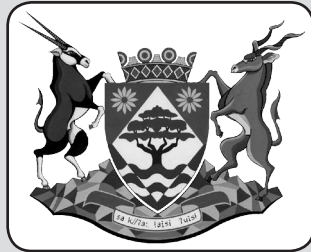


# NORTHERN CAPE PROVINCE

PROFENSI YA KAPA-BOKONE



NOORD-KAAP PROVINSIE

IPHONDO LOMNTLA KOLONI

Provincial Gazette  
Kasete ya Profensi

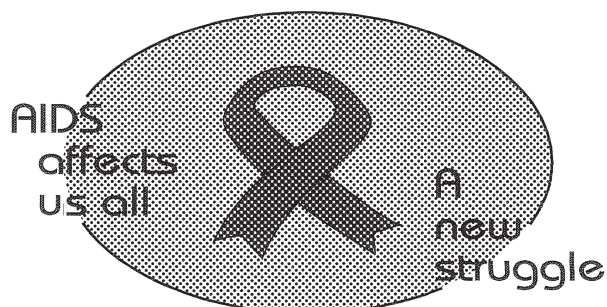
iGazethi YePhondo  
Provinsiale Koerant

Vol. 25

KIMBERLEY  
23 APRIL 2018  
23 APRIL 2018

No. 2177

## We all have the power to prevent AIDS



## AIDS HELPLINE

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

*N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes*

ISSN 1682-4549



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As of **Monday, 04 January 2016**, the **Government Printing Works** has become the custodian of the Northern Cape *Provincial Gazette*.

**GPW** will start accepting notices from Northern Cape (NC) customers with the following conditions:

- Any submissions received from the NCPL (Northern Cape Provincial Legislature) from the 01 January 2016 will be rejected.
- Any submissions received from NC customers where the proof of payment is made to NCPL will also be rejected.
- Over and above these 2 points, the **GPW** Business rules and Submissions deadlines will apply.

Each province has standard notice types that are published in that specific *Provincial Gazette*.

The valid notice types applicable for the Northern Cape *Provincial Gazette* are:

Proclamations, General Notice, Municipal Notice, Premier's Notice

**IMPORTANT NOTICE:**

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

**No** FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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# Closing times for **ORDINARY WEEKLY** 2018 NORTHERN CAPE PROVINCIAL GAZETTE

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

- **20 December 2017**, Wednesday for the issue of Monday **01 January 2018**
- **29 December 2017**, Friday for the issue of Monday **08 January 2018**
- **08 January**, Monday for the issue of Monday **15 January 2018**
- **15 January**, Monday for the issue of Monday **22 January 2018**
- **22 January**, Monday for the issue of Monday **29 January 2018**
- **29 January**, Monday for the issue of Monday **05 February 2018**
- **05 February**, Monday for the issue of Monday **12 February 2018**
- **12 February**, Monday for the issue of Monday **19 February 2018**
- **19 February**, Monday for the issue of Monday **26 February 2018**
- **26 February**, Monday for the issue of Monday **05 March 2018**
- **05 March**, Monday for the issue of Monday **12 March 2018**
- **12 March**, Monday for the issue of Monday **19 March 2018**
- **16 March**, Monday for the issue of Monday **26 March 2018**
- **23 March**, Monday for the issue of Monday **02 April 2018**
- **28 March**, Wednesday for the issue of Monday **09 April 2018**
- **09 April**, Monday for the issue of Monday **16 April 2018**
- **16 April**, Monday for the issue of Monday **23 April 2018**
- **20 April**, Friday for the issue of Monday **30 April 2018**
- **26 April**, Thursday for the issue of Monday **07 May 2018**
- **07 May**, Monday for the issue of Monday **14 May 2018**
- **14 May**, Monday for the issue of Monday **21 May 2018**
- **21 May**, Monday for the issue of Monday **28 May 2018**
- **28 May**, Monday for the issue of Monday **04 June 2018**
- **04 June**, Monday for the issue of Monday **11 June 2018**
- **11 June**, Monday for the issue of Monday **18 June 2018**
- **18 June**, Monday for the issue of Monday **25 June 2018**
- **25 June**, Monday for the issue of Monday **02 July 2018**
- **02 July**, Monday for the issue of Monday **09 July 2018**
- **09 July**, Monday for the issue of Monday **16 July 2018**
- **16 July**, Monday for the issue of Monday **23 July 2018**
- **23 July**, Monday, for the issue of Monday **30 July 2018**
- **30 July**, Monday for the issue of Monday **06 August 2018**
- **03 August**, Friday for the issue of Monday **13 August 2018**
- **13 August**, Monday for the issue of Monday **20 August 2018**
- **20 August**, Monday for the issue of Monday **27 August 2018**
- **27 August**, Monday for the issue of Monday **03 September 2018**
- **03 September**, Monday for the issue of Monday **10 September 2018**
- **10 September**, Monday for the issue of Monday **17 September 2018**
- **17 September**, Monday for the issue of Monday **24 September 2018**
- **21 September**, Friday for the issue of Monday **01 October 2018**
- **01 October**, Monday for the issue of Monday **08 October 2018**
- **08 October**, Monday for the issue of Monday **15 October 2018**
- **15 October**, Monday for the issue of Monday **22 October 2018**
- **22 October**, Monday for the issue of Monday **29 October 2018**
- **29 October**, Monday for the issue of Monday **05 November 2018**
- **05 November**, Monday for the issue of Monday **12 November 2018**
- **12 November**, Monday for the issue of Monday **19 November 2018**
- **19 November**, Monday for the issue of Monday **26 November 2018**
- **26 November**, Monday for the issue of Monday **03 December 2018**
- **03 December**, Monday, for the issue of Monday **10 December 2018**
- **10 December**, Monday, for the issue of Monday **17 December 2018**
- **14 December**, Friday for the issue of Monday **24 December 2018**

