

IMPORTANT NOTICE

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IMPORTANT NOTICE

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

NEW PARTICULARS ARE AS FOLLOWS:

Physical address:

Government Printing Works
149 Bosman Street
Pretoria

Postal address:

Private Bag X85
Pretoria
0001

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

Fax number: (012) 323-8805

E-mail addresses: Louise.Fourie@gpw.gov.za
Hester.Wolmarans@gpw.gov.za

Contact persons for subscribers:

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

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

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

Payment:

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

Advertising Manager

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

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

1/4 page R 229.40

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

**TAKE NOTE OF
THE NEW TARIFFS
WHICH ARE
APPLICABLE
FROM THE 1ST OF
JUNE 2011**

1/2 page R 458.75

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

3/4 page R 688.15

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

Full page R 917.55

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt



REPUBLIC
OF
SOUTH AFRICA

LIST OF FIXED TARIFF RATES AND CONDITIONS

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

COMMENCEMENT: 1 JUNE 2011

CONDITIONS FOR PUBLICATION OF NOTICES

CLOSING TIMES FOR THE ACCEPTANCE OF NOTICES

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

APPROVAL OF NOTICES (This only applies to Private Companies)

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

THE GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

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

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

LIABILITY OF ADVERTISER

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

COPY

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

Where applicable

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

PAYMENT OF COST (This only applies to Private Companies)

9. With effect from 26 April 2007 no notice will be accepted for publication unless the cost of the insertion(s) is prepaid in CASH or by CHEQUE or POSTAL ORDERS. It can be arranged that money can be paid into the banking account of the Government Printer, in which case the deposit slip accompanies the advertisement before publication thereof.
10. (1) The cost of a notice must be calculated by the advertiser in accordance with the word count table.
- (2) Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the **Advertising Section, Government Printing Works, Private Bag X85, Pretoria, 0001 [Fax: (012) 323-8805], before publication.**
11. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and the notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or by cheque or postal orders, or into the banking account.

12. *In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the Government Printing Works.*
13. The Government Printer reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the Word Count Table, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

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

GOVERNMENT PRINTERS BANK ACCOUNT PARTICULARS

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

Enquiries:

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

PROVINCIAL NOTICES—PROVINSIALE KENNISGEWINGS—IZAZISO ZESIFUNDAZWE

The following notices are published for general information.

Onderstaande kennisgewings word vir algemene inligting gepubliseer.

300 Langalibalele Street
Pietermaritzburg
8 September 2011

MR N.V.E. NGIDI
Director-General

Langalibalelestraat 300
Pietermaritzburg
8 September 2011

MNR. N.V.E. NGIDI
Direkteur-generaal

Izaziso ezilandelayo zikhishelwe ulwazi lukawonkewonke.

300 Langalibalele Street
Pietermaritzburg
8 kuMandulo 2011

MNU. N.V.E. NGIDI
Umqondisi-Jikelele

No. 95

8 September 2011



**Ministry of Economic
Development and Tourism**
Ihhovisi Lkangqongqoshe Wezokuthuthukiswa
Komnotho Nezokuvakasha

KWAZULU-NATAL PROVINCIAL GOVERNMENT

KWAZULU-NATAL DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM

**NOTICE IN TERMS OF THE KWAZULU-NATAL TOURISM ACT, 1996 (ACT NO. 11 OF 1996): NOTICE OF ELEVEN (11) VACANCIES ON THE BOARD OF DIRECTORS OF THE KWAZULU-NATAL TOURISM AUTHORITY BOARD
A NOTICE INVITING NOMINATIONS TO THE BOARD**

By virtue of the powers vested in me in terms of section 5(2) and (3) of the KwaZulu-Natal Tourism Act, 1996 (Act No. 11 of 1996), I declare that there are eleven (11) vacancies on the Board of Directors of the KwaZulu-Natal Tourism Authority Board and hereby invite any interested parties within the Province to nominate candidates for appointment to the Board.

To qualify for nomination, persons must be fit and proper and have –

- (a) appropriate knowledge, experience and skills in the Tourism Industry; and
- (b) the following skills and expertise:
 - (i) legal skills, experience and/or qualifications;
 - (ii) financial skills, experience and/or qualifications;
 - (iii) tourism marketing experience and/or qualifications;
 - (iv) labour market experience and/or qualifications;
 - (v) human resource experience and/or qualifications;
 - (vi) community developmental skills and/or experience;
 - (vii) planning or developmental skills and experience; and
 - (viii) corporate governance experience and/or qualifications.

Nominees should meet the requirements for independence contemplated in the King III Report on Corporate Governance.

The nominator is requested to submit a brief CV of the nominated candidate as well as the nominator's motivation together with an acceptance letter signed by the nominated candidate.

The closing date for the nominations is 30 September 2011. All nominations should be addressed to the Office of the Head of Department, 2nd Floor, 270 Jabu Ndlovu Street, Pietermaritzburg, 3201 or sent to Private Bag X9152, Pietermaritzburg, 3200.

Given under my hand at Durban on this 29 of August, Two Thousand and Eleven.

