



KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SA KWAZULU-NATALI

**Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe**

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PIETERMARITZBURG

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2 KUNCWABA 2017

No. 1862

**We all have the power to prevent AIDS**



**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

**Prevention is the cure**

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### **IMPORTANT NOTICE:**

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## MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

### MUNICIPAL NOTICE 105 OF 2017

### Statutory Notice No. 2779

### Notice of Expropriation

Issued by the eThekweni Municipality

In terms of Section 9(3) of the Housing Act, 1997 (Act No. 63 of 1997)

Read with Sections 1, 6 to 15 and 18 to 23 of the Expropriation Act, 1975 (Act No. 63 of 1975) as amended read with Section 25(2) of the Constitution of the Republic of South Africa, 1996.

**TO: VARIOUS LAND OWNERS AS PER LIST BELOW**

**AND TO:** All other persons claiming any right to or interest in the land described in this Notice of Expropriation whether by virtue of registration or otherwise, and particularly any lessee, buyer or builder contemplated in terms of Section 9(1)(d) of the Expropriation Act, 1975.

**NOTICE** is hereby given in terms of Section 7, read with Section 5(2) of the Expropriation Act No. 63 of 1975 (the Act) that the eThekweni Municipality (the Municipality), being unable to purchase the said land on reasonable terms through negotiation with the owners of the land and having obtained the permission of the Member of the Executive Committee of the Province of KwaZulu-Natal responsible for housing matters in the province on 31 March 2014, hereby expropriates the land described hereunder under powers vested in it by Section 9(3) of the Housing Act No. 107 of 1997 (the Housing Act) and Section 5 of the Act, for public purposes, in particular for the purposes of a national housing programme as defined in Section 1 of the Housing Act.

The land being expropriated and ownership is as follows:

#### DIKWE MASAKHANE HOUSING PROJECT – PLAN SH 9719

NO	PROPERTY DESCRIPTION	REGISTERED OWNER	TITLE DEED NUMBERS
1	Rem of 442 of the Farm Piezang Revier No. 805	Trustees of the Inanda Community Development Trust	CRT12944/1996

#### GOQOKAZI HOUSING PROJECT – SH 9638

NO	PROPERTY DESCRIPTION	REGISTERED OWNER	TITLE DEED NUMBERS
1	Portion 206 (of 36) of the Farm Groeneberg no. 844	B M Cele	T4128/1934
2	Portion 229 (of 36) of the Farm Groeneberg no. 844	V Cele	T12444/1948
3	Portion 211 (OF 171) Underlying property is Rem of Portion 171 (of 40) of the Farm Groeneberg no. 844	A B Mbatha	T595/1978

**BHAMBAYI PHASE 3 HOUSING PROJECT**

NO	PROPERTY DESCRIPTION	REGISTERED OWNER	TITLE DEED NUMBERS
1.	PTN 56 (of 1) of the farm Piezang Rivier No 805	D.Mbhamblo	SV 318 F71
2.	PTN 58 (of 1) of the farm Piezang Rivier No 805	M.Dube	SV324 F19
3.	REM of PTN 59 (of 1) of the farm Piezang Rivier No 805	G.Shezi & M.Mkadela	SV324 F20
4.	PTN 60 (of 1) of the farm Piezang Rivier No 805	J.Umgoma	SV325 F54
5.	PTN 62 (of 1) of the farm Piezang Rivier No 805	N.A.S.I. & N.D. Mhlane	SV328 F62
6.	PTN 63 (of 1) of the farm Piezang Rivier No 805	G.Sabela	SV329 F33
7.	PTN 84 (of 1) of the farm Bhambhayi No 17267	N.Kuluse	SV408 F79
8.	PTN 272 (of 1) of the Farm Piezang Rivier no 805	J.Mwandhla	SG NO. 2942/1937
9.	PTN 273 (of 1) of the Farm Piezang Rivier no 805	J.Mwandhla	SG NO. 2943/1937
10.	PTN 276 (of 1) of the Farm Piezang Rivier no 805	N.R. Khumalo & Others	SG NO. 2660/1938
11.	PTN 279 (of 1) of the farm Piezang Rivier no 805	N.R. Khumalo & Others	SG NO. 2663/1938
12.	PTN 287 (of 1) of the farm Piezang Rivier No 805	N.R. Khumalo & Others	SG NO. 2159/1940
13.	PTN 288 (of 1) of the farm Piezang Rivier No 805	P.Khuzwayo & Others	SG NO. 1847/1942
14.	PTN 299 (of 1) of the farm Piezang Rivier No 805	P.Khuzwayo & Others	SG NO. 4517/1945
15.	PTN 300 (of 1) of the farm Piezang Rivier No 805	C.Ndaba & C.Mahoyi	SG NO. 4518/1946
16.	PTN 304 (of 1) of the farm Bhambhayi No 17267	E.Mhlongo	SG NO. 4522/1946
17.	PTN 305 (of 1) of the farm Piezang Rivier No 805	D.Ndlovu	SG NO. 4523/1946
18.	PTN 307(of 1) of the farm Piezang Rivier No 805	R.Ngcobo	SG NO. 4525/1946
19.	PTN 308 (of 1) of the farm Piezang Rivier No 805	A.K. Mkhwanazi	SG NO. 4526/1946
20.	PTN 309 (of 1) of the farm Piezang Rivier No 805	O.S. Dhlamini	SG NO. 4527/1946
21.	PTN 311 (of 1) of the farm Bhambhayi No 17267	E.Mhlongo & Others	SG NO. 4529/1946
22.	PTN 313 (of 88) of the farm Piezang Rivier No 805	Unknown	SG NO. 4578/1946
23.	PTN 391 (of 61) of the farm Piezang Rivier No 805	Unknown	SG NO. 2351/1976

**GWALAS FARM HOUSING PROJECT - PLAN SH 9719**

NO	PROPERTY DESCRIPTION	REGISTERED OWNER	TITLE DEED NUMBERS
1	Portion 7 (of 1) of the Farm Frosterly No. 1021	D N Moodley and others	T2688/1969

**NTUZUMA D PHASE 2 AND 3 PLAN – SJ 4645/9**

NO	PROPERTY DESCRIPTION	REGISTERED OWNER	TITLE DEED NUMBERS
1	Portion 70 (of 5) of the Farm Piezang Rivier No.805	S.Bhulose	T5832/1952
2	Portion 71 (of 5) of the Farm Piezang Rivier No.805	U.Khuzwayo	T299/1917
3	Portion 247 (of 50) of the Farm Piezang Rivier No.805	S.Bhulose	T5832/1952

**TRENANCE PARK 2B HOUSING PROJECT PLAN – SH 9629**

NO	PROPERTY DESCRIPTION	REGISTERED OWNER	TITLE DEED NUMBERS
1	Portion 163 of the Farm Roodekrans No.828	G V Naidoo	T21847/1983
2	Portion 199 (of 127) of the Farm Roodekrans No.828	S Ebrahim	T10511/1954
3	Portion 136 of the Farm Roodekrans No.828	H Dhlamini	T4578/1955

**THAMBO PLAZA HOUSING PROJECT**

NO	PROPERTY DESCRIPTION	REGISTERED OWNER	TITLE DEED NUMBERS
1	Portion 47 of the Farm Melk Houte Kraal No.789	AI & AB Haffejee	T7836/1964/ T9055/1982
2	Erf 1385 Mshayazafe	Mshayazafe Trust	T1800/2002

