



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SAKWAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)
(Irejistiwee njengephephandaba eposihhovisi)

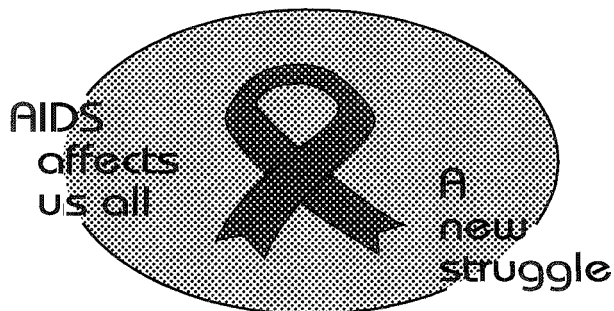
Vol. 4

PIETERMARITZBURG,

22 JULY 2010
22 JULIE 2010
22 kuNTULIKAZI 2010

No. 486

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



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IMPORTANT NOTICE

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ISIKHANGISO

Ezingxubevange (bheka uhlu oluseceleni, ekhasini 58)

IMPORTANT NOTICE

The
KwaZulu-Natal Provincial Gazette Function
will be transferred to the
Government Printer in Pretoria
as from 26 April 2007

NEW PARTICULARS ARE AS FOLLOWS:

Physical address:

Government Printing Works
149 Bosman Street
Pretoria

Postal address:

Private Bag X85
Pretoria
0001

New contact persons: Louise Fourie Tel.: (012) 334-4686
Mrs H. Wolmarans Tel.: (012) 334-4591

Fax number: (012) 323-8805

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Hester.Wolmarans@gpw.gov.za

Contact persons for subscribers:

Mrs J. Wehmeyer Tel.: (012) 334-4734
Tel.: (012) 334-4753
Fax.: (012) 323-9574

This phase-in period is to commence from **26 April 2007**, which is the closing date for all adverts to be received for the publication date of **3 May 2007**.

Subscribers and all other stakeholders are advised to send their advertisements directly to the **Government Printing Works**, one week (five working days) before the date of printing, which will be a Thursday.

Payment:

- (i) Departments/Municipalities: Notices must be accompanied by an order and official letterhead, including financial codes, contact person and address of Department.
- (ii) Private persons: Must pay in advance before printing.

AWIE VAN ZYL
Advertising Manager

IT IS THE CLIENTS RESPONSIBILITY TO ENSURE THAT THE CORRECT AMOUNT IS PAID AT THE CASHIER OR DEPOSITED INTO THE GOVERNMENT PRINTING WORKS BANK ACCOUNT AND ALSO THAT THE REQUISITION/COVERING LETTER TOGETHER WITH THE ADVERTISEMENTS AND THE PROOF OF DEPOSIT REACHES THE GOVERNMENT PRINTING WORKS IN TIME FOR INSERTION IN THE PROVINCIAL GAZETTE.

No ADVERTISEMENTS WILL BE PLACED WITHOUT PRIOR PROOF OF PRE-PAYMENT.

$\frac{1}{4}$ page **R 215.43**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

**A PRICE
INCREASE OF
14.97% WILL BE
EFFECTIVE ON
ALL TARIFFS
FROM
1 JUNE 2010**

$\frac{1}{4}$ page **R 430.87**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

$\frac{1}{4}$ page **R 646.31**

Letter Type: Arial Size: 10

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Exactly 11pt

$\frac{1}{4}$ page **R 861.74**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt



REPUBLIC
OF
SOUTH AFRICA

LIST OF FIXED TARIFF RATES AND CONDITIONS

FOR PUBLICATION OF LEGAL NOTICES
IN THE *KwaZulu-Natal PROVINCE*
PROVINCIAL GAZETTE

COMMENCEMENT: 1 JUNE 2010

CONDITIONS FOR PUBLICATION OF NOTICES

CLOSING TIMES FOR THE ACCEPTANCE OF NOTICES

1. (1) The *KwaZulu-Natal Provincial Gazette* is published every week on Thursday, and the closing time for the acceptance of notices which have to appear in the *KwaZulu-Natal Provincial Gazette* on any particular Thursday, is **15:00 one week prior to the publication date**. Should any Thursday coincide with a public holiday, the publication date remains unchanged. However, the closing date for acceptance of advertisements moves backwards accordingly, in order to allow for 5 working days prior to the publication date.
- (2) The date for the publication of an **Extraordinary** *KwaZulu-Natal Province Provincial Gazette* is negotiable.
2. (1) Notices received **after closing time** will be held over for publication in the next *KwaZulu-Natal Provincial Gazette*.
- (2) Amendments or changes in notices cannot be undertaken unless instructions are received **before 10:00 on Fridays**.
- (3) Notices for publication or amendments of original copy can not be accepted over the telephone and must be brought about by letter, by fax or by hand. The Government Printer will not be liable for any amendments done erroneously.
- (4) In the case of cancellations a refund of the cost of a notice will be considered only if the instruction to cancel has been received on or before the stipulated closing time as indicated in paragraph 2(2).

APPROVAL OF NOTICES (This only applies to Private Companies)

3. In the event where a cheque, submitted by an advertiser to the Government Printer as payment, is dishonoured, then the Government Printer reserves the right to refuse such client further access to the *KwaZulu-Natal Provincial Gazette* until any outstanding debts to the Government Printer is settled in full.

THE GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

4. The Government Printer will assume no liability in respect of—
 - (1) any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - (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;

- (3) any editing, revision, omission, typographical errors, amendments to copies or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

5. 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.

COPY

6. Notices must be typed on one side of the paper only and may not constitute part of any covering letter or document.
7. At the top of any copy, and set well apart from the notice, the following must be stated:

Where applicable

- (1) The heading under which the notice is to appear.
- (2) The cost of publication applicable to the notice, in accordance with the "Word Count Table".

PAYMENT OF COST (This only applies to Private Companies)

9. **With effect from 26 April 2007 no notice will be accepted for publication unless the cost of the insertion(s) is prepaid in CASH or by CHEQUE or POSTAL ORDERS. It can be arranged that money can be paid into the banking account of the Government Printer, in which case the deposit slip accompanies the advertisement before publication thereof.**
10. (1) The cost of a notice must be calculated by the advertiser in accordance with the word count table.

(2) 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 **Advertising Section, Government Printing Works, Private Bag X85, Pretoria, 0001 [Fax: (012) 323-8805], before publication.**
11. 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 the notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or by cheque or postal orders, or into the banking account.

12. *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.*
13. The Government Printer reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the Word Count Table, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

14. **Copies of the *KwaZulu-Natal Provincial Gazette* which may be required as proof of publication, may be ordered from the Government Printer at the ruling price.** The Government Printer will assume no liability for any failure to post such *KwaZulu-Natal Provincial Gazette(s)* or for any delay in despatching it/them.

GOVERNMENT PRINTERS BANK ACCOUNT PARTICULARS

Bank:	ABSA
	BOSMAN STREET
Account No.:	4057114016
Branch code:	632-005
Reference No.:	00000006
Fax No.:	(012) 323 8805

Enquiries:

Mrs. L. Fourie	Tel.: (012) 334-4686
Mrs. H. Wolmarans	Tel.: (012) 334-4591

PROVINCIAL NOTICES—PROVINSIALE KENNISGEWINGS—IZAZISO ZESIFUNDAZWE

The following notices are published for general information.

Onderstaande kennisgewings word vir algemene inligting gepubliseer.

300 Langalibalele Street
Pietermaritzburg
22 July 2010

MR R. GOVENDER
Acting Director-General

MNR. R. GOVENDER
Waarnemende Direkteur-generaal

Langalibalelestraat 300
Pietermaritzburg
22 Julie 2010

Izaziso ezilandelayo zikhishelwe ulwazi lukawonkewonke.

300 Langalibalele Street
Pietermaritzburg
22 kuNtulikazi 2010

MNU. R. GOVENDER
iBamba loMqondisi-Jikelele

No. 105

22 July 2010

UMHLATHUZE MUNICIPALITY

KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT, 2008 : DELEGATIONS, UMHLATHUZE MUNICIPALITY

The uMhlathuze Municipality adopted the delegations set out in the Schedule to this notice in terms of section 156(1) of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008).

MR N P NHLEKO
Acting Municipal Manager
uMhlathuze Municipality

SCHEDULE**KEY TO DELEGATIONS OF POWER**

DESCRIPTION	ABBREVIATION
Cashier	Cashier
Central Registry	REG
Executive Committee of uMhlathuze Municipal Council	EXCO
Municipal Manager	MM
Senior Manager: City Development	SMCD
Senior Manager: Corporate Services	SMCS
Registered Planner	RP
Town Planning Inspector	TPI

1. DEFINITIONS

Control measure: A control measure is a condition of a delegation that is not contained in legislation.

Note: A note alerts the person to whom a power has been delegated to important information contained in the legislation. This includes: a reference to a related power, criteria that has to be considered when making a decision, and persons who need to be consulted before the power can be exercised.

"registered planner" means a person registered as a registered planner or a technical planner contemplated in section 13(4) of the Planning Profession Act, unless the South African Council for Planners has reserved the work to be performed by a registered planner in terms of this Act for a particular category of registered persons in terms of section 16(2) of the Planning Profession Act, in which case a registered planner shall mean that category of registered persons for which the work has been reserved.

**KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT, 2008
(ACT 6 OF 2008)**

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	Section 4(2): To apply to the Member of the Executive Council for an extension of the period in which to adopt a scheme or schemes for its whole area of jurisdiction.	Note: - Accompanied by a written motivation and an request specifying the amount of additional time required in terms of section 4(3)	EXCO
2	Section 7: To review schemes within six months after Council adopted an Integrated Development Plan for its elected term.	Control Measure: - Only EXCO may adopt the revised scheme	SMCD
3	Section 8: To compile and maintain an up-to-date version of the Scheme and make it available for inspection and copying at all reasonable times by any person		SMCD
4	Section 9(1), 22(1), 39(1), 51(1) and 61(1): To initiate proposals on behalf of the Municipality	Notes: - Proposals to: <ul style="list-style-type: none"> • Adopt or replace a scheme • Amend a scheme • Subdivide and consolidate land • Develop land situated outside the area of a scheme • Phase or cancel an approved layout • Alter, suspend or delete a restriction relating to land - The Municipality must be the land owner or act with the owner's consent in the case for the subdivision of land, the consolidation of land and the development of land situated outside the area of a scheme - Process in accordance with Part 2 of Schedule 1, except for the phasing or cancellation of an approved layout - Process for the phasing or cancellation of an approved layout in accordance with section 52 - Provision for combined proposals in terms of section 10(4), 23(3), 40(2) and 62(3) - Right to amend a proposal after notice has been given thereof in terms of Schedule 1 item 17(1) - Right to amend scheme to avoid having to pay compensation in section 95(2)	SMCD

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
5	<p>Sections 9(2), 22(2), 39(2), 51(2) and 61(2): To receive and administer applications</p>	<p>Notes:</p> <ul style="list-style-type: none"> - Applications to: <ul style="list-style-type: none"> • Amend a scheme • Subdivide and consolidate land • Develop land situated outside the area of a scheme • Phase or cancel an approved layout • Alter, suspend or delete a restriction relating to land - Process in accordance with Part 1 of Schedule 1, except for the phasing or cancellation of an approved layout - Process for the phasing or cancellation of an approved layout in accordance with section 52 - Status of legal successor-in-title in accordance with section 9(3) - Provision for combined proposals in terms of section 10(4), 23(3), 40(2) and 62(3) 	SMCD
6	<p>Sections 11, 24, 41, 53, 63: To evaluate and make recommendations on proposals or applications in terms of the Act, and to issue certificates confirming that the proposals or applications comply with the Act</p>	<p>Note:</p> <ul style="list-style-type: none"> - Matters relevant in determining the merits of proposals or applications are contained in sections 12, 25, 42, 54, and 64 	RP
7	<p>Section 13(1): To approve, with or without alterations, or to refuse the <u>adoption</u> or <u>replacement</u> of a scheme</p>	<p>Control Measure:</p> <ul style="list-style-type: none"> - Decision must be informed by a registered planner or on advice of a registered planner in accordance with section 11 - Decision may not be in conflict with provincial planning and development norms and standards or the municipality's IDP as per section 13(2) and 13(3) <p>Notes:</p> <ul style="list-style-type: none"> - Decision may not be delegated to an official or another municipality in terms of section 156(1) - Timeframes in accordance with items 12 and 21 of Schedule 1 - Effective date of decision as per section 16 	EXCO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
8	<p>Section 13(1), 26(1), 43(1), 55(1) and 65(1): To approve, with or without alterations, or to refuse a proposal or an application</p>	<p>Notes:</p> <ul style="list-style-type: none"> - Applications to: <ul style="list-style-type: none"> • Amend a scheme • Subdivide and consolidate land • Develop land situated outside the area of a scheme • Phase or cancel an approved layout • Alter, suspend or delete a restriction relating to land - Decision must be informed by advice of a registered planner in accordance with section 11, 24, 41, 53 and 63 - Decision to: <ul style="list-style-type: none"> • Amend a scheme • Subdivide and consolidate land • Develop land situated outside the area of a scheme • Alter, suspend or delete a restriction relating to land <p>may not be in conflict with provincial planning and development norms and standards or the municipality's IDP as per section 13(2), 26(2), 43(2) and 65(2)</p> - Decision to: <ul style="list-style-type: none"> • Subdivide and consolidate land • Alter, suspend or delete a restriction relating to land <p>may not be in conflict with scheme as per section 26(2) and 65(2)</p> - Timeframes in accordance with items 12 and 21 of Schedule 1 - EXCO/SMCD may impose conditions in accordance with section 13(4), 26(3) and (4), 43(3) and (4), 55(2) and 65(3) - Reasons for decision must comply with section 13(5), 26(5), 43(5), 55(3) and 65(4) - Effective date of decision as per section 16, 29, 46, 58 and 68 - Section 59 relating to the legal effect of approval of phasing or cancellation of approved layout plans (including transfer of land and ownership) - May not suspend or remove a mineral right registered against the title of any land in accordance with section 60(3) 	<p>EXCO Proposals and applications to:</p> <ul style="list-style-type: none"> • amend a scheme and objections or land belongs to the Municipality • subdivide land to create more than four erven, objections, or land belongs to the Municipality • develop land situated outside the area of a scheme • phase or cancel an approved layout • alter, suspend or delete a restriction relating to land and objections, or land belongs to the Municipality <p>SMCD Applications to:</p> <ul style="list-style-type: none"> • amend a scheme, no objections • subdivide land to create up to four erven, no objections • alter, suspend or delete a restriction relating to land, no objections
9	<p>Section 13(6), 26(6), 43(6), 55(4), 65(5): To correcting an error in the wording of the Municipality's decision on a proposal or an application</p>	<p>Note: The correction may not constitute a change in its decision or an alteration, suspension or deletion of a condition of its approval</p>	<p>SMCD</p>

