

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

Provincial Gazette

Provinsiale Koerant

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CONTENTS

INHOUD

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No.	Page
Provincial Notices	
24 Western Cape Government: Department of Health: Invitation to Nominate Members to the Mental Health Review Board (Western Cape).....	154
Tenders:	
Notices.....	157
Local Authorities	
Bergrivier Municipality: Removal of Restrictions	160
Breede Valley Municipality: Removal of Restrictions and Departure	158
Cederberg Municipality: Removal of Restrictions	160
Cederberg Municipality: Removal of Restrictions	191
City of Cape Town: Amendment of Condition	157
City of Cape Town (Northern District): Closure	159
City of Cape Town: Removal of Conditions	160
Drakenstein Municipality: Building Control By-Law	162
Drakenstein Municipality: Problem Premises By-Law: 2020.....	175
Matzikama Municipality: Amendment to the Spatial Development Framework	161
Mossel Bay Municipality: Closure of Road	191
Overstrand Municipality: Inspection of Supplementary Valuation Roll and Lodging of Objections	157
Overstrand Municipality: Removal of Restrictions	191
Theewaterskloof Municipality: Appointment of Persons of the Municipal Planning Tribunal	158
Western Cape Gambling and Racing Board: Official Notice	189

Nr.	Bladsy
Provinsiale Kennisgewings	
24 Wes-Kaapse Regering: Departement van Gesondheid: Uitnodiging om Lede vir die Geestesgesondheids-oorsigraad (Wes-Kaap) te Benoem.....	155
Tenders:	
Kennisgewings	157
Plaaslike Owerhede	
Bergrivier Munisipaliteit: Opheffing van Beperkings	160
Breedevallei Munisipaliteit: Opheffing van Beperkings en Afwyking	158
Cederberg Munisipaliteit: Opheffing van Beperkings	160
Cederberg Munisipaliteit: Opheffing van Beperkings	191
Stad Kaapstad: Wysiging van Voorwaarde.....	157
Stad Kaapstad (Noordelike-Distrik): Sluiting	159
Stad Kaapstad: Opheffing van Voorwaardes	160
Drakenstein Munisipaliteit: Verordening Insake Boubeheer.....	168
Drakenstein Munisipaliteit: Verordening Insake Probleempersel: 2020	182
Matzikama Munisipaliteit: Wysiging aan die Ruimtelike Ontwikkelingsraamwerk	161
Mosselbaai Munisipaliteit: Sluiting van Pad.....	191
Overstrand Munisipaliteit: Uitnodiging vir Inspeksie van die Aanvullende Waardasielys en Indien van Besware	157
Overstrand Munisipaliteit: Opheffing van Beperkings.....	191
Theewaterskloof Munisipaliteit: Aanstelling van Lede van die Munisipale Beplanningstribunaal	158
Wes-Kaapse Raad op Dobbelay en Wedrenne: Amptelike Kennisgewing	190

PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

MR H.C. MALILA,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

MNR H.C. MALILA,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika ulwazi ngokubanzi.

MNU H.C. MALILA,
MLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

P.N. 24/2020

13 March 2020

WESTERN CAPE GOVERNMENT: DEPARTMENT OF HEALTH**INVITATION TO NOMINATE MEMBERS TO THE MENTAL HEALTH REVIEW BOARD (WESTERN CAPE)**

In terms of section 20(2) a; b and c of the Mental Health Care Act, 2002 (Act 17 of 2002), the Provincial Minister of Health hereby calls on interested persons, parties, community organisations or groups to nominate a member of the Community in the Western Cape to serve in a vacant position on the Mental Health Review Board (Western Cape).

Positions available on the Mental Health Review Board:

- (a) **Mental Health Care Practitioner**
- (b) **Legal Representative**

The Review Board has the following powers and functions:

- (a) To consider appeals against decisions of the Head of a Health Establishment;
- (b) To make decisions with regard to assisted and involuntary mental health care, treatment and rehabilitation services;
- (c) To consider reviews and make decisions on assisted and involuntary mental health care users;
- (d) To consider 72-hours assessment made by the Head of the Health Establishment and make decisions to provide further involuntary care, treatment and rehabilitation services;
- (e) To consider applications for transfer of mental health care users to maximum security facilities; and
- (f) To consider periodic reports on the mental health status of mentally ill prisoners

The following is the criteria which the nominee must comply with:

- (a) **Mental Health Care practitioner:** Must be a registered: psychiatrist/medical practitioner/nurse/occupational therapist/psychologist or social worker who has been trained to provide prescribed mental health care, treatment and rehabilitation service.
- (b) **Legal representative:** Must be a magistrate, attorney or advocate: This nominee must be registered in accordance with the laws of the Republic of South Africa governing their appointment as a magistrate, attorney or advocate. This particular nominee must preferably have some knowledge of the Mental Health Care Act, 2002 (Act 17 of 2002) and the accompanying Regulations as well as a strong background in administrative and constitutional law.
- (c) All the nominees must be South African citizens;
- (d) The nominees must have excellent verbal and writing skills and the ability to understand matters of a complex nature;
- (e) The nominees must be available to fulfil his or her duties during Monday to Friday office hours and attend meetings weekly.
- (f) Board members should be available to work for 15 to 20 hours a week.
- (g) Board members should be able to work a minimum of 15 hours per week.

Any person, community organisation or group making nominations and nominees must provide the following information to the departmental official whose details appear below:

- Please note that the Department has developed special nomination forms, which will assist persons in providing all the required information about a nominee. These forms may be obtained from Ms B Beukes at Bianca.Beukes@westerncape.gov.za (021 815 5749).
- The full name and address of the person, community or organisation making the nomination;
- Motivation why the nominee is considered suitable for the post;
- The full name and address of the nominee;
- A signed copy of the nominee's curriculum vitae;
- A statement by the nominee of his or her willingness to serve as a member of the Board.
- Please indicate in which category the person is nominated: (a) **Mental Health Care Practitioner;** (b) Legal Representative or

Nomination forms must be sent to: For attention: Mrs Bianca Beukes, The Chief Directorate: Metro Health Services, Private Bag X15, Parow; 7500.; E-mail: Bianca.Beukes@westerncape.gov.za (021 815 5749).

Please take note of the following:

- The Provincial Minister of Health is the authority who will review appointments.
- Review Board activities and meetings normally take place at the offices of the **Review Board** on the premises of Lentegur Hospital in Mitchells Plain but members may be required to travel to other centres within the Western Province;
- Review Board members are remunerated at an hourly rate and are compensated for travel expenses including travel from home to office in accordance with set tariffs. When Board members have to be away from home as part of their duties, travelling and subsistence costs are paid at the same rates as for public servants in the Western Cape.
- The appointment will be made with due regard to issues such as gender and equity.
- **The closing date for all nominations is: 3 April 2020**

P.K. 24/2020

13 Maart 2020

WES-KAAPSE REGERING: DEPARTEMENT VAN GESONDHEID**UITNODIGING OM LEDE VIR DIE GEESTESGESONDHEID-OORSIGRAAD (WES-KAAP) TE BENOEM**

Ingevolge artikel 20(2) a; b en c van die Geestesgesondheidswet, 2002 (Wet 17 van 2002) nooi die Provinsiale Minister van Gesondheid hiermee belangstellende persone, partye, gemeenskapsorganisasies of groepe uit om 'n lid van die Gemeenskap in die Wes-Kaap te benoem om in 'n vakante posisie in die Geestesgesondheid-oorsigraad (Wes-Kaap) te dien.

Beskikbare posisies in die Geestesgesondheid-oorsigraad:

- (a) **Geestesgesondheidsorg-praktisyn**
- (b) **Regsverteenvoorder**

Die Oorsigraad het die volgende magte en funksies:

- (a) Om appèlle teen besluite van die Hoof van 'n Gesondheidsinstelling te oorweeg;
- (b) Om besluite te maak ten opsigte van ondersteunde en onvrywillige geestesgesondheidsorg, behandeling en rehabilitasiedienste;
- (c) Om oorsigte te oorweeg en besluite te neem oor ondersteunde en onvrywillige geestesgesondheidsorggebruikers;
- (d) Om 72-uur-assessering te oorweeg wat deur die Hoof van die Gesondheidsinstelling gemaak is en besluite te neem om verdere onvrywillige sorg, behandeling en rehabilitasiedienste te verskaf;
- (e) Om aansoeke vir die oorplasing van gesondheidsorg-gebruikers na maksimumveiligheidsfasiliteite te oorweeg; en
- (f) Om periodieke verslae oor die geestesgesondheidstatus van gevangenes wat geestelik siek is, te oorweeg.

Die volgende is die maatstawwe waaraan die benoemde moet voldoen:

- (a) **Gesondheidsorgpraktisyn:** Moet 'n geregistreerde: psigiater/mediese praktisyn/verpleegkundige/arbeidsterapeut/sielkundige of maatskaplike werker wees wat opgelei is om voorskriftelike geestesgesondheidsorg, behandeling en rehabilitasiedienste te verskaf.
- (b) **Regsverteenvoorder:** Moet 'n landdros, prokureur of advokaat wees: Hierdie benoemde moet geregistreer wees ooreenkomstig die wette van die Republiek van Suid-Afrika wat hul aanstelling as 'n landdros, prokureur of advokaat bepaal. Hierdie spesifieke benoemde moet verkieslik 'n mate van kennis hê van die Geestesgesondheidswet, 2002 (Wet 17 van 2002) en die begeleidende Regulasies asook 'n sterk agtergrond in administratiewe en konstitusionele reg.
- (c) Al die benoemdes moet Suid-Afrikaanse burgers wees;
- (d) Die benoemdes moet uitmuntende mondelinge en skriftelike vaardighede hê en die vermoë om aangeleenthede van 'n ingewikkelde aard te verstaan;
- (e) Die benoemdes moet beskikbaar wees om sy haar pligte uit te voer gedurende kantoorure Maandag tot Vrydag en weekliks vergaderings by te woon.
- (f) Lede van die Raad moet beskikbaar wees om 15 tot 20 uur per week te werk.
- (g) Lede van die Raad moet 15 uur minimum per week kan werk.

Enige persoon, gemeenskapsorganisasie of groep wat benoemings maak asook benoemdes moet die volgende inligting verskaf aan die departementele beampte wie se besonderhede hieronder verskyn:

- Neem asseblief kennis dat die Departement spesiale benoemingsvorme ontwikkel het wat persone sal help om al die vereiste inligting oor 'n benoemde te verskaf. Hierdie vorme is verkrygbaar by me. B Beukes by Bianca.Beukes@westerncape.gov.za (021 815 5749).
- Die volle naam en adres van die persoon, gemeenskap of organisasie wat die benoeming maak;
- Motivering vir die oorweging van die benoemde as geskik vir die pos;
- Die volle naam en adres van die benoemde;
- 'n Ondertekende afskrif van die benoemde se curriculum vitae;
- 'n Verklaring deur die benoemde van sy of haar bereidwilligheid om as 'n lid in die Raad te dien.
- Dui asb aan in watter kategorie die persoon genomineer word: **(a) Geestesgesondheidsorg-praktisyn; (b) Regsverteenvoorder of**

Benoemingsvorme moet gestuur word vir aandag: Mev Bianca Beukes, Hoof Direkoraat: Metro-gesondheidsdienste, Privaat Sak X15, Parow; 7500.; e-pos: Bianca.Beukes@westerncape.gov.za (021 815 5749).

Let asseblief op die volgende:

- Die Provinsiale Minister van Gesondheid is die gesag wat aanstellings sal hersien.
- Oorsigraad-aktiwiteite en—vergaderings vind gewoonlik plaas by die kantore van die **Oorsigraad** op die perseel van Lentegeur-hospitaal in Mitchells Plain, maar daar kan van lede verwag word om na ander sentrums in die Provinsie Wes-Kaap te reis.
- Oorsigraad-lede word teen 'n uurlikse tarief vergoed en vergoed vir reisuittgawes insluitend die reis vanaf die huis tot by die kantoor ooreenkomstig vasgestelde tariewe. Wanneer lede van die Raad van die huis weg moet wees as deel van hul verpligtinge, word reis- en verblyfonkoste betaal teen dieselfde tariewe soos vir staatsamptenare in die Wes-Kaap.
- Die aanstelling sal gemaak word met behoorlike inagneming van kwessies soos geslag en gelykheid.
- **Die sluitingsdatum vir alle benoemings is: 3 April 2020**

I.S. 24/2020

13 kweyoKwindla 2020

WESTERN CAPE GOVERNMENT: DEPARTMENT OF HEALTH**ISIMEMO SOKUNYULWA KWAMALUNGU KWIBHODI YABAPHAZAMISEKE ENGGQONDWENI**

Ngokwesection 20 (2) a; b & c of the Mental Health Care Act 17 of 2002, uMphathiswa wezeMpilo eNtshona Koloni wenza isimemo kubantuabanomdla, iipati, imibutho yasekuhlaleni okanye amaqela onyule ilungu lasekuHlalani eNtshona Koloni kwisikhundla seBhodi yaBaphazamiseke eNgqondweni (eNtshona Koloni).

Izithuba ezikhoyo kwiBhodi yaBaphazamiseke eNgqondweni:

- (a) **Igosa loNonophelo lweMpilo yaBaphazamiseke eNgqondweni**
- (b) **Ummeli waseMthethweni**

Ibhodi inalmandla nale misebenzi ilandelayo:

- (a) Ukuqwalasela izibheni ezimayela neNtloko yeZiko lezeMpilo;
- (b) Ukwenza isigqibo ngokuphathelele ekunikezeleni iinkonzo ngaphandle kwemvume yomguli, zononophelo lwabaphazamiseke ngokwasengqondweni, unyango kwaneenkonzokubuyisela.
- (c) Ukuphonononga nokuqwalasela ngokutsha kwanokuthatha izigqibo malunga nokunikezelwa kweenkonzo kwabaphazamiseke engqondweni ngaphandle kwemvume yabo;
- (d) Ukuthathela ingqalelo uphononongo lweeyure ezingama-72 olwenziwa yiNtloko yeZiko lezeMpilo kwanokwenza izigqibo ekuqhubeleni phambili ngokunikezela iinkonzo zononophelo, zonyango kwanokubuyisela imo esiqhelweni ngaphandle kwemvume yomguli;
- (e) Ukuqwalasela izicelo zaBasebenzisi- Nkonzo yabaphazamiseke engqondweni basiwe kumaziko oluleko agcina amabanjwa anobungozi nanezigwebo ezikhulu;
- (f) Ukuthathela ingqalelo iingxelo ezenziwa ngokwezigaba zamaxesha malunga nesimo sokuphazamiseka kwengqondo yamabanjwa.