MR M MABUYAKHULU, MPP
Member of Executive Council of the Province of KwaZulu-Natal
responsible for economic development and tourism

BUILDING AN ECONOMY THAT CREATES OPPORTUNITIES FOR ALL AND MAKING TOURISM TO WORK FOR US ALL

9th Floor The Marine Building, 22 Gardiner Street, Durban 4001,
Tel: +27 31 310 5300, Fax: +27 31 310 5416, E-mail: meepta@kznded.gov.za, www.kznded.gov.za



**Ministry of Economic
Development and Tourism**
Ihlovisi Likangqongqoshe Wezokuthuthukiswa
Komnoitho Nezokuvakasha

KWAZULU-NATAL PROVINCIAL GOVERNMENT

KWAZULU-NATAL DEPARTEMENT VAN EKONOMIESE ONTWIKKELING EN TOERISME

**KENNISGEWING INGEVOLGE DIE KWAZULU-NATALE WET OP TOERISME, 1996 (WET NO. 11 VAN 1996);
KENNISGEWING VAN ELF (11) VAKATURES OP DIE RAAD VAN DIREKTEURE VAN DIE RAAD VAN KWAZULU-
NATALE TOERISME OWERHEID**

'N KENNISGEWING VIR NOMINASIES TOT DIE RAAD

Kragtens die magte in my gesetel ingevolge artikel 5(2) en (3) van die KwaZulu-Natale Wet op Toerisme, 1996 (Wet No. 11 van 1996), verklaar ek dat daar elf (11) vakatures bestaan op die Raad van Direkteure van die Raad van die KwaZulu-Natale Toerisme-owerheid en nooi hiermee enige belanghebbendes binne die provinsie uit om kandidate te benoem vir aanstelling op die Raad.

Om te kwalifiseer, moet die persone geskik en gepas wees en beskik oor –

- (a) die toepaslike kennis, ondervinding en vaardighede in die toerisme industrie; en
(b) die volgende vaardighede en kundighede:

- (i) regsvaardighede, ondervinding en/of kwalifikasies;
- (ii) finansiële vaardighede, ondervinding en/of kwalifikasies;
- (iii) toerisme-bemarkingsondervinding en/of kwalifikasies;
- (iv) arbeidsmark ondervinding en/of kwalifikasies;
- (v) menslike hulpbronervaring en/of kwalifikasies;
- (vi) gemeenskapontwikkeling vaardighede en/of ondervinding;
- (vii) beplanning of ontwikkelingsvaardighede en ondervinding; en
- (viii) koöperatiewe regeringsondervinding en/of kwalifikasies.

Benoemdes moet aan die voorskrifte vir onafhanklikheid voldoen soos bedoel in die King III Verslag oor Koöperatiewe Regering.

Die benoemer word versoek om 'n verkorte CV van die benoemde kandidaat sowel as die benoemer se motivering tesame met 'n aanvaardingsbrief onderteken deur die benoemde kandidaat in te dien.

Die sluitingsdatum vir die nominasies is 30 September 2011. Alle nominasies moet geadresseer word aan die Kantoor van die Departementshoof, 2de Vloer, Jabu Ndlovustraat, Pietermaritzburg, 3201 of gepos word aan Privaatsak X9152, Pietermaritzburg, 3200.

Gegee onder my hand te Durban op hierdie 29 van Augustus, Tweeduisend-en-elf.

MNR M MABUYAKHULU, LPW

Lid van die Uitvoerende Raad van die KwaZulu-Natal provinsie
verantwoordelik vir ekonomiese ontwikkeling en toerisme

BUILDING AN ECONOMY THAT CREATES OPPORTUNITIES FOR ALL AND MAKING TOURISM TO WORK FOR US ALL

9th Floor The Marine Building, 22 Gardiner Street, Durban 4001,

Tel: +27 31 310 5300, Fax: +27 31 310 5416, E-mail: mecca@kznded.gov.za, www.kznded.gov.za

No. 95

8 kuMandulo 2011



**Ministry of Economic
Development and Tourism**
Ibhovisi Likangqongqoshe Wezokuthuthukiswa
Komnotho Nezokuvakasha
KWAZULU-NATAL PROVINCIAL GOVERNMENT

UMNYANGO WEZOKUTHUTHUKISWA KOMNOTHO NEZOKUVAKASHA WAKWAZULU-NATALI

ISAZISO NGOKOMTHETHO WEZOKUVAKASHA WAKWAZULU-NATALI, 1996 (UMTHETHO NO. 11 KA 1996): ISAZISO SEZIKHALA ZOMSEBENZI EZIYISHUMI NANYE (11) EZIVELILE KWIBHODI YABAQONDISI BEBHODI KAMAZIPHATHE WEZOKUVAKASHA WAKWAZULU-NATALI

ISAZISO ESIMEMA UKUBA KUPHAKANYISWE ABAZOQOKELWA KWIBHODI

Ngamandla engiwanikwe isigaba 5(2) no (3) soMthetho wezokuVakasha waKwaZulu-Natali, 1996 (uMthetho No. 11 ka 1996), ngimemezela ukuthi kunezikhala zomsebenzi eziyisumi nanye (11) ezivelile kwibhodi yabaQondisi bebhodi kaMaziphathe wezokuVakasha waKwaZulu-Natali futhi ngalokhu ngimema bonke abanentshisekelo esiFundazweni ukuba baphakamise abantu abazoqokelwa kwibhodi.

Ukuze bafaneleke, abantu abaphakanyiswayo kumele babe ngabantu abakufanele nabakulungele ukuqokelwa kwibhodi futhi

(a) babe nolwazi, nesipiliyoni namakhono afanele emkhakheni wezokuVakasha; kanye

(b) nala makhono nobungoti okufandelayo:

- (i) amakhono, isipiliyoni kanye/noma neziqo kwezomthetho;
- (ii) amakhono, isipiliyoni kanye/noma neziqo kwezezimali;
- (iii) isipiliyoni kanye/noma neziqo kwezokukhangisa ezokuvakasha;
- (iv) isipiliyoni kanye/noma neziqo kwezabasebenzi;
- (v) isipiliyoni kanye/noma neziqo ekuphalhweni kwezindaba zabasebenzi;
- (vi) amakhono kanye/noma nesipiliyoni ekuthuthukisweni komphakathi;
- (vii) amakhono nesipiliyoni kwezokuhlela noma kwezentulhuko; kanye
- (viii) nesipiliyoni kanye/noma iziqu kwezokuLawulwa kweziNkampani ezinkulu.