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
10	Section 14(1), 27(1), 44(1), 56(1), 66(1): Informing persons who have commented on a proposal or an application of Municipality's decision	Notes: - Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4) - Serving of notices must comply with section 158	SMCD
11	Section 14(5), 27(5), 44(5), 56(5), 66(5): To provide upon request a copy of the reasons for the Municipality's decision on a proposal or an application and the conditions of approval	Notes: - Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4) - Serving of notices must comply with section 158	SMCD
	Section 17: To receive and administer an application for consent, approval or permission	Control measure: Not delegated. Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	
	Sections 18: To evaluate and make recommendations on proposals or applications for permission in terms of a scheme, and to issue certificates confirming that the proposals or applications comply with the Act	Control measure: Not delegated. Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	
	Section 20: To approve, with or without alterations, or to refuse proposals or applications for permission in terms of a scheme Not delegated. Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	Control measure: Not delegated. Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	
	Section 22(1): See delegation 4		
	Section 22(2): See delegation 5		
	Section 26(1): See delegation 8		
	Section 26(6): See delegation 9		
	Section 27(1): See delegation 10		
	Section 27(5): See delegation 11		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
12	Sections 31(1), 31(3), 31(5), 34(2), 48(1), 48(3), 48(5) and 69(2): To issue certificates of compliance with conditions of approval	<p>Control measure:</p> <ul style="list-style-type: none"> - RP to liaise first with relevant technical Departments. <p>Notes:</p> <ul style="list-style-type: none"> - Referring to conditions imposed in accordance with sections 26(4), 43(4) and 65(3); - Provisions of section 31(4) and 48(4) relating to occupation of a building/structure 	RP, in liaison with relevant technical departments
	Sections 31(3): See delegation 12		
	Sections 31(5): See delegation 12		
13	Section 32(1)(b): To receive certified copies of the approved diagrams or general plan		SMCD
14	Sections 33(1), 35 and 70: To lodge plans and documents with the Surveyor General's and Deeds Offices in cases where land is subdivided or consolidated, or where application is made for the alteration, suspension or deletion of restriction relating to land by the Municipality	<p>Note:</p> <ul style="list-style-type: none"> - Section 33(2) and 37(2) relating to lapsing of approval. 	SMCD
	Section 34(2): See delegation 12		
	Section 35: See delegation 14		
15	Section 37(3), 37(4), 49(1) and 49(2): To give an applicant a specified amount of time to complete a development	<p>Notes:</p> <ul style="list-style-type: none"> - Section 37(5) and 49(3) relating to cancel the part of the approved layout plan for which the rights have not been fully exercised, and which has been cancelled - Notices must comply with section 37(3) or 49(1) - Serving of notices must comply with section 158 	SMCD
16	Section 37(4): To withdraw a notice giving an applicant a specified amount of time to complete a development		SMCD
17	Section 37(5) and 49(3): To initiate the cancellation of the part of the approved layout plan for which the rights have not been fully exercised, and which has been cancelled in accordance with sections 37(3) and 49(1)		SMCD
	Section 39(1): See delegation 4		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	Section 39(2): See delegation 5		
	Section 43(1): See delegation 8		
	Section 43(6): See delegation 9		
	Section 44(1): See delegation 10		
	Section 44(5): See delegation 11		
	Section 48(1): See delegation 12		
	Section 48(3): See delegation 12		
	Section 48(5): See delegation 12		
	Section 49(1): See delegation 15		
	Section 49(2): See delegation 16		
	Section 49(3): See delegation 17		
	Section 51(1): See delegation 4		
	Section 51(2): See delegation 5		
18	Section 52(2): To administer the giving public notice of an application for the phasing or cancellation of an approved layout plan	Note: - Notice must comply with section 52(3)-(4)	SMCD
	Section 55(1): See delegation 8		
	Section 55(4): See delegation 9		
	Section 56(1): See delegation 10		
	Section 56(5): See delegation 11		
	Section 61(1): See delegation 4		
	Section 61(2): See delegation 5		
	Section 65(1): See delegation 8		
	Section 65(5): See delegation 9		
	Section 66(1): See delegation 10		
	Section 66(5): See delegation 11		
	Section 70: See delegation 14		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	Section 71(1): To initiate an application for the permanent closure of municipal roads or public places	Control measure: Not delegated. Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	
	Section 71(2): To receive and administer an application for the permanent closure of municipal roads or public places	Control measure: Not delegated. Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	
	Section 71(2)(e): To approve, with or without alterations, or to refuse the permanent closure of municipal roads or public places	Control measure: Not delegated. Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	
	Sections 72: To evaluate and make recommendations on proposals or applications for the permanent closure of municipal roads an public places, and to issue certificates confirming that the proposals or applications comply with the Act	Control measure: Not delegated. Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	
19	Section 76(1): To request the court to summarily enquire into and determine the monetary value of any advantage which a person may have gained as a result of an offence		SMCS
20	Section 79(1): To issue and withdraw contravention notices and to consider comments lodged in response to a contravention notice	Note: - Offences listed as per section 75(1), 77(1), 78(1), 90(7) and Schedule 1 item 10(6) - Contents of contravention notices as per section 79(2) and 80	SMCD
21	Section 79(1): To serve contravention notices on persons suspected of certain offences	Note: - Serving of notices must comply with section 158	TPI
22	Section 81(1): To consider comments lodged in response to a contravention notice		SMCD
23	Section 81(2): To issue a prohibition order	Note: - Offences listed as per section 75(1), 77(1), 78(1), 90(7) and Schedule 1 item 10(6) - Contents of prohibition orders as per section 81(2) and 82 - Consider section 81(3)-(5)	SMCD

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
24	Section 81(2)(a): To serve a prohibition order issued by SMCD	Note: - Serving of orders must comply with section 158	TPI
25	Section 81(2)(b), 84(1), 84(2) and 94: To apply to the High Court for the issuing or withdrawal of an order restraining a person from continuing an illegal activity or for a demolition order	Note: - Consider section 84 - Consider section 98 - Notices must comply with section 85	EXCO Demolition order SMCS Interdict
26	Section 83 and 86: To display order on site		TPI
	Section 84(1): To take action where irreparable harm will be caused by an illegal development: See delegation 25		
27	Section 84(1): To serve urgent prevention orders issued by the High Court and to display orders on site	Note: - Serving of orders must comply with section 158	TPI
28	Section 84(3): To apply to the High Court for the withdrawal of an urgent prevention order		
29	Section 84(4): To serve a notice to the person on whom the urgent prevention order was served, if the order is withdrawn	Note: - Serving of notices must comply with section 158	TPI
	Section 86: See delegation 26		
30	Section 89(2): To receive and administer subsequent applications for authorisation	Note: - Purpose of a subsequent application in terms of section 89(1)	SMCD
31	Section 89(3): To approve, with or without alterations, or to refuse subsequent applications for authorisation and impose civil penalties	Note: - Approvals must include conditions as set out in section 89(3) - EXCO may impose other conditions in accordance with 89(3)	EXCO
32	Section 90(1): To carry out site inspections for enforcement purposes	Note: - Inspector must adhere to sections 90(1)-(6) and section 92	SMCD and TPI
33	Section 90(2): To issue a certificate stating that a person has been designated as a town planning inspector		MM
34	Section 91(1): To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes	Note: - Conditions listed in section 91(1) to (3)	SMCS

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
35	Section 94: To authorise an application to court for the demolition, removal or alteration of buildings, structures or works, or for rehabilitation of land		EXCO (authorisation) SMCS (application)
36	Section 95(1), 96(1), 97(1), and 98: To receive, administer and negotiate applications for compensation	Control measure: - Only MM, in liaison with the SMCD and CFO, may approve an application for compensation. Note: Compensation arising from: <ul style="list-style-type: none"> • Adoption or implementation of provisions of schemes • Wrongful and intentional or negligent service of urgent prevention orders • Suspension or removal of restrictions 	SMCD
37	Section 95(1), 96(1), 97(1), and 98: To consider applications for compensation	Note: Compensation arising from: <ul style="list-style-type: none"> • adoption or implementation of provisions of schemes • wrongful and intentional or negligent service of urgent prevention orders • suspension or removal of restrictions 	MM, in liaison with the SMCD and CFO
	Section 96(1): See delegations 36 and 37		
	Section 97(1): See delegations 36 and 37		
	Section 98: See delegations 36 and 37		
38	Section 99(1): To agree on the amount of compensation	Note: Compensation arising from: <ul style="list-style-type: none"> • Adoption or implementation of provisions of schemes • Wrongful and intentional or negligent service of urgent prevention orders • Suspension or removal of restrictions 	MM, in liaison with the SMCD and CFO
	Section 113(2)(a): To receive memoranda of appeals	Control measure: - Not delegated. Act requires memorandum to be served on the Municipal Manager Note: - In relation to appeals under section 15, section 28, section 45, section 57, section 67	

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
39	Section 114(1) and (3) and 116(2): To lodge a responding memorandum	Notes: - Contents of a responding memorandum in accordance with section 114(2) - Responding memorandum must be served in accordance with section 114(3)	SMCD
40	Section 116(2): To withdraw a responding memorandum		SMCD
41	Section 117(2): To represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal site visit		SMCD and RP
42	Section 120: To represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing		SMCD and RP
43	Section 120(2)(a): To appoint legal counsel to represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing		SMCS
44	Section 123: To decide the manner in which the Municipality must be notified of the decision of the Kwazulu-Natal Planning and Development Appeal Tribunal		MM SMCD
45	Section 125(2)(c)(i): To receive an affidavit from an applicant for the late lodging of an appeal		MM
46	Section 126: To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit		SMCD SMCS RP
47	Section 126: To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit		MM
48	Section 129: To receive notice of the ruling in relation to the late lodging of an appeal		MM
49	Section 132(3): To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)		SMCD SMCS RP
50	Section 132(3): To lodge written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)		MM

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	Section 156(1) and (8): To delegate, amend or revoke any power conferred on it in terms of the Act to any official employed by it	<p>Control measure: EXCO cannot delegate the power to delegate</p> <p>Notes:</p> <ul style="list-style-type: none"> - EXCO may not delegate the responsibility to adopt or replace a scheme as contemplated in section 13 - EXCO may impose conditions in accordance with section 156(2). - Delegation or amendment comes into effect upon the publication of a notice in the Gazette, or if a later date is stated, from that date in accordance with section 156(7)(c) 	
51	Section 156(7)(b) and 156(9): Placing of notices in the Gazette		MM
	Section 157(1): To enter into agency agreements for performance of functions	<p>Control measure: Power not delegated.</p> <p>EXCO will enter into agency agreements, if necessary.</p> <p>Notes:</p> <ul style="list-style-type: none"> - After it has applied the criteria contemplated in section 78 of the Municipal Systems Act, 2000 (Act No. 32 of 2000) 	EXCO
52	Section 160: To maintain access to information	<p>Notes: Including:</p> <ul style="list-style-type: none"> • Proposals and applications • Comments on proposals and applications • Evaluation by registered planner • Certificate by registered planner that proposal or application complies with the Act • Decision on proposal or application 	SMCD
53	Schedule 1 item 2(1)(a), 4(1), 9(1), 10(2), 11(2), 19(1), 20(4): To serve and require documents	<p>Note:</p> <ul style="list-style-type: none"> - Serving of documents: <ul style="list-style-type: none"> • Request additional information • Notice application complete • Copies of comments on proposal or application to applicant • Notice of site inspection • Notice of hearing - Serving of notices must comply with section 158 - Calculation of number of days in accordance with section 159 - Notice of a hearing must comply with Schedule 1 item 11(3) and 20(2) and 20(5) 	SMCD

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
54	Schedule 1 item 3(3): To refuse an application on the ground that the information which was NOT provided after the municipality requested it was necessary in order to make an informed decision		SMCD
	Schedule 1 item 4(1): See delegation 53		
55	Schedule 1 item 5(1), 6(1), 8(2) and (3), 14(1), 15(1) and 17(2) and 17(3): To give public notice	Notes: <ul style="list-style-type: none"> - Including: <ul style="list-style-type: none"> • Site notice • Personal notice • Newspaper notice • Obtaining proof of notice • Notice of amendment to proposal or application - Notices must comply with Schedule 1 items 5(2)-(3), 6(1), 7(1), 14(2)-(3), 15(3), 16. - Public notice not required in cases listed in terms of section 10(3), 23(2), 62(2) 	SMCD and SMCS
	Schedule 1 item 6(1): See delegation 55		
56	Schedule 1 item 6(2)-(3): To agree with a person who has an interest in any specific matter to give notice on behalf of the Municipality and to request proof from that person that public notice has been given as required		SMCD
57	Schedule 1 items 6(4) and 15(2): To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application		SMCD
58	Schedule 1 item 8(1)(b): To request an amendment of an application prior to approval		SMCD
	Schedule 1 item 8(2) and (3): See delegation 55		
	Schedule 1 item 9(1): See delegation 53		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
59	Schedule 1 item 10(1): To decide whether a site inspection is necessary in liaison with the relevant Ward Councillor	Control measure: In liaison with the relevant Ward Councillor and based on: - the complexity of the application' - number of and basis for objections received, - If it is in the interest of the public, Municipality or the applicant to do so	SMCD in liaison with relevant ward Councillor
60	Schedule 1 item 10(1) and 11(4): To represent Council during a site visit or public hearing	Note: - Conditions contained in section 10(3)-(5)	SMCD / RP
	Schedule 1 item 10(2): See delegation 53		
61	Schedule 1 item 11(1) and 20(1): To decide whether a public hearing is necessary in liaison with the relevant Ward Councillor	Control measure: In liaison with the relevant Ward Councillor and based on: - the complexity of the application' - number of and basis for objections received, - If it is in the interest of the public, Municipality or the applicant to do so	SMCD in liaison with relevant ward Councillor
	Schedule 1 item 11(2): See delegation 53		
	Schedule 1 item 14(1): See delegation 55		
	Schedule 1 item 15(1): See delegation 55		
	Schedule 1 items 15(2): See delegation 56		SMCD
62	Schedule 1 item 17(1): To amend proposals for council-owned land prior to approval by Council	Control measure: - Subject to Schedule 1 item 17(2)-(3)	SMCD
	Schedule 1 item 17(2): See delegation 55		
	Schedule 1 item 17(3): See delegation 55		
63	Schedule 1 item 18: To reply to a person who submitted comments on an application		SMCD
	Schedule 1 item 19(1): See delegation 53 for notice of site inspection		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	Schedule 1 item 19(1): See delegation 59 for decision to conduct site inspection		
	Schedule 1 item 20(1): See delegation 61		
	Schedule 1 item 20(4): See delegation 53		

No. 106

22 July 2010

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NOTICE IN TERMS OF SECTION 25(4) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: BY-ELECTION IN WARD 4 OF THE UMNGENI MUNICIPALITY

I, Nomusa Dube, Member of the KwaZulu-Natal Executive Council responsible for Co-operative Governance and Traditional Affairs, after consultation with the Electoral Commission, hereby give notice under powers vested in me by section 25(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), that I have called a by-election in Ward 4 of the uMngeni Municipality as a result of a vacancy that has occurred in the said Ward, and that I have set 25 August 2010 as the date for the said by-election.