Umtyunjwa kufuneka abe nezimpawu zilandelayo:

- (a) **Umnyangi wabaphazamiseke engqondweni:** Kufuneka abe kanti urejistarishile: njengesakhayastristi/ugqirha/umongikazi/i-OT/isaykholojisti okanye unontlalontle oqeqeshelwe ukunikezela inkonzo yabaphazamisekileyo engqondweni, yonyango, kwanokubuyisela imeko kwimo yesiqhelo
- (b) **Igqwetha:** Kufuneka abe ngumantyi, i-attorney okanye i-advocate: Lo mtyunjwa makabe urejistarishiwe ngokwemithetho yeRiphabliki yoMzantsi Afrika elawula ukuqeshwa kwabo njengomantyi, i-attorney okanye i-advocate. Umtyunjwa kufuneka abe nolwazi ngomthetho weMental Health Care Act, 2002 kwaneMiqathango ehamba nawo kwaye abe nolwazi oluphangaleleyo kwicandelo lomthetho wezolawulo kunye nomgaqo-siseko.
- (c) Bonke abanyuliweyo kufuneka babengabemi boMzantsi Afrika;
- (d) Babe nezakhono ezibalaseleyo ekuthetheni nasekubhaleni kwanokukwazi ukuqonda kakuhle imiba entsokothileyo/enobunzima;
- (e) Abanyuliweyo kufuneka babenako ukwenza imisebenzi yabo ngoMvulo ukuya kuLwesihlanu ngexesha lomsebenzi, bakwazi nokuzimasa iintlanganiso rhoqo ngeveki.
- (f) Amalungu eBhodi kufanele asebenze iiyure ezi-15 ukuya kwezingama-20 ngeveki.
- (g) Amalungu eBhodi kufanele akwazi ukusebenza iiyure ezi-15 ngeveki.

Nawuphina umntu, umbutho wasekuhlaleni okanye iqela elityumbayo nabatyunjwa mabanikezele ngezi nkukacha zilandelayo kwigosa lesebe ngokwezi nkukacha zikhankanywe apha ngezantsi:

- Nceda uqaphele ukuba iSebe lenze iifom ezizodwa, ezakuthi zince abantu ngokunika lonke ulwazi malunga nomtyunjwa. Ezi fom zingafumaneka kuNkosikazi B Beukes at Bianca.Beukes@westerncape.gov.za (021 815 5749)
- Igama elipheleleyo kunye ne-adresi yomntu, uluntu okanye umbutho otyumbayo;
- Izizathu zokuba umtyunjwa abe kanti usilungele isikhundla;
- Igama elipheleleyo ne-adresi yomtyunjwa;
- Ikopi yeCV esayiniweyo;
- Intetho ebhaliweyo eyenziwa ngumtyunjwa okanye isibhambathiso sokuzimisela kwakhe ukusebenza njengelungu leBhodi.
- Nceda ubonise ukuba umntu utyunjelwe esiphi isikhundla: (a) **Igosa loNonophelo lweMpilo yaBaphazamiseke eNgqondweni:** (b) **Ummeli waseMthethweni;**

Iifom zotyumbo mazithunyelwe ku: Mrs Bianca Beukes, The Chief Directorate: Metro Health Services, Private Bag X15, Parow, 7500. Email: Bianca.Beukes@westerncape.gov.za (021 815 5749).

Qaphela oku kulandelayo:

- UMphathiswa wezeMpilo eNtshona Koloni nguye enegunya lokuphonononga ukufakwa kwabantu ezikhundleni.
- I misebenzi yeBhodi ePhononongayo kwaneentlanganiso zakuhlala kwii-ofisi zeBhodi ePhononongayo kwiSibhedlele lIntejeur eMitchells Plain kodwa amalungu kungafuneka aye kwamanye amaziko kwalapha eNtshona Koloni;
- Amalungu eBhodi ePhononongayo ahlawulwa ngeyure kwaye ayabonelelwa ngeendleko zokuhamba kuquka ukusuka ekhaya ukuya e-ofisini ngokwentlawulo emiselweyo. Xa amalungu eBhodi kunyanzeleke ukuba akhe angabikho ekhaya ngenxa yomsebenzi, iindleko zokuhamba nenkxaso ziyakufana neNtlawulo yaBasebenzi bakaRhulumente eNtshona Koloni.
- Ingqesho iyakwenziwa kuthathelwe ingqalelo imiba efana nobuni nobulungisa.
- **Utyumbo luyaphelelwa ngomhla wama: 3 April 2020**

TENDERS

N.B. Tenders for commodities/services, the estimated value of which exceeds R20 000, are published in the Government Tender Bulletin, which is obtainable from the Government Printer, Private Bag X85, Pretoria, on payment of a subscription.

NOTICES BY LOCAL AUTHORITIES**OVERSTRAND MUNICIPALITY****PUBLIC NOTICE CALLING FOR INSPECTION OF SUPPLEMENTARY VALUATION ROLL AND LODGING OF OBJECTIONS**

Notice is hereby given in terms of Section 49(1)(a)(i) read together with section 78(2) of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), hereinafter referred to as the "Act", that the 2nd Supplementary Valuation roll for the financial year 2019/2020, is open for public inspection at the Municipal Head Office and its satellite offices, or on the website: www.overstrand.gov.za from 12 March 2020 to 22 April 2020.

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

Attention is specifically drawn to the fact that in terms of section 50(2) of the Act an objection must be in relation to a specific individual property and not against the supplementary valuation roll as such. The form for the lodging of an objection is obtainable from the Municipal offices at the following addresses:

Hangklip/Kleinmond:	33 Main Road, Kleinmond	028 271 8400
Hermanus:	1 Magnolia Street, Hermanus	028 313 8000
Stanford:	15 Queen Victoria Street, Stanford	028 341 8500
Gansbaai:	Main Road, Gansbaai	028 384 8300

or on the municipal website: www.overstrand.gov.za. The completed forms must be returned to the municipal offices or the Municipal Manager, PO Box 20, Hermanus, 7200 or via email to enquiries@overstrand.gov.za on or before 22 April 2020.

For enquiries please contact Johette Basson at telephone number 028 313 8000 or send an e-mail to enquiries@overstrand.gov.za.

C. GROENEWALD, MUNICIPAL MANAGER,
PO Box 20, HERMANUS 7200

13 March 2020

20121

CITY OF CAPE TOWN**CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015**

Notice is hereby given in terms of the requirements of section 48(5)(a) of the City of Cape to amended Town Municipal Planning By-Law, 2015 that the City has on application by D&S Planning Studio a condition as contained in Title Deed No. T 000005013/2017 in respect of Erf 906, Sea Point East, in the following manner:

Amendment of title deed condition B2.

"That not more than one building be erected on any one lot and that not more than half the area of any lot be built upon."

To be amended to read as follows:

"That not more than one building be erected any one lot."

13 March 2020

20124

TENDERS

L.W. Tenders vir kommoditeite/dienste waarvan die beraamde waarde meer as R20 000 beloop, word in die Staatstenderbulletin gepubliseer wat by die Staatsdrukker, Privaatsak X85, Pretoria, teen betaling van 'n intekengeld verkrygbaar is.

KENNISGEWINGS DEUR PLAASLIKE OWERHEDE**OVERSTRAND MUNISIPALITEIT****KENNISGEWING VAN UITNODIGING VIR INSPEKSIE VAN DIE AANVULLENDE WAARDASIELYS EN INDIEN VAN BESWARE**

Kennis geskied hiermee ingevolge die bepalings van Artikel 49(1)(a)(i) saam gelees met Artikel 78(2) van die Plaaslike Regering: Munisipale Eiendomsbelastingwet, 2004 (Wet No. 6 van 2004), hierna verwys as die "Wet", dat die 2de Aanvullende Waardasielys vir die 2019/2020 finansiële jaar, beskikbaar is vir publieke inspeksie by die Munisipale Hoofkantoor en sy administrasiekantore asook op die amptelike webtuiste: www.overstrand.gov.za, vanaf 12 Maart 2020 tot 22 April 2020.

'n Uitnodiging word hiermee gerig in terme van Artikel 49 (1)(a)(ii), saam gelees met Artikel 78(2) van die Wet dat die eienaar van eiendom, of enige ander persoon wat dit verlang, 'n beswaar kan indien by die Munisipale Bestuurder rakende enige aangeleentheid wat vervat word in, of weggelaat is uit die aanvullende waardasielys, binne die **bogenoemde tydperk**.

Aandag word daarop gevestig dat in terme van Artikel 50(2) van die Wet, 'n beswaar betrekking tot 'n spesifieke eiendom moet hê, en nie op die totale aanvullende waardasielys as sodanig nie. Die vorm vir die aantekening van 'n beswaar is beskikbaar by die volgende Munisipale kantore:

Hangklip/Kleinmond:	Hoofstraat 33, Kleinmond	028 271 8400
Hermanus:	Magnoliastraat 1, Hermanus	028 313 8000
Stanford:	Queen Victoriastraat 15, Stanford	028 341 8500
Gansbaai:	Hoofstraat, Gansbaai	028 384 8300

asook op die amptelike webtuiste: www.overstrand.gov.za. Voltooiende vorms moet op of voor 22 April 2020 terug besorg word aan die munisipale kantore of die Munisipale Bestuurder, Posbus 20, Hermanus, 7200 of per epos aan: enquiries@overstrand.gov.za

Rig u navrae asb aan Johette Basson by telefoonnommer 028 313 8000 of stuur 'n e-pos aan enquiries@overstrand.gov.za.

C. GROENEWALD, MUNISIPALE BESTUURDER
Posbus 20, HERMANUS 7200

13 Maart 2020

20121

STAD KAAPSTAD**STAD KAAPSTAD VERORDENING OP MUNISIPALE BEPLANNING, 2015**

Kennis geskied hiermee ingevolge die vereistes van artikel 48(5)(a) van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 dat die Stad na aanleiding van die aansoek deur D&S Planning Studio 'n voorwaarde op die volgende wyse gewysig het, soos vervat in titelakte no. T 000005013/2017 ten opsigte van Erf 906, Seepunt-Oos:

Wysiging van titelaktevoorwaarde B2:

"Dat nie meer as een gebou op enige een erf opgerig mag word nie en dat nie meer as die helfte van die oppervlakte van enige een erf bebou mag word nie."

Gewysig word om soos volg te lui:

"Dat nie meer as een gebou op enige een erf opgerig mag word nie."

13 Maart 2020

20124

BREED VALLEY MUNICIPALITY

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND DEPARTURE: ERF 2179, 13 SOHNGE AVENUE, WORCESTER**OWNER(S): WARREN JUSTIN OWEN**

NOTICE IS HEREBY GIVEN in terms of Sections 44 and 45 of the Breede Valley Municipal Land Use Planning By-Law that an application has been received for:

- (1) Departure of Erf 2179, 13 Sohnge Avenue, Worcester on Residential zone I in order to allow the owner to relax the building lines.
- (2) Removal of restrictive title conditions, in terms of Section 13 of the Breede Valley Municipality: Municipal Land Use Planning By-Law.

Full particulars of the application are available at the office of the Manager: Municipal Planning and Building Control, 3rd Floor, Civic Centre, Worcester, during office hours.

Objections and/or comments in terms of Section 49 of the Municipal Land Use Planning By-Law, should be submitted in writing to the Municipal Manager, Private Bag X3046, Worcester, 6849 on or before 3 April 2020. Any objections/comments received after the 30 day period will be considered invalid.

Any enquiries may be directed to Ms. N. Gayiya, (023) 348 2631/ ngayiya@bvm.gov.za

D McThomas

MUNICIPAL MANAGER

BVM Reference Number: 10/3/1/27

Notice Number: 10 /2020

13 March 2020

20122

THEEWATERSKLOOF MUNICIPALITY

APPOINTMENT OF PERSONS OF THE MUNICIPAL PLANNING TRIBUNAL IN TERMS OF THE BY-LAW ON MUNICIPAL LAND USE PLANNING FOR THEEWATERSKLOOF MUNICIPALITY, 2015

In terms of Section 72(11) of the By-Law on Municipal Land Use Planning for Theewaterskloof Municipality, 2015 notice is hereby given that the Municipal Council of Theewaterskloof Municipality on 20 February 2020 appointed the following persons and designated the following officials to serve as members of the Theewaterskloof Municipal Planning Tribunal, established in terms of Section 72(1) of said By-Law read together with Section 35(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16/2013):

Persons appointed in terms of Section 71 (1)(b) who are not officials:

Mr CK Rabie (Chairperson)
Mr B Hayward
Mr R Brunnings (Secundi)

Officials designated in terms of Section 71(1)(a):

Mr Kayalakhe Nontshiza (Deputy Chairperson)
Mr Johann Pienaar
Mr Denver Damons
Mr Francois du Toit (Secundi for Mr D Damons)
Ms Zanne Nel-Gagiano
Mr Jan Barnard (Secundi for Ms Z Nel-Gagiano)
Mr Ashwille Riddles; and
Mr Francois van der Westhuizen (Secundi for Mr A Riddles)

The term of office of the above tribunal members is **two (2) years** from the date of the publication of this notice.

In terms of Section 72(11)(c)(iv) of the By-Law on Municipal Land Use Planning for Theewaterskloof Municipality 2015, notice is further given that the Theewaterskloof Municipal Planning Tribunal will commence operation on the date of the publication of this notice.

G MATTHYSE, MUNICIPAL MANAGER,
Municipal Offices, 6 Plein Street, Caledon 7230

13 March 2020

20123

BREEDVALLEI MUNISIPALITEIT

AANSOEK OM OPHEFFING VAN BEPERKENDE TITELVOORWAARDES EN AFWYKING ERF 2179, SOHNGELAAN 138, WORCESTER**EIENAAR(S): WARREN JUSTIN OWEN**

KENNIS GESKIED HIERMEE in terme van Artikels 44 en 45 van die Breede Vallei Munisipale Grondgebruikbeplanning Verordening dat 'n aansoek ontvang is vir die volgende:

- (1) Afwyking Erf 2179, Sohngelaan 13, Worcester op residensiële sone I ten einde die eienaar in staat te stel om die boulyne te verslap.
- (2) Opheffing van beperkende titelvoorwaardes, in terme van Artikel 13 van die Breede Vallei Munisipale Grondgebruikbeplanning Verordening.

Volledige besonderhede van die aansoek is beskikbaar by die kantoor van die Bestuurder: Munisipale Beplanning en Boubeheer, 3de Vloer, Burgersentrum, Worcester, gedurende kantoorure.

Besware en/of kommentare in terme van Artikel 49 van die Munisipale Grondgebruikbeplanning Verordening, moet skriftelik gerig word aan die Munisipale Bestuurder, Privaatsak X3046, Worcester, 6849 voor of op 3 April 2020. Enige besware/ kommentare ontvang na die 30 dae periode sal geag word as ongeldig.