# LIST OF TARIFF RATES

## FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2018**

### NATIONAL AND PROVINCIAL

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

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

### EXTRA-ORDINARY

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

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

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

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

**All notices received after the closing time will be rejected.**

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

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****EXTRAORDINARY GAZETTES**

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

**NOTICE SUBMISSION PROCESS**

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

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****QUOTATIONS**

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



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

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

**CANCELLATIONS**

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

**AMENDMENTS TO NOTICES**

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

**REJECTIONS**

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

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

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

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

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

**LIABILITY OF ADVERTISER**

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

**CUSTOMER INQUIRIES**

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

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

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

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

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

### PAYMENT OF COST

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

### PROOF OF PUBLICATION

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

## GOVERNMENT PRINTING WORKS CONTACT INFORMATION

**Physical Address:**

**Government Printing Works**  
149 Bosman Street  
Pretoria

**Postal Address:**

Private Bag X85  
Pretoria  
0001

**GPW Banking Details:**

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

**For Gazette and Notice submissions:** Gazette Submissions:

**E-mail:** [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za)

**For queries and quotations, contact:** Gazette Contact Centre:

**E-mail:** [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)

**Tel:** 012-748 6200

**Contact person for subscribers:** Mrs M. Toka:

**E-mail:** [subscriptions@gpw.gov.za](mailto:subscriptions@gpw.gov.za)

**Tel:** 012-748-6066 / 6060 / 6058

**Fax:** 012-323-9574

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**NOTICE 51 OF 2018****LAND USE MANAGEMENT BY-LAW  
FOR  
DAWID KRUIPER MUNICIPALITY**

VERSION 1.1 - MARCH 2018  
(as approved by Council on 27 February 2018)

**Preamble**

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

AND WHEREAS a Municipality has distinctive responsibilities in terms of the Constitution and other legislation regarding Spatial Planning and Land Use Management within its area of jurisdiction; and

AND WHEREAS the commencement of the Spatial Planning and Land Use Management Act, 16 of 2013 on 1 July 2015 has necessitated the promulgation of a By-Law to ensure that the Municipality can give effect to its obligations

BE IT THEREFORE ENACTED by the Municipal Council of Dawid Kruiper Municipality as follows:-

**1. DEFINITIONS AND INTERPRETATIONS**

- 1) In this By-law, unless the context indicates otherwise, any word or term to which a meaning has been assigned in the Spatial Planning and Land Use Management Act 16 of 2013 and has the meaning assigned to it in that Act.

All references to sections in this By-law refers to the By-law unless clearly indicated otherwise.