Given under my hand at Durban on this 2nd day of July, Two Thousand and Ten.

MS N DUBE

Member of the Executive Council of the Province of KwaZulu-Natal
responsible for co-operative governance

No. 106

22 Julie 2010

DEPARTEMENT VAN KOÖPERATIEWE REGERING EN TRADISIONELE SAKE

KENNISGEWING INGEVOLGE ARTIKEL 25(4) VAN DIE WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998: TUSSENVERKIESING IN WYK 4 VAN DIE UMNGENI MUNISIPALITEIT

Ek, Nomusa Dube, Lid van die Uitvoerende Raad van KwaZulu-Natal verantwoordelik vir koöperatiewe regering en tradisionele sake, na oorlegpleging met die Verkiesingskommissie, gee hiermee kragtens die bevoegdheid aan my verleen deur artikel 25(4) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), kennis dat ek 'n tussenverkiesing geroep het in Wyk 4 van die uMngeni munisipaliteit na aanleiding van 'n vakature wat in gemelde wyk ontstaan het, en dat ek 25 Augustus 2010 vasgestel het as die datum vir die vermelde tussenverkiesing.

Gegee onder my hand te Durban op hierdie 2de dag van Julie, Tweeduisend-en-tien.

ME N DUBE

Lid van die Uitvoerende Raad van die provinsie KwaZulu-Natal
verantwoordelik vir koöperatiewe regering

No. 106

22 kuNtulikazi 2010

UMNYANGO WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU

ISAZISO NGOKWESIGABA 25(4) SOMTHETHO WEZINHLAKA ZOMASIPALA WOHULUMENI BASEKHAYA, 1998: UKHETHO LOKUCHIBIYELA KUWADI 4 KUMASIPALA WASEMNGENI

Mina, Nomusa Dube, iLungu loMkhandlu oPhethe KwaZulu-Natali elibhekele ezokuBusa ngokuBambisana nezoMdabu, futhi ngemuva kokubonisana neKhomishana yoKhetho, ngalokhu ngikhipha isaziso ngokwamandla engiwanikezwe yisigaba 25(4) soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), sokuthi sengibize ukuthi kube nokhetho lokuchibiyela kuWadi 4 kuMasipala waseMngeni ngenxa yokucela kwesikhala somsebenzi kule Wadi, futhi ngingquma umhla zingama-25 kuNcwaba 2010 njengosuku okuyobanjwa ngalo lolu khetho lokuchibiyela.

Sikhishwe ngaphansi kwesandla sami eThekwini ngalolu suku lwesi-2 kuNtulikazi, oNyakeni weziNkulungwane eziMbili neShumi.

NKSZ. N DUBE

iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali
elibhekele ezokubusa ngokubambisana

No. 107

22 July 2010

DEPARTMENT OF TRANSPORT

NOTICE IN TERMS OF SECTION 9(1) OF THE KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003
(ACT NO. 3 OF 2003)

KINDLY TAKE NOTE that the Member of the Executive Council for Transport, Community Safety and Liaison of KwaZulu-Natal, herein after referred to as the MEC hereby gives notice in terms of section 9(1) of the KwaZulu-Natal Land Administration Act, 2003 (Act No. 3 of 2003) (hereinafter referred to as "the Act"), of his intention to expropriate the property described below, as contemplated in terms of the provisions of section 8 of the Act.

AND FURTHER TAKE NOTE that the said property –

1. is fully described as **Sub 16 of Welverdiend No. 1384** measuring approximately 2 501 m², situated in the Administrative District of KwaZulu-Natal, and registered in the name of **The Trustees For The Time Being of the W.E. Ortmann Trust** by virtue of Deed of Transfer Nos. **26085/94** and **26083/94** dated **1 September 1994**.
2. has the following rights: NIL
3. is currently zoned: **Agricultural**
4. in which the operations which are being carried on currently: **NIL**
5. consists of the following improvements: **NIL**

Written representations in regard to the proposed expropriation can be made, within thirty (30) days of the publication of this notice to the Head: Transport at the address hereunder for my consideration.

AND FURTHER TAKE NOTE that if you are intending to claim compensation as a result of the expropriation you are invited to enter into negotiations with the MEC in this regard.

AND FURTHER TAKE NOTE that your attention is drawn to the provisions of section 9(5)(a) which provide that –

"Any expropriation referred to in subsection (4) takes effect immediately on a publication of the notice even though compensation payable in respect of such property has not been finally determined or paid."

Contact details

Head: Transport
Private Bag X9043
PIETERMARITZBURG
3200

Telephone enquiries:	Ms S Ngubo
Tel:	033-3558973
Fax:	033-3558967
File ref:	MR6-2/3/2/1



MR T W MCHUNU

Member of the Executive Council of the province of KwaZulu-Natal
responsible for transport, community safety and liaison

No. 107

22 Julie 2010

DEPARTEMENT VAN VERVOER

KENNISGEWING INGEVOLGE ARTIKEL 9(1) VAN DIE KWAZULU-NATAL WET OP GRONDADMINISTRASIE, 2003
(WET NO. 3 VAN 2003)

NEEM ASSEBLIEF KENNIS dat die lid van die Uitvoerende Raad vir vervoer, gemeenskapsveiligheid en skakeling van KwaZulu-Natal, hierna na verwys as die LUR, hiermee kennis gee ingevolge artikel 9(1) van die KwaZulu-Natal Wet op Grondadministrasie, 2003 (Wet No. 3 van 2003) (hierna na verwys as "die Wet"), van sy voorneme om die eiendom soos hieronder beskryf, soos bedoel ingevolge die bepalinge van artikel 8 van die Wet, te onteien.

EN NEEM VERDER KENNIS dat die vermelde eiendom –

1. ten volle beskryf word as **Sub 16 van Welverdiend No. 1384** wat ongeveer **2 501 m²** meet, geleë in die Administratiewe Distrik van KwaZulu-Natal, en geregistreer is in die naam van **The Trustees For The Time Being of the W.E. Ortmann Trust** uit hoofde van Transportakte No. **26085/94** en No. **26083/94** gedateer **1 September 1994**.
2. die volgende regte het: **GEEN**
3. tans gesoneer is: **Landbou**
4. waarop die bedrywighede tans uitgevoer word: **GEEN**
5. die volgende verbeterings bevat: **GEEN**

Skriftelike versoë met betrekking tot die voorgename onteiening kan binne dertig (30) dae na publikasie van hierdie kennisgewing gemaak word aan die Hoof: Vervoer by die onderstaande adres vir my oorweging.

EN NEEM VERDER KENNIS dat indien u van voorneme is om vergoeding te eis as gevolg van die onteiening, u uitgenooi word om in hierdie verband met die LUR in onderhandeling te tree;

EN NEEM VERDER KENNIS dat u aandag gevestig word op die bepalinge van artikel 9(5)(a) wat bepaal dat enige onteiening vermeld in subartikel (4) onmiddellik in werking tree na publikasie van 'n kennisgewing selfs in die geval wanneer vergoeding betaalbaar met betrekking tot sodanige eiendom nie finaal bepaal of betaal is nie.

Kontakbesonderhede

Hoof: Vervoer	Telefoniese navrae:	Me S Ngubo
Privaatsak X9043	Tel:	033-3558973
PIETERMARITZBURG	Faks:	033-3558967
3200	Lêerverwysing:	MR6-2/3/2/1


MNR T W MCHUNU

Lid van die Uitvoerende Raad van die provinsie KwaZulu-Natal
verantwoordelik vir vervoer, gemeenskapsveiligheid en skakeling

No. 107

22 kuNtulikazi 2010

UMNYANGO WEZOKUTHUTHA

ISAZISO NGOKWESIGABA 9(1) SOMTHETHO WOKUPHATHWA KOMHLABA WAKWAZULU-NATALI, 2003 (UMTHETHO NO. 3 KA 2003)

UYAZISWA ukuthi iLungu loMkhandlu oPhethe elibhekele ezokuThutha, ezokuPhepha nokuXhunyaniswa koMphakathi KwaZulu-Natali, ngemuva kwalokhu elizobizwa ngeLungu loMkhandlu oPhethe ngalokhu likhipha Isaziso ngokwesigaba 9(1) soMthetho wokuPhathwa koMhlaba waKwaZulu-Natali, 2003 (uMthetho No. 3 ka 2003) (ngemuva kwalokhu ozobizwa "ngomthetho"), ngenhloso yalo yokudla umhlaba ochazwe ngezansi, njengoba kuhlangozwe ngokwezinhlinzeko zesigaba 8 soMthetho.

FUTHI UYAZISWA ukuthi umhlaba oshlwoyo:

1. uchazwe ngokuphelele njengesiqaphu 16 se-Walverdiend No. 1384 esilinganiselwa kuma-2501m², esiphethwe ngaphansi kwesifunda saKwaZulu-Natali, futhi esibhaliswe okwesikhashana egameni labaPhatheli be-The W.E. Ortmann Trust ngokwamandla eTayitela lokuDkuliseka No. 26085/94 no 26083/94 lamhla lu-1 kuMandulo 1994.
2. unalawa malungelo: Awakho
3. oklanyelwe khona: Ezolimo
4. imisebenzi eqhubekayo: Ayikho
5. unalokhu kuthuthukiswa: Akukho

Izethulo ezibhalwe phansi mayelana nalokhu kudlwa komhlaba zingenziwa, ezinsukwini ezingamashumi amathathu (30) kushicilelwe lesi saziso zibhekiswe kwiNhlolo yezokuThutha ekheleni elingezansi ukuze ngizicubungule.

FUTHI UYAZISWA ukuthi uma uhlose ukufuna inkokhelo ngenxa yokudlwa komhlaba uyamenywa ukuba uxoxisane neLungu loMkhandlu oPhethe mayelana nalokhu:

FUTHI UYAZISWA ukuthi kumele ubheke izinhlinzeko zesigaba 9(5) ezihlinzekela ngokuthi:

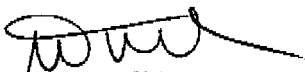
"Noma ikuphi ukwabiwa komhlaba okukhulunywe ngakho kwisigatshana (4) kuyokwenzeka ngokushesha ngemuva kokushicilelwa kwesaziso nakuBa inkokhelo eyokhishwa mayelana nalowo mhlaba ingakanqunywa noma ingakakhokhwa"

Imininingwane yokuxhumana

INhloko yezokuThutha
Private Bag X9043
PIETERMARITZBURG
3200

Imibuzo ngocingo:
Inombolo yocingo:
Inombolo yefeksi:
Inkomba yefayela

Ms S Ngubo
(033) 355 8973
(033) 355 8967
MR6-2/3/2/1



MNU, TW MCHUNU

iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali
elibhekele ezokuthutha, ezokuphepha nokuxhunyaniswa komphakathi

**KWAZULU-NATAL DEPARTMENT OF HUMAN SETTLEMENTS
KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003 (ACT NO.3 OF 2003)**

NOTICE IN TERMS SECTION 5(3) OF THE KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003 (ACTNO.3 OF 2003)

In terms of section 5 of the KwaZulu-Natal Land administration Act, 2003 (Act No. 3 of 2003), **I MAGESVARI GOVENDER (MPL) MEC for Human Settlements and Public Works** for the KwaZulu-Natal Provincial Government, hereby give notice that I intend to sell, in freehold, by private treaty to the **Pilson Developers CC** the under mentioned Provincial State land.

NO	PROPERTY DESCRIPTION	EXTENT in ha	TITLE DEED NO.	APPLICABLE CONDITIONS	CURRENT ZONING	CURRENT USAGE
1.	Remainder of Erf 28 of the farm Retief Vallei No. 851FT	74.6677	T6341/1966	None	Residential	None

Written representation or submissions in regard to the said disposal can be made within thirty (30) days of publication of this notice to:-

The Head of Department of Human Settlements
Private Bag X 9157
PIETERMARITZBURG
3200

Enquiries: MG Mfusi
Tel: (031) 319 3631
Fax (031) 319 3633
Email: musa.mfusi@kznhousing.gov.za
Tolaram House
2 Samora Machel Street
DURBAN
4000

MRS M. GOVENDER, MPL
HONOURABLE MEC FOR HUMAN SETTLEMENTS AND PUBLIC WORKS

_____ **DATE**

KWAZULU-NATAL DEPARTEMENT VAN MENSEVESTIGING

KWAZULU-NATAL LAND ADMINISTRASIE WET, 2003 (WET NR.3 VAN 2003)

KENNISGEWING INGEVOLGE ARTIKEL 5(3) VAN DIE KWAZULU-NATAL LAND ADMINISTRASIE WET, 2003(WET NR.3 VAN 2003)

Ingevolge artikel 5 van die KwaZulu-Natal Land Administrasie Wet, 2003 (Wet Nr. 3 van 2003), gee Ek, **MAGESVARI GOVENDER (LPW)** LUR van Mensevestiging en Staatswerke vir die KwaZulu-Natal Provinsiale Regering, hiermee kennisgewing dat ek van plan is om die ondergenoemde Provinsiale Staatseïendoms aan die **Pilson Developers CC** uit die hand te verkoop.

