



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

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

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

PIETERMARITZBURG

Vol. 12

**3 MAY 2018
3 MEI 2018
3 KUNHLABA 2018**

No. 1949

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

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

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Closing times for **ORDINARY WEEKLY** **2018** **KWAZULU-NATAL PROVINCIAL GAZETTE**

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

- **28 December 2017**, Thursday for the issue of Thursday **04 January 2018**
- **04 January**, Thursday for the issue of Thursday **11 January 2018**
- **11 January**, Thursday for the issue of Thursday **18 January 2018**
- **18 January**, Thursday for the issue of Thursday **25 January 2018**
- **25 January**, Thursday for the issue of Thursday **01 February 2018**
- **01 February**, Thursday for the issue of Thursday **08 February 2018**
- **08 February**, Thursday for the issue of Thursday **15 February 2018**
- **15 February**, Thursday for the issue of Thursday **22 February 2018**
- **22 February**, Thursday for the issue of Thursday **01 March 2018**
- **01 March**, Thursday for the issue of Thursday **08 March 2018**
- **08 March**, Thursday for the issue of Thursday **15 March 2018**
- **14 March**, Wednesday for the issue of Thursday **22 March 2018**
- **22 March**, Thursday for the issue of Thursday **29 March 2018**
- **27 March**, Tuesday for the issue of Thursday **05 April 2018**
- **05 April**, Thursday for the issue of Thursday **12 April 2018**
- **12 April**, Thursday for the issue of Thursday **19 April 2018**
- **19 April**, Thursday for the issue of Thursday **26 April 2018**
- **24 April**, Tuesday for the issue of Thursday **03 May 2018**
- **03 May**, Thursday for the issue of Thursday **10 May 2018**
- **10 May**, Thursday for the issue of Thursday **17 May 2018**
- **17 May**, Thursday for the issue of Thursday **24 May 2018**
- **24 May**, Thursday for the issue of Thursday **31 May 2018**
- **31 May**, Thursday for the issue of Thursday **07 June 2018**
- **07 June**, Wednesday for the issue of Thursday **14 June 2018**
- **14 June**, Thursday for the issue of Thursday **21 June 2018**
- **21 June**, Thursday for the issue of Thursday **28 June 2018**
- **28 June**, Thursday for the issue of Thursday **05 July 2018**
- **05 July**, Thursday for the issue of Thursday **12 July 2018**
- **12 July**, Thursday for the issue of Thursday **19 July 2018**
- **19 July**, Thursday, for the issue of Thursday **26 July 2018**
- **26 July**, Thursday for the issue of Thursday **02 August 2018**
- **02 August**, Friday for the issue of Thursday **09 August 2018**
- **08 August**, Wednesday for the issue of Thursday **16 August 2018**
- **16 August**, Thursday for the issue of Thursday **23 August 2018**
- **23 August**, Thursday for the issue of Thursday **30 August 2018**
- **30 August**, Thursday for the issue of Thursday **06 September 2018**
- **06 September**, Thursday for the issue of Thursday **13 September 2018**
- **13 September**, Thursday for the issue of Thursday **20 September 2018**
- **19 September**, Wednesday for the issue of Thursday **27 September 2018**
- **27 September**, Thursday for the issue of Thursday **04 October 2018**
- **04 October**, Thursday for the issue of Thursday **11 October 2018**
- **11 October**, Thursday for the issue of Thursday **18 October 2018**
- **18 October**, Thursday for the issue of Thursday **25 October 2018**
- **25 October**, Thursday for the issue of Thursday **01 November 2018**
- **01 November**, Thursday for the issue of Thursday **08 November 2018**
- **08 November**, Thursday for the issue of Thursday **15 November 2018**
- **15 November**, Thursday for the issue of Thursday **22 November 2018**
- **22 November**, Thursday for the issue of Thursday **29 November 2018**
- **29 November**, Thursday, for the issue of Thursday **06 December 2018**
- **06 December**, Thursday, for the issue of Thursday **13 December 2018**
- **12 December**, Wednesday for the issue of Thursday **20 December 2018**
- **18 December**, Tuesday for the issue of Thursday **27 December 2018**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

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

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

EXTRA-ORDINARY

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

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

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

All notices received after the closing time will be rejected.

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

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

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

NOTICE SUBMISSION PROCESS

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES**QUOTATIONS**

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

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

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

CANCELLATIONS

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

AMENDMENTS TO NOTICES

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

REJECTIONS

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

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

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

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

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

LIABILITY OF ADVERTISER

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

CUSTOMER INQUIRIES

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

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

PROOF OF PUBLICATION

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

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

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 39 OF 2018

NOTICE IN TERMS OF SECTION 9(1) OF THE KWAZULU-NATAL LAND ADMINISTRATION AND IMMOVABLE ASSET MANAGEMENT ACT, 2014 (ACT NO. 2 OF 2014)

KINDLY TAKE NOTICE that the Member of the Executive Council for Human Settlements and Public Works of KwaZulu-Natal, (hereinafter referred to as the "MEC") hereby gives notice in terms of Section 9(1) of the KwaZulu-Natal Land Administration and Immovable Asset Management Act, 2014 (Act No. 2 of 2014), (hereinafter referred to as "the Act") of the intention to expropriate Portion 246 of the Farm Zeekoegat No. 937, as contemplated in terms of the provisions of Section 8 of the Act:

Property Description	Total Extent of Property	Approximate Extent to be Expropriated	Deed of Transfer Number	Rights	Zoning	Operations	Improvements
Portion 246 of the Farm Zeekoegat No 937 Registration Division FT Magisterial District of Pinetown, KwaZulu-Natal	10,1418 hectares	10,1418 hectares	No. 38779/2006	Owner: Mother Provincial and Superior of the Congregation of the Missionary Sisters of the Precious Blood Municipal Services Lease – Elnathan College of Nursing (Pty) Ltd / Nurses College Lease – Provincial Government of KwaZulu-Natal/Hospital Property	Civic 2	St Mary's Hospital	Hospital/ Nursing College, Nurses and Doctors Accommodation Mortuary, Pharmacy and other related health facilities

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

AND FURTHER TAKE NOTE that your attention is drawn to the provisions of Section 9(5)(a) which provides that-

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

Written representations or submissions by interested parties in regard to the intended expropriation can be made within thirty (30) days of the publication of this notice to the Head: Health at the address hereunder for my consideration.

