing date for the submission of comments, objections or representations.
- (2) When the power to take a decision is not delegated to an authorised employee and no integrated process in terms of another law is being followed, the Municipal Planning Tribunal must decide on the application within 120 days of the closing date for the submission of comments, objections or representations.

106. Failure to act within time period

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

107. Powers to conduct routine inspections

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

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

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

109. Notification of decision

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

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

110. Duties of agent of applicant

(1) An applicant who is not the owner of the land concerned must ensure that he or she has the contact details of the owner of the property.

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

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

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

111. Errors and omissions

(1) The Municipality may at any time correct an error in the wording of its decision provided that the correction does not change its decision or results in an alteration, suspension or deletion of a condition of its approval.

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

112. Withdrawal of approval

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

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

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

113. Procedure to withdraw an approval

(1) The Municipality may withdraw an approval granted—

- (a) after consideration of the representations made in terms of section 111(2)(c); and

- (b) if the Municipality is of the opinion that the condition is still being breached and not being complied with at the end of the period specified in terms of section 111(2)(b).
- (2) If the Municipality withdraws the approval, the Municipality must notify the owner of the withdrawal of the approval and instruct the owner to cease the activity immediately.
- (3) The approval is withdrawn from date of notification of the owner.

114. Exemptions to facilitate expedited procedures

The Municipality may in writing -

- (a) exempt a development from compliance with the provisions of this By-law to reduce the financial or administrative burden of—
 - (i) integrated application processes as contemplated in section 92;
 - (ii) the provision of housing with the assistance of a state subsidy; or
 - (iii) incremental upgrading of existing settlements;
- (b) in an emergency situation authorise that a development may depart from any of the provisions of this By-law

CHAPTER 7

ENGINEERING SERVICES AND DEVELOPMENT CHARGES

Part A: Provision and Installation of Engineering Services

115. Responsibility for providing engineering services

- (1) Every land development application in terms of this By-law or any other law shall be accompanied by such information as may be required by the Municipality for purposes of:
 - (a) the consideration of the capacity, state and impact of engineering services, social infrastructure and open space requirements in terms of section 42(1)(c) of the Act; and
 - (b) for purposes of imposing conditions with regard to the provision of engineering services and the payment of any development charges as contemplated, in section 40(7)(b) of the Act.
- (2) The Municipality shall provide information regarding the capacity of municipal infrastructure services, as may be determined by the Municipal Manager, to place the applicant in a position to provide the information on the capacity, state and impact of engineering services as required in terms of subsection (1).
- (3) Every land development area and land development application in terms of this By-law or any other law shall be provided with such engineering services, social infrastructure and open spaces as the Municipality may deem necessary for the proper development of the land development area and/or land development application; provided that the Municipality may, for that purpose, enter into an engineering services agreement with the owner of the land development area, in terms of this Chapter or any provision of this By-law, other law and as may be required in accordance with section 49 of the Act;
- (4) A land development application in terms of this By-law or any other relevant law shall not be approved by the Municipal Planning Tribunal or Authorised Official, unless and until the Municipality is satisfied that engineering services, social infrastructure and open spaces can be provided and installed for the proper development of the land development area or that arrangements have been made for the provision and installation of engineering services, social infrastructure and open spaces, to the satisfaction of the Municipality.

116. Installation of engineering services

- (1) The applicant shall provide and install the internal engineering services in accordance with the conditions of establishment and to the satisfaction of the Municipality, and for that purpose the applicant shall lodge with the Municipality such reports, diagrams and specifications as the Municipality may require.
- (2) The Municipality shall have regard to such standards as the Minister/MEC may determine for streets and storm water drainage, water, electricity and sewage disposal services in terms of the Act.
- (3) If an engineering service within the boundaries of the land development area is intended to serve

any other area within the municipal area, such engineering service and the costs of provision thereof must be treated as an internal engineering service to an extent that it serves the land development and as an external engineering service to the extent that it serves any other development.

117. Engineering services agreement

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

(2) The engineering services agreement must –

- (a) classify the services as internal engineering services or external engineering services;
- (b) be clear when the applicant and the Municipality are to commence construction of internal engineering services and external engineering services, at which rate construction of such services is to proceed and when such services must be completed;
- (c) provide for the inspection and handing over of internal engineering services to the Municipality;
- (d) determine the date on which all risk and ownership in respect of such services shall pass to the Municipality;
- (e) require the applicant and the Municipality to take out adequate insurance cover in respect of such risks as are insurable for the duration of the land development; and
- (f) provide for the following responsibilities after the internal services have been handed over to the Municipality:
 - (i) when normal maintenance by the relevant authority must commence;
 - (ii) the responsibility of the applicant for the rectification of defects in material and workmanship; and
 - (iii) the rights of the relevant authority if the applicant fails to rectify any defects within a reasonable period after having been requested to do so;
- (g) if any one of the parties is to provide and install an engineering service at the request and at the cost of the other, such service must be clearly identified and the cost or the manner of determining the cost of the service must be clearly set;
- (h) determine whether additional bulk services are to be provided by the Municipality and, if so, such services must be identified;
- (i) determine which party is responsible for the installation and provision of service connections to residential, business, industrial, community facility and municipal erven, and the extent or manner, if any, to which the costs of such service connections are to be recovered;
- (j) define the service connections to be made which may include all service connections between internal engineering services and the applicable erf or portion of the land and these include –
 - (i) a water-borne sewerage pipe terminating at a sewer connection;
 - (ii) a water-pipe terminating at a water meter; and
 - (iii) an electricity house connection cable terminating on the relevant erf; and
- (k) clearly identify the level and standard of the internal engineering services to be provided and installed and these include, amongst others –
 - (i) water reticulation;
 - (ii) sewerage reticulation, sewage treatment facilities and the means of disposal of effluent and other products of treatment;
 - (iii) roads and storm-water drainage;
 - (iv) electricity reticulation (high and low tension);
 - (v) street lighting.

(2) The engineering services agreement may –

- (a) require that performance guarantees be provided, or otherwise, with the provision that -

- (i) the obligations of the parties with regard to such guarantees are clearly stated;
 - (ii) such guarantee is irrevocable during its period of validity; and
 - (iii) such guarantee is transferable by the person to whom such guarantee is expressed to be payable; and
- (b) provide for the manner in which the parties are to finance their relative responsibilities in terms of the engineering services agreement and where appropriate, either party may undertake to provide bridging finance to the other party.
- (3) Where only basic services are to be provided initially, the timeframes and the responsibility of the parties for the upgrading (if any) of services must be recorded in the engineering services agreement.

118. Abandonment or lapsing of land development application

- (1) Where a land development application is abandoned by the applicant or has lapsed in terms of any provision in terms of the Act, provincial legislation or conditions or this By-law, the engineering services agreement referred to in section 116 lapses and if the applicant had installed any engineering services before the lapsing of the application in terms of the engineering services agreement, he or she shall have no claim against the Council with regard to the provision and installation of any engineering services of whatsoever nature.

119. Internal and external engineering services

For the purpose of this Chapter:

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

Part B: Development Charges

120. Payment of development charge

- (1) The Municipality must develop a policy for development charges and may levy a development charge in accordance with the policy, for the provision of -
- (a) the engineering services contemplated in this Chapter where it will be necessary to enhance or improves such services as a result of the commencement of the amendment scheme; and
 - (b) open spaces or parks where the commencement of the amendment scheme will bring about a higher residential density.
- (2) If a land development application is approved by the Municipal Planning Tribunal subject to, amongst others, the payment of a development charge or an amendment scheme comes into operation, the applicant or owner of the land to which the scheme relates, must, subject to section 120, pay the development charge to the Municipality.
- (3) An applicant or owner who is required to pay a development charges in terms of this By-law shall pay such development charges to the Municipality before:
- (a) a written statement contemplated in section 120 of the Municipal System Act is furnished in respect of the land;
 - (b) a building plan is approved in respect of:
 - (i) the proposed alteration of or addition to an existing building on the land;

- (ii) the erection of a new building on the land, where that building plan, were it not for the commencement of the amendment scheme, would have been in conflict with the land use scheme in operation;
- (c) the land is used in a manner or for a purpose which, were it not for the commencement of the amendment scheme, would have been in conflict with the land use scheme in operation.

121. Offset of development charge

- (1) An agreement concluded between the Municipality and the applicant in terms of section 49(4) of the Act, to offset the provision of external engineering services against the applicable development charge, must be in writing and must include the estimated cost of the installation of the external engineering services.
- (2) If the owner is responsible for the provision of external engineering services as may be agreed upon in terms of section 114 (3) of this By-law, the Municipality may agree to the offsetting of development charges against the cost of the provision of external engineering services.
- (3) The applicant or the owner must submit documentary proof of the estimated cost of the installation of the external engineering services.
- (4) The amount to be offset against the applicable development charge must be determined by the Municipality.
- (5) if the cost of the installation of the external engineering services exceed the amount of the applicable development charge, the Municipality may refund the applicant or the owner if there are funds available in the Municipality's approved budget.
- (6) 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 116.

122. Payment of development charge in instalments

The Municipality may -

- (a) in the circumstances contemplated in subparagraph (b) or (c), allow payment of the development charge contemplated in section 119 in instalments over a period not exceeding three months;
- (b) in any case, allow payment of the development charge contemplated in section 118 to be postponed for a period not exceeding three months where security for the payment is given to its satisfaction;
- (c) in exercising the power conferred by subparagraphs (a) or (b), impose any condition, including a condition for the payment of interest.

123. Refund of development charge

- (1) No development charge paid to the Municipality in terms of section 119 or any portion thereof shall be refunded to an applicant or owner:
 - (a) Provided that where the owner paid the applicable charge prior to the land use rights coming into operation and
 - (b) The application is abandoned in terms of section 117
 - (c) The Municipality may, on such terms and conditions as it may determine, authorise the refund of development charges or any portion thereof.

124. General matters relating to contribution charges

- (1) Notwithstanding any provision to the contrary, where a development charge or contribution for open space is paid to the Municipality, such funds must, in terms of the provisions of the Municipal Finance Management Act, 2003 (Act No. 56 of 2003), be kept separate and only applied by the Municipality towards the improvement and expansion of the services infrastructure or the provision of open space or parking, as the case may be, to the benefit and in the best interests of the general area where the land area is situated or in the interest of a community that occupies or uses such land area.
- (2) The Municipality must annually prepare a report on the development charges paid to the Municipality together with a statement of the expenditure of such amounts and the purposes of such expenditure and must submit such report and statement to the Premier.

CHAPTER 8

APPEAL PROCEDURES

Part A: Management of an Appeal Authority

125. Establishment and composition of Appeal Authority

(1) The Executive Authority of the Municipality in terms of section 51(2) of the Act is the Appeal Authority of a Municipality;
provided that

- (a) the Municipality may in terms of section 51(6) of the Act, in the place of its Executive Authority authorize a body, or institution outside of the Municipality, by Municipal Council Resolution, to assume the obligations of an Appeal Authority in terms of the Act; and
 - (b) a body or institution established by the Municipality as an Appeal Authority in the place of the Executive Authority, for purposes of this By-law shall be known as the Municipal Appeals Tribunal.
- (2) Should any Councillor as a member of the Municipal Appeals Tribunal, be found guilty of misconduct under any relevant legislation, he/she shall be disqualified immediately from serving as a member on the Municipal Appeals Tribunal.
- (3) Subject to the provisions of the Act and this By-law a meeting of the Municipal Appeals Tribunal shall be held at such time and place as may be determined by the Municipality for purposes of considering an appeal lodged in terms of this By-law, the Act or any other relevant legislation, where the Municipal Appeals Tribunal is duly authorized to consider such an appeal.
- (4) Presiding officer of appeal authority:
The presiding officer of the appeal authority is responsible for managing the judicial functions of that appeal authority.

126. Bias and Disclosure of Interest

- (1) No presiding officer or member of an appeal authority may sit at the hearing of an appeal against a decision of a Municipal Planning Tribunal if he or she was a member of that Municipal Planning Tribunal when the decision was made or if he or she was the official contemplated in section 35(2) of the Act and he or she made the decision that is the subject of the appeal.
- (2) A presiding officer or member of an appeal authority who has or appears to have a conflict of interest as defined in sub regulations (5) and (6) must recuse himself or herself from the appeal hearing.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) A conflict of interest arises where an appeal assigned to an appeal authority involves any of the following:
 - (a) A person with whom the presiding officer or member has a personal, familiar or professional relationship;
 - (b) a matter in which the presiding officer or member has previously served in another capacity, including as an adviser, counsel, expert or witness; or
 - (c) any other circumstances that would make it appear to a reasonable and impartial observer that the presiding officer's or member's participation in the adjudication of the matter would be inappropriate.

127. Registrar of appeal authority

- (1) The municipal manager of a municipality is the registrar of the appeal authority.
- (2) Notwithstanding the provisions of subregulation (1), a municipal council may appoint a person or designate an official in its employ, to act as registrar of the appeal authority and if it so appoints or designates a person or an official, that person or official has delegated authority as contemplated in section 56 of the Act.

- (3) Whenever by reason of absence or incapacity any registrar is unable to carry out the functions of his or her office, or if his or her office becomes vacant, the municipal council may, after consultation with the presiding officer of the appeal authority, authorise any other competent official in the public service to act in the place of the absent or incapacitated registrar during such absence or incapacity or to act in the vacant office until the vacancy is filled.
- (4) Any person appointed under subsection (2) or authorised under subsection (3) may hold more than one office simultaneously.

128. Powers and duties of registrar

- (1) The registrar is responsible for managing the administrative affairs of the appeal authority and, in addition to the powers and duties referred to in this Chapter, has all the powers to do what is necessary or convenient for the effective and efficient functioning of the appeal authority and to ensure accessibility and maintenance of the dignity of the appeal authority.
- (2) The duties of the registrar include –
 - (a) the determination of the sitting schedules of the appeal authority;
 - (b) assignment of appeals to the appeal authority;
 - (c) management of procedures to be adhered to in respect of case flow management and the finalisation of any matter before the appeal authority;
 - (d) transmit all documents and make all notifications required by the procedures laid down in the provincial spatial planning and land use management legislation;
 - (e) the establishment of a master registry file for each case which must record –
 - (i) the reference number of each appeal;
 - (ii) the names of the parties;
 - (iii) all actions taken in connection with the preparation of the appeal for hearing;
 - (iv) the dates on which any document or notification forming part of the procedure is received in or dispatched from his or her office;
 - (v) the date of the hearing of the appeal;
 - (vi) the decision of the appeal authority;
 - (vii) whether the decision was unanimous or by majority vote; and
 - (viii) any other relevant information.
- (3) The presiding officer of the appeal authority may give the registrar directions regarding the exercise of his or her powers under this Chapter.
- (4) The registrar must give written notice to the presiding officer of all direct or indirect

pecuniary interest that he or she has or acquires in any business or legal person carrying on a business.

Part B: Appeal Process

129. Commencing of appeal

(1) An appellant must commence an appeal by delivering a Notice of Appeal to the Registrar of the relevant Appeal Authority within twenty-one (21) calendar days of the date of notification of the decision as contemplated in section 51 of the Act.

(2) The Appeal Authority can only consider applications that have been adjudicated by the Municipal Planning Tribunal.

(3) The Appeal Authority cannot consider any decision of an appeal taken in terms of section 62 of the Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended.

130. Notice of appeal

- (1) A Notice of Appeal must clearly indicate (refer to schedule 11):
 - (a) whether the appeal is against the whole decision or only part of the decision and if only a part, which part;
 - (b) where applicable, whether the appeal is against any conditions of approval of an application and which conditions;
 - (c) the grounds of appeal including any findings of fact or conclusions of law;
 - (d) a clear statement of the relief sought on appeal;
 - (e) any issues that the appellant wants the appeal authority to consider in making its decision; and
 - (f) a motivation of an award for costs.

- (2) An appellant may, within seven days from receipt of a notice to oppose an appeal amend the notice of appeal and must submit a copy of the amended notice to the appeal authority and to every respondent.

131. Notice to oppose an appeal

A notice to oppose an appeal must clearly indicate:

- (a) whether the whole or only part of the appeal is opposed and if only a part, which part;
- (b) whether any conditions of approval of an application are opposed and which conditions;
- (c) whether the relief sought by the appellant is opposed; and
- (d) the grounds for opposing the appeal including any finding of fact or conclusions of law in dispute;
- (e) a clear statement of relief sought on appeal.

132. Screening of appeal

(1) When the appeal authority receives a Notice of Appeal, it must screen such Notice to determine whether:

- (a) It complies with the form referred to in section 129;
- (b) it is submitted within the required time limit; and,
- (c) the appeal authority has jurisdiction over the appeal.

(2) If a Notice of Appeal does not comply with the form referred to in section 128, the appeal authority must return the Notice of Appeal to the appellant, indicating what information is missing and require that information to be provided and returned to the appeal authority by the appellant within a specific time period.

(3) If the Notice of Appeal is not provided and returned to the appeal authority with the requested information within the specified time period, the appellant's appeal will be considered abandoned and the appeal authority must notify the parties in writing accordingly.

(4) If the Notice of Appeal is received by the appeal authority after the required time limit has expired, the party seeking to appeal is deemed to have abandoned the appeal and the appeal authority will notify the parties in writing.

(5) If the appeal relates to a matter that appears to be outside the jurisdiction of the appeal authority, it must notify the parties in writing.

(6) The appeal authority may invite the parties to make submissions on its jurisdiction and it will then determine, based on any submissions received, if it has jurisdiction over the appeal and must notify the parties in writing of the decision.

Part C: Parties to an Appeal

133. Parties to appeal

(1) The parties to an appeal before an appeal authority are:

- (a) the appellant who has lodged the appeal with the appeal authority;
- (b) the Municipal Planning Tribunal that or the official authorised by the municipality as contemplated in section 35(2) of the Act who made the decision;
- (c) if the Minister or MEC intervenes in the proceeding under regulation 9, the Minister or the MEC, as the case may be; and
- (d) any other person who has been made a party to the proceeding by the appeal authority after a petition to the appeal authority under section 45(2) of the Act to be granted intervener status.

134. Intervention by Minister or MEC

(1) The Minister or the MEC may, on behalf of the national or provincial sphere of government, intervene in a proceeding before the appeal authority and must request to the appeal authority in writing to be added as a party to the appeal.

(2) The appeal authority may after due consideration of the request contemplated in subregulation (1), in its own discretion, make the Minister or the MEC a party to the appeal.

(3) Where the Minister or the MEC intervenes under subregulation (1) in an appeal proceeding, the Minister or the MEC may authorise the payment to a party to the proceeding by the department concerned of such costs as he or she considers were reasonably incurred by that party in relation to the proceeding as a result of that intervention.

135. Intervention by interested person

- (1) Where an appeal has been lodged by an appellant to the appeal authority, an interested person referred to in section 45(2) of the Act may, at any time during the proceedings, petition the appeal authority in writing on the form approved by Council to be granted intervener status on the grounds that his or her rights may have been affected by the decision of the Municipal Planning Tribunal or official referred to in section 34(2) of the Act and might therefore be affected by the judgement of the appeal authority.
- (2) The petitioner must submit together with the petition to be granted intervener status an affidavit stating that he or she –
- (a) does not collude with any of the appellants; and
 - (b) is willing to deal with or act in regard to the appeal as the appeal authority may direct.
- (3) The registrar must determine whether the requirements of this regulation have been complied with and must thereafter transmit a copy of the form to the parties of the appeal.
- (4) The presiding officer of the appeal authority must rule on the admissibility of the petitioner to be granted intervener status and the decision of the presiding officer is final and must be communicated to the petitioner and the parties by the registrar.
- (5) The presiding officer may, in his or her discretion or on request of one of the parties to the appeal, require security for that party's costs of appeal from the petitioner, in the form and manner determined by him or her, by delivering a notice setting forth the grounds on which the security is claimed and the amount demanded.
- (6) If one of the parties request security for costs and only the amount of security is contested, the registrar must determine the amount to be given and his or her decision is final.
- (7) If the person from whom security is demanded contests his or her liability to give security or if he or she fails or refuses to furnish security in the amount demanded or the amount fixed by the registrar within ten days of the demand or the registrar's decision, the other party may apply to the appeal authority for an order that such security be given and that the proceedings be stayed until such order is complied with.
- (8) The appeal authority may, if security is not given within the time determined in the order, dismiss any petition for intervener status.
- (9) An "interested person" for the purpose of this Part means a person who –
- (a) does not have a direct or indirect pecuniary or proprietary interest in the land affected by the decision of the Municipal Planning Tribunal or Authorised Official referred to in section 34(2) of the Act and might therefore be affected by the judgement of the appeal authority; and
 - (b) who submitted written comments or made oral representations during the decision-making process of the Municipal Planning Tribunal or Authorised Official referred to in paragraph (a).

Part D: Jurisdiction of Appeal Authority**136. Jurisdiction of appeal authority**

An appeal authority may consider an appeal on one or more of the following:

- a) the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000); and
- b) the merits of the land development or land use application.

137. Appeal hearing by appeal authority

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

138. Written hearing by appeal authority

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

139. Oral hearing by appeal authority

- (1) An oral hearing may be held –

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

140. Representation before appeal authority

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

141. Opportunity to make submissions concerning evidence

The appeal authority must ensure that every party to a proceeding before the appeal authority is given a reasonable opportunity to present his or her case and, in particular, to inspect any documents to which the appeal authority proposes to have regard in reaching a decision in the proceeding and to make submissions in relation to those documents.

Part E: Hearings of Appeal Authority

142. Notification of date, time and place of hearing

- (1) The appeal authority must notify the parties of the date, time and place of a hearing at least five days before the hearing commences.
- (2) The appeal authority will provide notification of the hearing to the appellant at the appellant's address for delivery.

143. Hearing date

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

144. Adjournment

- (1) If a party requests an adjournment more than one day prior to the hearing, the party must obtain the written consent of the other party and the presiding officer of the appeal authority.
- (2) The party requesting an adjournment must deliver to the appeal authority a completed form including reasons for the request.
- (3) The appeal authority will notify the parties in writing of the decision of the presiding officer of the appeal authority.
- (4) If the presiding officer of the appeal authority or the other party does not consent to the request for an adjournment, the hearing will not be adjourned.
- (5) If a party requests an adjournment within one day prior to the hearing, the request must be made to the appeal authority at the hearing and may be made notwithstanding that a prior request was not consented to.

145. Urgency and condonation

- (3) The registrar may –
 - a) on application of any party to an appeal, direct that the matter is one of urgency, and determine such procedures, including time limits, as he or she may consider desirable to fairly and efficiently resolve the matter;
 - b) on good cause shown, condone any failure by any party to an appeal to comply with these Regulations or any directions given in terms hereof, if he or she is of the opinion that such failure has not unduly prejudiced any other person;
- (4) Every application for condonation made in terms of this sub-regulation must be –
 - a) served on the registrar;
 - b) accompanied by a memorandum setting forth the reasons for the failure concerned; and
 - c) determined by the presiding officer in such manner as he or she considers proper.
- (5) Where a failure is condoned in terms of sub-regulation (1)(b), the applicant for condonation must comply with the directions given by the registrar when granting the condonation concerned.

146. Withdrawal of appeal

An appellant or any respondent may, at any time before the appeal hearing, withdraw an appeal or opposition to an appeal and must give notice of such withdrawal to the registrar and all other parties to the appeal.

Part F: Oral Hearing Procedure**147. Location of oral hearing**

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

148. Presentation of each party's case

- (1) Each party has the right to present evidence and make arguments in support of that party's case.
- (2) The appellant will have the opportunity to present evidence and make arguments first, followed by the Municipal Planning Tribunal or the Authorised Official.

149. Witnesses

- (6) Each party may call witnesses to give evidence before the panel.
- (7) A witness may not be present at the hearing before giving evidence unless the witness is:
 - (a) an expert witness in the proceedings;
 - (b) a party to the appeal; or
 - (c) a representative of a party to the appeal.

150. Proceeding in absence of party

- (8) 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.
- (9) Prior to proceeding, the appeal authority must first determine whether the absent party received notification of the date, time and place of the hearing.
- (10) If the notice requirement was not met, the hearing cannot proceed and the presiding officer of the appeal authority must reschedule the hearing.

151. Recording

Hearings of the appeal authority may be recorded.

152. Oaths

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

153. Additional documentation

- (11) Any party wishing to provide the appeal authority with additional documentation not included in the appeal record should provide it to the appeal authority at least three days before the hearing date.
- (12) The registrar must distribute the documentation to the other party and the members of the appeal authority.
- (13) 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.
- (14) The party must bring copies of the additional documentation for the members of the appeal authority and the other party.
- (15) If the additional documentation brought to the hearing is substantive or voluminous, the other party may request an adjournment from the appeal authority.

Part G: Written Hearing Procedure**154. Commencement of written hearing**

The written hearing process commences with the issuance of a letter from the appeal authority to the parties establishing a submissions schedule.

155. Presentation of each party's case in written hearing

- (16) Each party must be provided an opportunity to provide written submissions to support their case.
- (17) The appellant will be given seven days to provide a written submission.
- (18) 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
- (19) The Municipal Planning Tribunal or the Authorised Official has seven days in which to provide a submission in response.
- (20) If no submission is received by a party in the time established in the submissions schedule, it will be deemed that the party declined the opportunity to provide a submission.

156. Extension of time

- (21) 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.
- (22) Any request for an extension must be accompanied by the reasons for the request.
- (23) Following receipt of a request for an extension of time, the appeal authority will issue a decision in writing to the parties.

157. Adjudication of written submissions

- (24) Following receipt of any written submissions from the parties, the registrar must forward the appeal record, which includes the written submissions, to the appeal authority for adjudication.
- (25) If no written submissions are received from the parties, the registrar will forward the existing appeal record to the appeal authority for adjudication.
- (26) 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.
- (27) The appeal authority must issue a decision in writing to the parties and, if the submission is accepted, the other party will be given seven days to provide a written submission in response.

Part H: Decision of Appeal Authority

158. Further information or advice

After hearing all parties on the day of the hearing, the appeal authority –

- (1) may in considering its decision request any further information from any party to the appeal hearing or conduct any investigation which it considers necessary;
- (2) 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);
- (3) must within 21 days after the last day of the hearing, issue its decision on the appeal together with the reasons therefor.

159. Decision of appeal authority

- (1) The appeal authority may confirm, vary or revoke the decision of the Municipal Planning Tribunal or 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.

160. Notification of decision

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

161. Directives to municipality

- (1) The appeal authority must, in its decision, give directives to the municipality concerned as to how such a decision must be implemented and which of the provisions of the Act and the Regulations have to be complied with by the municipality as far as implementation of the decision is concerned.
- (2) Where an appeal authority upholds a decision on a development application, the Municipal Manager must, within 21 days of the decision, take the necessary steps to have the decision published in the *Provincial Gazette*.

Part I: General

162. Expenditure

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

CHAPTER 9 COMPLIANCE AND ENFORCEMENT

163. Enforcement

(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 shall 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 shall:

(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 alternation 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.

164. Offences and penalties

(1) An owner and/or other person are guilty of an offence if such owner or person:

(a) contravenes or fails to comply with a:

(i) 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) provision of the Land Use Scheme or amendment scheme;

(iii) uses land or permits land to be used in a manner other than permitted by the Land Use Scheme or amendment scheme;

(iv) compliance notice issued in terms of subsection (5);

(v) uses 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;

(a) 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;

(b) furnishes false or misleading information to an official of the Municipality when called upon to furnish information; or

(c) 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 or to imprisonment for a period not exceeding 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/she was so convicted, is guilty of a continuing offence and liable to a fine not exceeding R20 000, 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 compliance 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 to:

- (a) discontinue such erection, alteration, addition or other work or such use or cause it to be discontinued; and
- (b) at his/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) In the event of an offence in terms of subsection 1 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.

165. Service of compliance notice

- (1) The Municipality must serve a compliance notice on a person if it has reasonable grounds to suspect that the person or owner is guilty of an offence contemplated in terms of section 163.
- (2) A compliance notice must direct the occupier and owner to cease the unlawful land use or construction activity or both, forthwith or within the time period determined by the Municipality and may include an instruction to—
 - (a) demolish unauthorised building work and rehabilitate the land or restore the building, as the case may be, to its original form within 30 days or such other time period determined by the Municipal Manager; or
 - (b) submit an application in terms of this By-law within 30 days of the service of the compliance notice and pay the contravention penalty.
- (3) A person who has received a compliance notice with an instruction contemplated in subsection (2)(a) may not submit an application in terms of subsection (2)(b).
- (4) An instruction to submit an application in terms of subsection (2)(b) must not be construed as an indication that the application will be approved.
- (5) In the event that the application submitted in terms of subsection (2)(b) is refused, the owner must demolish the unauthorised work.
- (6) A person who received a compliance notice in terms of this section may lodge representations to the Municipality within 30 days of receipt of the compliance notice.

166. Content of compliance notices

- (1) A compliance notice must—
 - (a) identify the person to whom it is addressed;
 - (b) describe the activity concerned and the land on which it is being carried out;
 - (c) state that the activity is illegal and inform the person of the particular offence contemplated in section 163 which that person allegedly has committed or is committing through the carrying on of that activity;
 - (d) the steps that the person must take and the period within which those steps must be taken;
 - (e) anything which the person may not do, and the period during which the person may not do it;

- (f) provide for an opportunity for a person to lodge representations contemplated in terms of section 165 with the contact person stated in the notice;
- (g) issue a warning to the effect that—
 - (i) the person could be prosecuted for and convicted of an offence contemplated in section 163;
 - (ii) on conviction of an offence, the person will be liable for the penalties as provided for;
 - (iii) the person could be required by an order of court to demolish, remove or alter any building, structure or work illegally erected or constructed or to rehabilitate the land concerned or to cease the activity;
 - (iv) in the case of a contravention relating to a consent use or temporary departure, the approval could be withdrawn;
 - (v) in the case of an application for authorisation of the activity or development parameter, that a contravention penalty including any costs incurred by the Municipality, will be imposed;

(2) Any person who receives a compliance notice must comply with that notice within the time period stated in the notice unless the Municipality has agreed to suspend the operation of the compliance notice in terms of section 166.

167. Objections to compliance notice

- (1) Any person or owner who receives a compliance notice in terms of section 164 may object to the notice by making written representations to the Municipal Manager within 30 days of receipt of the notice.
- (2) Subject to the consideration of any objections or representations made in terms of subsection (1) and any other relevant information, the Municipal Manager—
 - (a) may suspend, confirm, vary or cancel a notice or any part of the notice; and
 - (b) must specify the period within which the person who received the notice must comply with any part of the notice that is confirmed or modified.

168. Failure to comply with compliance notice

If a person fails to comply with a compliance notice the Municipality may—

- (a) lay a criminal charge against the person;
- (b) apply to the High Court for an order restraining that person from continuing the illegal activity, to demolish, remove or alter any building, structure or work illegally erected or constructed without the payment of compensation or to rehabilitate the land concerned; or
- (c) in the case of a temporary departure or consent use, the Municipality may withdraw the approval granted and then act in terms of section 164.

169. Urgent matters

- (1) In cases where an activity must be stopped urgently, the Municipality may dispense with the procedures set out above and issue a compliance notice calling upon the person or owner to cease immediately.
- (2) If the person or owner fails to cease the activity immediately, the Municipality may apply to the High Court for an urgent interdict or any other relief necessary.

170. Subsequent application for authorisation of activity

- (1) If instructed to rectify or cease an unlawful land use or building activity, a person may make an application to the Municipality for any land development contemplated in Chapter 5, unless the person is instructed under section 164 to demolish the building work.
- (2) The applicant must, within 30 days after approval is granted, pay to the Municipality a contravention penalty in the amount determined by the Municipality.

171. Power of entry for enforcement purposes

- (1) An authorised employee may, with the permission of the occupier or owner of land, at any reasonable time, and without a warrant, and without previous notice, enter upon land or enter a building or premises for the purpose of ensuring compliance with this By-law.
- (2) An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of this By-law.
- (3) An authorised employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.

172. Power and functions of authorised employee

- (1) The Municipality may appoint and authorise an official or any other person to act in terms of this By-law for the purposes of investigating any matter in connection with this By-law, such a person is considered to be a Development Compliance Officer
- (2) A Development Compliance Officer may at any reasonable time, and without prior notice, enter any land, building or premises for purposes of ensuring compliance with this By-law.
- (3) The Municipality must issue each official contemplated in subsection (1) with a written appointment, stating that the person has been appointed for executing functions in terms of this By-law.
- (4) A Development Compliance Officer contemplated in subsection (1) must show proof when required to do so by any person affected by the exercising of a power in terms of this section of such appointment, which proof shall be in accordance with the provisions of subsection (3).
- (5) A Development Compliance Officer may not investigate a matter in which he/she has a direct or indirect personal interest.
- (6) A Development Compliance officer must be in possession of proof that he or she has been designated as an authorised employee for the purposes of this By-law.
- (7) An authorised employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.

173. 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 the—
 - (a) prior permission of the occupier or owner of land cannot be obtained after reasonable attempts; or
 - (b) Development Compliance Officer has been refused entry to land or a building that he/she is entitled to inspect;
 - (c) purpose of the inspection would be frustrated by the prior knowledge thereof.
- (2) A warrant referred to in subsection (1) may be issued by a judge of a High Court or by a magistrate who has jurisdiction in the area where the land in question is situated, and may only be issued if it appears to the judge or magistrate from information on oath that there are reasonable grounds for believing that—
 - (a) an authorised employee has been refused entry to land or a building that he or she is entitled to inspect;
 - (b) an authorised employee reasonably anticipates that entry to land or a building that he or she is entitled to inspect will be refused;
 - (c) there are reasonable grounds for suspecting that a contravention contemplated in section 164 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or
 - (d) the inspection is reasonably necessary for the purposes of this By-law.
- (3) A warrant must specify which of the acts mentioned in section 163 may be performed under the warrant by the person to whom it is issued and authorises the Municipality to enter upon the land or to enter the building or premises and to perform any of the acts referred to in section 163 as specified in the warrant on one occasion only, and that entry must occur—
 - (a) within one month of the date on which the warrant was issued; and

- (b) at a reasonable hour, except where the warrant was issued on grounds of urgency.

174. Regard to decency and order

The entry of land, a building or structure under this Chapter must be conducted with strict regard to decency and order, which must include regard to—

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

175. Court order

Whether or not a Municipality has instituted proceedings against a person for an offence contemplated in section 162, the Municipality may apply to the High Court for an order compelling that person to—

- (a) demolish, remove or alter any building, structure or work illegally erected or constructed;
- (b) rehabilitate the land concerned;
- (c) compelling that person to cease with the unlawful activity; or
- (d) any other appropriate order.

**CHAPTER 10
TRANSITIONAL PROVISIONS**

176. Transitional provisions

(1) Any land development application or other matter in terms of any provision of National or Provincial legislation dealing with land development applications that are pending before the Municipality on the date of the coming into operation of this By-law, shall be dealt with in terms of that legislation or if repealed in terms of its transitional arrangements or in the absence of any other provision, in terms of this By-law, read with section 2(2) and section 60 of the Act;

(2) Where on the date of the coming into operation of an approved land use scheme in terms of section 26(1) of the Act, any land or building is being used or, within one month immediately prior to that date, was used for a purpose which is not a purpose for which the land concerned has been reserved or zoned in terms of the provisions of a land use scheme in terms of this By-law read with section 27 of the Act, but which is otherwise lawful and not subject to any prohibition in terms of this By-law, the use for that purpose may, subject to the provisions of subsection (3), be continued after that date read with the provisions of a Town Planning Scheme or land use scheme.

(3) The right to continue using any land or building by virtue of the provisions of this subsection shall;

- (a) where the right is not exercised in the opinion of the Municipality for a continuous period of 15 months, lapse at the expiry of that period;
- (b) lapse at the expiry of a period of 15 years calculated from the date contemplated in subsection (2);
- (c) where on the date of the coming into operation of an approved land use scheme -
 - (i) a building, erected in accordance with an approved building plan, exists on land to which the approved land use scheme relates;
 - (ii) the erection of a building in accordance with an approved building plan has commenced on land and the building does not comply with a provision of the approved land use scheme, the building shall for a period of 15 years from that date be deemed to comply with that provision.
- (d) where a period of 15 years has, in terms of subsection (3), commenced to run from a particular date in the opinion of the Municipality in respect of any land or building, no regard shall, for the purposes of those subsections, be had to an approved scheme which comes into operation after that date.
- (e) within one year from the date of the coming into operation of an approved land use scheme -

- (i) the holder of a right contemplated in subsection (2) may notify the Municipality in writing that he is prepared to forfeit that right;
- (ii) the owner of a building contemplated in subsection (3)(c) may notify the Municipality in writing that he is prepared to forfeit any right acquired by virtue of the provisions of that subsection;

(4) Where at any proceedings in terms of this By-law it is alleged that a right has lapsed in terms of subsection (2)(a), such allegation shall be deemed to be correct until the contrary is proved.

(5) Where any land use provisions are contained in any title deed, deed of grant or 99-year leasehold, which did not form part of a town planning scheme, such land use provisions shall apply as contemplated in subsection (2).

(6) If the geographic area of the Municipality is demarcated to incorporate land from another municipality then the land use scheme or town planning scheme applicable to that land remains in force until the Municipality amends, repeals or replaces it.

(7) 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.

177. Determination of zoning

(1) Notwithstanding the provisions of section 175(2) and (3), the owner of land or a person authorised by the owner may apply to the Municipality for the determination of a zoning for land referred to in section 26(3) of the Act

(2) When the Municipality considers an application in terms of subsection (1) it must have regard to the following:

- (a) the lawful utilisation of the land, or the purpose for which it could be lawfully utilised immediately before the commencement of this By-law if it can be determined;
- (b) the zoning, if any, that is most compatible with that utilisation or purpose and any applicable title deed condition;
- (c) any departure or consent use that may be required in conjunction with that zoning;
- (d) in the case of land that was vacant immediately before the commencement of this By-law, the utilisation that is permitted in terms of the title deed conditions or, where more than one land use is so permitted, one of such land uses determined by the municipality; and
- (e) where the lawful utilisation of the land and the purpose for which it could be lawfully utilised immediately before the commencement of this By-law, cannot be determined,
- (f) the zoning that is the most desirable and compatible with any applicable title deed condition, together with any departure or consent use that may be required.

(3) If the lawful zoning of land contemplated in subsection (1) cannot be determined, the Municipality must determine a zoning and give notice of its intention to do so in terms of section 90.

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

CHAPTER 11 GENERAL PROVISIONS

178. Delegations

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

179. Repeal of by-laws

The By-law repeals any existing By-laws that deals with Spatial Planning and land use management within the municipality.

180. Fees payable

Any fee payable to the Municipality in terms of this By-Law is determined annually in terms of section 24(2) of the Municipal Finance Management Act, 2003 read with sections 74 and 75A of the Municipal Systems Act and forms part of the By-Law to constitute the Tariff Structure of the Municipality.