NR.	BESITTINGSBESKRYWING	MATE in ha	Kaart en Transport NR.	Toepaslike voorwaardes	Huidige Sonering	Huidige Gebruik
1.	Oorblyfsel van Erf 28 van die Retief Vallei plaas NR. 851FT	74,6677	T6341/1966	Geen	Residensieel	

Geskrewe voorstellings of voorleggings ten opsigte van die gemeelde beskikking kan gemaak word binne dertig (30) dae van die uitgawe van hierdie kennisgewing aan:-

Die Hoof van die Departement van Behuising
 Privaat sak X 9157
PIETERMARITZBURG
 3200

Navrae: MG Mfusi
 Tel: (031) 319 3631
 Faks: (031) 319 3633
 E-pos: Musa.Mfusi@kznhousing.gov.za
 8th Floor, 320 Building
 Dr Pixley ka Seme Straat 320
 DURBAN
 4000

MAGESVARI GOVENDER (LPW)
EDELE LUR VIR MENSEVESTIGING EN STAATSWERKE

DATUM

**UMNYANGO WEZOKUHLALISWA KWABANTU KWAZULU-NATALI
UMTHETHO WEZOKUPHATHWA KOMHLABA KWAZULU-NATALI, WEZI-2003 (UMTHETHO NO. 3 WEZI-2003)**

**ISAZISO NGOKWESIGABA 5 (3) SOMTHETHO WEZOKUPHATHWA KOMHLABA KWAZULU-NATALI, WEZI-2003
(UMTHETHO NO. 3 WEZI-2003)**

Ngokwesigaba 5 soMthetho Wezokuphathwa Komhlaba KwaZulu-Natali, wezi-2003 (uMthetho No. 3 wezi-2003), mina MAGESVARI GOVENDER (iLungu Lesishayamthetho Sesifundazwe) uNgqongqoshe Wezokuhlaliswa Kwabantu kanye Nemisebenzi Yomphakathi kuHulumeni waKwaZulu-Natali, lapha ngikhipha isaziso sokuthi ngihlela ukudayisela iPilson Developers CC ngokuphelele, ngokuvumelana ngase to mhlaba kaHulumeni Wesifundazwe ochazwe ngezansi.

No	UKUCHAZWA KOMHLABA	UBUBANZI NGOKWAMA -ha	INOMBOLO YETAYITELA	IMIBANDELA ESEBENZAYO	UKUKLANYWA KWAMANJE	UKUSETSHENZISW A KWAMANJE
1	Izinsalela zeSiza 28 sepulazi iRetief Vallei No. 851FT	74.6677	T6341/1966	Ayikho	Indawo yokuhlala	Akukho

Izethulo ezibhaliwe maqondana nalokhu kudayiswa zingenziwa ezinsukwini ezingama-30 kukhishwe lesi saziso ku:

iNhloko Yomnyango Wezokuhlaliswa Kwabantu
Private Bag X 9157
PIETERMARITZBURG
3200

Imibuzo: MG Mfusi
Ucingo: (031) 319 3631
Ifeksi: (031) 319 3633
I-imeyili: Musa.Mfusi@kznhousing.gov.za
8th Floor, 320 Building
320 Dr Pixley ka Seme Street
DURBAN
4000

**UNKK MAGESVARI. GOVENDER, ILUNGU
LESISHAYAMTHETHO SESIFUNDAZWE
UMHLONISHWA UNGQONGQOSHE
WEZOKUHLALISWA KWABANTU KANYE
NEMISEBENZI YOMPHAKATHI**

USUKU

MUNICIPAL NOTICES—MUNISIPALE KENNISGEWINGS—IZAZISO ZIKAMASIPALA

No. 69**22 July 2010**

**HIBISCUS COAST MUNICIPALITY
BYLAWS RELATING TO BEACHES AND LAUNCH SITES
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HIBISCUS COAST MUNICIPALITY

BYLAWS RELATING TO BEACHES AND LAUNCH SITES

The Hibiscus Coast Municipal Council has in terms of Section 156 and 162 of the Constitution, 1996 read in conjunction with Section 11 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) made the following Bylaws.

The Bylaws are to be read in conjunction with the existing National and Provincial legislation relating to environmental affairs and tourism and any other applicable Statutory Legislation.

1. Definitions

In these Bylaws, unless inconsistent with the context of applicable legislation:

"Admiralty Reserve" shall mean any strip of land adjoining the inland side of the high-water mark which, when this Act took effect, was state land reserved or designated on an official plan, deed or other document evidencing title or land-use rights as "admiralty reserve" "government reserve", "beach reserve", "coastal reserve" or other similar reserve ;

"Authorised Officer" means any beach superintendent, law enforcement officer, traffic officer, peace officer, Justice of the Peace, lifeguard, environmental health practitioner and also any other person declared by the Municipal Manager to be an authorised officer from time to time;

"Base Controller" shall mean the person in charge of any ski-boat launch site duly authorised by the Council in conjunction with the Department of Transport;

"bath" or "baths" shall include any beach swimming bath, pool and any other bath or baths and shall include tidal swimming pools provided by and belonging to the Council;

"bathing" excludes surf riding, windsurfing and paddling;

"bathing enclosure" means any enclosed bathing area including a swimming pool, or tidal swimming pool for which the right of entrance exists to which payment must be made under these Bylaws;

"beach bathing area" means any portion of the foreshore, which is demarcated as a bathing area and which may be protected from sharks by whatsoever means and under supervision of lifeguards and includes the sea for a distance of two hundred meters seaward;

"beach superintendent" means the municipal employee representing the Municipal Manager and duly authorized, or his nominee, acting from time to time with the approval of the Council in the exercise of control under these Bylaws of the Council's beaches and bathing on the beaches;

"booth" or "change room" means any building or part of a building intended for the use of bathers for the purpose of dressing and undressing and shall include a toilet or changing room;

"coastal area" means the sea-shore and the sea for a distance of two hundred meters seaward and one hundred meters inland, but excluding any privately owned land and including all Admiralty Reserve and Public Roads as defined in the Road Traffic Act, 1996 (Act no. 93 of 1996);

"coastal zone" shall mean that area as defined in the Regulations in respect of the National Environmental Management Act, 1998 (Act No. 107 of 1998), being Regulation GNI 399 of 21 December 2001;

"Council" means the Council of the Hibiscus Coast Municipality or any other section of the Municipality or any person duly authorised in terms of this legislation or in terms of the Hibiscus Coast Municipality's management structures to give effect to this legislation;

"craft" means any boat, jet-ski, ski-boat motorized vessel, craft or vessel and includes surf craft or a windsurfer;

"dune" means a mound or ridge of loose wind-blown material comprising of usually sand, whether covered by vegetation or not;

"employment" shall have the usual meaning ascribed to the word, but includes the performance without remuneration in cash or otherwise of duties and functions as lifeguards by members of a voluntary lifesaving association or club and the performance of duties and functions by members of any other voluntary service organization at the request and under the direction of the Municipal Manager or his designated nominee and alternatively, "employed" shall have a corresponding meaning;

"Environment or Environmental Law" shall mean all laws and obligations created in the National Environmental Management Act, 1998 (Act No. 107 of 1998) with all Regulations promulgated in respect of such Act, as well as the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) all of which shall *mutatis mutandis* have application to these Bylaws;

"fishing" shall have the usual meaning ascribed to the word;

"fishing pier" means any constructed fishing pier situated at any of the beaches in the area of jurisdiction of the Hibiscus Coast Municipality, which pier is constructed for the purpose of, and used for fishing;

"foreshore" means such area lying between the high-water mark of the Indian Ocean westwards to the nearest private or municipal land and between the north and south boundaries of the municipal area of Hibiscus Coast Municipality which shall include the Admiralty Reserve and shall include the literal active zone as defined in the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

"groyne" a protective structure of stone or concrete that extends from shore into the water to prevent a beach from washing away;

"Launch Register" shall mean a launch register to be kept at Ski-Boat Launch Sites and shall be as pre-scribed by the Department of Transport from time to time;

"Municipal Manager" means the officer for the time being holding office under and appointed by the Council in terms of the Municipal Systems Act, 2000 (Act No. 32 of 2000) as the Municipal Manager for the Municipality or the person for the time being acting as such with the approval of the Council;

"Municipality" means the Hibiscus Coast Municipality which is a Municipality constituted in terms of the Municipal Systems Act of 2000 (Act 32 of 2000);

"National Environmental Management Act" shall mean the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

"Official lifeguard" or "lifeguard" includes any professional lifeguard or member of a voluntary lifesaving association or club or a member of the Surf Lifesaving Association of South Africa, employed as a lifeguard on the Council's beaches at the request and under the direction of the Municipal Manager;

"Peak periods" shall mean peak holiday periods or times of frequent launching and recovering of craft and ski-boats at launch sites;

"Pedestrians" shall, in respect of launch sites, mean persons on foot at launch sites who are not skippers, crew or passengers on a craft or ski-boat;

"Radios" shall mean any radio as regulated by the Department of Transport from time to time for use at sea, either a very high frequency radio, or a radio that operates at 29 mhz, or any other regulated radio frequency;

"Recreational activity" shall mean lawful beach-related activities pursued on the beach as regulated by these new Bylaws;

"SAMSA" shall mean the South African Maritime Safety Authority;

"sea-shore" shall have the same meaning ascribed to it in Section 26, read with the definition of "sea-shore" in the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

"seine netting" includes the use of fishing nets for encircling, with floats at the top and weights at the bottom edge of the net and nets used to haul fish ashore including pilchards, and which is further controlled by the Marine Living Resources Act, 1998 (Act No. 18 of 1998), and the Regulations pertaining to the Environment Conservation Act, 1989 (Act No. 73 of 1989) as amended;

"Skipper" shall mean a duly licensed pilot, captain or person in control of a craft which launches to sea from the seashore who has formal qualifications, licenses, or permits to operate such craft as required in law;

"surf-craft" includes a surf-board, wave-ski, jet-ski, water-ski, paddle-ski, aquaplane or other similar device or apparatus and any paddles or oars used with it, except if such is of an inflatable character or is wholly constructed of a soft pliable material;

"surf riding or surfing" means any activity on or in the water with or on a surf-craft and includes the pastimes known as surfing, surf riding or surf skiing and "surf" shall bear an equivalent meaning;

"vessel" shall mean any craft or surf-craft as defined herein;

"windsurfer" means a rudderless device which is fitted with a sail and is intended to be propelled across the surface of water by the action of the wind and designed to carry one or more persons and "wind surfing" or "to windsurf" shall mean to use such a device.

PART 1

1. **Non-discrimination**

1.1. Subject to the provision of subsection 1.2. hereof, no provision of these Bylaws shall apply as to discriminate between persons on the grounds of race, religion, or gender, nor shall they be construed as to have the effect of authorising such discrimination.

1.2. These Bylaws also take cognizance of the provisions of Sections 11, 12 and 13 of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008), which shall *mutatis mutandis* apply to these Bylaws.

2. Notwithstanding the Provisions of subsection 1.1. hereof, discrimination on some grounds may expressly be authorised in terms of any provision of these Bylaws and which prescribes the appropriate apparel and decent behaviour and conduct in a public place or imposes a restriction upon the entry of persons into ablution, toilet and change room facilities and swimming pools, or prescribes different standards for such facilities.

3. These bylaws shall apply to the sea-shore Admiralty Reserve and the coastal area and foreshore situated within or adjoining the jurisdiction of the Council.

4. **Reservation of areas:**

4.1. The Council may by Resolution, from time to time, decide to reserve any area on or in part of the sea-shore and the sea, exclusively for a particular recreational activity.

- 4.2. Whenever a reservation has been affected in terms of sub-bylaw 4.1, such reservation limits of the area or part to which it relates shall be indicated by the display of notices or signs in terms of Bylaw 11, described hereunder.
- 4.3. No person shall engage in any recreational activity in any area or part which has exclusively been reserved for any other recreational activity.
- 4.4. No person shall engage in any recreational activity other than an activity for which specific provision is made in or in terms of these bylaws, or in contravention of any direction or prohibition conveyed by any notice or sign displayed in terms of Bylaw 11.