**RAINBOW RIDGE HOUSING PROJECT – PLAN SH 9840**

NO	PROPERTY DESCRIPTION	REGISTERED OWNER	TITLE DEED NUMBERS
1	Rem of 4683 Reservoir Hills	Thakurdin	T4114/1940
2	Rem of 4682 Reservoir Hills	Dosram and others	T416/1927
3	Rem of 4681 Reservoir Hills	S. Ramboran & Others	T22859/1999
4	Rem of 4679 Reservoir Hills	Dewnarain	T3203/1958
5	Rem of 4677 Reservoir Hills	Bechan & Others	T5881/1970
6	Rem of 4676 Reservoir Hills	B & A Bharat	T17597/1995
7	Rem of 4675 Reservoir Hills	Raghubar & Others	T7370/1959
8	Rem of 4674 Reservoir Hills	Raghubar & Others	T2184/1932
9	Rem of 4673 Reservoir Hills	N Reddy	T36284/2007
10	Rem of 4672 Reservoir Hills	N Reddy	T36283/2007

**KENVILLE HOUSING PROJECT – GUMTREE ROAD – PLAN**

NO	PROPERTY DESCRIPTION	REGISTERED OWNER	TITLE DEED NUMBERS
1	Portion 3 of 424 Durban North	I Rugnath	T 14644/1982
2	Rem of 427 Durban North	C Amod	T6403/1958
3	Rem of 428 Durban North	R & U Sampat	
4	Portion 11 of 417 Durban North	S W Pillay	T 11942/1979
5	Rem of 429 Durban North	Ramcharan	T 2631/1953
6	Erf 432 Durban North	S & I Lutchminarain	T 18271/2002
7	Erf 433 Durban North	Ganesan & Others	T 10152/1972
8	Erf 436 Durban North	A Ally & Others	T 10044/1956
9	Portion 1 of 438 Durban North	NYR	
10	Rem of 438 Durban North	NYR	
11	Underlying properties Erf 437 Durban North	A R Krishna	T 21714/1989
12	Portion 7 (of 1) of 435 Durban North	NYR	
13	Rem of 1 of 435 Durban North	YH & A Kadwa	T 39936/2005
14	Erf 439 Durban North	Soomar Inv CC	T 37112/1993
15	Rem of 443 Durban North	Mariama B-E	T 16900/1992
16	Rem of 1 of 433 Durban North	N P Zungu	T 37880/2002
17	Portion 2 (of 1) of 433 Durban North	M Thulukanam & Others	T 15994/1971
18	Portion 1 of 444 Durban North	R Govender & Others	T 11999/1983
19	Rem of 444 Durban North	S & L Archary	T 28446/1987
20	Rem of 5 of 447 Durban North	P & I Archary	T 28445/1987
21	Portion 1 of 449 Durban North	Munsamy & Others	T 25470/1980
22	Portion 2 of 449 Durban North	NYR	
23	Rem of 449 Durban North	JK & M Govender	T 11914/1997
24	Rem of 452 Durban North	Sea Cow Lake Vedic Sanmarka Sabha & Tamil School	T 1244/1931
25	Rem of 453 Durban North	Suraj Singh Family Trust- Trustees	T 40749/2005
26	Rem of 454 Durban North	V & P Moodley	T 33154/2001
27	Rem of 1 of 458 Durban North	P Pillay	T 44328/2005
28	Rem of 458 Durban North	PanjalinguM & others	T 11701/1982
29	Rem of 461 Durban North	W Ebrahim & Others	T 3338/1987
30	Rem of 460 Durban North	Ahmed	T 458/1905
31	Rem of 581 Durban North	Seebran & Others	T 13601/1969
32	Rem of 582 Durban North	Sewnarayan	T 4173/1926
33	Rem of 3 (of 1) of 582 Durban North	N Gayadin & Others	6199/1968
34	Rem of 4 (of 1) of 582 Durban North	D Ramruttan & Others	T24463/1992
35	Rem of 1 of 582 Durban North	B Harree	T 10397/1988
36	Rem of 583 Durban North	Avoca Cultural Soc Trust- Trustees	T 36008/1993
37	Portion 1 of 587 Durban North	Ramaya	T 2058/1964
38	Rem of 1 of 588 Durban North	Angelfish Inv 20 cc	T 51058/2000
39	Portion 5 of 588 Durban North	NYR	-
40	Portion 6 of 588 Durban North	A Laljeeth	T50825/2007
41	Rem of 589 Durban North	P Moodley	T 17412/1994
42	Rem of 1 of 589 Durban North	H Khan	T 11816/1966
43	Rem of 2 of 589 Durban North	Munsami	T 10042/1965
44	Portion 4 of 590 Durban North	Kistamma	T 149/1979
45	Portion 2 of 418 Durban North	I Sewlall	T 8816/1983

46	Rem of 417 Durban North	CC & CH Lee Family Trust-Trustees	T11877/2008
47	Portion 13 of 417 Durban North	S P Pillay	T 11943/1979
48	Portion 12 of 417 Durban North		
49	Portion 11 of 417 Durban North	S W Pillay	T11942/1979
50	Portion 10 of 417 Durban North		
51	Portion 8 of 417 Durban North		T 11944/1979
52	Portion 7 of 417 Durban North	P Pillay	
53	Portion 6 of 417 Durban North		
54	Portion 2 of 417 Durban North	Krishnan Shunmoogam Pillay Trust-Trustees	T 15718/1984
55	Portion 1 of 411 Durban North	A M Jadwat & Others	T 12695/2005
56	Portion 4 of 411 Durban North	E & D Dukhanti	T 33105/1988
57	Erf 3724 Durban North	NYR	-
58	Underlying Properties Portion 4 (of 2 ) of 867 Durban North	NYR	-
59	Portion 1 of 360 Durban North	NYR	
60	Rem of 411 Durban North	P Nundlall	T25402/1998
61	Erf 522 Durban North	S & S Singh	T 10836/2000
62	Portion 3 of 426 Durban North	R & R Ramgoolam	T 5106/1987
63	Rem of 426 Durban North	SOF & RB Hoosen	T 4674/1997
64	Rem of 430 Durban North	Dewdutt	T 11373/1973
65	Rem of 2 of 430 Durban North	Balgobind	T 11373/1973
66	Rem of 431 Durban North	B Ramdhani & Others	T 12202/1994
67	Rem of 434 Durban North	Y Naidoo & Others	T 16855/1998
68	Portion 2 of 434 Durban North	Trustees of SA NATIONAL Zakah Fund Trust-	T 19408/2009
69	Rem of 1 of 434 Durban North	Mariamamma	T 6951/1980
70	Rem of 435 Durban North	J & R Roussoulte	T 36418/2005
71	Rem of 1 of 435 Durban North	YH & A Kadwa	T39936/2005
72	Portion 4 of 435 Durban North	NYR	-
73	Rem of 440 Durban North	S Govender	T 33010/2004
74	Rem of 1 of 440 Durban North	FBB & GM Subrathy	T 6779/1983
75	Rem of 441 Durban North	AFM & HM Variawa	T51928/2002
76	Rem of 442 Durban North	Voolagamba	T 7867/1973
77	Portion 2 of 442 Durban North	D Mowbeth	T 18796/1983
78	Rem of 445 Durban North	M & V Chetty	T 4195/2007
79	Rem of 446 Durban North	S Boodhoo	T 6235/2003
80	Rem of 1 of 446 Durban North	MA & GA Motilal	T 34120/1997
81	Rem of 447 Durban North	D Naidoo & Others	T 7433/1984
82	Rem of 448 Durban North	K & AM Moodley	T 21350/1990
83	Portion 1 of 455 Durban North	KG & S BHAIRO	T 65190/2000
84	Erf 3728 Durban North	NYR	-
85	Rem of 455 Durban North	R & J Parasnath	T 204606/1983
86	Portion 10 of 357 Durban North	NYR	
87	Parent property Rem of 357 Durban North	A Sheik and ors	T 67596/2001