Contact details:

Head: Public Works
Private Bag X9041
PIETERMARITZBURG
3200

Telephonic Enquiries: Mrs GLC Dayaram
Tel No: (033) 2604031/2
Fax No: (033) 355 5655

MR R PILLAY, MPL

Member of the Executive Council of the Province of KwaZulu-Natal
Responsible for Human Settlements and Public Works

Date

MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 32 OF 2018**CS No. 27/2018****WASTE MANAGEMENT BY-LAWS**

Be it enacted by the Council of the Newcastle Municipality, and approval of the Member of the Executive Council responsible for local government in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follow

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Chapter 1 : Definitions, Objectives and Principles

1. Definitions

In this By-laws, any word or expression included in the National Environmental Management: Waste Act 2008 (Act No 59 of 2008) and the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2008); and associated regulations shall have the meaning assigned and unless the context indicated otherwise.

"authorised official" means any official of the Council who has been authorised by the Council to administer, implement or enforce the provisions of these by-laws;

"Basic Refuse Removal" means the baseline service level as set out in the National Policy on Free Basic Refuse Removal.

"building and demolition waste" means waste generated by construction, demolition, excavation or building activities on premises, and includes builders rubble, earth, vegetation and rock displaced during construction, and alteration of these building activities excluding hazardous waste;

"Business waste" means waste generated in the course of the conduct of a business but shall not include industrial waste.

"Bulky Waste" means waste which emanates from any premises , excluding industrial waste and which cannot by virtue of its mass, shape, size or quantity be conveniently accumulated or removed in a bulk waste container.

"Bylaws" means legislation passed by the municipality's Council which is binding on person who reside within, visiting the area of authority of the municipal services;

"Container" means a disposable or re-usable vessel in which waste is placed for the purposes of storing, accumulating, handling, transporting, treating or disposing of that waste, and includes bins,

bin liners and receptacles;

“Council” means the council of the Newcastle Municipality;

"Disposal facility" means a site for the disposal of waste which is owned by the Council or has been approved for that purpose of burial, deposit, discharge, abandoning, dumping, placing or release of any waste by the Council;

"Domestic waste" means waste of a kind normally produced or generated on residential, educational, health care, sport or recreational, premises or churches and halls , but shall not include, hazardous waste, sand, earth, liquid matter, garden waste or the carcass of any animal or special domestic waste;

"Garden waste" means light waste which is generated as a result of normal gardening activities or landscaping on any premises, including without limiting the generality of the foregoing grass cuttings, leaves, branches, plants, flowers, weeds, hedge clippings or the branches of trees and includes

“General waste” means waste that does not pose an immediate hazard or threat to health or environmental, and includes-

- a) Domestic waste
- b) Building and demolition waste
- c) Business waste; and
- d) Inert waste

“Hazardous waste” means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of the waste, that have a detrimental impact on health and the environment

"Industrial waste" means waste in solid form which is generated as a result of industrial manufacturing activities but shall not include builder's waste, special industrial waste or commercial

waste;

“health care waste” means waste capable of producing any disease and includes but is not limited to the following:

- (a) Laboratory waste
- (b) Pathological waste
- (c) Isolation waste
- (d) genotoxic waste
- (e) infectious liquids and infectious waste
- (f) sharps waste
- (g) chemical waste and
- (h) pharmaceuticals waste;

indigent” means a person that is unable to pay the full economic costs of municipal services due to a number of legitimate factors.

inert waste” means that:

- (a) does not undergo any significant physical, chemical or biological transformation after disposal;
- (b) does not burn, react physically or chemically biodegrade or otherwise adversely affect any other matter or environment with which it may come into contact; and
- (c) does not impact negatively on the environment, because of its pollutant content and because the toxicity of the leachate is insignificant

“illegal dumping” means refuse that has been left at a place with the intention of abandoning it, such as sand, paper, plastic bottles, builders rubble and any other material that may create a nuisance or that is unsightly and detrimental to the environment;

“litter” means waste , excluding hazardous waste arising from activities in public areas that has not been deposited of in a public litter container.

“local community”, in relation to a municipality meaning that body of persons comprising:

- (a) the resident and ratepayer of the municipality
- (b) any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affair within the municipality;
- (c) visitors and other people residing outside the municipality who, because of their presence in

the municipality make use of services or facilities provided by the municipality and includes, more specifically, the poor and other disadvantaged sections of such body of persons;

“municipality” means a municipality established in terms of the Local Government Municipal Structures Act, 1998 (Act No 117 of 1998);

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (No 32 of 2000)

“nuisance” means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to the storage, placement, collection, transport or disposal of waste or by littering;

“Occupier” includes any person in actual occupation of premises without regard to the title under which he or she occupies, if any person who whether as owner, lessee, licensee or otherwise has, for a long time being, such control of such premises and shall include a street trader who occupies a site for the purposes of such street trader’s business.

“Owner” means -

(a) the person in whom from time to time is vested the legal title to premises;

(b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of his property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative:

(c) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of the use of the premises or a building or buildings thereon;

(d) in a case where such premises have been leased for a period of 30 years or longer, the lessee thereof;

(e) in relation to -

- (i) a piece of land delineated on a sectional plan registered terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or
- (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;

"Pharmaceutical waste" includes expired, unused, spilt and contaminated pharmaceutical products, drugs, vaccines and sera that are no longer required and that need to be disposed of appropriately.

"Recycling" means a process where waste is reclaimed for further use, which process involves the separation of material as a product, by product or raw material.

"Residential premises" means premises occupied for the purposes of human habitation, but excludes an accommodation establishment as defined in section 1 of the Hotels Act, 1965 (Act 70 of 1965);

"Special domestic waste" means waste discarded from residential premises which cannot by virtue of its mass, shape, size or volume be conveniently stored in a waste receptacle or container;

"Special industrial waste" means waste, consisting of a liquid or sludge, resulting from industrial operations which may not be discarded into a sewer;

"Tariff charge" means the appropriate charge as set out in the tariff of charges adopted by resolution of the Council from time to time; and

"Waste container" means a container other than a waste receptacle and whether wheeled or otherwise, designed for the temporary storage and removal of waste which is supplied by the Council in terms of section 3(4) or by a contractor approved in terms of section 2(3);

"Waste receptacle" means a receptacle for the purpose of waste storage of which the size and

quality shall be approved by the Municipality;

“Waste” means any substance, whether or not that substance can be reduced, re-used, recycled and recovered-

- a) That is surplus, unwanted, rejected, discarded, abandoned or disposed of;
- b) Which the generator has no further use of for the purpose of production;
- c) That must be treated or disposed of : or
- d) That is identified as waste by the minister by notice of the Gazette, and includes waste generated by the mining, medical or other sector, but-
 - (i) A by-product is not considered waste and
 - (ii) Any portion of waste, once re-used recycled and recovered, ceases to be waste.
- e) The wet fraction comprises biogenic wastes such as food and garden waste. The dry fraction comprises materials such as recyclables (primary paper, glass, plastic and metals) and other inert dry materials.