Abaphakanyisiwe kumele bahlangabezane nezidingo ezimayelana nokuzimela eziqukethwe uMbiko we-King III kwezokuLawulwa kweziNkampani ezinkulu.

Ophakamisayo uyacelwa ukuba athumele i-CV yalowo muntu amphakamisayo kanjalo nencwadi yezincomo ebhawe ophakamisayo kuhambisane nencwadi esayinwe ophakanyiswayo lapho amuketa ukuphakanyiswa kwakhe.

Usuku lokuvafwa kweziphakamiso umhla zingama-30 kuMandulo 2011. Zonke iziphakamiso kumele zibhekiswe eHhovisi leNhlolo yoMnyango, 2nd Floor, 270 Jabu Ndlovu Street, Pietermaritzburg, 3201 noma zithunyelwe ku-Private Bag X9152, Pietermaritzburg, 3200.

Sikhishwe ngaphansi kwesandla sami eThekwini ngalolu suku lomhla ziyi 29 ku August, oNyakeni weziNkulungwane eziMbili neShumi naNye.

MNU. M. MABUYAKHULU

iLungu loMkhandtu oPhethe esiFundazweni saKwaZulu-Natali
elibhekele ezokuthuthukiswa komnotho nezokuvakasha

BUILDING AN ECONOMY THAT CREATES OPPORTUNITIES FOR ALL AND MAKING TOURISM TO WORK FOR US ALL



**Ministry of Economic
Development and Tourism**
Ihhovisi Likangqongqoshe Wezokuthukiswa
Komnotho Nezokuvakasha

KWAZULU-NATAL PROVINCIAL GOVERNMENT

KWAZULU-NATAL DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM

NOTICE IN TERMS OF THE KWAZULU-NATAL SHARKS BOARD ACT, 2008 (ACT NO. 5 OF 2008): NOTICE OF SEVEN (7) VACANCIES ON THE BOARD OF DIRECTORS OF THE KWAZULU-NATAL SHARKS BOARD

A NOTICE INVITING NOMINATIONS TO THE BOARD

By virtue of the powers vested in me in terms of section 7(7) of the KwaZulu-Natal Sharks Board Act, 2008 (Act No. 5 of 2008), I declare that there are seven (7) vacancies on the Board of Directors of the KwaZulu-Natal Sharks Board and hereby invite any interested parties within the Province to nominate candidates for appointment to the Board.

To qualify for nomination, persons must be fit and proper and have –

- (a) appropriate knowledge, experience and skills in the marine and tourism industry; and
- (b) the following skills and expertise:
 - (i) legal skills, experience and/or qualifications;
 - (ii) financial skills, experience and/or qualifications;
 - (iii) extensive knowledge of and experience in business management including human resources management and labour relations;
 - (iv) extensive knowledge of and experience in marine conservation;
 - (v) extensive knowledge of and experience in tourism sector; and
 - (vi) strategic planning and Corporate Governance experience.

Nominees should meet the requirements for independence contemplated in the King III Report on Corporate Governance.

The nominator is requested to submit a brief CV of the nominated candidate as well as the nominator's motivation together with an acceptance letter signed by the nominated candidate.

The closing date for the nominations is 30 September 2011. All nominations should be addressed to the Office of the Head of Department, 2nd Floor, 270 Jabu Ndlovu Street, Pietermaritzburg, 3201 or sent to Private Bag X9152, Pietermaritzburg, 3200.

Given under my hand at Durban on this 29 day of August, Two Thousand and Eleven.

MR M MABUYAKHULU, MPP

Member of Executive Council of the Province of KwaZulu-Natal
responsible for economic development and tourism

No. 96

8 September 2011



**Ministry of Economic
Development and Tourism**
Ihhovisi Likangqongqoshe Wezokuthuthukiswa
Komnotho Nezokuvakasha
KWAZULU-NATAL PROVINCIAL GOVERNMENT

KWAZULU NATAL DEPARTEMENT VAN EKONOMIESE ONTWIKKELING EN TOERISME

**KENNISGEWING INGEVOLGE DIE KWAZULU-NATALE HAAIRAADWET, 2008 (WET NO. 5 VAN 2008);
KENNISGEWING VAN SEWE(7) VAKATURES OP DIE RAAD VAN DIREKTEURE VAN DIE KWAZULU-NATALE
HAAIRAAD 'N KENNISGEWING VIR NOMINASIES TOT DIE RAAD**

Kragtens die magte in my gesetel ingevolge artikel 7(7) van die KwaZulu-Natale Haalraadwet, 2008 (Wet No. 5 van 2008) verklaar ek dat daar sewe (7) vakatures bestaan op die Raad van Direkteure van die KwaZulu-Natale Haalraad en nooi hiermee enige belanghebbendes binne die provinsie uit om kandidate te benoem vir aanstelling op die Raad.

Om te kwalifiseer, moet die persone geskik en gepas wees en beskik oor –

- (a) die toepaslike kennis, ondervinding en vaardighede in die marine en toerisme industrie; en
- (b) die volgende vaardighede en kundighede –
 - (i) regsvaardighede, ondervinding en/of kwalifikasies;
 - (ii) finansiële vaardighede, ondervinding en/of kwalifikasies;
 - (iii) uitgebreide kennis van en ondervinding in bedryfsbestuur insluitende menslike hulpbronbestuur en arbeidsverhoudings;
 - (iv) uitgebreide kennis van en ondervinding in marine bewaring;
 - (v) uitgebreide kennis en ondervinding in die toerisme sektor; en
 - (vi) ondervinding in strategiese beplanning en koöperatiewe regering.

Benoemdes moet aan die voorskrifte vir onafhanklikheid voldoen soos bedoel in die King III Verslag oor Koöperatiewe Regering.

Die benoemer word versoek om 'n verkorte CV van die benoemde kandidaat sowel as die benoemer se motivering tesame met 'n aanvaardingsbrief onderteken deur die benoemde kandidaat in te dien.