**KENVILLE HOUSING PROJECT – MYSORE ROAD**

NO	PROPERTY DESCRIPTION	REGISTERED OWNER	TITLE DEED NUMBERS
1	Portion 4 of Erf 607 Durban North	R. Sukdeo	T 13852/1982
2	Rem of Erf 604 Durban North	S.A Fakroodeen & Others	T 29135/1990
3	Rem of Erf 605 Durban North	S.G Mea	T 1597/1899
4	Erf 611 Durban North	R. Juglall	T 15801/1968
5	Ptn 1 of Erf 612 Durban North Underlying Property	NYR	-
6	Rem of Ptn 2 of Erf 612 Durban North	NYR	-
7	Erf 612 Durban North (Underlying Property)	Rampersad & Sookdeo	T 869/1909
8	Rem of Erf 594 Durban North	Polyweld Plastics CC	T 36695/2003
9	Rem of Erf 595 Durban North	Kristamma	T 149/1979
10	Rem of Erf 596 Durban North	Mankee	T 510/1899
11	Rem of Erf 599 f Durban North	G.H Soomar & J Suleman	T 1638/2004

**PLEASE NOTE THE FOLLOWING:**

- a. The date of expropriation shall be 24 June 2016 with effect from which date, where applicable, ownership of the said land will pass to the Municipality.
- b. The date upon which the Municipality will take possession of the said property shall be 24 June 2016
- c. Where land is expropriated, with effect from the date of possession of the land by the Municipality, but not before such date, the Owner(s) will be relieved of the obligation to take care of and maintain the land and to pay taxes and other charges thereon, and will no longer be entitled to the use of and any income from the land.
- d. Where the property has been partially expropriated, at the request of the Owner(s) this notice shall be deemed to include the remainder of the property or part thereof in terms of Section 2 of the Act, provided that the Municipality is satisfied that such remainder has been rendered useless by the expropriation.
- e. The costs of the survey required and the survey itself will be borne and undertaken by the Municipality.

In terms of section 10(1) of the Expropriation Act, 1975, read with section 25(3) of the Constitution of the Republic of South Africa, 1966, the Municipality hereby offers compensation to the Owners amounts determined in terms of section 12(1) of the Expropriation Act, 1975, for the land hereby expropriated, read with section 25(3) of the Constitution of the Republic of South Africa Act, 1996, together with a sum in terms of section 12(2)(b) of the Expropriation Act, 1975.

**PAYMENT** of the compensation offered will be made in terms of section 11(1) of the Expropriation Act, 1975.

**ATTENTION** is drawn to the fact that if a lessee has a right by virtue of a lease contemplated in section 9(1)(d)(i) of the Act, in respect of the land expropriated of which the Municipality has no knowledge on the date of this Notice, the aforementioned offer of compensation may be withdrawn.

**YOUR ATTENTION** is directed to the provisions of Section 9(1) and 12, (in particular sub-sections 3(a)(ii) and (4) highlighted below) of the Act and in particular to the obligations which you must comply with under the said sections. For your convenience, the sections are reproduced here (please read Municipality where it states 'Minister' or 'State').

9. Duties of owner of property expropriated or which is to be used by State. –

- (1) An owner whose property has been expropriated in terms of this Act, shall, within sixty days from the date of notice in question, deliver or cause to be delivered to the Minister a written statement indicating-
  - (a) if any compensation was in the notice of expropriation offered for such property, whether or not he accepts that compensation and, if he does not accept it, the amount claimed by him as compensation and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;

- (b) if no such compensation was so offered, the amount claimed as compensation by him and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
- (c) if the property expropriated is land and any amount is claimed in terms of paragraph (a) or (b), full particulars of all improvements thereon which, in the opinion of the owner, affect the value of such land;
- (d) if the property being expropriated is land-
  - (i) which prior to the date of notice was leased as a whole or in part by unregistered lease, the name and address of the lessee, and accompanied by the lease or a certified copy thereof, if it is in writing, or full particulars of the lease, if it is not in writing;
  - (ii) which, prior to the date of notice, was sold by the owner, the name and address of the buyer, and accompanied by the contract of purchase and sale or a certified copy thereof;
  - (iii) on which a building has been erected which is subject to a builder's lien by virtue of a written building contract, the name and address of the builder, and accompanied by the building contract or a certified copy thereof;
  - (iv) .....
- (e) Indicate the address to or at which you desire that further documents in connection with the expropriation may be posted or delivered.

Provided that the Minister may at his discretion extend the said period of sixty days, and that, if the owner requests the Minister in writing within thirty days as from the date of notice to extend the said period of sixty days, the Minister shall extend such period by a further sixty days.

(2) .....

(3) You are hereby requested, within sixty (60) days of the date of this notice, to -

- a) deliver or cause to be delivered to the Municipality at the address stated hereunder the title deeds of the property hereby expropriated or, if such document is not in your possession or under your control, the name and address of the person in whose possession or under whose control it is;

12. Basis on which compensation is to be determined. –

(1) The amount of compensation to be paid in terms of this Act to an owner in respect of property expropriated in terms of this Act, or in respect of the taking, in terms of this Act, of a right to use property, shall not, subject to the provisions of subsection (2), exceed-

- (a) in the case of any property other than a right, excepting a registered right to minerals, the aggregate of-
  - (i) the amount which the property would have realized if sold on the date of Notice in the open market by a willing seller to a willing buyer, and



- (ii) an amount to make good any actual financial loss caused by the expropriation; and
- (b) in the case of a right, excepting a registered right to minerals, an amount to make good any actual financial loss caused by the expropriation or the taking of the right:  
Provided that where the property expropriated is such nature that there is no open market therefor, compensation therefor may be determined-
  - (aa) on the basis of the amount it would cost to replace the improvements on the property expropriated, having regard to the depreciation thereof for any reason, as determined on the date of notice; or
  - (bb) in any other suitable manner.
- (2) Notwithstanding anything to the contrary contained in this Act there shall be added to the total amount payable in accordance with subsection (1), an amount equal to –
  - (a) ten per cent of such total amount, if it does not exceed R100 000; plus
  - (b) five per cent of the amount by which it exceeds R100 000, if it does not exceed R500 000; plus
  - (c) three per cent of the amount by which it exceeds R500 000, if it does not exceed R1 000 000; plus
  - (d) one per cent (but not amounting to more than R10 000) of the amount by which it exceeds R1 000 000.
- (3) (a) Interest at the standard interest rate determined in terms of section 26 (1) of the Exchequer Act, 1975 (Act No. 66 of 1975), shall, subject to the provision of subsection (4), be payable from the date on which the State takes possession of the property in question in terms of section 8 (3) or (5) on any outstanding (1): Provided that –
  - (i) in a case contemplated in section 21 (4), in respect of the period calculated from the termination of thirty days from the date on which-
    - (aa) the property was so taken possession of, if prior to that date compensation for the property was offered or agreed upon; or
    - (bb) such compensation was offered or agreed upon, if after that date it was offered or agreed upon,to the date on which the dispute was settled or the doubt was resolved or the owner and the buyer or the mortgagee or the builder notified the Minister in terms of the said section 21 (4) as to the payment of the compensation money, the outstanding portion of the amount so payable shall, for the purposes of the payment of interest, be deemed not to be an outstanding amount; and
  - (ii) if the owner fails to comply with the provision of section 9 within the appropriate period referred to in the said section, the amount so payable shall during the period of such failure and for the purpose of the payment of interest be deemed not to be an outstanding amount.