Navrae kan gerig word aan Mej. N. Gayiya, (023) 348 2631/ ngayiya@bvm.gov.za

D McThomas

MUNISIPALE BESTUURDER

BVM Verwysingsnommer: 10/3/1/27

Kennisgewingsnommer: 10 /2020

13 Maart 2020

20122

THEEWATERSKLOOF MUNISIPALITEIT

AANSTELLING VAN LEDE VAN DIE MUNISIPALE BEPLANNINGSTRIBUNAAL INGEVOLGE DIE VERORDENING OP MUNISIPALE GRONDGEBRUIK BEPLANNING VIR THEEWATERSKLOOF MUNISIPALITEIT, 2015

Ingevolge Artikel 72(11) van die Verordening op Munisipale Grondgebruik Beplanning vir Theewaterskloof Munisipaliteit, 2015, word hiermee kennis gegee dat die Munisipale Raad van Theewaterskloof op 20 Februarie 2020, die volgende persone aangestel en van die volgende amptenare aangewys het as lede van die Munisipale Beplanningstribunaal vir Theewaterskloof wat ingevolge Artikel 72(1) van voormelde verordening saamgelees met Artikel 35(1) van die Wet op Ruimtelike en Grondgebruikbestuur, 2013 (Wet 16/2013) tot stand gebring is:

Nie-amptenare wat ingevolge Artikel 71(1)(b) aangestel is:

Mnr CK Rabie (Voorsitter)
Mnr B Hayward
Mnr R Brunnings (Secundi)

Amptenare wat ingevolge Artikel 71(1)(a) aangewys is:

Mnr Kayalakhe Nontshiza (Ondervoorsitter)
Mnr Johann Pienaar
Mnr Denver Damons
Mnr Francois du Toit (Secundi van Mnr D Damons)
Me Zanne Nel-Gagiano
Mnr Jan Barnard (Secundi van Me Z Nel-Gagiano)
Mnr Ashwille Riddles; en
Mnr Francois van der Westhuizen (Secundi van Mnr A Riddles)

Die ampstermyn van bestaande tribunaallede is, vasgestel op **twee (2) jaar** vanaf die datum van die publikasie van die kennisgewing.

Ingevolge Artikel 72(11)(c)(iv) van die Verordening op Munisipale Grondgebruik Beplanning vir Theewaterskloof Munisipaliteit, 2015, word hiermee ook kennis gegee dat die Munisipale Beplanningstribunaal van Theewaterskloof Munisipaliteit in werking sal tree op die datum van publikasie van die kennisgewing.

G MATTHYSE, MUNISIPALE BESTUURDER,
Munisipale Kantore, 6 Pleinstraat, Caledon 7230

13 Maart 2020

20123

CITY OF CAPE TOWN (NORTHERN DISTRICT)

Closure

• Portion of Public Place Erf 6175 Somerset West

Notice is hereby given in terms of section 4 of the City of Cape Town Immovable Property By-law 2015 that the Council has closed a portion of Public Place, Erf 6175 Somerset West (Stel. 773/3 v.2 p64)

LUNGELO MBANDAZAYO
CITY MANAGER

STAD KAAPSTAD (NOORDELIKE-DISTRIK)

Sluiting

• Gedeelte van Openbare Plek Erf 6175 Somerset-Wes

Kennis geskied hiermee ingevolge artikel 4 van die Stad Kaapstad se Verordening op Onroerende Eiendom, 2015, dat die Raad 'n gedeelte van 'n openbare plek, Erf 6175 Somerset-Wes, gesluit het. (Stel. 773/3 v.2 p 64)

LUNGELO MBANDAZAYO
STADSBESTUURDER

(R S A)

Tel: (021) 467 4800

Fax: (021) 465 3008

DIESEL & MUNNS INC.
PROFESSIONAL LAND SURVEYORS
P O BOX 475
SOMERSET WEST
7129

SURVEYOR GENERAL-WESTERN CAPE
PRIVATE BAG X9028
CAPE TOWN
8000

2020-02-19

MY REF: STEL, 773/3 v.2 p64

Your ref: C5688
Dated: 2020-02-12

ATTENTION: DW Lambert

FINAL CERTIFICATE

CLOSURE OF A PORTION OF PUBLIC PLACE ERF 6175 SOMESET WEST

It is hereby certified that all my requirements in regard to the above have been met.

NB:

When submitting the final closure notice in terms of Section 43(1)(f) of LUPA ACT 3/2014 or in terms of Section 4 of the City of Cape Town's Municipal Planning By-Law 2015 to the Director of Local Government, it must be accompanied by a copy of this certificate. Failure to do so, will lead to the refusal by the Director to publish the notice.

To expedite this matter please notify me after the final notice of closure has appeared in the Official Gazette or has been advertised in the local media.

The wording must be strictly in accordance with the above heading.

Yours faithfully



D CLOETE
For SURVEYOR-GENERAL: WESTERN CAPE

NB: The Surveyor-General's reference must be quoted in the Notice of closure in the Official Gazette or in the advertisement in the local media.

BERGRIVIER MUNICIPALITY

**REMOVAL OF RESTRICTIVE TITLE CONDITION: ERF 1487,
LAAIPEK BERGRIVIER MUNICIPALITY:
BY-LAW RELATING TO MUNICIPAL
LAND USE PLANNING**

Notice is hereby given in terms of Section 33(7) of the Bergrivier Municipality: By-Law Relating to Municipal Land Use Planning that Bergrivier Municipality's Municipal Planning Tribunal, on application by the owner of Erf 1487, Laaiplek, on 16 January 2020 via decision number PTN008/01/2020, amended condition B.(f) to read: *"This erf shall be used solely for the purposes of erecting thereon one main dwelling unit as well as one second dwelling unit together with such outbuildings as are ordinarily used with it."*, and removed condition B.(g)(i) as contained in Deed of Transfer No. T28256/2018.

MN57/2020

ADV HANLIE LINDE, MUNICIPAL MANAGER, Municipal Offices,
13 Church Street, PIKETBERG, 7320

13 March 2020

20126

CITY OF CAPE TOWN

**CITY OF CAPE TOWN MUNICIPAL PLANNING
BY-LAW, 2015**

Notice is hereby given in terms of the requirements of section 48(5)(a) of the City of Cape Town Municipal Planning By-Law, 2015 that the City has on application by ELCO PROPERTY DEVELOPMENTS removed conditions as contained in Title Deed No. T67526/1999, in respect of Erf 2041, Durbanville, in the following manner:

Removed conditions:

- C5, C6, C7(i) and (ii)

13 March 2020

20131

CEDERBERG MUNICIPALITY

**REMOVAL OF RESTRICTIVE TITLE CONDITIONS:
ERF 1387 CITRUSDAL**

**CEDERBERG MUNICIPALITY BY-LAW RELATING TO
MUNICIPAL LAND USE PLANNING**

Notice is hereby given in terms of Section 33(6) of the Cederberg Municipality: By-Law relating to Land Use Planning that Cederberg Municipality's Authorised Official, on application by the owner of Erf 1387, CITRUSDAL, on 27 November 2019 via decision number ERF1387CDL removes conditions 2.C contained in Deed of Transfer Title No. T67223 of 2014.

MN 28/2020

Mr H SLIMMERT,
ACTING MUNICIPAL MANAGER,
Municipal Offices, 2A Voortrekker Street, Clanwilliam, 8135

13 March 2020

20132

BERGRIVIER MUNISIPALITEIT

**OPHEFFING VAN BEPERKENDE TITELVOORWAARDE:
ERF 1487, LAAIPEK BERGRIVIER MUNISIPALITEIT:
VERORDENING INSAKE MUNISIPALE
GRONDGEBRUIKBEPLANNING**

Kennis word hiermee gegee in terme van Artikel 33(7) van die Bergrivier Munisipaliteit: Verordening Insaake Munisipale Grongebruikbeplanning dat Bergrivier Munisipaliteit se Munisipale Beplanningstribunaal op aansoek van die eienaar van Erf 1487, Laaiplek, op 16 January 2020 via besluit nommer PTN008/01/2020 voorwaarde B.(f) gewysig het om as volg te lees: *"Hierdie erf sal uitsluitlik gebruik word vir die oprigting van een hoof wooneenheid sowel as een tweede wooneenheid tesame met buitegeboue wat gewoonlik daarmee gebruik word."*, en voorwaarde B.(g)(i) soos vervat in Transportakte Nr T25256/2018 opgehef het.

MK57 /2020

ADV HANLIE LINDE, MUNISIPALE BESTUURDER, Munisipale
Kantore, Kerkstraat 13, PIKETBERG, 7320

13 Maart 2020

20126

STAD KAAPSTAD

**STAD KAAPSTAD VERORDENING OP MUNISIPALE
BEPLANNING, 2015**

Kennis geskied hiermee ingevolge die vereistes van artikel 48(5)(a) van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 dat die Stad na aanleiding van 'n aansoek deur ELCO PROPERTY DEVELOPMENTS voorwaardes soos vervat in titelakte no. T67526/1999, ten opsigte van Erf 2041, Durbanville, soos volg opgehef het:

Voorwaardes opgehef:

- C5, C6, C7(i) en (ii)

13 Maart 2020

20131

CEDERBERG MUNISIPALITEIT

**OPHEFFING VAN BEPERKENDE TITELVOORWAARDES:
ERF 1387 CITRUSDAL**

**CEDERBERG MUNISIPALITEIT VERORDENING INSAKE
MUNISIPALE GRONDGEBRUIKBEPLANNING**

Kennis word hiermee gegee in terme van Artikel 33(6) van die Cederberg Munisipaliteit: Verordening Insaake Munisipale Grondgebruikbeplanning dat Cederberg Munisipaliteit se Gemagtigde Beampte, op aansoek van die eienaar van Erf 1387, CITRUSDAL, op 27 November 2019, via besluit nommer ERF1387CDL, voorwaardes 2.C. in Transportakte Titel No. T67223 van 2014, verwyder.

MK 28/2020

Mnr. H SLIMMERT,
WAARNEMENDE MUNISIPALE BESTUURDER,
Munisipale Kantore, Voortrekkerstraat 2A, Clanwilliam, 8135

13 Maart 2020

20132

MATZIKAMA MUNICIPALITY

NOTICE: PROPOSED AMENDMENT TO THE SPATIAL DEVELOPMENT FRAMEWORK FOR MATZIKAMA MUNICIPALITY, 2020/2021

Notice is hereby given in terms of Sections 28(3) and 29 of the Local Government: Municipal Systems Act, 2000 (No 32 of 2000) and Section 3(2)(a) of the Matzikama Municipality: Land Use Planning By-Law, 2015 that it is the intention of the Municipality to amend the Matzikama Municipality's Spatial Development Framework, 2014 (SDF, 2014). The document is open for public comment for the period of **13 March 2020 until 13 Mei 2020**.

A Spatial development framework spatially indicates the long term growth and development path of a Municipality and is one of the core components of a municipal integrated development plan (IDP) which gives physical effect to the vision, goals and objectives therein.

Please take note that the proposed amendments to the SDF, 2014 will be available to the public during the public meetings with regards to the IDP. Any enquiries should be directed to mnr Briaan Smit at bsmit@matzikamamun.co.za or 027-201-3481 or mrs Annali van der Westhuizen at annalivdw@matzikamamun.co.za of 027-201-3323. Written comments in this regard, if any, must be submitted to undermentioned address (for attention mr B Smit or mrs A van der Westhuizen) not later than **13 Mei 2020**.

Any person who wishes to comment and/or object and who cannot write, is invited to visit under-mentioned office of the Municipality on Mondays to Thursdays between 10:00 and 15:00 where mr B Smit or mrs A van der Westhuizen will assist such person to transcribe his/her comments and/or objections.

Notice: K16/2020

LJ PHILLIPS, ACTING MUNICIPAL MANAGER,
Municipal Offices, 37 Church Street, PO Box 98, VREDENDAL, 8160. Tel: (027) 201 3300, Fax: (027) 213 3238

13 March 2020

20127

MATZIKAMA MUNISIPALITEIT

KENNISGEWING: VOORGESTELDE WYSIGING AAN DIE RUIMTELIKE ONTWIKKELINGSRAAMWERK VIR MATZIKAMA MUNISIPALITEIT: 2020/2021

Hiermee word in terme van Artikels 28(3) en 29 van die Wet op Munisipale Stelsels, 2000 (No 32 van 2000) en Artikel 3(2)(a) van die "Matzikama Municipality: Land Use Planning By-Law, 2015" kennis gegee dat die Munisipaliteit van voorneme is om die Matzikama Munisipaliteit se Ruimtelike Ontwikkelingsraamwerk, 2014 (ROR, 2014), te wysig. Die dokument is vir kommentaar vir die periode **13 Maart 2020 tot 13 Mei 2020**, ter insae.

'n Ruimtelike ontwikkelingsraamwerk dui ruimtelik die langtermyn groei en ontwikkelingsroete van 'n Munisipaliteit aan en is 'n kern komponent wat ook visueel op kaarte die visie, doelwitte en doelstellings in die munisipale geïntegreerde ontwikkelingsraamwerk (GOP), aandui.

Neem asseblief kennis dat die voorgestelde wysigings aan die ROR, 2014 by die publieke vergaderings ten opsigte van die GOP aan die publiek, beskikbaar sal wees.

Enige navrae kan gerig word aan mnr Briaan Smit by bsmit@matzikamamun.co.za of 027-201-3481 of mev Annali van der Westhuizen by annalivdw@matzikamamun.co.za of 027-201-3323.

Skriftelike kommentaar in hierdie verband, indien enige, moet nie later nie as **13 Mei 2020** by onderstaande adres (vir aandag mnr B Smit of mev A van der Westhuizen), ingedien word.

Enige persoon wat kommentaar en/of beswaar wil lewer en wat nie kan skryf nie, kan Maandae tot Donderdae tussen 10:00 en 15:00 die ondergenoemde kantore van Munisipaliteit besoek, waar mnr B Smit of mev A van der Westhuizen sodanige persoon sal help om sy/haar kommentaar en/of beswaar af te skryf.

Kennisgewing: K16/2020

LJ PHILLIPS, WNDE MUNISIPALE BESTUURDER,
Munisipale Kantore, Kerkstraat 37, Posbus 98, VREDENDAL, 8160. Tel: (027) 201 3300, Faks: (027) 213 3238

13 Maart 2020

20127

UMASIPALA WASEMATZIKAMA

ISAZISO: UHLAZIYO OLUCETYWAYO LOMGAQO-SIKHOKELO WOKUNATYISWA KOKUSETYENZISWA KOMHLABA KAMASIPALA WASEMATZIKAMA, 2020/2021

Esi sisaziso simalunga nenjongo kaMasipala yokuhlaziya uMgaqo-sikhokelo ka-2014 wokuNatyiswa kokuSetyenziswa koMhlaba kaMasipala wase-Matzikama (iSDF, 2014) nokwenziwa ngokweSiquendusa sama-28(3) nesama-29 soMthetho woRhulumente beNdawo: uMthetho ka-2000 wamaCandelo kaMasipala (wama-32 ka-2000) kunye nesiQendu sesi-3(2)(a) soMasipala waseMatzikama: uMthetho kaMasipala ka-2015 wokuCwangciselwa kokuSetyenziswa koMhlaba. Olu xwebhu luvulelekile ukuba uluntu lube nokulufunda luhlomle ngalo kwithuba elisukela **ngowe-13 kweyoKwindla (kuMatshi) 2020 ukuya kowe-13 kwekaCanzibe (kuMeyi) 2020**.

Umgqaqo-sikhokelo wokunatyiswa kokuSetyenziswa komhlaba kamasipala ubonisa uhlumo nophuhliso lukamasipala lwexesha elide yaye uyenyeyezona zinto zibalulekileyo kwisiCwangciso sikamasipala soPhuhliso oluNdindenyeni (i-IDP), nesithi sibonise iindlela ezicacileyo zokuba uza kuphunyezwa njani umbono, iinjongo zethuba elide nezethuyana ezilapho kuso.