181. Short title and commencement

- (1) This By-Law is to be known as the "Collins Chabane Spatial Planning and Land Use Management By-Law."
- (2) This By-Law comes into operation on the date of publication in the provincial gazette.

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

In terms of the Spatial Planning and Land Use Management Act, 16 of 2013, the _____ Municipality hereby invites nominations for officials or employees of the *(insert name of organ of state or non-governmental organisation contemplated in regulation (3)(2)(a) of the Regulations)* to be appointed to the _____ Municipal Planning Tribunal for its first term of office.

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

Nominees must be persons registered with the professional bodies contemplated in section 33(1)(b) – (f) of the By-law on Municipal Land Use Planning, 2019, who have leadership qualities and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto. Each nomination must be in writing and must contain the following information:

- (a) The name, address and identity number of the nominee;
- (b) The designation or rank of the nominee in the organ of state or non-governmental organisation;
- (c) A short curriculum vitae of the nominee (not exceeding two pages);
- (d) Certified copies of qualifications and registration certificates indicating registration with the relevant professional body or voluntary association.

Nominations must be sent to:

The Municipal Manager
 _____ Municipality

P.O. Box _____

For Attention: _____

For Enquiries: _____

Tel _____

 * I,(full names of nominee),

ID No (of nominee),

hereby declare that –

- (a) I am available to serve on _____ Municipal Planning Tribunal and I am willing to serve as chairperson or deputy chairperson should the Council designate me OR I am not willing to serve a chairperson or deputy chairperson (*delete the option not applicable*);
- (b) there is no conflict of interest OR I have the following interests which may conflict with the _____ Municipal Planning Tribunal which I have completed on the declaration of interest form (*delete the option not applicable*);
- (c) I am not disqualified in terms of section 38 of the Spatial Planning and Land Use Management Act, 16 of 2013 to serve on the _____ Municipal Planning Tribunal and I authorise the _____ Municipality to verify any record in relation to such disqualification or requirement.
- (d) I undertake to sign, commit to and uphold the Code of Conduct applicable to members of the _____ Municipal Planning Tribunal.

No nominations submitted after the closing date will be considered.

CLOSING DATE: (INSERT DATE)

 Signature of Nominee

 Full Names of Nominee

Signature of Person signing on behalf of the Organ of State or Non-Governmental Organisation

Full Names of Person signing on behalf of the Organ of State or Non-Governmental Organisation

SCHEDULE 2
CALL FOR NOMINATIONS FOR PERSONS TO BE APPOINTED AS MEMBERS TO THE -
_____ MUNICIPAL PLANNING TRIBUNAL

CLOSING DATE: (INSERT DATE)

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

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

Nominees must be persons registered with the professional bodies contemplated in section 33(1)(b) – (f) of the By-law on Municipal Land Use Planning, 2019, who have leadership qualities and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto.

Each nomination must be in writing and must contain the following information:

- (a) The name and address of the nominator, who must be a natural person and a person may nominate himself or herself;
- (b) The name, address and identity number of the nominee;
- (d) Motivation by the nominator for the appointment of the nominee to the _____ Municipal Planning Tribunal (no less than 50 words and no more than 250 words);
- (e) A short curriculum vitae of the nominee (not exceeding two pages);
- (f) Certified copies of qualifications and registration certificates indicating registration with the relevant professional body or voluntary association.

Please note that failure to comply with the above requirements may result in the disqualification of the nomination.

Nominations must be sent to:

The Municipal Manager
 _____ Municipality

P.O. Box _____

For Attention: _____

For Enquiries: _____

Tel _____

 * I,(full names of nominee),

ID No (of nominee),

hereby declare that –

- (a) I am available to serve on _____ Municipal Planning Tribunal and I am willing to serve as chairperson or deputy chairperson should the Council designate me / I am not willing to serve as chairperson or deputy chairperson (*delete the option not applicable*);
- (b) there is no conflict of interest OR I have the following interests which may conflict with the _____ Municipal Planning Tribunal and which I have completed on the declaration of interest form (*delete the option not applicable*);
- (c) I am not disqualified in terms of section 38 of the Spatial Planning and Land Use Management Act, 16 of 2013 to serve on the _____ Municipal Planning Tribunal and I authorise the _____ Municipality to verify any record in relation to such disqualification or requirement;
- (d) I undertake to sign, commit to and uphold the Code of Conduct applicable to members of the _____ Municipal Planning Tribunal.

No nominations submitted after the closing date will be considered.

 Signature of Nominee

 Full Names of Nominee

**SCHEDULE 3
DISCLOSURE OF INTERESTS FORM**

I, the undersigned,

Full names: _____
 Identity Number: _____
 Residing at: _____

do hereby declare that -

- (a) the information contained herein fall within my personal knowledge and are to the best of my knowledge complete, true and correct, and
- (b) that there is no conflict of interest between myself and the _____ Municipal Planning Tribunal; or
- (c) I have the following interests which may conflict or potentially conflict with the interests of the _____ Municipal Planning Tribunal;

CONFLICTING INTERESTS

- (d) the non-executive directorships previously or currently held and remunerative work, consultancy and retainership positions held as follows:

1. NON-EXECUTIVE DIRECTORSHIP	
Name of Company	Period
1.	
2.	
3.	
4.	
5.	

2. REMUNERATIVE WORK, CONSULTANCY & RETAINERSHIPS			
Name of Company & Occupation	Type of Business	Rand amount per month	Period
1.			
2.			
3.			
4.			
5.			

3. CRIMINAL RECORD	
Type of Offence	Dates/Term of Sentence
1.	

- (e) I am South African citizen or a permanent resident in the Republic
- (f) I am not a member of Parliament, a provincial legislature, a Municipal Council or a House of Traditional Leaders;

- (g) I am not an un-rehabilitated insolvent;
- (h) I have not been declared by a court of law to be mentally incompetent and have not been detained under the Mental Health Care Act, 2002 (Act No. 17 of 2002);
- (i) I have not at any time been convicted of an offence involving dishonesty;
- (j) I have not at any time been removed from an office of trust on account of misconduct;
- (k) I have not previously been removed from a tribunal for a breach of any provision of the Spatial Planning and Land Use Management Act, 2013 or provincial legislation or the Land Use Planning By-Laws, 2015 enacted by the _____ Municipality.;
- (l) I have not been found guilty of misconduct, incapacity or incompetence; or
- (m) I have not failed to comply with the provisions of the Spatial Planning and Land Use Management Act, 2013 or provincial legislation or the Land Use Planning By-Laws, 2015 enacted by the _____ Municipality.

Signature of Nominee: _____

Full Names: _____

SWORN to and **SIGNED** before me at _____ on this _____ day of _____.

The deponent having acknowledged that he knows and understands the contents of this affidavit, that the contents are true, and that he or she has no objection to taking this oath and that he or she considers the oath to be binding on his or her conscience.

_____ **COMMISSIONER**

OF OATHS

FULL NAMES: _____

DESIGNATION: _____

ADDRESS: _____

SCHEDULE 4**CODE OF CONDUCT OF MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL**

I, the undersigned,

Full names: _____
 Identity Number: _____
 Residing at: _____

do hereby declare that I will uphold the Code of Conduct of the _____ Municipal Planning Tribunal contained hereunder:

General conduct

1. A member of the Municipal Planning Tribunal must at all times—
 - (a) act in accordance with the principles of accountability and transparency;
 - (b) disclose his or her personal interests in any decision to be made in the planning process in which he or she serves or has been requested to serve;
 - (c) abstain completely from direct or indirect participation as an advisor or decision-maker in any matter in which he or she has a personal interest and leave any chamber in which such matter is under deliberation unless the personal interest has been made a matter of public record and the municipality has given written approval and has expressly authorised his or her participation.
2. A member of the Municipal Planning Tribunal may not—
 - (a) use the position or privileges of a member of the Municipal Planning Tribunal or confidential information obtained as a member of the Municipal Planning Tribunal for personal gain or to improperly benefit another person; and
 - (b) participate in a decision concerning a matter in which that member or that members' spouse, partner or business associate, has a direct or indirect personal interest or private business interest.

Gifts

3. A member of the Municipal Planning Tribunal may not receive or seek gifts, favours or any other offer under circumstances in which it might reasonably be inferred that the gifts, favours or offers are intended or expected to influence a person's objectivity as an advisor or decision-maker in the planning process.

Undue influence

4. A member of the Municipal Planning Tribunal may not—
 - (a) use the power of any office to seek or obtain special advantage for private gain or to improperly benefit another person that is not in the public interest;
 - (b) use confidential information acquired in the course of his or her duties to further a personal interest;
 - (c) disclose confidential information acquired in the course of his or her duties unless required by law to do so or by circumstances to prevent substantial injury to third persons; and
 - (d) commit a deliberately wrongful act that reflects adversely on the Municipal Planning Tribunal, the Municipality, the government or the planning profession by seeking business by stating or implying that he or she is prepared, willing or able to influence decisions of the Municipal Planning Tribunal by improper means.

Signature of Nominee: _____

Full Names: _____

Date: _____

SCHEDULE 5 OWNERS' ASSOCIATIONS

General

1. The Municipality may, when approving an application for a subdivision of land impose conditions relating to the compulsory establishment of an owners' association by the applicant for an area determined in the conditions.
2. An owners' association that comes into being by virtue of sub item 1 is a juristic person and must have a constitution.
3. The constitution of an owners' association must be approved by the Municipality before the transfer of the first land unit and must provide for—
 - (a) the owners' association to formally represent the collective mutual interests of the area, suburb or neighbourhood set out in the constitution in accordance with the conditions of approval;
 - (b) control over and maintenance of buildings, services or amenities arising from the subdivision;
 - (c) the regulation of at least one yearly meeting with its members;
 - (d) control over the design guidelines of the buildings and erven arising from the subdivision;
 - (e) the ownership by the owners' association of private open spaces, private roads and other services arising out of the subdivision;
 - (f) enforcement of conditions of approval or management plans;
 - (g) procedures to obtain the consent of the members of the owners' association to transfer an erf in the event that the owners' association ceases to function;
 - (h) the implementation and enforcement by the owners' association of the provisions of the constitution.
4. The constitution of an owners' association may have other objects as set by the association but may not contain provisions that are in conflict with any law.
5. The constitution of an owners' association may be amended when necessary provided that an amendment that affects the Municipality or a provision referred to in subitem 3 is approved by the Municipality.
6. An owners' association which comes into being by virtue of subitem 1 -
 - (a) has as its members all the owners of land units originating from the subdivision and their successors in title, who are jointly liable for expenditure incurred in connection with the association; and
 - (b) is upon registration of the first land unit, automatically constituted.
7. The design guidelines contemplated in subitem 3(d) may introduce more restrictive development rules than the rules provided for in the zoning scheme.
8. If an owners' association fails to meet any of its obligations contemplated in subitem 3 and any person is, in the opinion of the Municipality, adversely affected by that failure, the Municipality may take appropriate action to rectify the failure and recover from the members referred to in subitem 6(a), the amount of any expenditure incurred by it in respect of those actions.
9. The amount of any expenditure so recovered is, for the purposes of subitem 8, considered to be expenditure incurred by the owners' association.

Owners' association ceases to function

1. If an owners' association ceases to function or carry out its obligations, the Municipality may—
 - (a) take steps to instruct the association to hold a meeting and to reconstitute itself;
 - (b) subject to the amendment of the conditions of approval remove the obligation to establish an owners' association; or
 - (c) subject to amendment of title conditions pertaining to the owners' association remove any obligations in respect of an owners' association.
2. In determining which option to follow, the Municipality must have regard to—
 - (a) the purpose of the owners' association;
 - (b) who will take over the maintenance of infrastructure which the owners' association is responsible for, if at all; and
 - (c) the impact of the dissolution or the owners' association on the members and the community concerned.

SCHEDULE 6**ADDITIONAL REQUIREMENTS FOR SUBDIVISION**

An application to subdivide land must, in addition to the information required on section 86, be accompanied by the following:

- (1) The motivation as stated on Section 86(e) must at least contain the following information:
 - (a) The application must take into consideration the Municipality Spatial Development Framework, Local Spatial Development Framework and other Municipal policies;
 - (b) The need and desirability of the proposed subdivision;
 - (c) The character of the other uses in the area;
 - (d) A justification on the suitability of land for subdivision;
 - (e) The impact of proposed subdivision locally;
 - (f) The density of the proposed development;
 - (g) A true north;
 - (h) The delineation of the proposed subdivided portions must be accurately drawn to a scale-
 - (a) not smaller than 1:500 for erven smaller than 2 000m²;
 - (b) not smaller than 1: 1 000 for erven from 2 000m² to 3 000m²;
 - (c) not smaller than 1: 1 500 for erven larger than 3 000m² but smaller than 10 000m²
 - (i) a legend which identifies each proposed subdivided portion by means of a figure;
 - (j) the scale to which the sketch plan is drawn;
 - (k) the number of the erf/erven to be subdivided and of each adjoining erf and if an adjoining erf/erven is not situated within the same township as the erf/erven to be subdivided, the name of that other township;
 - (l) the situation of each building on the erf to be subdivided and the approximate distance between the street boundary and every other boundary of the erf and the nearest wall of the building on the erf to be subdivided;
 - (m) where the erf/land to be subdivided is situated in an area which is subject to flooding, the 50 year flood line on the proposed subdivided portions.

SCHEDULE 7**ADDITIONAL REQUIREMENTS FOR THE ESTABLISHMENT OF A TOWNSHIP AND EXTENSION OF THE BOUNDARIES OF A TOWNSHIP**

An application for the establishment of a township and extension of the boundaries of a township must, in addition to the information required on section 86, be accompanied by the following:

- (1) a written motivation/memorandum as stated on section 86(e) must contain at least the following information:
 - (a) The development intentions of the Municipality on the application property; as contained in the Spatial Development Framework and other Municipal policies;
 - (b) Compliance with applicable norms and standards as set out in National and Provincial legislation;
 - (c) The existing land use rights on the property;
 - (d) The need and desirability of the proposed township/land development;
 - (e) Any environmental implications of the proposed development;
 - (f) Comments from the Department of Limpopo Economic Development, Environment and Tourism or its successor as whether an application must be made for an environmental authorisation in terms of the National Environmental Management Act (Act 107 of 1998);
 - (g) The density of the proposed development;
 - (h) The area and dimensions of each erf/erven in the proposed township;
 - (i) The layout of roads having regard to their function and relationship to the existing roads;
 - (j) The provision and location of public open space and other community facilities;
 - (k) Reasons for provision certain numbers of community facilities;
 - (l) Any phased development
- (2) A certified copy of title deed or any proof of ownership of every application property;
- (3) A copy of the diagram of every application property or, where such diagram is not available, an extract from relevant general plan;
- (4) A locality plan on an appropriate scale;
- (5) A layout plan on a scale of 1: 500, 1: 1000, 1: 1500 or 1: 2500, containing, as a minimum, the information prescribed in Schedule 9;
- (6) Draft conditions of establishment for the proposed township;
- (7) A zoning or land use rights certificate of application property;
- (8) A land use rights Schedule;
- (9) An engineering geological investigation and report compiled by a suitably qualified professional;
- (10) Bondholder consent;
- (11) Confirmation whether or not a mining or prospecting right or permit over the land is held or is being applied for in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 and 2002);
- (12) Other limited real rights on the property;
- (13) Confirmation and details of any land claims on the property;
- (14) A conveyancer's certificate;
- (15) A land surveyor Report;
- (16) In case of the extension of the boundaries of a township, the consent from the Surveyor-General to the proposed extension of boundaries

SCHEDULE 8**APPLICATION FOR THE AMENDMENT OF AN APPROVED TOWNSHIP/LAND DEVELOPMENT, DIVISION OR PHASING OF A TOWNSHIP AND ALTERATION, AMENDMENT OR CANCELLATION OF THE GENERAL PLAN**

An application for the amendment of an approved township/land development, division or phasing of a township and alteration, amendment or cancellation of the general plan must, in addition to the information required on section 86, be accompanied by the following:

- (1) a motivation explaining and motivating the application;
- (2) a certified copy of the title deed of every application property;
- (3) a copy of relevant general plan, if applicable;
- (4) a copy of approved conditions of establishment of the existing township;
- (5) draft conditions of establishment for the proposed amended township, as applicable;
- (6) a zoning or land use rights certificate indicating current rights and indication of proposed rights for the application properties;
- (7) a locality plan on an appropriate scale;
- (8) a layout plan on a scale of 1: 500, 1: 1000, 1: 1500 or 1: 2500, showing the proposed amendment or alteration; and
- (9) bondholder consent.

SCHEDULE 9**LAYOUT PLAN**

- (1) A layout plan for a proposed township shall as a minimum contain the following information:
- (a) Contour lines, the values of which shall be based on the date/datum plane of National geodetic bench marks based on sea-level as datum plane;
 - (b) The accuracy of the contour lines shall be such that when they are compared with the results of a selective test survey, not more than 5% of the interpolated heights of the testing points shall differ by more than half of the contour line interval, and not more than 1% of the testing points shall show a greater difference than the relative contour interval;
 - (c) The contour intervals shall be determined as follows:
 - (i) Meter intervals where the average gradient is 1 in 20 or less;
 - (ii) Meter intervals where the average gradient is greater than 1 in 20 but less than 1 in 5; and
 - (iii) 5 meter intervals where the average gradient is 1 in 5 and greater;
 - (d) Existing building in the proposed township;
 - (e) Streets, squares and open space in the proposed township;
 - (f) The widths and proposed names of streets in the proposed township;
 - (g) All adjoining existing and adjoining proposed streets and roads with their names;
 - (h) All adjoining erven in existing townships or proposed townships in respect of which applications have been submitted;
 - (i) All adjoining informal erven;
 - (j) Watercourses, railways lines, pipelines, power lines, existing public roads and all servitudes in or abutting the proposed township;
 - (k) The sites in the proposed township proposed to be reserved for specific purposes;
 - (l) The boundaries of the proposed township and the name of the Municipality;
 - (m) A land use table indicating total number of erven in the proposed township, the number of erven for specific purpose and their numbers, the total length of the streets within in the proposed township and the area of the erven and streets as a percentage of the total area of the township;
 - (n) The ruling size of the erven;
 - (o) The minimum and maximum gradient of the streets;
 - (p) Environmentally sensitive areas;
 - (q) A locality plan accurately drawn to a scale of not less than 1: 50000 or such other scale which the Municipality may approve, indicating-
 - (i) The situation of the proposed township on the land, farm or agricultural holding;
 - (ii) The routes giving access to the nearest main road and the road networks in the vicinity of the township;
 - (iii) The boundaries of the land, farm portion or agricultural holding on which the township is to be established;
 - (iv) The situation of existing sewage disposal works and the distance from the proposed township of such works, where such works are situated within 3 kilometres of the boundaries of the township;
 - (v) The boundaries of a demarcated noise zone, if applicable;
 - (vi) A bar scale, in respect of the locality plan;
 - (vii) The true north;
 - (r) The erven in the proposed township accurately drawn to a scale of 1: 1000, 1: 1250, 1: 1500, 1: 2000, 1: 2500 or 1: 5000 and numbered consecutively in each block;
 - (s) In an enclosure, the name of the persons responsible for the contour surveys, a reference to the datum plane on which the contour values are based and a certification as to the accuracy of the contour lines;
 - (t) If the township is to be established on two or more farm portions or agricultural holdings, the boundaries and description of such farm portions or holdings;
 - (u) Each registered servitude over the land in the proposed township with a reference to the notarial deed or approved diagram relating to such servitude and where an alteration in the route of such servitude is contemplated, the proposed route;
 - (v) Grid co-ordinates and a reference to the geodetic system used;
 - (w) If the land in the proposed township is subject to flooding, the 1:100 years floodline;

- (x) The results of the engineering geological investigation, indicated as zones;
- (y) In an enclosure, the name of the person responsible for the design of the layout plan;
- (z) In an enclosure, the name of the person responsible for the floodline determination and the floodline appearing on the layout plan certified as correct by such person; and
- (aa) In an enclosure, the name of the person responsible for the engineering geological investigation and the geological zones appearing on the layout plan certified as correct by such person.

SCHEDULE 10

OBJECTION AND/OR REPRESENTATIONS ON AN APPLICATION OF LAND DEVELOPMENT IN TERMS SECTION..... OF THE COLLINS CHABANE SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW 2019

COLLINS CHABANE LOCAL MUNICIPALITY

Date of objection or representation:

Municipality Application Reference Number: (application reference number as on the notice)

Name/s:

Surname:

Company/Institution

Address:

Tel/Mobile:

Facsimile:

Email:

I/We (person or objector making a representation), the undersigned, (on behalf of and duly authorised by...) hereby (object to/make the following representation on) the application for (repeat type of application as on the notice) on (specify subject property as in the notice) situated on (name of township, farm, etc).

The reason(s) for my/our objection(s)/representation(s) are as follows: (provide a clear description of the objection or representation, sufficiently detailed)

The following documents are enclosed herewith in support of the objection or representation: (list all supporting documents provided with the objection)

Please direct all correspondence with regards hereto to the above mentioned address.

I/We will avail myself/ourselves in meeting(s) when invited or send a duly authorised representative and i/we understand that failure to avail myself/ourselves or send representative after the first invite will results to the withdrawal of objection/representation as may be determined by the Collins Chabane Local Municipality Planning Tribunal on behalf of the Municipality.

.....

Signature

SCHEDULE 11

NOTICE OF APPEAL IN TERMS OF SECTION..... OF THE COLLINS CHABANE LOCAL MUNICIPALITY SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW 2019

COLLINS CHABANE LOCAL MUNICIPALITY

Date of appeal:

Municipality resolution/decision number: (reference number as on the notice of decision)

Name/s:

Surname:

Institution

Address:

Tel/Mobile:

Facsimile:

Email:

I/We (person or institution appealing the decision), the undersigned, (on behalf of or duly authorised by...) hereby appeal against the decision taken by the Collins Chabane Municipality Planning Tribunal/Authorised official on behalf of the Municipality on the application for (repeat type of application as on the notice) on (specify subject property as in the notice) situated on (name of township, farm, etc).

The reason(s) for my/our appeal are as follows: (provide a clear description of appeal, sufficiently detailed)

The appeal is further motivated as follows: (Motivate the appeal)

The following documents are enclosed herewith in support of the objection or representation: (list all supporting documents provided with the objection)

Please direct all correspondence with regards hereto to the above mentioned address.

I/We will avail myself/ourselves in meeting(s) when invited or send a duly authorised representative and i/we understand that failure to avail myself/ourselves or send representative after the first invite will results to the withdrawal of appeal as may be determined by the Appeal Authority on behalf of the Municipality.

.....

Signature

SCHEDULE 12



**COLLINS CHABANE LOCAL MUNICIPALITY
DEPARTMENT OF DEVELOPMENT PLANNING
SPATIAL PLANNING AND LAND USE MANAGEMENT DIVISION
TOWN PLANNING SECTION**

APPLICATION FORM FOR SUBDIVISION IN TERMS OF SECTION 66 (2)(a) OF THE COLLINS CHABANE SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW 2019

Please ensure that all the information is completed on the form. If any information is missing/incomplete this might result in a rejection of the application.

1. Status of the applicant

1.1 Registered owner

1.2 Authorised agent

2. Applicant details

2.1 Company: _____

2.2 Surname: _____

2.3 Full names: _____

2.4 Initials: _____

2.5 E-mail address: _____

2.6 Telephone number: _____

2.7 Cellular Phone number: _____

2.8 Fax number: _____

2.9 Physical Address: _____

_____ Postal Code _____

2.10 Postal Address: _____

_____ Postal Code _____

3. Property Information

3.1 Registered owner: _____

3.2 Street Address: _____

3.3 Postal Address: _____

_____ Postal Code _____

3.4 Township: _____

3.5 Erf number: _____

3.6 Property Size (in m²): _____

3.7 Current Land Use: _____

3.8 Current Zoning (Scheme): _____

3.9 Title Deed No.: _____

3.10 Bond (Yes/No): _____

3.11 If Yes in 3.8 specify Bond Account No.: _____

3.12 Bondholder's name: _____

3.13 Restrictive Title Deed Condition paragraph No.: _____

3.14 Size of the proposed division:

Portion No:	Panhandle/Servitude Area:	Total Area:
		m ²
Total Area:		m ²

4. Required documents

Please Mark with an X		Please Mark with an X	
Application fee		Title deed	
Covering letter		Bondholder's consent (if registered against the property)	
Application Form		Locality plan	
Motivational memorandum		Subdivision Sketch Diagram (plan)	
Company resolution (if applicable)			

Signature of Applicant:

Date: _____

SCHEDULE 13



**COLLINS CHABANE LOCAL MUNICIPALITY
DEPARTMENT OF DEVELOPMENT PLANNING
SPATIAL PLANNING AND LAND USE MANAGEMENT DIVISION
TOWN PLANNING SECTION**

APPLICATION FORM FOR CONSOLIDATION IN TERMS OF SECTION 72(2) OF THE COLLINS CHABANE SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW 2019

Please ensure that all the information is completed on the form. If any information is missing/incomplete this might result in a rejection of the application.

1. Status of the applicant

- 1.1 Registered owner
- 1.2 Authorised agent

2 Applicant details

- 2.1 Company: _____
- 2.2 Surname: _____
- 2.3 Full names: _____
- 2.4 Initials: _____
- 2.5 E-mail address: _____
- 2.6 Telephone number: _____
- 2.7 Cellular Phone number: _____
- 2.8 Fax number: _____
- 2.9 Physical Address: _____
- _____ Postal Code _____
- 2.10 Postal Address: _____
- _____ Postal Code _____

3 Property Information

- 3.1 Registered owner: _____
- 3.2 Street Address: _____
- 3.3 Postal Address: _____
- _____ Postal Code _____
- 3.4 Township: _____

3.5 Erf number: _____

3.6 Property Size (in m²): _____

3.7 Current Land Use: _____

3.8 Current Zoning (Scheme): _____

3.9 Title Deed No.: _____

3.10 Bond (Yes/No): _____

3.11 If Yes in 3.8 specify Bond Account No.: _____

3.12 Bondholder's name: _____

3.13 Restrictive Title Deed Condition Paragraph No.: _____

3.14 Size of the proposed consolidation:

Portion No:	Panhandle Area:	Total Area:
		m ²
Total Area:		m ²

4 Required documents

Please Mark with an X		Please Mark with an X	
Application fee		Title deed	
Covering letter		Bondholder's consent (if registered against the property)	
Application Form		Locality plan	
Motivational memorandum		Consolidation Diagram	
Company resolution (if applicable)			

Signature of Applicant:

Date: _____

SCHEDULE 14



**COLLINS CHABANE LOCAL MUNICIPALITY
DEPARTMENT OF DEVELOPMENT PLANNING
SPATIAL PLANNING AND LAND USE MANAGEMENT DIVISION
TOWN PLANNING SECTION**

APPLICATION FORM FOR AMENDMENT OF LAND USE SCHEME OR REZONING IN TERMS OF SECTION 63(1) OF THE COLLINS CHABANE SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW 2019

Please ensure that all the information is completed on the form. If any information is missing/incomplete this might result in a rejection of the application.

1. Status of the applicant

- 1.1 Registered owner
- 1.2 Authorised agent

2 Applicant details

- 2.1 Company: _____
- 2.2 Surname: _____
- 2.3 Full names: _____
- 2.4 Initials: _____
- 2.5 E-mail address: _____
- 2.6 Telephone number: _____
- 2.7 Cellular Phone number: _____
- 2.8 Fax number: _____
- 2.9 Physical Address: _____
- _____ Postal Code _____

- 2.10 Postal Address: _____
- _____ Postal Code _____

3 Property Information

- 3.1 Registered owner: _____
- 3.2 Street Address: _____
- 3.3 Postal Address: _____
- _____ Postal Code _____
- 3.4 Township: _____

3.5 Erf number: _____

3.6 Property Size (in m²): _____

3.7 Current Land Use: _____

3.8 Current Zoning (Scheme): _____

3.9 Proposed Land Use: _____

3.10 Present Height: _____

3.11 Present Density (Scheme): _____

3.12 Present Coverage (scheme): _____

3.13 Present FAR (Scheme): _____

3.14 Amendment Scheme No.: _____

3.15 Title Deed No.: _____

3.16 Bond (Yes/No): _____

3.17 If Yes in 3.14 specify Bond Account No.: _____

3.18 Bondholder's name: _____

3.19 Restrictive Title Deed Condition paragraph No.: _____

4 Required documents

Please Mark with an X		Please Mark with an X	
Application fee		Zoning map	
Covering letter		Land Use Map	
Application Form		Map 3 and scheme clauses	
Locality plan		Mineral Rights Holder's Consent	
Motivational memorandum		Affidavit (on expiry date of the advertisement)	
Company Resolution		Site Notices/Placards	
Title deed		Provincial Gazette Advertisements	
Bondholder's consent		Newspaper advertisements	
Site Development Plan		Power of Attorney	

Signature of Applicant:

Date: _____

SCHEDULE 15



**COLLINS CHABANE LOCAL MUNICIPALITY
DEPARTMENT OF DEVELOPMENT PLANNING
SPATIAL PLANNING AND LAND USE MANAGEMENT DIVISION
TOWN PLANNING SECTION**

**APPLICATION FORM FOR REMOVAL, AMENDMENT OR SUSPENSION OF RESTRICTIVE OR
OBSOLETE CONDITION, SERVITUDE OR RESERVATION REGISTERED AGAINST THE TITLE OF
THE LAND IN TERMS OF SECTION 64(2) OF THE COLLINS CHABANE SPATIAL PLANNING, LAND
DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW 2019**

Please ensure that all the information is completed on the form. If any information is missing/incomplete this might result in a rejection of the application.

1. Status of the applicant

- 1.1 Registered owner
- 1.2 Authorised agent

2. Applicant details

2.1 Company: _____

2.2 Surname: _____

2.3 Full names: _____

2.4 Initials: _____

2.5 E-mail address: _____

2.6 Telephone number: _____

2.7 Cellular Phone number: _____

2.8 Fax number: _____

2.9 Physical Address: _____

_____ Postal Code _____

2.10 Postal Address: _____

_____ Postal Code _____

3. Property Information

3.1 Registered owner: _____

3.2 Street Address: _____

3.3 Postal Address: _____

_____ Postal Code _____

3.4 Township: _____

3.5 Erf number: _____

3.6 Property Size (in m²): _____

3.7 Current Land Use: _____

3.8 Current Zoning (Scheme): _____

3.9 Proposed Land Use: _____

3.10 Present Height: _____

3.11 Present Density (Scheme): _____

3.12 Present Coverage (scheme): _____

3.13 Present FAR (Scheme): _____

3.14 Amendment Scheme No.: _____

3.15 Title Deed No.: _____

3.16 Bond (Yes/No): _____

3.17 If Yes in 3.14 specify Bond Account No.: _____

3.18 Bondholder's name: _____

4. Removal/Amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the Title of the land

4.1. Removal of condition(s): _____

4.2 Amendment of restrictive condition(s): _____

4.3 Suspension of a restrictive condition(s): _____

4.4 Reason for removal/amendment or suspension: _____

4.5 Is the property(ies) is/are situated in a conservation area or has/have been included in a register of properties worthy of conservation: (Yes/no) _____

4.6 If Yes, specify _____

4.7 Does the property have any endangered plant or animal species which will be affected by the change? (Yes/No) _____

4.8 If Yes, specify _____

4. Required documents

Please Mark with an X		Please Mark with an X	
Application fee		Zoning map	
Covering letter		Land Use Map	
Application Form		Locality plan	
Motivational memorandum		Mineral Rights Holder's Consent (if applicable)	

Bondholder's consent		Affidavit (on expiry date of the advertisement)	
Provincial Gazette Advertisements		Site Notices/Placards	
Newspaper advertisements		Company Resolution	

Signature of Applicant:

Date: _____

3.3 Surname: _____

3.4 Full names: _____

3.5 Initials: _____

3.6 Email: _____

3.7 Telephone number: _____

3.8 Cellular number: _____

3.9 Fax: _____

3.10 Physical Address: _____

_____ Postal Code _____

3.11 Postal Address: _____

_____ Postal Code _____

4. Property Information

4.1 Township: _____

4.2 Erf number: _____

4.3 Street Address: _____

4.4 Property Size (in m²): _____

4.5 Current Land Use: _____

4.6 Current Zoning (Scheme): _____

4.7 Proposed Land Use: _____

4.8 Present Height: _____

4.9 Present Density (Scheme): _____

4.10 Present Coverage (scheme): _____

4.11 Present FAR (Scheme): _____

4.12 Title Deed No.: _____

4.13 Bond (Yes/No): _____

4.14 If Yes in 4.13 specify Bond Account No.: _____

4.15 Bondholder's name: _____

4.16 Restrictive Title Deed Condition Paragraph No.: _____

4.17 Existing number of dwelling units on the property (where applicable):

4.18 Other land use rights or special exemption granted on the property:

4.19 If paragraph 4.18 is applicable, please provide the date of approval, reference number etc. (A copy of the letter of approval can be attached if available) _____

4.20 Are the rights mentioned in Paragraphs 4.19 above still being executed?

4.21 Is the property classified by the National Monuments Council as a heritage and/or memorable place?

4.22 Is the building on the property older than 50 years? _____

5. Proposed Use

Indicate the special consent use to be conducted on the property as provided under Table "A", Column 4.

Bed and breakfast		Commune	
Dwelling office		Institution	
Mobile dwelling unit		Place of instruction	
Place of public worship		Overnight accommodation	
Residential building		Conference facility	
Hotel		Tea garden	
Filling Station		Social hall	
Public phone shop		Commercial use	
Wholesale trade		Public garage	
Service industry		Telecommunication mast	
Builders yard		Place of amusement	
Art dealer and gallery		Fitness center	
Informal business		Penal beater	
Farm stall		Animal care center	
Dwelling units for permanent staff		Noxious industry (refer to schedule 1, Collins Chabane Land Use Scheme)	
Accommodation and related facilities for visitors		Guest house	
Nursery		Private club	
Kiosk		Dwelling for caretaker	
Recreation		Shops for convenience of staff and visitors	
Municipal purposes		Restaurant	

Offices subservient to the main use		Business/trade related to conservation or tourism for convenience of staff and visitors	
Taxi rank		Scrap yard	
Special use			

In case of special use, stipulate the proposed use: _____

6. Relaxation applications

6.1 Relaxation of F.A.R

Existing rights: _____

Proposed rights: _____

6.2 Relaxation of density

Existing rights: _____

Proposed rights: _____

7. Required documents

Please Mark with an X		Please Mark with an X	
Application fee		Zoning map	
Covering letter		Land Use Map	
Application Form		Locality plan	
Motivational memorandum		Mineral Rights Holder's Consent (if applicable)	
Bondholder's consent		Affidavit (on expiry date of the advertisement)	
Provincial Gazette Advertisements		Site Notices/Placards	
Newspaper advertisements		Company Resolution	

Applicant's Signature

Date

CONTINUES ON PAGE 130 - PART 2

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. 26

POLOKWANE,
12 APRIL 2019
12 APRIL 2019
12 DZIVAMISOKO 2019
12 APRELE 2019
12 LAMBAMAI 2019

No. 2990

SCHEDULE 17



**COLLINS CHABANE LOCAL MUNICIPALITY
DEPARTMENT OF DEVELOPMENT PLANNING
SPATIAL PLANNING AND LAND USE MANAGEMENT DIVISION
TOWN PLANNING SECTION**

**APPLICATION FOR THE WRITTEN CONSENT INTERMS OF SECTION 75 (1) OF COLLINS CHABANE
SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW 2019 AND
CLAUSE 23 OF THE COLLINS CHABANE LAND USE SCHEME, 2018**

This application form should be completed in full. If any information is incomplete this might result in a rejection of the application. This application should be submitted before site notices are placed on the property.

The application must be motivated and considered in terms of:

- Health and safety of the area;
- Amenities of the area,
- The character of other uses in the area,
- The need and desirability of the use concerned,
- Any relevant land-use management related policy of the municipality.

1. Status of the applicant

- 1.1 Registered owner
- 1.2 Authorised agent

2. Applicant details

- 2.1 Company: _____
- 2.2 Surname: _____
- 2.3 Full names: _____
- 2.4 Initials: _____
- 2.5 E-mail address: _____
- 2.6 Telephone number: _____
- 2.7 Cellular Phone number: _____
- 2.8 Fax number: _____
- 2.9 Physical Address: _____
 _____ Postal Code _____

2.10 Postal Address: _____
 _____ Postal Code _____

3 Registered Owner according to Title Deed (only required if different to the applicant's details)

3.1 Registered name: _____

3.2 Title: _____

3.3 Surname: _____

3.4 Full names: _____

3.5 Initials: _____

3.6 Email: _____

3.7 Telephone number: _____

3.8 Cellular number: _____

3.9 Fax: _____

3.10 Physical Address: _____
 _____ Postal Code _____

3.11 Postal Address: _____
 _____ Postal Code _____

4 Property Information

4.1 Township: _____

4.2 Erf number: _____

4.3 Street Address: _____

4.4 Property Size (in m²): _____

4.5 Current Land Use: _____

4.6 Current Zoning (Scheme): _____

4.7 Proposed Rights: _____

4.8 Present Height: _____

4.9 Present Density (Scheme): _____

4.10 Present Coverage (scheme): _____

4.11 Present FAR (Scheme): _____

4.12 Title Deed No.: _____

4.13 Bond (Yes/No): _____

4.14 If Yes in 4.13 specify Bond Account No.: _____

4.15 Bondholder's name: _____

4.16 Restrictive Title Deed Condition paragraph No.: _____

4.17 Existing number of dwelling units on the property (where applicable):

4.18 Other land use rights or special exemption granted on the property:

4.19 If paragraph 4.18 is applicable, please provide the date of approval, reference number etc. (A copy of the letter of approval can be attached if available) _____

4.20 Are the rights mentioned in Paragraphs 4.19 above still being executed?

4.21 Is the property classified by the National Monuments Council as a heritage and/or memorable place?

4.22 Is the building on the property older than 50 years? _____

5 Proposed Use

Indicate the written consent use to be conducted on the property as provided under Table "A", Column 5.