Apart from the words and terms defined in the Act, the following words or terms shall have the following meaning in this By-law -

“Act” or “the Act” means the Spatial Planning and Land Use Management Act 16 of 2013 and any Regulations published in terms of section 54 of the Act;

“application” means an application to submitted to the Municipality in terms of which a development right is sought;

“authorised employee” means a municipal employee who is authorised by the Municipal Council of the Municipality to exercise a power or perform a duty in terms of this By-law as read with the provisions of the Act;

“Council” means the Municipal Council of the Municipality;

“Municipality” means the Municipality established by Establishment Notice [insert number] of [insert date] issued in terms of the Local Government: Municipal Structures Act 117 of 1998 or the delegated employee of the Municipality or the Municipal Planning Tribunal of the Municipality if the context so require;

“Municipal Planning Tribunal” means the Municipal Planning Tribunal appointed and by the Council and established by the Municipality in terms of the Act;

“Regulations” means any Regulations published in terms of the Act.

**2. APPLICATION OF BY-LAW**

- 1) This By-law applies to the area of jurisdiction of Dawid Kruiper Municipality and should be read together with the Land Use Management Scheme for Dawid Kruiper Municipality.

**3. LAND DEVELOPMENT REQUIRING APPROVAL**

- 1) No person may commence, continue, or cause the commencement or continuation of land development without the approval of the Municipality in terms of subsection (2).
- 2) The owner of land (including all organs of state) or a person listed in section 45(1) of the Act must apply to the Municipality in terms of this By-law, and in accordance with the approved Land Use Management Scheme for Dawid Kruiper Municipality, for any changes- or additional land use/development rights.

- 3) If any development right is granted subject to any conditions as may be imposed in respect thereof, the applicant and owner must comply with such conditions imposed, as well as any conditions contained in any applicable land use management scheme and the Spatial Development Framework of the Municipality.
- 4) If a Municipality wishes to apply for any development rights made provision for in this By-law, it must submit its application in the manner prescribed which will be dealt with in the manner prescribed.

#### **4 REZONING OF LAND**

- 1) The rezoning of land may be made applicable to a land unit or part thereof, and zoning of land need not follow the boundaries of land as registered in terms of the Deeds Registries Act.

#### **5. SUBDIVISION**

- 1) No person may subdivide land without the approval of the Municipality, unless the subdivision is exempted in terms of the Land Use Management Scheme of Dawid Kruiper Municipality.
- 2) An applicant may submit a subdivision application simultaneously with an application for rezoning.

#### **6. AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS**

- 1) The Municipal Planning Tribunal may upon application amend or remove a restrictive condition contained in the conditions of establishment of a township, in a title deed relating to land or those conditions contained in a land use management scheme administered by it.

#### **7. 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 shall vest in the Municipality upon registration of the public open space in terms of the Deed Registries Act, unless a provision to the contrary is contained in the development right granted to an applicant, in which event the condition contained in such a development right shall prevail.
- 2) The Municipality may in terms of conditions imposed in terms of any development right granted determine or designate land that must be used for the provision of engineering service which must be transferred to the Municipality at the cost of the owner upon the owner complying with the development right thus granted.

#### **8. CLOSURE OF PUBLIC PLACES**

- 1) The Municipality may upon application, permanently close a public place or any portion thereof in accordance with provisions of this By-Law and the Land Use Management Scheme.
- 2) An applicant who requires the closure of a public place, including the Municipality, whether permanently or temporarily, must apply to the Municipality, in terms of section 3 of this By-Law as well as the approved Land Use Management Scheme for Dawid Kruiper Municipality, in the manner prescribed.
- 3) The ownership of the land comprised in any public place or portion thereof that is permanently closed in terms of this section continues to vest in the Municipality, unless the Municipality determines otherwise.

#### **9. SERVICES ARISING FROM SUBDIVISION OR THE GRANTING OF ANY OTHER DEVELOPMENT RIGHTS**

- 1) Subsequent to the approval of an application for subdivision or any other development right 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 its land in respect of other land units originating from the subdivision:
    - i. electricity cables;
    - ii. telephone cables;
    - iii. other electronic infrastructure;
    - iv. main and other water pipes;
    - v. sewer lines;
    - vi. storm water pipes;
    - vii. ditches and channels; and
    - viii. any cable conveying data in any format whatsoever.
  - 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) or (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 to 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.

#### **10. APPLICATION PROCEDURES**

- 1) All development applications for rezoning, subdivision, secondary and or consent use or any other relevant application in terms of the Act and/or these regulations will be executed strictly according to the procedures for the handling of applications as set out in the LUMS.