Sicela niqaphele ukuba olu hlaziyo lweSDF, 2014 luza kuxoxwa esidlangalaleni ngethuba leentlanganiso ezinxulumene neIDP eziya kuthi zibanjwe noluntu.

Kucelwa ukuba bonke abantu abangakwaziyo ukubhala batyelele iofisi kaMasipala ngethuba lomsebenzi, apho baya kuthi bancedwe nguMnu. Smit oya kuphulaphula oko umntu akuthethayo, aze akubhale phantsi.

Naziphi izimvo ezibhaliweyo mazithunyelwe kuMlawuli kaMasipala.

Malunga nemibuzo, ungaqhagamshelana noMnu. Briaan Smit, kwa: 027-201-3481 okanye kwa-027-201-3340.

Isaziso: K16/2020

LJ PHILLIPS, ACTING MUNICIPAL MANAGER,
Municipal Offices, 37 Church Street, PO Box 98, VREDENDAL, 8160. Tel: (027) 201 3300, Fax: (027) 213 3238

13 kweyoKwindla 2020

20127

DRAKENSTEIN MUNICIPALITY BUILDING CONTROL BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, Drakenstein Municipality enacts as follows:-

Table of contents

1. Definitions
2. Purpose of by-law and application
3. Interpretation
4. Approval required for buildings to be erected
5. Buildings that require approval of the municipality
6. Certificate of occupancy
7. Application and requirements
8. Determination of tariffs and fees
9. Compliance and enforcement
10. Offences and penalties
11. Appeal
12. Short title and commencement

1. Definitions

(1) In this by-law, unless inconsistent with the context—

“**Act**” means the National Building Regulations and Building Standards Act, 1977, (Act 103 of 1977);

“**authorised official**” means an employee of the municipality or any other person who is appointed or authorised thereto by the municipality to perform any act, function or duty related to the provisions of this by-law, or exercise any power in terms of this by-law;

“**building**” includes-

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with-
 - (i) the accommodation or convenience of human beings or animals;
 - (ii) the manufacture, processing, storage, display or sale of any goods;
 - (iii) the rendering of any service;
 - (iv) the destruction or treatment of refuse or other waste materials;
 - (v) the cultivation or growing of any plant or crop;
- (b) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;
- (c) any fuel pump or any tank used in connection therewith;
- (d) any part of a building, including a building as defined in paragraph (a), (b) or (c);
- (e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, storm water disposal, electricity supply or other similar service in respect of the building, including but not limited to-
 - (i) water tanks, bore holes or grey water systems;
 - (ii) air conditioning units, generators, pool pumps, heat pumps or other mechanical plant or system;

“competent person” means a person who is qualified by virtue of his education, training, experience and contextual knowledge to make a determination regarding the performance of a building or part thereof in relation to a functional regulation or to undertake such duties as may be assigned to him in terms of this by-law and the NBR;

“erect” means, in relation to a building, the alteration, extension, re-building, re-erection, subdivision of, or addition to, or repair of any part of the structural system of any building;

“municipality” means the Drakenstein Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“National Building Regulations” means regulations issued in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), hereafter referred to as the **NBR**;

“organ of state”

- (a) any government department or administration in the national, provincial or local government sphere; or
- (b) any other functionary or institution-
 - (i) that performs a power or function in terms of the Constitution or a provincial constitution; or
 - (ii) that performs a public function or power in terms of legislation, but excludes a court or judicial officer.

“owner” in relation to a building or land, means the person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question, provided that if-

- (a) such person, in the case of a natural person, is deceased or was declared by any court to be incapable of managing his own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Act, 1973 (Act 18 of 1973), or if his estate has been sequestrated, the executor or curator concerned, as the case may be;
- (b) such person, in the case of a juristic person, has been liquidated or placed under judicial management, the liquidator or judicial manager concerned, as the case may be;
- (c) such person is absent from the Republic or if his whereabouts are unknown, any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other moneys in respect of such building or land or who is responsible therefore;
- (d) the municipality is unable to determine the identity of such person, any person who is entitled to the benefit of the use of such building or land or who enjoys such benefit, shall be deemed to be the owner of such building or land;

“person” includes any natural person, juristic person, association or organ of state;

“structural system” means, in relation to a building, the system of constructional elements and components of any building which is provided to resist the loads acting upon it and to transfer such loads to the ground upon which the foundation of the building rests;

“vehicle” means any self-propelled vehicle and includes-

- (a) a trailer; and

(b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor;

(2) Any provision in this by-law relating to procedures for the submission of and consideration of applications for approval of the erection of a building as well as compliance requirements, must be interpreted as a reference to applicable corresponding provisions in the Act and the NBR.

2. Purpose of by-law and application

(1) This by-law is supplementary to the Act and the NBR to ensure uniformity with regard to building standards, the erection of buildings and the submission, consideration and approval of building plans in the jurisdictional area of the municipality.

(2) Subject to sub section (3), this by-law does not derogate from the provisions of the Act.

(3) Notwithstanding conflicting provisions in any act, including the Act and the NBR, all persons, including organs of state, must submit building plans and specifications for consideration and approval by the municipality in respect of buildings as provided for in this by-law, the Act and the NBR and must pay the required fees as contemplated in section 8.

3. Interpretation

(1) Any provision in this by-law relating to procedures for the submission of and consideration of applications for approval of the erection of a building as well as compliance requirements, must be interpreted as a reference to applicable corresponding provisions in the Act and the NBR.

(2) Where a building as defined in section 1 complies with the definition of problem premises, the provisions of the By-law Relating to Problem premises 2020 shall apply with the necessary changes.

4. Approval required in respect of buildings to be erected

A person who wishes to erect a building as contemplated in section 5, must submit the building plans or documents as required in terms of section 7 for consideration and approval by the municipality prior to commencement with the erection of such building.

5. Buildings that require approval of the municipality

Without derogating from the provisions of section 4(1) of the Act, the NBR or any other law, the erection of buildings listed below require approval of the municipality and may include, but are not limited to-

- (a) containers, irrespective of the materials used in the erection thereof, used temporarily or permanently for purposes including but not limited to storage or habitable purposes;
- (b) storage tanks, irrespective of the materials used in the erection thereof, used temporarily or permanently for purposes including but not limited to storage of water, fuel or any other liquid;
- (c) air conditioning units;
- (d) pool pumps;
- (e) wendy houses, irrespective of the materials used in the erection thereof, used temporarily or permanently for purposes including but not limited to storage or habitable purposes;

- (f) grey water systems used for the reticulation of grey water as defined in the municipality's Water Services By-law;
- (g) bore holes;
- (h) recreational equipment, irrespective of the materials used in the erection thereof, used temporarily or permanently for amusement or recreational purposes;
- (i) solar energy systems whether free standing or attached to a building;
- (j) wind turbines whether free standing or attached to a building;
- (k) communication infrastructure, including but not limited to cellular masts, antennae, satellite dishes, radio masts, whether free standing or attached to a building;
- (l) Informal structures, irrespective of the materials used in the erection thereof, used temporarily or permanently for purposes including but not limited to storage or habitable purposes;
- (m) fencing, irrespective of the material used in the erection thereof, which exceeds the height of 1,8 metres;
- (n) electrical fencing as contemplated in the Electrical Machinery Regulations, published under GN R250 in GG 34154 of 25 March 2011;
- (o) vibracrete structures;
- (p) tents or shade structures, or hydroponic tunnel structures, or similar structures, whether free standing or attached to a building, irrespective of the materials used in the erection thereof, used temporarily or permanently for purposes including, but not limited to storage, production or habitable purposes; and
- (q) temporary buildings as contemplated in Regulation A23 of the NBR;

6. Certificate of occupancy

Subject to the provisions of section 14(1A) of the Act, a certificate of occupancy as contemplated in section 14 of the Act shall not be issued by the municipality unless the owner, where applicable, has provided the municipality with the following information-

- (a) electrical compliance certificate;
- (b) plumbing certificate (coc) – PIRB or IOPSA registered;
- (c) glass certificate issued by a competent person;
- (d) engineer's structural completion certificate (form 4) or (form 3 –applicable on element);
- (e) mechanical engineer's compliance certificate;
- (f) gas installation certificate issued by a competent person;
- (g) lift installation certificate issued by a competent person;
- (h) architectural completion certificate (Form 4);
- (i) energy efficient certificate (form 4)
- (j) beacon certificate issued by a professional land surveyor;
- (k) engineer's drawings relating to reinforced or structural works;
- (l) in relation to fire safety, a certificate by a competent person certifying that the fire protection system, equipment and the fire installation system has been designed and erected in accordance with the application; and
- (m) notification and execution of Regulation A22 completion inspection.

7. Application and requirements

- (1) An application for approval referred to in section 4 must be in writing on a form made available for that purpose by the municipality.
- (2) An application must-
 - (a) contain the name and address of the applicant who must be the owner of the land on which the building in question is to be erected;
 - (b) be accompanied by-
 - (i) such plans, drawings and documentation or any additional information in the scale or format as prescribed by the municipality; and
 - (ii) the fees determined by the municipality for the scrutiny of such plans, drawings or documentation.

8. Determination of tariffs and fees

The municipality may, in terms of its Tariff By-law, determine tariffs and fees for any service rendered in terms of this by-law or the Act, which must be reviewed annually during the budget process.

9. Compliance and enforcement

- (1) Where an authorised official has reasonable grounds to believe that a person fails to comply with any requirement of this by-law, or that such a person is in contravention of any provision of this by-law, he or she may serve a notice of compliance on such person which notice must state –
 - (a) the name and residential or postal address of the person;
 - (b) the requirement which has not been complied with or the provision which has been contravened;
 - (c) that the person must within a specified period take measures to comply with the notice and to complete the measures before a specified date; and
 - (d) that the person may within the period specified in the notice respond in writing to the alleged offence.
- (2) The municipality, when considering any measure or period envisaged in subsection (1)(c) or (d), must have regard to the principles and objectives of this by-law, the nature of the non-compliance, and other relevant factors.
- (3) Where the person served with a notice contemplated in sub section (1) fails to comply with such notice, the municipality may institute criminal proceedings, or where applicable, approach a competent court for an order-
 - (a) prohibiting any person from proceeding with the erection of such building;
 - (b) authorising the municipality to demolish such building if the magistrate is satisfied that such erection is contrary to or does not comply with the provisions of this by-law or any approval or authorisation granted there under; or
 - (c) any other form of relief the court may deem applicable, including an order regarding cost.

10. Offences and penalties

- (1) A person commits an offence if he or she –
 - (a) erects or allows a building to be erected, or occupies a building contrary to the provisions of this by-law;

- (b) threatens, resists, hinders or obstructs, or uses foul, abusive or insulting language towards or at an authorised official in the exercise of his or her powers or execution of his or her duties;
 - (c) falsely pretends to be an official;
 - (d) furnishes false or misleading information when requested to do so by an authorised official; or
 - (e) fails to comply with a request of an authorised official; or
 - (f) fails to comply with a notice issued in terms of section 9 of this by-law.
- (2) Failure to comply with a notice, direction or condition referred to in this by-law constitutes a continuing offence.
- (3) A person who contravenes any of the provisions of sub section (1) commits an offence and shall on conviction be liable to-
- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.
- (4) In addition to any fines imposed in terms of sub paragraphs (a) and (b), a further amount equal to any costs or expenses found by the court to have been incurred by the municipality as result of such contravention or failure, may be imposed by the court.
- (5) The provisions of subsections (1) to (4) shall not apply to an organ of state, in which case the provisions of section 9(3) shall apply.

11. Appeal

A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the city manager within 21 days of the date of the notification of the decision.

12. Short title and commencement

This by-law shall be known as the Drakenstein Municipality Building Control By-law and shall come into operation of the date of promulgation thereof in the Provincial Gazette.

DR J H LEIBBRANDT
CITY MANAGER
Prov Gazette – 12/03/2020

DRAKENSTEIN MUNISIPALITEIT
VERORDENING INSAKE BOUBEHEER

Ooreenkomstig die bepalings van artikel 156 van die Grondwet van Suid-Afrika, 1996, bepaal die Drakenstein Munisipaliteit soos volg:-

Inhoud

1. Definisies
2. Doel van verordening en toepassing
3. Uitleg
4. Goedkeuring verlang vir geboue wat opgerig gaan word
5. Geboue wat deur die munisipaliteit goedgekeur moet word
6. Bewoningsertifikaat
7. Aansoek en vereistes
8. Vasstelling van tariewe en gelde
9. Voldoening en afdwinging
10. Oortredings en straf
11. Appèl
12. Kort titel en inwerkingtreding

1. Definisies

(3) In hierdie verordening, tensy uit die samehang anders blyk, beteken —

“bevoegde persoon” ’n persoon wat op grond van sy opvoeding, opleiding, ondervinding en kontekstuele kennis gekwalifiseer is om ten opsigte van ’n funksionele regulasie ’n beslissing te maak met betrekking tot die werkverrigting van ’n gebou of gedeelte daarvan of om sodanige pligte uit te voer as wat ooreenkomstig hierdie verordening en die NBR aan hom toegeken word;

“eienaar” met betrekking tot ’n gebou of grond, die persoon op wie se naam grond waarop sodanige gebou opgerig is of opgerig word of sodanige grond, hoe dit ook al sy, in die betrokke akteskantoor geregistreer is, op voorwaarde dat indien-

- (a) sodanige persoon, in die geval van ’n natuurlike persoon, oorlede is of deur enige hof as nie in staat om sy of haar eie sake te bestuur nie of as ’n verkwister verklaar is, of ’n pasiënt is soos omskryf in artikel 1 van die Wet op Geestesgesondheid (Wet 18 van 1973), of indien sy of haar boedel gesekwestreer is, die betrokke eksekuteur of kurator, hoe dit ook al sy;
- (b) sodanige persoon, in die geval van ’n regspersoon, gelikwideer is of onder geregtelike bestuur geplaas is, die betrokke likwidateur of geregtelike bestuurder, hoe dit ook al sy;

- (c) sodanige persoon afwesig is uit die Republiek of indien sy verblyfplek onbekend is, enige persoon wat as 'n agent of andersins die bestuur, instandhouding of invordering van huurgeld of ander gelde met betrekking tot sodanige gebou of grond behartig of wat verantwoordelik is daarvoor;
- (d) die munisipaliteit nie in staat is om die identiteit van sodanige persoon te bepaal nie, enige persoon wat geregtig is om voordeel te trek uit die gebruik van sodanige gebou of grond of wat sodanige voordeel geniet, as die eienaar van sodanige gebou of grond beskou sal word;