Duette dwelling		Household enterprise	
Granny flat		Commune	
Bed and breakfast		Place of refreshment	
Spaza		Institution	
Dwelling office		Place of instruction	
Mobile dwelling unit		Public phone shop	
Place of public worship		Tea garden	
Social hall		Retirement village	
Service industry		Kiosk	
Guest house		Dry cleaner	
Bakery		Informal business	
Funeral parlor		Dwelling unit related to but subordinate to main use	
Place of amusement		Rural general dealer	
Nursery		Amendment of SDP	
Additional dwelling unit		Special use	
Relaxation of line of no access			

In case of special use, stipulate the proposed use: _____

6 Relaxation applications

6.1 Relaxation of height

Existing rights: _____

Proposed rights: _____

6.2 Relaxation of coverage

Existing rights: _____

Proposed rights: _____

6.3 Relaxation of density

Existing rights: _____

Proposed rights: _____

6.4 Relaxation of building line

Existing rights: _____

Proposed rights: _____

7 Neighbours' signatures consent form

This form must be completed and submitted together with the application form

NAME	NEIGHBOURS' STAND NO	APPROVE/ DISAPPROVE	SIGNATURE

Applicant's Signature

Date

8 Checklist for required documents

Please Mark with an X		Please Mark with an X	
Proof of payment		Company Resolution (if applicable)	

Covering Letter		Title deed	
Application Form		Bondholder's Consent (if registered against the property)	
Motivational Memorandum		Locality map	
Power of Attorney (if applicable)		Sketch Plan (if applicable)	

SCHEDULE 18

EXAMPLE OF POWER OF ATTORNEY

I/we,.....of identity number/s.....the undersigned, hereby nominate, constitute and appoint-

.....(name of person and surname) of.....(company name if any), identity number.....with the power of substitution to be my/our legal agent(s) in my/our name, place and stead to apply for-

.....(type of application and property description)

at.....(name of the local authority/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 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(s).....

.....

SCHEDULE 19

EXAMPLE OF ADVERTISEMENT NOTICE

COLLINS CHABANE SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW 2019

AMENDMENT SCHEME NUMBER.....

I,.....(full names and surname), being the *owner/authorised agent of the owner of *erf/erven/portion(s).....(complete description of the property as set out in title deed or deed of grant) hereby give notice in terms of Section 61(1) of the Collins Chabane Spatial Planning, Land Development and Land use management, 2019, that I have applied to the Collins Chabane Municipality for the amendment of the Collins Chabane Land Use Scheme, 2018 in operation by the rezoning of the property (ies) described above, situated at.....from(as per Land use scheme) to.....(as per Land use scheme)

Particulars of the application will lie for inspection during normal office hours at the Director Development Planning office, C001, first floor Civic Centre or Town Planning office, C....., first floor Civic Centre, for a period of 28 days from.....(the date of first publication of this notice).

Objections to or representations in respect of the application must be lodged with or made in writing and hand delivered to the above mentioned offices or posted to the Municipal Manager, Collins Chabane Municipality, Private Bag X2596, COLLINS CHABANE. 0920 within a period of 28 days from.....(the date of first publication of this notice)

Address of *owner/authorised agent:

(Physical as well as postal address)

.....
.....
.....

Telephone No.....

Dates of the notice.....

*the week that the notice will be advertised must also be the same week it will appear on the Provincial Gazette

SCHEDULE 20

EXAMPLE OF AFFIDAVIT/AFFIRMATION

I, the undersigned.....(full name(s) and surname, of identity number.....hereby make oath/affirm the placard notice(s) as prescribed in terms of the Collins Chabane Spatial Planning, Land Development and Land use Management, 2019 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 newspaper, viz from.....to.....(both date inclusive)

SIGNED(signature of applicant)

ON(date, month and year)

AT(place)

I hereby certify that the deponent was conversant with the contents of this statement and understood it, and the contents of this statement are the truth.

COMMISSIONER OF OATHS:

DATE

STAMP

Note: this declaration must be handed in only after the required period for the display and maintenance of the placard notice has expired. In the event of this declaration being incorrectly completed/signed and/or handed in too early, the Municipality will view the declaration as a false declaration.

In the aforementioned case it shall be required from the applicant to comply with the prescript advertisement/procedure anew. Legal prosecution of the applicant shall possibly also be considered.

SCHEDULE 21

SPECIAL CONSENT ADVERT

COLLINS CHABANE SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW 2019

SPECIAL CONSENT NO.....OF 20.....

I,.....(full names and surname), being the *owner/authorised agent of the owner of *erf/erven/portion(s).....(complete description of the property as set out in title deed or deed of grant) hereby give notice in terms of Section 73 (1) of the Collins Chabane Spatial Planning, Land Development and Land use management By-law, 2019 read together with clause 22 of the Collins Chabane Land Use Scheme, 2018 in operation, that I have applied to Collins Chabane Municipality for special consent use for.....(describe the use, example additional dwelling , granny flat & etc) on erf/portion(s).....situated at.....(street name and number if provided and the name of the township or portion)

Particulars of the application will lie for inspection during normal office hours at the Director Development Planning office, C001, first floor Civic Centre or Town Planning office, C....., first floor Civic Centre, for a period of 28 days from.....(the date of first publication of this notice).

Objections to or representations in respect of the application must be lodged with or made in writing and hand delivered to the above mentioned offices or posted to the Municipal Manager, Collins Chabane Municipality, Private Bag X2596, COLLINS CHABANE. 0920 within a period of 28 days from.....(the date of first publication of this notice)

Address of *owner/authorised agent:

(Physical as well as postal address)

.....
.....
.....

Telephone No.....

Dates of the notice.....

*note an application must be submitted to the Municipality a day before the first advert is published on the local newspaper

SCHEDULE 22

ADVERTISEMENT REQUIREMENTS

Minimum notification procedures in terms of Section.....of the By-law

Application	Procedures				
	Local Newspaper	Provincial Gazette	Notice on the site and Photos	Adjacent properties owners notification	Person to submit application
Amendment of land use scheme or rezoning	Yes (two consecutive weeks, two official languages (English and any other official language)	Yes (two consecutive weeks, two official languages (English and any other official language)	Yes (For a period of 14 days. The notice shall not be less than 594mm by 420mm in size and letter shall not be less than 6mm in height. The applicant must also submit two legible photos of the placard notice, not smaller than half-postcard size. One close-up photo of the notice clearly showing the wording and one from the distance across the road to show the visibility of the notice.	Yes	An owner/authorised agent. Note: this application could be a complex process and any deviation from the requirements as set out in the By-law and any other additional requirements by the Municipality may lead to a delay or even the rejection of the application, an applicant/owner is advised in his or her own interest to appoint a town planning consultant.
Township Establishment	Yes (two consecutive weeks, two official languages (English and any other	Yes (two consecutive weeks, two official languages (English and any other	Yes (For a period of 14 days. The notice shall not be less than 594mm by 420mm in	Yes	An owner/authorised agent. Note: this application could be a complex process and any deviation from

	official language)	official language)	size and letter shall not be less than 6mm in height. The applicant must also submit two legible photos of the placard notice, not smaller than half-postcard size. One close-up photo of the notice clearly showing the wording and one from the distance across the road to show the visibility of the notice.		the requirements as set out in the By-law and any other additional requirements by the Municipality may lead to a delay or even the rejection of the application, an applicant/owner is advised in his or her own interest to appoint a town planning consultant.
Subdivision	No	No	Yes (For a period of 14 days. The notice shall not be less than 594mm by 420mm in size and letter shall not be less than 6mm in height. The applicant must also submit two legible photos of the placard notice, not smaller than half-postcard size. One close-up photo of the notice clearly showing the wording and	Yes	An owner/authorised agent. Note: this application could be a complex process and any deviation from the requirements as set out in the By-law and any other additional requirements by the Municipality may lead to a delay or even the rejection of the application, an applicant/owner is advised in his or her own interest to appoint a town planning consultant or Survey consultant. In case of a town planning consultant, the

			one from the distance across the road to show the visibility of the notice.		plan/sketch or diagram should be drawn by a survey consultant.
Consolidation	No	No	Yes (For a period of 14 days. The notice shall not be less than 594mm by 420mm in size and letter shall not be less than 6mm in height. The applicant must also submit two legible photos of the placard notice, not smaller than half-postcard size. One close-up photo of the notice clearly showing the wording and one from the distance across the road to show the visibility of the notice.	Yes	An owner/authorised agent. Note: this application could be a complex process and any deviation from the requirements as set out in the By-law and any other additional requirements by the Municipality may lead to a delay or even the rejection of the application, an applicant/owner is advised in his or her own interest to appoint a town planning consultant or Survey consultant. In case of a town planning consultant, the plan/sketch or diagram should be drawn by a survey consultant.
Extension of boundaries of an approved township	Yes (two consecutive weeks, two official languages (English and any other official language)	Yes (two consecutive weeks, two official languages (English and any other official language)	Yes (For a period of 14 days. The notice shall not be less than 594mm by 420mm in size and letter shall not be less than 6mm in height. The applicant must also submit two	Yes	An owner/authorised agent. Note: this application could be a complex process and any deviation from the requirements as set out in the By-law and any additional requirements by the Municipality may lead to a delay or even the

			legible photos of the placard notice, not smaller than half-postcard size. One close-up photo of the notice clearly showing the wording and one from the distance across the road to show the visibility of the notice.		rejection of the application, an applicant/owner is advised in his or her own interest to appoint a town planning consultant.
Consent use in terms of Section 75 (1) of the By-law read together with clause 22 of the Land use scheme (Special consent)	Yes (two consecutive weeks, two official languages (English and any other official language)	No	Yes (For a period of 14 days. The notice shall not be less than 594mm by 420mm in size and letter shall not be less than 6mm in height. The applicant must also submit two legible photos of the placard notice, not smaller than half-postcard size. One close-up photo of the notice clearly showing the wording and one from the distance across the road to show the visibility of the notice.	Yes	An owner/authorised agent. Note: this application could be a complex process and any deviation from the requirements as set out in the By-law and land use scheme may lead to a delay or even the rejection of the application, an applicant/owner is advised in his or her own interest to appoint a town planning consultant.

<p>Consent use in terms of Section 75 (1) of the By-law read together with clause 23 of the Land use scheme (Written consent)</p>	<p>No</p>	<p>No</p>	<p>Yes (For a period of 14 days. The notice shall not be less than 594mm by 420mm in size and letter shall not be less than 6mm in height. It must be two official languages. The applicant must also submit two legible photos of the placard notice, not smaller than half-postcard size. One close-up photo of the notice clearly showing the wording and one from the distance across the road to show the visibility of the notice.</p>	<p>Yes</p>	<p>An owner/authorised agent</p>
<p>Removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation</p>	<p>Yes(two consecutive weeks, two official languages (English and any other official language)</p>	<p>Yes (two consecutive weeks, two official languages (English and any other official language)</p>	<p>Yes (For a period of 14 days. The notice shall not be less than 594mm by 420mm in size and letter shall not be less than 6mm in height. The applicant must also submit two legible photos of the</p>	<p>Yes</p>	<p>An owner/authorised agent. Note: this application could be a complex process and any deviation from the requirements as set out in the By-law and any additional requirements by the Municipality may lead to a delay or even the rejection of the application, an</p>

			placard notice, not smaller than half-postcard size. One close-up photo of the notice clearly showing the wording and one from the distance across the road to show the visibility of the notice.		applicant/owner is advised in his or her own interest to appoint a town planning consultant.
Removal, amendment or suspension of a restrictive title condition to the density of residential development	Yes(two consecutive weeks, two official languages (English and any other official language)	Yes(two consecutive weeks, two official languages (English and any other official language)	Yes (For a period of 14 days. The notice shall not be less than 594mm by 420mm in size and letter shall not be less than 6mm in height. The applicant must also submit two legible photos of the placard notice, not smaller than half-postcard size. One close-up photo of the notice clearly showing the wording and one from the distance across the road to show the visibility of the notice	Yes	An owner/authorised agent. Note: this application could be a complex process and any deviation from the requirements as set out in the By-law and any additional requirements by the Municipality may lead to a delay or even the rejection of the application, an applicant/owner is advised in his or her own interest to appoint a town planning consultant.
Amendment of an approved land development	As determined		As determined		As determined by the Municipality

	by the Municipality		by the Municipality		
Division of a township	As determined by the Municipality		As determined by the Municipality		As determined by the Municipality
Amendment, Alteration or cancellation of subdivision or general plan	As determined by the Municipality		As determined by the Municipality		As determined by the Municipality
Other applications	As determined by the Municipality				

PROVINCIAL NOTICE 47 OF 2019

COLLINS CHABANE LOCAL MUNICIPALITY

**COLLINS CHABANE
LOCAL MUNICIPALITY**
Since 2016



TRANSPORTATION OF GOODS BY LAW, 2019

COLLINS CHABANE LOCAL MUNICIPALITY

TRANSPORTATION OF GOODS BY-LAW, 2019

The Municipal Manager of Collins Chabane Local Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 32 of 2000, read with section 162(2) of the Constitution, 1996, publishes the transportation of goods by-law for Collins Chabane Local Municipality as approved by its Council which will come into operation on the date of promulgation of this notice.

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PART1: DEFINITIONS AND INTERPRETATIONS

1. DEFINITIONS

In these By-laws, unless the context otherwise indicates –

“**Block**” means the portion of a street which lies between two (2) other streets neither of which is a lane and which both intersect the first named street;

“**Curb**” means the dividing line of the street between that part of the street intended for use of vehicles and that intended for use by pedestrians whether marked with a curb stone or not;

“**Dangerous Goods**” shall have the same meaning as defined under the transportation of Dangerous Goods Act, R.S.C., 1985, c. T-19, or any other Act enacted in its stead;

“**Double-park**” means the standing of a vehicle, whether occupied or not, parallel to a vehicle parked beside the curb in a designated parking area, **or** parking to the rear of any vehicle that is angle-parked at the curb in a designated angle-parking area for any reason other than delay due to traffic signs or traffic control signals;

“**Driver or Operator**” means any person who drives, operates, is in charge of or is in actual physical control of a vehicle including a driver, leader or rider of an animal;

“**Emergency Vehicle**” means any vehicle of the Fire Department, the Collins Chabane Local Municipality Traffic Police, any licensed ambulance, any military vehicle or any vehicle designated as an emergency vehicle by a competent authority, government department or the Chabane Local Municipality;

“**Heavy Vehicle**” means: a vehicle with a gross weight registration exceeding ten tons, or a vehicle, including any combination of motor vehicle, trailer, machinery, equipment and load, with a total weight exceeding ten tons.

“**Holiday**” means any Day determined to be a public holiday, or by proclamation by the South African Government as a public holiday, and when any Holiday falls on a Sunday, the expression “holiday” includes the following day;

“**Intersection**” means that portion of the roadway where two (2) or more streets intersect;

“**Lane**” means that kind or type of a street intended primarily to give access to the rear of real property and intended primarily for the use of vehicles;

“**Lane Intersection**” means that area bounded by property lines or a lane where it meets with the street;

“**Loading Zone**” means that portion of a street adjacent to the curb designated by a sign or a marking for the exclusive use of vehicles loading or unloading of goods;

“Marking” means any pavement marking installed on the street for the guidance, regulation, warning, direction or prohibition of traffic;

“Municipality” means the Municipality of Collins Chabane or its successor in title as envisaged in section 155(1) of the Constitution, established by Notice No 308 and Notice No 397 of 2000 in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act;

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

“Obstruction” in relation to a road, means any motor vehicle or any other thing which blocks or is likely to block traffic flow;

“Overnight” means the period from 19h00 in the evening to 06h00 in the morning;

“Parking” means the standing of a vehicle, whether occupied or not, on a street, otherwise than temporarily for the purpose and while actually engaged in loading or unloading or in abeyance to traffic regulations, signs or signals;

“Parking Stall” means a portion of a street or an area indicated by a sign, marking, meter or a physical barrier as a parking space for one (1) vehicle only;

“Pedestrian” means any person on foot or confined to a wheelchair and shall include a baby carriage;

“Pedestrian Crosswalk” mean: (1) that portion of a street designated by a sign or a marking for the use of pedestrians to cross a street; (2) a crosswalk that has been designated as a pedestrian crosswalk that has an overhead pedestrian crossing sign equipped with a red or yellow flashing signal; (3) where there is no sign, marking or flashing signal, that portion of a street within the prolongation of the lateral boundary lines of the adjacent or intersecting sidewalks at the end of a block; or (4) where there is no sign, marking, sidewalk, or flashing signal, that portion of the street measured five (5) metres back from the intersection and parallel across the roadway;

“Person” means any corporation, firm, partnership, association, registered company, and unincorporated group of persons, natural person or other aggregation of the same;

“Police Officer” means a member of the Collins Chabane Local Traffic Police or a member of the South African Police Service or Traffic Warden appointed by the Collins Chabane Local Municipality;

“Public Place” means— (a) a public road; (b) any parking area, square, park, recreation ground, sports ground, open space, shopping centre, unused or vacant municipal land or cemetery which has (i) in connection with any subdivision or layout of land into erven, lots or plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;

(ii) at any time been dedicated to the public;

(c) a public transportation motor vehicle,

(d) but will not include public land that has been leased or otherwise alienated by the Town;

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

(a) the verge of any such road, street or thoroughfare;

(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and

(c) any other work or object forming PART of or connected with or belonging to such road, street or thoroughfare;

“Sidewalk” means the actual sidewalk where constructed on or adjacent to a PART of a street or that portion of a street intended primarily for use by pedestrians, or any structure in a park or other public place designed and intended for use by pedestrians;

“Sidewalk Crossing” means that PART of a sidewalk permanently improved or designated for passage of vehicular traffic whether intended for private or public use;

“Sign” means any sign, signal, marking or other device installed for the guidance, regulation, warning, direction or prohibition of traffic, parking, standing or stopping;

“Slow-Moving Vehicle” means any slow-moving vehicle or equipment, any animal-drawn vehicle or any other machinery designed for use at a speed of less than forty (40) kilometres per hour or that normally travels or is used at a speed of less than forty (40) kilometres per hour;

“Stop” means: when required, a complete cessation from movement; or when prohibited, any stopping, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Traffic Officer or traffic control signal;

“Street” means a road, lane or other place designated and intended for or used by the general public for the passage of vehicles and pedestrians but does not include: (1) a parking lot, whether privately or publicly owned; or (2) a provincial highway as designated pursuant to the provisions of The Road Traffic Act, 1996, or such Act as may be enacted in its stead from time to time;

“Traffic” means the movement of pedestrians, vehicles or animals on any street;

“Vehicle” means a “motor vehicle” as defined in The Road Traffic Act or any Act as may be passed in its stead from time to time and includes a device in, upon or by which a person or thing is or may be transported or drawn upon a street and includes special mobile machines and agricultural implements, and, for the purpose of parking and stopping restrictions, includes any portion of a vehicle but does not include a wheelchair.

2. PURPOSE OF THE BY-LAW

Purpose of this By-Law is to assist Collins Chabane Local Municipality to regulate any activity related to transportation of goods within its area of jurisdiction; to ensure proper management of movement of transportation vehicle and delivery hours; to control traffic within the municipal area and CBD and to provide procedures of applying for parking and loading bay permits.

3. APPLICATION OF THE BY-LAW

- 1) This By-Law applies to all vehicles registered in the Republic of South Africa, wherever they may be, and to all vehicles other than those registered in the Republic, whenever they are within the Republic, in or on which goods are transported, and to such dangerous goods.

CHAPTER 2: TRAFFIC CONTROL AND ERECTION OF PERMANENT SIGNS

- (i) The Municipal Manager is hereby authorized to erect and maintain signs for the purpose of controlling, warning, stopping, yielding, guiding, informing and directing traffic in conformity with the provisions of this By-Law.
- (ii) The Municipal Manager shall keep a register of the location of all permanent traffic control systems, signs, devices and zones where parking, stopping and speed limits are restricted by permanent signs and the register shall be open for inspection at the office of the Municipal Manager during normal business hours.

4. TEMPORARY STREET CLOSURES

- 1) Notwithstanding any other provision in this By-Law, the Municipal Manager shall have the authority to temporarily close to vehicular traffic or restrict traffic, parking or stopping on any street for the purpose of:
 - a) enabling work to be carried out by or on behalf of the Town, including road maintenance, street cleaning snow removal or sewer or water line construction, repair or improvements;
 - b) facilitating the moving of any building, structure, machine or other object for which a permit has been issued pursuant of this By-Law;
 - c) facilitating the construction, repair or demolition of a building, structure or other object for which a permit has been issued pursuant to of this By-Law;
 - d) facilitating public gatherings.
- 2) Notwithstanding any other provision of this By-Law, a Traffic Officer or a person authorized by the Municipal Manager to enforce this By-Law shall have the authority to temporarily close to vehicular traffic or restrict traffic, parking or stopping on any street to avoid traffic congestion, danger, accident, traffic signal malfunction or other emergency.
- 3) Where a street has been closed pursuant to subsection 5.1, the Municipal Manager shall install such temporary stop, yield, parking or detour signs as may be required.
- 4) For the purpose of street repair and maintenance, the Municipal Manager may move, for such distance as is necessary, any vehicle that is parking on any street or portion thereof which is roped off, barricaded or indicated by notice or sign as being closed.
- 5) No person shall drive, park or stop a vehicle or walk on any street or portion there of that is roped off, barricaded or indicated by sign or notice as being closed.
- 6) Notwithstanding any other provisions of this By-Law, a Traffic Officer is hereby authorized to direct traffic in any manner he deems necessary to expedite traffic, safeguard pedestrians, prevent accidents or meet any unforeseen conditions, whether or not in conformity with this By-Law or The Road Traffic Act, in event of a fire, accident, traffic control system device malfunction or other emergency.
- 7) Notwithstanding any other provision of this By-Law, in the case of fire or other emergency and no Traffic Officer or Municipal Manager is present, an officer of the Fire Department is authorized to direct traffic in such a manner as he deems necessary whether or not his directions are in conformity with the provisions of this By-Law or The Road Traffic Act.

PART 3: STOPPING, STANDING AND PARKING OF GOOD VEHICLE

5. PARKING LIMIT SIGNS

- 1) Except as otherwise provided for under this part or any other Act or in the absence of any appropriate signs;
 - a) no person shall park a goods vehicle on a street for a longer time than allowed by signs thereat,
 - b) no person shall park a goods vehicle on any street, verge or open space to advertise the sale of vehicles,
 - c) no person may park a goods vehicle on any street, verge or open space in such a manner so as to advertise or promote any business or sales provided that;
 - I. such promotion or advertising is authorised by the Council or person authorised to approve same and,
 - II. the manner in which the promotion or advertising is done does not cause any obstruction or distraction to businesses or traffic flow.

6. NO PARKING LOCATIONS

- 1) The driver or operator of a goods vehicle shall not park the vehicle
 - a) on a street or part of a street designated as a no parking area by the appropriate signs;
 - b) in any lane to load or unload goods;
 - c) within ten (10) metres of a street intersection;
 - d) within three (3) metres of a lane intersection;
 - e) within two (2) metres of any sidewalk crossing;
 - f) within five (5) metres of a fire station driveway;
 - g) within six (6) metres of a crosswalk.
 - h) (within fifteen (15) metres of a stop sign or traffic signal.

7. DOUBLE-PARKING

No person shall double-park a goods vehicle on any street.

8. LOADING ZONES AND PARKING BAYS

- 1) No person shall cause or permit a vehicle other than a goods vehicle to remain in a loading zone for a period of time greater than is reasonably necessary for the actual loading or offloading of persons or goods.
- 2) The street area adjacent to the curb designated by a sign or marking as a "loading zone" shall be used by a driver or operator of a vehicle in accordance with the time limits and directions set out on the sign.
- 3) A goods vehicle may park in an area designated as a "loading zone" for such period as necessary for the Loading or Off-Loading of goods to or from a place of business reasonably close to such "loading zone" provided that;
 - a) The owner or operator of such goods vehicle parks for the period that is deemed reasonably necessary for the loading or off-loading of goods; and
 - b) Includes a vehicle engaged in the loading or off-loading of goods within a reasonable period deemed necessary to complete such loading or off-loading.
- 4) No driver or person in charge of a goods vehicle may park or cause such goods vehicle to be parked in a demarcated parking place across any painted line marking the confines of the parking place or in such position that the said vehicle is not entirely within the area demarcated.
- 5) The owner or operator of a vehicle, excluding a goods vehicle, shall at all times whilst loading or off-loading ensure that he or she is present at the vehicle for the duration of such Loading or off-loading.
- 6) No person except a physically handicapped person may park a vehicle or permit such vehicle to be parked in any demarcated parking bay which has been reserved exclusively for the use by permanent physically handicapped persons and which has been indicated as such by an applicable information sign.

9. PRIVATE PROPERTY

- 1) The driver or operator of a goods vehicle shall not park the goods vehicle on or in any private parking space or on any private property except with the express consent of the owner, occupant or permittee of the private parking space or the private property.

10. ENGINE RUNNING

- 1) No person shall park a goods vehicle in any public parking stall or street with the engine running unless;

- a) the goods vehicle is securely locked and the emergency brake is on provided that, such parking or stopping is beyond the control of the driver or operator;
- b) the goods vehicle is occupied by or under the control of the driver, operator or another responsible person.

GENERAL PROVISIONS RELATING TO PARKING

11. LIMITATION ON PARKING

- 1) No person shall between 20h00 on one day and 06h00 on the following day, park -
 - a) a goods vehicle which exceeds 2 400 kg in tare;
 - b) a trailer; or
 - c) an animal drawn vehicle in one place on a public road within the Central Business District or General Industrial Area or in any public car park for a continuous period exceeding one hour.
- 2) The provisions of sub-section (1) shall not apply to any vehicle that has been parked as a result of an accident, breakdown or other emergency for no longer than is necessitated by such accident, breakdown or other emergency.

CHAPTER 4: DRIVING; OPERATION OF GOODS VEHICLES AND OTHER PROVISIONS

12. ENTERING AN INTERSECTION

- 1) Notwithstanding any traffic signal indication to proceed, the driver or operator of a goods vehicle shall not enter an intersection unless there is sufficient space on the other side of the intersection to accommodate the driver's or operator's goods vehicle without obstructing the passage of traffic.

13. TOWING VEHICLE

1. No person shall tow a goods vehicle on a street in an unsafe manner or in such a manner that is deemed to be unsafe in the opinion of any Police/ traffic Officer.
2. No person shall tow any goods vehicle in contravention of the National Road Traffic Act 93 of 1996 as amended from time to time.

14. MAXIMUM SPEED

- 1) No person shall drive or operate any goods vehicle on a street at a speed greater than the speed permitted by the posted signs.
- 2) No person shall drive or operate any vehicle at a speed greater than twenty (20) kilometres per hour on any lane, cemetery or public parking lot unless otherwise indicated by appropriate signs displaying such.

15. CARE IN OPENING VEHICLE DOORS

- 1) No person shall open or leave open the door of a goods vehicle that is next to moving traffic unless it is safe to do so.

16. DAMAGE TO STREET

- 1) No person shall use a goods vehicle on a street if the goods vehicle could cause damage to the surface of the street.

17. HEAVY VEHICLES AND VEHICLES TRANSPORTING DANGEROUS GOODS

- 1) No person shall operate a heavy vehicle on any street except:

- a) upon the streets set out in a register kept by the Municipal Manager whereby certain streets are established as heavy vehicle routes;
 - b) while such heavy vehicle is making collection or delivery, provided that the driver or operator proceeds by the most direct route to or from the point of collection or delivery, as the case may be, to or from the nearest heavy vehicle route;
 - c) while such heavy vehicle is proceeding to or from the business premises of the owner, driver or operator of the heavy vehicle, provided that the driver or operator proceeds by the most direct route to or from the business premises, to or from the nearest heavy vehicle route;
 - d) while such heavy vehicle is proceeding to or from a garage for the purpose of repairs, servicing or refuelling, provided that the driver or operator proceeds by the most direct route to or from the garage, as the case may be, to or from the nearest heavy vehicle route;
 - e) While such heavy vehicle is engaged in work and in the service of the Collins Chabane Local Municipality.
- 2) No driver or operator of a heavy vehicle shall fail to comply with the request of a Traffic Officer or a person authorized to enforce this By-Law by the municipality to immediately proceed to the municipal weigh-scale and there allow the vehicle to be weighed for the purpose of determining whether the vehicle is a heavy vehicle.

18. DANGEROUS GOODS TRANSPORTATION ROUTES

- 1) The streets set out in a register kept by the Municipal Manager are hereby established as dangerous goods transportation routes.
- 2) No person shall operate a vehicle transporting or designed to transport dangerous goods in bulk other than on a dangerous goods transportation route except while such vehicle:
 - a) is making collection or delivery, provided that the driver or operator proceeds by the most direct route to or from the point of collection or delivery, as the case may be, to or from the nearest dangerous goods transportation route;
 - b) is proceeding to or from the business premises of the owner, driver or operator of the vehicle, provided that the driver or operator proceeds by the most direct route to or from the business premises, as the case may be, to or from the nearest dangerous goods transportation route;
 - c) is proceeding to or from a garage for the purpose of repairs, servicing or
 - d) refuelling, provided that the driver or operator proceeds by the most direct route to or from the garage, as the case may be, to or from the nearest dangerous goods transportation route;
 - e) is engaged in work and in the service of the municipality.
- 3) Where the vehicle is proceeding pursuant, and where there is no dangerous goods transportation route, the vehicle shall travel on the heavy vehicle route except where necessary to reach a permitted destination.
- 4) No person shall load or deliver dangerous goods from a vehicle transporting those goods in bulk between the hours of 7:00 a.m. to 9:00 a.m. and 16:00 p.m. to 19:00 p.m. except:
 - a) when delivering heating fuel to a single-family dwelling unit; or
 - b) when loading or unloading the vehicle on a property immediately adjacent to and with direct access to the dangerous goods transportation route.
- 5) Subsection 18(4) shall not apply:
 - a) to the transportation of dangerous goods of a weight measure less than two hundred (200) kilograms or liquid measure less than two hundred and fifty (250) litres;
 - b) to fuel in the fuel tank of the vehicle transporting or designed to transport dangerous goods, provided that the fuel is carried in permanently mounted tanks with a direct line to the fuel system of the vehicle.

19. SIGNAGE INDICATING HEAVY VEHICLE OR DANGEROUS GOODS ROUTES

- 1) The Municipality shall establish and maintain sufficient signs indicating heavy vehicle routes and dangerous goods routes throughout the Collins Chabane Local Municipality.
- 2) If a heavy vehicle route or dangerous goods route or any portion thereof is, in the opinion of the Municipal Manager, temporarily impassable or if, for any other reason, the Municipal Manager decides that a heavy vehicle route or a dangerous goods route or any portion thereof shall be temporarily closed, she or he may establish a temporary heavy vehicle route or dangerous goods route or any portion thereof by way of a detour.
- 3) Where the Municipal Manager has established a temporary heavy vehicle route or dangerous goods route the detour shall be marked by proper signs sufficient to indicate to drivers or operators of heavy vehicles or vehicles transporting or designed to transport dangerous goods in bulk and such detours shall, for the purpose of this By-Law, be the heavy vehicle route or the dangerous goods route until the temporarily closed route or routes are reopened to heavy vehicles or vehicles transporting or designed to transport dangerous goods in bulk.

20. PARKING FOR GOODS VEHICLES OR HEAVY VEHICLES

- 1) A driver or operator of a good vehicle or heavy vehicle shall not park the vehicle on any street except where designated as "truck parking only" and as designated by the appropriate signs.
- 2) The Municipality shall ensure that appropriate and sufficient signage is displayed at all entrances to the municipality and where necessary indicating where such "truck parking only" areas are located, if any or alternatively, appropriate signage indicating that there are "No Truck Parking" areas.
- 3) Such signage as indicated position in a place or area so as to prevent vehicles from entering such areas, on the outskirts of municipal limits.
- 4) A Traffic Officer may have any heavy vehicle which fails to comply with the by-law removed by an appropriate breakdown vehicle to any pound or designated yard for safekeeping.
- 5) Any vehicle removed and impounded shall remain in the custody of such authority until such time as all fees and necessary costs incurred are settled and paid for before being released.
- 6) No Heavy Motor Vehicle may be stopped or parked in any residential areas between the hours of 19h00 and 06h00 the following day unless such vehicle was engaged in the removal or delivery of goods for which the driver can produce documented proof thereof

21. PARKING FOR VEHICLES TRANSPORTING DANGEROUS GOODS

- 1) No person shall park a vehicle transporting or designed to transport dangerous goods in bulk within one hundred and fifty (150) metres of any residence, educational institution or place of public assembly.
- 2) a vehicle carrying or transporting dangerous goods may be parked within one hundred and fifty (150) metres of any residence, educational institution or place of assembly for such period of time only as is necessary to unload the contents provided that:
 - a) it is not possible for the contents to be unloaded from any other area; and
 - b) the vehicle and unloading procedure are under constant supervision during the entire period of time that the vehicle is parked.

22. PROHIBITED BEHAVIOUR

- 1) No person, excluding Official or person acting in terms of the law, shall—
 - a) when in a public place—

- I. intentionally block or interfere with the safe or free passage of a pedestrian or motor vehicle; or
 - II. intentionally touch or cause physical contact with another person, or his or her property, without that person's consent;
 - b) approach or follow a person individually or as part of a group of two or more persons, in a manner or with conduct, words or gestures intended to or likely to influence or to cause a person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other things of value;
 - c) (c) continue to beg from a person or closely follow a person after the person has given a negative response to such begging.
- 2) Any person who blocks, occupies or reserves a public parking space with good vehicle, shall immediately cease to do so when directed by a Peace Officer or member of the Collins Chabane Local Protection Services Department.

CHAPTER 5: MISCELLANEOUS PROVISIONS

23. LOADS TO BE COVERED

No person shall, by means of goods vehicle, convey on any public road or public place any load of manure, sand, earth, gravel, grit, ashes or other substance which may be wind driven unless such load is covered by a tarpaulin or other suitable covering so as to effectively prevent any of such substances from being blown or in any other manner discharged from such vehicle.

24. OFFENCES AND PENALTIES

- 1) Any person who-
- a) contravenes or fails to comply with any provision of this By-law;
 - b) Refuses or fails to comply with any notice served on him or her in terms of or for the purposes of this By-law;
 - c) Refuses or fails to comply with the terms or conditions of any approval issued in terms of this By-law;
 - d) obstructs, hinders or interferes with an authorised official or other official of the Council acting under power delegated to him or her, in the exercise of any power or the performance of any duty under this By-law;
 - e) fails or refuses to furnish to an authorised official or other official of the Council acting under power delegated to him or her, with any documentation or information required for the purposes of this Bylaw or furnishes a false or misleading document or false or misleading information;
 - f) fails or refuses to comply with any instruction given in terms of or for the purposes of this By-law; or
 - g) pretends to be an authorised official or other official of the Municipality acting under power delegated to him or her, shall be guilty of an offence and –
 - I. upon conviction, be liable to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment and the fine shall be calculated according to the ratio determined for such imprisonment in terms of the Adjustment of Fines Act; and
 - II. 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, or upon conviction, to imprisonment for a period not exceeding three months or to both such fine and imprisonment, in

respect of each day on which he or she so continues or has continued with that act or omission.

- 2) Nothing in subsection (1) above shall be construed to prevent the Municipality from imposing, in addition to the civil and criminal options available, a rates penalty as per the Municipality's approved Rates Policy against an owner of a property who is in contravention of any provision of this By-law.

25. REPEAL OF FORMER BY-LAW

By-laws on transportation of goods previously made by the Thulamela and Makhado Local Municipalities' Councils or their constituents Predecessors in respect of any portion of the area of the Collins Chabane Municipality, are hereby repealed in so far as they are inconsistent with the provisions of these By-laws

26. SHORT TITLE

These By-law is referred to as the Collins Chabane Local Municipality Transportation of goods By-laws and will come into operation on date of promulgation of the By-law in the Provincial Gazette.

PROVINCIAL NOTICE 48 OF 2019

COLLINS CHABANE LOCAL MUNICIPALITY

**COLLINS CHABANE
LOCAL MUNICIPALITY**
Since 2016



CAR WASH BY-LAW, 2019

COLLINS CHABANE LOCAL MUNICIPALITY

CAR WASH BY-LAW, 2019

The Municipal Manager of Collins Chabane Local Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 32 of 2000, read with section 162(2) of the Constitution, 1996, publishes the Carwash By-law for Collins Chabane Local Municipality as approved by its Council which will come into operation on the date of promulgation of this notice.

PREAMBLE

WHEREAS the Constitution authorizes a municipality to pass By-laws; AND WHEREAS the Constitution authorizes a municipality to pass By-laws for municipal purposes respecting the safety, health, nuisances, pollutions and welfare of people and the protection of people and property; AND WHEREAS the Constitution authorizes a municipality to pass By-laws for municipal purposes respecting people, activities and things in, on or near a public place or place that is often open to the public; AND WHEREAS the Constitution authorizes a municipality to pass By-laws for municipal purposes respecting systems of approvals and permits; AND WHEREAS the Constitution authorizes a municipality to pass By-laws for municipal purposes respecting the implementation and enforcement of bylaws including providing for inspections to determine if by-laws are being complied with; and WHEREAS regulating car washes within the Collins Chabane Local Municipality is desirable; and WHEREAS it is deemed expedient to make the by-law which controls and regulates car washes in the Collins Chabane Local Municipality; NOW THEREFORE Collins Chabane Local Municipality ENACTS AS FOLLOWS:

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1. DEFINITIONS

In this By-law unless the context otherwise indicates-

“Adverse Effect” means impairment of or damage to, or the ability to cause impairment of or damage to:

- a) storm drainage system;
- b) human health or safety; or
- c) the environment.

“By-law Enforcement Officer” means a person appointed by the Municipality in order to implement and enforce the provisions of this By-law and other bylaws of the Municipality.

“Car Wash” means a business of cleaning vehicles as a main service and includes washing, detailing, drying, polishing, valet, vacuuming, or other cosmetic care of vehicles, either at a fixed location or as part of a mobile, on- demand, or “pop-up” service.

“Hazardous Substance” means a substance that is either a hazardous substance or a hazardous waste, or has the properties of hazardous waste, as described in the Municipal Environmental Health By-laws;

“municipality” means the Municipality of Collins Chabane or its successor in title as envisaged in section 155(1) of the Constitution, established by Notice No 308 and Notice No 397 of 2000 in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act;

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

“Operator” or **“Owner”** means a person who runs a car wash as his/her business.

“Person” means any of the following:

- a) an individual;
- b) a legal entity or business entity, including a firm, association, partnership, society or corporation;
- c) a trustee, executor, administrator, agent or employee of either (a) or (b);

“Premises” includes lands and buildings or both, or a part thereof;

“Prohibited Material” means any substance that may, directly or indirectly, obstruct the flow of water within the storm drainage system or may have an adverse effect and includes, but is not limited to:

- a) soil, sediment, waste or other solid matter;
- b) gasoline, motor oil, greases, transmission fluid, and antifreeze;
- c) solvents;
- d) paint;
- e) hazardous substances;
- f) soaps or detergents;
- g) any substance or combination of substances that emits an odour.

“Release” means to directly or indirectly conduct a substance to the storm drainage system by spilling, discharging, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means; or a spill, release, disposal, abandonment, deposit, leak, seep, pour, drain or emptying of a substance into the storm drainage system;

“Storm Drainage” means runoff that is the result of rainfall and other natural precipitation or from the melting of snow or ice;

“Spill” means when anything, whether big or small and of any size and whether chemical or biological, that is harmful is dumped into a storm sewer.