#### **11. WRITTEN ASSESSMENT OF APPLICATION**

- 1) The Municipal Planning Tribunal or the Designated Official may request the Municipality to provide it with a written assessment of any application within a reasonable period of time.
- 2) A written assessment contemplated in subsection (1) may include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

#### **12. DEVELOPMENT CHARGES**

- 1) The following components are applicable regarding development charges relating to developments within the borders of the Municipality as imposed by Council in accordance with sections 40(7)(b) of the Act, namely:
- a) The applicant must pay development charges to the Municipality in respect of the provision of an external engineering service by the municipality.
  - b) The external engineering service, for which development charges are payable, must be set out in a policy adopted by the Municipality and/or annual fixed tariff list and included in the approval letter.
  - c) The amount of the development charges payable by an applicant must be calculated in accordance with the policy and/or annual fixed tariff list adopted by the Municipality.
  - d) The date by which development charges must be paid and the means of payment must be specified in the conditions of approval.
  - e) The development charges imposed are subject to escalation at the rate calculated in accordance with the policy and/or annual fixed tariff list on development charges and will be recalculated if these rates have changed before the payment is made.

#### **13. ERRORS AND OMISSIONS**

- 1) The Municipal Planning Tribunal or the designated employee may at any time correct an error in the wording of its decision if the correction does not change its decision or result in an alteration, suspension or deletion of a condition of approval.
- 2) The Municipal Planning Tribunal or the designated employee may on its own initiative or on application by the applicant or interested party, and upon good cause shown, condone an error in a procedure, provided that such condonation does not have a material adverse effect on, or unreasonably prejudices, any party.

#### **14. ENFORCEMENT, OFFENCES AND PENALTIES**

- 1) Any person who—
- a) contravenes or fails to comply with this By-Law; or
  - b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the municipality and who does not cease that use or take reasonable steps to ensure that the use ceases; or
  - c) supplies particulars, information or answers in an application knowing it to be false, incorrect or misleading or not believing them to be correct,
- is guilty of an offence and is liable upon conviction to a fine and/or imprisonment, as stated in the Act.
- 2) An owner who permits his or her land to be used in a manner set out in subsections(1)(a) and (1)(b) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of a zoning scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment, as stated in the Act.

- 3) Any person who refuse an authorised employee of the Municipality access to land in terms of sections 32 and/or 48 of the Act or hinders the authorised employee, is guilty of an offence and liable upon conviction to a fine and/or imprisonment as stated in the Act.

## 15. COMPLAINT

- 1) A person, who is affected by an alleged contravention of this By-Law or the LUMS of the Municipality, may in writing, request the Municipality to investigate the alleged contravention and to act in terms of this By-Law.
- 2) A person who submits a complaint, objection, comment or representation must provide –
  - a) sufficient details of the contravention;
  - b) their full name;
  - c) their address and other contact details and the method by which they may be notified;
  - d) the reason for the complaint or how they are affected by the contravention, including at least –
    - i. the effect the contravention has on them or the area;
    - ii. any aspect of the contravention that is considered to be inconsistent with policy, and how.
- 3) An objection, comment or representation which does not meet the requirements of subsection (2) may be disregarded.
- 4) The Municipality must then investigate the complaint within the time and in accordance with the procedure set out in the LUMS and take steps to rectify the matter.

## 16. RECTIFICATION OF CONTRAVENTIONS

- 1) It is the responsibility of Dawid Kruiper Municipality to ensure that land is utilized in accordance with the Land Use Management Scheme and that contraventions are rectified in accordance with this By-Law. Failure to rectify an unauthorised land use will be dealt with as stipulated hereunder and will also be subjected to the Municipality imposing a monthly or occasional levy as per annual approved tariff structure of Council for such unauthorised land uses, as part of the Municipal account until such time as the owner / occupier of the said property provides written proof that the contravention has been rectified.
- 2) If land, a land unit or land area or a building situated thereon or any part thereof is developed or utilised or any other action is taken in contravention of any provisions of this By-law and/or the Land Use Management Scheme of the Municipality, the Municipality shall serve a notice to comply (hereinafter referred to a "notice to comply" or "contravention notice") on the owner / occupier of the land in the manner prescribed, to rectify the contravention before a date specified in the notice to comply, being not less than 7 days (norm for any non-residential contravention) and not more than 30 days (where contravention is of a residential nature) after the date on which the notice to comply was served.
- 3) The Municipality may on written application or of its own accord agree to the extension of the period within which the contravention is to be rectified, provided that an extension shall only be granted if a building has to be demolished to rectify the contravention.
- 4) If the owner / occupier fails to comply with the notice to comply, the Municipality shall take all further steps required to rectify the contravention, which may include the imposing of a contravention levy and/or legal proceedings instituted against the land owner and/or occupant.
- 5) The Municipality will, according to the annual approved tariff structure of Council, impose a contravention levy for unauthorised land uses as part of the municipal account, until such time as the owner / occupier of the said property provides written proof that the contravention has been rectified.
- 6) The owner of the land and/or occupier, in the case of municipal or state owned land, concerned on the date on which the notices to comply was issued and who fails to comply with the notice, shall be liable for the payment of the contravention levy which may be
  - a) an once off amount applicable per event or occurrence of the said contravention, or
  - b) a monthly levy applicable as long as the contravention continues and both such levies may be calculated retrospectively from the date on which the contravention first occurred.
- 7) If the owner or occupier disputes the existence or the nature of the contravention to which the notice to comply relates, he or she shall on or before the date referred to in subsection (2) submit a written statement to the Municipal Planning Tribunal of the Municipality.
- 8) If the owner or occupier disputes the existence or the nature of the contravention to which the notice to comply relates to, the Municipal Planning Tribunal of the Municipality may obtain the written comments from any