“gebou” sluit in-

- (a) enige struktuur, hetsy tydelik of permanent van aard en ongeag die materiale wat by die oprigting daarvan gebruik is, wat opgerig is of gebruik word in verband met —
 - (i) die huisvesting of gerief van mense of diere;
 - (ii) die vervaardiging, verwerking, opberging, uitstalling of verkoop van enige goedere;
 - (iii) die lewering van enige diens;
 - (iv) die vernietiging of behandeling van vullis of afvalstowwe;
 - (v) die kweek van enige plant of gewas;
- (b) enige muur, swembad, swemdam, reservoir of brug of enige ander struktuur wat daarmee verband hou;
- (c) enige brandstofpomp of enige tenk wat in verband daarmee gebruik word;
- (d) enige deel van 'n gebou, insluitende 'n gebou soos omskryf in paragraaf (a), (b) of (c);
- (e) enige fasiliteite of stelsel, of 'n deel of 'n gedeelte daarvan, binne of buite maar gepaardgaande met 'n gebou, vir die voorsiening van watertoevoer, dreinering, riolering, stormwaterwegdoening, elektrisiteitsvoorsiening of ander soortgelyke diens ten opsigte van die gebou, insluitend maar nie beperk nie tot —
 - (i) watertenks, boorgate of gryswaterstelsels;
 - (ii) lugversorgingseenhede, kragopwekkers, swembadpompe, verhittingspompe en ander meganiese toerusting of stelsels;

“gemagtigde beampte” 'n werknemer van die munisipaliteit of enige ander persoon wat as sodanig deur die munisipaliteit aangestel of gemagtig is om enige handeling, funksie of plig ten opsigte van die bepalings van hierdie verordening uit te voer, of enige mag ingevolge hierdie verordening kan uitoefen;

"munisipaliteit" die Drakenstein Munisipaliteit, ingevolge artikel 12 van die Wet op Plaaslike Bestuur: Munisipale Stelsels (Wet 117 van 1998), en sluit in enige politieke struktuur, politieke ampsdraer, raadslid, behoorlik gemagtigde agent daarvan of enige werknemer daarvan wat in verband met hierdie verordening uit hoofde van 'n mag wat by die munisipaliteit berus en na sodanige politieke struktuur, politieke ampsdraer, raadslid, agent of werknemer gedelegeer of subdelegeer is;

“Nasionale Bouregulasies” regulasies uitgereik ingevolge die Wet op Nasionale Bouregulasies en Boustandaarde (Wet 103 van 1977), hierna na verwys as die **NBR**;

“oprig” met betrekking tot ’n gebou, die verandering, uitbreiding, herbou, heroprigting, onderverdeling van, of aanbou, of die herstel van enige gedeelte van die strukturele stelsel van enige gebou;

“persoon” enige natuurlike persoon, regs persoon, vereniging of staatsinstelling;

“staatsorgaan”

(c) enige staatsdepartement of administrasie in die sfeer van nasionale, provinsiale of plaaslike regering; of

(d) enige ander funksionaris of instansie-

(iii) wat ’n mag of funksie in ooreenstemming met die Grondwet of ’n provinsiale grondwet uitvoer; of

(iv) wat ’n openbare funksie of mag ingevolge wetgewing uitoefen, maar sluit ’n hof of regsbeampte uit.

“strukturele stelsel” met betrekking tot ’n gebou, die stelsel van konstruksie-elemente en komponente van enige gebou wat verskaf word om die laste wat daarop inwerk te weerstaan en om sodanige laste oor te dra na die grond waarop die fondasie van die gebou rus;

“voertuig” enige selfaangedrewe voertuig en sluit in —

(a) ’n sleepwa; en

(b) ’n voertuig wat pedale en ’n enjin of ’n elektriese motor het wat ’n integrale deel daarvan is of wat daaraan vasgeheg is en wat ontwerp of aangepas is om aangedryf te word deur middel van sodanige pedale, enjin of motor of deur sodanige pedale sowel as sodanige enjin of motor;

“Wet” die Wet op Nasionale Bouregulasies en Boustandaarde (Wet 103 van 1977);

(4) Enige bepaling in hierdie verordening wat verband hou met prosedure vir die voorlegging en oorweging van aansoeke om goedkeuring vir die oprig van ’n gebou, sowel as voldoeningsvereistes, moet vertolk word as ’n verwysing na toepaslike ooreenstemmende bepalings van die Wet en die NBR.

2. Doel van verordening en toepassing

(2) Hierdie verordening is aanvullend tot die Wet en die NBR om eenvormigheid ten opsigte van boustandaarde, die oprig van geboue en die indien, oorweeg en goedkeuring van bouplanne in die regsgebied van die munisipaliteit te verseker.

(3) Onderworpe aan subartikel (3), doen hierdie verordening nie afbreuk aan die bepalings van die Wet nie.

(3) Ongeag teenstrydige bepalings in enige wet, met inbegrip van die Wet en die NBR, moet alle persone, insluitend staatsorgane, bouplanne en spesifikasies ten opsigte van geboue vir oorweging en goedkeuring by die munisipaliteit indien, soos bepaal in hierdie verordening, die Wet en die NBR, en moet die verlangde gelde betaal soos bedoel in artikel 8.

3. Uitleg

(1) Enige bepaling van hierdie verordening met betrekking tot prosedures vir die voorlegging van en oorweging van aansoeke om goedkeuring vir die oprigting van 'n gebou, sowel as die voldoeningsvereistes, moet vertolk word as 'n verwysing na toepaslike ooreenstemmende bepalings in die Wet en die NBR.

(2) Waar 'n gebou, soos omskryf in artikel 1, binne die omskrywing van 'n probleemperseel val, sal die bepalings van die Verordening insake Probleempersele 2020, met die nodige wysigings van toepassing wees.

4. Goedkeuring vereis met betrekking tot geboue wat opgerig gaan word

'n Persoon wat 'n gebou soos bedoel in artikel 5 wil oprig, moet die bouplanne of dokumente wat ingevolge artikel 7 vereis word, by die munisipaliteit indien vir oorweging en goedkeuring voor daar met die oprigting van sodanige gebou begin word.

5. Geboue wat deur die munisipaliteit goedgekeur moet word

Sonder om afbreuk te doen aan die bepalings van artikel 4(1) van die Wet, die NBR of enige ander wet, word goedkeuring van die munisipaliteit vereis vir die oprigting van die geboue hieronder gelys en kan die volgende insluit, maar is nie daartoe beperk nie-

- (a) vraghouers, ongeag die materiale wat vir die oprigting daarvan gebruik word, wat tydelik of permanent vir stoor- of woondoeleindes, maar nie beperk daartoe nie, gebruik word;
- (b) opgaartenks, ongeag die materiale wat vir die oprigting daarvan gebruik word, wat tydelik of permanent gebruik word vir die stoor van water, brandstof of enige ander vloeistof, maar nie beperk daartoe nie;
- (c) lugversorgingseenhede;
- (d) swembadpompe;
- (e) tuinhuisies, ongeag die materiale wat vir die oprigting daarvan gebruik word, wat tydelik of permanent vir stoor- of woondoeleindes, maar nie beperk daartoe nie, gebruik word;
- (f) gryswaterstelsels wat gebruik word vir die benutting van grys water soos omskryf in die munisipaliteit se verordening rakende waterdienste;
- (g) boogate;
- (h) ontspanningstoerusting, ongeag die materiale wat vir die oprigting daarvan gebruik word, wat tydelik of permanent vir vermaak of vir ontspanningsdoeleindes gebruik word;
- (i) son-energiestelsels, hetsy losstaande of vasgeheg aan 'n gebou;
- (j) windturbines, hetsy losstaande of vasgeheg aan 'n gebou;
- (k) kommunikasie-infrastruktuur, met inbegrip van maar nie beperk nie tot sellulêre maste, antennes, satellietkottels, radiomaste, hetsy losstaande of vasgeheg aan 'n gebou;
- (l) informele strukture, ongeag die materiale wat vir die oprigting daarvan gebruik word, wat tydelik of permanent gebruik word vir stoor- of woondoeleindes, maar nie beperk daartoe nie,;
- (m) omheining, ongeag die materiale wat vir die oprigting daarvan gebruik word, wat hoër is as 1,8 m;

- (n) elektriese omheining soos bedoel in die regulasies rakende elektriese masjinerie, gepubliseer onder GN R250 in Staatskoerant 34154 van 25 Maart 2011;
- (o) vibracrete-strukture;
- (p) tente of skadustrukture, of strukture vir hidroponiese tonnells, of soortgelyke strukture, hetsy losstaande of vasgeheg aan 'n gebou, ongeag die materiale wat vir die oprig daarvan gebruik word, wat tydelik of permanent gebruik word vir stoor-, produksie- of woondoeleindes, maar nie beperk daartoe nie; en
- (q) tydelike geboue soos bedoel in Regulasie A23 van die NBR.

6. Bewoningsertifikaat

Ingevolge die bepalings van artikel 14(1A) van die Wet, sal 'n bewoningsertifikaat, soos bedoel in artikel 14 van die Wet, nie deur die munisipaliteit uitgereik word nie tensy die eienaar, waar van toepassing, die volgende inligting aan die munisipaliteit verskaf het-

- (n) elektriese voldoeningssertifikaat;
- (o) loodgietersertifikaat (voldoeningsertifikaat – by PIRB of IOPSA geregistreer;
- (p) glassertifikaat uitgereik deur 'n bevoegde persoon;
- (q) ingenieursertifikaat rakende voltooiing van struktuur (vorm 4 of vorm 3 – op element van toepassing);
- (r) Voldoeningsertifikaat deur meganiese ingenieur;
- (s) sertifikaat rakende gasinstallasie uitgereik deur 'n bevoegde persoon;
- (t) sertifikaat rakende die installasie van hysbakke uitgereik deur 'n bevoegde persoon;
- (u) argitektoniese voltooiingsertifikaat (vorm 4);
- (v) energiedoeltreffendheidsertifikaat (vorm 4)
- (w) bakensertifikaat uitgereik deur 'n professionele landmeter;
- (x) ingenieurstekeninge met betrekking tot versterkte of strukturele werk;
- (y) ten opsigte van brandveiligheid 'n sertifikaat deur 'n bevoegde persoon wat sertifiseer dat die brandbeskermingstelsel, -toerusting en die brandinstallasieselsel ontwerp en opgerig is in ooreenstemming met die toepassing; en
- (z) kennisgewing en uitvoering van Regulasie A22-voltooiingsinspeksie.

7. Aansoek en vereistes

- (1) 'n Aansoek om goedkeuring, waarna in artikel 4 verwys word, moet skriftelik gedoen word op 'n vorm wat vir daardie doel deur die munisipaliteit beskikbaar gestel word.
- (2) 'n Aansoek moet-
 - (a) die naam en adres bevat van die aansoeker wat die eienaar van die grond moet wees waarop die betrokke gebou opgerig gaan word;
 - (b) vergesel word deur-
 - (i) sodanige planne, tekeninge en dokumentasie of enige addisionele inligting in die skaal of formaat soos voorgeskryf deur die munisipaliteit; en
 - (ii) die gelde bepaal deur die munisipaliteit vir die nagaan van sodanige planne, tekeninge of dokumentasie.

9. Vasstelling van tariewe en gelde

Die munisipaliteit mag ingevolge sy Tarieweverordening tariewe en gelde bepaal vir enige diens wat ingevolge hierdie verordening of die Wet gelewer word en wat jaarliks tydens die begrotingsproses hersien moet word.

9. Voldoening en afdwinging

(1) Waar 'n gemagtigde beampte redelike gronde het om te glo dat 'n persoon versuim om aan enige vereiste van hierdie verordening te voldoen of dat sodanige persoon enige bepaling van hierdie verordening oortree, mag hy of sy 'n voldoeningskennisgewing stuur aan sodanige persoon. Die kennisgewing moet die volgende insluit –

- (a) die naam en woon- of posadres van die persoon;
- (b) die vereiste wat nie nagekom is nie of die bepaling wat oortree is;
- (c) dat die persoon binne 'n gespesifiseerde tydperk stappe moet neem om die kennisgewing na te kom en om die stappe voor 'n gespesifiseerde datum te voltooi; en
- (d) dat die persoon binne die tydperk wat in die kennisgewing gespesifiseer word skriftelik op die beweerde oortreding mag reageer.

(2) Wanneer enige stappe of tydperk bedoel in subartikel (1)(c) of (d) oorweeg word, moet die munisipaliteit die beginsels en doelwitte van hierdie verordening, die aard van die nie-voldoening en ander toepaslike faktore in ag neem.

(3) Indien die persoon aan wie 'n kennisgewing soos bedoel in subartikel (1) uitgereik is, versuim om aan sodanige kennisgewing gehoor te gee, mag die munisipaliteit 'n strafsak aanhangig maak, of waar toepaslik, 'n bevoegde hof nader vir 'n bevel-

- (a) wat enige persoon verbied om voort te gaan met die oprigting van sodanige gebou;
- (b) wat die munisipaliteit magtig om sodanige gebou te sloop indien die landdros tevrede is dat sodanige oprigting strydig is met of nie voldoen aan die bepalings van hierdie verordening of enige goedkeuring of magtiging wat ingevolge die verordening toegestaan is nie; of
- (c) vir enige ander vorm van regshulp wat die hof toepaslik mag ag, insluitend 'n bevel met betrekking tot koste.

10. Oortredings en straf

(1) 'n Persoon begaan 'n oortreding indien hy of sy –

- (a) 'n gebou oprig of toelaat dat 'n gebou opgerig word, of 'n gebou okkupeer strydig met die bepalings van hierdie verordening;
- (b) 'n gemagtigde beampte in die uitoefening van sy of haar magte of die uitvoering van sy of haar pligte dreig, weerstand bied, verhinder of dwarsboom, of vuil, beledigende of vernederende taal teenoor sodanige beampte gebruik;
- (c) valslik voorgee om 'n beampte te wees;
- (d) vals of misleidende inligting verskaf wanneer hy of sy deur 'n gemagtigde beampte versoek word om inligting te verskaf; of
- (e) versuim om 'n versoek van 'n gemagtigde beampte na te kom; of
- (f) versuim om uitvoering te gee aan 'n kennisgewing wat ingevolge artikel 9 van hierdie uitgereik word.

- (2) Versuim om gehoor te gee aan 'n kennisgewing, bevel of voorwaarde waarna in hierdie verordening verwys word, kom neer op 'n voortgesette oortreding.
- (3) 'n Persoon wat enige van die bepalings van subartikel (1) oortree, begaan 'n oortreding en sal by skuldigbevinding aanspreeklik wees vir-
- (a) 'n boete of gevangenisstraf, of beide sodanige boete sowel as sodanige gevangenisstraf; en
 - (b) in die geval van 'n voortgesette oortreding, vir 'n addisionele boete of 'n addisionele tydperk van gevangenisstraf of sodanige addisionele gevangenisstraf sonder die opsie van 'n boete of sodanige addisionele boete sowel as gevangenisstraf vir elke dag wat sodanige oortreding voortgaan; en
 - (c) 'n verdere bedrag gelyk aan enige koste en uitgawes wat die hof bevind deur die munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim.
- (4) Benewens enige boetes wat ingevolge subparagraaf (a) en (b) opgelê word, mag 'n verdere bedrag gelyk aan enige kostes of uitgawes wat die hof bevind die munisipaliteit aangegaan het as gevolg van sodanige oortreding of versuim, deur die hof opgelê word.
- (5) Die bepalings van subartikel (1) tot (4) sal nie op 'n staatsorgaan van toepassing wees nie, in welke geval die bepalings van artikel 9(3) van toepassing sal wees.