“Storm Drainage System” means the system for collecting, transmitting, storing, treating, and disposing of storm drainage and foundation drainage, and includes:

- a) the catch basins, sewers and pumping stations that make up the storm drainage collection system;
- b) the storm drainage facilities, structures or things used for storage, management and treatment to buffer the effects of runoff or improve the quality of the storm water;
- c) the sewers and pumping stations that transport storm drainage to the location where it is treated or disposed of,
- d) the storm drainage outfall structures; and
- e) the surface drainage facilities, but does not include plumbing or service connections in buildings;

“Street” means any thoroughfare, highway, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle-way, or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes:

- a) a sidewalk (including the boulevard portion of the sidewalk);
- b) if a ditch lies adjacent to and parallel with the roadway, the ditch; and
- c) if a street is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by the Council not to be a street.

“Substance” means any one or more of the followings:

- a) any solid matter;
- b) any liquid matter;
- c) any gaseous matter;
- d) any sound, vibration, heat, radiation, or other form of energy;
- e) any combination of (a), (b), (c) or (d);

“Wastewater System” means the system owned and operated by the municipality for the collection, transmission, treatment and disposal of wastewater;

“Water” means all water in any form on or under the surface of the ground;

- a) Each provision of this By-law is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this By-law remain valid and enforceable.
- b) Any headings or sub-headings in this By-law are included for guidance purposes and convenience only and shall not form part of the interpretation of this By-law.
- c) Any Schedule attached to this By-law shall form a part of this By-law.
- d) Where this By-law cites or refers to any other Act, by-law, regulation, agency, organization or publication, the citation or reference is to the Act, by-law, regulation, agency, organization or publication as amended, whether amended before or after the

commencement of this By-law, and includes reference to any Act, by-law, regulation, agency, organization or publication that may be substituted in its place.

2. PURPOSE OF THE BY-LAW

Purpose of this By-law is to regulate; provide proper establishment, control and management of car washes within the municipality and provide application procedures for the development of car washes.

3. SCOPE AND APPLICATION OF THE BY-LAW

- 1) The By-law applies to all owners or operators of car washes, whether formal or informal, and their employees within the area of jurisdiction of the Municipality.
- 2) The By-law does not cover car washing at home and businesses where cars were brought in for service or repairs purposes and their main service is not cleaning vehicles.

4. LEGISLATIVE FRAMEWORK

- 1) The following are, inter alia, major relevant by-laws in relation to matters regulated by this By-law:
 - (a) Waters Services By-laws;
 - (b) Waste Management By-laws;
 - (c) Environmental Health By-laws;
 - (d) Storm-water Management;
 - (e) Public Nuisance; and
 - (f) Electricity Supply
- 2) Nothing in this By-law relieves a person from complying with any provision of any provincial or national law or regulation or other by-law or any requirement of any lawful permit, order or license.
- 3) In case of conflict between this By-law and any other by-law of the Municipality, the provisions of this By-law shall prevail in as far as matters regulating car washes are concerned.

5. APPLICATION

- (a) A person who wants to operate a car wash business within the jurisdictional area of the Municipality must apply to the Municipality on prescribed forms available at Municipal offices.
- (b) The Municipality will consider the application within the period of ten (10) working days upon the date of the receipt of the application forms
- (c) For the application to be considered, the applicant must complete the forms fully, and attach to the forms the relevant documents mentioned in subsection (5) below.

6. CAR WASH PERMIT

- (a) If car washing is commercial, the operator must have a permit in order to run the car wash business.
- (b) The permit is not required if one _
 - I. sells, leases, rents or repairs motor vehicles as his/her main service and only offer car washing as an additional service to the main service; (e.g. one's business is a repair shop and washes the cars that he/she repairs)
 - II. washes cars on an intermittent basis to raise funds for a non-profit organization; and
 - III. washes his/her car(s) at home.
- (c) Submission of application does not mean that the application is automatically approved.
- (d) The following documents must accompany the application_
 - I. Prescribed form, from the Municipality;
 - II. Copy of South African Identity Document;
 - III. Identified site or premises; and

- IV. Prescribed fee, to be determined by Council from time to time.
- (e) All car wash operators, whether commercial or informal, should have a copy of set of good practices developed by the Municipality and it should include, inter alia, water conservation and treating wastewater and discharging it into the sanitary sewer system where it will receive further treatment.
 - (f) The operating card permit shall be issued by the Municipality and it is renewable after every 1 year.
 - (g) The following terms and conditions shall apply to the operating card permits:
 - I. operating card permit can only be issued by the Municipality upon the payment of the prescribed fee determined by Council from time to time;
 - II. operating card permit is not transferrable without the permission of the Municipality;
 - III. a car wash operator must at all times be in a position to produce the operating card permit on demand by the authorised officer whenever is required;
 - IV. if the operating card permit gets lost or accidentally or unwillingly damaged or destroyed the owner must immediately report the loss, damage or destruction thereof to the Municipality;

7. GENERAL TERMS AND CONDITIONS

Any approved car wash business must abide by the following terms and conditions, to the extent that they are applicable:

- 1) The owner must obtain a consent from the neighbours
- 2) If the owner is rendering the car wash on municipal land, they must apply for the rental of the land and pay the prescribed fee determined by the municipality.
- 3) The car wash must comply with the relevant Acts, Regulations and By-laws of the Municipality.
- 4) If there will be structures erected for the purpose of car wash, the building plans must be approved by the municipality
- 5) No car wash may operate if building plan for the structure has not been approved by the Municipality.
- 6) The sale of liquor or alcoholic beverages and hazardous substances is prohibited.
- 7) A car wash should not cause or be a cause of any kind of disturbance or public nuisance which will disturb people within the neighbourhood.
- 8) The operating hours for all car washes must be between 08h00, in the morning, and 19h00, in the night, every day except otherwise permitted by the Municipality.
- 9) If the car wash is closed for the period longer than 90 days, it will be presumed that the business is no longer operating and the operator thereof or the owner of the site should inform the Municipality in writing.
- 10) No car wash shall be approved at 1000m radius from a formally zoned business stand.
- 11) A person is allowed to own only one car wash registered in his/her name within a township and two within the municipality.
- 12) Where an operator has more than one car wash business in separate sites, a separate permit is required for each car wash operating.
- 13) No person is allowed to operate a car wash business if he/she has been declared by a court of law to be of unsound mind.
- 14) No signs advertising the business shall be larger than 600mm by 450 mm in size.
- 15) Such sign should indicate the name of the owner, the name of the car wash and operating hours.
- 16) Any other sign must be applied for and approved by the Municipality before it can be erected.
- 17) Advertising signs must comply with the Outdoor Advertising By-law of the Municipality.
- 18) In case where the municipality wants to expand the roads, the municipality will give a 3 months' written notice prior to the expansion of roads to the affected car wash owners.

8. STORMWATER DRAINAGE SYSTEM

- 1) No person may, except with the written consent of the Municipality and subject to any conditions that the Municipality may impose, discharge, permit to enter or place any harmful chemicals, oil, dirt and other pollutants that can pose serious threats to human health or safety into the storm-water system-
 - (a) damage, endanger, destroy or undertake any action likely to damage, endanger or destroy, the storm water system or the operation thereof;
 - (b) discharge from any place, or place onto any surface, any substance other than storm water, where that substance could reasonably be expected to find its way into the storm water system;
 - (c) discharge, permit to enter or place anything likely to damage the storm water system or interfere with the operation thereof or contaminate or pollute the water therein;
 - (d) construct or erect any structure or thing over or in such a position or in such a manner so as to interfere with or endanger the storm water system or the operation thereof;
 - (e) make an opening into a storm water pipe, canal or culvert;
 - (f) drain, abstract or divert any water directly from the storm water system, or
 - (g) fill, excavate, shape, landscape, open up or remove the ground above, within, under or immediately next to any part of the storm water system.
- 2) The operator must also ensure compliance with any other provision of the Storm-water Management By-laws of the Municipality.

9. WATER POLLUTION, RESTRICTIONS AND UNAUTHORIZED CONNECTIONS

- 1) An operator shall provide and maintain approved measures to prevent the entry of any substance, which may be a danger to health or adversely affect the portability of water or affect its fitness for use, into-
 - (a) the water supply system; and
 - (b) any part of the water installation on his or her premises.
- 2) The Municipality may by public notice to prevent the wasteful use of water or in the event of a water shortage, drought or flood prohibits or restricts the use of water for car wash purposes in the whole or part of its area of jurisdiction.
- 3) The Municipality may –
 - I. take, or by written notice require an operator at his or her own expense to take, such measures, including the installation of measurement device for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (2); or
 - II. discontinue or, for such period as it may deem fit, limit the supply of water to the business area in the event of a contravention on such area or failure to comply with the terms of a notice published in terms of subsection (2); and
 - III. where the supply has been discontinued, it shall only be restored when the prescribed fee for discontinuation and reconnecting the supply has been paid.
- 4) No person other than the Municipality shall affect a connection to the water supply system.
- 5) The use of water from unauthorized water connection is prohibited.
- 6) The operator must apply for water meter from the municipality.
- 7) The operator must also ensure compliance with any other provision of the Water Services By-laws of the Municipality.

10. WASTE MANAGEMENT

- 1) No operator is allowed to litter or dump any waste material on his or her business premise or will allow any person under his/her control to do any act of unlawful littering or dumping
- 2) If any litter has been discarded, dumped or left behind the operator must within a reasonable time after such act, remove such litter or cause it to be removed.

- 3) Any waste handled by the operator must not cause any nuisance to the public and at their own cost, clean any waste causing nuisance to the public.
 - 4) No operator may dispose of any waste by burning it unless authorized to do so by the Municipality.
 - 5) The operator must also ensure compliance with any other provision of the Waste Management By-laws of the Municipality.
11. ENVIRONMENTAL HEALTH
- 1) No person may dispose waste water from any car wash premises in a way or in a location that may –
 - a) cause dampness in or on any premises;
 - b) cause waste water to be discharged into the water drainage system and cause risk to public safety; or
 - c) create a public health nuisance and/or hazard.
 - 2) An operator creates a public health nuisance if he or she throws, dumps, stores, keeps or drops refuse, rubbish, glass, tins, paper, waste water or other litter or waste, whether liquid or solid, on or in a street, road, sidewalk, 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 a place.
 - 3) The operator must also ensure compliance with any other provision of the Environmental Health By-laws of the municipality, regulations and Health Act.
12. MISCELLANEOUS PROVISION
- 1) Prohibited or Restricted Areas
 - (a) The Council may, by resolution declare any place in its area of jurisdiction to be an area in which car washing business is restricted or prohibited, and must, to enable compliance therewith, prescribe or make signs, markings or other devices indicating the locations of boundaries of restricted or prohibited areas.
 - (b) Any sign erected in terms of this By-law or any other law, must serve as sufficient notice to an operator of the prohibition or restriction of the area concerned.
 - 2) Prohibited Conduct
 - (a) No person must cause excessive noise in violation of the Noise Control By-laws of the Municipality.
 - (b) No person must urinate in public in violation of the Public Nuisances By-laws of the Municipality.
 - (c) No person must use defamatory language or cause any violent act or disrupt the activities of the business.
 - 3) Car Wash Permit
 - (a) If car washing is commercial, the operator must have a permit in order to run the car wash business.
 - (b) The permit is not required if one:
 - I. sells, leases, rents or repairs motor vehicles as his/her main service and only offer car washing as an additional service to the main service; (e.g. one's business is a repair shop and washes the cars that he/she repairs)
 - II. washes cars on an intermittent basis to raise funds for a nonprofit organization; and
 - III. washes his/her car(s) at home.
 - (c) Submission of application does not mean that the application is automatically approved.
 - (d) The following documents must accompany the application:
 - I. Prescribed form, from the Municipality;
 - II. Copy of South African Identity Document;
 - III. Identified site or premises; and
 - IV. Prescribed fee, to be determined by Council from time to time.
 - (e) All car wash operators, whether commercial or informal, should have a copy of set of good practices developed by the Municipality and it should include, inter alia, water

conservation and treating wastewater and discharging it into the sanitary sewer system where it will receive further treatment.

13. OFFENCES AND PENALTIES

- 1) Any person who –
 - (a) contravenes or fails to comply with any provisions of these By-laws;
 - (b) Refuses or fails to comply with any notice served on him or her in terms of or for the purposes of this By-law;
 - (c) Refuses or fails to comply with the terms or conditions of any approval issued in terms of this By-law;
 - (d) obstructs, hinders or interferes with an authorised official or other official of the Council acting under power delegated to him or her, in the exercise of any power or the performance of any duty under this By-law;
 - (e) fails or refuses to furnish to an authorised official or other official of the Council acting under power delegated to him or her, with any documentation or information required for the purposes of this By-law or furnishes a false or misleading document or false or misleading information;
 - (f) fails or refuses to comply with any instruction given in terms of or for the purposes of this By-law; or
 - (g) pretends to be an authorised official or other official of the Municipality acting under power delegated to him or her, shall be guilty of an offence and –
 - I. upon conviction, be liable to a fine or imprisonment or to both a fine and such imprisonment. The fine shall be calculated in terms of the Municipal Tariff Structure and
 - II. 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, or upon conviction, to imprisonment or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with that act or omission.
- 2) Nothing in subsection (1) above shall be construed to prevent the Municipality from imposing, in addition to the civil and criminal options available, a rates penalty as per the Municipality's approved Rates Policy against an owner of a property who is in contravention of any provision of this By-law.

14. REPEAL OF BY-LAWS

By-laws on Noise Control previously made by the Thulamela and Makhado Local Municipalities' Councils or their constituents Predecessors in respect of any portion of the area of the Collins Chabane Municipality, are hereby repealed in so far as they are inconsistent with the provisions of these By-laws.

15. SHORT TITLE

This By-law shall be known as Collins Chabane, Car Washes By-law and comes into force on the date of publication thereof in the Provincial Gazette



SCHEDULE 1

APPLICATION FOR CAR WASH

DETAILS OF APPLICANT

Full Names of Applicant:			
Identity No:			
Postal Address:			Code:
Tel No: ()	Cell No:	Fax: ()	
E-mail:			
Signature:		Date:	

DETAILS OF AREA/S WHERE YOUR CAR WASH IS/WILL BE LOCATED:

Town:			
Address of the Business:			Code:
Tel No: ()	Cell No:	Fax: ()	
E-mail:			

DESCRIBE ALL EQUIPMENT THAT YOU ARE GOING TO USE:

OWNERS CONSENT

Full Names:			
Identity Number*:			
Signature:		Date:	

Complete this portion of the application for consent from the surrounding residents. ALL surrounding residents that are near the spaza shop, are to **SIGN** the application below and indicate if they **AGREE** or **DISAGREE** to have a Spaza Shop in their area.

Name	Address	Phone	Agree	Disagree	Signature

SHEDULE 2



CAR WASH LICENSE COLLINS CHABANE LOCAL MUNICIPALITY

ID/PASSPORT PHOTO		
NAME OF BUSINESS		
NAME OF APPLICANT		
ID/PASSPORT No.		
APPLICANT'S RESIDENTIAL ADDRESS		
APPLICANT CONTACT NUMBER		
STREET NAME		
TOWN		
CODE		
TYPE OF LICENCE APPLIED FOR		
CAR WASH PERMIT VALID FOR ONE YEAR		
NATURE OF BUSINESS		
CAR WASH		
GOODS/SERVICES OFFERED		
Signature of Applicant: _____ Date: _____		
FOR OFFICE USE ONLY (Mark the Applicable Fee)		
Local Resident	R172.50	Normal Permit
Non-Resident	R575.00	
Local Resident	R172.50	Seasonal Permit
Non-Resident	R575.00	
Local Resident	R172.50	Pensions
Non-Resident	R575.00	
RECEIPT NUMBER		
SERIAL No		
DATE RECEIVED		
DATE CAPTURED		
FILE NUMBER		
STREET NAME		
OFFICIAL: _____		
Signature: _____		

ON APPROVAL
Signature of Licensing Officer: _____
Date: _____

PROVINCIAL NOTICE 49 OF 2019

COLLINS CHABANE LOCAL MUNICIPALITY

**COLLINS CHABANE
LOCAL MUNICIPALITY**
Since 2016



ADVERTISING & BILLBOARDS BY-LAW, 2019

COLLINS CHABANE LOCAL MUNICIPALITY

ADVERTISING & BILLBOARDS BY-LAW, 2019

The Municipal Manager of Collins Chabane Local Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 32 of 2000, read with section 162(2) of the Constitution, 1996, publishes the Advertising & Billboards By-law for Collins Chabane Local Municipality as approved by its Council which will come into operation on the date of promulgation of this notice.

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PART 1: INTERPRETATION AND APPLICATION

1. DEFINITIONS

In these By-laws, unless the context otherwise indicates –

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

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

“**advertising precinct**” means an advertising area specifically designated and approved as an advertising precinct by the Municipality;

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

“**applicant**” means a person who makes an application in terms of the provisions of this By-law on public or private land and it includes such person’s duly authorized agent;

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

“**arcade**” means a covered pedestrian thoroughfare not vested in the Municipality, whether or not located at ground level, passing wholly or partly through a building and to which the public normally has regular and unrestricted access;

“**area of control**” means the degree of advertising control to be applied in a specific area, i.e. maximum-, partial- or minimum control in accordance with the visual sensitivity of an area and traffic safety conditions as contemplated in Schedule 2 to this By-law or in terms of an Outdoor Signage Management Framework as approved by the Municipality;

“**authorised official**” means any official of the Municipality who has been authorised by the Municipality to implement and enforce the provisions of these By-laws;

“**banner**” means a piece of cloth or similar material on which an advertisement is displayed in such a manner that it is legible in windless conditions and is attached to one or more ropes, poles or a flagstaff that projects vertically, horizontally or at any angle from the building or structure to which it is attached or is attached to a building or other structure, but excludes a banner carried as part of a procession;

“**blimp**” means a gas-inflated balloon or other object, including any such object capable of carrying passengers, which is attached or anchored to the ground upon which an advertisement is displayed;

“**construction site**” means a property or portion of a property on which any building or structure is under construction after building plans have been approved in terms of the National Building Regulations and Building Standards Act, or provisional authorization has been granted in terms of Section 7(6) of that Act, or on which a building or structure is in the process of being demolished, which require that a hoarding or fence be erected as contemplated in Regulation F1 of the Regulations issued under the said Act;

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

“**electronic advertising sign**” means an advertising sign, which has an electronically or digitally controlled, or both an electronically and digitally controlled, illuminated display surface, which allows for different advertisements to be shown, changed, animated or illuminated in different ways and at different intervals on one such sign;

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

“**facade**” means the principal front of a building;

“**flag**” means a piece of cloth or similar material upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff projecting vertically in such a way that its contents are normally not legible in windless conditions but excludes –

(a) a national flag which does not carry any advertisement in addition to the design of the flag or flagstaff;

- (b) a flag carried as part of a procession; and
- (c) a flag which is not displayed on a flagstaff.

“gantry” means a freestanding advertising sign that extends over, or suspends across a public street erected for the sole purpose of displaying an advertisement;

“intersection” means that area embraced within the prolongation of the lateral boundary lines of two or more public streets, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other;

“Motorway” means a road or part of a road designated as a motorway/freeway in terms of applicable legislation;

“municipality” means the Municipality of Collins Chabane or its successor in title as envisaged in section 155(1) of the Constitution, established by Notice No 308 and Notice No 397 of 2000 in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act;

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

“outdoor advertising” means the display of any advertisement in or in view of any public place, Provincial or National Road within the jurisdiction of the Municipality;

“poster” means any placard displaying an advertisement attracting public attention to any event, activity or product for which a poster may be approved as contemplated in section 26(1)

“pre-evaluation submission” means the submission envisaged in section 3(4) of this By-law;

“projected sign” means an advertisement projected by a cinematograph or other apparatus onto any surface, but does not include an advertisement projected onto the audience’s side of a drive-in cinema screen during a performance;

“projecting sign” means an advertising sign, whether stationary or actuated, attached to and protruding from a building which is used for commercial business, offices, industrial or entertainment purposes and which projects more than 300mm from the surface of the wall to which it is attached;

“property” means any unit of land, including a public place, registered as a separate entity of land in the Deeds Office and includes any unit and land contemplated in the Sectional Titles Act, 1986 (Act No. 95 of 1986) and any public place depicted on the general plan of a township;

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

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

“**rates penalty**” means the rate penalty as prescribed by the Municipality’s Rates Policy and as envisaged in section 37(2) of this By-law;

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

“**road island**” means an area demarcated on a roadway by means of painted lines, stones, kerbs or other means, with the intention of preventing vehicles from standing or being operated in that area;

“**road median**” means a median that separate a specific road/street to allow for traffic to travel in opposite directions or it separate two different roads to allow for traffic in opposite or the same direction but on different roads, for example a service road, and it excludes a road island;

“**roadway**” means that portion of a public street which is improved, constructed or intended for vehicular traffic;

“**road reserve**” means the full width of a public street including the roadway, shoulder and sidewalk and the air space above a roadway, shoulder and sidewalk and any other area within the road reserve boundary;

“**scaffolding**” means a system of interlocking poles and bars used to provide support or access, or both, to a site for construction purposes as regulated by the South African Bureau of Standards code of practice 085, entitled The Design, Erection, Use and Inspection of Access Scaffolding;

“**scrolling advertising sign**” means an advertising sign which by mechanical means allows the rotation or changing of advertising faces to display different advertisements on one such sign;

“**sky sign**” means any advertising sign erected or placed on or above any roof, parapet wall or the eaves of a building, but does not include an advertisement painted on a roof of a building;

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

“**street furniture advertisement**” means an advertisement displayed on any public facility or structure which is not primarily intended for advertising and includes a seating bench, plant box, sidewalk litter bin, pole-mounted litter bin, public transport shelter, sidewalk clock, suburban name and a street name signs and drinking fountain;

“**street light pole advertising sign**” means an advertising sign fixed to or erected on a street light pole which pole vests in the Municipality or a Municipal Entity;

“**streetscape**” means the visual product of all the features within and adjacent to a public street such as street furniture, signage and landscaping;

“**third-party advertising sign**” means an advertising sign located on a property upon which sign one or more advertisements are displayed which are not descriptive of any business, industry, service, activity or attraction situated, taking place or provided on that property and “**third party advertising**” has a corresponding meaning;

“**transit advertising sign**” means a vehicle or trailer designed or adapted for advertising purposes and mainly used for such purposes;

2. PURPOSE OF THE BY-LAW

Purpose of this By-law is to assist Collins Chabane Local Municipality to exercise its powers under these By-laws in the interests of amenity, public safety and business interests, and must take into account the considerations that -

- 1) signs or advertisements may not constitute a danger or nuisance to members of the general public, whether by way of obstruction, interference with traffic signals or with the visibility of the signals, light nuisance or otherwise;
- 2) signs or advertising that are displayed in its human living environment must be aesthetically pleasing, appropriate and placed at appropriate sites with an uncluttered effect, as the cluttering of signs at any one particular site is unacceptable;
- 3) material changes in circumstances are likely to occur, which may affect the municipality's decisions regarding consent which it has granted for the display of a sign, and regarding zoning;
- 4) no sign may -
 - I. be detrimental to the environment or to the amenity of a human living environment by reason of size, shape, colour, texture, intensity of illumination, quality of design or materials or for any other reason;
 - II. be in its content objectionable, indecent or suggestive of indecency or prejudicial to the public morals;
 - III. unreasonably obscure, partially or wholly, any sign owned by another person previously erected and legally displayed; and
 - IV. block views across vistas from prominent public places, or in gateways of urban areas: and
- 5) the Municipality aims to minimize the negative of outdoor advertising whilst maximizing the positive effects thereof.

3. APPLICATION OF THE BY-LAW

- 1) This By-law applies to all Advertising & Billboards in the area and jurisdiction of the Municipality.
- 2) Approval for Advertising & Billboards in terms of this By-law is required irrespective of the zoning of any property in terms of any applicable land use management scheme and irrespective of the provisions of any other law.
- 3) The owner of an advertising sign and any person who has applied for approval of an advertising sign in terms of this By-law must comply with any provision of this By-law relating to that sign and must ensure that such provisions are complied with, subject to anything to the contrary contained in such provision.
- 4) An approval in terms of this By-law does not exempt the applicant/owner from complying with any other applicable law.

PART 2: APPLICATIONS AND APPROVALS

4. APPROVAL OF ADVERTISING SIGNS

- 1) No person may erect an advertising sign or use or continue to use an advertising sign or any structure or device as an advertising sign without the prior written approval of the Municipality.
- 2) No advertising sign erected and displayed with approval contemplated in subsection (1) or any by-law repealed by section 38, may in any way be altered, removed, re-erected or upgraded, other than for maintenance work which may be required for the upkeep of an advertising sign, without prior written approval of the Municipality and subject to such

conditions and requirements as the Municipality may consider appropriate which may include the submission of proof of compliance with section 31.

- 3) An application for approval envisaged in subsection (1) above must be on the prescribed form and accompanied by such documentation, information, maps, diagrams and plans as set out in Schedule 1 to this By-law.
- 4) An application envisaged in subsection (3) above shall be preceded by a pre-evaluation submission and such submission shall be accompanied by some but not all of the documentation, information, maps, diagrams and plans as set out in Schedule 1 as determined by the Municipality.
- 5) At the end of the pre-evaluation as envisaged in subsection (4) above, the Municipality shall give to the applicant an indication in writing whether, if a formal application is to be submitted in terms of subsection (3) above, such application would be in compliance with the provisions of this By-law and would in all probability find support; however, the Municipality would not be bound by such an indication when considering the application.
- 6) The Municipality may in its sole discretion exempt an applicant from complying with any of the requirements stipulated in Schedule 1 on good cause shown.
- 7) Every plan and drawing required in terms of Schedule 1 must be on a sheet of not less than A4 size.
- 8) The Municipality shall refuse to accept an application if –
 - a) subject to subsection (6) above and subject to the authority to ask for any other information as per clause (q) in Schedule 1, any requirement stipulated in Schedule 1 has not been complied with; or
 - b) the application relates to an advertising sign which is prohibited in terms of section 9.
- 9) If any information requested by the Municipality in terms of clause (q) of Schedule 1 is not provided within 60 days from the date of the first written request, or within such further period as the Municipality may in writing permit, the application concerned shall automatically lapse without further notice.
- 10) Any extension of time envisaged in subsection (9) above shall be submitted for consideration prior to the lapsing of the application.

5. CONSIDERATION OF APPLICATIONS

- 1) In considering an application submitted in terms of section 3(3), the Municipality must, in addition to Schedule 2 or an Outdoor Signage Management Framework as approved by the Municipality and any other relevant factor, legislation, policy, and by-laws of the Municipality, have due regard to the following:
 - a) The compatibility of the proposed advertising sign with the environment and with the amenity of the immediate neighbourhood, urban design and streetscape;
 - b) Whether the proposed advertising sign will –
 - I. have a negative visual impact on any property or a property zoned or used for residential purposes under any applicable town-planning or land use scheme; or
 - II. constitute a danger to any person or property or to motorists or pedestrians or obstruct vehicular or pedestrian traffic or constitute a traffic hazard in general;
 - III. in any way impair the visibility of any road traffic sign;
 - IV. (iv) obscure any existing and legally erected advertising sign;
 - V. obscure any feature which in the opinion of the Municipality is a natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or
 - VI. in the Municipality's opinion, be unsightly or objectionable or detrimentally impact on the architectural design of any building on the property concerned or any adjacent or nearby property;

- c) The number of advertising signs displayed or to be displayed on the property concerned and on any adjacent property and its visibility in the circumstances in which it will be viewed in compliance with the minimum distances specified in section 6(2)(a);
 - d) Any restrictive or other condition and any existing building line and servitude specified in a title deed, town planning scheme, conditions of establishment or any other law;
 - e) Any comments/objections/representations submitted by and conditions determined or prescribed by any statutory authority in terms of any legislation applicable to Advertising & Billboards;
 - f) Any written representations, objections and comments received from any interested party; and
 - g) Compliance with the provisions of this By-law.
- 2)
- a) The Municipality may refuse any application submitted in terms of section 3(3) or approve it, subject to any amendment or condition the Municipality deems appropriate which may include a condition, subject to section 14(3)(b) and if the approval is in relation to a third-party advertising sign and on private property, that an annual/monthly contribution be paid by the owner of the property as determined by the Municipality for benefitting from the exposure a public road/street provides.
 - b) Any approval in terms of subsection (a) above may be for a period as determined by the Municipality.
 - c) The period of approval contemplated in subsection (b) above must be specified in the approval.
- 3) The Municipality must forthwith, in writing, notify all the relevant parties to the application of its decision taken in terms of subsection (2)(a) above by registered post or by any other means available to the Municipality, including e-mail and/or fax, and must provide written reasons for its decision when requested to do so by any of the parties in writing as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).
- 4) The Council must for its records retain every application, plans, drawings and other documentation submitted in terms of section 3(3) read with Schedule 1 for a period it considers appropriate.
- 5) No approval granted in terms of this section has the effect that –
- a) any person is exempted from any provision of any other law that might be applicable to Advertising & Billboards; or
 - b) the owner of the property and the owner of the advertising sign is exempted from the duty to ensure that such sign is designed, erected, completed, displayed and maintained in accordance with the provisions of this By-law and any other applicable law.
- 6) If an application submitted in terms of section 3(3) has been refused in terms of subsection (2)(a) above, no further application may be lodged in respect of the same exact application site for a period of two years from the date of such refusal, unless a motivation is submitted in writing for approval indicating a change of circumstances;
- 7) If an advertising sign approved in terms of subsection (2)(a) above is not completely erected within six months from the date of notification of such approval or within a time specified in such approval or any further period which the Municipality on good cause shown allows in writing, the approval shall automatically lapse, where after a new application must be submitted in terms of section 3(3) above.
- 8) An application for an extension envisaged in subsection (7) above shall be submitted for consideration prior to the lapsing of the approval and if the extension is granted, it may not exceed a further 3 months.

- 9) After the erection of an approved advertising sign, the applicant shall provide the Municipality with a completion certificate by a registered engineer within 2 days of date of such erection.
- 10) Any application for renewal shall be submitted to the Municipality for consideration in terms of section 3(3) within 5 months prior to the expiry of such an approved advertising sign.

6. WITHDRAWAL AND AMENDMENT OF APPROVALS

- 1) The Municipality may, after having considered any representations made in terms of subsection (2) below, withdraw an approval granted in terms of section 4(2) above or granted in terms of any previously repealed By-law or other legislation applicable to Advertising & Billboards or amend any approval by adding, amending or deleting a condition in respect of such approval if, in the opinion of the Municipality, the advertising sign concerned –
 - a) is or has, as a result of a change to the nature of the environment or the amenity of the neighborhood, streetscape or urban design existing at the time of such approval, become detrimental to the area in which it is located by reason of its size, intensity of illumination, quality of design, workmanship, material or its existence;
 - b) constitutes, or has become, a danger to any person or property;
 - c) is obscuring any other approved advertising sign, natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or (d) has become prohibited in terms of these By-laws or any other law;
- 2) Prior to taking any decision in terms of subsection (1) above, the Municipality must in writing notify the owner of the advertising sign concerned and the owner of the property on which such sign has been erected of its proposed decision and that he or she may within 21 days of the receipt of the notice make written representations concerning the proposed decision.
- 3) The owner of the advertising sign concerned, and the owner of the property concerned must forthwith be given notice in writing of any decision in terms of subsection (1).
- 4) The Municipality must upon written request provide written reasons for its decision as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000.

PART 3: GENERAL REQUIREMENTS, EXEMPTIONS AND PROHIBITIONS

7. GENERAL REQUIREMENTS FOR ADVERTISING SIGNS

- 1) The owner of an advertising sign and/or the owner of the property on which the approved advertising sign is to be erected must ensure that such sign is designed or located so as not to –
 - a) be detrimental to the nature of the environment, streetscape, urban design or detract from the architecture of any building on which or where such sign is to be located, by reason of abnormal size, appearance, intensity of illumination, workmanship, design or its existence;
 - b) wholly or partially obscure any other advertising sign previously erected which displays an advertisement;
 - c) constitute a danger to any person or property;
 - d) project outside the boundaries of the property on which it is to be erected or displayed;
 - e) result in the removal of, or damage to, any trees in a public place without prior written authorization of the Council;
 - f) be unsightly and/or objectionable and not to comply with minimum distances as prescribed in subsection (2)(a) in relation to any other advertising sign;

- g) have a detrimental visual impact on any residential property within the immediate area;
 - h) obstruct a fire escape or the means of access to or egress from a fire escape; or
 - i) comply with the minimum clearance with regard to overhead power lines stipulated in any law.
- 2) Any advertising sign on a public road/street or facing a public road/street, must comply with the following requirements:
- a) except for street light pole and on-premises advertising signs, a minimum distance of a 100m must be maintained between approved advertising signs or advertisements on the same side of a public /road street or on private property, provided that the Municipality may require a minimum distance exceeding 100m if it considers it necessary in the interest of road safety; and
 - b) except for static on-premises advertising signs flat against a building, no advertising sign may be located inside a prohibited area at any on and off-ramp of a motorway, and inside a prohibited area of an overhead road traffic sign targeting the same critical traffic direction, as depicted in Schedule 3.
- 3) Any advertising sign on a public /road street or facing a public street/road controlled by road traffic signs or signals must in addition to any other requirement in terms of this By-law or any other applicable law, comply with the following requirements:
- a) no advertising sign may obscure or interfere with any road traffic sign or create a traffic hazard;
 - b) any advertising sign must be clear of any road traffic signs concerned and must be positioned in compliance with the following:
 - i. no free-standing on-premises advertising sign greater than 8m² in extent shall be allowed within a 100m from the nearest road traffic sign or signal at an intersection;
 - ii. no street furniture used for advertising or a sign containing the name of a suburb and an advertisement at an intersection may be within 5m from any road traffic sign;
 - iii. except for temporary construction site advertising signs and street furniture advertising signs, no other third-party advertising sign may be positioned within 100m from the nearest road traffic sign or signal at an intersection.
- 4) Traffic flow may not be impeded during the erection and maintenance of an advertising sign located in a public street, unless prior permission has been obtained and necessary precaution arranged with the Municipality.
- 5) As a guideline, no freestanding third-party advertising sign on any property, except for those located in an advertising precinct, may exceed:
- a) in an area of partial control, 40m²; and
 - b) in an area of minimum control, 120m².
- 6) Notwithstanding the guideline as set out in subsection (5) above, the Municipality may approve an application in excess of the sizes stipulated in subsection (5) above on good cause shown.
- 7) The overall height of an advertising sign may not exceed 12m with a clear height of 2.1m, provided that the Municipality may in granting an application in terms of section 4(2), approve a height in excess of the height stipulated in this subsection on good cause shown.
- 8) The following maximum luminance levels per square meter shall be applicable for all classes of advertising signs where illumination is permitted:

8. POWER CABLES AND CONDUITS TO SIGNS

- 1) Every power cable and conduit containing an electrical conductor for the operation of an advertising sign must be so positioned and attached so that it is not unsightly.
- 2) No advertising sign may be connected to any municipal supply without the prior written permission of the Municipality supply authority concerned and such permission must, on request by an authorised official, be presented to him or her by the owner of the advertising sign concerned.

9. EXEMPT ADVERTISING SIGNS AND ADVERTISEMENTS

- 1) The following advertising signs and advertisements are exempt from the provisions of this By-law:
 - a) An advertising sign on a property where a building, swimming pool, tennis court, paving, fencing or garden landscaping or any other structure is in the course of being constructed, erected, carried out or altered and on which the activity concerned is described and the name of any architect, contractor or consultant concerned in such activity is displayed and the branch of the industry or the profession involved is specified, provided—
 - I. only one such sign, or set of signs is permitted per street frontage of a property; and
 - II. such sign is placed on or affixed to the building concerned or attached to the boundary wall or fence of the property on which the activity is taking place; and
 - III. such sign may not exceed 8m² in extent with a maximum height of 6m, if the name of the architects, consultants and contractors or all of them are displayed; and
 - IV. such sign may not exceed 2m² in extent if the names of the contractor, sub-contractor, or both of them, are displayed; and
 - V. such sign is removed within 21 days of the completion of the activities contemplated in this paragraph;
 - b) In an area of maximum control, an advertisement consisting of one metal plate or board not exceeding 600mm x 450mm in size, displaying the name, address and telephone number of a security company contracted to protect a property and firmly affixed to the boundary wall, fence or gate on the street of the property concerned;
 - c) An advertising sign not exceeding 2m² in extent attached to a boundary wall or fence of a property on which the existence of a security company or protection service conducted on that property is displayed;
 - d) A single advertisement not exceeding 600mm x 450mm in size on any street boundary of a property or portion of a property on which the existence of a security service or burglar alarm system is displayed;
 - e) transit advertising sign which is mobile at all times when an advertisement is displayed;
 - f) An on-premises advertising sign comprising—
 - I. a non-illuminated advertising sign not projecting over a public street and not exceeding 8m² in extent displaying the trade, business, industry or profession conducted by any occupant or resident of the building to which such sign is attached, and the name of such occupant and resident, the address and telephone number of the occupant and resident and the hours of business; provided only one such sign per occupant or resident is displayed; and
 - II. An illuminated advertising sign not exceeding 12m² in extent, incorporated in the face of a building and a sign forming an integral part of the fabric of a building, not on or attached to the building in any manner.
 - g) Street furniture advertisements not exceeding 2m²;

- 2) The following advertising signs and advertisements are exempt from compliance with the provisions of section 3(3) but must comply with any other applicable provision of this By-law:
 - a) Any advertisements not in conflict with any provision of this By-law displayed on an advertising sign approved in terms of section 4(2);
 - b) Any advertising sign and advertisements associated with and displayed at or on public transport shelters and stations;
 - c) A poster relating to voter registration for the purposes of an election displayed by the Independent Electoral Commission in terms of section 27;
 - d) A poster advising of a national, provincial government or local government event or activity, subject to compliance with section 27;
 - e) A poster advising of an event, activity, function or meeting organized by a registered political party, subject to compliance with section 27;
 - f) An advertising sign provided for in terms of sections 10, 11, 12, 15(1),18, 19, 20(1) and 23, and complying with the applicable requirements of those sections;
 - g) An advertising sign not exceeding 2 m² indicating the existence of a Block or Neighborhood Watch System, Community board, displayed on a boundary wall or fence or in a position approved by the Council;
 - h) An advertising sign for hawkers once a permit has been issued in terms of the relevant by-laws which is limited to two signs per hawker and which must be removed daily at close of business of such hawker;
 - i. Any advertising sign which has been erected in terms of a Council approved initiative in terms of a Council Resolution which is deemed to be in the public interest or which is deemed to be of local, Provincial or National interest.
- 3) Any advertising sign referred to in subsection (2) which does not comply with any provision of this By-law relating to such sign, may only be erected or displayed after approval of an application in terms of section 4(2).