interested party or person who has an interest in the matter.

- 9) Upon receipt of the written comments from any interested party / person as referred to in subsection (8), the owner or occupier shall within 10 (ten) days after receipt of copies of the written comments referred to in subsection (8), provide his or her written response thereto to the Municipal Planning Tribunal of the Municipality. If the owner or occupier who disputes existence or the nature of the contravention to which the notice to comply relates fails to provide his or her written response thereto within the prescribed period, such an owner or occupier shall be deemed to not have responded to the written comments referred to in subsection (8).
- 10) Upon receipt of the written response referred to in subsection (9) or upon expiry of the period contemplated in subsections (9) the Municipal Planning Tribunal or designated official shall, with due regards to all facts and public interest –
  - a) make a decision with regard to the existence or the nature and extent of the contravention;
  - b) impose a contravention levy if deemed appropriate and determine the date on which it is payable; and
  - c) if a contravention is to be rectified, determine the period within which it shall be done and the conditions imposed in respect thereof.
- 11) Any decision in terms of subsection (10) shall be served on the owner or occupier in the manner prescribed.
- 12) The person who is the owner or occupier of the land concerned on the date on which a decision was made in terms of subsection (10), shall be liable for the payment of the contravention levy which may be
  - a) an once off amount applicable per event or occurrence of the said contravention, or
  - b) a monthly levy applicable as long as the contravention continues and both such levies may be calculated retrospectively from the date on which the contravention first occurred.
- 13) Ownership of land, land unit or land area in terms of which a notice to comply in terms of subsection (1) has been served, shall only be transferred after a decision was made in terms of subsection (10).
- 14) Any application in terms of SPLUMA and/or the Land Use Management Scheme may only take effect after the payment of any contravention levy imposed on the land, has been paid.

#### **17. ENFORCEMENT LITIGATION**

- 1) The Municipality may apply to the Magistrate Court in whose jurisdiction the land is situated to obtain an order to compel the owner and/or the occupiers of land in question to—
  - a) cease with the unlawful utilisation of land, and/or
  - b) demolish, remove or alter any building, structure or work illegally erected or constructed and/or
  - c) rehabilitate the land concerned.

#### **18. TRANSFER CLEARANCE**

- 1) A transferor intending to effect the first registration of transfer of a land unit which arises out of an approved subdivision within the area of the municipality, may be required by the municipality to provide the municipality with proof to the satisfaction of the municipality that all the requirements of the original approval have been met.
- 2) A transferor intending to effect the registration of transfer of any land unit within the area of the municipality that is indicated on the system as being subject to the action referred to in section 16 above, must provide proof to the satisfaction of the municipality, that –
  - a) in cases where a contravention levy was imposed in terms of this By-law – that the levy or penalty has been paid;
  - b) in cases where a compliance notice has been issued in terms of section 16 – that the directive has been complied with.
- 3) If the Municipality is satisfied that the requirements of subsection (1) and (2) have been met, the Municipality may issue a certificate authorising the transfer.

#### **19. SHORT TITLE AND COMMENCEMENT**

- 1) This By-law is called the Dawid Kruiper Municipality By-Law on Land Use Management.
- 2) This By-law comes into operation on the date on which it is published in the Provincial Gazette.









Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.  
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za  
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

Also available at the **Northern Cape Provincial Legislature**, Private Bag X5066, Nobengula Extension,  
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