PART 2

Beach Bathing Areas

1. No person shall bathe in a bathing zone:
 - 1.1. unless permission to do so is conveyed by a notice or sign displayed in terms of Bylaw 11; and
 - 1.1.2. such sign shall include the placement of beacons or posts on the sea shore or beach, at varying distances from one another, which shall give effect to clause 11.3 herein, and;
 - 1.1.3. bathing shall only be permitted in terms of these bylaws between such designated beacons or posts and at times as specifically stated from time to time by the Beach Superintendent or an official lifeguard.
 - 1.2. in contravention of any direction or prohibition conveyed by any notice or sign displayed in terms of Bylaw 11.
2. Any person who is found engaging in any activity in, or from any area or part of the seashore in which such is not permitted or has been prohibited by or under of these Bylaws shall, upon being requested to do so by any official lifeguard or any other authorised employee, immediately cease such activity in such area or part, and failure to do so shall in itself be an offence.
3. Except for the purpose of saving or attempting to save a life or rescue, no person other than an official lifeguard or an authorised employee shall surf-ride, or surf in, or enter, or be in a bathing area:
 - 3.1. with a surf-craft in his possession or under his control;
 - 3.2. or in any area unless permission to do so is conveyed by a notice or sign displayed in terms of Bylaw 11;
 - 3.3. or in contravention of any direction conveyed by any notice or sign displayed in terms of Bylaw 11;
 - 3.4. sea-ward of the line of the shark nets as marked by buoys or otherwise from time to time, where there are no shark nets or where such buoys are or other marking is for any reason not visible more than 400m from the low-water mark.
- 4.1. No person shall sail-board from any beach or be in possession of a sail board or shall launch from such beach.
- 4.2. No person shall fish from any pier, groyne or storm water outfall or have in his possession or control on any pier, groyne or outfall any fishing tackle or equipment or any other thing designed or intended for use for the purpose of fishing, including bait, unless fishing from such

- pier, groyne or outfall or portion thereof is permitted as indicated by a notice or sign displayed in terms of Bylaw 11 and only between such hours as may be specified in such notice or sign and in accordance with such discretions or prohibitions as may be conveyed thereby.
- 4.3. No person shall, while fishing, or while on the sea-shore or in the sea, use or permit the use of fishing equipment, including any rod, net, trap or other device in such manner as to cause danger or annoyance to any other person or in such a way as to cause an obstruction to or to interfere with the comfort or personal privacy of any other person.
 - 4.4. No person shall place fishing bait, fish or fishing equipment or tackle on or immediately adjacent to any seat provided for the use of the public and every person shall clear away all bait and refuse before leaving the place where he/she had been for the purpose of fishing and he/she shall remove all such bait and refuse from the seashore or place it in a refuse receptacle provided by the Council.
 - 5.1. No person shall be on the sea-shore or in the sea or any other place to which these bylaws apply, other than a booth, toilet or change room, unless so dressed that, if a female, her nipples are concealed from view and, if a male or female, his or her private parts are concealed from view, and in each case by a suitable article of opaque clothing.
 - 5.2. No person shall on the sea-shore or in the sea or any other place to which these bylaws apply, other than a booth, toilet or change room remove or partially remove or displace or wear any article of clothing or bathing apparel in such a manner or to such an extent that, if a female, either of or both of her nipples is or are exposed to view and, if a male or female, his or her private parts are exposed to view.
 6. No person shall play any game or indulge in any pastime-
 - 6.1. which is likely to cause nuisance, annoyance, injury or discomfort to bathers, spectators or any other persons in any area to which these bylaws apply, after he or she has been warned by the Beach Superintendent or by an official lifeguard or an authorised employee not to play such games or indulge in such pastime;
 - 6.2. in contravention of any direction or prohibition conveyed by any notice or sign displayed in terms of Bylaw 11.
 - 7.1. No person shall cause or permit any dog, belonging to him/her or in his possession, charge or custody, or under his control to enter, or be, or remain in, or on the sea-shore, or the sea, or any other place to which these bylaws apply, unless permitted to do so by any notice or sign displayed in terms of Bylaw 11, save that dogs may be permitted, if properly controlled and supervised, on the remaining part of the coastal area.
 - 7.2. No person shall cause or permit an animal (other than a dog) belonging to him, or in his charge or custody, or under his control to enter, or remain upon the sea-shore, or in the sea, or in any other place to which these bylaws apply, except with the permission of the Manager of Bathing Amenities in writing and in accordance with such conditions as he/she may impose.
 - 7.3. A person may not catch, remove, injure or kill a bird, any form of sea life, or any other animal which occurs in the coastal area, unless:
 - 7.3.1 that action is authorized by means of a permit; or
 - 7.3.2 the health and welfare of the public is endangered by it.
 - 8.1. No person other than an employee or agent of the Council on duty shall enter, or be upon any pier or groyne except when permitted by notice or sign displayed at the pier or groyne concerned by the Municipal Manager or an authorised employee and except in accordance with such directions or prohibitions as may be conveyed by such notice or sign.
 - 8.2. No person shall on or from any pier or groyne -

- 8.2.1 enter the water, whether by jumping, diving or otherwise;
 - 8.2.2 have in his possession any surf craft, kneeboard, body board or similar device or thing or any bicycle, other vehicle or any skateboard or roller skates;
 - 8.2.3 play any game or indulge in any pastime;
 - 8.2.4 drop, discard or abandon any litter bait or refuse;
 - 8.2.5 stand or sit on or climb upon any railing;
- and no person shall enter upon a pier or groyne from the water.
9. No person shall ride, drive, introduce, or be in control of any vehicle, whether self-propelled or otherwise, except a perambulator or invalid chair, on the sea-shore or in any area to which these bylaws apply, except on a public road, save with the prior written consent of the Beach Superintendent and in accordance with such conditions as he/she may impose, which consent may be withdrawn at any time; provided that this bylaw shall not apply to a vehicle which is being used in any emergency, for law enforcement or for the preservation of life or property or to a vehicle which belongs to or is used by the Council, Ezemvelo KZN Wildlife, the National Sea Rescue Institute of South Africa, the Surf Livesaving Association of South Africa, or the Natal Shark Measures Board or any other person or body approved by the Council for the purpose, while it is in use by an employee of such body in the *bona fide* course of the execution of his/her duties, or in a demarcated area approved by Council and in possession of a permit obtained under the National Environmental Management Act, 1998 (Act No. 107 of 1998).
 - 10.1. Notwithstanding anything to the contrary contained in these bylaws, the Beach Superintendent may, on application to him/her and upon such terms and conditions as he/she deems fit, grant the exclusive use of a portion of the sea-shore and the sea and any other area to which these bylaws apply, to any organisation, body, or person, or class of persons and invitees thereof for the purpose of any event or contest.
 - 10.2. Any person who has been granted exclusive use in terms of sub-bylaw 10.1. and any employee or agent of such person who knowingly breaches, or cause, or permits the breach of a term condition imposed under that sub-bylaw shall be guilty of an offence.
 - 10.3. To the extent specified by the Beach Superintendent, when granting an application in terms of sub-bylaw 10.1, the provisions of bylaws 4, 5, 6, 7, 8 and 9 shall not apply to the portion of the sea-shore and the sea, or other area of which exclusive use has been granted, for the duration of such use, in relation to persons on the sea-shore or in the sea for the purposes of such exclusive use.
 11. **Signage**

This bylaw shall be read in conjunction with Bylaw 6 of Part 3 as well as the Hibiscus Coast Municipality's Advertising Signs and Hoarding Bylaws.

 - 11.1. Signs for the purpose of conveying that an act, activity or thing is permitted or prohibited under any provision of these bylaws shall be displayed in accordance with the provisions of this bylaw and shall bear the significance given to them in Annexure "A" hereto.
 - 11.2. A sign referred to in sub-bylaw 11.1. may take the form of a pictograph and where any sign conveys a prohibition, it shall be bisected by a red diagonal.
 - 11.3. When two or more signs or notices are displayed in conjunction with each other for the purposes of defining a portion of the sea-shore and the sea or any area wherein or wherefrom a particular act, activity or thing is either prohibited or permitted, or which has been reserved

in terms of Bylaw 4 of Part 1, they shall be so displayed as to define the limits of such portion, whether by means of arrows or otherwise.

- 11.4. Signs and notices may for any purpose related to these bylaws be displayed either by the Beach Superintendent or by an official lifeguard or authorised employee or an employee of the council authorised by the Beach Superintendent.
- 11.5. No person other than a person referred to in sub-bylaw 11.4. shall move any sign or notice displayed or erected for the purpose of these bylaws and no person shall deface, obscure or wilfully or negligently damage or otherwise interfere with any such sign or notice.
12. No person shall offer for sale, or sell, or hawk, or trade in any goods, products or wares which are goods or products or wares that contravenes any prohibition of the Counterfeit Goods Act, 1997 (Act No. 37 of 1997) or any similar legislation, or the Council's adopted Informal Trading Bylaws.
- 13.1. No person who leads a vagrant life and who has no ascertainable and lawful means of livelihood or who leads an idle, dissolute or disorderly life shall enter upon or be on the sea-shore referred to, or enter or be in any other place to which these bylaws apply.
- 13.2. No person who habitually sleeps in a public street or public place shall enter, or be in, or on the sea-shore, or any place to which these bylaws apply for the purpose of sleeping or shall sleep therein.
- 13.3. No person who habitually begs for money or goods shall enter, or be in, or on the seashore, or any other place to which these bylaws apply for the purpose of begging, or shall so beg, and any such person who is found in any such area shall be deemed to have entered, or to be therein for the purpose of begging until the contrary is proved.
- 13.4. No person shall introduce others to beg for money or goods on his behalf and no person shall enter or be in or on the sea-shore or any other place to which these bylaws apply for the purposes of so doing.
14. A person commits an offence and shall be subject to the provisions of Part 5 herein if, on the seashore, or in the sea, or in any other place to which these bylaws apply, he/she -
 - 14.1. wilfully or negligently damages or injures or unlawfully removes or displaces or in any way defaces or interferes with any property of the Council or under its control;
 - 14.2. wilfully or negligently breaks, damages, defaces or interferes with any coin or token operated clothes locker or lock forming part thereof or opens or attempts to open such locker save by means of the insertion of the appropriate coin or token and the use of the key supplied for the purpose, or attempts to do any of the aforesaid things;
 - 14.3. without the prior written consent of the Municipal Manager, removes any material or thing, the property of or under the control of the Council, or excavates, or tunnels in the sand or causes any substantial movement of sand, whether in the search for treasure trove or otherwise, or digs hazardous holes therein, save that the reasonable digging of holes by children or beachgoers in the ordinary and time-accepted sense, shall not constitute an offence;
 - 14.4. not being an official lifeguard or authorised employee - except for the purpose of saving or attempting to save a life - touches, handles, or in any way makes use of or damages any life-line, lifebuoy, or any other life-saving appliance or device, installed or maintained upon the sea-shore or in the sea or impedes the operation of any lifesaving appliance or device while it is in use;
 - 14.5. hangs on to, sits upon, or causes to sink any safety ropes provided for the protection of bathers or surf-riders, or in any way interferes with such safety ropes or any appliances provided for the assistance of distressed bathers or surf-riders, except for the purpose of assisting such bathers or surf-riders;

- 14.6. mounts, climbs upon, sits upon, hangs onto, or in any way interferes with any building or structure of the Council, or any shark preventive netting or appliance or any pole, upright, structure, frame, barrier, cable, or winch which is ancillary to such shark preventive netting or appliance;
- 14.7. deposits or discharges anything liable to be a nuisance or a danger to health or safety or performs any act which is so liable;
- 14.8. introduces or erects any structure or thing other than a structure or thing which is of a portable and temporary nature and which: -
 - 14.8.1. is ancillary to the use and enjoyment of the sea or sea-shore; and
 - 14.8.2. does not interfere with the use and enjoyment of the sea or the sea-shore by other persons, whether by enclosing a portion of the sea-shore or otherwise, and
 - 14.8.3. is removed overnight;
- 14.9. displays any advertisement except with the prior written consent of the Beach Superintendent and in accordance with such conditions as may be imposed by him/her upon the granting of such consent;
- 14.10. abandons, drops, spills, deposits, throws or in any other way disposes of any refuse or rubbish or other discarded or waste material or thing, whether liquid or solid, except in a receptacle designed for the disposal thereof which is provided by or on behalf of the Council;
- 14.11. holds, convenes or organizes any entertainment, display, performance, procession, public meeting, recreation, or event except with the prior written consent of the Beach Superintendent or any other Statutory Authority and in accordance with such conditions as may be imposed by him/her upon the granting of such consent;
- 14.12. addresses any gathering of persons or seeks by any means and for any purpose to attract or convene a gathering of persons except with the prior written consent of the Beach Superintendent and in accordance with such conditions as may be imposed by him/her upon the granting of such consent;
- 14.13. imbibes or consumes, in any public place, within the coastal zone, any liquor, or dependence producing drug, or, offers or exposes or causes to be offered or exposed for sale, any article, material or service or canvasses or touts for business or carries on any trade, business calling or other activity not expressly permitted by these bylaws, except with the prior written consent of the Beach Superintendent and in accordance with such conditions as may be imposed by him/her upon the granting of such consent;
- 14.14. begs for money or asks for other favours whether by word, gesture, demeanour or otherwise;
- 14.15. is under the influence of intoxicating liquor or a drug having a narcotic effect, or imbibes or ingests such liquor or drug in circumstances or quantities which circumstances or quantities, in the opinion of an official lifeguard or an authorised employee, render it likely that such person will become under the influence of such liquor or drug whilst he/she is still on the sea-shore, in the sea or fishing pier or in any other place to which these bylaws apply;
- 14.16. uses roller skates or a board or any similar device to which rollers or wheels are attached and which is commonly known as a skate board or causes or permits the same to be used, except within an area expressly set aside for the purpose by the Council;
- 14.17. drives, draws, propels or rides in or upon any vehicle other than a perambulator or invalid chair or a vehicle referred to in the proviso to section 14 while in use for the purpose by the persons referred to in that proviso, upon any footpath, sidewalk or other area designed for the use of pedestrians;

- 14.18. unless in compliance with Part 4 of these Bylaws, launches from the sea-shore, or sails, or operates, or permits the presence of any vessel in the sea, on the land-ward side of the shark nets as marked by buoys or otherwise from time to time, or where there are no shark nets, or where such buoys are or other marking is for any reason not visible, less than 400m from the low water mark, or causes the same to be done except with the prior written permission of the Municipal Manager and in accordance with such conditions as may be imposed by him/her upon the granting of such permission; provided that a motorized rubber inflatable vessel may be operated beyond the surf without such permission;
- 14.19. while in a bathing zone, or an area reserved exclusively for surf-riding, or while in an area in which bathing or surf-riding is permitted in terms of these bylaws, uses or has in his possession a spear gun, crossbow, harpoon or similar device used or designed for use to catch fish, or while on the sea-shore or in any other place to which these bylaws apply, except the sea, has in his possession or under his control such a device which is cocked, loaded or so prepared as to be capable of instant discharge, or which does not have its point covered by a sheath or other protective device;
- 14.20. throws, kicks or displaces sand so as to be likely to cause a nuisance or injury to another person;
- 14.21. makes or lights a fire, whether for cooking food or otherwise, except within a device provided by the Council or approved by the Beach Superintendent for the purpose and in accordance with conditions imposed by the Municipal Manager when granting his approval;
- 14.22. discharges any firework of whatsoever nature, or any other explosive device or rocket other than an emergency rocket, except with the prior written consent of the Municipal Manager and in accordance with such conditions as may be imposed by him/her upon the granting of such consent;
- 14.23. without lawful cause, discharges or uses a firearm, air or spring gun, gas pistol, catapult or bow and arrow or other dangerous weapon;
- 14.24. whilst suffering from any cutaneous disease which is infectious or contagious, enters or is on the sea-shore or any area of beach, sand, or in the sea;
- 14.25. wilfully or negligently does any act, or uses any device or thing which causes discomfort to, or obstructs any other person, or causes, or is likely to cause a nuisance or a danger to health or safety;
- 14.26. spits or relieves himself by performing a natural bodily function, except in a place provided by the Council for the purpose;
- 14.27. fights, argues, uses any offensive or indecent language or performs any act so as to or to be likely to disturb or cause a breach of the peace or to interfere with the quiet enjoyment by any other person of the sea and sea-shore;
- 14.28. wilfully and without lawful cause stops, molests, hinders, importunes, obstructs, jostles or in any other way interferes with any other person or his property;
- 14.29. so uses, places, or leaves a surf-craft or sail-boat or so carries it as to injure, obstruct or inconvenience any other person, or so as to be likely to do so;
- 14.30. shouts, sings, dances or makes any noise by any means whatsoever or operates, plays, uses or activates any musical instrument, radio, gramophone, television set, loudspeaker, sound amplifier or any other device including devices installed in motor vehicles which produces, reproduces or amplifies sound, so as to, or in a manner, or to a degree which is such, as to disturb the peace or to interfere with the quiet enjoyment by other persons of the sea and seashore, or so as to cause a nuisance to any person;