Die sluitingsdatum vir die nominasies is 30 September 2011. Alle nominasies moet geadresseer word aan die Kantoor van die Departementshoof, 2de Vloer, Jabu Ndlovustraat, Pietermaritzburg, 3201 of gepos word aan Privaatssak X9152, Pietermaritzburg, 3200.

Gegee onder my hand te Durban op hierdie 29 van Augustus, Tweeduisend-en-elf.

MNR M MABUYAKHULU

Lid van die Uitvoerende Raad van die KwaZulu-Natal provinsie
Verantwoordelik vir Ekonomiese Ontwikkeling en Toerisme



**Ministry of Economic
Development and Tourism**
Ihhovisi Likangqongqoshe Wezokuthuthukiswa
Komnotho Nezokuvakasha

KWAZULU-NATAL PROVINCIAL GOVERNMENT

UMNYANGO WEZOKUTHUTHUKISWA KOMNOTHO NEZOKUVAKASHA WAKWAZULU-NATALI

ISAZISO NGOKWE-KWAZULU-NATAL SHARKS BOARD ACT, 2008 (UMTHETHO NO. 5 KA 2008): ISAZISO SEZIKHALA ZOMSEBENZI EZIYISIKHOMBISA (7) EZIVELILE KWIBHODI YABAQONDISI BE-KWAZULU-NATAL SHARKS BOARD

ISAZISO ESIMEMA UKUBA KUPHAKANYISWE ABAZOQOKELWA KWIBHODI

Ngamandla engiwanikwe isigaba 7(7) se-KwaZulu-Natal Sharks Board, 2008 (uMthetho No. 5 ka 2008), ngimemezela ukuthi kunezikhala zomsebenzi eziyisikhombisa (7) ezivelile kwiBhodi yabaQondisi be-KwaZulu-Natal Sharks Board futhi ngalokhu ngimema bonke abanentshisokelo esiFundazweni ukuba baphakamise abantu abazoqokelwa kwiBhodi.

Ukuze bafaneleke, abantu abaphakanyiswayo kumele babe ngabantu abakulungele nabakufanele ukuqokelwa kwiBhodi futhi-

(a) babe nolwazi, nesipiliyoni namakhono afanele emkhakheni wezaschwandle nezokuvakasha; kanye

(b) nala makhono nobungoti okulandelayo:

- (i) amakhono, isipiliyoni kanye/noma neziq kwezomthetho;
- (ii) amakhono, isipiliyoni kanye/noma neziq kwezezimali;
- (iii) ulwazi olunzulu nesipiliyoni kwezokuphathwa kwamabhezini kubandakanya ezokuphathwa kwabasebenzi nezindaba ezithinta abasebenzi;
- (iv) ulwazi olunzulu nesipiliyoni kwezokongiswa kwemvelo yasofwandle;
- (v) ulwazi olunzulu nesipiliyoni emkhakheni wezokuvakasha; kanye
- (vi) nesipiliyoni kwezokuhlela nokuLawulwa kweziNkampani ezinkulu.

Abaphakanyisiwe kumele bahlangabezane nezidingo ezimayelana nokuzimela eziqokethwe uMbiko we-King III kwezokuLawulwa kweziNkampani ezinkulu.

Ophakamisayo uyacelwa ukuba athumele I-CV yalowo muntu ophakamisayo kanjalo nencwadi yezincwadi ebhalwe ophakamisayo kuhambisane nencwadi esayinwe ophakanyiswayo lapho amukela ukuphakanyiswa kwakhe.

Usuku lokuvalwa kweziphakamiso umhla zingama-30 kuMandulo 2011. Zonke iziphakamiso kumele zibhekiswe eHhovisi leNhioko yoMnyango, 2nd Floor, 270 Jabu Ndlovu Street, Pietermaritzburg, 3201 noma zithunyelwe ku-Private Bag X9152, Pietermaritzburg, 3200.

Sikhishwe ngaphansi kwesandla sami eThekwini ngalolu suku lomhla ziyi 29 ku August 2011, onyakeni weziNkulungwane ezimbili neShumi naNye.

MNU. M. MABUYAKHULU

I-Lungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali
eliBhekele ezokuthuthukiswa komnotho nezokuvakasha

No. 97

8 September 2011

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

LESS FORMAL TOWNSHIP ESTABLISHMENT ACT, 1991: ERVEN 41 – 599 CORNUBIA (SITUATED ON PORTION 1 OF ERF 4 CORNUBIA), CORNUBIA PHASE 1A (PILOT PHASE), ETHEKWINI MUNICIPALITY

In terms of section 3(1)(b), (2)(a), 4(1) and (6)(a) of the Less Formal Township Establishment Act, 1991 (Act No. 113 of 1991) I designate the Erven 41 – 599 Cornubia (situated on Portion 1 of Erf 4 Cornubia, eThekweni Municipality), as a less formal settlement subject to the following conditions of establishment relating to land use management, the application of laws and the suspension of conditions of title —

- (a) the less formal settlement must be laid out and developed in accordance with plan 5467T/LFTEA/E, dated 12/07/2010;
- (b) the conditions contemplated in Schedule 1 shall apply to the land development area until a scheme is adopted for the less formal settlement in accordance with any law;
- (c) the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008), is applicable to the less formal settlement, except for the provisions of sections 23(1), 40(1), 75(1)(b) and (c) of the Act which shall not apply to the establishment of the less formal settlement in accordance with the conditions of approval of application 2010/409; and
- (d) the conditions listed in the Schedule 2 are suspended.