- (b) Interest payable in terms of paragraph (a) shall be deemed to have been paid on the date on which the amount has been made available or posted to the owner concerned.
- (c) Any deposit, payment or utilization of any amount in terms of section 11(1), 20 (2) or 21 (1) or (4) shall be deemed to be a payment to the owner, and no interest shall in terms of paragraph (a) be payable on any such amount as from the date on which it has been so deposited, paid or utilized.
- (4) If the owner of property which has been expropriated occupies or utilizes that property or any portion thereof, no interest shall, in respect of the period during which he so occupies or utilizes it, be paid in terms of subsection (3) on so much of the outstanding amount as, in the opinion of the Minister, relates to the property or utilized.
- (5) In determining the amount of compensation to be paid in terms of this Act, the following rules shall apply, namely –
  - (a) no allowance shall be made for the fact that the property or the right to use property has been taken without the consent of the owner in question;
  - (b) the special suitability or usefulness of the property in question for the purpose for which it is required by the State, shall not be taken into account if it is unlikely that the property would have been purchased for that purpose on the open market or that the right to use the property for that purpose would have been so purchased;
  - (c) if the value of the property has been enhanced in consequence of the use thereof in a manner which is unlawful, such enhancement shall not be taken into account;
  - (d) improvements made after the date of notice on or to the property in question (except where they were necessary for the property maintenance of existing improvements or where they were necessary for the property maintenance of existing improvements or where they were undertaken in pursuance of obligations entered into before that date) shall not be taken into account;
  - (e) no allowance shall be made for any unregistered right in respect of any other property or for any indirect damage or anything done with the object of obtaining compensation therefor;
  - (f) any enhancement or depreciation, before or after the date of notice, in the value of the property in question, which may be due to the purpose for which or in connection with which the property is being expropriated or is to be used, or which is a consequent of any work or act which the State may carry out or perform or already has carried out or performed or intends to carry out or perform in connection with such purpose, shall not be taken into account;
  - (g) ....

- (h) Account shall also be taken of -
- (i) any benefit which will ensure to the person to be compensated from any works which the State has built or constructed or has undertaken to build or construct on behalf of such person to compensate him in whole or in part for any financial loss which he will suffer in consequence of the expropriation or, as the case may be, the taking of the right in question;
  - (ii) any benefit which will ensure to such person in consequence of the expropriation of the property or the use thereof for the purpose for which it was expropriated or, as the case may be, the right in question was taken;
  - (iii) ....
  - (iv) Any relevant quantity of water to which the person to be compensated is entitled or which is likely to be granted to him, in terms of the provisions of the Water Act, 1956(Act No. 54 of 1956), or any other law.
  - (v) .....
  - (vi) .....

COMMUNICATION with the Municipality in connection with any matter arising from or related to this Notice of Expropriation must be conducted with the Contact Person whose name is set out at the foot of this Notice and whose contact details are also set out there. Formal Notices required to be served on the Municipality must be delivered to the address provided in the Contact details at the foot of this Notice.

SC NZUZA  
CITY MANAGER  
ETHEKWINI MUNICIPALITY

Date: 30 JUNE 2017

cc Registrar of Deeds  
Private Bag X9028  
PIETERMARITZBURG  
3200

**CONTACT PERSON: JEFFREY NAIDOO**

CONTACT DETAILS:

Physical Address: 17 Doveside Close, PHOENIX  
Postal Address: P O Box 3858, Durban 4000  
Telephone No: 031 – 3112476  
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## Isaziso No. 2779

## Isaziso sokudliwa ngokomthetho komhlaba

Sikhishwa uMasipala waseThekwini  
ngaphansi kweSigaba 9(3) somthetho i-Housing Act, 1997 (Umthetho No. 63 ka-1997),  
sifundwa nezigaba 1,6 kuya ku-15 no-18 kuya ku-23 zomthetho i-Expropriation Act, 1975  
(Umthetho No. 63 ka-1975).

SIYA KULABA: ABANIKAZI ABAHLUKAHLUKENE BEZIZA EZITHINTEKAYO ABAGAGULWE  
OHLENI OLULAPHA NGEZANSI

KANYE: Nakubo bonke abanye abantu abathi bananoma yimaphi amalungelo noma  
amagunya kulo mhlaba ochazwe kulesi saziso, ngenxa yokuba babhalisile noma  
ngenye indlela, futhi ikakhulukazi noma yisiphi isiqashi, umthengi noma umakhi  
ophathekayo ngokwemibandela yeSigaba 9(1)(d) somthetho i-Expropriation Act ka-  
1975.

LESI yisaziso ngaphansi kweSigaba 7, sifundwa neSigaba 5(2) soMthetho i-Expropriation Act  
(uMthetho No. 63 ka-1975) (uMthetho) sokuthi uMasipala waseThekwini (uMasipala), ngenxa  
yokuthi akakwazanga ukuthenga ngentengo eyamukelekile lo mhlaba ochazwe lapha  
ngokuxoxisana nabanikazi bawo futhi emva kokuthi esethole imvume kaNgqongqoshe ofanele  
weSifundazwe saKwaZulu-Natali ophethe ezezindlu mhla ka-31 Okthoba 2014, ngalokhu  
uyawudla lo mhlaba ochazwe lapha ngenzansi ngegunya alinikwe yiSigaba 9(3) somthetho i-  
Housing Act No. 107 ka-1997 kanye neSigaba 5 soMthetho, ngenjongo yokuba kusizakale  
umphakathi ngaphansi kohlelo lukazwelonke lokwakhela umphakathi izindlu kanjengoba  
kuchaziwe eSigabeni 1 soMthetho Wezezindlu.

Lo mhlaba odliwayo uchazwe kanje:

**IPHROJEKTHI YEZINDLU YASEDIKWE MASAKHANE – IPULANI SH 9719**

NO	INCAZELO YOMHLABA	UMNIKAZI	ITAYITELA
1	Rem of 442 of the Farm Piezang Revier No. 805	Trustees of the Inanda Community Development Trust	CRT12944/1996

**IPHROJEKTHI YEZINDLU KWAGOQOKAZI – SH 9638**

NO	INCAZELO YOMHLABA	UMNIKAZI	ITAYITELA
1	Portion 206 (of 36) of the Farm Groeneberg no. 844	B M Cele	T4128/1934
2	Portion 229 (of 36) of the Farm Groeneberg no. 844	V Cele	T12444/1948
3	Portion 211 (OF 171) Underlying property is Rem of Portion 171 (of 40) of the Farm Groeneberg no. 844	A B Mbatha	T595/1978