- 14.31. after using or after quitting any change room, loiters or remains without lawful cause or reasonable excuse in any passage leading to or from any booth;
- 14.32. enters or attempts to enter any change room which is designed for use by one person and which is already occupied by another person without the consent of such person or otherwise wilfully intrudes upon the privacy of any other person using or occupying such a change room;
- 14.33. being a male person above the age of seven years enters any booth or other facility during such time as it is appropriated solely for the use of members of the female sex unless, being under the age nine years, he/she is accompanied by an adult of that sex;
- 14.34. being a female person above the age of seven years enters any change room or other facility during such time as it is appropriated solely for the use of members of the male sex, unless, being under the age of nine years, she is accompanied by an adult of that sex;
- 14.35. loiters in, or in the vicinity of a booth or other facility exclusively reserved for the use of members of the other sex;
- 14.36. When fishing
 - 14.36.1. fishes or angles in any part of the coastal area where the Council has by notice in such designated area, prohibiting fishing or angling or fishes from; or
 - 14.36.2. throws or casts any fishing line into any bathing enclosure or any part of a bathing area; or
 - 14.36.3. while fishing from any part of the foreshore swings his line in such a manner as to cause a danger or annoyance to any other person or place his rod in such a way as to cause an obstruction or interferes with the comfort of any other persons; or
 - 14.36.4. fishes from any part of the foreshore or fails or neglects to clear away all bait and refuse before leaving; or
 - 14.36.5. fishes from any place whatsoever within 150 meters of any designated bathing zone which shall be measured from the nearest beach bathing beacon and the decision of any lifeguard official in this respect shall be final;
- 14.37. smokes or carries a lighted cigar, cigarette or pipe in any change room or toilet or in disregard of any notice prohibiting smoking;
- 14.38. leaves unattended any object or material, rubbish or bait on a bench or other seating accommodation provided by the Council for the use of the public;
- 14.39. calls for help when help is not needed or raises a false alarm or causes the same to be raised;
- 14.40. lands or takes off with an aircraft or helicopter without the prior written consent of the Beach Superintendent and in accordance with such conditions as may be imposed by him/her upon the granting of such consent.
- 15.1. No person shall sell or supply refreshments to members of the public upon the sea-shore or any area of beach sand except under the authority of a valid written permit granted by the Beach Superintendent and in accordance with the provision of these bylaws and such conditions as may be imposed by the Council upon the granting of the permit and in compliance with the Council's Informal Trading Bylaws. The Council's discretion to grant or refuse a permit shall be absolute.
- 15.2. Any receptacle used for the purpose of supplying food and drink refreshments on the sea-shore shall-
 - 15.2.1. be so constructed as to facilitate cleansing and to protect and safeguard adequately all foodstuffs confined therein from the sun and from contamination from dust, sand, dirt, flies and other obnoxious or harmful matter or thing; and
 - 15.2.2. be kept in a clean and sanitary condition at all times.

16. Any person, not being an official lifeguard or authorised employee, who-
- 16.1. by words, conduct or demeanour falsely pretends that he/she is an official lifeguard or such employee;
- 16.2. wears a uniform or part thereof or an insignia intended to be worn or used by an official lifeguard or authorised employee;
- 16.3. agrees with or induces or attempts to induce any official lifeguard or authorised employee to omit to carry out his duties or to do any act in conflict with his duty; or
- 16.4. in any way resists, obstructs, delays or interferes with an official lifeguard or authorised employee in the exercise of his powers or performance of his duties or attempts to do so;
- shall be guilty of an offence.
- 17.1. Notwithstanding any provision to the contrary contained in these bylaws, the Municipal Manager may, at the request of any Government Department or District Municipality; reserve-
- 17.1.1. the beach within or abutting the area of jurisdiction of the Council; or
- 17.1.2. any portion of such beach for the exclusive use of any such Government department and shall notify all interested parties in any manner or by any means he/she may deem most expedient, accordingly.
- 17.2. No person other than the Government Department concerned, shall make use of or enter upon the beach or any portion thereof reserved in terms of subsection 17.1. for the exclusive use of any such Government department.

PART 3

1. Environmental Conservation

- 1.1 No person may in any way interfere or make any changes to any form of any dune or river mouth on the coastline of the Municipality;
- 1.2 The Council may indicate by means of suitable notices erected at designated access points, or other suitable sites, those parts of the coastal area where specific activities may be limited, allowed, controlled or prohibited;
- 1.3 A person may not: -
- 1.3.1 break, damage, destroy or remove an egg from a nest; or
- 1.3.2 disturb or attempt to disturb a bird or nesting site of a bird;
- 1.4 A person may not injure or disturb or attempt to injure or disturb a wild animal;
- 1.5 A person may not cut, pick, uproot, fell or damage or attempt to cut, pick, uproot, fell, interfere with, or damage a plant growing in the coastal area, or do anything that could cause any harm to natural, indigenous and/or authentic plants on any beach, foreshore, dune, bathing area, bathing enclosure or any other area under the control of the Municipality;
- 1.6 A person may not:-
- 1.6.1 wilfully or negligently pollute the sea, coastal area, or surrounding terrain with fuel, oils, offal, bilge water, sewerage, refuse or rubble of any kind whatsoever; or
- 1.6.2 remove, or deposit sand or stone from, or on the coastal area;
- 1.6.3 cause any glass object, which includes any glass bottle or anything of which glass is a part, to be broken either wilfully or negligently.

- 1.7. The provisions of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) shall *mutatis mutandis* apply to these Bylaws.

2. Littering and bottles

- 2.1 No person shall deposit upon the foreshore, which is open to use by members of the public, any rubbish, debris, bottle glass or similar objects;
- 2.2 No glass or other article made of glass is permitted on the beach that may cause a nuisance or injury to persons frequenting that area, and shall at all times be stored in an appropriate way.

3. Fires

A person may not, except in places where amenities are provided by the Council, kindle a fire in the coastal area, without the prior written permission of the Council, which permission shall be subject to the conditions which the Council may deem fit to impose and in compliance with Section 10 of the Hibiscus Coast Municipality Fire Brigade Bylaws. No bonfire, fires or any other form of burning may be done on any beach without the written permission of Council.

4. Fireworks

No fireworks may be used on any beach or part of the coastline unless an approved permit has been obtained from the Protection Services Department of the Hibiscus Coast Municipality and in compliance with the Hibiscus Coast Municipality's Fire Brigade Bylaws.

5. Seine Netting

- 5.1 Only permit holders with permits issued by the Department Environmental Affairs and Tourism's Marine and Coastal Management, will be allowed to do seine netting from the Hibiscus Coast Municipality beaches;
- 5.2 No vehicles shall enter the coastal zone for the purposes of seine netting without written authority in compliance with the Regulations pertaining to Vehicles in the Coastal Zone issued in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), which written authority shall be made available to any authorised officer on demand.
- 5.3 All permit holders shall have their permits at hand and produce it on request by an authorised officer;
- 5.4 All persons entering onto any Municipal beach or entering the sea from such beach shall at all times have in their physical possession a permit; which shall be:
- 5.4.1 Issued in such person's name by the Department of Environmental Affairs and Tourism; and
- 5.4.2 by, and in accordance with the requirements of the Hibiscus Coast Municipality.

6. Signs

- 6.1 Signs for the purpose of conveying a direction or prohibition under any provision of these Bylaws shall bear the significance given to them in part 2 Section 11 hereto, except for permanent signs. Any other signs require the approval of Council and must be in compliance with the Hibiscus Coast Municipality's Advertising Signs and Hoarding Bylaws;
- 6.2 Signs shall conform as closely as possible in size, colour, shape and dimensions with the illustrations attached hereto and instructions contained in the relevant bylaws;

- 6.3. No person other than a person authorized thereto by the Beach Superintendent or an official lifeguard, shall move any sign or notice board displayed or erected for the purpose of these Bylaws and no person shall deface, obscure or damage or otherwise interfere with any such sign or notice. This authority does not extend to permanent signs, which can only be erected by order of the Municipal Manager.

7. Sleeping and Camping Within Coastal Zone

- 7.1. No person shall stay or sleep overnight in any part of the coastal area in any vehicle including a taxi or a bus, or erect a tent or structure for the purpose of staying overnight without the prior written approval of Council and then only in a designated area;
- 7.2. No tents or any other structure, excluding beach umbrellas and open gazebos, may be erected on any beach, beachfront, foreshore, dune or coastal zone or within the Admiralty Reserve, without the prior written approval of Council;
- 7.3. No person may in any manner remain in an area where camping is prohibited by the Council, or where the presence of persons are prohibited by the Council for certain periods as indicated by means of a notice in such designated area.

8. Vehicle Entrances

No vehicle may enter onto any portion of the foreshore other than through an entrance approved by the Municipality nor may any Ballard restricting entrance to the foreshore be removed.

PART 4

RULES AND BYLAWS GOVERNING THE LAUNCH SITES OF THE HIBISCUS COAST MUNICIPALITY

These Bylaws are to be read in conjunction with the existing National and Provincial environmental and tourism legislation and form an integral part of the Hibiscus Coast Municipality Beach Bylaws and any other related and applicable legislation.

1. The launching and beaching of all craft is subject to the provisions of the regulations in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Regulations in terms of that Act, being Regulation GN 1399 of 21 December 2001, pertaining to Control of vehicles in the coastal zone.
2. Before the launch of any craft, each craft launching from the launch site shall have a radio that operates on 29 MHz with frequencies "A" channel 29.935 and "B" channel 129.97.
3. Only once the statutory Launch Register has been properly completed and signed by the Skipper of any craft and the prescribed launch fees paid prior to any launching, shall the Skipper of any craft be permitted to operate a vehicle in the coastal zone and to launch from a Municipal Launch Site.
4. Trailers and vehicles are to be parked as indicated by displayed signs as set out and stipulated by the Base Controller from time to time, whose decision in this regard shall be final.
5. Outboard motors on the craft shall be warmed up at the demarcated water supply points for a period not exceeding ten (10) minutes.
6. No trailer for any craft may be parked at the demarcated water points unless motors are being warmed up. Water points provided by the Council at the site are exclusively for warming up and flushing of outboard motors only.
7. The washing of craft, trailers, vehicles and other equipment at or from the water points is not permitted for any reason whatsoever.

8. The processing scaling, cleaning, gutting and filtering and displaying of fish or disposal of bait products shall not be permitted in the designated facility (Fish Processing Bay), as such is a contravention of Section 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
9. Life Jackets as approved from time to time by the South African Bureau of Standards (SABS), as well as by the South African Maritime Safety Authority (SAMSA), shall be worn during launching and beaching by all skippers, crew and passengers.
10. Should any skipper, crew or passenger not be wearing a prescribed life jacket, the craft or ski-boat shall not be permitted to launch from any Hibiscus Coast Municipality launch site or from any other point on the beach.
11. No trading of any nature shall be allowed within the launch site parking area and will only be allowed in the demarcated area of the parking bay.
12. Skippers Certificates and Ski-Boat Seaworthy Certificates shall be produced to the Base Controller prior to launching, if so requested by the Base Controller.
13. The Base Controller and/or the Department of Transport shall have full authority to close and open the launch site in the event of inclement weather, or for any other safety reason. Such decision shall be final and will be reviewed as deemed necessary by the relevant authorised personnel.
14. The Base Controller shall keep a daily register of all boats which launch to sea. Skippers shall be required to check in with the Controller at least twice a day to confirm their positions whilst out at sea.
15. The Base Controller shall register all incidents. It shall be the responsibility of the relevant skipper/owner of the vessel to forward copies of the incident report to Department of Transport, SAMSA and the Shelly Beach and Protea Deep Sea Angling Club, or other local angling club as circumstances or ancillary laws require such submissions.
16. Only one craft may launch or beach at any one time and the Launch Site Controller's instructions shall be strictly adhered to and shall be final.
17. No craft, trailer or vehicle may be left on the beach in front of any ramp or accesses to such ramp for more than 15 minutes without the specific consent of the Launch Site Controller and no craft, trailer or vehicle may be left unattended in the launch zone by its skipper.
18. No boat, trailer, tractor or towing vehicle may be parked for longer than 4 (four) hours in the Base parking area which may be regulated from time to time after completion of final beaching. No boats may be parked over night unless prior arrangements have been made with the relevant Departments.
19. No non-towing vehicles will be allowed in the demarcated boat and trailer parking area. Private vehicles shall be parked only in the area demarcated for the public parking. All towing vehicles shall be hooked to their respective trailers whilst in the parking area.
20. Charter Companies shall be registered with the Receiver of Revenue, The Department of Transport and SAMSA and must comply fully with all regulations as required by law for such charter companies, failing which they shall not be permitted to operate from the launch site, which shall include, at all times a permit issued in a form prescribed from time to time by the Municipality, without which permit, no person shall be permitted to launch any craft from any launch site.
21. No Skipper training activities may be undertaken during peak periods which shall mean periods of high launch activity, such as holiday periods, unless prior arrangements have been

made with the Base Controller on duty and the Base Controller's decision and interpretation of peak periods shall be final.