ML POVALL, Manager: Development Administration

Date: 25 August 2011

File reference: 2010/409

SCHEDULE 1

GENERAL DEFINITIONS

1. In this Schedule –

"building" means a structure with a roof that is permanently fixed to the land and includes a part of a building;

"coverage" means the area of a property covered by buildings measured over the external walls as seen vertically from above and expressed as a percentage of the area of the property;

"frontage" means the length of the boundary of an erf which is coincident with the boundary of an existing or proposed street;

"gross floor area" means the area contained within the external walls of a building measured at each storey between the centre line of party walls and outside of external walls, including the area of balconies which shall be calculated from the overall dimensions of the balcony, but excluding the following –

- (a) covered open-sided pedestrian walkways located outside a building;

- (b) parking lots;
- (c) loading areas;
- (d) areas used for refuse storage;
- (e) basement diaphragm walls;
- (f) curtain wall or cladding systems;
- (g) ledges for air-conditioning units;
- (h) areas designed purely for the maintenance of equipment; and
- (i) voids;

"**property**" means any place of land registered in the deeds registry, including an erf, a sectional title unit, a lot, a plot, a stand, a farm and a portion of piece of land registered in the deeds registry;

"**rear space**" means a line parallel to a boundary of an erf which does not meet a street boundary;

"**side space**" means a line parallel to a boundary of an erf that meets a street boundary;

"**storey**" means –

- (a) a room or rooms at ground level;
- (b) a room or rooms above another room or rooms;
- (c) a habitable room or rooms in a basement; and
- (d) every 3 metres of space between the finished floor and the ceiling of a room;

"**street front space**" means a line parallel to any boundary of an erf which is contiguous with a street, public right of way or road reservation.

LAND USE DEFINITIONS

1. In this Schedule –

"**attached housing**" means residences –

- (a) occupied by multiple households;
- (b) that share at least one common wall, which is not fenced with another residence; and
- (c) that have direct access from outside the building;

"**conservation**" means land set aside to protect areas of high biodiversity, cultural or archaeological significance;

"**crèche**" means a building used for the care of seven or more infants and young children during the daytime in the absence of their parents or guardians;

"**crop production**" means the use of land for the planting and harvesting of grain, vegetables, fruit, cotton and flowers;

"institution" means a building used as a hospital, clinic, nursing home, sanatorium or home for the medical care of sick or injured persons or the care and accommodation of aged, mentally handicapped or physically handicapped persons, or children in the care of a charitable institution;

"dwelling house" means a free standing building that is used by a single household as a residence;

"educational building" means a building used as a school, college, university, technical institute, academy, research laboratory, lecture hall, convent, monastery, gymnasium, public library, art gallery, or a museum;

"home activity" means —

- (a) the practicing of an occupational activity in conjunction with a residence; or
- (b) running a shop that is less than 30m² in conjunction with a residence;

"lane" means land used by the public for the passage of pedestrians;

"office" means a building used for business, clerical, professional and government administration services;

"place of public assembly" means a building or land used for social meetings, gatherings, religious purposes or indoor recreation;

"place of public worship" means a building or land used as a church, chapel, oratory, synagogue, mosque, temple or other place of public devotion;

"private recreation area" means a sports ground, playing field or other open space that is owned by a private person or an institution;

"public recreation area" means a sports ground, playing field or other open space that is owned by an organ of state;

"public water abstraction, treatment, storage and distribution infrastructure" means —

- (a) a dam, weir, river, spring, well, or borehole used for abstraction of water;
- (b) a dam, reservoir or tank used for storage of water;
- (c) a water treatment plant used for the treatment of water; and
- (d) a reservoir, tank, aqueduct, pipeline, tunnel, valve chamber, meter chamber and other pipeline auxiliary equipment used for the distribution of water;

for public consumption;

"recreational building" means a building used in conjunction with a sport, including a clubhouse, gymnasium, squash court, and a pavilion;

"restaurant" means a building which is used for the preparation of food and liquid refreshments for consumption on the property;

"road" means land used by the public for the passage of vehicles and pedestrians;

"shop" means a building or land used for the sale of goods and provision of retail services like a hairdresser, internet café, laundrette, ticket agency, video-hire and workshop for the repair of household appliances, computers, cell phones and shoes.

LAND USE

2. The following land uses are permitted in each land use zone –

USE ZONE	PERMITTED USES
Mixed Use	Crèche Educational building Institution Office Place of public assembly Place of public worship Private recreational area Recreational building Restaurant Shop
Lane	Lane
Open Space	Conservation Crop production Recreation
Public Place	Recreation
Public water abstraction, treatment, storage and distribution infrastructure	Public water abstraction, treatment, storage and distribution infrastructure
Road	Road
Residential	Crèche Dwelling house Home activity

SPACES AROUND BUILDINGS

3.(1) Land in the Mixed Use and Residential land use zones are subject to a street front space of 2 metres, a side space of 0 metres and a rear space of 2 metres.

(2) A building may not be erected within a street front space, side space or rear space.

(3) The eThekweni Municipality or any other organ of state may construct services within a street front, side or rear space.

COVERAGE

4. A maximum permitted coverage of 80% applies to all land within the Mixed Use and Residential land use zones.

BUILDING HEIGHT RESTRICTIONS

5.(1) A building in the Mixed Use land use zone may not exceed 4 storeys.

(2) A building in the Residential land use zone may not exceed 2 storeys.

MINIMUM ERF SIZE

6. A property may not be less than 50m² in extent.

PARKING

7.(1) Two parking bays must be provided per 100m² of gross floor area in the Mixed Use zone for all land uses, except for a place of public assembly, place of public worship or restaurant.

(2) One parking bay must be provided for each 4 seats for a place of public assembly, place of public worship or a restaurant.

(3) A parking bay shall be a level area of 2,5m x 5m.

HOME ACTIVITY

8.(1) A home activity may not –

- (a) involve the parking of any vehicle with a tar mass exceeding 2 ton on the property or in the street;
- (b) exceed a floor area of 50m²;
- (c) produce a noise level exceeding 7 decibels above the ambient noise level, measured at any point on the property boundary; or
- (d) involve the sale of liquor or any alcoholic beverages.