**IPHROJEKTHI YEZINDLU EBHAMBAYI ISIGABA 3**

NO	INCAZELO YOMHLABA	UMNIKAZI	ITAYITELA
1.	PTN 56 (of 1) of the farm Piezang Rivier No 805	D.Mbhamblo	SV 318 F71
2.	PTN 58 (of 1) of the farm Piezang Rivier No 805	M.Dube	SV324 F19
3.	REM of PTN 59 (of 1) of the farm Piezang Rivier No 805	G.Shezi & M.Mkadela	SV324 F20
4.	PTN 60 (of 1) of the farm Piezang Rivier No 805	J.Umgoma	SV325 F54
5.	PTN 62 (of 1) of the farm Piezang Rivier No 805	N.A.S.I. & N.D. Mhlane	SV328 F62
6.	PTN 63 (of 1) of the farm Piezang Rivier No 805	G.Sabela	SV329 F33
7.	PTN 84 (of 1) of the farm Bhambhayi No 17267	N.Kuluse	SV408 F79
8.	PTN 272 (of 1) of the Farm Piezang Rivier no 805	J.Mwandhla	SG NO. 2942/1937
9.	PTN 273 (of 1) of the Farm Piezang Rivier no 805	J.Mwandhla	SG NO. 2943/1937
10.	PTN 276 (of 1) of the Farm Piezang Rivier no 805	N.R. Khumalo & Others	SG NO. 2660/1938
11.	PTN 279 (of 1) of the farm Piezang Rivier no 805	N.R. Khumalo & Others	SG NO. 2663/1938
12.	PTN 287 (of 1) of the farm Piezang Rivier No 805	N.R. Khumalo & Others	SG NO. 2159/1940
13.	PTN 288 (of 1) of the farm Piezang Rivier No 805	P.Khuzwayo & Others	SG NO. 1847/1942
14.	PTN 299 (of 1) of the farm Piezang Rivier No 805	P.Khuzwayo & Others	SG NO. 4517/1945
15.	PTN 300 (of 1) of the farm Piezang Rivier No 805	C.Ndaba & C.Mahoyi	SG NO. 4518/1946
16.	PTN 304 (of 1) of the farm Bhambhayi No 17267	E.Mhlongo	SG NO. 4522/1946
17.	PTN 305 (of 1) of the farm Piezang Rivier No 805	D.Ndlovu	SG NO. 4523/1946
18.	PTN 307(of 1) of the farm Piezang Rivier No 805	R.Ngcobo	SG NO. 4525/1946
19.	PTN 308 (of 1) of the farm Piezang Rivier No 805	A.K. Mkhwanazi	SG NO. 4526/1946
20.	PTN 309 (of 1) of the farm Piezang Rivier No 805	O.S. Dhlamini	SG NO. 4527/1946
21.	PTN 311 (of 1) of the farm Bhambhayi No 17267	E.Mhlongo & Others	SG NO. 4529/1946
22.	PTN 313 (of 88) of the farm Piezang Rivier No 805	Unknown	SG NO. 4578/1946
23.	PTN 391 (of 61) of the farm Piezang Rivier No 805	Unknown	SG NO. 2351/1976

**IPHROJEKTHI YEZINDLU EGWALAS FARM - IPULANI SH 9719**

NO	INCAZELO YOMHLABA	UMNIKAZI	ITAYITELA
1	Portion 7 (of 1) of the Farm Frosterly No. 1021	D N Moodley and others	T2688/1969

**NTUZUMA D ISIGABA 2 NO 3 - IPULANI SJ 4645/9**

NO	INCAZELO YOMHLABA	UMNIKAZI	ITAYITELA
1	Portion 70 (of 5) of the Farm Piezang Rivier No.805	S.Bhulose	T5832/1952
2	Portion 71 (of 5) of the Farm Piezang Rivier No.805	U.Khuzwayo	T299/1917
3	Portion 247 (of 50) of the Farm Piezang Rivier No.805	S.Bhulose	T5832/1952

**IPHROJEKTHI YEZINDLU ETRENANCE PARK 2B - IPULANI SH 9629**

NO	INCAZELO YOMHLABA	UMNIKAZI	ITAYITELA
1	Portion 163 of the Farm Roodekrans No.828	G V Naidoo	T21847/1983
2	Portion 199 (of 127) of the Farm Roodekrans No.828	S Ebrahim	T10511/1954
3	Portion 136 of the Farm Roodekrans No.828	H Dhlamini	T4578/1955

**IPHROJEKTHI YEZINDLU ETHAMBO PLAZA**

NO	INCAZELO YOMHLABA	UMNIKAZI	ITAYITELA
1	Portion 47 of the Farm Melk Houte Kraal No.789	AI & AB Haffejee	T7836/1964/ T9055/1982
2	Erf 1385 Mshayazafe	Mshayazafe Trust	T1800/2002

**IPHROJEKTHI YEZINDLU RAINBOW RIDGE – IPULANI SH 9840**

NO	INCAZELO YOMHLABA	UMNIKAZI	ITAYITELA
1	Rem of 4683 Reservoir Hills	Thakurdin	T4114/1940
2	Rem of 4682 Reservoir Hills	Dosram and others	T416/1927
3	Rem of 4681 Reservoir Hills	S. Ramboran & Others	T22859/1999
4	Rem of 4679 Reservoir Hills	Dewnarain	T3203/1958
5	Rem of 4677 Reservoir Hills	Bechan & Others	T5881/1970
6	Rem of 4676 Reservoir Hills	B & A Bharat	T17597/1995
7	Rem of 4675 Reservoir Hills	Raghubar & Others	T7370/1959

8	Rem of 4674 Reservoir Hills	Raghubar & Others	T2184/1932
9	Rem of 4673 Reservoir Hills	N Reddy	T36284/2007
10	Rem of 4672 Reservoir Hills	N Reddy	T36283/2007

**IPHROJEKTHI YEZINDLU EKENVILLE – GUMTREE ROAD**

NO	INCAZELO YOMHLABA	UMNIKAZI	ITAYITELA
1	Portion 3 of 424 Durban North	I Rugnath	T 14644/1982
2	Rem of 427 Durban North	C Amod	T6403/1958
3	Rem of 428 Durban North	R & U Sampat	
4	Portion 11 of 417 Durban North	S W Pillay	T 11942/1979
5	Rem of 429 Durban North	Ramcharan	T 2631/1953
6	Erf 432 Durban North	S & I Lutchminarain	T 18271/2002
7	Erf 433 Durban North	Ganesan & Others	T 10152/1972
8	Erf 436 Durban North	A Ally & Others	T 10044/1956
9	Portion 1 of 438 Durban North	NYR	
10	Rem of 438 Durban North	NYR	
11	Underlying properties Erf 437 Durban North	A R Krishna	T 21714/1989
12	Portion 7 (of 1) of 435 Durban North	NYR	
13	Rem of 1 of 435 Durban North	YH & A Kadwa	T 39936/2005
14	Erf 439 Durban North	Soomar Inv CC	T 37112/1993
15	Rem of 443 Durban North	Mariama B-E	T 16900/1992
16	Rem of 1 of 433 Durban North	N P Zungu	T 37880/2002
17	Portion 2 (of 1) of 433 Durban North	M Thulukanam & Others	T 15994/1971
18	Portion 1 of 444 Durban North	R Govender & Others	T 11999/1983
19	Rem of 444 Durban North	S & L Archary	T 28446/1987
20	Rem of 5 of 447 Durban North	P & I Archary	T 28445/1987
21	Portion 1 of 449 Durban North	Munsamy & Others	T 25470/1980
22	Portion 2 of 449 Durban North	NYR	
23	Rem of 449 Durban North	JK & M Govender	T 11914/1997
24	Rem of 452 Durban North	Sea Cow Lake Vedic Sanmarka Sabha & Tamil School	T 1244/1931
25	Rem of 453 Durban North	Suraj Singh Family Trust- Trustees	T 40749/2005
26	Rem of 454 Durban North	V & P Moodley	T 33154/2001
27	Rem of 1 of 458 Durban North	P Pillay	T 44328/2005
28	Rem of 458 Durban North	PanjalinguM & others	T 11701/1982
29	Rem of 461 Durban North	W Ebrahim & Others	T 3338/1987
30	Rem of 460 Durban North	Ahmed	T 458/1905
31	Rem of 581 Durban North	Seebran & Others	T 13601/1969
32	Rem of 582 Durban North	Sewnarayan	T 4173/1926
33	Rem of 3 (of 1) of 582 Durban North	N Gayadin & Others	6199/1968
34	Rem of 4 (of 1) of 582 Durban North	D Ramruttan & Others	T24463/1992
35	Rem of 1 of 582 Durban North	B Harree	T 10397/1988
36	Rem of 583 Durban North	Avoca Cultural Soc Trust- Trustees	T 36008/1993
37	Portion 1 of 587 Durban North	Ramaya	T 2058/1964
38	Rem of 1 of 588 Durban North	Angelfish Inv 20 cc	T 51058/2000
39	Portion 5 of 588 Durban North	NYR	-
40	Portion 6 of 588 Durban North	A Laljeeth	T50825/2007
41	Rem of 589 Durban North	P Moodley	T 17412/1994
42	Rem of 1 of 589 Durban North	H Khan	T 11816/1966
43	Rem of 2 of 589 Durban North	Munsami	T 10042/1965
44	Portion 4 of 590 Durban North	Kistamma	T 149/1979
45	Portion 2 of 418 Durban North	I Sewlall	T 8816/1983
46	Rem of 417 Durban North	CC & CH Lee Family Trust-Trustees	T11877/2008
47	Portion 13 of 417 Durban North	S P Pillay	T 11943/1979
48	Portion 12 of 417 Durban North		
49	Portion 11 of 417 Durban North	S W Pillay	T11942/1979
50	Portion 10 of 417 Durban North		
51	Portion 8 of 417 Durban North		T 11944/1979
52	Portion 7 of 417 Durban North	P Pillay	
53	Portion 6 of 417 Durban North		
54	Portion 2 of 417 Durban North	Krishnan Shunmoogam	T 15718/1984