10. PROHIBITED SIGNS

- 1) In addition to any other prohibition, expressed or implied, in this By-law, no person may erect, maintain or display any advertising sign –
 - a) painted on, attached to, or attached between the columns or posts of, a veranda;
 - b) which projects above or below a fascia, bearer, beam or balustrade of a veranda or balcony fronting on a public street;
 - c) which is luminous or illuminated and which is attached to a fascia, bearer, beam or balustrade of any splayed corner of a veranda or balcony fronting on a public street;
 - d) on calico, paper machete, plastic, woven or similar material unless –
 - I. it is an advertising sign contemplated in section 19 or 20;
 - II. it consists of a flexible face and forms part of an advertising sign approved in terms of section 4(2);
 - e) which is a swinging sign, not rigidly attached to any building or structure;
 - f) which may obscure, or be mistaken for, or interfere with the functioning of, a road traffic sign;
 - g) which may endanger the safety of motorists by restricting their vision or line of sight;
 - h) which is indecent or suggestive of indecency and/or prejudicial to public morals;
 - i) which obstructs any window or opening in a building provided for the ventilation of that building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof of a building to another part thereof;

- j) which is an animated or flashing advertising sign, the frequency of the animations or flashes or other intermittent alternations of which may disturb the residents or occupants of a building or is a source of nuisance to the public or detrimentally affect or pose a risk or threat to road traffic or pedestrian safety;
- k) which is an illuminated advertising sign, the level of illumination of which disturbs the residents or occupants of a building or is a source of nuisance to the public or a portion of the public or detrimentally affect or pose a risk or threat to road traffic or pedestrian safety;
- l) which is a movable either temporary or permanent advertising sign, other than those allowed in terms of this By-law;
- m) if the extent of the advertising sign exceeds 30m² and it is painted or fixed on a wall of a building other than a front wall of that building, unless such sign has been permitted in terms of section 14(3).
- n) which is painted on or attached to a boundary wall or fence which wall or fence has not been approved as an advertising sign in terms of section 4(2);
- o) which is attached to a road traffic sign or a tree including posters that does not comply with section 26;
- p) which is on a road island, excluding street light pole advertising signs;
- q) which is attached to a security access control structure to any area property or building;
- r) which is an advertising sign for purposes of section 20 which displays a third-party advertisement on it;
- s) subject to section 16(1), on a property where the main land use is residential in nature;
- t) which is a painted third-party advertising sign onto the roof of any building;
- u) in the middle or on the median island of a motorway marked as such whether Provincial, National or local and it includes street pole advertising signs;
- v) against any telecommunication/cell mast or what is deemed to be infrastructure pylons.

PART 4: PROVISIONS RELATING TO SPECIFIC ADVERTISING SIGNS

11. SIGNS SUSPENDED UNDER VERANDAS OR CANOPIES

- 1) Any advertising sign which is suspended under a veranda or a canopy, must comply with the following requirements:
 - a) Unless otherwise permitted by an approval in terms of section 4(2), such sign must be fixed with its face at right angles to a boundary of a public street on which the property concerned fronts;
 - b) no part of such sign may project beyond the outer edge of the veranda or canopy from which it is suspended;
 - c) such sign must have a clear height of at least 2,75m;
 - d) the top of such sign may not be more than 1m below the canopy or veranda from which it is suspended or more than exceed 1m in thickness;
 - e) unless otherwise permitted by an approval in terms of section 4(2), the bottom edge of such sign when suspended must be horizontal and the supports by means of which it is suspended must be an integral part of the design of such sign.

12. SIGNS ON VERANDAS OR CANOPIES OVER PUBLIC STREETS

- 1) Any advertising sign affixed to or onto a veranda or canopy which extends over a public street–
 - a) must be set parallel to the building line on the property concerned;

- b) may not exceed 600mm in vertical dimension; and
 - c) must be attached immediately above the eaves of a veranda or canopy roof in such a manner that it does not project beyond the rear of the roof gutter or must be fixed against but not extending above or below the veranda parapet or balustrade in such manner that it projects more than 230mm from the outside face of such parapet or balustrade
- 2) An advertising sign on a building in which public entertainment is presented, attached to a veranda or canopy extending over a public street and which displays only the features or programmes of the entertainment to be presented in such building, may not exceed –
- a) an area of 1m² in the aggregate for every 1.5m or part thereof of the frontage of such building on the public street over which such sign is erected; and
 - b) 1.2m in height.
- 3) Nothing in this section prohibits the painting of an advertisement on or the display of advertisement not exceeding 600mm in thickness on a beam over a veranda column or on a parapet of a veranda contemplated in subsection (1).

13. PROJECTING SIGNS

- 1) Any projecting sign must be set at right angles to the building line and must maintain a clear height of not less than 2,75m.
- 2) Subject to the provisions of subsection (3), no sign contemplated in subsection (1) may either exceed 600mm in height, 300mm in thickness nor project more than 900mm from the building to which it is attached.
- 3) A projecting sign larger than that specified in subsection (2) may be erected, subject to compliance with the following requirements:
- a) such sign must be constructed of metal framing and covered with metal sheeting;
 - b) such sign may not exceed 9m in height or project more than 1.5m from the building concerned, or in the case of a sign consisting only of the name of a building used for the public, 14m in height or project more than 1.8m from the building concerned;
 - c) such sign must be supported by at least four iron brackets firmly fixed to the building concerned, any two of which must be capable of carrying the entire mass of the sign; and
 - d) such sign must be adequately protected from wind pressure by the use of effective braces and stays.

14. PYLON SIGNS FOR ON-PREMISES ADVERTISING

- 1) For the purposes of this section "pylon" means a structure designed solely for advertising purposes to which an advertising sign is attached, supported by or displayed on or a combination of such signs, for the purpose of on-premises advertising.
- 2) Any pylon must be independently supported and for that purpose it must be firmly secured to an adequate foundation in the ground and be entirely self-supporting without the aid of guys, stays, brackets or any other restraining device.
- 3) The dimensions of a pylon and its associated advertising sign must be such that the entire assembly, whether stationary or actuated, can be contained within a notional vertical cylindrical figure having a diameter of 9m and a height of 12m.
- 4) No activated or protruding part of a pylon sign or of an advertising sign associated with it may be less than 2.4m above the highest point of the existing ground level immediately below that pylon.
- 5) No free-standing advertising sign as contemplated in subsection (1) shall have a single advertising display exceeding 18m² and 24m² for a combination of such signs.

15. ADVERTISING SIGNS PLACED FLAT ON BUILDINGS OR PAINTED ON A WALL OF A BUILDING AND BRIDGES
- 1) No on-premises advertising sign contemplated in this section, may exceed 40m² in extent in an area of partial control, and 80m² in an area of minimum control.
 - 2) No third party advertising sign contemplated in this section may exceed 80m² in an area of partial control, and 200m² in an area of minimum control.
 - 3) Notwithstanding the provisions of subsection (1) and (2), it may in an approval in terms of section 4(2) above be permitted or required that the dimensions of any such sign be greater than those specified in those subsections, if-
 - a) it is in the interests of the aesthetic appearance of a building or wall on which an advertising sign is placed as contemplated in subsection (1) and (2), and of the neighborhood where such building or wall is situated, if the building or wall is situated in appropriate areas of either partial or minimum control;
 - b) it is in the Municipality as indicated in the Municipality's Spatial Development Framework and the approval of such sign in terms of section 4(2) is subject to an annual prescribed financial contribution to be utilized for any Municipality Renewal project.
 - 4) Any advertising sign displayed against any bridge may not exceed 30m² in extent in an area of partial control and 45m² in extent in an area of minimum control.
16. SIGNS RELATING TO THE DEVELOPMENT OF TOWNSHIPS AND PROPERTIES
- 1) An advertising sign exempted in terms of section 8(2) and relating to the development of a township or property and the disposal of property in a township may be displayed, provided the following requirements are complied with:
 - a) If such advertising sign relates to the laying out or development of any land as a township or for the disposal of any erven in a township or a property development –
 - I. it may not be erected prior to the land-use rights being promulgated in terms of the Spatial Planning and Land Use Management Act 16 of 2013 or any other applicable law; and
 - II. may not exceed 40m² in an area of partial control and 80m² in an area of minimum control and an erected height of 12m;
 - b) such advertising sign must be located on the site of the proposed township or property development; and
 - c) any such advertising sign must be removed within 90 days of a development being completed or in respect of a property for sale or to let, within seven days after the sale or letting concerned.
 - 2) If an advertising sign contemplated in this section does not comply with subsection (1), an application for approval of such sign must be made in terms of section 3(3).
17. REQUIREMENTS FOR SKY SIGNS
- 1) Notwithstanding section 9(s), a sky sign may be erected on a building where the main use is residential or which is used as a residential building as long as the sign has no visual impact on the occupants of the building itself or any other building in the immediate area which is used for residential purposes or as a residential building.
 - 2) Two or more sky signs placed one above the other, whether or not in the same vertical plane, are for the purposes of this section, deemed to be one such sign.
 - 3) In an area of minimum or partial control as specified in Schedule 1 to this By-law, every sky sign must be set against a screen complying with the requirements of section 17.
 - 4) No part of a sky sign may protrude beyond, above or below the edge of the screen required in terms of subsection (2).

- 5) No sky sign may exceed 500m² in extent: Provided that the Municipality may for a third-party advertising sign allow a greater extent.
- 6) If the number of stories contained in that part of a building which is directly below a sky sign is –
 - a) one to five stories'; or
 - b) six or more story's, the vertical dimension of such sign may not exceed 3,0m and 5,0m respectively: Provided that the Municipality may in terms of section 4(2) approve a third-party advertising, sign which is a sky sign with a greater dimension.

18. SCREENS FOR SKY SIGNS

- 1) Every screen for a sky sign contemplated in section 16 must comply with the following requirements:
 - a) Every screen must be located and constructed to form a continuous enclosure effectively concealing the frame and the structural components of any sky sign from view, and, if it is required or allowed in an approval in terms of section 4(2) –
 - I. such screen and structural component must be screened from any adjacent or other property;
 - II. the provisions of paragraph (a) requiring a continuous enclosure may be relaxed if the walls of any building on a property contemplated in sub-paragraph (i) are of a height and construction that such walls will effectively conceal such frame and structural components and do not contain openings overlooking them.
 - b) unless the Municipality otherwise allows, no part of a screen may protrude beyond the perimeter of the building on which it is constructed;
 - c) the gap between the bottom of a screen and that part of the building immediately below it may not exceed 100mm;
 - d) no vertical dimension of any screen may exceed one-and-one-half times the vertical dimension of a sky sign specified in section 16(6): Provided that if the screen also encloses a lift motor room, tank or other structure on the roof of the building concerned, the vertical
 - e) dimension of the screen may be increased to the same height as such room, tank or structure; and
 - f) if the material of which the screen is made has an open mesh or grid formation –
 - I. the openings in such mesh or grid must be uniform; and
 - II. the aggregate area of the openings may not exceed 25% of the area of the screen; and
 - III. no dimension of any such opening may exceed 100mm: Provided that the Municipality may allow the erection of a screen not complying with this paragraph, if the requirement of concealment in terms of paragraph (a) is met.

19. ADVERTISING SIGNS DEPICTING NAME, PROFESSION OR OCCUPATION AT RESIDENTIAL BUILDINGS, DWELLING HOUSES AND DWELLING UNITS

- 1) An advertising sign not exceeding 2m² specifying the name, profession or occupation of an occupant of the residential building, dwelling house or dwelling unit may be displayed by attaching the signs to a boundary wall or fence at or against the entrance door of such a residential building, dwelling house or dwelling unit.

20. SUN-BLIND ADVERTISEMENTS

- 1) An advertisement on any sun-blind exempted in terms of section 8(2), may be displayed without the approval of the Municipality as envisaged in section 8 above, subject to compliance with the following requirements:

- a) A sun-blind must be so erected, positioned and attached to a building that it is incapable of being lowered to a height lower than 2m above the footway or pavement of a public street;
- b) except at an intersection, a sun-blind must be placed parallel to the building line of the property concerned; and
- c) at any intersection a sun-blind must be placed so that it does not cause any interference with or endanger vehicular or pedestrian traffic, or a traffic sign, street nameplate or other notice for the guidance or information of the public.

21. ADVERTISEMENTS ON BANNERS, FLAGS AND SIMILAR OBJECTS

- 1) An advertisement on any banner, streamer, flag, paper, paper machete, plastic sheet or other similar pliable material or on calico or other woven material may only be displayed for the following purposes:
 - a) advertising a function or event conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes, or a function or event relating to an election and no third-party advertising shall be allowed.
- 2) An advertisement envisaged in subsection (1) above must comply with the following requirements:
 - a) banners (limited to 6m²) and/or flags as envisaged in subsection (1)(a) shall be limited to 4 each for the same function or event and must, subject to sections 4, 6 and 9, be attached to a pole or suspended between poles or other supports but may not be suspended across a public road;
 - b) banners and/or flags as envisaged in subsection (1)(a) above shall only be displayed within the relevant property boundaries; and
 - c) banners and flags as envisaged in subsection (1)(a) may not be displayed for more than ten (10) days prior to the date of the function or event advertised and must be removed within four (4) days after the conclusion thereof.

22. ADVERTISEMENTS ON BLIMPS

- 1) The Municipality must, for the purposes of considering an application for approval in terms of section 3 of an advertisement to be displayed on a blimp, have regard to –
 - a) the size of the blimp;
 - b) the strength of the anchorage and the anchoring cable;
 - c) the provision of a device by means of which the blimp will automatically so deflate as to sink slowly to the ground in the event of the failure or severance of the blimp from its anchorage or anchoring cable;
 - d) the possibility of interference with pedestrian or vehicular traffic;
 - e) any requirement or condition prescribed by the Department of Civil Aviation, including the maximum height to which the blimp must be restricted; and
 - f) the location of the blimp.

23. ADVERTISING SIGNS RELATING TO SELLING AND LETTING OF PROPERTY

- 1) Any of the following advertising signs relating to the letting or selling of property must comply with the following requirements:
 - a) A sign not exceeding 600mm x 450mm in size containing the words “for sale”, “to let” or “sold” in respect of a dwelling house or residential building and displaying only the name, address and telephone number of the owner of the property or his or her estate agent, must be –
 - I. placed on or attached to the building concerned;
 - II. attached parallel to a boundary fence or wall of the property concerned;

- III. otherwise displayed within the boundaries of the property concerned;
 - IV. on that part of a public street, other than the roadway, on which the property concerned fronts and directly in front of such property and subject to it not obstructing any pedestrian traffic; and
 - V. limited, if an estate agent is involved, to one sign per estate agent per property;
- b) A single sign per street frontage of a property not exceeding 600mm x 450mm in size, which contains only the word "sold" and the name address and telephone number of the estate agent concerned, in respect of any dwelling house, or residential building, and which –
 - I. is displayed only after every sign specified in paragraph (a) has been removed;
 - II. is placed, attached or displayed as specified in paragraph (a)(i), (ii) or (iii);
 - c) A single sign not exceeding 8m² in extent per building flat on the façade of a non-residential building which contains only the words "for sale", "to let" or "sold" and the name, address and telephone number of the owner or his or her estate agent, or only the word "sold" and the said particulars of the estate agent, for a period not exceeding 90 days;
 - d) A sign not exceeding 600mm x 450mm in size, displayed on a vacant residential property, which displays only the words "for sale" and the name, address and telephone number of the owner or his or her estate agent concerned, or only the word "sold" and the name address and telephone number of that agent;
 - e) A "for sale" sign must be limited to one sign per estate agent and may be displayed for a period not exceeding 90 days; and
 - f) A single sign not exceeding 8m² in extent per property, on a vacant non-residential property, on which the words "for sale" or "to let" and the name, address and telephone number of the owner or his or her estate agent are displayed or the word "sold" and the name, address and telephone number of the estate agent concerned, may be displayed for a period of not exceeding 90 days;
- 2) Not more than eight (8) directional signs and only on show days indicating the position of a property for sale or to let may be displayed by an estate agent and "show days" shall mean on Saturdays and Sundays only between the hours of 8H00 and 17H00 and such signs shall be removed daily at the conclusion of such show day.

24. OTHER TEMPORARY ADVERTISING SIGNS

- 1) Any advertising sign not exceeding 8m² in extent and not more than 3m above the ground level immediately below it, containing an advertisement relating to a sale in execution consequent upon the decision of a Court of Law or an auction or a sale by a liquidator or a trustee in an insolvent estate to be held on or relating to a property, may be displayed on that property for not more than ten (10) days before the sale or auction, or for more than four (4) days after the conclusion of the sale or auction.
- 2) The Municipality may approve temporary advertising on property owned by, vested in or controlled by it for a period not exceeding 120 days.

25. ADVERTISEMENTS ON CONSTRUCTION SITES

- 1) The Municipality must, for the purposes of considering an application in terms of section 3(3) for an advertisement to be displayed on the boundary or fence of or scaffolding on a construction site for a period as set out in the building schedule, have regard to the following considerations:
 - a) the area of control as set out in Schedule 2 to this By-law or in terms of an Outdoor Signage Management Framework as approved by the Municipality, applicable to the property concerned and its surroundings; and

- b) the overall height of the advertisement to be displayed on the boundary or fence or scaffolding on a construction site shall be 3m, which may be increased on good cause shown and the size of the advertisement shall be at the discretion of the Council.
- 2) An advertisement specified in subsection (1) is only allowed in an urban area of partial or minimum control and
 - a) may only be permitted on and be attached to scaffolding which is against a building under construction or on and attached to a hoarding, fence or wall on the boundary of a construction site as envisaged in regulation F1 of the National Building Regulations and Building Standards Act which has been erected to enclose that site during construction and which may not be a free standing advertising sign;
 - b) may only be erected if it will conceal an unsightly condition arising out of the use to which the property concerned is put and if such sign will make a positive contribution to the visual environment; and
 - c) may not be placed on the top of a boundary fence or wall unless it is positioned so that there is no gap between the advertisement and the wall or fence.

26. TRANSIT ADVERTISING

- 1) A transit advertising sign containing an advertisement is exempted in terms of section 8 if it is mobile at all times and not specifically parked for purposes of advertising;
- 2) An owner of a transit advertising sign who wishes to park such transit advertising sign for purposes of advertising at a specific location and for a specific period, shall be subject to an application as envisaged in section 3(3) above.
- 3) For purpose of subsection (2) above, the Municipality shall identify pre-determined sites within the jurisdiction of the Municipality which sites will then be available for transit advertising purposes upon application, provided that no transit advertising sign shall be parked for purposes of advertising on any other site not so determined by the Municipality.
- 4) Upon approval of an application for a transit advertising sign it shall be subject to any condition the Municipality may deem fit, including the period of approval, and a disc will be issued by the Municipality which must be displayed at all times on the transit advertising sign itself or shall be produced by the owner of the sign upon request by an authorised official.
- 5) If a transit advertising sign is used in contravention of subsections (1), (2), (3) and/or (4) above or any other provision of this By-law, an authorized official may, without prior notice to the owner, remove and impound such transit advertising sign without a court order.
- 6) Any transit advertising sign impounded in terms of subsection (5) above must be kept by the Municipality for a period of 60 days from the date of impoundment and an authorised official must in writing notify the owner of such sign of the impoundment if the address of the owner can be ascertained.
- 7) An owner of a transit advertising sign impounded in terms of subsection (5) above may claim such sign within the period specified in subsection (6) subject to payment of a prescribed fee.
- 8) The Municipality may if an advertising sign is not claimed by its owner within the period of 60 days referred to in subsection (6) destroy or otherwise dispose of the advertising sign concerned.
- 9) The Municipality may recover the prescribed fee from any owner who has not claimed his or her transit advertising sign in terms of subsection (7).

PART 5: POSTERS**27. APPROVAL OF POSTERS**

- 1) No person may, except for newspaper posters and subject to the provisions of section 27, display any poster in, or in view of, any public place unless he or she has first obtained the written approval of the Municipality.
- 2) Approval in terms of subsection (1) may only be given for the display of a poster which does not relate to third party advertising.
- 3) Application for approval contemplated in subsection (1) must be made on a prescribed form and must be accompanied by –
 - a) details in writing of every township and street in which the posters concerned are to be displayed;
 - b) by the prescribed fee; and
 - c) an example of every poster to which the application relates;
 - d) an example of the frame in which the posters will be displayed.
- 4) Every poster for which permission is granted as contemplated in subsection (1) must be provided with a sticker supplied by the Municipality and only a poster with such sticker may be displayed
- 5) The Municipality may retain one poster to which an application in terms of subsection (3) relates for identification purposes.
- 6) Any person who displays a poster, for which approval has been granted as contemplated in subsection (1), must comply with the following requirements:
 - a) No poster may be displayed that it has a clear height lower than 2.1m or higher than 3m;
 - b) no poster may be indecent or suggestive of indecency, prejudicial to public morals or reasonably objectionable;
 - c) no poster may be displayed on any motorway and on any on- and offramp relating to a motorway; whether a local, provincial or national motorway;
 - d) every poster other than a poster contemplated in section 27 must be displayed in a frame and in a location approved by the Municipality;
 - e) a frame referred to in sub-paragraph (d) may not exceed–(aa) 600mm in height x 450mm in width in respect of any poster displaying a newspaper headline; and (bb) 900mm in height x 600mm in width in respect of any other poster;
 - f) a poster with a frame contemplated in paragraph (d) may only be attached to an electric pole in a public place and only one single frame per pole;
 - g) a frame referred to in paragraph (f) must –
 - I. be secured in such a manner that it will not become wholly or partially dislodged by wind or any other means;
 - II. positioned in such a manner that it does not obscure or interfere with the electrical inspection chamber or pole identification number of the pole to which it is attached; and
 - III. not impair the safety of motorists or pedestrians.
 - h) no poster may be displayed within 20m of an intersection, controlled by a road traffic sign;
 - i) no poster relating to a meeting, function or event, other than a national election or relating to the registration of voters, may be displayed for a period exceeding ten days before the date on which such meeting, function or event commences or longer than four days after the date on which it ends;
 - j) the name and contact details of the person displaying any poster, details of the event advertised, the commencement and final date of the event and the venue with address where it is to be held must appear on every poster.

- k) no poster may be displayed for a period exceeding 28 consecutive days for any event advertised; and
 - l) no poster may be affixed by means of adhesive directly onto any surface of any private or Municipality property or asset.
- 7) Subject to approval contemplated in subsection (1), a number of posters not exceeding 80, advertising an auction to be held in consequence of an order of Court of Law as a sale in execution or a sale held by a liquidator or a trustee in an insolvent estate, may be displayed and must contain –
- a) in the case of a sale in execution, the relevant case number; or
 - b) in the case of a sale by a liquidator or a trustee, the reference number of the Master of the High Court.
- 8)
- a) an authorized official may forthwith, without giving notice to anyone, remove, without a court order, any poster displayed without approval having been obtained in terms of subsection (1) or which is in conflict with any provision of this By-law.
 - b) Any poster removed in terms of paragraph (a), other than a poster which had to be damaged or destroyed in order to remove it, may be claimed by its owner within 21 days of its removal, and if not so claimed may be destroyed by an authorised official.
 - c) If an owner claims any poster in terms of paragraph (b), the poster concerned must be returned to him or her subject to the payment of the prescribed fee.
 - d) The Municipality may recover the prescribed fee contemplated in paragraph
 - e) from any owner who does not claim his or her poster as contemplated in that paragraph.

28. POSTERS RELATING TO ELECTION OR VOTER REGISTRATION

- 1) The following requirements must be complied with in respect of any poster relating to elections or voter registration:
- a) Every poster must be attached to a board made of weatherproof material, in such a manner that it will not become wholly or partially dislodged by wind or any other means;
 - b) no board or poster referred to in paragraph (a) may exceed 900mm in height x 600mm in width or be less than 600mm in height x 450mm in width;
 - c) a board and poster referred to in paragraph (a) may only be secured to an electric light pole;
 - d) a poster relating to –
 - I. a candidate nominated for election may be displayed from the date of such nomination;
 - II. an election other than a poster referred to in paragraph (a), or voter registration, may be displayed from a date_
 - i. 14 days prior to the date of the proclamation in the Government or Provincial Gazette of the election or voter registration; or
 - ii. if applicable, 14 days prior to the date of nomination of candidates, whichever date is earlier;
 - e) any poster contemplated in this section, must be removed by the person displaying it within five days after conclusion of the election or voter registration, failing which, the Municipality shall within 10 days after the conclusion of the election or voter registration notify the relevant party to remove the posters within a time period specified, failing which, the Municipality may remove the posters itself against a prescribed fee per poster payable by the relevant party.

- 2) The provisions of section 26(6)(a), (b), (c), (e) (f) and (g), read with the necessary changes, shall apply mutatis mutandis in respect of any poster contemplated in this section, provided that such poster need not be placed in a frame.
- 3) The provisions of section 26(8) read with the necessary changes apply mutatis mutandis in respect of posters not complying with the provisions of this section.

PART 6: MISCELLANEOUS

29. MAINTENANCE AND REMOVAL OF ADVERTISING SIGNS

- 1)
 - a) The owner of the property and the owner of the advertising sign are responsible for maintaining an advertising sign and the surrounding area so that it does not become unsightly or deteriorate to such a degree that it is in conflict with any provision of this By-law.
 - b) The owners contemplated in paragraph (a), must carry out at least one annual inspection of an advertising sign with the view of satisfying himself or herself that it has been properly maintained as contemplated in paragraph (a) and forthwith carry out any necessary maintenance resultant upon such inspection.
 - c) The owners contemplated in paragraph (a), must keep a written record of any inspection made and maintenance carried out in terms of paragraph (b), must retain such record for a period of five years and must, on request by an authorised official, make such record available for perusal.
- 2) If, in the opinion of an authorised official, any advertising sign has been allowed to fall into a state of disrepair or is in conflict with any provision of this By-law, such authorised official shall serve a notice on the owner of such sign and the owner of the property requiring him or her, at his or her own cost, to remove the advertising sign or take other steps relating to the maintenance specified in the notice, within a period so specified, failing which, such authorised official may take such steps necessary to remove such advertising sign, which shall include the removal of such sign without a court order if the sign has been erected on Municipality owned property, on property that vests in the Municipality in terms of any applicable legislation or on any public place.
- 3) If, in the opinion of an authorised official, any advertising sign has become dangerous and unsafe for whatever reason in that it poses a possible threat to life and/or property, such authorised official may, without serving a notice on the owner of the advertising sign or the owner of the property concerned, remove such advertising sign forthwith and without the necessity to obtain a court order.
- 4) Notwithstanding the powers vested in subsection (2) above and after failure by the owners to comply with the notice envisaged in subsection (2) above, if an advertising sign is in contravention of any provision of this By-law, the sign will be deemed illegal and an authorised official may mark the advertising sign as illegal by pasting the words "illegal sign" over the entire advertisement rendering the advertisement null and void.
- 5)
 - a) If at any time, no advertisement is displayed on an advertising hoarding, the Municipality may serve a written notice on the owner of that hoarding requiring him or her at his or her own cost, to display an advertisement on that hoarding within a period so specified or to display a community message specified by the Municipality, until that owner displays an advertisement on the hoarding concerned.
 - b) The approval for an advertising hoarding in terms of this By-law lapses if the owner on whom a notice has been served in terms of paragraph (a) fails to comply with the requirements of the notice within the period specified therein.

30. COSTS OF REMOVAL AND STORAGE

- 1) The cost incurred by the Municipality for the removal and storage of an advertising sign, other than a poster, and other costs incurred by the Municipality as contemplated in section 28 above, may be recovered from the owner of that advertising sign or the owner of the property or any other person whose name or activity is displayed on that advertising sign.
- 2) If an advertising sign has been removed in terms of section 28(2) or (3), an authorised official must in writing give notice to the owner of that sign, if his or her address can be ascertained, of such removal and that he or she may claim the advertising sign concerned.
- 3) Any advertising sign which has been removed and stored in terms of this By-law may be released to its owner subject to payment of a prescribed fee.
- 4) Any advertising sign removed and not claimed within 60 days may be disposed of in any manner by the Municipality.
- 5) The Council shall be indemnified against any claim for loss or damage of any advertising sign in the removal/impoundment thereof.

31. DOCUMENTATION

- 1) The owner of a property upon which a sign or an advertising sign is erected, attached or displayed, must retain certified copies of all documentation relating to the application for approval of such sign in terms of this By-law and the approval of the Municipality in terms of this By-law, for as long as that sign is erected or displayed, and must on request by an authorised official, present such documentation.
- 2) The owner of an advertising sign or advertisement who is not also the owner of the property or building on which such sign is displayed, must provide the owner of that property or building with a certified copy of all documentation contemplated in subsection (1), relating to such advertising sign.

32. PUBLIC PARTICIPATION PROCESS

- 1) After lodging an application in terms of section 3(3) above, the applicant must forthwith display a notice in an A1 size format in English on the application site in a conspicuous place clearly visible from any public street provided that no such notice may be displayed during the period from 12 December to 3 January of the following year, both dates included.
- 2) The applicant must maintain such notice envisaged in subsection (1) above for a period of at least 21 days.
- 3) In addition to the on-site notice prescribed in subsection (1) above, the applicant shall also forthwith notify all the adjoining property owners in writing by registered post or by any other means available to the applicant.
- 4) A notice contemplated in subsections (1) and (3) above must contain the following information:
 - a) full details of the application concerned and that it will lie open for inspection at an address specified in the notice for a period of 21 days from the date of first display of the on-site notice in terms of subsection (1); and
 - b) the name, postal address, telephone number, fax number and e-mail address of the person submitting the application; and
 - c) that any person may within a period of 28 days from date of first display of the notice envisaged in subsection (1) above submit comments or representations, or lodge an objection, in writing in respect of the application concerned.

- 5) The applicant must furnish proof to the Municipality in the form of an affidavit that he or she has complied with the provisions of subsections (1) to (4) above.
- 6) Any person proposing to submit comments or representations or lodge an objection as contemplated in subsection (4)(c) above, must address such comments, representations or objections to both the Municipality and the applicant concerned at their respective addresses specified in the notices so contemplated.
- 7) Any comment, representation or objection submitted outside of the 28 days period envisaged in subsection (4)(c) above, shall not be entertained by the Municipality.
- 8) An applicant may choose to reply to the Municipality to any comment, representation or objection received in terms of subsection (6) above within 14 days from date of receipt of such comment, representation or objection.
- 9) The Council may in its discretion exempt an applicant from complying with the requirements of subsections (1) to (4) above on good cause shown

33. CONSIDERATION OF APPLICATIONS

- 1) If any written comments, representations or objections have been received in respect of an application from any interested party contemplated in section, the Municipality must consider all such comments, representations and objections before taking a decision on the application.
- 2) The Municipality shall consider the application on written submissions only and no formal oral hearing will be conducted.
- 3) A decision on a complete application shall be taken within 3 months of date of submission of the application, failing which, it shall constitute grounds for unreasonable delay and an appeal may be submitted in that regard in terms of section 36 below, if the applicant so wishes.

34. TERMINATION OF APPROVALS GRANTED UNDER PREVIOUS BY-LAWS OR OTHER APPLICABLE LEGISLATION

- 1) If an approval for an advertising sign was granted in terms of the By-law repealed by section 39 or in terms of any previous By-laws or other legislation that might have been applicable to Outdoor Advertising without specifying a period for the duration of that approval, the Municipality may determine a date on which such approval will lapse.
- 2) Subject to compliance with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), the Municipality may determine a date contemplated in subsection (1) and notify the owner of the advertising sign concerned of its decision and that he or she may apply for the approval of such sign in terms of section 3(3) of this By-law.
- 3) If the owner of an advertising sign fails to submit an application in terms of section 3(3) of this By-law within 60 days of the date of being notified of the date as determined under subsection (1), the advertising sign concerned shall be considered to be erected and/or displayed without any approval and shall be deemed illegal and contrary to the provisions of this By-law.

35. SERVING OF NOTICES

- 1) Any notice that is required to, or may, be served, delivered or given in terms of, or for the purposes of, this By-law, must be served in any of the following ways:
 - a) By handing a copy of the notice to the person concerned;
 - b) By leaving a copy of the notice at the person's place of residence, business or employment with any other person who is apparently at least 16 years old and in charge of the premises at the time;

- c) By faxing or e-mailing a copy of the notice to the person where such fax number or e-mail address is available;
- d) By handing a copy of the notice to any representative authorised in writing to accept service on behalf of the person;
- e) If the person has chosen an address for service, by handing a copy of the notice to a person who is apparently at least 16 years old at that address;
- f) By sending a copy of the notice by registered or certified post to the last known address of the person concerned, and, unless the contrary is proved, it is deemed that service was effected on the seventh day following the day on which the document was posted;
- g) If the person is a company or other body corporate, by serving a copy of the notice on an employee of the company or body corporate at its registered office or its principal place of business within the Republic, or its main place of business in the area of jurisdiction of the Municipality, or if there is no employee willing to accept the service by affixing a copy of the notice to the main door of the office or place of business; or
- h) If the person is a partnership, firm or voluntary association, by serving a copy of the notice on a person who at the time of service is apparently in charge of the premises and apparently at least 16 years of age, at the place of business of such partnership, firm or association or if such partnership, firm or association has no place of business, by serving a copy of the notice on a partner, the owner of the firm or the chairman or secretary of the managing or other controlling body of such association, as the case may be.

36. INSPECTIONS

- 1) In addition to any power of inspection which an authorised official may have in terms of this By-law, he or she may for any purpose relating to the implementation and enforcement of this By-law, carry out an inspection of on any property.
- 2) An authorized official must, before the commencement of, or during an inspection in terms of subsection (1), at the request of the owner of an advertising sign or the owner of a property on which the advertising sign concerned has been erected or is displayed, produce written confirmation of his or her appointment as an authorised official empowered to carry out inspections for the purposes of this By-law.
- 3) An authorized official carrying out an inspection in terms of this By-law, must conduct himself or herself with strict regard to decency and orderliness and with due regard to any person's rights contained in the Bill of Rights set out in Chapter 2 of the Constitution.

37. APPEALS

- 1) Any interested party whose rights are affected by a decision by an authorized official in terms of or for the purposes of this By-law, may appeal against that decision to the Municipality Manager or his nominee(s), by lodging a written notice of appeal, specifically specifying the grounds of appeal, within 21 days of the date on which he or she was notified of that decision.
- 2) The Municipal Manager shall give notice to all other interested parties, if any, that an appeal has been lodged and whether they want to make any further written submissions in respect of the appeal within 14 days of date of such notification.
- 3) The Municipal Manager shall consider the appeal on written submissions only and must consider such appeal and take a decision thereon within a reasonable time which shall not exceed 90 days from date of submission of the appeal or from date of expiry of the 14 day period as per subsection (2) above.

- 4) The Municipal Manager may uphold the appeal, with or without amendments, or dismiss the appeal.
- 5) The Municipal Manager must forthwith after a decision has been taken, in writing, notify the appellant thereof and any other interested parties, if any.
- 6) An appellant and any other interested party, if any, may upon being notified of a decision, in writing, apply for reasons for the decision and the Municipal Manager must furnish written reasons to the applicant as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000.

38. OFFENCES AND PENALTIES

- 1) Any person who-
 - a) Contravenes or fails to comply with any provision of this By-law;
 - b) Refuses or fails to comply with any notice served on him or her in terms of or for the purposes of this By-law;
 - c) Refuses or fails to comply with the terms or conditions of any approval issued in terms of this By-law;
 - d) obstructs, hinders or interferes with an authorised official or other official of the Council acting under power delegated to him or her, in the exercise of any power or the performance of any duty under this By-law;
 - e) fails or refuses to furnish to an authorised official or other official of the Council acting under power delegated to him or her, with any documentation or information required for the purposes of this By-law or furnishes a false or misleading document or false or misleading information;
 - f) fails or refuses to comply with any instruction given in terms of or for the purposes of this By-law; or
 - g) pretends to be an authorised official or other official of the Municipality acting under power delegated to him or her, shall be guilty of an offence and –
 - I. upon conviction, be liable to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment and the fine shall be calculated according to the ratio determined for such imprisonment in terms of the Adjustment of Fines Act; and
 - II. 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, or upon conviction, to imprisonment for a period not exceeding three months or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with that act or omission.
- 2) Nothing in subsection (1) above shall be construed to prevent the Municipality from imposing, in addition to the civil and criminal options available, a rates penalty as per the Municipality's approved Rates Policy against an owner of a property who is in contravention of any provision of this By-law.

39. TARIFFS

The Municipality may determine tariff of charges dealing with any aspect, conduct or action in terms of this By-law and such tariff of charges shall be published in the Provincial Gazette for information after approval thereof by the Municipality.

40. REPEAL OF BY-LAW

By-laws on advertising and billboards previously made by the Thulamela and Makhado Municipal Councils or their constituent Predecessors in respect of any portion of the area of the Collins Chabane Municipality, are hereby repealed in so far as they are inconsistent with the provisions of these By-laws.

41. TITLE

This By-law is referred to as the Collins Chabane Local Municipality Advertising & Billboards By-Law, 2019 and will come into operation on date of promulgation of the By-law in the Provincial Gazette.

SCHEDULE 1

Documentation, information, maps, diagrams and plans to be submitted as part of an application envisaged in section 3 of this By-law:

- a) the prescribed fee;
- b) the written consent of the owner of the proposed advertising sign and of the registered owner of the property or building upon which the advertising sign is to be erected or on behalf of the owner of the property or building by his or her agent duly authorized in writing by such owner;
- c) a locality plan, in color, indicating the proposed position of the advertising sign within the area of jurisdiction of the Council;
- d) a block plan of the property upon which an advertising sign is to be erected, drawn to scale acceptable to Council, showing every building, building line and servitude on the site and the position with dimensions of the advertising sign in relation to the two boundaries of the property closest to the proposed advertising sign and the location of any public street and any building on a property adjacent to the property upon which such sign is to be erected;
- e) an artistic impression, in color, showing all the detail, location and measurements of the proposed advertising sign;
- f) a drawing, in color showing the proposed advertising sign and the distances in relation to any other 3rd party or free-standing advertising signs situated within a radius of 200m from the proposed advertising sign on the same side of the road;
- g) a diagram showing that the proposed position of the advertising sign is in conformity with Schedule 2, if applicable;
- h) a copy of the title deed of the property upon which the proposed advertising sign is to be erected, if applicable;
- i) a zoning certificate of the property concerned issued under an applicable scheme and a zoning map indicating the land uses in terms of such scheme of every property adjacent to the property upon which the advertising sign is to be erected;
- j) a diagram of the property indicating the position of the proposed advertising sign with measurements from that position to the closest two boundaries of the property concerned;
- k) proof of compliance with any other law, including but not limited to, the National Road Traffic Act, the National Building Regulations and Building Standards Act, and the National Environmental Management Act, to the extent that such law is applicable in respect of the application concerned;
- l) proof of submission of an application for a building line relaxation in terms of any law, if applicable;
- m) if a proposed advertising sign is to be attached to, or displayed on, the façade of a building, building plans of that building showing an elevation and measurements of the building, and the details, measurements and position of the proposed advertising sign and the details and the position of every existing advertising sign on the building drawn to a scale acceptable to the Council;
- n) if a proposed advertising sign is to be displayed on a boundary fence or hoarding enclosing the whole of a construction site as contemplated in regulation F1 to the National Building Regulations and Building Standards Act, the approved building plans of the proposed building showing the details, measurements and position of the proposed advertising sign drawn to a scale acceptable to Council, or proof that a section 7(6) has been granted; a certificate by a registered person as envisaged by the provisions of the National Building Regulations and Building Standards Act, 103 of 1977, confirming the structural safety of the proposed advertising sign and its foundations, if applicable; and

- o) a certificate by a registered person as envisaged by the provisions of the National Building Regulations and Building Standards Act, 103 of 1977, confirming the structural safety of the proposed advertising sign and its foundations, if applicable;
- p) any comments/objections/representations submitted by and conditions determined or prescribed by any statutory authority, for example, SANRAL in terms of any legislation applicable to outdoor advertising, if applicable; and
- q) any other written information which the Municipality may in writing require which in the opinion of the Municipality would assist in taking a proper decision.