“Waste disposal facility” means any site or premise used for the accumulation of waste with the purpose of disposing of that waste at that site or on that premise;

“Waste Management Officer (WMO)” is:

- (a) Responsible for coordinating matter pertaining to waste management within the Newcastle Local Municipality;
- (b) A dedicated authority responsible for implementing policy and regulations in terms of the Waste Act of 59 of 2008;
- (c) Has the power to delegate duties to another official in the service of the same administration, subject to such limitations conditions as may be determined by the municipality;
- (d) A WMO must be designated in writing by the Mayor.

“waste transfer facility” means a facility that is used to accumulate and temporarily store waste before it is transported to a recycling, treatment or waste disposal facility;

“waste treatment facility” means any site that is used to accumulate waste for the purpose of storage, recovery, treatment, reprocessing, recycling or sorting of that waste;

2. Objectives of the By Laws:

- (1) The objectives of this By-Laws are to:
 - (a) give effect to the right contained in Section 24 of the Constitution by regulating waste management
 - (b) provide, in conjunction with other relevant legislation, an effective and administrative framework, that allows the Municipality to manage and regulate waste management activities
 - (c) ensure that waste is avoided, or where it cannot be altogether avoided, minimized, re-used, recycled, recovered and disposed of in an environmental sound manner.
 - (d) Promote and ensure an effective delivery of waste services

3. Scope of application

- (1) This by-law must be read with any applicable provision of the National Environmental management: Waste Act, 2008 (Act No.59 of 2008)
- (2) In the event of any dispute with any other by-law which directly or indirectly, within the jurisdiction of the municipality, regulates waste management of this by-law shall prevail to the extent of the inconsistency.
- (3) The by-laws do not override any other national and provincial waste related legislation.

4. Principles

- (1) Any person exercising a power in accordance with these bylaws must; at all times ; seek to promote the waste management hierarchy approach as outlined in the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008), and the National Waste Management Strategy, which is promoting waste avoidance and minimization, waste reuse, recycling and recovery, waste treatment and disposal.

- (2) The by-laws seek to promote sustainable development and environmental justice through fair and reasonable measures for the management of waste within the municipality's jurisdiction.
- (3) The By Laws promoting participation of all municipal residents in the promotion of responsible citizenship by ensuring sound waste management practices within residential and industrial environments.

5. General Duty of Care

- (1) Every person has a duty to manage any waste generated by his activities of those persons working under his direction in such a manner that the waste does not cause harm to human health or damage to the environment, in particular, the person must ensure that:
 - (a) Waste generated is avoided and where such waste cannot be avoided, minimize the toxicity and amounts of waste;
 - (b) Separate waste with the aim of minimizing waste and its impact on the environment. Store the recyclable (dry) waste separately from the non-recyclable waste (wet) provided that industrial waste must be separated into liquids, components and materials that can be treated for recycling or reuse;
 - (c) Reduce, reuse and recycle and recover waste;
 - (d) Where waste must be disposed of, ensure that the waste is treated and disposed in an environmentally sound manner;
 - (e) Manage the waste in such a manner that it does not endanger health or the environment or cause nuisance through noise, odour or visual impacts
 - (f) Any person subject to the duty imposed in subsection (1) may be required by the Municipality or an authorized official to take measures to ensure compliance with the duty.
- (2) Any person subject to the duty imposed in subsection (1) may be required by the municipality or any authorized official to take measures to ensure compliance with the duty.
- (3) The measures referred to in subsection (2) that a person may be required to undertake include:

- (a) Investigation, assessment and evaluation of the impact that their activities, the process or a situation have on the environment;
- (b) Informing and educating employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing damage to the environment;
- (c) Ceasing, modifying or controlling any act, process, situation or activity which causes damage to the environment;
- (d) Containing or preventing the movement of pollutants or other causes of damage to the environment
- (e) Mitigating or eliminating any source of damage to the environment
- (f) Rehabilitating the effect of the damage to the environment

Chapter 2: Planning and Institutional Matters

6. Integrated Waste Management Plan (IWMP)

- (1) The “municipality” must prepare an Integrated Waste Management Plan (IWMP) which should be adopted by the Council, in which the plan must be incorporated in the Integrated Development Plan in accordance with the provisions of the National Environmental Waste Act, 2008 (Act 58 of 2008);
- (2) The plan contemplated in subsection (1) may include but not limited to the following:
 - (a) Establishing a means of ensuring that waste is collected, reused, recycled or disposed of without causing harm to human health or damage to the environment and, in particular, without risk to waste, air, soil, plants or animals; causing a nuisance through noise or odours; or adversely affecting rural or urban areas of specific interest;

7. Waste Management Officer (WMO)

- (1) The Municipality must, in accordance with section 10(3) of the National Environmental Management Waste Act, 2008 (Act No.59 of 2008), designate in writing a waste

management officer from its administration to be responsible for coordinating matters pertaining to waste management.

- (2) In exercising the power contemplated in subsection (1), the Municipality may adhere to the guidelines set out by the provincial and national department responsible for waste management;
- (3) The waste management officer shall be responsible for regulating, controlling, managing and enforcing the provisions of this bylaws and national and provincial legislation relating to waste management;
- (4) The waste management officer shall be entitled to delegate to any official of the Municipality any of his or her powers or obligations in terms of this By-law.

8. Service Providers and Contractors

- (1) The municipality may discharge any of its obligations by entering into a service delivery agreement with a service provider or service providers in terms of the Municipal Systems Act, 2000.
- (2) Subject to the provisions of the Municipal Systems Act or any other legislation, the municipality may assign to a service provider any power enjoyed by the Municipality under these bylaws ; provided that the assign scope of work is required for the service provider to discharge an obligation under its service delivery agreement;
- (3) Any reference in these by laws to “Municipality or service provider” should be read as the “Municipality” if the Municipality has not entered into a service delivery agreement, and should be read as “service provider” of the Municipality has entered into a service delivery agreement.
- (4) Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the municipality and which must:
 - (a) Accord with the provision of these by-laws
 - (b) Be accessible to the public
 - (c) Establish the conditions of the service including collection times; and
 - (d) Provide for the circumstances in which Municipal services may be limited

9. Notice to the Municipality

- (1) The occupier and or owner or in the case of more than one, the occupier and or owners of premises, on which business, refuse or domestic refuse is generated shall within seven days after commencement of the generation of such refuse notify the Municipality in writing.
 - (a) That the premises are being occupied; and
 - (b) Whether business refuse or domestic refuse or both the aforementioned is being generated on the premises.
- (2) Where the category or purpose of waste change it is the responsibility of the occupier (s) and or owner to inform the municipality in writing or before the day of change, that the service delivery should change or be ceased subject to the circumstances and that the tariff change be amended accordingly.
- (3) All contractors removing garden refuse, health care risk waste and hazardous waste from premises within the Municipal area, shall register with the Municipality in terms of Chapter 6 below. No service will be conducted without prior registration.