22. No Jet Bikes or Jet Skis may be launched or beached during peak periods and must comply with all the safety requirements as specified by SAMSA.
23. Any person or pedestrian who is not under the immediate control of any Skipper or the Base Controller shall be strictly prohibited from any ramp and/or any demarcated red area.
24. The Base Controller may use a loud hailer and siren to warn users and the public of contraventions and of imminent danger.
25. No vehicles, boats or trailers shall exceed the boundaries of the Launch Site, 30 meters either side of the center of the slipway, unless an emergency situation is declared, or prior arrangements have been made with the relevant authorities.
26. No re-fuelling of crafts and ski-boats shall be permitted on the beach.
27. Only roadworthy vehicles and trailers may be permitted to be used for the launching and retrieving operation of boats.
28. **Use of Jet Skis or Jet-Craft at the Shelly Beach Launch Site**
 - 28.1. Such area as marked with a flag \pm 400m north and out at sea of the Shelly Beach Base shall be a demarcated area for Jet Skis;
 - 28.2. The demarcated area shall fall entirely under the control of the Base Controller;
 - 28.3. Each jet-ski operator shall complete a declaration form before launching;
 - 28.4. Jet Skis may only launch after the Ski-boats have launched on any particular morning;
 - 28.5. No beaching of Jet Skis shall be permitted between 12h00 to 14h00 on any particular day.
29. Only skippers who have signed indemnities indemnifying and holding the Hibiscus Coast Municipality harmless and blameless in respect of any claim of whatsoever nature, from any person, arising from any fishing, boat launching, charter or parking, or driving by such skipper or his enterprise shall be permitted to launch at any launch site.

PART 5

1. Penalties

Any person who-

- 1.1. contravenes any provision of these bylaws; or
- 1.2. contravenes any conditions or prohibitions in part 2 hereof, imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these bylaws or fails to make the relevant application to the relevant authorities;
- 1.3. fails to comply with the terms of any notice served on him/her or with any notice or sign displayed in terms of these bylaws, or
- 1.4. fails to obey any lawful instruction or direction given to him/her in terms of these bylaws;

shall be guilty of an offence and liable, upon conviction, to a fine not exceeding R50 000, or in default of payment of any fine imposed, to imprisonment for any period not exceeding one year, or to both such fine and such imprisonment.

2. Repeal of Bylaws

All the Bylaws promulgated under any former municipalities that now form the Hibiscus Coast Municipality, are hereby replaced and substituted by these Bylaws.

3. Short Title

These Bylaws will be called the Hibiscus Coast Municipality Beach and Launch Site Bylaws 2009.

4. Council Executive Committee Resolutions

The Hibiscus Coast Municipality may, from time to time, by way of Council Resolutions, supplement or amend these Bylaws, after promulgation, and such Resolutions shall be available to the public on request and shall *mutatis mutandis* form part of these Bylaws.

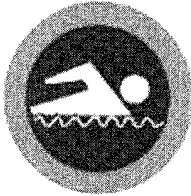
5. Commencement

These Bylaws come into force and effect on the date of promulgation of same in the relevant Kwa-Zulu Natal Provincial Gazette.

Beach Regulation Signs

Available from Corporate Signage & Clothing. Cell: 0844005153 Fax: 039 6951610 Database No: HIB038

Bathing Permitted / Baaiering Toegelaat
Kuvumelekile ukubhukuda



Dimensions / Afmetings: mm Colour Code/Kleurkode

A	B
300	55

Circle/Sirkel: Green/Groen
Symbol/Simbool: White/Wit
Background/Agtergrond:
Blue/Blou

Bathing Prohibited / Baaiering Verbode
Akuvumelekile ukubhukuda

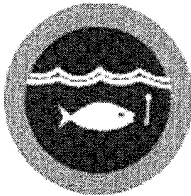


Dimensions / Afmetings: mm Colour Code/Kleurkode

A	B	C
300	55	55

Circle/Sirkel: Red/Rooi
Diagonal/ Diagonaal: Red/Rooi
Symbol/Simbool: White/Wit
Background/Agtergrond:
Blue/Blou

Fishing Permitted / Visvang Toegelaat
Kuvumelekile ukudoba



Dimensions / Afmetings: mm Colour Code/Kleurkode

A	B
300	55

Circle/Sirkel: Green/Groen
Symbol/Simbool: White/Wit
Background/Agtergrond:
Blue/Blou

Fishing Prohibited / Visvang Verbode
Akuvumelekile ukudoba

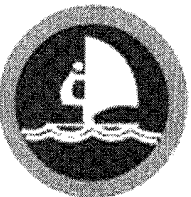


Dimensions / Afmetings: mm Colour Code/Kleurkode

A	B	C
300	55	55

Circle/Sirkel: Red/Rooi
Diagonal/ Diagonaal: Red/Rooi
Symbol/Simbool: White/Wit
Background/Agtergrond:
Blue/Blou

Windsurfing Permitted / Seilplankry Toegelaat
Kuvumelekile ukuntweza egagasini



Dimensions / Afmetings: mm Colour Code/Kleurkode

A	B
300	55

Circle/Sirkel: Green/Groen
Symbol/Simbool: White/Wit
Background/Agtergrond:
Blue/Blou

Windsurfing Prohibited / Seilplankry Verbode
Akuvumelekile ukuntweza egagasini



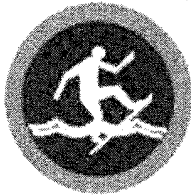
Dimensions / Afmetings: mm Colour Code/Kleurkode

A	B	C
300	55	55

Circle/Sirkel: Red/Rooi
Diagonal/ Diagonaal: Red/Rooi
Symbol/Simbool: White/Wit
Background/Agtergrond:
Blue/Blou

Available from Corporate Signage & Clothing. Cell: 0844005153 Fax: 039 6951610 Database No: HIB038

Surf-riding Permitted / Golfry Toegelaat
Kuvumelekile ukuntweza agagasini

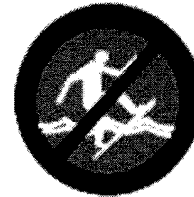


Dimensions / Ametings: mm Colour Code/Kleurkode

A	B
300	55

Circle/Siket: Green/Groen
Symbol/Simbool: White/Wit
Background/Agtegrond: Blue/Blou

Surf-riding Prohibited / Golfry Verbode
Ukuvumelekile ukuntweza egagasini



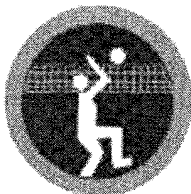
Dimensions / Ametings: mm

A	B	C
300	55	55

Colour Code/Kleurkode

Circle/Siket: Red/Rooi
Diagonal/ Diagonaal: Red/Rooi
Symbol/Simbool: White/Wit
Background/Agtegrond: Blue/Blou

Volley-ball Permitted / Vlugbal Toegelaat
Kuvumelekile akudlala i- volleyball



Dimensions / Ametings: mm Colour Code/Kleurkode

A	B
300	55

Circle/Siket: Green/Groen
Symbol/Simbool: White/Wit
Background/Agtegrond: Blue/Blou

Volley-ball Prohibited / Vlugbal Verbode
Akuvumelekile akudlala i- volleyball



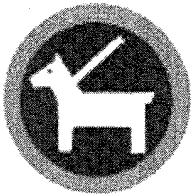
Dimensions / Ametings: mm

A	B	C
300	55	55

Colour Code/Kleurkode

Circle/Siket: Red/Rooi
Diagonal/ Diagonaal: Red/Rooi
Symbol/Simbool: White/Wit
Background/Agtegrond: Blue/Blou

Dogs Permitted / Honde Toegelaat
Kuvumelekile ukuhamba nezinja



Dimensions / Ametings: mm Colour Code/Kleurkode

A	B
300	55

Circle/Siket: Green/Groen
Symbol/Simbool: White/Wit
Background/Agtegrond: Blue/Blou

Dogs Prohibited / Honde Verbode
Akuvumelekile ukuhamba nezinja



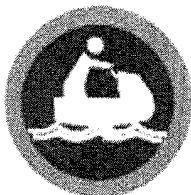
Dimensions / Ametings: mm

A	B	C
300	55	55

Colour Code/Kleurkode

Circle/Siket: Red/Rooi
Diagonal/ Diagonaal: Red/Rooi
Symbol/Simbool: White/Wit
Background/Agtegrond: Blue/Blou

Jetski's Permitted / Jetski's Toegelaat
Kuvumelekile ukuntweza ngesikebhe



Dimensions / Ametings: mm Colour Code/Kleurkode

A	B
300	55

Circle/Siket: Green/Groen
Symbol/Simbool: White/Wit
Background/Agtegrond: Blue/Blou

Jetski's Prohibited / Jetski's Verbode
Akuvumelekile ukuntweza ngesikebhe

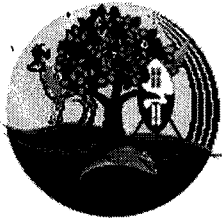


Dimensions / Ametings: mm

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Colour Code/Kleurkode

Circle/Siket: Red/Rooi
Diagonal/ Diagonaal: Red/Rooi
Symbol/Simbool: White/Wit
Background/Agtegrond: Blue/Blou



UMDONI MUNICIPALITY

TOGETHER BUILDING UNITY – SIYAKHISANA – TESAME BOU ONS EENHEID

Municipal Number: 84/2010

PROMULGATION OF RESOLUTION LEVYING RATES

In terms of Section 14 of Local Government: Municipal Property Rates Act, ACT No 6 of 2004, the Council hereby publishes the Resolution adopted by it at the Council Meeting held in Scottburgh on 26 May 2010, for information.

ANNUAL BUDGET: 2010/2011 AND RATES RANDAGES AS ASSESSED

- 1.1) Council resolves that the draft annual capital and operating budgets of the municipality for the financial year 2010/2011 be adopted as set out in the following schedules as per the budget documents:
 - a) Budgeted Financial Performance Summary by Revenue Source and Expenditure Category for all Departments as reflected in Annexure 1
 - b) Budgeted Financial Performance - revenue and expenditure by GFS classification as reflected in Annexure 2;
 - c) Budgeted Financial Performance - revenue and expenditure by department as reflected in Annexure 3;
 - d) Budgeted Financial Performance - revenue and expenditure by municipal vote as reflected in Annexure 4;
 - e) Budgeted Financial Performance - revenue and expenditure by line item as reflected in Annexure 5;
 - f) Budgeted Capital Expenditure by vote, GFS classification and funding as reflected in Annexure 6; and
 - g) Budgeted Capital Expenditure by line item as reflected in Annexure 7
- 1.2) Council resolves that Draft Tariff of Charges reflected in Annexure 9 are adopted for the 2010/2011 financial year.
- 1.3) Council resolves that draft property rates randages and rebates reflected in Section 7, of the budget documents are adopted for the 2010/2011 financial year.
- 1.4) Council resolves that the budget documents be submitted to Provincial and National Treasury, as per statutory requirements.

ASSESSED RATES RANDAGES FOR THE 2010/2011 FINANCIAL YEAR AS FOLLOWS:

Category	Randage
Residential	0.00700
Commercial/Business	0.00937
Industrial	0.00937
Agricultural Property	0.00178
Public Service Infrastructure	0.00178
Public Benefit Organization	0.00178
State owned Property	To be rated on usage
Vacant	0.01961

DETERMINED THAT THE FOLLOWING REBATES WILL APPLY FOR THE 2010/2011 FINANCIAL YEAR AS FOLLOWS:

1. All Developed Residential Properties - The first R 15,000 legislated and R60,000 as per council agreement on the market value of all developed residential properties will not be rated;
2. Vacant Property - The first R 15,000 on the market value of all vacant properties not utilised for industrial or commercial purposes, will not be rated;
3. All Disabled Persons/Pensioners/Indigent Persons who have been declared as such in terms of the Municipality's Indigent and Property Rating Policies – The first R 15,000 legislated and R60,000 as per council agreement terms of point 1 above and a further R 295,000 on the market value of the property will not be rated;
4. Fixed and final date for the payment of the Annual Assessment Rates for the 2010/2011 financial year is Thursday, 30 September 2010. Should payment not be received within 60 days after due date debt recovery and credit control processes shall be instituted;
5. A rebate of 4% will be granted, by application only, for medium to high density developments (Sectional Title & Share blocks) on rates due for the financial year. Application forms will be available from the Scottburgh Municipal Offices and the Municipal Libraries.
6. Collection charges for rates raised annually shall be levied two calendar months after the rates becomes payable on outstanding rates for that year at 10%. Collection charges for rates raised monthly shall be levied at the end of the financial year at 10%.

**DD NAIDOO
MUNICIPAL MANAGER**



UMASIPALA UMDONI

TOGETHER BUILDING UNITY – SIYAKHISANA – TESAME BOU ONS EENHEID

Inombolo kaMasipala: 84/2010

UKUMENYEZELWA KWEZINQUMO NGEZINHLAWULO ZENTELA

NgokweSigaba 14 soMthetho Wezentela Yezindawo Zikamasipala: koHulumeni Basekhaya: uMthetho No 6 wezi- 2004, uMkhandlu lapha ushicilela iZinqumo owazamukela eMhlanganweni woMkhandlu owawuse-Scottburgh mhla zingama- 26 kuNhlaba wezi- 2010.

ISABELOMALI SONYAKA: 2010/2011 KANYE NENTELA KAMASIPALA NJENGALOKHO INQUNYIWE

- 1.1) UMkhandlu unquma ukuthi uhlaka lwemali yonyaka kanye nezabelomali zokuqhuba umsebenzi zikamasipala zonyaka wezimali wezi- 2010/2011 lwamukelwe njengoba kubekiwe kulezi zinhlelo ezilandelayo ngokwemibhalo yesabelomali:
 - a) Ukusebenza Kwemali Eyabiwe ngokufingqiwe ngokoMthombo Wemali Eqoqiwe nangokoMkhakha Wemali Esebenzile yayo yonke iMinyango njengalokhu kuveziwe eSithasiselweni 1
 - b) Ukusebenza Kwemali Eyabiwe - Imali eqoqiwe kanye nemali esetshenziswe ngokuhlukaniseka kwe-GFS njengalokhu kuveziwe eSithasiselweni 2;
 - c) Ukusebenza Kwemali Eyabiwe – imali eqoqiwe kanye nemali esetshenziswe ngumnyango njengalokhu kuveziwe eSithasiselweni 3;
 - d) Ukusebenza Kwemali Eyabiwe – imali eqoqiwe kanye nemali esetshenziselwe imikhakha(vote) kamasipala njengalokhu kuveziwe eSithasiselweni 4;
 - e) Ukusebenza Kwemali Eyabiwe – imali eqoqiwe kanye nemali esetshenziselwe izindleko kanye nemithombo eyahlukahlukene (line item)njengalokhu kuveziwe eSithasiselweni 5;
 - f) Imali Esebenzile Eyabiwe ngokwemikhakha(vote), ngokokwehlukiseka kwe-GFS kanye nangokosizo lwezimali njengalokhu kuveziwe eSithasiselweni 6; kanye
 - g) Nemali Esebenzile Eyabiwe ngezindleko kanye nemithimbo eyahlukahlukene (line item)njengalokhu kuveziwe eSithasiselweni 7;
- 1.2) UMkhandlu unquma ukuthi uHlaka Lokukhokhwa Kwentela Emisiwe evezwe eSithasiselweni 9 lwamukelwe kulo nyaka wezimali wezi- 2010/2011.
- 1.3) UMkhandlu unquma ukuthi uhlaka lwentela yezindawo zikamasipala ngokwamarandi kanye nezaphulelo oluvezwe eSigabeni 7 semibhalo yesabelomali lwamukelwe kulo nyaka wezimali wezi- 2010/2011.
- 1.4) UMkhandlu unquma ukuthi imibhalo yesabelomali ithunyelwe kuMgcinimafa Wesifundazwe nokaZwelonke njengalokhu kudingekile ngokomthetho.