(2) In the case of a motor vehicle repair shop, the maximum number of motor vehicles that are repaired at the same time may not exceed two motor vehicles.

(3) In the case of a playschool, the home activity is limited to the accommodation and care of not more than twelve children, other than the children of the home owner.

SCHEDULE 2

- (1) = Street address, property description
- (2) = Deed, condition
- (3) = Scope of suspension

1. NA, Remainder of Portion 1 of the Farm Lot 20 No. 1557

2. T 58842/2008, H

3. Suspension of a condition of title that creates power transmission line servitude

1. NA, Remainder of Portion 1 of the Farm Lot 20 No. 1557

2. T 58842/2008, J

3. Suspension of a condition of title that creates power transmission line servitude

1. NA, Remainder of Portion 1 of the Farm Lot 20 No. 1557

2. T 58842/2008, F

3. Suspension of a condition of title that creates a pipeline servitude

1. NA, Remainder of Portion 1 of the Farm Lot 20 No. 1557

2. T 58842/ 2008, 2.B

3. Suspension of a condition of title that the property restricts the use of the property to agriculture and industrial purposes

1. NA, Remainder of Portion 1 of the Farm Lot 20 No. 1557

2. T 58842/2008, 1.1

3. Suspension of condition that empowers the Administrator to impose restrictive conditions should the land be transferred to a private person

1. NA, Remainder of Portion 1 of the Farm Lot 20 No. 1557

2. T 58842/2008, 1.2

3. Suspension of a condition of title that restricts the property to a sewage treatment works

No. 97

8 September 2011

DEPARTEMENT VAN KOÖPERATIEWE REGERING EN TRADISIONELE SAKE

WET OP MINDER FORMELE DORPSTIGTING , 1991: ERWE 41 – 599 CORNUBIA (GELEË OP GEDEELTE 1 VAN ERF 4 CORNUBIA), CORNUBIA FASE 1 A (VOORLOPERFASE), ETHEKWINI MUNISIPALITEIT

Ingevolge artikel 3(1)(b), 2(a), 4(1) en 6(a) van die Wet op Minder Formele Dorpstigting, 1991 (Wet No. 113 van 1991), verklaar ek die Erwe 41 – 599 Cornubia (geleë op gedeelte 1 van Erf 4 Cornubia, eThekwiní munisipaliteit), as grond vir minder formele vestiging onderhewig aan die volgende stigtingsvoorwaardes wat verband hou met grondgebruiksbestuur, die toepassing van wette en die opheffing van titelvoorwaardes –

- (a) die minder formele vestiging moet uitgelê en ontwikkel word ooreenkomstig plan 5467T/LFTEA/E gedateer 12/07/2010;
- (b) die voorwaardes bedoel in Bylae 1 is van toepassing op die grondontwikkelingsgebied totdat 'n skema vir die minder formele vestiging aanvaar word ooreenkomstig enige wet;
- (c) die KwaZulu-Natal Wet op Bepanning en Ontwikkeling, 2008 (Wet No. 6 van 2008), is van toepassing op die minder formele vestiging, buiten vir die bepalinge van artikels 23(1), 40(1), 75(1)(b) en (c) van die Wet wat nie van toepassing is nie op die stigting van die minder formele vestiging ooreenkomstig die goedkeuringsvoorwaardes van aansoek 2010/409; en
- (d) die voorwaardes vermeld in bylae 2 word opgehef.

M L POVALL, Bestuurder: Ontwikkelingsadministrasie

Datum: 25 Augustus 2011

Lêerverwysing: 2010/409

BYLAE 1

ALGEMENE OMSKRYWINGS

1. In hierdie bylae beteken –

“**agterspasie**” ’n lyn parallel met die grens van die erf wat nie ’n straatgrens raak nie;

“**algehele vloeroppervlak**” die gebied wat binne die eksterne mure van ’n gebou geleë is, gemeet by elke verdieping tussen die middellyn van die skeidingsmure en die buitemure, insluitend die balkongebied wat van die algehele dimensie van die balkon bereken sal word, uitsluitende die volgende –

- (a) bedekte oopkant voetganger-wandelpad wat buite ’n gebou geleë is;
- (b) parkeerterreine;
- (c) laaisones;
- (d) gebiede gebruik vir die stoor van vullis;
- (e) diafragmaatiese kelderverdieping-mure;
- (f) skerm of bedekkingsstelsels;

- (g) lys vir lugverkoelereenhede;
- (h) gebiede spesifiek ontwerp vir die instandhouding van gereedskap; en oop ruimtes.

“dekking” die gebied van 'n eiendom gedek deur geboue gemeet oor die eksterne mure soos gesien vertikaal van bo af en uitgedruk as 'n persentasie van die gebied van die eiendom;

“eiendom” enige plek of grond wat in 'n aktekantoor geregistreer is, insluitende 'n erf, 'n deeltiteleenheid, 'n perseel, 'n stuk grond, 'n standplaas, 'n plaas en 'n gedeelte of stuk grond wat in 'n aktekantoor geregistreer is;

“gebou” enige struktuur van onbeweeglike aard met 'n dak, insluitend 'n gedeelte van die gebou;

“kantspasie” 'n lyn parallel met die grens van die erf wat die straatgrens raak;

“straat-voorspasie” 'n lyn parallel met enige grenslyn van 'n erf wat aangrensend met 'n straat, publieke reg van weg of pad-reservering is;

“verdieping” –

- (a) 'n kamer of kamers op grondvlak;
- (b) 'n kamer of kamers bo 'n ander kamer of ander kamers;
- (c) 'n leefbare kamer of kamers in die kelder; en
- (d) elke 3 meter van spasie tussen die voltooide vloer en die plafon van die kamer; en

“voorkant” die lengte van die grens van die erf ooreenstemmend met die grens van die bestaande of voorgestelde straat.