SCHEDULE 2



APPLICATION FOR ADVERTISING AND BILLBOARDS

The Collins Chabane Local Municipality Advertising and Billboards By-Laws as promulgated by Local Government Notice No.... of ..Date... regulates all matters relating to advertisements. It is in the interest of every advertiser to become conversant with the contents of the regulations referred to before completing this application.

DETAILS OF APPLICANT

Name/Company:			
Company Registration Number (if applicable):			
Full Names of Signatory:			
Postal Address:			Code:
Tel No: ()	Cell No:	Fax: ()	
E-mail:			
Signature:		Date:	

DETAILS OF PROPERTY OWNER

Name:			Title:
Postal Address:			Code:
Tel No: ()	Cell No:	Fax: ()	
E-mail:			

OWNERS CONSENT

Full Names:
Identity Number*:

Signature:		Date:	
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*Attach certified copy of ID and Agreement with owners.

PROPERTY DESCRIPTION

Erf Number:		Portion:		Township/ Suburb:	
Street : Address					
Zoning:					

DESCRIPTION OF THE PROPOSED OUTDOOR ADVERTISING SIGN/BOARDING

Type of Sign (please mark relevant block) And SPECIFY THE SCHEDULE APPLYING FOR:						
Billboards/Tower Structures	Posters and General Signs	Signs on Buildings, Structures and Premises	Signs for the Tourist and Traveller	Mobile Signs		
Other (please specify):						
Description of Outdoor Sign (please mark relevant blocks)						
Single Sided		Double Sided		Triple Sided		
Non-Illuminated		Internal Illuminated		Externally Illuminated		
On Premises/Locality Bound		3 rd Party				
Other (please specify):						
Illuminated Signs:	Stationary:		Flashing:			
Fluorescent Tubes – Low Voltage		Neon Tubing/Flood Lights – High Voltage Firearm Switch to be Installed as per Fire Regulations				
New Sign	Change of Face	Replacing Existing	New Position	Existing Sign		
Other (please specify):						
Co-ordinates of Sign:	Longitude:(E) Degrees	Minutes ´	Seconds´´	Latitude:(S) Degrees °	Minutes ´	Seconds´´
Dimensions:	Height:	Length:		Width:		
Sign Area:	m ²					
Material:	SABS Approved:			Yes:		No:
Colours:						

Remarks:			
Signature:		Officer:	
Council Stamp:			

APPLICATION PROCEDURE AND ATTACHMENTS

Application Requirements (please mark relevant block)	YES	NO
Application form		
Locality plan with the GPS coordinates in the following format: deg/min/sec		
Artistic impression (coloured photo or sketch) of the proposed sign		
Registered owner's consent + ID Copy + Written consent		
Engineers appointment letter and certificates (if applicable) + Engineers drawings + forms		
Completion certificate (if applicable)		
SG Diagram and GPS coordinates indicating the exact position of the sign on the proposed site.		
Distance from existing signage (indicate on locality plan in a radius of ± 200 m)		
Letter of approval of a building line relaxation from the pertinent authority		
Elevation (indicate measurements on elevation and illumination)		
Title deed of property		
Zoning certificate of property		
Locality map of area		
Approval letter of EIA from the Limpopo Department of Economic Development, Environment & Tourism in terms of the NEMA Regulations [GN-R324 to GN-R37, 7 April 2017] if applicable		
Approval letter of TIA (Traffic Impact Assessment) from the Planning Sub-Directorate (Municipal Planning) division if applicable		

PROVINCIAL NOTICE 50 OF 2019

COLLINS CHABANE LOCAL MUNICIPALITY

**COLLINS CHABANE
LOCAL MUNICIPALITY**
Since 2016



HARDWARE STORAGE OF GOODS BY-LAW, 2019

COLLINS CHABANE LOCAL MUNICIPALITY

HARDWARE STORAGE OF GOODS BY-LAW, 2019

The Municipal Manager of Collins Chabane Local Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 32 of 2000, read with section 162(2) of the Constitution, 1996, publishes the Hardware storage of goods By-law for Collins Chabane Local Municipality as approved by its Council which will come into operation on the date of promulgation of this notice.

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1. Definitions

“**Approval**” means approval by the Council and “approve” has a corresponding meaning;

“**Authorised Officer**” means any official of the Municipality who has been authorized by the Municipality to administer, implement and enforce the provisions of this By-law.

“**Council**” means the Council of Collins Chabane Local Municipality, a municipality established in terms of section 12 of the Local Government Municipal Structures Act, no.117 of 1998 and any member of administration to whom the Council has delegated the powers, functions and duties vesting in the Council in relation to this By-Law

“**Dangerous (hazardous) goods**” means dangerous substances or goods, as identified and classified in SANS 10228, that are stored before being offered for transport by a manufacturer, distributor, wholesaler or retailer, or that are stored by an end user

“**Goods**” means any movable material;

“Hardware” means a store selling tools, implements, and other items used in home life and activities such as gardening

“litter” means any object or matter which is discarded by a person;

“Loading Zone” means that portion of a street adjacent to the curb designated by a sign or a marking for the exclusive use of vehicles loading or unloading of goods;

“Municipality” means the Municipality of Collins Chabane or its successor in title as envisaged in section 155(1) of the Constitution, established by Notice No 308 and Notice No 397 of 2000 in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act;

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

“Owner” means the person in whose name the site/erf is registered in the deed’s registry for Limpopo Province or he/she is the beneficial holder of a real right in the site/erf or he/she is the person in whom the site/erf vests

“Person” means a natural person or a juristic person and includes an organ of state.

“Pedestrian” means any person on foot or confined to a wheelchair and shall include a baby carriage;

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

(a) the verge of any such road, street or thoroughfare;

(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and

(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

“Sidewalk” means the actual sidewalk where constructed on or adjacent to a part of a street or that portion of a street intended primarily for use by pedestrians, or any structure in a park or other public place designed and intended for use by pedestrians;

“Sign” means any sign, signal, marking or other device installed for the guidance, regulation, warning, direction or prohibition of traffic, parking, standing or stopping;

“street furniture” means any furniture installed by the Council on the street for public use;

“Stockpile” means a large accumulated stock of goods or materials, especially one held in reserve for use at a time of shortage;

“Traffic” means the movement of pedestrians, vehicles or animals on any street;

2. Purpose of the By-Law

The purpose of these By-laws is to enable the Collins Chabane Local Municipality to regulate the storage of goods in hardware; control the stockpiling of goods in the hardware, yards and in front of the yards; and to control storage of dangerous goods in builders’ yards.

3. Application on the By-Laws

These By-Laws shall apply to all the hardware stores within the area of jurisdiction of the Collins Chabane Municipal Council.

4. GENERAL TERMS AND CONDITIONS

Any hardware must abide by the following terms and conditions, to the extent that they are applicable:

- 1) The goods should not cause or be a cause of any kind of disturbance or public nuisance.

- 2) The storage of goods and equipment shall be within the area designated for that purpose on the plan which is to accompany the application detailing that area to be used for the business as well as any portion of that area in which goods or equipment will be stored.
- 3) No signs of advertising the goods shall be larger than 600mm by 450 mm in size.
- 4) Such sign should_
 - (a) indicate the name of the hardware the nature of the business and operating hours.
 - (b) Not be placed on sidewalk or public road or in a manner that will obstruct people and vehicles.
- 5) Any other sign must be applied for and approved by the Municipality before it can be erected.
- 6) Advertising signs must comply with the Outdoor Advertising By-law of the Municipality.

5. ENVIRONMENTAL HEALTH AND SAFETY

- 1) The owner of the hardware must -
 - (a) keep the area or site occupied by him or her for the purposes of goods storage in a clean condition;
 - (b) keep the storage in a well-maintained condition;
 - (c) dispose of litter generated by his or her hardware in whatever refuse receptacle as provided by the municipality for the public or at a designated dumping site of the municipality;
 - (d) take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a Public Road, or Public Place, or into a storm water drainage, of any oil or grease;
 - (e) ensure that no odours, or noise, emanating from his or her storage causes pollution of any kind;

6. AREAS WHERE STORAGE OF GOODS IS PROHIBITED

- 1) No person may, unless the Council has so permitted-
 - a) in terms of an agreement; or
 - b) by means of the display of a sign, store goods in any of the following places:
 - I. in a garden or a park to which the public has a right of access;
 - II. In their yard or in front of their yard
 - III. on a verge contiguous to-
 - (i) a building belonging to, or occupied solely by, the State or the Council;
 - (ii) a church or other place of worship;
 - (iii) a building declared to be a public monument under the National Heritage Resources Act, 1999 (Act No. 25 of 1999).
- 2) No person may store goods in any of the following places:
 - a) at a place where it obstructs the use of the side walk by pedestrians
 - b) Within 5 meters of an intersection as defined in Regulation 322 of National Road Traffic Act, 1996 (Act No. 93 of 1996);
 - c) at the place where it obstructs -
 - I. the entrance to or exist from the building;
 - II. vehicular traffic;
 - III. access to pedestrian crossings, parking or loading bays or other facilities for vehicular or pedestrian traffic;
 - IV. access to or the use of the street furniture and other facilities designed for the use of the general public;
 - V. or obscures a road traffic sign that is displayed in terms of the National Road Traffic Act, 1996;
 - VI. or obscures a marking, notice or sign displayed or made in terms of these By-laws;

- d) on a portion of sidewalk or public place in contravention of a notice or sign erected or displayed by the Council for the purposes of these By-laws;
- 3) A person who contravenes one or more of the provisions of this section commits an offence.

7. PROHIBITED CONDUCT

- 1) The owner of the hardware -
 - a) may not place stockpile in front of his or her hardware in such a manner that it-
 - I. constitutes a danger to any person or property; or
 - II. is likely to injure any person or cause damage to any property;
 - b) may not leave forklifts in front of the hardware or storage;
 - c) may not place forklifts or other machinery on a sidewalk;
 - d) may load or unload goods between 7:00 and 17:00 everyday
 - e) may leave flammable/dangerous goods on an open place
 - f) may not attach an object by any means to a building, structure, sidewalk, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or a public road or public place;
 - g) may not carry on his or her hardware and storage business in such a manner as to -
 - I. damage or deface the surface of a public road or public place or public or private property; or
 - II. create a traffic or health hazard;
 - h) may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council.
- 2) No person shall keep rubble, debris, lumber, refuse, old motor bodies, chassis of motor vehicle, parts of motors, old motor tyres, scrap material or any other material which is unsightly or is likely to become a nuisance or hazard or injurious to health or is likely to cause nuisance to any person in front of a premises owned or occupied by him or her.
- 3) A person who contravenes one or more of the provisions of subsections (1) and (2) commits an offence.

8. POWERS OF THE MUNICIPALITY

- 1) An authorized official-
 - a) if he or she reasonably suspects or see that hardware stores the goods in a prohibited manner and
 - b) whether or not the property is in possession or under the control of any person, may-
 - I. remove and impound the goods which he or she finds at an area where storage of goods is restricted or prohibition;
- 2) An official who acts in terms of subsection (1) must, expect in the case of goods that have been left or abandoned, issue to the owner of the hardware/storage with a compliance notice for the goods that are removed and impounded and the receipt must contain the following particulars:
 - a) The address where the impounded goods will be kept and the period thereof;
 - b) the conditions for the release of the impounded goods; and
 - c) that unclaimed goods will be sold by public auction.
- 3) when a person fails to comply with an order to remove the impounded goods, an authorized official may take such steps as may be necessary to remove the impounded goods.
- 4) council is not liable for any loss of and/or damage to any goods removed and impounded in terms of these By-laws.
- 5) An official mentioned in subsection (1) cannot remove and impound goods without any reasonable or valid proof that the goods are found in a prohibited area.
- 6) Council must charge such official if found guilty of wrongfully removing and impounding such goods

- 7) A person who hinders or obstructs an official in the performance of his or her duties under this section, or who refuses or fails to remove the goods when ordered to do so by an official, commits an offence.
9. General prohibitions regarding storage of dangerous goods
- 1) No person who stores a flammable substance or allows them to be stored on any premises may –
 - (a) do anything or allow anything to be done that may result in or cause a fire or explosion;
 - (b) do anything or allow anything to be done that may obstruct the escape to safety of any person or animal during an emergency.
 - 2) No person may –
 - (a) dump or spill or allow the dumping or spilling of any flammable goods into any borehole, sewer, drain system or surface water;
 - (b) discard or allow the discarding of any flammable substance from any premises in any way other than by a competent person who is properly equipped and authorised to do in terms of these By-laws;
 - (c) make or bring any fire or device capable of producing an open flame or allow any other person to do so, within 5 metres of any place where a flammable substance is stored;
 - (d) use or allow to be used any device in connection with a flammable substance in any basement level of a building, other than a gas welding or cutting device, used for the sole purpose of maintenance of the building;
10. OFFENCES AND PENALTIES
- 1) Any person who-
 - a) contravenes or fails to comply with any provision of this By-law;
 - b) Refuses or fails to comply with any notice served on him or her in terms of or for the purposes of this By-law;
 - c) Refuses or fails to comply with the terms or conditions of any approval issued in terms of this By-law;
 - d) obstructs, hinders or interferes with an authorised official or other official of the Council acting under power delegated to him or her, in the exercise of any power or the performance of any duty under this By-law;
 - e) fails or refuses to furnish to an authorised official or other official of the Council acting under power delegated to him or her, with any documentation or information required for the purposes of this Bylaw or furnishes a false or misleading document or false or misleading information;
 - f) fails or refuses to comply with any instruction given in terms of or for the purposes of this By-law; or
 - g) pretends to be an authorised official or other official of the Municipality acting under power delegated to him or her, shall be guilty of an offence and –
 - I. upon conviction, be liable to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment and the fine shall be calculated according to the ratio determined for such imprisonment in terms of the Adjustment of Fines Act; and
 - II. 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, or upon conviction, to imprisonment for a period not exceeding three months or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with that act or omission.
 - 2) Nothing in subsection (1) above shall be construed to prevent the Municipality from imposing, in addition to the civil and criminal options available, a rates penalty as per the

Municipality's approved Rates Policy against an owner of a property who is in contravention of any provision of this By-law.

11. REPEAL

By-laws on street trading previously made by the Thulamela and Makhado Municipal Councils or their constituent Predecessors in respect of any portion of the area of the Collins Chabane Municipality, are hereby repealed in so far as they are inconsistent with the provisions of these By-laws.

12. SHORT TITLE

This By-law is referred to as the Collins Chabane Local Municipality Hardware Storage of Goods By-law and will come into operation on date of promulgation of the By-law in the Provincial Gazette.

PROVINCIAL NOTICE 51 OF 2019

COLLINS CHABANE LOCAL MUNICIPALITY

**COLLINS CHABANE
LOCAL MUNICIPALITY**
Since 2016



NOISE CONTROL BY-LAW, 2019

COLLINS CHABANE LOCAL MUNICIPALITY

NOISE CONTROL BY-LAW, 2019

The Municipal Manager of Collins Chabane Local Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 32 of 2000, read with section 162(2) of the Constitution, 1996, publishes the Noise Control By-law for Collins Chabane Local Municipality as approved by its Council which will come into operation on the date of promulgation of this notice.

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PART 1: INTERPRETATION AND OBJECTIVES

1. DEFINITIONS

In these By-laws, unless the context otherwise indicates –

“**act**” means the Environment Conservation Act, 1989 (Act No. 73 of 1989);

“ambient sound level” means the reading on an integrating impulse sound level meter taken at a measuring point, in the absence of any alleged disturbing noise, at the end of a total period of at least 10 minutes after such meter was put into operation;

“animal” also includes birds and poultry in group or single;

“authorised official” means any official of the Municipality who has been authorised by the Municipality to implement and enforce the provisions of these By-laws;

“controlled area” means a piece of land designed by a municipality where, in the case of-

- (a) road traffic noise in the vicinity of a road –
 - (i) the reading on an integrating impulse sound level meter, taken outdoors at the end of a period of 24 hours while such meter was in operation, exceeds 65 dBA; or
 - (ii) the outdoor equivalent continuous “A” – weighed sound pressure level at a height of at least 1.2 metres, but not more than 1.4 metres, above the ground for a period of 24 hours as calculated in accordance with SANS 0210, and projected for a period of 15 years following the date on which the municipality has made such designation, exceeds 65 dBA.
- (b) air traffic noise in the vicinity of an airfield, the calculated noisiness index, projected for a period of 15 years following the date on which the municipality made such designation, exceeds 65 dBA;
- (c) industrial noise in the vicinity of an industry –
 - (i) the reading on an integrating sound level meter, set on impulse or faster acquisition rate, taken outdoors at the end of a period of 24 hours while such meter was in operation, exceeds 61 dBA; or
 - (ii) the calculated outdoor equivalent continuous “A”-weighted sound pressure level at a height of at least 1.2m, but not more than 1.4m, above the ground for a period of 24 hours, exceeds 61 dBA, or
- (d) noise from any other source in the vicinity of that source-
 - (i) the reading on an integrating sound level meter, set on impulse or faster acquisition rate, taken outdoors at the end of a period extending from the time when such source of noise became active until the time when it was no longer active, while such meter was in operation, exceeds 65 dBA; or
 - (ii) the outdoor continuous “A”-weighted sound pressure level at a height of at least 1.2m, but not more than 1.4m, above the ground, as calculated in accordance with acceptable mathematical/acoustic methods for a period extending from the time when the source of noise became active until the time when it was no longer active, and projected for a period of 15 years following the date on which the municipality made such designation, exceeds 65 dBA: Provided that methods of calculation as described in SABS ARP 020 may be used for the calculation.

“dBA” means the value of the sound pressure level in decibels, determined using a frequency weighting network A, and derived from the following equation:

$$LPA = 10 \log^{10} [PA/P^0]^2$$

Where –

PA = the “A”-weighted sound pressure; and

P⁰) = the reference sound pressure

(P⁰ + 20uPa):

“disturbing noise” means a noise level which exceeds the zone sound level or, if no zone sound level has been designated, a noise level which exceeds the ambient sound level at the same measuring point by 7 dBA or more;

“erect” also means alter, convert, extend or re-erect;

“exempted vehicle” means a vehicle listed in Annexure A to SANS 10281;

“functions in residential area” means any private function in a residential area such as weddings, funerals, unveiling of tombstones ceremonies, birthdays etc, including music festivals in residential areas

“integrating impulse sound level meter” means an integrating sound level meter set on “I”-time weighting or at a sampling rate greater than “I” weighting and integrated to provide the result in dBA;

“integrating sound level meter” means a device that integrates a function of the root mean square value of sound pressure over a period of time and indicates the result in dBA;

“measuring point” relating to a piece of land from which an alleged disturbing noise emanates, means –

- (a) a point outside the property projection plane where an alleged disturbing noise shall be measured;
- (b) a building with more than one occupant, means a point in or outside the building where an alleged disturbing noise shall be; and
- (c) a stationary vehicle, means a point as described in SANS 10181 where a measuring microphone shall be placed;

“municipality” means the Municipality of Collins Chabane or its successor in title as envisaged in section 155(1) of the Constitution, established by Notice No 308 and Notice No 397 of 2000 in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act;

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

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

“music festivals, also open-air music festivals and similar gatherings” means an event including, but not necessarily limited to:

- (a) any sporting, recreational or entertainment event, including live acts and music of any kind;
- (b) Any music festival;
- (c) Any educational, cultural or religious event where religious event also includes gospel music festivals;
- (d) Any business event including marketing, public relations and promotional or exhibition events;
- (e) Any charitable event, including any conference, organizational or community event, or any similar activity hosted at stadium, public or private open space or any venue or along a route or its precinct, which event is planned, has a clear programme, control and accountability, but excludes an event hosted by a private person held in his or her private capacity at any venue, or filming staged in terms of the By-law relating thereto;

“National Environmental Management Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998) and any regulations made there under;

“noise level” means the reading on an integrating impulse sound level meter taken at a measuring point in the presence of any alleged disturbing noise at the end of a total period of at least 10 minutes after such meter was put into operation, and, if the alleged disturbing noise has a clearly discernible pitch, for example a whistle, buzz, drone or music to which 5 dBA is added;

“noise nuisance” means any sound which disturbs or impairs or may disturb or impair the convenience or peace of any person;

“noisiness index” means a number expressed in dBA as defined in SANS 10117;

“non-exempted vehicle” means a vehicle not listed in Annexure A to SANS 10281;

“plant” means a refrigeration machine, air conditioners, fan system, compressor, power generator or pump or mechanical driven device;

“property projection plane” means a vertical plane on, and including the boundary line of a piece of land defining the boundaries of such piece of land in space;

“recreational vehicle” means-

- (a) an off-road vehicle, scrambler, dune buggy or ultra-light aircraft;
- (b) a model aircraft, vessel or vehicle;
- (c) any aircraft or helicopter used for sport or recreational purposes;
- (d) a vessel used on water; or
- (e) any other vessel or model which is used for sport or recreational purposes;

“SANS 10103” means South African Bureau of Standards publication No. 10103 entitled: “The measurement and rating of environmental noise with respect to annoyance and to speech communication” published under Government Notice No. 718 in Government Gazette No. 18022 of 30 May 1997, as amended from time to time or its corresponding replacement;

“SANS 10117” means South African Bureau of Standards publication No. 0117 – 1974 titled: “Code of Practice for the determination and limitation of disturbance around an aerodrome due to noise from aeroplanes” published under Government Notice No. 151 of 01 February 1985, as amended from time to time or its corresponding replacement;

“SANS 10181” means South African Bureau of Standards publication No. 0181 – 1981, titled: “Code of Practice for the measurement of noise emitted by road vehicles when stationary” published under General Notice No. 463 of 09 July 1982, as amended from time to time or its corresponding replacement;

“SANS 0210” means South African Bureau of Standards publication No. 0210 – 1986 titled: “Code of Practice for calculating and predicting road traffic noise” published under Government Notice No. 358 of 20 February 1987, as amended from time to time or its corresponding replacement;

“SANS 10281” means South African Bureau of Standards publication No. 0281 – 1997 titled: “Engine speed (S values), reference sound levels and permissible sound levels for stationary road vehicles” published under Government Notices 761, 762 and 763 in Government Gazette No. 18040 of 06 June 1997, as amended from time to time or its corresponding replacement;

“sound level” means the reading on a sound level meter taken at a measuring point at the end of the measuring period;

“sound level meter” means a device measuring sound pressure while it is set on “F”-time weighting or at a sampling rate greater than “I” weighting and integrated to provide the result in dBA; and

“zone sound level” means a derived dBA value determined indirectly by means of a series of measurements, calculations or table readings and designated by a municipality for an area.

2. PURPOSE OF THIS BY-LAW

Purpose of this By-law is to assist Collins Chabane Local Municipality to exercise its powers under these By-laws to _

- (1) Control noise levels within the municipality
- (2) Provide for measures for preventing, minimizing or managing noise nuisances;
- (3) Prohibit noise nuisance activities in public places;
- (4) Introduce a system of designating no noise zones within the municipality;
- (5) Provide measures to be used by the municipality to determine noise levels

PART 2: NOISE POLLUTION MANAGEMENT

3. 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.

4. PROHIBITION OF NOISE NUISANCE

No person may-

- (a) operate or play, or allow to be operated or played, a radio, television set, drum, musical instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound so as to cause a noise nuisance;
- (b) offer any article for sale by shouting, ringing a bell or making other sounds or by allowing it to be done in a manner which causes a noise nuisance;
- (c) allow an animal owned or controlled by him or her to cause a noise nuisance;
- (d) allow an activity to cause a noise nuisance, except for functions, churches and funerals or allow it to be take place during the following hours:
 - (i) after 21h00 every day; or
 - (ii) where consultation with neighbors is done 48 hours prior such an activity.
- (e) build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft or object on or near residential premises, or allow such actions if it causes a noise nuisance;
- (f) use or discharge any explosive, firearm or similar device that emits sounds and may cause, or allow such actions, except with the prior consent in writing of the municipality concerned and subject to such condition as the municipality may deem necessary;
- (g) on a piece of land or in water or in airspace above that piece of land designated by a municipality by means of a notice in the press –
 - (iii) move about on or in a recreational vehicle; or
 - (iv) exercise control over a recreational vehicle; or
 - (v) as the owner or person in control of the piece of land, water or airspace, allow such activity to take place, if this causes a noise nuisance;
- (h) except in an emergency, emit a sound, or allow a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device, if it causes a noise nuisance;
- (i) operate any machinery, saw, sander, drill, grinder, lawnmower, power tool or similar device or allow it to be operated in a residential area during the following hours:
 - (i) Before 06h00 and after 18h00 from Monday to Saturday; and
 - (ii) Before 8h00 and after 14h00 on a Sunday; or if it causes a noise nuisance or noise disturbance.
- (j) load, unload, open, shut or in any other way handle a crate, box, container, building material, rubbish container or any other article, or allow such actions, if it causes a noise nuisance;
- (k) use any power tool or power equipment for construction work, drilling work or demolition work, or allow it to be used in or near a residential area during the following hours:
 - (i) Before 06h00 and after 18h00 from Monday to Saturday; and
 - (ii) Before 8h00 and after 14h00 on a Sunday; or if it causes a noise nuisance or noise disturbance.

5. LAND USE

(1) No person may-

- (a) establish any zone unless a Noise Impact Assessment has been undertaken in accordance with SANS 10328. The assessment must indicate that either the outdoor equivalent continuous day/night rating level (LR,dn), the outdoor equivalent continuous day-time rating level (LR,d) or the outdoor continuous equivalent night-time rating level (LR,n) appropriate for the particular district will not be exceeded at any position within the boundaries of the proposed zone;
- (b) construct or erect any building or make changes to existing facilities on a premise which will house an activity which does not conform with the dominant land use specified in the applicable zoning scheme;
- (c) construct or erect any building or make changes to existing facilities on premises which will house an activity which produces more noise with respect to that of the dominant land use specified in the applicable zoning scheme or will create a disturbing noise unless it has been proven that precautionary measures will be implemented. Such measures must be to the satisfaction of the municipality in that the premises, after being erected or developed or changes made, will be adequately insulated against the transmission of sound to the outside, so that either the outdoor equivalent day/night rating level (LR,dn), the outdoor equivalent continuous day-time rating level (LR,d) and/or the outdoor equivalent continuous night-time rating level (LR,n), will not exceed the appropriate rating level for outdoor noise specified in SANS 10103 at any position on the property projection plane of the premises; or(d) undertake any activity which constitutes a noise source referred to in SANS 10328 and any of the listed activities requiring an EIA in terms of the NEMA Regulations, , which are considered to have a potential noise impact unless a Noise Impact Assessment has been undertaken in accordance with SANS 10328.

(2) The municipality may-

- (a) before changes are made to existing facilities or existing uses of land or buildings or before new buildings are erected, in writing require that Noise Impact Assessments or tests be conducted to the satisfaction of the municipality by the owner, developer, tenant or occupant of the facilities, land or buildings concerned. Such reports or certificates must be submitted by such owner, developer, tenant or occupier to the municipality. The report should prove that either the outdoor equivalent continuous day/night rating level (LR,dn), the outdoor equivalent continuous day-time rating level (LR,d) and the outdoor equivalent continuous night-time rating level (LR,n) at any position on or outside the property projection plane of the existing facility, use of land or building will not exceed values for the appropriate level given in SANS 10103. The Noise Impact Assessment, if required shall be conducted in accordance with SANS 10328 or other applicable documentation and the tests, if required, must be conducted in accordance with SANS 10103 or other applicable documentation; or
- (b) if excavation work, earthmoving work, pumping work, drilling work, construction work, or demolition work or any similar activity, power generation or music causes or may cause a noise nuisance or a disturbing noise, instruct in writing that such work, activity, generation or music be forthwith discontinued until such conditions as the municipality may deem necessary have been complied with;
- (c) set conditions relating to noise control to be included in the conditions of establishment of a new township, in order to achieve the objectives of the Act.

6. DESIGNATION OF CONTROLLED AREAS

- (1) The municipality may by notice in the Provincial Gazette –
 - (a) designate a controlled area in its area of jurisdiction or amend or cancel an existing controlled area; and
 - (b) designate zone sound levels for specific areas and for specific times in its area of jurisdiction or amend or cancel such designation;
- (2) No person may-
 - (a) erect educational, residential, flat, hospital, church or office buildings in an existing township in a controlled area or area for which a zone sound level has been designated in terms of subsection (1)(b), unless acoustic screening measures have been provided in the building to limit the reading on an integrating impulse sound level meter, measured inside the building after completion, to 40 dBA or such level as may be determined in accordance with subsection (1)(b): Provided that any air-conditioning or ventilating systems shall be switched off during the course of such noise measurements;
 - (b) locate educational, residential, hospital or church erven within a controlled area in a new township or an area that has been rezoned:

Provided that such situation may be allowed by the municipality in accordance with the acoustic screening measures mentioned by that municipality in the approved building plans.

7. 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 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-
 - (a) 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
 - (b) to stop the vehicle or cause it to be stopped;
- (3) A vehicle attached under subsection (2)(b) must be kept in safe custody by the 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.

8. MUSIC, OPEN-AIR MUSIC FESTIVALS AND SIMILAR GATHERINGS

- (1) Subject to the provisions of sections 5 and 6(a), no person may operate or play a radio, television set, gramophone, recording device, drum, musical instrument, sound

- amplifier or similar device producing, reproducing or amplifying sound, or allow it to be operated or played, in a public place, if the noise level measured at any point which may be occupied by a member of the public or at one meter from the source of the sound, exceeds 95 dBA, unless permission has been obtained from the municipality.
- (2) No person may stage an open-air music festival or similar gathering without the prior written consent of the municipality and the municipality may impose such conditions as it may deem fit.
 - (3) It is a requirement that the event manager must obtain, and submit proof to the effect to the satisfaction of the Environmental Health Practitioner, the advice of a qualified sound engineer with regard to the set-up of the speakers and other precautions to limit a disturbing noise or noise nuisance to the surrounding environment.
 - (4) If any music causes or may cause a noise nuisance or a disturbing noise, the municipality may instruct in writing that such music be forthwith discontinued until such conditions as the municipality may deem necessary have been complied with.
 - (5) Subject to the provisions of subsections (5) and (6) and the applicable provisions of any other law, the municipality may attach any instrument used to generate music if the sound level of such instrument exceeds the sound level referred to in subsection (1) and no permission has been obtained from the municipality.
 - (6) An instrument attached under subsection (4) shall be kept in safe custody by a municipality.
 - (7) The municipality may lift the attachment contemplated in subsection (4) if the owner or person in control of the instrument has applied for permission in terms of subsection (1).

9. FUNCTIONS IN RESIDENTIAL AREA

- (1) No person may stage a function in a residential area or similar gathering without the prior written consent of the municipality and the municipality may impose such conditions as it may deem fit.
- (2) Notwithstanding section 11(1) above, functions in residential areas shall not in whatever manner, disturb or hinder the comfort, convenience, or peace of any person and shall end at 24h00.

PART 3: GENERAL PROVISIONS

10. GENERAL POWERS OF THE MUNICIPALITY

The municipality may-

- (a) for the purpose of applying these by-laws, at any reasonable time enter a premise (s)-
 - (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 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 or 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 by-laws: Provided that road traffic signs and notices shall be placed on private property only with the permission of the owner.

11. 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 the municipality;
- (c) for the purposes of these regulations, in respect of a duly authorised employee of the municipality-
 - (i) fail or refuse to grant admission to such employee to enter and to inspect a premise;
 - (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.

12. USE OF MEASURING INSTRUMENTS

- (1) Any person taking a reading must ensure that-
 - (a) the acoustic sensitivity of sound level meters is checked before and after every series of measurements by using a sound calibrator, verified every two years by an accredited calibration laboratory for compliance with the specifications for accuracy of national codes of practice for acoustics, to comply with the Measuring Units and National Measuring Standards Act 2006 (Act No. 18 of 2006);
 - (b) the microphones of sound measuring instruments are at all times provided with a windshield; and
 - (c) the sound measuring instruments are operated strictly in accordance with the manufacturer's instructions.
- (2) The measuring of dBA values in respect of controlled areas, ambient sound levels or noise levels in terms of these regulations shall be done as follows:
 - (a) outdoor measurements on a piece of land: By placing the microphone of an integrating impulse sound level meter at least 1,2 meters, but not more than 1,4 meters, above the ground and at least 3,5 meters away from walls, buildings or other sound reflecting surfaces; and
 - (b) indoor measurements in a room or enclosed space which is not ventilated mechanically: By placing the microphone of an integrating impulse sound level meter at least 1,2 meters but not more than 1,4 meters, above the floor and at least 1,2 meters away from the wall, with all the windows and outer doors of the room

or enclosed space entirely open: Provided that windows and doors are closed for indoor measurements in rooms or enclosed spaces which are mechanically ventilated.

- (3) Any deviation from heights and distances referred to in subsection (2) shall be reported with the furnishing of a reason.

13. EXEMPTIONS

- (1) The provision of this By-Law 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.
- (2) Any person may by means of a written application apply to the municipality concerned for exemption from any provision of this By-Law.
- (3) The municipality may-
- (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted shall be stipulated therein;
 - (b) alter or cancel any exemption or condition in an exemption;
 - (c) refuse to grant an exemption.
- (4) An exemption shall not take effect before the applicant has undertaken in writing to comply with all conditions imposed by a municipality under subsection (3): Provided that if activities are commenced before such undertaking has been submitted to the municipality, the exemption shall lapse.
- (5) If any condition of exemption is not complied with, the exemption may be withdrawn by the Municipality after notice to show cause against the proposed withdrawal has been given, and the representations, if any, resulting therefrom have been considered.

14. OFFENCES AND PENALTIES

- (1) Any person who –
- (a) contravenes or fails to comply with any provisions of these By-laws;
 - (b) Refuses or fails to comply with any notice served on him or her in terms of or for the purposes of this By-law;
 - (c) Refuses or fails to comply with the terms or conditions of any approval issued in terms of this By-law;
 - (d) obstructs, hinders or interferes with an authorised official or other official of the Council acting under power delegated to him or her, in the exercise of any power or the performance of any duty under this By-law;
 - (e) fails or refuses to furnish to an authorised official or other official of the Council acting under power delegated to him or her, with any documentation or information required for the purposes of this Bylaw or furnishes a false or misleading document or false or misleading information;
 - (f) fails or refuses to comply with any instruction given in terms of or for the purposes of this By-law; or
 - (g) pretends to be an authorised official or other official of the Municipality acting under power delegated to him or her, shall be guilty of an offence and –
 - (i) upon conviction, be liable to a fine or imprisonment or to both a fine and such imprisonment. The fine shall be calculated in terms of the Municipal Tariff Structure and
 - (ii) 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, or upon conviction, to

- imprisonment or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with that act or omission.
- (2) Nothing in subsection (1) above shall be construed to prevent the Municipality from imposing, in addition to the civil and criminal options available, a rates penalty as per the Municipality's approved Rates Policy against an owner of a property who is in contravention of any provision of this By-law.

15. REPEAL OF BY-LAWS

By-laws on Noise Control previously made by the Thulamela and Makhado Local Municipal Councils or their constituents Predecessors in respect of any portion of the area of the Collins Chabane Municipality, are hereby repealed in so far as they are inconsistent with the provisions of these By-laws.

16. SHORT TITLE

This By-law is referred to as the Collins Chabane Local Municipality Noise Control By-law and will come into operation on date of promulgation of the By-law in the Provincial Gazette.

SCHEDULE 1



COLLINS CHABANE LOCAL MUNICIPALITY DEVELOPEMNT PLANNING DEPARTMENT

NOISE EXEMPTION APPLICATION FORM			
IN TERMS OF REGULATION 12 OF THE NOISE CONTROL REGULATIONS P.N. 200/2013 MADE UNDER SECTION 25 OF THE ENVIRONMENT CONSERVATION ACT, 1989 (ACT 73 OF 1989).			
1.	Name of owner/manager of the business/premises:		
2.	Name of Company or Organisation (if applicable):		
3.	Applicant:	Phone no:	
		Fax no:	
		Email:	
4.	Name of Event		
	Event location:		
5.	Date of event: _____	Time of event: _____	_____
		Start:	End:
6.	Sound checks (if any):		
	Start and end times:	_____	_____
		Start:	End:
7.	Responsible Person:		
	Name: _____ Cellphone no: _____		
8.	Noise source (e.g. live band, D.J., microphone, construction equipment, etc.):		
9.	Is the event:	Indoor <input type="checkbox"/>	Outdoor <input type="checkbox"/> Number of guests <input type="text"/>
10.	Existing and/or proposed measures in place or to be adopted to limit the noise at source.		

Signature of Applicant: _____

Date: _____

Signature of Applicant

Date

The following documentation must be submitted with this application:

1. A site plan indicating the following
 - 1.1. Surrounding residential premises,
 - 1.2. The position of the possible noise sources
 - 1.3. The direction of the possible noise sources
 - 1.4. Distances from noise sources to surrounding residential premises.
 - 1.5. Positions of possible standby generators
2. A letter of consent from the owner/body corporate and that he/she/they are aware of the proposal.
3. Written comments from the Local Ward Councillor regarding the noise exemption being issued.
4. Written comment from the Local Rate Payers Association regarding the noise exemption being issued.

The Environmental Health Practitioner for that specific area reserves the right to ask for further requirements before issuing a Noise Exemption.

An application would be considered incomplete if any of the above requirements are not completed or attached to the application and will **not** be processed.

A fully completed application must be submitted to Council at least 15 (fifteen) working days prior to the commencement of the event. Failing this, the application shall not be processed.

It must be noted that the exemption shall not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the Municipality. If activities commence before the undertaking has been submitted to the Municipality, the exemption shall lapse.