INTELA KAMASIPALA EHLOLIWE NGOKWAMARANDI YONYAKA WEZIMALI WEZI- 2010/2011 IMI KANJE:

Umkhakha	Ngokwamarandi
Indawo yokuhlala	0.00700
Indawo yokuhweba/ yamabhizinisi	0.00937
Indawo yezimboni	0.00937
Umhlaba Wezolimo	0.00178
Inggalasizinda Yomsebenzi Kahulumeni	0.00178
Inhlangano Yokuzuzisa Umphakathi	0.00178
Umhlaba kaHulumeni	Izonqunywa ngokokusebenza kwawo
Indawo engenalutho	0.01961

KUNQUNYWE UKUTHI LEZI ZAPHULELO EZILANDELAYO ZIZOSEBENZA NGONYAKA WEZIMALI WEZI- 2010/ 2011 KANJE:

1. Zonke Izindawo Zokuhlala Ezithuthukisiwe- ama- R15,000 asemthethweni okuqala kanye nama- R60,000 ngokwesivumelwano somkhandlu yenani eliyisilinganiso sazo zonke izindawo zokuhlala ezithuthukisiwe ngeke aklanyelwe intela;
2. Umhlaba ongenalutho - ama- R15,000 okuqala enanini eliyisilinganiso semihlaba engenalutho engasetshenziselwa izimboni noma ukuhweba angeke aklanyelwe intela;
3. Bonke abantu abanokukhubazeka, abahola impesheni, abahlwempu abadalulwe kanjalo ngokweZinqubomgomo Zabantu Abahlwempu kanye Nezokuklanywa Kwentela Kamasipala Yezindawo - ama- R15,000 asemthethweni okuqala kanye nama- R60,000 ngokwesivumelwano somkhandlu sephuzu lokuqala ngenhla kanjalo nama- R295,000 enani eliyisilinganiso sazo zonke izindawo zokuhlala ezithuthukisiwe angeke aklanyelwe intela;
4. Usuku olubekiwe nolokugcina lokukhokhwa kweNtela kaMasipala yokuHlola yoNyaka yangonyaka wezimali wezi- 2010/2011 nguLwesine, mhla zingama- 30 kuMandulo wezi- 2010. Uma kuze kudlule izinsuku ezingama- 60 emva kosuku olungumnqamulajuqu ingakhokhiwe imali, kuyobe sekuqaliswa izinhlelo zokubuyiswa kwezimali ezikweletwayo nokulawulwa kwezikweletu.
5. Isaphulelo esingama- 4% siyonikezwa, ngokufaka isicelo kuphela, ezindaweni eziminyene ngokusendimeni kanye nalezo eziminyene kakhulu (Sectional Title & Share Blocks) enteleni kaMasipala okumele ikhokhwe ngalowo nyaka wezimali. Amafomu okufaka isicelo ayotholakala emaHhovisi kaMasipala eScottburgh kanye naseMitapweni Yolwazi kaMasipala.
6. Izinhlawulo zokuqoqwa kwentela kamasipala eqoqwa ngonyaka ziyokhokhwa ezinyangeni ezimbili emva kokuba intela kamasipala ebikweletwa isikhokhiwe kulowo nyaka ngama- 10%. Izinhlawulo zokuqoqwa kwentela kamasipala eqoqwa ngenyanga ziyokhokhwa ekupheleni konyaka wezimali ngama- 10%.

**NGU- DD NAIDOO
IMENENJA KAMASIPALA**

ENDUMENI MUNICIPALITY

PUBLIC NOTICE CALLING FOR INSPECTION OF SUPPLEMENTARY VALUATION ROLL No. 4 AND LODGING OF OBJECTIONS

Notice is hereby given in terms of Section 49(1)(a)(i) of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), hereinafter referred to as the "Act", that the supplementary valuation roll no. 4 for the financial year 2010/2011 is open for public inspection at the Municipal Offices, 64 Victoria Street, Dundee; the Municipal Offices, Biggar Street, Glencoe; the Municipal Offices, Market Square, Wasbank; all libraries within the area of jurisdiction of the Endumeni Municipality, as well as on the Municipality's website www.endumeni.gov.za, from 21 July 2010 to 30 August 2010.

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

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

The form for the lodging of an objection is obtainable at the aforementioned municipal offices.

The completed forms must be returned to the following address on or before the expiry date of the period afforded for public inspection as stated above:

The Municipal Manager
Private Bag 2024
Dundee
3000

For enquiries please telephone 034 – 212 2121 extension 2218, or send an e-mail to nicb@endumeni.gov.za.

J. B. MALTMAN
ACTING MUNICIPAL MANAGER

Date: 19 July 2010

NOTICE No. 58/2010

ENDUMENI MUNISIPALITEIT**OPENBARE KENNISGEWING MET BEROEP OP INSPEKSIE
VAN AANVULLENDE WAARDASIELYS No. 4 EN INDIEN VAN
BESWARE**

Kennis geskied hiermee ingevolge Artikel 49(1)(a)(i) van die Plaaslike Owerheids: Munisipale Eiendomsbelastingwet, 2004 (Wet No. 6 van 2004), hierna verwys as die "Wet", dat die aanvullende waardasielys no. 4 ten opsigte van die 2010/2011 finansiële jaar beskikbaar is vir openbare inspeksie by die Munisipale Kantore, Victoriastraat 64, Dundee; die Munisipale Kantore, Biggarstraat, Glencoe; die Munisipale Kantore, Markplein, Wasbank, alle biblioteke binne die regsgebied van die Endumeni Munisipaliteit, en op die Munisipaliteit se webwerf www.endumeni.gov.za, vanaf 21 Julie 2010 tot 30 Augustus 2010.

'n Beroep word hiermee, ingevolge artikel 49(1)(a)(ii) saamgelees met Artikel 78(2) van die Wet, gedoen op die eenaar van eiendom, of enige ander persoon wie daartoe wens, om binne die voormelde tydperk beswaar by die Munisipale Bestuurder aan te teken teen enige aangeleentheid wat daarin verskyn, of wat daaruit weggelaat is.

U aandag word daarop gevestig dat, ingevolge artikel 50(2) van die Wet, enige beswaar gerig moet wees tot 'n spesifieke individuele eiendom en nie teen die aanvullende waardasielys as sulks nie.

Die nodige vorms vir die indien van besware sal verkrygbaar wees by die munisipale kantore soos hierbo vermeld.

Voltooide vorms moet voor of op die laaste datum vir openbare inspeksie soos hierbo genoem versend word na die volgende adres:

Die Munisipale Bestuurder
Privaatsak 2024
Dundee
3000

Enige navrae kan gerig word aan telefonnommer 034 – 212 2121 uitbreiding 2218, of per e-pos aan nicb@endumeni.gov.za.

J. B. MALTMAN
WAARNEMENDE MUNISIPALE BESTUURDER

Datum: 19 Julie 2010

KENNISGEWING No. 58 /2010

UMASIPALA WASENDUMENI**ISAZISO ESIMEMA UMPHAKATHI UKUBA UZOHLOLA UHLU
ISICHIBIYELO SOHLU No. 4 LWEZILINGANISOMANANI
NOKUFAKA ISICELO SOKUPHIKISA**

Kwaziswa umphakathi ngokwesigaba 49(1)(a)(i) soMthetho woHulumeni Basemakhaya: uMthetho Wentela yoBuninimhlaba kaMasipala we-2004, (uMthetho ongunombolo 6 we-2004), obuye ubizwe ngokuthi uMthetho, ukuthi uhlu isichibiyelo sohlu no.4 lwezilinganisomanani lonyaka wezimali ye- 2010/2011 seluvulelekile ukuthi umphakathi uluhlale emahhovisi kamasipala ku 64 Victoria Street, Dundee; Biggar Street, Glencoe; Market Square, Wasbank; nakuyoyonke imitapoyezincwadi ekuMasipala Endumeni, kusukela 21 Julayi 2010 kuya 30 August 2010, ngaphezu kwalokho noma loluhlu luyatholakala ekhelini lesizindalwazi elithi www.endumeni.gov.za.

Kumenywa, ngokwesiGaba 49(1)(a)(ii) sifundwa ngokuhlanganyela nesigaba 78(2) soMthetho, noma ngubani ongumnikazi womhlaba noma omunye nje-ke umuntu onesifiso sokuba afake isicelo sokuphikisa emenenjeni kamasipala nganoma yikuphi okusohlwini lwezilinganisomanani noma okusalile ohlwini esichibiyelweni sohlu lwezilinganisomanani phakathi kwesikhathi esibekwe ngenhla.

Umphakathi uyaxwayiswa ukuthi ngokwesiGaba 50(2) soMthetho ukuphikisa kumele kuqondane ngqo nalowo mhlaba ofisa ukuphikisa ngawo kodwa kungabi ngesohlu esichibiyelweni sohlu lwezilinganisomanani.

Ifomu lokufaka isiphikiso sakho litholakala kulamakheli loMasipala abangenhla.

Amafomu asegcwalisiwe kumele abuyiselwe kuleli kheli elilandelayo ngomhlaka noma ngaphambi kokuphela kwesikhathi esishiwo ngenhla ukuze umphakathi uhlole:

The Municipal Manager
Private Bag 2024
Dundee
3000

Uma ufuna ukubuza sicela ushayele kule nombolo yocingo 034 – 212 2121 extension 2218, noma usebenzise leli kheli lombikombani (email) nicb@endumeni.gov.za.

J. B. MALTMAN
IMENENJA KAMASIPALA EBAMBELE

Usuku: 19 Julayi 2010

ISAZISO ESINGUNOMBOLO 58/2010

ADVERTISEMENT—ISIKHANGISO

DFA APPLICATION**Regulation 21(10) of the Development Facilitation Regulations in terms of the Development Facilitation Act, 1995**

The Bridgeford Family Trust has lodged an application in terms of the Development Facilitation Act, 1995, for a development on the farm Blair Atholl No.15735, Mooi Mpfana Municipality. The development will consist of a lodge with conference venue, restaurant, 6 self-catering units and 6 lodge chalets, 33 holiday on a 21 Ha subdivision with and residential units on individual mini-sub, 4 staff housing units, a managers dwelling and associated infrastructure. The relevant plans, documents and information are available for inspection at the offices of the Designated Officer for a period of 21 days from 22 July 2010.

The application will be considered at a Tribunal hearing to be held at the, Mpfana Municipal Council Chambers, Mooi River on 29 September 2010 at 10h00 and the prehearing conference will be held at the Mpfana Municipal Council Chambers on 11 August 2010 at 10h00. You may attend an inspection in loco of the land development area which will be conducted by the Tribunal on 28 September 2010 at 14h00.

Any person having an interest in the application should please note: You may within a period of 21 days from the date of the first publication of this notice, provide the designated officer with your written objections or representations; or if your comments constitute an objection to any aspect of the land development application, you must appear in person or through a representative before the Tribunal at the prehearing conference, on the date mentioned above. Any written objection or representation must be delivered to the designated officer Mr S Makhaye, P.O Box 47, Mooi River, 3300 and you may contact the designated officer if you have any queries at the following : (T) : 033 2637700 (F) : 033 2631127

DFA APPLICATION**[Umthetho 21(10) wemithetho yokuKhuthaza iNtuthuko ngokulandela uMthetho wokuKhuthaza iNtuthuko ka-1995]**

The Bridgeford Family Trust ufake isicelo ngokulandela uMthetho wokuKhuthaza iNtuthuko mayelana nokumiswa kwendawo yokuthuthukiswa the farm Blair Atholl No.15735, Mooi Mpfana. Ukuthuthukisa kubabandakanya lokhu okulandelayo: a lodge with conference venue, restaurant, 6 self-catering units and 6 lodge chalets, 33 holiday on a 21 Ha subdivision with and residential units on individual mini-sub, 4 staff housing units, a managers dwelling and associated infrastructure. Ipulani (amapulani), incwadi (izincwadi) neminingwane edingekayo ukuze ihlolwe itholakala: the offices of the Designated Officer isikhathi esiyizinsuku ezingama-21 kusukela 22 July 2010.

Isicelo siyocutshungulwa eNkundleni yokulalela izicelo eyohlala Mpfana Municipal Council Chambers, Mooi River mhla ka 29 September 2010 ngo 10h00 kanti umhlangano wokwendulela uyoba Mpfana Municipal Council Chambers, Mooi River mhla ka 11 August 2010 ngo 10h00. Ungaba khona lapho kuhlolwa mathupha indawo ethuthukiswayo okuyokwenziwa yiNkundla yokulalela izicelo mhla ka 28 September 2010 ngo 14h00

Yinoma yimuphi umuntu onentshisekelo mayelana nesicelo kumele aqaphele lokhu: Ezinsukwini ezingu-21 lesi sazizo sokuqala simenyazelwe, unganikeza isiphathi-mandla esiqokiwe isikhalo noma umbono wakho obhalwe phansi; noma uma umbono wakho kuyisikhalo esiqondene nokuthile mayelana nesicelo sokuthuthukisa umhlaba, kumele ube khona mathupha noma umelwe ummeli eNkundleni ngosuku olubalulwe ngenhla. Noma yisiphi isikhalo noma umbono obhalwe phansi kumele uthunyelwe kwisiphathi-mandla esiqokiwe Mr S Makhaye, P.O Box 47, Mooi River, 3300, futhi ungathintana nesiphathi-mandla lapha (T) : 033 2637700 (F) : 033 2631127