GRONDGEBRUIKSOMSKRWYINGS

2. In hierdie bylae beteken –

“aangehegte behuising” behuising –

- (a) bewoon deur meervoudige huishoudinge;
- (b) wat ten minste een gemeenskaplike muur deel, nie omhein tesame met 'n ander woning nie; en
- (c) met direkte toegang vanaf die buitekant van die gebou;

“bewaring” grond opsygesit om gebiede met hoë biodiversiteit, kulturele of argeologiese beduidenis te beskerm;

“instelling” 'n gebou gebruik as hospitaal, kliniek, verplegingskliniek, sanatorium of huis vir die mediese sorg van die siekes of beseerdes of die sorg en aftreesentrum, huis vir geestesongesteldhede of fisies gestremde persone, of kinders in die sorg van 'n liefdadigheidsorganisasie;

“kantoor” ’n gebou gebruik vir besigheid, klerklike, professionele en staatsadministratiewe dienste;

“kleuterskool” gebou aangewend vir die toesig van sewe of meer kleuters en jong kinders gedurende die dag in die afwesigheid van hulle ouers of voogde;

“laan” grond wat deur die publiek gebruik word as deurgang vir voetgangers;

“oesproduksie” die aanwending van die grond vir die plant en oes van graan, groente, vrugte, katoen en blomme;

“ontspanningsgebou” gebou aangewend in konjunksie met ’n sportsoort, insluitende ’n klubhuis, gimnasium, muurbalbaan, en ’n pawiljoen;

“openbare ontspanningsgebied” ’n sportgrond, speelveld of enige ander oop spasie van ’n staatsorganisasie;

“openbare waterabstraksie, versorgings-, stoor- en verspreidingsinfrastruktuur” –

(a) ’n dam, keerwal, rivier, fontein, waterput of boorgat gebruik vir die abstraksie van water;

(b) ’n dam, opgaardam of tenk gebruik vir die stoor van water;

(c) ’n water suiweringsaanleg gebruik vir die behandeling van water; en

(d) ’n opgaardam, tenk, waterleiding, pyplyn, tonnel, klepkamer, meterkamer en ander aanvullende pyplyn-toerusting gebruik vir die verspreiding van water,

vir publieke gebruik;

“opvoedkundige gebou” ’n gebou gebruik as ’n skool, kollege, universiteit, tegniese instituut, akademiese navorsingslaboratorium, lesingsaal, klooster, monnike klooster, gimnasium, publieke biblioteek, kunsgalery, of ’n museum;

“pad” grond deur die publiek gebruik vir die deurgang van voertuie en voetgangers;

“plek van openbare aanbidding” ’n gebou of grond gebruik as ’n kerk, kapel, gebedskamer, sinagoge, moskee, tempel of enige ander plek van openbare aanbidding;

“plek van openbare samekoms” ’n gebou of grond gebruik vir sosiale vergaderings, byeenkomste, godsdienstige doeleindes of binnenshuise ontspanning;

“privaatontspanningsgebied” ’n sportgrond, speelveld of enige ander oop spasie van ’n private persoon of ’n instelling;

“restaurant” – gebou gebruik vir die voorbereiding van kos en drinkgoed vir verbruik op die perseel;

“tuisaktiwiteit” verwys na –

(a) die beoefening van ’n werkpleksaktiwiteit in konjunksie met ’n woning; of

(b) die bedryf van 'n winkel van nie meer as 30 m² in konjunksie met 'n woning;

“winkel” gebou of grond gebruik vir die verkoop van goedere en voorsiening van kleinhandelaarsdienste soos 'n haarsalon, internetkafee, selfhelp-wassery, kaartjie-agentskap, videohuur en werkswinkel vir die herstel van huishoudelike apparaat, rekenaars, seifone en skoene; en

“woonhuis” 'n vrystaande gebou wat deur 'n enkel huishouding as woning gebruik word.

GRONDGEBRUIK

3. Die doel waarvoor enige grond of gebou gebruik mag word in elk van die gebruiksones word as volg aangedui –

GEBRUIK SONE	TOEGELATE GEBRUIKE
Veelvoudige gebruik	Kleuterskool Opvoedkundige gebou Instelling Kantoor Plek van openbare samekoms Plek van openbare aanbidding Privaat ontspanningsgebied Ontspanningsgebou Restourant Winkel
Laan	Laan
Oop spasie	Bewaring Oesproduksie Ontspanning
Publieke plek	Ontspanning
Publieke water abstraksie, versorging, stoor en verspreidingsinfrastruktuur	Publieke water abstraksie, versorging, stoor en verspreidingsinfrastruktuur
Pad	Pad
Woning	Kleuterskool Woonhuis Tuisaktiwiteit

SPASIES RONDOM GEBOUE

4. (1) Grond vir Veeldoelige Gebruik en Residensiële grondgebruiksones onderhewig aan 'n straat voorspasie van 2 meter, 'n sypasie van 0 meter en 'n agterspasie van 2 meter.

(2) 'n Gebou mag nie opgerig word binne die straat voorspasie, sypasie of agterspasie nie.

(3) Die eThekweni munisipaliteit of enige orgaan van die staat mag dienste oprig binne die straat voorspasie, sy- of agterspasie.

DEKKING

4. 'n Maksimum toegelate dekking van 80% binne die veeldoelige gebruik en residensiële grondgebruiksone is van toepassing.

HOOGTEBEPERKINGS VAN GEBOUE

5. (1) 'n Gebou bedoel vir veelvoudige grondgebruiksone moet nie 4 verdiepings oorskry nie;

(2) 'n Gebou vir residensiële grondgebruik moet nie twee verdiepings oorskry nie.

MINIMUM ERF GROOTTE

6. 'n Perseel mag nie minder as 50 m² in omvang wees nie.