Chapter 3: Collection and removal of waste

10. Collection and removal of waste

- (1) The municipality shall provide a service for the collection and removal of business and domestic refuse from premises at the tariff, charges, fees or any other moneys payable as determined by council in terms of the Local Government Systems Act, Act 32 of 2000.
- (2) The occupier of every premises upon which waste is generated or, in the case of premises which are occupied by more than one person, the owner of such premises, or if the tenant is generating additional waste, shall make provision for the temporary storage, collection and removal of such waste by the Council;

(3) That Council has the responsibility to ensure that all waste generated within the municipal area is collected, recycled and disposed of accordance with these Bylaws;

(3) The Council shall subject to the charges set out in its tariff of charges collect and remove –

- (a) domestic waste; and
- (b) commercial waste.

(4) The Council shall and subject to the charge set out in its tariff of charges, collect and remove and dispose waste –

- (a) builders' waste;
- (b) garden waste
- (c) industrial waste;
- (d) special industrial waste; and
- (e) special domestic waste.
- (f) Compost
- (g) Recyclables
- (h) Gate Fees for sorting

(4) Where the Council declines to collect and remove any waste referred to in subsection (3 & 4), the owner or occupier shall make appropriate arrangements for the lawful collection, removal and disposal of such waste.

(5) The owner or occupier of premises may only remove or cause to be removed any waste generated thereon to a disposal site, provided that such removal and disposal is conducted in a lawful manner and with the written consent of Council.

(6) Every occupier of new premises or premises on which the generation of domestic or commercial waste is about to be commenced, or in the case of premises being occupied by more than one person, the owner of such premises shall, prior to the commencement of the generation of such waste, notify the Council in writing -

- (a) that the premises are being occupied; and

(b) whether commercial waste, industrial waste or domestic waste or any combination of the above is to be generated on the premises.

(7) Upon receiving notification the Municipality shall investigate the nature of the waste to be generated and prescribe the type and numbers of waste containers required on such premises.

11. Waste receptacles

(1) Subject to the provisions of subsection (4), every occupier or owner referred to in section 2(1) shall provide on his or her premises such number of waste receptacles as is adequate for the purpose of the temporary storage of all waste, other than garden, special domestic and special industrial waste, as may be generated on his or her premises pending its removal in terms of these by-laws.

(2) Any person and or occupier/s of the premises shall provide an approved space of adequate size and any other facilities considered by the Waste Management Officer on the premises for the storage of the bin/ container delivered by the Municipality.

(3) The space provided in terms of subsection (2) and the storage of waste shall:

(a) be in such a position on the premises as to allow the storage of refuse bins/container- without being visible from the street, a public space or any other premises except if determined otherwise by Municipality;

(b) The space provided shall allow for the unhindered collection and removal by Council

(c) where domestic refuse is generated on a premises the refuse liner with refuse therein must be separated from all recyclates/ dry waste (clear bag) and biogenic waste should be in the refuse black plastic liner;

(d) where domestic refuse is generated on a premises the refuse plastic lining with refuse therein must be properly tied and be placed outside the fence or boundary of the premises on the street boundary or on any such other place as determined by the Municipality but will only be collected in a defined areas and on a specific day as determined by Municipality;

(e) where domestic refuse is generated on a premises which contains coal ashes, the standard

(4) Whenever the Council is of the opinion that a person has not complied with the provisions of this subsection 3 it may cause a written notice to be served on such person calling upon him or her to comply with such provisions within a period specified in the notice.

(4) The Council may at its sole discretion supply waste containers to premises if Council considers such containers more appropriate for the storage and removal of waste having regard to –

- (a) the quantity of waste generated on the premises concerned;
- (b) the suitability of such waste for storage in such containers; and
- (c) the accessibility of the waste storage area to the Council's waste collection vehicles.

(5) Waste containers supplied by the Council in terms of sub-section (4) –

- (a) may not be used for any purpose other than the storage of commercial, domestic, industrial or garden waste;
- (b) remain the property of the Council and may at any time either be replaced or removed by it; and
- (c) are the responsibility of the owner or occupier, as the case may be, who shall be liable to the Council for the loss thereof or any damage thereto, except such as has been caused by the Council's employees.

12. Duties of owner or occupier

(1) The municipality may:

- (a) Only collect waste stored in an approved receptacle
- (b) Set collection day(s) of the week;
- (c) Collect waste outside the set schedule on request by any person and at a fixed tariff agreed to by both parties prior to collection

(2) Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises, shall ensure that-

- (a) all domestic and commercial waste generated on the premises is placed and kept in waste receptacles, waste containers or disposable plastic waste bags for removal;
- (b) That medical household waste be disposed-off safely from the point of source
- (c) builders' waste, garden waste, industrial waste, special industrial waste and special domestic waste is appropriately stored and clearly indicated as such;
- (d) no hot ash, unwrapped glass fragments or other waste which may cause damage to waste receptacles, waste containers or disposable plastic waste bags, or which may cause injury to the persons or vehicles employed in removing the waste from the premises, is placed in waste receptacles or waste containers before such steps as may be necessary to avoid such damage or injury have been taken;
- (e) no material, including any liquid, which by reason of its mass or other characteristics is likely to render such waste receptacles or disposal plastic waste bags unreasonably difficult for the Council's employees to handle or carry, is placed therein;
- (f) every waste receptacle and waste container on the premises is properly covered by means of a lid or other covering supplied therewith so as to prevent any nuisance or health hazard;
- (g) every receptacle or container is kept in a clean and hygienic condition; and
- (h) all which has toxic or other harmful properties is suitably treated to the satisfaction of the Council.
- (i) No person shall burn waste either in a public or private place or in the receptacle provided by Council for the purpose of disposing that waste.
- (j) That a separate storage area be allocated in all building plans to store the receptacle.