		Pillay Trust-Trustees	
55	Portion 1 of 411 Durban North	A M Jadwat & Others	T 12695/2005
56	Portion 4 of 411 Durban North	E & D Dukhanti	T 33105/1988
57	Erf 3724 Durban North	NYR	-
58	Underlying Properties Portion 4 (of 2 ) of 867 Durban North	NYR	-
59	Portion 1 of 360 Durban North	NYR	
60	Rem of 411 Durban North	P Nundlall	T25402/1998
61	Erf 522 Durban North	S & S Singh	T 10836/2000
62	Portion 3 of 426 Durban North	R & R Ramgoolam	T 5106/1987
63	Rem of 426 Durban North	SOF & RB Hoosen	T 4674/1997
64	Rem of 430 Durban North	Dewdutt	T 11373/1973
65	Rem of 2 of 430 Durban North	Balgobind	T 11373/1973
66	Rem of 431 Durban North	B Ramdhani & Others	T 12202/1994
67	Rem of 434 Durban North	Y Naidoo & Others	T 16855/1998
68	Portion 2 of 434 Durban North	Trustees of SA NATIONAL Zakah Fund Trust-	T 19408/2009
69	Rem of 1 of 434 Durban North	Mariamamma	T 6951/1980
70	Rem of 435 Durban North	J & R Roussoulte	T 36418/2005
71	Rem of 1 of 435 Durban North	YH & A Kadwa	T39936/2005
72	Portion 4 of 435 Durban North	NYR	-
73	Rem of 440 Durban North	S Govender	T 33010/2004
74	Rem of 1 of 440 Durban North	FBB & GM Subrathy	T 6779/1983
75	Rem of 441 Durban North	AFM & HM Variawa	T51928/2002
76	Rem of 442 Durban North	Voolagamba	T 7867/1973
77	Portion 2 of 442 Durban North	D Mowbeth	T 18796/1983
78	Rem of 445 Durban North	M & V Chetty	T 4195/2007
79	Rem of 446 Durban North	S Boodhoo	T 6235/2003
80	Rem of 1 of 446 Durban North	MA & GA Motilal	T 34120/1997
81	Rem of 447 Durban North	D Naidoo & Others	T 7433/1984
82	Rem of 448 Durban North	K & AM Moodley	T 21350/1990
83	Portion 1 of 455 Durban North	KG & S BHAIRO	T 65190/2000
84	Erf 3728 Durban North	NYR	-
85	Rem of 455 Durban North	R & J Parasnath	T 204606/1983
86	Portion 10 of 357 Durban North	NYR	
87	Parent property Rem of 357 Durban North	A Sheik and ors	T 67596/2001

**IPHROJEKTHI YEZINDLU EKENVILLE – MYSORE ROAD**

NO	INCAZELO YOMHLABA	UMNIKAZI	ITAYITELA
1	Portion 4 of Erf 607 Durban North	R. Sukdeo	T 13852/1982
2	Rem of Erf 604 Durban North	S.A Fakroodeen & Others	T 29135/1990
3	Rem of Erf 605 Durban North	S.G Mea	T 1597/1899
4	Erf 611 Durban North	R. Juglall	T 15801/1968
5	Ptn 1 of Erf 612 Durban North Underlying Property	NYR	-
6	Rem of Ptn 2 of Erf 612 Durban North	NYR	-
7	Erf 612 Durban North (Underlying Property)	Rampersad & Sookdeo	T 869/1909
8	Rem of Erf 594 Durban North	Polyweld Plastics CC	T 36695/2003
9	Rem of Erf 595 Durban North	Kristamma	T 149/1979
10	Rem of Erf 596 Durban North	Mankee	T 510/1899
11	Rem of Erf 599 f Durban North	G.H Soomar & J Suleman	T 1638/2004

**NIYANXUSWA UKUBA NIQAPHELE LOKHU:**

- a. Usuku lokudla lo mhlaba umhla ka-24 Juni 2016 kanti kusukela ngalolo suku ubunikazi balo mhlaba buzodlulela kuMasipala.
- b. Usuku uMasipala azothatha ngalo lo mhlaba oshiwo umhla ka-24 Juni 2016.

- c. Lapho kudliwa umhlaba, kusukela ngosuku ubunikazi balowo mhlaba obuthathwa ngalo nguMasipala, kodwa hhayi ngaphambi kwalolu suku, umnikazi uyokhululwa kulezo zibopho zokuba awunakekele futhi awugcine usesimweni lowo mhlaba nokuwukhokhela intela kanye nezinye izimali ezibizwayo, futhi ngeke esavunyelwa ukuwusebenzisa lo mhlaba futhi ngeke esaba namalungelo emali engeniswa yiwo.
- d. Lapho kudliwe ingxenye yomhlaba, ngokwesicelo somnikazi lesi saziso kuyothathwa ngokuthi sifaka nale ngxenye eseleyo yalowo mhlaba noma ingxenye yawo ngokwesigaba 2 soMthetho, inqobo nje uma uMasipala anelisekile ngokuthi le ngxenye eseleyo ayisenamsebenzi ngenxa yalokhu kudliwa ngokomthetho kwale enye ingxenye.
- e. Izindleko zanoma yikuphi ukudatshulwa komhlaba okudingekayo ziyothwalwa nguMasipala kanti nokudatshulwa uqobo lwakho kuyokwenziwa nguMasipala.