The Events Office must receive the signed Noise Exemption at least 3 (three) working days prior to the event. Failing this the exemption shall lapse.

Penalties

In addition, it must be noted that any person who contravenes or fails to comply with a provision of these By-Laws shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

SCHEDULE 2

HEAD-OFFICE: OLD DCO BUILDING, 225 HOSPITAL ROAD, MALAMULELE
0982.

TEL: 015-851-0110. FAX: 015-851-0097



REF:

DATE: / /

TIME: _____

To owner/occupier

Sir/Madam

Applicable legislation: e.g. Noise Control By-Laws, Regulations, National Health Act etc. This correspondence serves to inform you regarding understated information:

1. Type of transgression or non-compliance:

2. Recommendations

3. Compliance period

Your cooperation will be appreciated.

Yours faithfully

Name:
Compliance Officer
Collins Chabane Local Municipality

PROVINCIAL NOTICE 52 OF 2019

COLLINS CHABANE LOCAL MUNICIPALITY

**COLLINS CHABANE
LOCAL MUNICIPALITY**
Since 2016



SPAZA SHOPS BY-LAW, 2019

COLLINS CHABANE LOCAL MUNICIPALITY

SPAZA SHOP BY-LAW, 2019

The Municipal Manager of Collins Chabane Local Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 32 of 2000, read with section 162(2) of the Constitution, 1996, publishes the Spaza Shop By-law for Collins Chabane Local Municipality as approved by its Council which will come into operation on the date of promulgation of this notice.

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PART 1: DEFINITIONS AND APPLICATION

1. DEFINITIONS

1) In these By-laws, unless the context otherwise indicates –

“**Act and Regulations**” refers to National Building Regulations and Building Standards Act No. 103 of 1977 and National Building Regulations & Building Standards Amendment Act No. 49 of 1995

“**Asylum**” means a person who is seeking recognition as a refugee in the Republic.

“**Authorised Officer**” means any official of the Municipality who has been authorized by the Municipality to administer, implement and enforce the provisions of this By-law.

“**Council**” means the Council of Collins Chabane Local Municipality, a municipality established in terms of section 12 of the Local Government Municipal Structures Act, no.117 of 1998 and any member of administration to whom the Council has delegated the powers, functions and duties vesting in the Council in relation to this By-Law.

“**Dwelling**” means a building, designed for use as a house for, and used exclusively by, a single household family.

“**Departmental Head**” means the head of the Planning Department of Collins Chabane Local Municipality.

“**Municipality**” means the Municipality of Collins Chabane or its successor in title as envisaged in section 155(1) of the Constitution, established by Notice No 308 and Notice No 397 of 2000 in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act;

“**Municipal Consent**” means the consent, in writing, by the Municipality for any activity on, or use of land or buildings for which an application is made, in terms of any relevant legislation.

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

“**Public Nuisance**” means any activity which spills over beyond the property and causes problems for immediate and surrounding neighbours; this includes noise levels or activities which may cause health or pollution problems such as smoke or flies / vermin, vehicle oil or unsightly activities / storage of goods which detract from the amenity of the neighbourhood.

“**Operator**”, in relation to any spaza, means any person who is the owner of the shop and/or is leasing space in the owner’s site for him/her to run a spaza shop.

“**Outbuilding**” means a building attached to or separate from a dwelling and ancillary to a dwelling.

“**Owner**” means the person in whose name the site/erf is registered in the deeds registry for Limpopo Province or he/she is the beneficial holder of a real right in the site/erf or he/she is the person in whom the site/erf vests

“**Person**” means a natural person or a juristic person and includes an organ of state.

“**Premises**” in relation to any spaza, means a site/erf wherein the spaza shop business is operated. “**Property**” means that to which a person has a legal title, whether in his possession or not; thing owned; an estate, whether in lands, goods, or money.

“**Refugee**” means any person who has been granted asylum in terms of the Act (Act No. 130 of 1998). “**Residential Areas**” a residential area is a type of land use where the predominant use is housing. In areas that are zoned residential, buildings may include single family housing, multiple family housing such as (apartments, duplexes, and town homes).

“**Spaza Shop**” means a business building, whether attached or separated from a residential dwelling or any building in a site, operated for the purposes of selling basic groceries (daily convenience goods) and fresh produce, in response to local needs in a small neighbourhood

within walking distance of people's homes, and the goods sold exclude liquor or alcoholic beverages and hazardous substances. The shops are typically operated from outbuildings or temporary structures/ shipping containers and are generally separated from the main house.

"Tuck Shop" means "spaza shop" for the purposes of this By-law.

"Zoning" means the development rights and controls accorded to the property and its associated buildings either as of free entry rights, rights that area accorded in term of Municipal approval.

- 2) In the event of a conflict between this By-law and any other by-law of the Municipality the provisions of this By-law shall prevail regarding the regulation of the spaza shops.

2. PURPOSE OF THE BY-LAW

Purpose of this By-Law is to regulate and control the operations of spaza/tuck shops within the area of jurisdiction of the Municipality; in particular, to ensure compliance with safety and health requirements and to provide the proper establishment of tuck/spaza shops and the application process thereof.

3. SCOPE AND APPLICATION OF THE BY-LAW

The By-law applies to all spaza shops within the jurisdiction of the Collins Chabane Local Municipality.

PART 2: APPLICATIONS AND APPROVALS

4. APPLICATION FORMS

- (a) A person who wants to operate a spaza shop business within the jurisdictional area of the Municipality must apply to the Municipality on prescribed forms available at Municipal offices.
- (b) The Municipality will consider the application within the period of ten (10) working days upon the date of the receipt of the application forms
- (c) For the application to be considered, the applicant must complete the forms fully, and attach to the forms the relevant documents mentioned in subsection (4) below.

5. OPERATING CARD PERMITS

- (a) The operating card permit shall be issued by the Municipality and it is renewable after every 1 year.
- (b) The following terms and conditions shall apply to the operating card permits:
 - (i) operating card permit can only be issued by the Municipality upon the payment of the prescribed fee determined by Council from time to time;
 - (ii) operating card permit is not transferrable without the permission of the Municipality;
 - (iii) a tuck shop operator must at all times be in a position to produce the operating card permit on demand by the authorised officer whenever so required;
 - (iv) if the operating card permit gets lost or accidentally or unwillingly damaged or destroyed the owner must immediately report the loss, damage or destruction thereof to the Municipality;

6. REQUIREMENTS FOR APPLICANTS

Completed application forms must be accompanied by the following document

- (a) Certified copy of South African Identity Document, if he/she is a South African citizen;
- (b) Proof of Residence, if he/she is a Collins Chabane local municipality resident;

- (c) Original Copy of Asylum Document issued by the South African Department of Home Affairs, if he/she is a foreign national;
- (d) Concluded Lease Agreement in cases where the site owner is not the tuck-shop operator;
- (e) Certified copy of title deed or permission to occupy;
- (f) Neighbouring community's consent form;
- (g) Building plan of the tuck shop; and
- (h) Internal and external photos of the existing building(s) in the site.

7. APPROVAL OF APPLICATION

- (a) Once the application has been approved by the relevant Head of Department or his designee, an applicant will be notified of the approval within the period of ten (10) working days.
- (b) The applicant will be required to pay the prescribed operating fee and he/she will then be issued with the operating card permit.
- (c) Spaza shop operator is not permitted to trade until he/she receives his identity operating card permit.
- (d) Approval conditions, if any, will be attached to the operating card permit.

8. DISAPPROVAL OF APPLICATION

- (a) If the Municipality, by the Head of Department or his designee, has decided to disapprove the application, the applicant will be notified of the decision to disapprove his application within the period of ten (10) working days.
- (b) The applicant will be provided with written reasons for the disapproval, and the decision can be in terms of the provisions of this By-law or in terms of any legislation applicable or circumstances warranting the Municipality to arrive at such decision.

9. APPEAL AGAINST DISAPPROVAL

- (a) The applicant whose application has been disapproved has the right to appeal against the decision.
- (b) The affected applicant must lodge his appeal with the Municipal Manager within the period of fourteen (14) days upon the receipt of the notice of the disapproval.
- (c) The Municipal Manager must consider and decide on the appeal within the period of ten (10) working days.
- (d) The decision by the Municipal Manager is final and binding.

10. WITHDRAWAL AND LAPSING OF AN APPROVAL

Approval is granted to the owner of the property to run a tuck shop from his dwelling unit and will be withdrawn under the following circumstances:

- (a) When the property is alienated.
- (b) In the event of the death of the owner.
- (c) Valid objections have been received and an interdict against the owner is obtained.
- (d) The owner of the property is arrested in connection with drug abuse, selling of drugs, the sale of liquor or the operation of a shebeen from the tuck shop, prostitution, gun incidents, knife stab incidents or any other crime incidents.
- (e) Where the owner terminates the lease agreement with the operator.
- (f) Where the shop is a cause of nuisance to surrounding neighbourhood
- (g) Where operating permit conditions are not complied with.
- (h) Where any provision of this By-law is violated.

11. NON-COMPLIANCE WITH APPROVAL CONDITIONS

- (a) If approval conditions are not complied with, the Planning Department will issue a written notice to the operator to rectify any irregularities within 7 (seven) days.
- (b) If complaints are received with regard to the approved tuck shop, the Planning Department will evaluate the validity of the complaints and where applicable, notify the operator about the complaints and further give a written notice to the operator to comply with the conditions put by the Municipality.
- (c) Failing to comply with points (a) and (b) above may lead to the Municipality cancelling the operating card permit and further seeking court interdict against the operator compelling the owner to stop the tuck shop business from operating from the property.

12. GENERAL TERMS AND CONDITIONS

Any approved tuck/spaza shop business must abide by the following terms and conditions, to the extent that they are applicable:

- 1) If the erf is a residential site it must remain a residential in appearance and character. The overall use of the erf must remain 60% of the residential use.
- 2) The owner who resides on the site, may operate the business. Only in exceptional circumstances may the business activity be conducted by anyone other than the owner.
- 3) The owner must obtain a consent from the neighbours
- 4) The building plans of the spaza shop must have been approved and the size of the building thereof must be up to 20m.²
- 5) No spaza shop may operate if building plan for the structure has not been approved by the Municipality.
- 6) Spaza shop structure must comply with the Act and Regulations, and the Building Regulations By-laws of the Municipality with regard to human occupancy.
- 7) Such buildings must therefore at least have a foundation, be adequately ventilated, allow for sufficient natural light to enter the structure, have access to a toilet and a hand basin for sanitation purposes (connected to the municipal network), have electrical and plumber certificates and must provide for adequate storm-water run-off.
- 8) A shipping container or a timber structure cannot be used as a spaza shop as it does not comply with the regulations and thus cannot be occupied. It is however possible that the container or the timber structure can be converted to comply with the regulations and used for the purposes of a spaza shop.
- 9) Corrugated iron sheets may be used in erecting the tuck shop building, provided that the construction thereof adheres to the Regulations and the Act.
- 10) A tuck shop business shall only be operated with operating card permit issued by the Municipality and the operating card permit is not transferable.
- 11) The sale of liquor or alcoholic beverages and hazardous substances is prohibited.
- 12) However, flammable substances such as paraffin may only be sold in small containers and be subject to the Firefighting By-laws of the Municipality.
- 13) A tuck shop should have a fire extinguisher at all times and renewed every year.
- 14) A tuck-shop should not cause or be a cause of any kind of disturbance or public nuisance which will disturb people within the neighbourhood.
- 15) The operating hours for all spaza shops are allowed between 06h00, in the morning, and 20h00, in the night, every day except otherwise permitted by the Municipality.
- 16) The storage of goods and equipment shall be within the area designated for that purpose on the plan which is to accompany the application detailing that area to be used for the business as well as any portion of that area in which goods or equipment will be stored.

- 17) If the tuck shop is closed for the period longer than 90 days, it will be presumed that the business is no longer operating and the operator thereof or the owner of the site should inform the Municipality in writing.
- 18) No Tuck shop shall be erected or approved a 1000m less from a formally rezoned business stand as the tuck shops are established to help community members to access their basic needs close by, in a case where there is a formal business on a business stand there is no need for a Tuck shop near that stand for the above mentioned distance.
- 19) The Municipality will proceed to cancel the operating card permit in regard to that tuck shop.
- 20) A person is allowed to own only one Tuck shop registered in his/her name within a township and two within the municipality.
- 21) Where an operator has more than one Tuck shop business in separate sites, a separate permit is required for each tuck shop operating.
- 22) No person is allowed to sleep and/or wash himself/herself in the spaza shop.
- 23) No person is allowed to operate a spaza shop business if he/she has been declared by a court of law to be of unsound mind.
- 24) The operator must not commit any criminal activity in the shop in question or he/she must not have criminal record that led to his/her business being closed.
- 25) No pets or birds should be kept in the tuck shop.
- 26) Trading is restricted to the boundaries of the property. No trading is permitted on either the sidewalks or road reserve;
- 27) No signs advertising the business shall be larger than 600mm by 450 mm in size.
- 28) Such sign should indicate the name of the owner, the name of the business the nature of the trade and operating hours.
- 29) Any other sign must be applied for and approved by the Municipality before it can be erected.
- 30) Advertising signs must comply with the Outdoor Advertising By-law of the Municipality.
- 31) The owner must ensure that a tuck shop is clean all the times and does not have _
 - (a)waste kept in a manner that attracts rodents or other pests to the tuck shop; or
 - (b)flies, cockroaches or mice attracted to, or breeding, in significant numbers in the tuck shop
- 32) The following health regulations must be complied with if food is to be sold or prepared from the premises, namely:
 - (i) that the owner obtains a business license for the preparation of meals as required in terms of the Business Act, 1991 (Act 71 of 1991) from the Municipality;
 - (ii) that the premises comply with the general hygiene requirements for food premises and the transport of food regulations R962 of November 2012 promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972);
 - (iii) that a Certificate of Acceptability be obtained as required by regulations R962 of November 2012 promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972) from the Municipality; and
 - (iv) that the premises comply with government notice R264 of 30 March 2012 relating to the smoking of tobacco products in public places as promulgated in terms of the Tobacco Products Control Act, 1993 (Act 83 of 1993) as amended.
- 33) Operators must register for tax with the South African Revenue Services.
- 34) Spaza shop may not be permitted on a property if the use is in conflict with a restriction contained in the title deed of that property.
- 35) Should the homeowner be selling goods on a very small scale, i.e. there is no dedicated room or separated space for the tuck shop, and is limited to, e.g. three

shelves in a living area, the activity will not be regarded as a spaza shop and will be regarded as a home activity, and therefore will not require a municipal approval.

- 36) A spaza shop must only be for the sale of grocery items that appear to be required for the day to day consumption or usage such sweets, cigarettes, bread, milk, maize-meal, salt, sugar, tea, air-time, chips and other small goods, home-made foods and preserves.
- 37) Tuck shop building plan must show the layout, extent, position and elevations of buildings on the proposed plan.

13. TRANSLATION ARRANGEMENTS

- 1) The Municipality should, by public notice, call all the existing spaza shops within the area of jurisdiction of the Municipality to register their spaza shops.
- 2) All the existing spaza shops must have been registered with the Municipality within the period of twelve (12) months upon the promulgation of this By-law in the provincial gazette.
- 3) Any existing spaza shop that will not have registered with the Municipality in terms of the public notice to be issued by the Municipality, prescribing deadline for registrations of existing spaza shops, will be regarded operating illegally after such a prescribed date.
- 4) The applications of the existing spaza shops must also comply with the application procedure of this By-law.
- 5) Any new spaza shop established after the coming into operation of this By-law must apply, in terms the application procedure of this By-law, before they can operate

14. OFFENCES AND PENALTIES

- 1) Any person who –
 - (a) contravenes or fails to comply with any provisions of these By-laws;
 - (b) Refuses or fails to comply with any notice served on him or her in terms of or for the purposes of this By-law;
 - (c) Refuses or fails to comply with the terms or conditions of any approval issued in terms of this By-law;
 - (d) obstructs, hinders or interferes with an authorised official or other official of the Council acting under power delegated to him or her, in the exercise of any power or the performance of any duty under this By-law;
 - (e) fails or refuses to furnish to an authorised official or other official of the Council acting under power delegated to him or her, with any documentation or information required for the purposes of this Bylaw or furnishes a false or misleading document or false or misleading information;
 - (f) fails or refuses to comply with any instruction given in terms of or for the purposes of this By-law; or
 - (g) pretends to be an authorised official or other official of the Municipality acting under power delegated to him or her, shall be guilty of an offence and –
 - (i) upon conviction, be liable to a fine or imprisonment or to both a fine and such imprisonment. The fine shall be determined by the Municipal and
 - (ii) 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, or upon conviction, to imprisonment or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with that act or omission.

- 2) Nothing in subsection (1) above shall be construed to prevent the Municipality from imposing, in addition to the civil and criminal options available, a rates penalty as per the Municipality's approved Rates Policy against an owner of a property who is in contravention of any provision of this By-law.
- 3) Any person who establishes a Tuck Shop business without Municipal approval shall be liable to a fine of R3000.
- 4) Tuck shop owners who fail to renew their permits on time will be fined R2500, 00 and their business will be closed down until they pay the fine and apply for renewal of their permits.
- 5) Those who will be found sleeping inside the Tuck shops will be fined an amount of R5000.00.

15. REPEAL

By-laws on Spaza Shop previously made by the Thulamela and Makhado Local Municipal Councils or their constituents Predecessors in respect of any portion of the area of the Collins Chabane Municipality, are hereby repealed in so far as they are inconsistent with the provisions of these By-laws

16. SHORT TITLE

This By-law is referred to as the Collins Chabane Local Municipality Spaza Shops By-law and will come into operation on date of promulgation of the By-law in the Provincial Gazette.



SCHEDULE 1

APPLICATION FOR SPAZA SHOP

DETAILS OF APPLICANT

Full Names of Applicant:			
Identity No:			
Postal Address:			Code:
Tel No: ()	Cell No:	Fax: ()	
E-mail:			
Signature:		Date:	

DETAILS OF AREA/S WHERE YOUR SPAZA SHOP IS/WILL BE LOCATED:

Town:			
Address of the Business:			Code:
Tel No: ()	Cell No:	Fax: ()	
E-mail:			

DETAILS OF THE GOODS THAT YOU WANT TO SELL:

DESCRIBE ALL EQUIPMENT THAT YOU ARE GOING TO USE:

OWNERS CONSENT

Full Names:			
Identity Number*:			
Signature:		Date:	

Complete this portion of the application for consent from the surrounding residents. ALL surrounding residents that are near the spaza shop, are to **SIGN** the application below and indicate if they **AGREE** or **DISAGREE** to have a Spaza Shop in their area.

7. FOREIGN NATIONALS: A VALID WORK/BUSINESS PERMIT ISSUED BY SA DEPARTMENT OF HOME AFFAIRS
8. RETURN FORM TO COLLINS CHABANE LOCAL MUNICIPALITY OFFICES: MALAMULELE/VUWANI
9. NO STRUCTURE SHOULD BE ERECTED ON SIDEWALKS AND NO OBSTRUCTION TO PEDESTRIANS SHALL BE ALLOWED
10. OPTIONAL: PROVIDE LETTER FROM ASSOCIATION CONFIRMING YOUR MEMBERSHIP



SCHEDULE 2

SPAZA SHOP LICENSE

COLLINS CHABANE LOCAL MUNICIPALITY

ID/PASSPORT PHOTO			
NAME OF BUSINESS			
NAME OF APPLICANT			
ID/PASSPORT No.			
APPLICANT'S RESIDENTIAL ADDRESS			
APPLICANT CONTACT NUMBER			
STREET NAME			
TOWN			
CODE			
TYPE OF LICENCE APPLIED FOR		TUCK SHOP PERMIT VALID FOR ONE YEAR	
NATURE OF BUSINESS		TUCK SHOP	
GOODS/SERVICES OFFERED			
Signature of Applicant: _____ Date: _____			
FOR OFFICE USE ONLY (Mark the Applicable Fee)			
Local Resident	R172.50		Normal Permit
Non-Resident	R575.00		
Local Resident	R172.50		Seasonal Permit
Non-Resident	R575.00		
Local Resident	R172.50		Pensions
Non-Resident	R575.00		
RECEIPT NUMBER			
SERIAL No			
DATE RECEIVED			
DATE CAPTURED			
FILE NUMBER			
STREET NAME			
OFFICIAL: _____			
Signature: _____			
ON APPROVAL			
Signature of Licensing Officer: _____			
Date: _____			

PROVINCIAL NOTICE 53 OF 2019

COLLINS CHABANE LOCAL MUNICIPALITY

**COLLINS CHABANE
LOCAL MUNICIPALITY**
Since 2016



STREET TRADING BY-LAW, 2019

COLLINS CHABANE LOCAL MUNICIPALITY

STREET TRADING BY-LAW, 2019

The Municipal Manager of Collins Chabane Local Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 32 of 2000, read with section 162(2) of the Constitution, 1996, publishes the Street Trading By-law for Collins Chabane Local Municipality as approved by its Council which will come into operation on the date of promulgation of this notice.

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PART 1: APPLICATION AND DEFINITIONS

1. DEFINITIONS

1) In these by-laws, unless the context otherwise indicates-

“**Act**” means the Businesses Act, 1991 (Act No. 71 of 1991), and includes the regulations promulgated under the Act;

“**approval**” means approval by the Council and “approve” has a corresponding meaning;

“**Council**” means the Collins Chabane Municipal Council and includes any committee or person to which or whom an instruction has been given or any power has been delegated or sub-delegated in terms of, or as contemplated in, section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) or a service provider in respect of any power, function or duty of the Council assigned by it for the purposes of these By-laws to that service provider in terms of Section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“**foodstuff**” means any article or substance, except a drug as defined in the Drugs and Drug Trafficking Act, 1992 [Act No. 140 of 1992], ordinarily eaten or drunk by persons or purporting to be suitable or manufactured or sold for human consumption and includes any part or ingredient of any such article or substance or any substance used or intended or destined to be used as a part or ingredient of any such article or substance.

“**garden**” means a garden to which the public has a right to access;

“**goods**” means any movable property;

“**intersection**” means the area embraced within the prolongation of the lateral boundary lines of two or more public roads, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other;

“**license holder**” means a person who is the holder of a license referred to in Chapter 2;

“**litter**” means any object or matter which is discarded by a person;

“**motor vehicle**” means any self-propelled vehicle and includes _

(a) a trailer; and

(b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include -

(i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or

(ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person

“**Municipality**” means the Municipality of Collins Chabane or its successor in title as envisaged in section 155(1) of the Constitution, established by Notice No 308 and Notice No 397 of 2000 in

terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act;

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

“official” means a designated officer who is authorised by the Council to perform and exercise any or all of the functions and powers in these By-laws;

“premises” includes any land, building, structure, part of a building or of a structure, or any vehicle, conveyance, vessel or aircraft;

“prescribed” means prescribed by the Council by resolution;

“property”, in relation to a street trader, means goods in which a street trader trades, and includes any article, container, vehicle or structure used or intended to be used in connection with street trading by the street trader;

“public place” means any open or enclosed place, park, street, road or thoroughfare or other similar area of land shown on a general plan or diagram which is for use by the general public and is owned by or vests in the ownership of a Municipal Council, and includes a public open space and a servitude for any similar purpose in favour of the general public;

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

(a) the verge of any such road, street or thoroughfare;

(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and

(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

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

“sell” includes barter, exchange, hire out, display, expose, offer or prepare for sale, store with a view to sell, or provide a service for reward, and “sale” or **“selling”** has a corresponding meaning;

“sidewalk” means a portion of a verge intended for the exclusive use of pedestrians;

“street furniture” means any furniture installed by the Council on the street for public use;

“street trader” means a person who carries on the business of street trading, and includes a person who carries on the business of street vendor, peddler or hawker;

“street trading” means the selling of any goods or the supplying of or offering to supply any service for reward in a public road or public place by a street trader, and includes the taking up of a position or the placing of property or goods;

“**verge**” means portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder.

2. PURPOSE OF THE BY-LAW

Purpose of this By-Law is to provide for the right to engage in street trading; to provide for the granting of street trading permits to trade on municipal property; to restrict and prohibit street trading in certain areas; to regulate the conduct of street traders; to provide for measures to ensure health and safety; to create offences and penalties; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

3. INTERPRETATION OF THE BY-LAW

- 1) Meaning of words and expressions incorporated in this By-Law - Unless the context otherwise indicates, any words or expressions to which a meaning has been assigned in the Act shall have a corresponding meaning in this By-Law.
- 2) Single act constitutes Informal Trading - For the purpose of this By-Law a single act of selling or offering or rendering of services in a public road or public place shall constitute Informal Trading.
- 3) Reference to legislation includes regulations made thereunder – For the purpose of this By-Law a reference to any legislation shall be a reference to that legislation and the regulations promulgated thereunder.
- 4) Assigning responsibilities of a Council employee to an employee of a service provider, where a service provider has been appointed – If any provision in this By-Law imposes any responsibility of the Council in or on an employee of the Council and such responsibility has, in terms of Section 76(b) of the Municipal Systems Act or any other law, been assigned to a service provider, then the reference in such a provision to such employee must be read as a reference to the service provider or a duly authorized employee of the service provider.

4. PRINCIPLES AND OBJECTIVES

The Council, acting in terms of section 6A(1)(a)(i) of the Businesses Act, 1991 (Act No. 71 of 1991) and-

- 1) having regard to the principles set out in the Act and in the Constitution; and
- 2) taking into consideration the need of the residents to actively participate in economic activities; and
- 3) taking into consideration the need to maintain a clean and healthy environment; and
- 4) striving to ensure that its residents are not exposed to and are protected against harmful food, in these By-laws regulates street trading.

5. APPLICATION

This By-law applies to all persons who carry on the business of the street trading within the area of jurisdiction of the Collins Chabane Local Municipality.

6. LEGISLATIVE FRAMEWORK

These By-laws fall within the legislative framework of the-

- a) Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);
- b) Health Act, 1977 (Act No. 63 of 1977);
- c) Businesses Act, 1991 (Act No. 71 of 1991);
- d) National Road Traffic Act, 1996 (Act No. 93 of 1996);
- e) Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996);

- f) Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000);
- g) Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

PART 2: GENERAL PROVISIONS APPLICABLE TO STREET TRADING

7. FORMS OF INFORMAL TRADING

Informal Trading may include any of the following forms of trading -

- 1) street trading, which comprises of selling goods or supply services for reward in a Public Road;
- 2) selling of Goods in Linear Market;
- 3) sale of Goods or services in a Public Place;
- 4) mobile trading such as from caravans, and light Motor Vehicles;
- 5) Selling of Goods in stalls or kiosks;
- 6) Selling of Goods at Special Events; and
- 7) Other street trading businesses.

8. THE FREEDOM TO ENGAGE IN THE INFORMAL TRADING

Subject to compliance with the provisions of this By-law and any other applicable law, any member of the Community of Collins Chabane Local Municipality may be permitted to engage in Informal Trading.

9. DESIGNATED AREAS

- 1) The Municipality may, by resolution in terms of Section 6A(3)(b) of the Act, set apart and demarcate stands or areas for the purposes of Informal Trading on any Public Road, the ownership or management of which is vested in the municipality, or on any other Property in the occupation and under the control of the municipality.
- 2) Any such stands or areas demarcated for Informal Trading may be extended, reduced or disestablished by resolution of the Council.
- 3) The municipality may, by resolution in terms of section 6A (3) (a) of the Act, lease any Verge or any portion thereof to the owner or occupier of the contiguous land on condition that such owner or occupier shall admit a specified number of Informal Traders in stands or places on such Verge designated by such owner or occupier.

10. LEASE AND ALLOCATION OF STANDS (HAWKERS LICENSE)

- 1) No person, whether as principal, employee or agent may, unless the business is covered by a hawkers/informal traders license issued by the Council, carry on the business of selling any foodstuff in the form of meals or any perishable foodstuff-
 - a) which is conveyed from place to place, whether by vehicle or otherwise;
 - b) on a public road or at any other place accessible to the public; or
 - c) in, or from a movable structure or stationary vehicle,
- 2) A person contemplated in (1) who wishes to obtain a hawker's/ informal trader license must apply on the prescribed application form contained in Schedule 1 and submit the completed form at the office of the Municipal Manager.
- 3) After consideration of an application for a license, the Council may-
 - a) grant the license if any apparatus, equipment, storage space, working surface, structure, vehicle, conveyances or other article or place used for or in connection with the preparation, handling or sale of foodstuffs comply with the requirements of sections 2 to 5 inclusive of the Foodstuffs. Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972)

- and regulations made under section 34 to 27 inclusive of the Health Act, 1977 (Act No. 63 of 1977);
- b) issue the license subject to any condition therein specified in terms of which the license holder must, in connection with the business premises or any such apparatus, equipment, storage, space, working surface, structure, vehicle, conveyance, article or place comply, or within a specified period comply, with a specific requirement relating to town planning or the safety or health of the public of a law or regulations contemplated in subsection (3)(a) which apply to those premises.
- 4) Subject to section 2(10) of the Act, the Council may refuse to issue a license if-
- a) any apparatus, equipment, storage space, working surface structure, vehicle, conveyance or any other article or place used for or in connection with the preparation, handling or sale of foodstuffs, does not comply with a requirement of a law or regulations contemplated in subsection (3)(a) relating to the health of the public;
 - b) any foodstuff sold by the license holder does not comply with a requirement of a law or regulations contemplated in subsection (3)(a) a law relating to the health of the public; or
 - c) a license of which the applicant was the holder, was at any time during the preceding 12 months, withdrawn due to noncompliance with a requirement under subsection (3).
- 5) "Section 2(10) of the Act provides as follows: "when a licensing authority decides to refuse an application for a license, or to grant such an application subject to a condition contemplated in subsection 6(a), or to issue a license subject to a condition, or to amend or impose a condition under subsection (8), or to withdraw or suspend a license, it shall as soon as practicable-
- a) notify the applicant or license holder concerned in writing of its decision;
 - b) furnish the applicant or license holder concerned in writing with the reasons for its decision;
 - c) inform the applicant of license holder concerned in writing of his right on appeal under section 3."

6) In respect of the allocation, as well as the lease of a stand a token shall be issued to an Informal trader as proof of an Informal Trader's rights to occupy the stand for the purpose of conducting Informal Trading;

7) The Council may at any time, after giving the license holder a reasonable opportunity to be heard -

 - a) withdraw or suspend license on the ground that-
 - I. any apparatus, equipment, storage space, working surface, structure, vehicle, conveyance or any other article or place used for or in connection with the preparation, handling or sale of foodstuffs, does not comply with a requirement of a law or regulations contemplated in subsection (3)(a) relating to the health of the public;
 - II. any foodstuff sold by the license holder does not comply with a requirement of a law or regulations contemplated in subsection (3)(a) relating to the health of the public;
 - III. the person did not comply with a condition imposed by the Council in terms of subsection (3)(b).
 - b) if it considers it necessary on the ground of changed circumstances in relation to a business or the premises, by way of endorsement on the license amend a condition or impose a condition, and-
 - I. may for these purposes require a license holder in writing to produce his or her license; and
 - II. must act in terms of section (2)10 of the Act.

8) A person who contravenes subsection (1) or a condition contemplated in this section or who fails to comply with requirement contemplated in this section, commits an offence.

11. ENVIRONMENTAL HEALTH AND SAFETY

1) A hawker/ Informal Trader must -

- (a) keep the area or site occupied by him or her for the purposes of conducting Informal Trading in a clean and sanitary condition;
- (b) dispose of litter generated by his or her business in whatever refuse receptacle is provided by the municipality for the public or at a dumping site of the municipality;
- (c) not dispose of Litter in a manhole, storm water drainage system or other place not intended for the disposal of Litter;
- (d) ensure that on completion of business for the day, the area or site occupied by him or her for the purposes of conducting Informal Trading is free of Litter;
- (e) take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a Public Road, or Public Place, or into a storm water drainage, of any fat, oil or grease;
- (f) ensure that no smoke, fumes or other substance, odours, or noise, emanating from his or her activities associated with Informal Trading, causes pollution of any kind;
- (g) on request by an Authorised Official, move his or her property so as to permit the cleansing of the space or the area or site where he or she is conducting Informal Trading, or the effecting of Municipal Services.

12. SIGNS INDICATING RESTRICTED AND PROHIBITED AREAS

- 1) The Council may, in terms of section 6A(2)(a) of the Act and subject to the provisions of paragraphs (b) up to and including (j), by resolution declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited.
- 2) The Council must be erected a sign in the area indicate such area, and the sign must indicate-
 - a) the restriction of the prohibition against street trading; and
 - b) if the street trading is restricted -
 - I. the boundaries of the area or stand set aside for street
 - II. trading;
 - III. the hours when street trading is restricted or prohibited;
 - IV. the goods or services in respect of which street trading is restricted or prohibited; and
 - c) that the area has been let or otherwise allocated, and the sign shall serve as sufficient notice to a street trader that street trading is restricted or prohibited in the area concerned.
- 3) The Council may, from time to time, amend the sign.
- 4) A person who carries on the business as street trader in contravention of the notice contemplated in subsection (2) commits an offence.

13. PLACES WHERE STREET TRADING IS PROHIBITED

- 1) No person may, unless the Council has so permitted-
 - a) in terms of an agreement; or
 - b) by means of the display of a sign, carry on the business of a street trader in any of the following places:
 - I. in a garden or a park to which the public has a right of access;
 - II. on a verge contiguous to-
 - (i) a building belonging to, or occupied solely by, the State or the Council;
 - (ii) a church or other place of worship;
 - (iii) a building declared to be a public monument under the National Heritage Resources Act, 1999 (Act No. 25 of 1999).
- 2) No person may carry on the business of a street trader in any of the following places:

- a) In an area declared by the Council in terms of section 6A(2)(a) of the Act as an area in which street trading is prohibited;
 - b) at a place where it obstructs the use of the side walk by pedestrians or interferes with the ability of persons using the side walk to view the goods displayed behind a shop display window or obscure such goods from view.
 - c) Within 5 meters of an intersection as defined in Regulation 322 of National Road Traffic Act, 1996 (Act No. 93 of 1996);
 - d) at the place where it obstructs -
 - I. a fire hydrant;
 - II. the entrance to or exist from the building;
 - III. vehicular traffic;
 - IV. access to pedestrian crossings, parking or loading bays or other facilities for vehicular or pedestrian traffic;
 - V. access to or the use of the street furniture and other facilities designed for the use of the general public;
 - VI. or obscures a road traffic sign that is displayed in terms of the National Road Traffic Act, 1996;
 - VII. or obscures a marking, notice or sign displayed or made in terms of these By-laws;
 - e) on a public road contiguous to a building which is used for residential purposes, if the owner or person who is in control or any occupier of the building objects thereto;
 - f) on a portion of sidewalk or public place in contravention of a notice or sign erected or displayed by the Council for the purposes of these By-laws;
- 3) A person to whom an area or stand has been leased or allocated in terms of paragraphs 6A(3)(b) and (c) of the Act must -
- a) comply with conditions of the lease of allocation; and
 - b) be in possession of written proof that Council has leased or allocated the area or stand to him or her, and such a person may not carry on the business of street trader in the area or stand if he or she does not comply with paragraphs (a) and (b).
- 4) A person who contravenes one or more of the provisions of this section commits an offence.

14. PROHIBITED CONDUCT

- 1) A street trader -
- a) may not sleep overnight at the area where he or she is trading, or at the area where another street trader is trading;
 - b) may not place or stack his or her property in such a manner that it-
 - I. constitutes a danger to any person or property; or
 - II. is likely to injure any person or cause damage to any property;
 - c) may not dispose of litter in a manhole, storm water drainage or other place not intended for the disposal of litter;
 - d) may not lease onto a public road or public place or into a storm water drain of fat, oil or grease in the course of conducting his or her business;
 - e) may not allow smoke, fumes, noise, smells, or other substance arising from his or her activities to cause a nuisance or pollution of any kind;
 - f) may not erect a structure for the purposes of providing shelter;
 - g) may not place his or her property on a public road or public place;
 - h) who conducts his or her business from a vehicle, may not park the vehicle or trader in such a manner so as to obstruct pedestrian or vehicular traffic and must ensure that he or she complies with the provisions of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
 - i) may not use an area which exceeds 6m squared, with a maximum length 3 meters;

- j) may not place, on a public road or public place, his or her property that cannot be easily removed to a place of safety, which may not be a public road or public place, at the end of the day's business;
 - k) may not display his or other property on or in a building, without the consent of the owner, lawful occupier or person in control of such building or property;
 - l) may not attach an object by any means to a building, structure, sidewalk, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or a public road or public place;
 - m) may not carry on his or her business in such a manner as to -
 - I. create a nuisance;
 - II. damage or deface the surface of a public road or public place or public or private property; or
 - III. create a traffic or health hazard;
 - n) may not make an open fire that poses a health or environment hazard to any person or property or to street furniture;
 - o) may not, other than in a refuse receptacle approved or supplied by the Council, accumulate, dump, store or deposit (or cause or permit this to be done) any litter on-10 -
 - I. any land or premises; or
 - II. any public road or public place or;
 - III. any public or private property
 - p) may not store his or her property in a manhole, storm water drain, public toilet, and bus shelter or in a tree;
 - q) may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council in terms of section 6A(2)(a) of the Act.
- 2) A person who contravenes one or more of the provisions of subsection (1) commits an offence.

15. RESTRICTED CONDUCT

1) An Informal Trader -

- (a) may not sleep overnight at the place where he or she carries an Informal Trading;
- (b) may not erect any structure for the purpose of providing shelter, other than a device approved by the Council;
- (c) may not place his or her Property on a Public Road or Public Place, with the exception of his or her Motor Vehicle or trailer from which Informal Trading is conducted, provided that such Motor Vehicle, stalls or trailer does not obstruct pedestrian or Vehicular Traffic movement and complies with the provisions of the Traffic Act;
- (d) must ensure that his or her Property or area of activity; -
- (e) does not cover an area of a Public Road or a Public Place which is greater than 6 M² (with a maximum length of 3 M) in extent, unless otherwise approved by the Council; and,
- (f) in respect of any Sidewalk, leaves an unobstructed space for pedestrian traffic, being not less than 1.5 (one and a half) meters wide when measured from any contiguous building to the Property or area of activity and not less than 0.5 (one half) meter(s) wide when measured from the Kerb Line to the Property or area of activity;
- (g) may not trade on a Sidewalk where the width of such Sidewalk is less than 3M;
- (h) may not place or stack his or her Property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to any property;
- (i) may not display his or her Goods or other Property on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;

- (j) must, on request by an Authorised Official or supplier of telecommunication or electricity or other Municipal Services, move his or her Property so as to permit the carrying out of any work in relation to a Public Road, Public Place or any such service;
- (k) may not carry on such business in such a manner as to -
 - (a) create a nuisance;
 - (b) damage or deface the surface of any Public Road or Public Place, or any public or private property; or
 - (c) create a traffic or health hazard, or health risk, or both;
- (l) may not make an open fire on a Public Road or Public Place;
- (m) may not obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic;

16. REMOVAL AND IMPOUNDMENT

- 1) An official-
 - a) if he or she reasonably suspects that property is being used or intended to be used in or in connection with street trading, and
 - b) whether or not the property is in possession or under the control of any person, may-
 - I. remove and impound the property which he or she finds at a place where street trading is restricted or prohibition; and
 - II. impound the property.
- 2) An official who acts in terms of subsection (1) must, except in the case of goods that have been left or abandoned, issue to the street trader a receipt for the property so removed and impounded and the receipt must contain the following particulars:
 - a) The address where the impounded property will be kept and the period thereof;
 - b) the conditions for the release of the impounded property; and
 - c) that unclaimed property will be sold by public auction.
- 3) If any impounded property is attached to immovable property or a structure, and the impounded property is under the apparent control of a person present at that place, an official may order the person to remove the impounded property.
- 4) when a person fails to comply with an order to remove the impounded property, an authorized official may take such steps as may be necessary to remove the impounded property.
- 5) council is not liable for any loss of or damage to any property removed and impounded in terms of these By-laws.
- 6) A person who hinders or obstructs an official in the performance of his or her duties under this section, or who refuses or fails to remove the object when ordered to do so by an official, commits an offence.