13. Collection and Transportation of waste

- (1) The Council shall from time to time determine the day or days upon which waste which is to be removed by the Council in terms of these by-laws will be collected in the various areas under its jurisdiction.

(2) On the day or days which have been determined in terms of subsection (1) for a particular area every owner or occupier, as the case may be, of premises within that area shall place such waste containers, waste receptacles or disposable plastic waste bags containing waste, unless directed otherwise, immediately outside the boundary of the premises and adjacent either to the pedestrian or the vehicular access to the premises from a street.

(3) No owner or occupier, as the case may be, of any premises shall, unless authorised in writing by the Council, deposit or allow to be deposited any waste other than domestic waste or commercial waste in any waste receptacle or waste container.

(4) The owner or occupier of any premises on which bulky waste of any kind is produced, kept, or accumulated shall, when required thereto under notice in writing from the Council, tie up securely or cause to be tied up securely such waste into bales or bundles of convenient size. If this bulky waste can be recycled, the owner or the occupier of the premises will make an attempt to recycle this waste.

(5) No commercial waste will be allowed for disposal at the waste disposal facility unless authorized by the waste management officer or official responsible for the Waste disposal facility or landfill site.

Any person or categories of persons who transport waste must:

- a) Register with the waste management officer of the municipality
- b) Furnish such information as specified in the notice or as the waste management officer may reasonably require.
- c) In the transportation of waste must take all reasonable steps to prevent any spillages of waste or littering from a vehicle transporting the waste.

(5) Any person transporting waste within the jurisdiction of the Municipality must:

- (1) Ensure that the receptacle or vehicle or conveyance is adequate in size and design for the type of waste transported;
- (2) Remove and transport the waste in a manner that would prevent any nuisance or escape of material

- (3) Maintain the receptacle or vehicle or conveyance in a clean, sanitary condition at all times;
- (4) Not permit waste transported to become detached, leak or fall from the receptacle or vehicle or conveyance transporting it;
- (5) Ensure that waste is transported or deposited at a waste transfer station, drop off, recycling facility and or disposal facility licensed to accept such waste;
- (6) Ensure that the vehicle is not used for the purpose whilst transporting waste;
- (7) Apply to the municipality to register as a transporter of waste in accordance with the requirements set out by the Municipality and adhere to all the conditions attached to the registration.

In the absence of evidence to the contrary which raises a reasonable doubt, a person who is in control of a vehicle, or in a position to control the use of a vehicle, that is used to transport waste for the purpose of offloading that waste, is considered to knowingly cause that waste to be offloaded at the location where the waste is deposited.

14. Provision for Registration of Transporters

- (1) Any person who transport waste for gain must adhere to the requirement as set in Section 25 of the National Environmental Management Waste Act, 2008 (Act No.59 of 2008)
- (2) The Municipality may, by notice in the Provincial gazette, require any person or category of transporters to register and report to the Municipality as set out in that notice. The notice may include but not limited to:
 - (a) The application forms;
 - (b) A prescribed fee;
 - (c) Renewal intervals;
 - (d) List of transporters, types and threshold of waste transported;
 - (e) Minimum standards or requirements to be complied with.

15. Access to premises

- (1) The occupier or owner of premises to which the council provides a waste removal service, as

the case may be, shall grant the council convenient access to the premises for the purpose of collecting and removing waste and shall ensure that nothing obstructs, frustrates or hinders the Council and its employees in the carrying out of its service.

(2) Council will only remove what is container within the receptacle- the onus is on the owner to clean the storage area.

(3) Where in the opinion of the Municipality the collection or removal of refuse from any premises is likely to result in damages to the premises or the Municipality's property, or injury to the refuse collectors or any person, if any, as a condition of rendering refuse collection service in respect of the premises, require the owner/s and or occupier/s to indemnify it in writing in respect of any such damage or injury of any such damage or injury or claims out of either.

(4) The owner must, on request, allow a duly authorized employee of the municipality access to their property for the purpose of inspecting the property and investigating any contravention of this by-law or request, identify him or himself by producing written proof of such authority.

16. Accumulation of waste

Where any waste accumulates on premises so as to constitute a nuisance or so as to render it likely that a nuisance will be created thereby, the Council may make a special removal of such waste and the owner or occupier shall be liable in respect of such special removal to pay the tariff charge therefor.

17. Removal and disposal of garden, special domestic and bulky waste

9. (1) The occupier or, in the case of premises occupied by more than one person, the owner of premises on which garden, special domestic or bulky waste is generated shall ensure that such waste is disposed of in terms of this section within a reasonable time after the generation thereof; provided that garden waste may be retained on the premises for the making of compost.

(2) Any person may remove and dispose of his own garden, special domestic and bulky waste.

(3) Garden, special domestic and bulky waste shall, once it has been removed from the premises on which it was generated, be deposited on a site designated by the Council as a disposal facility for such waste against payment of the tariff charge.

(4) At the request of the owner or any occupier of premises the Council may at the tariff charge remove garden, special domestic and bulky waste from premises.

18. Storage of Recyclable Waste

(1) Any person who is undertaking any activity involving reduction, re-use, recycling or recovery of waste including scrap dealers, buy back centres and formalized recycling groups must before undertaking that activity, make sure that the activity is less harmful to the environment than the disposal of such waste and must notify the Municipality of an intention to undertake such an activity in writing.

(2) Any person undertaking the activities contemplated in subsection (1) must adhere to the requirements set out in the provincial and national legislation;

(3) The Municipality may require any person or owner of premises to separate their waste and use different size receptacles provided by the Municipality or service provider

(4) In cases where the Municipality, service provider or industry has provided separate receptacles for recyclable material, no person may use other receptacles for recyclable material.

(6) The owner or occupier of the premises on which the waste is generated for recycling purposes should ensure that such waste is stored in a bulk container or approved receptacle.

(7) That such recyclable waste is collected by a licensee from the premises on which the waste is generated.

(8) No nuisance or health risk, including but not limited to dust, is caused by the waste in the course of generation, storage or the collection of such waste.

19. Responsibility for builder's waste

(1) The owner of premises on which builder's waste is generated shall ensure that such waste

is disposed of within 14 days after the generation thereof.

20. Disposal of builder's waste

(1) Subject to the provisions of subsection (2) hereof all builder's waste shall be deposited at the Council's disposal sites and the person depositing the waste shall be liable to pay the tariff charge thereof

(2) Builder's waste may, with the prior written consent of the Council, be deposited at a place other than the Council's disposal sites for the purpose of reclamation of land or for recycling.