Ngokwesigaba 10(1) soMthetho i-Expropriation Act, 1975, sifundwa nesigaba 25(3) soMthethosisekelo wezwe laseNingizimu-Afrika, 1996, uMasipala uthi uzonikeza abanikazi isinxephezelo esingu R400 000 (Amakhulu amane ezinkulungwane zamarandi) ngalo mhlaba odliwayo kanti lesi sinxephezelo sinqunywe ngokwesigaba 12(1) somthetho i-Expropriation Act, 1975, sifundwa nesigaba 25(3) soMthethosisekelo wezwe laseNingizimu-Afrika, 1996, kanye nesamba esinnqunywe ngokwesigaba 12(2)(b) somthetho i-Expropriation Act, ka-1975.

**UKUKHOKHWA** kwalesi sinxephezelo kuzokwenziwa ngaphansi kwesigaba 11 somthetho i-Expropriation Act, 1975.

**KUFANELE KUQASHELWE** ukuthi uma isiqashi sinelungelo ngenxa yesivumelwano sokuqashiselana okukhulunywe ngaso esigabeni 9(1)(d)(i) soMthetho, kulo mhlaba odliwayo uMasipala angazi lutho ngaso ngesikhathi sokukhishwa kwalesi saziso, lesi sinxephezelo uMasipala athi uzosikhokha singahoxiswa.

**QAPHELA** iSigaba 9(1) no-12, (ikakhulu izigatshana 3(a)(ii) no-(4) ezibalulwe lapha ngenzansi) zoMthetho, ikakhulu izibopho onazo ngaphansi kwalo Mthetho. Lezi zigaba ziyaphindwa lapha ngenzansi (lapho kuthi khona 'uNgqongqoshe' noma 'uHulumeni' kufanele kufundwe ngokuthi 'uMasipala').

9. Izibopho zomnikazi womhlaba odliwayo noma ozosetshenziswa nguHulumeni. –

(1) Umnikazi umhlaba wakhe odliwe ngokulawula koMthetho, kuyothi, zingakapheli izinsuku ezingu 60 kusukela osukwini okuphume ngalo lesi saziso, athumele noma enze ukuba kuthunyelwe kuNgqongqoshe isitatimende esibhaliwe esikhombisa –

- a. ukuthi esazisweni sokudliwa komhlaba kwaba khona yini isinxephezelo okwathiwa uzosinikwa ngalowo mhlaba, noma ngabe uyasamukela lesi sinxephezelo noma



- cha, uma engasemukeli, lesa samba esibizwa uyena njengesinxephezelo nokuthi yingxenye engakanani yaleso samba emaqondana nalezi zamba okukhulunywa ngazo ezigabeni 12(1)(a)(i) no-(ii) noma (b) neminingwane ephelele yokuthi zakheke kanjani lezo zamba;
- b. uma kungekho sinxephezelo okuthiwe uzonikwa sona, imali ayibizayo njengesinxephezelo nokuthi ingakanani kuleso samba imali eyileyo ebalulwe eSigabeni 12(1)(a)(i) no (ii) noma (b) kanye neminingwane ephelele yokuthi le mali ibalwe kanjani;
- c. uma okudliwa ngokomthetho kungumhlaba futhi kubizwa noma yisiphi isamba sibizwa njengokulawula kwesigatshana (a) noma (b), iminingwane ephelele ephathelene nokwakhiwe kulo mhlaba/nokulungiswa okwenziwe kuwo, ngokubona komnikazi, okunomthelela enanini lalowo mhlaba;
- d. uma okudliwa ngokomthetho kungumhlaba-
- (i) okwathi ngaphambi kosuku lwesaziso wawuqashisiwe, wona wonke noma ingxenye yawo, ngesivumelwano esingabhalisiwe, igama nekheli lesiqashi, bese lokhu kuphelezela yisivumelwano noma ikhophi yaso eqinisekisiwe, uma sibhalwe phansi, noma iminingwane ephelele yesivumelwano, uma singabhalwe phansi;
  - (ii) okwathi ngaphambi kosuku lwesaziso, wadayiswa ngumniniwo, igama nekheli lomthengi, liphelezela yisivumelwano sokuthengiselana noma ikhophi yaso eqinisekisiwe;
  - (iii) okwakhiwe kuwo ibhilidi elingaphansi kwesibambiso sikamakhi kuze kukhokhwe imali akweletwa yona ngaphansi kwesivumelwano sokwakha esibhalwe phansi, igama nekheli likamakhi futhi lokhu kuphelezela yisivumelwano sokwakha noma yikhophi yaso eqinisekisiwe;
  - (iv) .....
- e. ikheli lalapho umnikazi afisa ukuba ezinye izincwadi eziphathelene nokudliwa komhlaba ziposelwe, zihanjise noma zithunyelwe khona.

Kweyame ekuthini uNgqongqoshe ngokubona kwakhe angasengeza lesi sikhathi esishiwo esiyizinsuku ezingamashumi ayisithupha, nokuthi futhi uma umnikazi embhalela uNgqongqoshe emcela zingakapheli izinsuku ezingamashumi amathathu kusukela osukwini lokuphuma kwesaziso, ukuba uNgqongqoshe aselule lesi sikhathi esesishiwo esiyinsuku ezingamashumi ayisithupha, uNgqongqoshe uyoselula lesi sikhathi ngokwengeza ezinye izinsuku ezingamashumi ayisithupha.

(2) .....

(3) Uyanxuswa ukuba zithi zingakapheli izinsuku ezingamashumi ayisithupha (60) kusukela osukwini lwalesi saziso -

- a) ulethe noma udale ukuba kulethwe kuMasipala, kuleli kheli elishiwo ngenzansi amatayitela obunikazi alo mhlaba odliwa nguMasipala, noma uma lawo matayitela obunikazi engekho kuwena noma engekho ngaphansi kolawulo lwakho, ulethe igama nekheli lomuntu akuyena lamatayitela;

12. Isisekelo okuklanyelwa phezu kwaso isinxephezelo –

(1) Isinxephezelo esizokhokhelwa umnikazi ngaphansi kwalo Mthetho ngomhlaba odliwe ngaphansi kwalo Mthetho, noma ngokuthathwa kwelungelo lokusebenzisa umhlaba ngeke, ngaphansi kwemibandela yesigatshana (2) salo Mthetho, seqe -

(a) maqondana nanoma yimuphi umhlaba ngaphandle kwelungelo, okungelona ilungelo lokumbiwa phansi-

(i) isamba lowo mhlaba obungadayiswa ngaso uma ubudayiswa emakethe evulekile ngokuvumelana komthengi nomdayisi ngosuku lwesaziso, kanye

(ii) nemali yokubhekela noma yikuphi ukulahlekelwa kwangempela okudalwe ukudliwa kwalowo mhlaba; kanti

(b) maqondana nelungelo, ngaphandle kwelokumbiwa phansi elibhalisiwe, isamba sokubhekela ukulahlekelwa kwangempela ngokwezimali okudalwe ukuthathwa kwalelo lungelo: Ngaphansi kombandela wokuthi lapho umhlaba odliwe owohlobo olungedayiswe emakethe evulekile, isinxephezelo singanqunywa -

(aa) ngokwesilinganiso sesamba sezindleko zokwakha kabusha izakhiwo ezikulowo mhlaba odliwayo, kube kubhekwe nokwehla kwenani lazo ngenxa yanoma yisiphi isizathu kanjengoba kunqunywe ngosuku lwesaziso sokudliwa kwalowo mhlaba; noma

(bb) nganoma iyiphi enye indlela efanele.