11. Appèl

'n Persoon wie se regte geraak word deur 'n besluit gedeleger deur die munisipaliteit, mag appèl aanteken teen sodanige besluit deur binne 21 dae van die datum van die kennisgewing van die besluit skriftelik aan die stadsbestuurder kennis te gee van die appèl en die redes daarvoor ingevolge artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels (Wet 32 van 2000).

12. Kort titel en inwerkingtreding

Hierdie verordening staan bekend as die Drakenstein Munisipaliteit se Verordening insake Boubeheer en tree in werking op die datum van publikasie daarvan die Provinsiale Koerant.

DR J H LEIBBRANDT
STADSBESTUURDER
Prov Gazette – 13/03/2020

DRAKENSTEIN MUNICIPALITY:**PROBLEM PREMISES BY-LAW: 2020**

Under the provisions of Section 156 of the Constitution of the Republic of South Africa, 1996 Drakenstein Municipality, enacts as follows:

TABLE OF CONTENTS

1. Definitions
2. Purpose of by-law and application
3. Appointment of authorised officials
4. Delegation
5. Entry by authorised official of buildings and land
6. Declaration of problem premises
7. Compliance notice
8. Recovery of cost
9. Vacation of buildings
10. Other applicable by-laws
11. Service of a notice
12. Restriction of liability
13. Exemption
14. Appeal
15. Offences and penalties
16. Repeal of by-laws
17. Short title and commencement

1. Definitions

In this by-law, the English text shall prevail in the event of an inconsistency between the different texts, and unless the context otherwise indicates:–

“**Act**” means the National Building Regulations and Building Standards Act, 1977, (Act 103 of 1977);

“authorised official” means an employee or employees of the municipality authorised to implement and enforce any or specific provisions of this by-law;

“building” includes –

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with the -
 - (i) accommodation or convenience of human beings or animals;
 - (ii) manufacture, processing, storage, display or sale of any goods;
 - (iii) rendering of any service;
 - (iv) destruction or treatment of refuse or other waste materials;
 - (v) cultivation or growing of any plant or crop;
- (b) any wall, fence or part of a building, including a building as defined in paragraph (a); or
- (c) a unit as defined in the Sectional Title Act, 1986 (Act No. 95 of 1986);

“city manager” means the person appointed by Council as municipal manager for Drakenstein Municipality in terms of section 56A of the Municipal Systems Act, 2000 (Act 32 of 2000), or his or her delegate;

“council” means the municipal council of Drakenstein Municipality;

“municipality” means the Drakenstein Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“National Building Regulations” means regulations issued in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) hereafter referred to as the **NBR**;

“occupier” means any person who occupies or has control over any premises;

“owner” in relation to a building or land means the person in whose name the land on which such building was or is erected, as the case may be, is registered in the deeds office in question and includes a person in charge or the occupier of such building or land, provided that if –

- (a) such person, in the case of a natural person, is deceased or was declared by any court to be incapable of managing his or her own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 17 of 2002), or if his or her estate has been sequestrated, the executor or curator concerned, as the case may be;
- (b) such person, in the case of a juristic person, has been liquidated or placed under judicial management, the liquidator or judicial manager concerned, as the case may be;
- (c) such person is absent from the Republic or if his or her whereabouts are unknown, any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other moneys in respect of such building or who is responsible there for;
- (d) the mortgage bond is registered in favour of a financial institution, that financial institution;
- (e) in the case of a sectional title scheme, a sectional title unit is registered in the name of a person, that person;
- (f) in the case of a sectional title scheme, a body corporate responsible for the control, administration and management of the common property;
- (g) the municipality is unable to determine the identity of such person, any person who is entitled to the benefit of the use of such building or land or who enjoys such benefit;

“problem premises” include any-

- (a) building or land that has been abandoned or appears to have been abandoned by the owner with or without the consequence that rates or other service charges are not being paid;
- (b) building or land that is derelict in appearance, overcrowded or showing signs that it is hazardous to human health, unsightly or objectionable;
- (c) building or land that is the subject of complaints from the public including complaints in respect of criminal activity taking place in or at such building or land;
- (d) building or land that is illegally occupied;
- (e) building or land where refuse or waste material is accumulated, dumped, stored or deposited;
- (f) building partially completed, or structurally unsound and that shows signs of any of the risks contemplated in paragraphs (a) to (e); or
- (g) vacant or unoccupied land.

Purpose of by-law and application

- (1) This by-law is supplementary to the Act and the NBR to ensure the proper care and maintenance of buildings and premises, whether vacant or occupied and as such giving effect to the provisions of section 12 of the Act.
- (2) This by-law does not derogate from the provisions of the Act and the NBR.
- (3) This by-law applies to all problem premises as defined in section 1, situated within the area of jurisdiction of the municipality.
- (4) In the implementation and enforcement of this by-law, the municipality may take into consideration the realities of the Drakenstein area, the different customs, cultures, circumstances, geographical areas, kinds of premises, levels of development and conventions and the municipality may determine the areas in which the by-law will be applicable.

3. Appointment of authorised officials

The city manager may appoint officials to implement and enforce any or specific provisions of this by-law.

4. Delegation

The city manager may exercise all powers, duties and functions conferred upon the municipality in terms of this by-law and may delegate all or any of such powers, duties and functions to officials of the municipality.

5. Entry by authorised officials of buildings and land

- (1) An authorised official may enter any building or land at any reasonable time with the view to -
 - (a) inspect or determine whether the building or land complies with the provisions of this by-law; or
 - (b) serve the owner of the building or land with a compliance notice contemplated in section 7.
- (2) No person may hinder or obstruct the authorised official in the exercise of his or her powers in terms of the by-law.

- (3) An authorised official must, when entering the building or land, on demand, produce a valid appointment certificate issued to him or her by the municipality.

6. Declaration of problem premises

- (1) An authorised official, who has reasonable grounds to believe that a building or land falls within the definition of problem premises-
 - (a) may carry out an investigation of such building or land in order to make an informed decision on the status thereof;
 - (b) may subject to sub paragraphs (c), and (d), declare such building or land as problem premises.
 - (c) must, before such declaration, inform the owner in writing of his or her intention to do so; and
 - (d) must give the owner reasonable time to make representations.
- (2) If an owner fails to respond to or make any representation with regard to a notice of intention issued in terms of sub section (1)(c) within the stipulated period, the authorised official may proceed with the declaration of the building or land as problem premises.
- (3) The owner shall, upon a declaration in terms of sub section 1(b), have a right of appeal in terms of section 62 of the Municipal Systems Act, 2000 (Act 32 of 2000).

7. Compliance notice

- (1) Subject to the provisions of section 6(1) and (2), an authorised official may serve a written notice on the owner of any building or land which has been declared as problem premises, requiring such owner within a specified period to -
 - (a) clean, repair, renovate, repaint, alter, close, demolish or secure such building or land;
 - (b) complete a building or any structure of such building;
 - (c) enclose, secure, fence or barricade such building or land;
 - (d) instruct, at the cost of such owner, an architect or other competent person as contemplated in Part A 19 of the NBR, to investigate such building and to report to the authorised official on the nature and extent of the steps to be taken to render such building safe or to rectify the deficiency which caused the building to be declared as problem premises;
 - (e) dispose of, destroy or remove any waste, material or article accumulated, dumped, stored or deposited in or at the building or land, and which is unsightly or is likely to constitute an obstruction or nuisance; or
 - (f) comply with any provision of this by-law.
- (2) The municipality may, if an owner fails to comply with a notice served on him or her in terms of subsection (1), take any of the steps contemplated in sub section (1) (a) to (e), and where necessary, approach a competent court for an order authorising the municipality to take such steps or any other steps it may deem necessary, at the cost of the owner; provided that no building may be demolished by the municipality without an appropriate court order to do so.

- (3) If the condition of any building is such that it poses a danger to life or property, and the authorised official has reason to believe that immediate steps are necessary to protect life or property, he or she may take any steps regarded necessary under the circumstances to prevent the danger to life or the property without serving a notice contemplated in subsection (1).

8. Recovery of cost

The municipality may, if the owner fails to pay the cost contemplated in section 7(2), or if costs have been incurred for any steps taken in terms of subsection 7(3), recover the cost in terms of the Customer Care, Credit Control, Debt Collection and Indigent Support By-law which includes the right of attachment and sale in execution of the building.

9. Vacation of buildings

- (1) If an authorised official deems it necessary for the safety of any person, he or she may by notice in writing, order the owner of a building which has been declared as problem premises to remove, within the period specified in such notice, any person who, for whatever purpose is in such building, and to take care that no person who is not authorised by the municipality enters such building.
- (2) Where an owner fails to comply with a notice in terms of section (1), the municipality may approach a competent court for an order to compel the owner to remove such person or persons or any other form of relief the court may find appropriate.

10. Other applicable by-laws

Nothing in this by-law prevents the municipality to act in terms of any of its by-laws relating to-

- (a) fire safety;
- (b) public nuisances;
- (c) electricity supply;
- (d) water and sanitation services;
- (e) waste management; or
- (f) land use planning management.

11. Service of a notice

- (1) Any notice or other document that is served on a person in terms of this by-law is regarded as having been duly served –
- (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been displayed in a conspicuous place on the premises to which it relates;

- (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of the body corporate; or
 - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (2) When a compliance notice as aforesaid is required to be served on a person by reason of his or her being or having been the owner or holding some other right in respect of immovable property, it shall not be necessary to name him or her, and it shall be sufficient if he or she is therein described as the owner or holder of such immovable property or other right, as the case may be.

12. Restriction of liability

No authorised official shall be liable in respect of anything done in good faith in the exercise of a power or the performance of a duty conferred or imposed in terms of this by-law.

13. Exemption

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this by-law.
- (2) The municipality may –
- (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated therein;
 - (b) alter or cancel any condition in an exemption; provided that the municipality must give reasonable notice of such intention and give the applicant reasonable time to make representations; or
 - (c) refuse to grant an exemption in which case the applicant must be informed of the reasons for such refusal.
- (3) In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.
- (4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (5) If any condition of an exemption is not complied with, the municipality may withdraw or cancel such exemption; provided that the municipality must give reasonable notice of such intention and give the applicant reasonable time to make representations.

14. Appeal

A person whose rights are affected by a delegated decision of the municipality in terms of delegated authority may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Municipal Systems Act, (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

15. Offences and penalties

- (1) A person commits an offence if he or she -
- (a) threatens, resists, hinders or obstructs, or uses foul, abusive or insulting language towards or at an authorised official in the exercise of his or her powers or execution of his or her duties;
 - (b) falsely pretends to be an official;
 - (c) furnishes false or misleading information when requested to do so by an authorised official;
 - (d) fails to comply with a request of an authorised official; or
 - (e) fails to comply with a notice in terms of sections 7 or 9, or any condition imposed by the municipality when considering an application for exemption as contemplated in section 12(2).
- (2) Failure to comply with a notice, direction or condition referred to in this by-law constitutes a continuing offence.
- (3) A person who contravenes any of the provisions of sub section (1) commits an offence and shall on conviction be liable to-
- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

16. Repeal of by-laws

The Problem Building By-law promulgated by the Drakenstein Municipality in Provincial Gazette No. 7067 dated 7 December 2012, is hereby repealed as a whole.

17. Short title

This by-law shall be known as the Drakenstein Municipality: Problem Premises By-law: 2020 and shall come into operation on the date of publication thereof in the Provincial Gazette.

DR J H LEIBBRANDT
CITY MANAGER
Prov Gazette – 12/03/2020

DRAKENSTEIN MUNISIPALITEIT
VERORDENING INSAKE PROBLEEMPERSELE: 2020

Ingevolge die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, verorden Drakenstein Munisipaliteit soos volg:-

INHOUDSOPGAWE

1. Definisies
2. Doel van verordening en toepassing
3. Aanstelling van gemagtigde beamptes
4. Delegasie
5. Toegang tot grond en geboue deur gemagtigde beampte
6. Verklaring van probleemperseel
7. Voldoeningskennisgewing
8. Verhaling van koste
9. Ontruiming van geboue
10. Ander toepaslike verordeninge
11. Betekening van kennisgewing
12. Beperking van aanspreeklikheid
13. Vrystelling
14. Appèl
15. Oortredings en straf
16. Herroeping van verordening
17. Kort titel en inwerkingtrede

1. Definisies

In hierdie verordening geniet die Engelse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, het die volgende woorde die volgende betekenis:

“eienaar” ten opsigte van 'n gebou of grond die persoon op wie se naam die grond waarop sodanige gebou opgerig is of word, na gelang van die geval, by die betrokke aktekantoor geregistreer is, met inbegrip van 'n persoon wat in beheer van sodanige gebou is of die okkupeerder, met dien verstande dat -

- (a) as sodanige persoon, in die geval van 'n natuurlike persoon, oorlede is of deur enige hof as verkwister of onbevoeg verklaar is om sy of haar eie sake te bestuur, of 'n pasiënt is soos omskryf in artikel 1 van die Wet op Geestesgesondheid, Wet 17 van 2002, of as sy of haar boedel gesekwestreer is, die betrokke eksekuteur of kurator, na gelang van die geval;
- (b) as sodanige persoon, in die geval van 'n regspersoon, gelikwieder of onder geregtelike bestuur geplaas is, die betrokke likwidateur of geregtelike bestuurder, na gelang van die geval;
- (c) as sodanige persoon nie in die Republiek is nie of sy of haar verblyfplek onbekend is, enige persoon wat as agent of andersins die bestuur, instandhouding en invordering van huurgeld of ander gelde ten opsigte van sodanige gebou onderneem of wat daarvoor verantwoordelik is;
- (d) as die verband ten gunste van 'n finansiële instelling geregistreer is, die betrokke finansiële instelling;

- (e) as, in die geval van 'n deeltitelskema, 'n deeltiteleenheid in die naam van 'n persoon geregistreer is, die betrokke persoon;
- (f) in die geval van 'n deeltitelskema, 'n regs persoon wat vir die beheer, administrasie en bestuur van die gemeenskaplike eiendom verantwoordelik is; of
- (g) as die munisipaliteit nie die identiteit van die betrokke persoon kan bepaal nie, enige persoon wat op die voordeel van die gebruik van sodanige gebou geregtig is en wat sodanige voordeel benut;

“gebou” sluit in-

- (a) enige struktuur, hetsy van 'n tydelike of permanente aard, en ongeag die materiaal wat vir die oprigting daarvan gebruik is, wat opgerig is of gebruik word vir, of verband hou met-
 - (i) die akkommodasie of gerief van mense of diere;
 - (ii) die vervaardiging, verwerking, berging, vertoon of verkoop van enige goedere;
 - (iii) die lewering van enige diens;
 - (iv) die vernietiging of behandeling van vullis of ander afvalstowwe;
 - (v) die verbouing of kweek van enige plant of gewas;
- (b) enige muur, heining of deel van 'n gebou, met inbegrip van 'n gebou soos omskryf in paragraaf (a); of
- (c) 'n eenheid soos omskryf in die Deeltitelwet, Wet 95 van 1986;

“gemagtigde beampte” enige werknemer of werknemers van die munisipaliteit wat gemagtig is om enige of spesifieke bepalings van hierdie verordening te implementeer en toe te pas;

“munisipaliteit” die Drakenstein Munisipaliteit wat gestig is ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, Wet 117 van 1998, en sluit in enige politieke struktuur, politieke ampsbekleeder, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van 'n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan sodanige politieke struktuur, politieke ampsbekleeder, raadslid, agent of werknemer;

“Nasionale Boueregulasies” regulasies uitgevaardig ingevolge die Wet op Nasionale Boueregulasies en Boustandaarde, Wet 103 van 1977, hierna genoem die **NBR**;

“okkupeerder” enige persoon wat 'n perseel okkupeer of beheer daaroor het;

“probleemperseel”

- (a) enige gebou of grond wat deur die eienaar verlaat is of klaarblyklik verlaat is met of sonder die gevolg dat belasting of ander diensteheffings nie betaal word nie;
- (b) enige gebou of grond wat verlate voorkom, oorbewoon word of tekens toon dat dit 'n gesondheidsgevaar vir persone inhou, onooglik of aanstootlik is;
- (c) enige gebou of grond waarvoor klagtes van die publiek ontvang is, met inbegrip van klagtes oor kriminele aktiwiteit wat in of op sodanige gebou of grond plaasvind;
- (d) gebou of grond wat onwettig bewoon word;
- (e) gebou of grond waar vullis of afvalstowwe opgehoop, gestort, geberg of agtergelaat is;
- (f) enige gebou wat deels voltooi of struktureel swak is, en wat tekens toon van enige risiko bedoel in paragraaf (a) tot (e); of
- (g) vakante of onbewoonde grond;

“Raad” die munisipale raad van Drakenstein Munisipaliteit;

“stadsbestuurder” die persoon wat ingevolge artikel 56A van die Munisipale Stelselwet, 2000 (Wet 32 van 2000), deur die Raad aangestel is as munisipale bestuurder vir Drakenstein Munisipaliteit, of sy of haar afgevaardigde;

“Wet” die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet 103 van 1977).