17. LIABILITY OF PERSON CARRYING ON INFORMAL TRADING

- 1) When an employee or agent of an Informal Trader contravenes a provision of this By-Law, the Informal Trader shall be deemed to have committed such contravention unless such Informal Trader satisfies the court that he or she took reasonable steps to prevent such contravention.
- 2) The fact that the Informal Trader issued instructions to the employee or agent, prohibiting such contravention, shall not in itself constitute sufficient proof of such reasonable steps.

18. OFFENCES AND PENALTIES

- 1) Any person who-
 - a) contravenes or fails to comply with any provision of this By-law;

- b) Refuses or fails to comply with any notice served on him or her in terms of or for the purposes of this By-law;
 - c) Refuses or fails to comply with the terms or conditions of any approval issued in terms of this By-law;
 - d) obstructs, hinders or interferes with an authorised official or other official of the Council acting under power delegated to him or her, in the exercise of any power or the performance of any duty under this By-law;
 - e) fails or refuses to furnish to an authorised official or other official of the Council acting under power delegated to him or her, with any documentation or information required for the purposes of this By-law or furnishes a false or misleading document or false or misleading information;
 - f) fails or refuses to comply with any instruction given in terms of or for the purposes of this By-law; or
 - g) pretends to be an authorised official or other official of the Municipality acting under power delegated to him or her, shall be guilty of an offence and –
 - I. upon conviction, be liable to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment and the fine shall be calculated according to the ratio determined for such imprisonment in terms of the Adjustment of Fines Act; and
 - II. 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, or upon conviction, to imprisonment for a period not exceeding three months or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with that act or omission.
- 2) Nothing in subsection (1) above shall be construed to prevent the Municipality from imposing, in addition to the civil and criminal options available, a rates penalty as per the Municipality's approved Rates Policy against an owner of a property who is in contravention of any provision of this By-law.

19. ADOPTION AND IMPLEMENTATION OF THE INFORMAL TRADE POLICY

The Council has to adopt and implement an Informal Trading Policy consistent with this By-Law, the Act and the Constitution.

20. REPEAL

By-laws on street trading previously made by the Thulamela and Makhado Municipal Councils or their constituent Predecessors in respect of any portion of the area of the Collins Chabane Municipality, are hereby repealed in so far as they are inconsistent with the provisions of these By-laws.

21. SHORT TITLE

This By-law is referred to as the Collins Chabane Local Municipality Street Trading By-law and will come into operation on date of promulgation of the By-law in the Provincial Gazette.

**SCHEDULE 1: (SECTION 11(2))
APPLICATION: HAWKERS'S LICENCE FOR STREET TRADING**

A person who wants to obtain a hawker's license to hawk, sell or pedal meals or Foodstuffs and any other goods as a street trader, must supply the following information:

NAME:

IDENTITY NUMBER:

ADDRESS:
.....
.....
.....
.....

CONTACT NUMBERS (e.g. telephone):

AREA/S IN WHICH YOU WANT TO TRADE:
.....
.....
.....

ADDRESS WHERE YOU ARE GOING TO TRADE
.....
.....
.....
.....

IF YOU WISH TO TRADE IN FRONT OF ANY SHOP, PROVIDE THE DETAILS OF THE SHOP OWNER/ MANAGER
.....

DESCRIBE THE GOODS THAT YOU WANT TO TRADE IN:
.....
.....
.....

DESCRIBE ALL EQUIPMENT THAT YOU ARE GOING TO USE:

.....
.....
.....

DESCRIBE THE SHELTER FROM WHICH YOU ARE GOING TO TRADE:

.....
.....
.....

NB: APPLICANT TO FURNISH:

1. CERTIFIED COPY OF ID/ OR PASSPORT AND WORK/BUSINESS PERMIT IN CASE OF NON-SA CITIZEN
2. TWO ID/PASSPORT SIZE PHOTOS
3. COPY OF MUNICIPAL ACCOUNT FOR PROOF OF RESIDENCE (IF RENTING, AN AFFIDAVIT BY LAND LORD)
4. PROOF OF BANK ACCOUNT (3 MONTHS BANK STATEMENT)
5. PROOF OF REGISTRATION WITH SOUTH AFRICAN REVENUE SERVICE
6. IF TRADING IN FRONT OF A SHOP, PROVIDE A LETTER/ AGREEMENT FROM THE OWNER/ MANAGER OF THE SHOP
7. FOREIGN NATIONALS: A VALID WORK/BUSINESS PERMIT ISSUED BY SA DEPARTMENT OF HOME AFFAIRS
8. RETURN FORM TO COLLINS CHABANE LOCAL MUNICIPALITY OFFICES: MALAMULELE/VUWANI
9. NO STRUCTURE SHOULD BE ERECTED ON SIDEWALKS AND NO OBSTRUCTION TO PEDESTRIANS SHALL BE ALLOWED
10. OPTIONAL: PROVIDE LETTER FROM ASSOCIATION CONFIRMING YOUR MEMBERSHIP



SCHEDULE 2

HAWKERS LICENSE COLLINS CHABANE LOCAL MUNICIPALITY

ID/PASSPORT PHOTO			
NAME OF BUSINESS			
NAME OF APPLICANT			
ID/PASSPORT No.			
APPLICANT'S RESIDENTIAL ADDRESS			
APPLICANT CONTACT NUMBER			
STREET NAME			
TOWN			
CODE			
TYPE OF LICENCE APPLIED FOR		HAWKER PERMIT VALID FOR ONE YEAR	
NATURE OF BUSINESS		STREET TRADING	
GOODS/SERVICES OFFERED			
Signature of Applicant: _____		Date: _____	
FOR OFFICE USE ONLY (Mark the Applicable Fee)			
Local Resident	R172.50		Normal Permit
Non-Resident	R575.00		
Local Resident	R172.50		Seasonal Permit
Non-Resident	R575.00		
Local Resident	R172.50		Pensions
Non-Resident	R575.00		
RECEIPT NUMBER			
SERIAL No			
DATE RECEIVED			
DATE CAPTURED			
FILE NUMBER			
STREET NAME			
OFFICIAL: _____			
Signature: _____			
ON APPROVAL			
Signature of Licensing Officer: _____			
Date: _____			

PROVINCIAL NOTICE 54 OF 2019

COLLINS CHABANE LOCAL MUNICIPALITY

**COLLINS CHABANE
LOCAL MUNICIPALITY**
Since 2016



PLACES OF PUBLIC WORSHIP BY-LAW, 2019

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. 26

POLOKWANE,
12 APRIL 2019
12 APRIL 2019
12 DZIVAMISOKO 2019
12 APRELE 2019
12 LAMBAMAI 2019

No. 2990

COLLINS CHABANE LOCAL MUNICIPALITY

PLACES OF PUBLIC WORSHIP BY-LAW, 2019

The Municipal Manager of Collins Chabane Local Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 32 of 2000, read with section 162(2) of the Constitution, 1996, publishes the place of public worship by-law for Collins Chabane Local Municipality as approved by its Council which will come into operation on the date of promulgation of this notice.

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1. DEFINITIONS

In these By-laws, unless the context otherwise indicates –

“**Adjoining**” means all the adjoining property owners/occupiers which include the properties on the opposite side of a street or lane;

“**Applicant**” means a person who makes an application in terms of the provisions of this By-law on public or private land and it includes such person’s duly authorized agent;

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

“**Authorised official**” means any official of the Municipality who has been authorised by the Municipality to implement and enforce the provisions of these By-laws;

“**Building line**” means a building line determined under an applicable land use scheme or any other law or document that has the force of law;

“Building schedule” means a development programme for the construction or renovation of a building or structure specifying the different phases of the development or renovation and the type of construction prepared by a person undertaking the activities concerned;

“Clear height” means the vertical distance between the lowest edge of an advertising sign and the level of the ground, footway or roadway immediately below such sign;

“Dwelling house” means one dwelling unit forming a single building;

“Dwelling unit” means an interconnected suite of rooms designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units;

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

“Interested party” means any person who has in terms of this By-law submitted an application or submitted comments or an objection or made representations in respect of any such application;

“Intersection” means that area embraced within the prolongation of the lateral boundary lines of two or more public streets, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other;

“Municipality” means the Municipality of Collins Chabane or its successor in title as envisaged in section 155(1) of the Constitution, established by Notice No 308 and Notice No 397 of 2000 in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act;

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

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

“National Building Regulations and Building Standards Act” means the National Building Regulations and Building Standards Act, 1977, (Act No. 103 of 1977), and any regulations made there under;

“National Environmental Management Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998) and any regulations made there under;

“Owner” means, in relation to –

- (a) property, the person registered as the owner or holder thereof and includes the trustee in an insolvent estate, the liquidator of a company or a close corporation which is an owner and the executor of any owner who has died or the representative recognized by law of any owner who is a minor or of unsound mind or is otherwise under disability, provided such trustee, liquidator, executor or legal representative is acting within the authority conferred on him or her by law;

“Place public of worship” is a dedicated building or building complex or other location where a group of people assembled in a congregation perform acts of religious praise, honor or devotion. It also includes places where religious instructions, ceremonies and festivities associated with the faith are carried out.

“Pre-evaluation submission” means the submission envisaged in section 3(4) of this By-law;

“Prescribed” means prescribed by the Municipality;

“Projected sign” means an advertisement projected by a cinematograph or other apparatus onto any surface, but does not include an advertisement projected onto the audience’s side of a drive-in cinema screen during a performance;

“Projecting sign” means an advertising sign, whether stationary or actuated, attached to and protruding from a building which is used for commercial business, offices, industrial or

entertainment purposes and which projects more than 300mm from the surface of the wall to which it is attached;

“Property” means any unit of land, including a public place, registered as a separate entity of land in the Deeds Office and includes any unit and land contemplated in the Sectional Titles Act, 1986 (Act No. 95 of 1986) and any public place depicted on the general plan of a township;

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

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

“rates penalty” means the rate penalty as prescribed by the Municipality’s Rates Policy and as envisaged in section 9(2) of this By-law;

“Religious purposes” Means a church, synagogue, mosque, temple, oratory meeting house, chapel, cathedral or other place for practicing a faith or religion, and includes associated uses such as the official residence registered in the name of the said religious community, which is occupied by an office bearer of that community and who officiates at services held by the community, an ancillary office and place for religious instruction, but does not include a funeral parlour, cemetery or crematorium.

“Registered person” means a person registered with the Engineering Council of South Africa as a professional engineer or professional engineering technologist, professional certified engineer or professional engineering technician under the Engineering Profession Act, 2000, (Act No. 46 of 2000);

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

“Road reserve” means the full width of a public street including the roadway, shoulder and sidewalk and the air space above a roadway, shoulder and sidewalk and any other area within the road reserve boundary;

“Urban design” means the actions of conceiving and managing the special and aesthetic characteristics of urban space between and around buildings including physical elements that make up the streetscape and the combined visual effect of building facades and other structures; and

2. PURPOSE OF THE BY-LAW

Purpose of this By-law is to ensure minimal conflict between the community and churches, protect communities from being forced into illegal activities that victimize human and animal rights.

3. APPLICATION

- (1) This By-law applies to all places of public worship in the area and jurisdiction of the Collins Chabane Local Municipality.
- (2) Approval for places of public worship in terms of this By-law is required irrespective of the zoning of any property in terms of any applicable land use management scheme and irrespective of the provisions of any other law.
- (3) The owner of a places of public worship and any person who has applied for approval of a places of public worship in terms of this By-law must comply with any provision of this By-law relating to that places of public worship and must ensure that such

provisions are complied with, subject to anything to the contrary contained in such provision.

- (4) An approval in terms of this By-law does not exempt the applicant/owner from complying with any other applicable law.

4. APPROVAL OF PUBLIC PLACES OF WORSHIP

- (1) No person may establish a public place of worship without the prior written approval of the Municipality.
- (2) No public place of worship without approval contemplated in subsection (1) may in any way be utilized without prior written approval of the Municipality and subject to such conditions and requirements as the Municipality may consider appropriate which may include the submission of proof of compliance.
- (3) An application for approval envisaged in subsection (1) above must be on the prescribed form and accompanied by such documentation, information, maps, diagrams and plans as set out in Schedule 1 to this By-law.
- (4) An application envisaged in subsection (3) above shall be preceded by a pre-evaluation submission and such submission shall be accompanied by some but not all of the documentation, information, maps, diagrams and plans as set out in Schedule 1 as determined by the Municipality.
- (5) The Municipality may in its sole discretion exempt an applicant from complying with any of the requirements stipulated in Schedule 1 on good cause shown.
- (6) Every plan and drawing required in terms of Schedule 1 must be on a sheet of not less than A4 size.
- (7) If any information requested by the Municipality in terms of Schedule 1 is not provided within 60 days from the date of the first written request, or within such further period as the Municipality may in writing permit, the application concerned shall automatically lapse without further notice.
- (8) Any extension of time envisaged in subsection (7) above shall be submitted for consideration prior to the lapsing of the application.

5. CONSIDERATION OF APPLICATIONS

- (1) In considering an application submitted in terms of section 3(3), approved by the Municipality and any other relevant factor, legislation, policy, and by-laws of the Municipality, have due regard to the following:
 - (a) The compatibility of the proposed public place of worship with the environment and with the amenity of the immediate neighborhood and urban design.
 - (b) Whether the proposed public place of worship will –
 - (i) have a negative impact on any property according to applicable town-planning or land use scheme; or
 - (ii) constitute a danger to any person or property or to obstruct vehicular or pedestrian traffic or constitute a traffic hazard in general;
 - (iii) to ensure places of public worship are compatible with the prevailing character and amenity of the locality of the development.
 - (iv) to ensure the most suitable location is achieved, by consideration of the physical constraints of the site.
 - (v) to avoid places of public worship locating within close proximity to another existing or approved place of public worship unless it can be demonstrated that the cumulative impacts relating to traffic generation and on-street parking are within acceptable limits for the area; or

- (vi) in the Municipality's opinion, be unsightly or objectionable or detrimentally impact on any property or any adjacent or nearby property;
 - (c) Any restrictive or other condition and any existing building line and servitude specified in a title deed, land use scheme, conditions of establishment or any other law;
 - (d) Any comments/objections/representations submitted by and conditions determined or prescribed by any statutory authority in terms of any legislation applicable to public place of worship;
 - (e) Any written representations, objections and comments received from any interested party; and compliance with the provisions of this By-law.
- (2)
- (a) Any approval in terms of section 2 above may be for a period as determined by the Municipality.
 - (b) The period of approval contemplated in subsection (b) above must be specified in the approval.
- (3) The Municipality must forthwith, in writing, notify all the relevant parties to the application of its decision taken in terms of subsection (2)(a) above by registered post or by any other means available to the Municipality, including e-mail and/or fax, and must provide written reasons for its decision when requested to do so by any of the parties in writing as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).
- (4) The Municipality must for its records retain every application, plans, drawings and other documentation submitted in terms of section 3(3) read with Schedule 1 for a period it considers appropriate.
- (5) No approval granted in terms of this section has the effect that –
- (a) any person is exempted from any provision of any other law that might be applicable to public places of worship; or
- (6) If an application submitted in terms of section 3(3) has been refused in terms of subsection (2)(a) above, no further application may be lodged in respect of the same exact application site for a period of two years from the date of such refusal, unless a motivation is submitted in writing for approval indicating a change of circumstances;
- (7) If a public place of worship is approved in terms of section (2)(2) above is not functional within six months from the date of notification of such approval or within a time specified in such approval or any further period which the Municipality on good cause shown allows in writing, the approval shall automatically lapse, where after a new application must be submitted in terms of section 3(3) above.
- (8) An application for an extension envisaged in subsection (7) above shall be submitted for consideration prior to the lapsing of the approval and if the extension is granted, it may not exceed a further 3 months.
- (9) Any application for renewal shall be submitted to the Municipality for consideration in terms of section 3(3) within 5 months prior to the expiry of such an approved advertising sign.

6. WITHDRAWAL AND AMENDMENT OF APPROVALS

- (1) The Municipality may, after having considered any representations made in terms of subsection (2) below, withdraw an approval granted in terms of section 4(2) above or granted in terms of any previously repealed By-law or other legislation applicable to public places of worship or amend any approval by adding, amending or deleting a condition in respect of such approval if, in the opinion of the Municipality, the public place of worship concerned –

- (a) is or has, as a result of a change to the nature of the environment or the amenity of the neighborhood, or urban design existing at the time of such approval, become detrimental to the area in which it is located by reason of its size, intensity of illumination, quality of design, social, material or its existence;
- (b) constitutes, or has become, a danger to any person or property;
- (c) has become prohibited in terms of these By-laws or any other law;
- (2) Prior to taking any decision in terms of subsection (1) above, the Municipality must in writing notify the owner of the public place of worship concerned and the owner of the property on which such public place of worship has been developed of its proposed decision and that he or she may within 21 days of the receipt of the notice make written representations concerning the proposed decision.
- (3) The owner of the public place of worship concerned and the owner of the property concerned must forthwith be given notice in writing of any decision in terms of subsection (1).
- (4) The Municipality must upon written request provide written reasons for its decision as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000.

7. GENERAL REQUIREMENTS FOR PUBLIC PLACES OF WORSHIP

- (1) The owner of a public place of worship and/or the owner of the property on which the approved public place of worship to be developed must ensure that such public place of worship is located so as not to –
 - (a) be detrimental to the nature of the environment, and urban design where such public place of worship is to be located,
 - (b) To maintain the amenity and character of residential areas.
 - (c) To ensure the size of site is suitable to accommodate a place of public worship.
 - (d) constitute a danger to any person or property;
 - (e) To ensure the most suitable location is achieved, by consideration of the physical constraints of the site.
 - (f) To ensure the location and size of places of public worship maintain the existing environmental capacity and service levels of streets.
 - (g) Places of public worship shall not be located within pedestrian view from an existing or approved sex industry premises.
 - (h) Temporary structures can only be for 5 years and after that if there is no a proper structure the rights will be revoked.
 - (i) There is a need to have parking space
 - (j) During the application for a church in terms of location there is a need to inform people at a certain radius that are going to be affected.
 - (k) There is a need to have a notice and the constitution of the church need to part of the requirements.
 - (l) The churches that are registered as NPOs are required to furnish the NPO certificate.
 - (m) The municipality will charge rates and taxes if the church is not registered as NPO.
 - (n) Every South African church has to be registered with a statutory body that will protect individuals from human rights violation.
 - (o) Churches must affiliate with the South African Council for Churches. The statutory body is against animalities that violates human rights.
 - (p) Households need to be notified of new churches to avoid complains.

8. APPEALS

- (1) Any interested party whose rights are affected by a decision by an authorized official in terms of or for the purposes of this By-law, may appeal against that decision to the Municipality Manager or his/her nominee(s), by lodging a written notice of appeal, specifically specifying the grounds of appeal, within 21 days of the date on which he/she was notified of that decision as per section 4(3) above.
- (2) The Municipal Manager shall give notice to all other interested parties, if any, that an appeal has been lodged and whether they want to make any further written submissions in respect of the appeal within 14 days of date of such notification.
- (3) The Municipal Manager shall consider the appeal on written submissions only and must consider such appeal and take a decision thereon within a reasonable time which shall not exceed 90 days from date of submission of the appeal or from date of expiry of the 14 day period as per subsection (2) above.
- (4) The Municipal Manager may uphold the appeal, with or without amendments, or dismiss the appeal.
- (5) The Municipal Manager must forthwith after a decision has been taken in terms of subsection (3), in writing, notify the appellant thereof and any other interested parties, if any.
- (6) An appellant and any other interested party, if any, may upon being notified of a decision in terms of subsection (5), in writing apply for reasons for the decision and the Municipal Manager must furnish written reasons to the applicant as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000.

9. OFFENCES AND PENALTIES

- (1) Any person who-
 - (a) contravenes or fails to comply with any provision of this By-law;
 - (b) refuses or fails to comply with any notice served on him or her in terms of or for the purposes of this By-law;
 - (c) There should be a fine for noise pollution by churches, this will ensure that households are not affected at night.
 - (d) refuses or fails to comply with the terms or conditions of any approval issued in terms of this By-law;
 - (e) obstructs, hinders or interferes with an authorised official or other official of the Council acting under power delegated to him or her, in the exercise of any power or the performance of any duty under this By-law;
 - (f) fails or refuses to furnish to an authorised official or other official of the Council acting under power delegated to him or her, with any documentation or information required for the purposes of this Bylaw or furnishes a false or misleading document or false or misleading information;
 - (g) fails or refuses to comply with any instruction given in terms of or for the purposes of this By-law; or
 - (h) pretends to be an authorised official or other official of the Municipality acting under power delegated to him or her, shall be guilty of an offence and –
 - (i) upon conviction, be liable to a fine or imprisonment or to both a fine and such imprisonment. The fine shall be calculated in terms of the Municipal Tariff Structure and
 - (ii) 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, or upon conviction, to

imprisonment for a period not exceeding three months or to both such fine and imprisonment.

- (2) Nothing in subsection (1) above shall be construed to prevent the Municipality from imposing, in addition to the civil and criminal options available, a rates penalty as per the Municipality's approved Rates Policy against an owner of a property who is in contravention of any provision of this By-law.

10. REPEAL OF BY-LAWS

By-laws on Places of Public Worship previously made by the Thulamela and Makhado Local Municipalities' Councils or their constituents Predecessors in respect of any portion of the area of the Collins Chabane Municipality, are hereby repealed in so far as they are inconsistent with the provisions of these By-laws.

11. SHORT TITLE

This By-law is referred to as the Collins Chabane Local Municipality Place of Public Worship By-law and will come into operation on date of promulgation of the By-law in the Provincial Gazette.

SCHEDULE 1

Documentation, information, maps, diagrams and plans to be submitted as part of an application envisaged in section 3 of this By-law:

- (a) the prescribed fee;
- (b) the written consent of the owner of the proposed public place of worship and of the registered owner of the property or building upon which the public place of worship is to be developed or on behalf of the owner of the property or building by his or her agent duly authorized in writing by such owner;
- (c) a locality plan, in color, indicating the proposed position of the public place of worship within the area of jurisdiction of the Council;
- (d) a block plan of the property upon which an public place of worship is to be erected, drawn to scale acceptable to Council, showing every building, building line and servitude on the site and the position with dimensions of the advertising sign in relation to the two boundaries of the property closest to the proposed advertising sign and the location of any public street and any building on a property adjacent to the property upon which such public place of worship is to be developed;
- (e) a copy of the title deed of the property upon which the proposed advertising sign is to be erected, if applicable;
- (f) a zoning certificate of the property concerned issued under an applicable land use scheme and a zoning map indicating the land uses in terms of such scheme of every property adjacent to the property upon which the advertising sign is to be erected;
- (g) a diagram of the property indicating the position of the proposed advertising sign with measurements from that position to the closest two boundaries of the property concerned;
- (h) proof of compliance with any other law, including but not limited to, the the National Building Regulations and Building Standards Act, and the National Environmental Management Act, to the extent that such law is applicable in respect of the application concerned;
- (i) any comments/objections/representations submitted by and conditions determined or prescribed by any statutory authority
- (j) Detail operation management plan including hours of operation, regular services, special events and ceremonies.

The likely number of persons to attend each type of service or event

Whether street parades or road closures are proposed

The nomination of a contact person that will be responsible in responding to any issues or complaints raised by the community or Council.

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BYLAW.docx



COLLINS CHABANE LOCAL MUNICIPALITY DEVELOPEMNT PLANNING DEPARTMENT

PLACE OF PUBLIC WORSHIP APPLICATION FORM		
1.	Name of owner/manager of the business/premises:	
2.	Name of Company or Organisation (if applicable):	
3.	Applicant:	Phone no:
		Fax no:
		Email:
4.	Name of Event	
	Event location:	
5.	Date of event: _____ Time of event: _____ Start: _____ End: _____	
6.	Sound checks (if any): _____ Start and end times: _____ Start: _____ End: _____	
7.	Responsible Person: Name: _____ Cellphone no: _____	
8.	Time of event, crusade and music	
9.	Is the event: Indoor <input type="checkbox"/> Outdoor <input type="checkbox"/> Number of guests <input type="checkbox"/>	
10.	Existing and/or proposed measures in place or to be adopted to limit m	

Signature of Applicant: _____

Date: _____

The following documentation must be submitted with this application:

1. A site plan indicating the following
 - 1.1. Surrounding residential premises,
 - 1.2. The position of the possible church noise sources
 - 1.3. The direction of the possible church noise sources
 - 1.4. Distances from noise sources to surrounding residential premises.
 - 1.5. Positions of possible standby generators
2. A letter of consent from the owner/body corporate and that he/she/they are aware of the proposal.
3. Written comments from the Local Ward Councillor regarding the noise exemption being issued.
4. Written comment from the Local Rate Payers Association regarding the Place of Worship exemption being issued.

The Environmental Health Practitioner for that specific area reserves the right to ask for further requirements before issuing a Place of Worship Exemption.

An application would be considered incomplete if any of the above requirements are not completed or attached to the application and will **not** be processed.

A fully completed application must be submitted to Council at least 15 (fifteen) working days prior to the commencement of the event. Failing this, the application shall not be processed.

It must be noted that the exemption shall not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the Municipality. If activities commence before the undertaking has been submitted to the Municipality, the exemption shall lapse.

The Events Office must receive the signed Place of Worship Exemption at least 3 (three) working days prior to the event. Failing this the exemption shall lapse.

Penalties

In addition, it must be noted that any person who contravenes or fails to comply with a provision of these By-Laws shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 44 OF 2019**BELA BELA LOCAL MUNICIPALITY
NOTICE OF A REZONING APPLICATION IN TERMS OF SECTION 92
OF THE BELA-BELA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2017
BELA BELA AMENDMENT SCHEME 122/08**

I, Thomas Pieterse of the firm Natura Professional Planners (Pty) Ltd, being the applicant of the properties, Portions 207 and 208 both (a portion of Portion 1) of the farm Klein Kariba 849 KR hereby give notice in terms of Section 92 of the Bela-Bela Spatial Planning and Land Use Management By-Law 2017, that I have applied to Bela Bela Municipality for the amendment of the Bela-Bela Land-Use Scheme, 2008 for rezoning in terms of Section 62 of the Bela-Bela Spatial Planning and Land Use Management By-Law 2017, of the properties as described above. The two application properties are situated on both sides of the access road from ATKV Klein Kariba Resort, inside Negester Retirement Estate.

The Rezoning is from "Residential 3" with an Annexure (No. 178) to "Residential 1" and "Special" for Access and access control and also Private Open Space / Existing graves as per Annexure 214.

The intension of the developer in this matter is to develop 21 single residential stands and a private open space area, as well as internal roads.

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: Spatial Planning and Land Use Management at Private Bag X1609, Bela-Bela, 0480 from 5 April 2019, until 7 May 2019. Any person who cannot write may during office hours attend the Office of the Municipal Manager, where an official will assist that person to lodge comment.

Full particulars and plans may be inspected during normal office hours at the Municipal offices as set out below, for a period of 28 days from the date of first publication of the notice in the Provincial Gazette and The Post newspaper.

Address of Municipal offices: Bela-Bela Municipality, Chris Hani Drive, Bela-Bela

Closing date for any objections and/or comments: 7 May 2019

Address of applicant: Verloren Estate, Stand 52, Modimolle, Limpopo / P O Box 3501, Modimolle, 0510.

Telephone No: 0824467338 / 015-2974970

Dates on which notice will be published: 5 April 2019 & 12 April 2019

PLAASLIKE OWERHEID KENNISGEWING 44 VAN 2019**BELA BELA PLAASLIKE BESTUUR
KENNISGEWING VIR HERSONERING IN TERME VAN ARTIKEL 92 VAN DIE
BELA BELA RUIMTELIKE BEPLANNING EN GRONDGEBRUIKSBESTUUR BY-WET, 2017
BELA BELA WYSIGINGSKEMA 122/08**

Ek, Thomas Pieterse van the firma Natura Professional Planners (Pty) Ltd, die applikant vir die eiendomme, Gedeeltes 207 en 208, beide (n gedeelte van Gedeelte 1) van die plaas Klein Kariba 849 KR, gee hiermee kennis in terme van Artikel 92 van die Bela Bela Ruimtelike Beplanning en Grondgebruiksbestuur By-Wet, 2017, dat ek aansoek gedoen het by Bela Bela Munisipaliteit vir die wysiging van die Bela-Bela Grondgebruikskema, 2008 deur middel van hersonering van die eiendomme soos hierbo beskryf in terme van Artikel 62 van die Bela Bela Ruimtelike Beplanning en Grondgebruiksbestuur By-Wet, 2017. Die twee eiendomme is geleë aan beide kante van die toegangspad vanaf die ATKV Klein Kariba Oord, binne die grense van Negester Aftree Landgoed.

Die hersonering is vanaf "Residensieel 3" met n Bylae (Nr. 178) na "Residensieel 1" en "Spesiaal" vir Toegang en toegangbeheer en verder Privaat Oop Ruimte / Bestaande grafte soos per Bylae 214.

Die oogmerk van die ontwikkelaar met hierdie aansoek is om 21 enkel woon residensiële erwe en n privaat oop ruimte area, asook interne paaie te ontwikkel.

Alle besware en/of kommentare, met insluiting van die redes vir sodanige besware en/of kommentare, moet ingedien word met volledige kontak besonderhede, waarsonder die Munisipaliteit nie met die persoon of instansie kan korrespondeer wat die besware en/of kommentare ingedien het nie. Alle besware en/of kommentare moet ingedien word by, of skriftelik gerig word aan: Bestuurder Ruimtelike Beplanning en Grondgebruiksbeheer by Privaatsak X1609, Bela-Bela, 0480 vanaf 5 April 2019 tot en met 7 Mei 2019. Enige persoon wat nie kan skryf nie sal tydens kantoor-ure deur 'n amptenaar by die Kantoor van die Munisipale Bestuurder bygestaan word om kommentaar in te dien.

Volledige aansoek besonderhede en planne vir die aansoek kan nagegaan word gedurende normale kantoor ure by die Munisipale kantore soos hieronder uiteengesit, vir n periode van 28 dae, vanaf datum van eerste publikasie van die kennisgewing in die Provinsiale koerant en Die Pos plaaslike koerant.

Adres van die Munisipale kantore: Bela Bela Munisipaliteit, Chris Hani Rylaan, Bela-Bela

Sluitings datum vir alle besware en/of kommentare: 7 Mei 2019

Adres van applikant: Verloren Estate, Gedeelte 52, Modimolle, Limpopo / Posbus 3501, Modimolle, 0510.

Telefoon nommer: 0824467338 / 015-2974970, Epos: theo@profplanners.co.za

Datums waarop die kennisgewing gepubliseer word: 5 April 2019 & 12 April 2019

LOCAL AUTHORITY NOTICE 45 OF 2019**POLOKWANE MUNICIPAL PLANNING BY-LAW 2017****NOTICE FOR LAND DEVELOPMENT APPLICATION FOR “EDUCATIONAL” FOR THE PURPOSE OF A “PLACE OF INSTRUCTION”**

I, Azwifaneli Nemanashi of Nash Planning and Civil Consultants (PTY) LTD as an authorized agent of the allocated owners of the property, hereby giving a notice for Land Development application lodged at the Polokwane Municipality for “Educational” land use for the purpose of “A Place of Instruction” on the Remaining Portion of the Farm Doorndraai 750 Registration Division L.S, Limpopo Province in terms of Section 74 of the Polokwane Municipal Planning By-Law 2017 and the provision of Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), for the purpose of the establishment of Maseala Progressive School Marara Campus.

The relevant documents, plans, layout plans and the application are open for inspection during office hours at the planning offices, second Floor Civic Center, Polokwane municipality for a period of 28 working days from the 12th of April 2019.

Objections and/or comments or representation in respect of the application must be lodged in writing to the Municipal Manager at the above address or at P.O. Box 111, Polokwane, 0700 within 28 days from the 12th April 2019.

Authorized Agent: Nash Planning and Civil Consultants, 89 Biccard Street, Block B, Office 11, Polokwane, 0699, email: fani@nashplanningcc.co.za, Cell: 072 642 9415.

12-19

POLOKWANE MUNICIPAL PLANNING BY-LAW 2017**TSIBIŠO YA KGOPELO YA TŠHOMIŠO YA LEFASE “TŠA THUTO” KA MORERO WA “LEFELO LA TAELO”**

Naa, Azwifaneli Nemanashi wa Nash Planning and Civil Consultants (PTY) LTD bjalo ka moemedi wa go ba le tumello ya beng ba thoto ka go fan aka tsebišo ya kgopelo ya Tlhabollo ya Lefase e begilweng Mmasepaleng wa Polokwane bakeng sa “tša Thuto” go šomiša lefase ka morero wa “Lefelo la taelo” go Remaining Portion of the Farm Doorndraai 750 Registration Division L.S, Limpopo Province go latela karolo ya 74 ya Polokwane Municipal Planning By-Law 2017 le ditokišetšo tša Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), ka morero wa go agwa ga Maseala Progressive School Marara Campus.

Ditokomane tša maleba, dipolane, kalo ya dipolane le kgopelo di bulegetšwe go hlahlobja ka di iri tša mošomo di ofising tša morero, lebatong la bobedi Civic Center, Mmasepaleng wa Polokwane mohleng wa matšatši a 28 a mošomo go tšwa go la 12 Moranang 2019.

Dikganetso le/goba dihlahlošo goba boemedi mabapi le kgopelo ye di tshwanetše go begwa ka ngwalela Mookamedi wa Mmasepala go aterese ya ka godimo goba P.O. Box 111, Polokwane, 0700 pele ga matšatši a 28 go tloga ka la 12 Moranang 2019.

Moemedi wa go ba le tumello: Nash Planning and Civil Consultants, 89 Biccard Street, Block B, Office 11, Polokwane, 0699, email: fani@nashplanningcc.co.za, Cell: 072 642 9415.

12-19

LOCAL AUTHORITY NOTICE 46 OF 2019**NOTICE OF APPLICATION FOR AMENDMENT OF THE LAND USE MANAGEMENT SCHEME IN TERMS OF SECTION 52 (1) (b) & (c) OF MARULENG SPATIAL PLANNING & LAND USE MANAGEMENT BY-LAW OF 2016 READ TOGETHER WITH THE PROVISION OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 2013 (ACT 16 OF 2013)****MARULENG AMENDMENT SCHEMES 164 & 165**

We, Kago-Boswa Consulting Spatial Planners, being the authorised agent of the owners of the properties mentioned below, hereby give notice in terms of Section 52 (1)(b) & (c) of Maruleng Spatial Planning and Land Use Management By-law of 2016, that we have applied to Maruleng Municipality for the amendment of Maruleng Land Use Management Scheme 2008, by the rezoning of:

- Portion 3 of the farm Antwerpen 60 KU from 'Agricultural' to 'Special' for a lodge (Amendment Scheme 164, Annexure 179)
- Part of Portion 45 of the farm Liverpool 202 KT from 'Agricultural' to 'Special' for a lodge (Amendment Scheme 165, Annexure 180) **and** the Removal of Restrictive Conditions B (i) & (ii) on the Deed of Transfer T8788/2018.

Particulars of the applications will lie for inspection during office hours at the Municipal Library, 64 Springbok Street, Hoedspruit, for a period of 30 days from 12 April 2019. Objections to or representations in respect of the application must be lodged with or in writing to the Municipal Manager at this address P. O. Box 627, Hoedspruit, 1380, within a period of 30 days from the 12 April 2019.

Address of the Agent: Kago-Boswa Consulting Spatial Planners, P. O. Box 14098, Flamwood Walk, 2535 (Cell: 0827780429, email: kagoboswa@gmail.com)

PLAASLIKE OWERHEID KENNISGEWING 46 VAN 2019**KENNISGEWING VAN AANSOEK VIR WYSIGING VAN GRONDGEBRUIKSKEMA INGEVOLGE ARTIKEL 52 (1) (b) & (c) VAN DIE MARULENG RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR VAN 2016 SAAMGELEES MET DIE VERSKAFFING VAN RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR WET 2013 (WET 16 VAN 2013)****MARULENG WYSIGINGSKEMAS 164 & 165**

Ons, Kago-Boswa Consulting Spatial Planners, synde die gematigde agent van die eienaars van die eienskappe hieronder genome, gee hiermee ingevolge Artikel 52 (1) (b) & (c) van die Maruleng Ruimtelike Beplanning en Grondgebruikbestuur Verordening Van 2016, kennis dat ons by die Maruleng Munisipaliteit aansoek gedoen het om die wysiging van die Maruleng Grondgebruikskema 2008, deur die hersonering van:

- Gedeelte 3 van die plaas Antwerpen 60 KU van 'Landbou' na 'Spesiaal' vir lodge (Wysigingskema 164, Bylae 179)
- Deel van Gedeelte 45 van die plaas Liverpool 202 KT van 'Landbou' na 'Spesiaal' vir lodge (Wysigingskema 165, Bylae 180) **en** die Opheffing van Beperkende Voorwaardes B (i) & (ii) in die Akte van Transport T8788/2018.

Besonderhede van die aansoeke lê ter insae gedurende gewone kantoor ure by die Munisipaliteit Biblioteek, 64 Springbokstraat, Hoedspruit, vir 'n tydperk van 30 dae vanaf 12 April 2019. Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van die 30 dae vanaf 12 April 2019 skriftelik by of tot die Munisipale Bestuurder by Posbus 627, Hoedspruit, 1380, ingedien of gerig word.

Adres van Agent: Kago-Boswa Consulting Spatial Planners, Posbus 14098, Flamwood Walk, 2535 (Sel: 0827780429, e-pos: kagoboswa@gmail.com)