(2) Yize noma kungathiwani kwesinye isigaba salo Mthetho, kepha esambeni esiphelele sesinxephezelo esiyokhokhwa ngaphansi kwesigatshana (1) kuyokwengezwa imali –

(a) engamaphesenti ayishumi aleso samba sesisonke, uma singeqi ku-R100 000; kanye

(b) namaphesenti amahlanu aleso samba eyeqa ngaso ku-R100 000, uma singeqi ku-R500 000; kanye

(c) namaphesenti amathathu aleso samba eyeqa ngaso ku-R500 000, uma singeqi ku-R1 000 000; kanye

- (d) nephesenti elilodwa (kodwa kungeqi ku-R10 000) laleso samba eyeqela ngaso ku-R1 000 000.
- (3) (a) Inzalo eklanywe ngokulawula kweSigaba 26(1) sika-Exchequer and Audit Act, 1975 (uMthetho 66 ka-1975), ngaphansi kwemibandela yesigatshana (4), iyokhokhwa kusukela ngosuku uMasipala athatha ngalo ubunikazi bendawo leyo ngokulawula kweSigaba 8(3) noma (5) kunoma iyiphi ingxenye esilele yesamba sesinxephezelo okumele sikhokhwe ngokwesigatshana (1): Kweyame ekuthini –
- (i) maqondana nalokhu okukhulunywa ngakho esigabeni 21(4), maqondana nesikhathi esibalwa kusukela ekupheleni kwezinsuku ezingamashumi amathathu kusukela osukwini-
- (aa) lowo mhlaba owathathwa ngalo, uma ngaphambi kwalolo suku kwavunyelwana ngesinxephezelo; noma
- (bb) leso sinxephezelo kwavunyelwana ngaso, uma emva kwalolo suku kwavunyelwana ngaso, kuya osukwini okwaxazululwa ngalo umbango noma ukungabaza okwaxazululwa ngalo noma umnikazi nomthengi noma umakhi wabikela uNgqongqoshe ngaphansi kweSigaba 21(4) ngokukhokhwa kwemali yesinxephezelo, ingxenye esasele okufanele ikhokhwe, ngezizathu zokubala inzalo, kuyothathwa ngokuthi akusona isamba esisakweletwa; futhi
- (ii) uma umnikazi ehluleka ukulandela izimiso zeSigaba 9 singakadluli lesi sikhathi esinqunyiwe okukhulunywa ngaso kulesi Sigaba esesishiwo, leyo mali okuyobe kumele ikhokhwe ngaleso sikhathi salokho kwehluleka futhi maqondana nokukhokhwa kwenzalo kuyothathwa ngokuthi akuyona imali engakhokhiwe edinga ukukhokhwa.
- (b) Inzalo okufanele ikhokhwe ngokwesigatshana (a) kuyothathwa ngokuthi ikhokhiwe ngosuku leyo mali eyokhishwa ngalo noma iposelwe kumnikazi.
- (c) Noma iyiphi idiphozi, inkokhelo noma ukusetshenziswa kwanoma isiphi isamba semali ngaphansi kwesigaba 11(1), 20 (2) noma 21 (1) noma (4) kuyothathwa ngokuthi yinkokhelo enikezwa umnikazi, kanti akukho nzalo ngaphansi kwesigatshana (a) okuyofanele ikhokhelwe leyo mali kusukela ngosuku ekhokhwe ngalo, efakwe ngalo ebhange noma esetshenziswe ngalo.
- (4) Uma umnikazi womhlaba odliwe ehlala noma esebenzisa lowo mhlaba noma ingxenye yawo, akukho nzalo, maqondana naleso sikhathi ahlala ngaso kulowo mhlaba noma asebenzisa ngaso lowo mhlaba, eyokhokhwa ngaphansi

kwesigatshana (3) kuleyo mali esasele, ngokubona kukaNgqongqoshe emaqondana nalowo mhlaba osetshenziswayo.

- (5) Ekunqumeni isinxephezelo esizokhokhwa ngaphansi kwalo Mthetho, kuyosebenza le migomo elandelayo, –
- (a) angeke kubhekelelwe ukuthi umhlaba odliwe noma amalungelo okusebenzisa umhlaba kuthathwe ngaphandle kwemvume yomnikazi;
  - (b) ukufaneleka kwalowo mhlaba noma kwaleso sakhiwo ukwenza umsebenzi uHulumeni adinga ukuwenza kusona ngeke kusetshenziswe ekubaleni isinxephezelo uma bekungelindeleke ukuba lesa sakhiwo sithengelwe ukwenza lowo msebenzi emakethe evulekile noma ukuthi ilungelo lokusebenzisa lowo mhlaba usetshenziswa ngaleyo ndlela belingathengwa;
  - (c) uma inani lalowo mhlaba lenyukile ngenxa yokusetshenziswa kwawo ngendlela engekho emthethweni, lokho kwenyuka kwenani kuyoshaywa indiva;
  - (d) ukwakha okwenziwe emva kosuku lwalesi saziso (ngaphandle kwalapho kwakudingekile khona ukuze isakhiwo sigcinwe sisesimweni noma lapho kwenziwa ngenxa yezibopho ezenziwa ngaphansi kwalolo suku) ngeke kubalwe;
  - (e) angeke abalwe amalungelo angabhalisiwe maqondana nomhlaba noma maqondana nanoma yimuphi umonakalo odaleke ngenjongo yokuthola isinxephezelo;
  - (f) noma yikuphi ukwenyuka noma ukwehla enanini lomhlaba okwenzeke emva noma ngaphambi kosuku lwesaziso, okudaleke ngenxa yezinjongo zokudliwa kwawo noma ukusetshenziswa okuhlongozwayo kwawo noma okudalwe yinoma yimuphi umsebenzi noma isenzo sikaHulumeni noma umsebenzi ahlose ukuwenza kulowo mhlaba, ngeke kubalwe;
  - (g) ....
  - (h) Kuyophinde kubalwe -
    - (i) noma yikuphi ukusizakala okuyotholwa umuntu onxeshezelayo nganoma yimuphi umsebenzi wokwakha owenziwa uHulumeni noma ukwakha okwenziwa uHulumeni ekwenzela lowo muntu ngenjongo yokumnxephezela ngokuphelele noma ingxenye ngokulahlekelwa kwakhe ngenxa yokudliwa komhlaba wakhe noma ukuthathwa kwamalungelo akhe okusebenzisa umhlaba/isakhiwo sakhe;
    - (ii) noma yisiphi isibonelelo esitholwa umuntu ngenxa yokudliwa komhlaba wakhe noma ngokusetshenziswa kwawo ngenjongo

owadlwa yona noma injongo owadlwa yona amalungelo okuwusebenzisa;

(iii) ....

(iv) Noma isilinganiso esingakanani samanzi lowo muntu onxeshezelayo anelungelo lawo ngaphansi noma asethubeni lokuba nelungelo lawo ngaphansi komthetho i-Water Act, 1956 (Umthetho No. 54 ka-1956), noma nanoma yimuphi omunye umthetho.

(v) .....

(vi) .....

Umuntu okungaxhunyanwa naye kwaMasipala maqondana nalesi saziso yilowo igama lakhe neminingwane yakhe okubhalwe ekugcineni kwalesi saziso. Izaziso okudingeka ukuba zithunyelwe kuMasipala kufanele zihanjiswe kuleli kheli elisekugcineni kwalesi saziso.

SC NZUZA  
IMENENJA KAMASIPALA WASETHEKWINI

Usuku: 30 JUNI 2017

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