2. Doel van verordening en toepassing

- (1) Hierdie verordening is bykomend tot die Wet en die NBR en het ten doel om die behoorlike versorging en instandhouding van geboue en persele te verseker en sodoende uitvoering te gee aan die bepalings van artikel 12 van die Wet.
- (2) Hierdie verordening doen nie afbreuk aan die bepalings van die Wet en die NBR nie.
- (3) Hierdie verordening is van toepassing op alle probleempersele binne die regsgebied van die munisipaliteit soos omskryf in artikel 1.
- (4) Tydens die implementering van hierdie verordening mag die munisipaliteit die realiteite van die Drakenstein-gebied, verskillende gebruike, kulture, omstandighede, geografiese areas, tipes persele, vlakke van ontwikkeling en konvensies in ag neem, en mag die munisipaliteit gebiede identifiseer waarin die verordening toegepas sal word.

3. Aanstelling van gemagtigde beamptes

Die stadsbestuurder mag beamptes aanstel om enige of spesifieke bepalings van hierdie verordening te implementeer en af te dwing.

4. Delegasie

Die stadsbestuurder mag al die bevoegdhede, pligte en funksies wat deur hierdie verordening aan die munisipaliteit verleen word, uitoefen en mag al of enige sodanige bevoegdhede, pligte en funksies aan beamptes van die munisipaliteit deleger.

5. Toegang tot grond en geboue deur gemagtigde beamptes

- (1) 'n Gemagtigde beampte mag enige gebou of grond op enige redelike tyd betree met die doel om-
 - (a) die gebou of grond te inspekteer of om te bepaal of dit aan die bepalings van hierdie verordening voldoen; of
 - (b) 'n voldoeningskennisgewing soos bedoel in artikel 7 aan die eienaar van die gebou of grond te beteken.
- (2) Niemand mag 'n gemagtigde beampte in die uitoefening van sy of haar bevoegdhede ingevolge die verordening hinder of dwarsboom nie.
- (3) 'n Gemagtigde beampte moet by betreding van 'n gebou of grond 'n geldige aanstellingsertifikaat, deur die munisipaliteit aan hom of haar uitgereik, op versoek toon.

6. Verklaring van probleemperseel

- (1) 'n Gemagtigde beampte wat op redelike gronde glo dat 'n gebou of grond voldoen aan die definisie van 'n probleemperseel-
 - (a) mag 'n ondersoek uitvoer by enige gebou of grond om 'n ingeligte besluit te neem oor die status daarvan;
 - (b) mag onderhewig aan die bepalings van subparagraaf (c) en (d), sodanige gebou of grond tot probleemperseel verklaar;
 - (c) moet, voor sodanige verklaring, die eienaar skriftelik in kennis stel van sy of haar voorneme om dit te doen; en
 - (d) die eienaar redelike tyd gun om verhoë te rig.
- (2) Indien 'n eienaar versuim om te voldoen of versuim om binne die voorgeskrewe tydperk te reageer op 'n kennisgewing ingevolge subartikel (1)(c), mag die gemagtigde beampte voortgaan om die gebou of grond tot probleemperseel te verklaar.
- (3) Die eienaar het, ten opsigte van 'n verklaring wat ingevolge subartikel (1)(b) gedoen is, 'n reg van appèl ingevolge artikel 62 van die Munisipale Stelselwet, 2000 (Wet 32 van 2000).

7. Voldoeningskennisgewing

- (1) Onderworpe aan die bepalings van artikel 6(1) en (2) mag 'n gemagtigde beampte 'n skriftelike kennisgewing beteken aan die eienaar van enige gebou of grond wat tot probleemperseel verklaar is, welke kennisgewing van sodanige eienaar mag vereis om binne 'n voorgeskrewe tydperk-
 - (a) sodanige gebou of grond skoon te maak, te herstel, op te knap, te verf, te verander, te sluit, te sloop of te beveilig;
 - (b) die gebou of enige struktuur van sodanige gebou te voltooi;
 - (c) sodanige gebou of grond af te kamp, te beveilig, te omhein of af te sper;
 - (d) 'n argitek of ander bevoegde persoon soos bedoel in Deel A 19 van die NBR op eie koste aan te stel om sodanige gebou te ondersoek en om aan die gemagtigde beampte verslag te doen oor die aard en omvang van die stappe wat gedoen moet word om die gebou te beveilig of om die tekortkominge wat tot die verklaring van die gebou tot probleemperseel gelei het, reg te stel;
 - (e) enige vullis, materiaal of artikels wat onooglik is of wat waarskynlik 'n obstruksie kan veroorsaak of 'n oorlas kan wees, wat in of by die gebou of grond opgehoop, gestort, geberg of agtergelaat is, weg te doen, te verwyder of te vernietig; of
 - (f) aan enige bepaling van hierdie verordening te voldoen.
- (2) Die munisipaliteit mag, ingeval sodanige eienaar versuim om te voldoen aan 'n kennisgewing wat ingevolge subartikel (1) aan hom of haar beteken is, enige van die stappe genoem in subartikel (1)(a) tot (e) neem, en waar nodig, 'n bevoegde hof nader vir 'n bevel om die munisipaliteit te magtig om sodanige stappe, of enige ander stappe wat nodig mag wees, op koste van die eienaar te neem, met dien verstande dat 'n gebou nie deur die munisipaliteit gesloop mag word sonder 'n toepaslike hofbevel nie.

- (3) Waar die toestand van die gebou sodanig is dat dit lewensgevaarlik is of eiendom bedreig, en die gemagtigde beampte rede het om te glo dat stappe onverwyld geneem moet word om lewens of eiendom te beskerm, mag hy of sy enige stappe neem wat onder die omstandighede nodig geag word om gevaar vir lewens en eiendom te verhoed sonder om 'n kennisgewing bedoel in subartikel (1) aan die eienaar te beteken.

8. Verhaling van koste

Waar 'n eienaar versuim om die koste soos bedoel in artikel 7(2) te betaal, of waar koste aangegaan is in die uitvoering van stappe ingevolge subartikel 7(3), kan die munisipaliteit sodanige koste verhaal ingevolge die Verordening insake Kliëntesorg, Kredietbeheer, Skuldinvordering en Deernisondersteuning, wat die reg insluit op beslaglegging en die verkoop van die gebou in eksekusie.

9. Ontruiming van geboue

- (1) As die gemagtigde beampte dit vir die veiligheid van enige persoon nodig ag, mag hy of sy deur middel van skriftelike kennisgewing die eienaar van enige gebou wat tot probleemperseel verklaar is, gelas om binne die tydperk wat in sodanige kennisgewing gespesifiseer word enige persoon wat om welke rede ook al in sodanige geboue is, te verwyder en om te sorg dat geen persoon wat nie deur die munisipaliteit gemagtig is, sodanige gebou betree nie.
- (2) Waar 'n eienaar versuim om te voldoen aan 'n kennisgewing ingevolge artikel (1), mag die munisipaliteit 'n bevoegde hof nader om 'n bevel wat die eienaar gelas om sodanige persoon of persone te verwyder of enige ander bevel wat die hof mag goeddink.

10. Ander toepaslike verordeninge

Niks in hierdie verordening verhoed die munisipaliteit om op te tree ingevolge enige van sy verordeninge met betrekking tot-

- (a) brandveiligheid;
- (b) openbare oorlaste;
- (c) elektrisiteitsvoorsiening;
- (d) water- en sanitasiedienste;
- (e) afvalbestuur; of
- (f) grondgebruiksbeplanningbestuur.

11. Betekening van kennisgewing

- (1) Enige kennisgewing of dokument wat ingevolge hierdie verordening uitgereik is, sal as voldoende aan sodanige persoon beteken geag word indien-
- (a) dit persoonlik aan hom of haar beteken is;
 - (b) dit by sy of haar verblyfplek of plek van besigheid in die Republiek by 'n persoon gelaat is wat klaarblyklik ouer as 16 jaar is;
 - (c) dit per geregistreerde of aangetekende pos na sy of haar laaste bekende woon- of sakeadres in die Republiek ge-pos is en bewys van die pos daarvan gelewer kan word;

- (d) dit, ingeval sy of haar adres in die Republiek onbekend is, aan sy of haar agent of verteenwoordiger in die Republiek beteken is op die wyse bedoel in paragraaf (a),
 - (b) of (c);
 - (e) dit, ingeval die adres van die persoon of sy of haar agent of verteenwoordiger in die Republiek onbekend is, op 'n opsigtelike plek aangebring is op die perseel waarop dit betrekking het;
 - (f) in die geval van 'n regspersoon, wanneer dit afgelewer is by die geregistreerde kantoor van die besigheidperseel van die regspersoon; of
 - (g) dit op versoek van 'n persoon per e-pos aan hom of haar gelewer word.
- (2) Wanneer bogenoemde voldoenskennisgewing vereis word om aan 'n persoon beteken te word uit hoofde daarvan dat hy of sy die eienaar van vaste eiendom is of was of enige ander reg ten opsigte daarvan het, is dit nie nodig om hom of haar te noem nie, en is dit voldoende as hy of sy daarin as die eienaar van sodanige vaste eiendom of houër van sodanige ander reg beskryf word, na gelang van die geval.

12. Beperking van aanspreeklikheid

Geen gemagtigde beampte sal aanspreeklik wees vir enigiets wat te goeder trou gedoen is in die uitvoering van 'n bevoegdheid of die uitoefening van 'n plig ingevolge hierdie verordening nie.

13. Vrystelling

- (1) 'n Persoon mag by wyse van 'n skriftelike aansoek, waarin die redes volledig gegee word, by die munisipaliteit aansoek doen om vrystelling van enige bepaling van hierdie verordening.
- (2) Die munisipaliteit mag –
 - (a) 'n vrystelling skriftelik toestaan en die voorwaardes ingevolge waarvan, indien enige, en die periode waarvoor sodanige vrystelling toegestaan is, moet daarin gemeld word;
 - (b) enige vrystelling of voorwaarde in 'n vrystelling wysig of kanselleer; met dien verstande dat die munisipaliteit redelike kennisgewing van sodanige voorneme gee en redelike tyd aan die applikant gegee word om versoë te rig; of
 - (c) weier om 'n vrystelling toe te staan, in welke geval redes vir sodanige weiering aan die applikant verstrekkend moet word.
- (3) Ten einde 'n aansoek ingevolge subartikel (1) te oorweeg, mag die munisipaliteit die insette of kommentaar van eienaars of okkupeerders van aangrensende persele verkry.
- (4) 'n Vrystelling tree nie in werking voordat die aansoeker skriftelik onderneem het om aan al die voorwaardes deur die munisipaliteit opgelê ingevolge subartikel (2) te voldoen nie, met dien verstande dat die vrystelling verval indien 'n aktiwiteit 'n aanvang neem voordat sodanige onderneming aan die munisipaliteit voorgelê is.
- (5) Indien enige voorwaarde van 'n vrystelling nie nagekom word nie, mag die munisipaliteit die vrystelling terugtrek of kanselleer, met dien verstande dat die munisipaliteit redelike kennisgewing van sodanige voorneme aan die applikant moet gee en die applikant redelike tyd gegee moet word om versoë te rig.

14. Appél

’n Persoon wie se regte deur ’n gedelegeerde besluit van die munisipaliteit geraak word, mag ingevolge artikel 62 van die Munisipale Stelselwet 2000 (Wet 32 van 2000), teen sodanige besluit appelleer deur binne 21 dae vanaf die datum van bekendmaking van die besluit aan die munisipale bestuurder skriftelik kennis te gee van die appél en die redes daarvoor te verstrek.

15. Oortredings en straf

- (1) ’n Persoon pleeg ’n misdryf indien hy of sy-
 - (a) ’n gemagtigde beampte hinder in die uitvoering van sy of haar pligte, of dreig, weerstand bied of beledigende taal teenoor hom of haar gebruik;
 - (b) wederregtelik voorgee om ’n amptenaar te wees;
 - (c) misleidende of vals inligting verstrek indien deur ’n gemagtigde beampte versoek;
 - (d) versuim om te voldoen aan ’n versoek deur ’n gemagtigde beampte; of
 - (e) versuim om te voldoen aan ’n kennisgewing ingevolge artikel 7 of 9, of aan enige voorwaarde opgelê tydens die oorweging van ’n aansoek om vrystelling soos bedoel in artikel 12(2).
- (2) Versuim om te voldoen aan ’n kennisgewing, voorskrif of ’n voorwaarde ingevolge hierdie verordening, maak ’n voortgesette misdryf uit.
- (3) ’n Persoon wat enige bepaling van subartikel (1) oortree, pleeg ’n misdryf en kan by skuldigbevinding –
 - (a) ’n boete of gevangenisstraf opgelê word, of beide sodanige boete of gevangenisstraf, of sodanige boete sowel as sodanige gevangenisstraf; en
 - (b) in die geval van ’n voortgesette misdryf, ’n bykomende boete of ’n bykomende tydperk van gevangenisstraf of sodanige bykomende gevangenisstraf sonder die keuse van ’n boete of sodanige bykomende boete sowel as gevangenisstraf vir elke dag waarop sodanige misdryf voortduur; en
 - (c) ’n verdere bedrag gelyk aan enige koste en uitgawes wat die hof bevind deur die munisipaliteit aangegaan is weens sodanige oortreding of versuim.