(3) Any consent given in terms of subsection (2) shall be subject to such conditions as the Council may deem necessary having regard to -

- (a) the safety of the public;
- (b) the environment of the proposed disposal site;
- (c) the suitability of the area including the drainage thereof;
- (d) the expected manner and times of depositing of waste at the site;
- (e) the leveling of the site;
- (f) the control of dust; and
- (g) other relevant factors.
- (h) and in terms of the Road traffic Act

21. Hazardous Waste

(1) Whenever any hazardous waste is stored, generated or treated on any premises, the municipality may, by written notice serve on the waste generator-

- a) prohibit the removal, disposal, treatment, storage, conveyance or handling of such hazardous waste, or

-
- b) order the removal, disposal or treatment of such hazardous waste in a specified manner and at certain times within a period stipulated in such notice.
- (2) If such waste generator fails to comply with the terms of a notice contemplated by subsection (1), he shall be guilty of an offence and the Municipality may remove, or cause to be removed, dispose of or treat such hazardous waste in any suitable manner and recover the expenses incurred in doing so from such waste generator.
- (3) No person shall –
- a) Remove or convey hazardous waste from any premises, or
 - b) Convey or transport hazardous waste on or over any public road, unless such hazardous waste is securely and properly contained in a receptacle or vehicle designed to prevent spillage or contamination.
- (4) The Municipality may, by written notice serve on a waste generator on whose premises hazardous waste is generated, stored, treated or disposed of, requiring him to provide the Municipality in writing with such particulars, verified by a suitably qualified industrial chemist, as may be stipulated in such notice, relating to –
- (a) The quantity and composition of hazardous waste generated on such premises, and
 - (b) The method of storage, treatment or disposal of such hazardous waste.
- (5) The waste generator shall in similar manner inform the Municipality of any change in the quantity or composition or the method of storage, treatment or disposal of such hazardous waste.
- (6) No person shall deliver to, or discharge at, a disposal site other than a disposal site classified as a hazardous disposal site, any hazardous waste.
- (7) No person shall deliver to, or discharge at, a disposal site any industrial effluent or cause the same to be done except with the prior written consent of the Municipality and in accordance with any conditions it may deem appropriate.

- (8) Any cost which may be incurred by the Municipality in remedying any damage or in abating any nuisance caused by the discharge of hazardous waste or industrial effluent in contravention of the provisions of these bylaws, or any conditions imposed by the Municipality in terms of these bylaws, shall be borne by and be recoverable from the owner of, or the person responsible for the discharge of, such waste or effluent.

22. Special measures for collection, storage and disposal

14. (1) If the Council is of the opinion that, in order to avoid any health hazard or nuisance arising, special measures for the collection, temporary storage or disposal of any waste should be adopted or that such waste should be specially treated to render the same inoffensive or non-injurious to health, the Council must serve written notice on the occupier of any premises or in the case of vacant land, the owner thereof, to carry out any of the aforesaid measures within a reasonable time.

(2) The owner or occupier of any premises shall, on being served with a notice in terms of subsection

(a) either remove any waste which is likely to be offensive or injurious to health from such premises and dispose thereof in such a manner as may be stipulated in such notice; or

(b) when permitted by the terms of such notice, treat any waste on such premises so as to render it innocuous and inoffensive and so as to prevent infestation thereof by flies, mosquitoes, rats and other vermin.

(3) Any owner or occupier who refuses to carry out the measures specified in a notice given under this section or who fails to comply therewith within the time specified in the notice shall be guilty of an offence and the Council may arrange for such measures to be carried out at the expense of the person on whom the notice was served.

23. Removal of waste or offensive matter along the street

(1) Any person removing or conveying any waste or other offensive matter or any builder's waste shall remove the same by means of a properly constructed and enclosed vehicle and in such manner as will prevent any nuisance arising from such conveyance or the escape of the contents therefrom.

(2) The Council may serve a written notice upon any person restricting or stipulating the means to be adopted and specifying the times during which waste may be conveyed through or along any street or public place if the Council is of the opinion that the conveyance of such waste is likely to be objectionable or give rise to nuisance. Any person who fails to comply with the requirements of subsection (1) of this section or with any notice given under this subsection shall be guilty of an offence.

24. Notification of generation of special industrial waste

(1) The occupier of premises on which special industrial waste is generated shall inform the Council in writing of the composition thereof, the quantity generated, how it is stored, and how and when and by whom and to which place, it will be removed.

(2) If so required by the Council the notification referred to in subsection (1) shall be verified by an analysis certified by a duly qualified industrial chemist and at the cost of the occupier of the premises

(3) the designated waste management officer of the Council may enter premises at any reasonable time to ascertain whether special industrial waste is generated on such premises and may take samples and test any waste found on the premises to ascertain its composition.

25. Storing of special industrial waste

(1) The occupier of premises on which special industrial waste is generated shall ensure that the special industrial waste generated on the premises is kept and stored thereon in terms of subsection (2) until it is removed from the premises in terms of section 26.

(2) Special industrial waste stored on premises shall be stored in such a manner that it cannot become a nuisance or pollute the environment.

(3) The Council may in writing order the person referred to in section 16(1) to remove special industrial waste within a reasonable time and, if thereafter such waste is not removed within such time, the Council may by itself or through a contractor remove it at the expense of such person or the owner, as the case may be.

26. Removal of special industrial waste

No person shall remove special industrial waste from the premises on which it was generated unless such without the written consent of Council Should consent be granted the waste must be lawfully and properly removed to a disposal site by a competent person with the necessary equipment to remove the special industrial waste.

The waste management officer must consider the plan and:

- (a) Approve it with conditions and give directions for the implementation thereof;
- (b) Request that additional information be furnished or a revised plan be submitted for approval;
- (c) Require amendments to be made within a time frame so specified by them;
- (d) Reject the plan and provide reasons therefore; or
- (e) Approve such a plan and specify conditions pertaining to such approval.

27. Liquid waste

No person shall deliver to or discharge at a disposal site any liquid waste or cause the same to be done, except with the prior written permission of the Council and in accordance with such conditions as may be imposed by it.

19. 2. Any costs incurred by the Council in remedying damage or in abating any nuisance caused

by the discharge of liquid waste at a disposal site in contravention of the provision of these by-laws or of any condition imposed and the amount of any legal liability or costs incurred by the Council in respect of any claim arising from any such nuisance shall be borne by and be recoverable from the owner of such waste.