16. Herroeping van verordening

Die Verordening insake Probleemgeboue afgekondig deur Drakenstein Munisipaliteit in Provinsiale Koerant No. 7067, gedateer 7 Desember 2012, word hiermee in geheel herroep.

17. Kort titel

Hierdie verordening staan bekend as Drakenstein Munisipaliteit: Verordening insake Probleempersle: 2020 en tree in werking by publikasie daarvan in die Provinsiale Koerant.

DR J H LEIBBRANDT
STADSBESTUURDER
Prov Gazette – 13/03/2020

WESTERN CAPE GAMBLING AND RACING BOARD

OFFICIAL NOTICE

RECEIPT OF APPLICATIONS FOR SITE LICENCES

In terms of the provisions of Section 32(2) of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996), as amended, the Western Cape Gambling and Racing Board ("the Board") hereby gives notice that applications for site licences, as listed below, have been received. A site licence will authorise the licence holder to place a maximum of five limited pay-out machines in approved sites outside of casinos for play by the public.

DETAILS OF APPLICANTS

- | | |
|---|--|
| 1. Name of business: | Anton Stanley (Sole Proprietor)
t/a Dorp Toe pub & restaurant |
| At the following site: | 47 Long Street, Moorreesburg, 7310 |
| Erf number: | Remainder Erf 503, Moorreesburg |
| Persons having a financial interest of 5%
or more in the business: | Anton Stanley – 100% Owner |
|
 | |
| 2. Name of business: | Langverwacht Inn (Pty) Ltd, (2019/417286/07)
t/a Koekie se Hoekie |
| At the following site: | 1 Langverwacht Road, Kuilsriver, 7580 |
| Erf number: | Erf 1512, Kuilsriver |
| Persons having a financial interest of 5%
or more in the business: | Cornelia Getruida Van Zyl – Director & 100% Shareholder |
|
 | |
| 3. Name of business: | West Coast on Main (Pty) Ltd, 2017/371233/07
t/a Gallo's Portuguese Taverna (Paarl) |
| At the following site: | 377 Main Road, Paarl, 7620 |
| Erf number: | Erf 1186, Paarl |
| Persons having a financial interest of 5%
or more in the business: | Daniel Paulo De Almeida – Director and 100% Shareholder |

WRITTEN COMMENTS AND OBJECTIONS

Section 33 of the Western Cape Gambling and Racing Act, 1996 (hereinafter "the Act") requires the Western Cape Gambling and Racing Board (hereinafter "the Board") to ask the public to submit comments and/or objections to gambling licence applications that are filed with the Board. The conduct of gambling operations is regulated in terms of both the Act and the National Gambling Act, 2004. This notice serves to notify members of the public that they may lodge objections and/or comments to the above application on or before the closing date at the below-mentioned address and contacts. Since licensed gambling constitutes a legitimate business operation, moral objections for or against gambling will not be considered by the Board. An objection that merely states that one is opposed to gambling without much substantiation will not be viewed with much favour. You are hereby encouraged to read the Act and learn more about the Board's powers and the matters pursuant to which objections may be lodged. These are outlined in Sections 28, 30, 31 and 35 of the Act. Members of the public can obtain a copy of the objections guidelines, which is an explanatory guide through the legal framework governing the lodgment of objections and the Board's adjudication procedures. The objections guidelines are accessible from the Board's website at www.wcgrb.co.za and copies can also be made available on request. The Board will consider all comments and objections lodged on or before the closing date during the adjudication of the application. In the case of written objections to an application, the grounds on which such objections are founded, must be furnished.

Where comment in respect of application is furnished, full particulars and facts to substantiate such comment must be provided. The name, address and telephone number of the person submitting the objection or offering the comment must also be provided. Comments or objections must reach the Board by no later than **16:00 on Friday, 3 April 2020**.

in terms of Regulation 24(2) of the National Gambling Regulations, the Board will schedule a public hearing in respect of an application **only if it receives written objections relating to:**

- (a) **the probity or suitability for licensing of any of the persons to be involved in the operation of the relevant business, or**
- (b) **the suitability of the proposed site for the conduct of gambling operations.**

If a public hearing is scheduled, the date of such hearing will be advertised in this publication approximately 14 days prior to the date thereof.

Objections or comments must be forwarded to the Chief Executive Officer, Western Cape Gambling and Racing Board, P.O. Box 8175, Roggebaai 8012 or handed to the Chief Executive Officer, Western Cape Gambling and Racing Board, 100 Fairway Close, Parow 7500 or faxed to the Chief Executive Officer on 021 422 2603, or emailed to Objections.Licensing@wcgrb.co.za

WES-KAAPSE RAAD OP DOBBELARY EN WEDRENNE

AMPTELIKE KENNISGEWING

ONTVANGS VAN AANSOEKE VIR PERSEELLISENSIES

Ingevolge die bepalings van Artikel 32(2) van die Wes-Kaapse Wet op Dobbeldary en Wedrenne, 1996 (Wet 4 van 1996), soos gewysig, gee die Wes-Kaapse Raad op Dobbeldary en Wedrenne (“die Raad”) hiermee kennis dat aansoeke vir perseellisensies, soos hieronder gelys, ontvang is. ’n Perseellisensie sal die lisensiehouer magtig om ’n maksimum van vyf beperkte uitbetalingsmasjiene in goedgekeurde persele buite die casino’s te plaas om deur die publiek gespeel te word.

BESONDERHEDE VAN AANSOEKERS

- | | |
|--|---|
| 1. Naam van besigheid: | Anton Stanley (Alleeneienaar)
h/a Dorp Toe pub & restaurant |
| By die volgende perseel: | Langstraat 47, Moorreesburg, 7310 |
| Erfnommer: | Restant Erf 503, Moorreesburg |
| Persone met ’n finansiële belang van 5%
of meer in die besigheid: | Anton Stanley – 100% Eienaar |
| 2. Naam van besigheid: | Langverwacht Inn (Edms) Bpk, (2019/417286/07)
h/a Koekie se Hoekie |
| By die volgende perseel: | Langverwachweg 1, Kuilsriver, 7580 |
| Erfnommer: | Erf 1512, Kuilsriver |
| Persone met ’n finansiële belang van 5%
of meer in die besigheid: | Cornelia Getruida van Zyl – Direkteur en 100% Aandeelhouer |
| 3. Naam van besigheid: | West Coast on Main (Edms) Bpk, 2017/371233/07
h/a Gallo’s Portuguese Taverna (Paarl) |
| By die volgende perseel: | Hoofweg 377, Paarl, 7620 |
| Erfnommer: | Erf 1186, Paarl |
| Persone met ’n finansiële belang van 5%
of meer in die besigheid: | Daniel Paulo De Almeida – Direkteur en 100% Aandeelhouer |

SKRIFTELIKE KOMMENTAAR EN BESWARE

Artikel 33 van die Wes-Kaapse Wet op Dobbeldary en Wedrenne, 1996 (hierna “die Wet” genoem) bepaal dat die Wes-Kaapse Raad op Dobbeldary en Wedrenne (hierna “die Raad” genoem) die publiek moet vra om kommentaar te lewer op en/of besware aan te teken teen dobbellisensie-aansoeke wat by die Raad ingedien word. Dobbeldary word kragtens die Wet sowel as die Nasionale Wet op Dobbeldary, 2004 gereuleer. Hierdie kennisgewing dien om lede van die publiek in kennis te stel dat hulle voor die sluitingsdatum by ondergemelde adres en kontakte beswaar kan aanteken teen en/of kommentaar kan lewer op bogenoemde aansoeke. Aangesien gelisensieerde dobbeldary ’n wettige besigheid is, word morele besware ten gunste van of teen dobbeldary nie deur die Raad oorweeg nie. ’n Beswaar wat bloot meld dat iemand teen dobbeldary gekant is sonder veel staving sal nie gunstig oorweeg word nie. U word hiermee aangemoedig om die Wet te lees en meer inligting te verkry oor die Raad se magte en die aangeleenthede op grond waarvan besware ingedien kan word. Dit word in Artikel 28, 30, 31 en 35 van die Wet uitgestippel. Lede van die publiek kan ’n afskrif van die riglyne vir besware bekom, wat ’n gids is wat die werking verduidelik van die regsraamwerk wat die indiening van besware, openbare verhore en die Raad se beoordelingsprosedures reguleer. Die riglyne vir besware is verkrygbaar op die Raad se webwerf by www.wcgrb.co.za en afskrifte kan ook op versoek beskikbaar gestel word. Die Raad sal alle kommentaar en besware oorweeg wat op of voor die sluitingsdatum tydens die beoordeling van die aansoek ingedien word. In die geval van skriftelike besware teen ’n aansoek moet die gronde waarop sodanige besware berus, verskaf word.

Waar kommentaar ten opsigte van ’n aansoek gegee word, moet volle besonderhede en feite om sodanige kommentaar te staaf, verskaf word. Die persoon wat die beswaar of kommentaar indien se naam, adres en telefoonnommer moet ook verstrek word. Kommentaar of besware moet die Raad nie later nie as **16:00 op Vrydag, 3 April 2020** bereik.

Ingevolge Regulasie 24(2) van die Nasionale Wedderyregulasies sal die Raad ’n publieke verhoor ten opsigte van ’n aansoek skeduleer slegs indien hy skriftelike besware ontvang met betrekking tot:

- (a) **die eerlikheid of geskiktheid vir lisensiering van enige van die persone wat met die bedrywighede van die betrokke besigheid gemoeid gaan wees, of**
- (b) **die geskiktheid van die voorgenome perseel vir die uitvoering van dobbeldarybedrywighede.**

Indien ’n openbare verhoor geskeduleer word, sal die datum van sodanige verhoor ongeveer 14 dae vóór die verhoordatum in hierdie publikasie geadverteer word.

Besware of kommentaar moet gestuur word aan die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbeldary en Wedrenne, Posbus 8175, Roggebaai 8012, of ingehandig word by die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbeldary en Wedrenne, Fairway-singel 100, Parow 7500 of per faks: 021 422 2603 of e-pos: Objections.Licensing@wcgrb.co.za

CEDERBERG MUNICIPALITY

**REMOVAL OF RESTRICTIVE TITLE CONDITIONS:
ERF 432 CLANWILLIAM****CEDERBERG MUNICIPALITY BY-LAW RELATING TO
MUNICIPAL LAND USE PLANNING**

Notice is hereby given in terms of Section 33(6) of the Cederberg Municipality: By-Law relating to Land Use Planning that Cederberg Municipality's Authorised Official, on application by the owner of Erf 432, CLANWILLIAM, on 12 January 2020 via decision number ERF432CLW removes conditions 3.(a), 3.(b), 3.(c) and 3.(d) contained in Certificate of Consolidated Title No. T2432 of 1954.

MN 29/2020

Mr H SLIMMERT,
ACTING MUNICIPAL MANAGER,
Municipal Offices, 2A Voortrekker Street, Clanwilliam, 8135

13 March 2020

20133

MOSEL BAY MUNICIPALITY

**MOSEL BAY BY-LAW ON MUNICIPAL
LAND USE PLANNING, 2015****CLOSURE OF ROAD ADJOINING ERVEN 761-763 & 914-915
GROOT BRAK RIVER AND PORTION 4 OF THE
FARM 129 MOSEL BAY**

Notice is hereby given in terms of Section 45(1)(f) of the Mossel Bay By-Law on Municipal Land Use Planning, 2015, that the Municipality of Mossel Bay has permanently closed the Road adjoining Erven 761-763 and 914-915 Groot Brak River and Portion 4 of the Farm 129 Mossel Bay.

(Mos. B. 129 v.6 p162)

ADV THYS GILIOME
MUNICIPAL MANAGER

13 March 2020

20134

OVERSTRAND MUNICIPALITY

**REMOVAL OF RESTRICTIVE
TITLE DEED CONDITIONS: ERF 2129, BETTY'S BAY
OVERSTRAND MUNICIPALITY BY-LAW ON
MUNICIPAL LAND USE PLANNING, 2015**

Notice is hereby given in terms of Section 35(1) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015, that the Municipal Planning Tribunal have removed Clauses D.I.(a), D.I.(b) and D.I.(c) as contained in Deed of Transfer T65399/1996 applicable to Erf 2129, Betty's Bay.

Municipal Manager, Overstrand Municipality, P.O. Box 20,
HERMANUS, 7200

Municipal Notice: 35/2020

13 March 2020

20135

CEDERBERG MUNISIPALITEIT

**OPHEFFING VAN BEPERKENDE TITELVOORWAARDES:
ERF 432 CLANWILLIAM****CEDERBERG MUNISIPALITEIT VERORDENING INSAKE
MUNISIPALE GRONDGEBRUIKBEPLANNING**

Kennis word hiermee gegee in terme van Artikel 33(6) van die Cederberg Munisipaliteit: Verordening Insaake Munisipale Grondgebruikbeplanning dat Cederberg Munisipaliteit se Gemagtigde Beampte, op aansoek van die eienaar van Erf 432, CLANWILLIAM, op 12 Januarie 2020, via besluit nommer ERF432CLW, voorwaardes 3.(a), 3.(b), 3.(c) en 3.(d) in Sertifikaat van Verenigde Titel No. T2432 van 1954, verwyder.

MK 29/2020

Mnr. H SLIMMERT,
WAARNEMENDE MUNISIPALE BESTUURDER,
Munisipale Kantore, Voortrekkerstraat 2A, Clanwilliam, 8135

13 Maart 2020

20133

MOSELBAAI MUNISIPALITEIT

**MOSELBAAI VERORDENING OP MUNISIPALE
GRONDGEBRUIKBEPLANNING, 2015****SLUITING VAN PAD AANLIGGEND TOT ERWE 761-763 &
914-915 GROOTBRAKRIVIER EN GEDEELTE 4 VAN
PLAAS 129 MOSELBAAI**

Kennis geskied hiermee ingevolge Artikel 45(1)(f) van die Mosselbaai Verordening op Munisipale Grondgebruikbeplanning, 2015, dat die Munisipaliteit van Mosselbaai die Pad aanliggend tot Erwe 761-763 & 914-915 Grootbrakrivier en Gedeelte 4 van Plaas 129 Mosselbaai permanent gesluit het.

(Mos. B. 129 v.6 p162)

ADV THYS GILIOME
MUNISIPALE BESTUURDER

13 Maart 2020

20134

OVERSTRAND MUNISIPALITEIT

**OPHEFFING VAN BEPERKENDE
TITELAKTEVOORWAARDES: ERF 2129, BETTIESBAAI
OVERSTRAND MUNISIPALITEIT VERORDENING VIR
MUNISIPALE GRONDGEBRUIKBEPLANNING, 2015**

Kennis word hiermee gegee ingevolge Artikel 35(1) van die Overstrand Munisipaliteit Verordening op Munisipale Grondgebruikbeplanning, 2015, dat die Munisipale Beplanningstribunaal Voorwaardes D.I.(a), D.I.(b) en D.I.(c) soos vervat in Titelakte T65399/1996 van toepassing op Erf 2129, Bettiesbaai, opgehef het.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20,
HERMANUS, 7200

Munisipale Kennisgewing: 35/2020

13 Maart 2020

20135