28. Dumping and littering

- (1) No person shall dump, deposit, discharge, spill or release waste or cause or permit such waste to be dumped, discharged, spilled or released, whether or not the waste is in container or receptacle, in or at any place, whether publicly or privately owned, including but not limited to vacant land, rivers, waterways, catchments, sewers and storm water drains, except in a container or at a place which has been specially indicated, provided or set apart for such purpose.
- (2) No person may:
 - (a) cause litter
 - (b) sweep any waste into a gutter, onto a road reserve or onto any other public place;\
 - (c) disturb anything in, or remove anything from any receptacle which has been placed for the purpose of collecting litter in such a manner to cause the contents of the receptacle to spill or fall onto the ground around it; and
 - (d) allow any person under his control to do any of the acts contemplated in paragraphs a,b,or c above.
- (3) The prohibition referred to in subsection (1) shall apply to any person who for whatever reason, opens a receptacle containing waste material and dumps, deposits, discharges spills or releases such waste onto a public street and who thereafter fails to return such waste material to the receptacle.
- (4) No person shall, while driving a vehicle, or while being conveyed in a vehicle, throw or deposit waste in or on any public place, public road or private premises within the Municipality and no driver of a vehicle shall allow or permit any passenger in such vehicle to throw or deposit such waste in a like manner.
- (5) (a) No person shall throw, discard or deposit any circular, pamphlet or other advertisement in or on any public road or private property or place within the

Municipality.

- (b) No person shall throw, discard or deposit any circular, pamphlet, or other advertisement in or on any private premises if requested by any person thereon not to do so, or if there is placed on the premises in a conspicuous position a sign indicating in any manner that the occupants of the said premises do not wish to have any such circular, pamphlet, or other advertisement left in or on such premises.
- (c) No person shall drive or move any vehicle in the Municipality unless such vehicle is constructed or loaded so as to prevent any load, contents or waste from being blown or deposited in or on any public road or on private property.

(6) If provisions of subsections above are contravened, the Waste Management Officer may direct, by way of written notice to person that:

- (a) they cease the contravention, in a specified time;
- (b) they prevent a further contravention or the continuation of the contravention;
- © take whatever measures the Waste Management Officer considers necessary to clean up or remove the waste, and to rehabilitate the affected facets of the environment, to ensure that the waste and any contaminated material which cannot be cleaned or rehabilitated is disposed of lawfully.

(7) The Waste Management Officer may in respect of the notice contemplated in subsection 6© state that the person must, within a maximum of 5 working days remove the waste or litter, provided the Waste management officer may grant a further 2 days, on request of the person, to remove the litter or waste.

(8) A person who owns land or premises, or who is in control of or has a right to use land or premises, may not use or permit the use of the land or premises for unlawful dumping of waste and must take reasonable steps to prevent the use of the land or premises for that purpose.

(9) If the municipality elects to remove the waste or litter the person concerned shall be liable for the cost of such removal operation;

(10) In the case of hazardous waste, the Municipality shall immediately remove same and thereafter

issue notices that the person concerned is liable for the cost of the removable and rehabilitation of the area.

29. Conduct at disposal site

(1) Every person who, for the purpose of disposing of waste enters a disposal facility controlled by the Council, shall -

- (a) enter the disposal facility only at an authorised access point indicated as such;
- (b) present the waste for weighing in the manner required by the Council's official having authority at such site; and its nature and content be inspected and may take samples and test the waste it determine its composition;
- (c) give to such official all the particulars required in regard to the composition of the waste;
- (d) follow all instructions given to him in regard to access to the actual disposal point, the place where and the manner in which the should be deposited; and
- (e) provide the said official with full information as to the person who is liable to pay the tariff charge for the waste deposited to enable an account to be rendered to him, provided that the provisions of paragraphs (b), (c) and (e) above shall not apply to a person who, in terms of section 9(3). has entered a disposal site for the purpose of disposing of garden waste.

(2) No person shall bring any intoxicating liquor onto a disposal site controlled by the Council.

(3) No person shall enter a disposal site controlled by the Council for any purpose other than the disposal of waste in terms of these by-laws and then only at such times and between such hours as the Council may from time to time determine.

(4) No person may light a fire in waste disposal facility without prior written consent of the responsible official of that facility.

(5) All refuse removed by the Municipality and all refuse in solid waste landfill sites and transfer stations be controlled by the Municipality shall be the property of the Municipality and no person who is not duly authorized by the Municipality to do so, shall remove or interfere

therewith.

30. Ownership of waste

- (1) All waste removed by the Council and all waste on disposal sites controlled by the Council shall be the property of the Council and no person who is not duly authorized by the Council to do so shall remove or interfere therewith.

Chapter 4: Waste Information

31. Waste Information System

- (1) In terms of the Waste Act the Municipality shall establish a waste information system in order to obtain accurate waste balance information and to enable adequate waste management planning and prioritization.
- (2) Where a waste generator generates more than 100kg of waste daily, he shall –
 - (a) register as such with the Municipality, and report at monthly intervals to the Municipality on the quantities of the different types of waste generated on his premises; and
 - (b) report on the waste management options that are being utilized to manage such waste.
- (3) All waste recyclers who conduct commercial services at any Municipal waste management facilities, undertaking waste separation, recovery, recycling, treatment, reuse and disposal services shall –
 - (a) Provide monthly reports on the quantities and types of waste received to the Municipality; and
 - (b) Report on the waste management options that are being utilized to manage the different waste streams.
 - (c) Provide information to the local authority on the licensee, be it storage, handling, transportation and disposal of waste.

32. Exemptions from submitting an integrated waste management plan

- (1) If one of the waste generators for the categories of waste referred above who wishes to exempt from submitting an integrated waste management plan, an application must be made in writing to the Waste Management Officer, stipulating reasons for the application.
- (2) The waste management officer may also declare:
 - (a) Certain types of waste and waste generators
 - (b) A particular mass or volume of waste; or
 - (c) Person who have submitted such a plan to the other spheres of government in terms of their applicable legislation; to be exempt from the submission of an integrated waste management plan of the municipality.

Chapter 5: Listed Waste Management Activities

33. Listed Waste Management Activities

Commencement, conducting or undertaking of listed waste management activities

- (1) Any person conducting a listed waste management activity listed in terms of section 19 of the National Environmental Management Waste Act, 2008 (Act No 59 of 2008); must upon request by an official of the Municipality, provide proof of compliance with the requirements of a license issued by the competent authority;
- (2) Any person conducting or intending to conduct any activity contemplated in subsection (1) must, at least sixty (60) days before commencement, conducting or undertaking such activity, inform the Municipal waste management officer in writing of the intention.

Chapter 6: Administrative Matters on Compliance and Enforcement

34. Liability to pay applicable tariffs

- (1) The owner or occupier of premises where the Municipality is rendering waste services contemplated in this By-law is liable for the payment of prescribed tariff for such services, and is not exempted from or reduction of such tariffs due to non-usage, partial or limited use of such services.
- (2) The municipality reserves the right to review such tariffs contemplated in subsection (1) on an annual basis;
- (3) The municipality may exempt any person or category of persons deemed to be failing in the indigent category from paying prescribed tariffs for waste management services as outlined in the Municipal Indigent Policy;
- (4) Tariff of charges prescribed shall become due to payable on the same date as the general assessment rate levied, provided that if such tariff charges are increased, any unpaid balances owing to the council on the total amended charges will be due and payable to the council on demand;
- (5) Any person who fails to pay the tariff of charge in respect of services rendered by the council in terms of the by-laws will be subject to the council's credit control and debt collection by-law and be guilty of an offence.

35. Administrative Matters Compliance and Enforcement

- (1) The Waste Management Officer may issue notices to any person contravening the provisions of this by-law:
 - (a) Setting out the provisions or conditions contravened;
 - (b) Directing such person the measures which must be taken to rectify the contravention, and the period in which he or she must do so.
- (2) If a person fails to comply with directions given in a notice issued by the Waste Management Officer, the Waste Management officer may:
 - (a) Take whatever steps it considers necessary to clean up or remove waste, to rehabilitate the premises, place or the effected environment at which the waste has been illegal dumped or stored and to ensure that the waste, an any contaminated material which cannot be removed, cleaned or rehabilitated, is disposed of lawfully;
 - (b) Recover the costs of cleaning, removing, rehabilitating or disposing waste, premises or environment, or contaminated material, respectively, from persons obliged to take such steps in terms of this By-law, who shall be jointly and severally liable therefore.

- (3) The Municipality may, in the case of hazardous or priority waste, require the persons generating such waste to close until such time as steps are taken to dispose of the waste in terms of subsection (2) if there is a real threat of damage or injury to any person or property. (4) The following persons may be served with such notice:
- (a) Any person who committed, or directly or indirectly permitted, the contravention;
 - (b) The generator of the waste;
 - (c) The owner of the land or premises where the contravention took place;
 - (d) The person in control of, or any person who has or had, at that stage of the contravention, a right to use the land or premises where the contravention took place.
- (5) The waste management officer may then direct the person who failed to comply with the bylaw to take the action recommended in such report, failing which the Municipality may do so, and the person who contravened the by-law shall be liable for the cost thereof.

36. Exemptions

- (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 bylaw. (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 be stipulated therein;
 - (b) Alter or cancel any exemption or condition in an exemption; or
 - (c) Refuse to grant an exemption
- (3) In order to consider an application in terms of subsection (1), the municipality may obtain the input 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 exemption lapses immediately.

37. Offences and penalties

- (1) Any person who -
- (a) Contravenes or fails to comply with any provision of these by-laws; or
 - (b) contravenes or fails to comply with any conditions imposed upon the granting of any

application, consent, approval, concession, relaxation, permit or authority in terms of these by-laws; or

(c) fails to comply with the terms of any notice served upon or given to him in terms of these by-laws,

(d) obstructs or hinders the Municipality in exercising the powers or performance of functions or duties as outlined in this By-law.

(e) fails to comply with the terms of a notice served upon him or her in terms of these by-laws;

shall be guilty of an offence and liable for a fine not exceeding R10 000 or imprisonment for a period not exceeding two years or for both such fine and imprisonment or in the event of a continued offence a further fine of R500 for every day during the continuance of such offence.

(2) Any waste generator who fails to submit or comply with an integrated waste management in terms of this by-law shall be guilty of an offence.

(3) The court may in addition to any penalty imposed in terms of subsection (1), orders a person to repair the damage make good the loss, rehabilitate the environment, remove waste, or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other cost or damage.

(4) The Court may, when considering any sentence for an offence in terms of this By-laws, take into account the following:

(a) that a person delayed in complying with or failed to comply with the terms of notice or directions given to that person under this By-Laws;

(b) that person obtained a financial advantage or was to obtain a financial advantage as a result of the commission of the offence;

© the severity of the offence in terms of its impact or potential impact on health, well-being, public safety and the environment.

38. Short title and commencement

(1) These by laws call the Waste Management By Laws of the Newcastle Local Municipality, and it takes effect on the date determined by the Municipality in the provincial gazette.

(2) Different dates may be so determined for different provisions of the by laws.

39. Repeal of By Laws

(1) Any by law relating to waste management or refuse removal or disposal within the Newcastle Local Municipality or any of its predecessors or areas formerly existing under separate municipalities or other organs of state is repealed from the date of promulgation of this By Laws.

The following maximum Fines are recommended

For the Illegal disposal of medical waste R 30 000 (not inclusive of household medical waste)

For the Illegal disposal of industrial waste R 30 000

For the Illegal disposal of business waste R 20 000

For the illegal disposal of building rubble R 10 000

For the illegal disposal of household waste R 1 000

For starting fires in waste containers R 1 000

For fires of bulk containers R30 000

For littering R 500

MUNICIPAL NOTICE 33 OF 2018**PUBLIC NOTICE CALLING FOR INSPECTION OF FOURTH
SUPPLEMENTARY VALUATION ROLL WITH REFERENCE TO THE
VALUATION ROLL 2015 - 2019 AND LODGING OF OBJECTIONS**

Notice is hereby given in terms of Section 49(1)(a)(i), read with Section 78(2), of the Local Government Municipal Property Rates Act, of 2004 (Act No. 6 of 2004), hereinafter referred to as the "Act", that the fourth supplementary valuation roll is open for public inspection at the office of the Chief Financial Officer, Cnr Mahatma Gandhi and Gizenga Streets, KwaDukuza, 4450 from 07h45 to 16h15 and at Website www.kwadukuza.gov.za

An invitation is hereby made in terms of Section 49(1)(a)(ii) 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 valuation roll by 31 May 2018.

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 valuation roll as such.

The form for the lodging of objection is obtainable at the following addresses:

Justice Mpanza Building, Cnr Mahatma Gandhi and Gizenga Streets, KwaDukuza, and
1 Basil Hulett Drive, Salt Rock from 07h45 to 16h15. The completed forms must be returned to the following address: Municipal Manager, KwaDukuza Municipality, P O Box 72, KwaDukuza, 4450

For enquiries please contact 032 4375500.

MUNICIPAL MANAGER

Date.....