PARKERING

7. (1) Twee parkeerterreine moet voorsien word per 100 m² van die totale vloerspasie in die veeldoelige gebruiksones vir alle grondgebruik anders as 'n plek van openbare samekoms, 'n openbare plek van aanbidding of restaurant;

(2) Een parkeerarea moet voorsien word vir elke vier plekke van openbare samekoms, plek van openbare aanbidding of 'n restaurant;

(3) 'n Parkeerarea moet 'n gelyke oppervlak van 2,5 m x 2,5 m wees.

TUISAKTIWITEIT

8. (1) 'n Tuisaktiwiteit mag nie –

(a) die parkering van enige voertuig met 'n tarragewig wat 2000 kg oorskry op die eiendom of in die straat behels nie;

(b) 'n vloeroppervlak van 50 m² oorskry nie;

(c) 'n geraasvlak produseer wat 7 desibel bo die omringende geraasvlak oorskry nie, gemeet by enige punt op die eiendomsgrens; of

(d) die verkoop van alkohol of alkoholiese drankie behels nie.

(2) In die geval van 'n motorvoertuig-herstelwinkel mag die maksimum aantal voertuie wat op dieselfde tyd herstel word nie twee oorskry nie.

(3) In die geval van 'n speelskool moet die tuisaktiwiteit beperk word tot die akkommodasie en versorging van nie meer nie as twaalf kinders, buiten dié van die huiseienaar.

BYLAE 2

(1) = Straatadres, eiendomsbeskrywing

(2) = Akte, voorwaarde

(3) = Omvang van opheffing

1. NA, Restant van Gedeelte 1 van die Plaas Perseel 20 No. 1557
2. T 58842/2008, H
3. Opheffing van titelvoorwaarde wat 'n krag transmissielyn serwituut vorm.

1. NA, Restant van Gedeelte 1 van die Plaas Perseel 20 No. 1557
2. T 58842/2008, J
3. Opheffing van titelvoorwaarde wat 'n kragtransmissielyn-serwituut vorm.

1. NA, Restant van Gedeelte 1 van die Plaas Perseel 20 No. 1557
2. T58842/2008, F
3. Opheffing van titelvoorwaarde wat 'n pyplynserwituut vorm.

1. NA, Restant van Gedeelte van die Plaas Perseel 20 No. 1557
2. T58842/2008, 2.B
3. Opheffing van titelvoorwaarde wat die gebruik van perseel vir landbou- en industriële doeleindes verbied.

1. NA, Restant van Gedeelte van die Plaas Perseel 20 No. 1557
2. T 58842/2008, 1.1
3. Opheffing van titelvoorwaarde wat die Administrateur bemaatig om beperkende voorwaardes te implementeer sou die land na 'n privaatpersoon oorgedra word.

1. NA, Restant van Gedeelte van die Plaas Perseel 20 No. 1557
2. T 58842/2008, 1.2
3. Opheffing van die titelvoorwaarde wat die woning tot 'n rioolbehandelingswerke beperk.

No. 97

8 kuMandulo 2011

UMNYANGO WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU**UMTHETHO WOKUSUNGULWA KWAMALOKISHI ANGAHLELEKILE NGOKUPHELELE, 1991: IZIZA 41 – 599 E-CORNUBIA (EZIKWINGXENYE 1 YESIZA 4 E-CORNUBIA), E-CORNUBIA PHASE 1 A (I-PILOT PHASE), KUMASIPALA WASETHEKWINI**

Ngokwesigaba 3(1)(b), (2)(a), 4(1) no (6)(a) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, 1991 (uMthetho No. 113 ka 1991) ngaba iZiza 41 - 599 e-Cornubia (ezikwiNgxenywe 1 yeSiza 4 e-Cornubia, kumasipala waseThekwini, njengendawo yezakhiwo ezingahlelekile ngokuphelele kuncike kule mibandela yokwakha elandelayo ephathelene nokuphathwa kokusetshenziswa komhlaba, ukusebenza kwemithetho nokumiswa kwemibandela yetayitela —

- (a) izakhiwo ezingahlelekile ngokuphelele kumele zihlelwe futhi zakhiwe ngokuhambisana nepulani 5467T/LFTEA/E, yamhla zi-12 /07/2010;
- (b) imibandela ehlongozwe oHlelweni 1 iyosebenza kulowo mhlaba othuthukiswayo kuze kwakhiwe uhlelo lwezakhiwo ezingahlelekile ngokuphelele ngokuhambisana nanoma imuphi umthetho;
- (c) uMthetho wokuHlela neNtuthuko waKwaZulu-Natali, 2008 (uMthetho No. 6 ka 2008), uyosebenza kwizakhiwo ezingahlelekile ngokuphelele, ngaphandle kwezinhlinzeko zezigaba 23(1), 40(1), 75(1)(b) no (c) zoMthetho ezingeke zisebenze ekusungulweni kwezakhiwo ezingahlelekile ngokuphelele ngokuhambisana nemibandela yokugunyazwa kwesicelo 2010/409; futhi
- (d) imibandela ebalulwe oHlelweni 2 iyasuswa.

ML POVALL, uMphathi wezokuPhathwa kweNtuthuko

Usuku: 12 uNcwaba 2011

Inkomba yefayela: 2010/409

UHLELO 1**IZINCAZELO EZEJWAYELEKILE****1. Kulolu Hlelo —**

"**isakhiwo**" kushiwo isakhiwo esinophahla futhi esingenakusiswa kulowo mhlaba esimi kuwo kubandakanya nezingxenywe zaleso sakhiwo;

"**ububanzi**" kushiwo indawo edliwe yisakhiwo ikalwa ngengaphandle lezindonga uma zibhekwa ngaphezulu futhi bubalwa ngamaphesenti endawo yonke yesakhiwo;

"**ingaphambili**" kushiwo indawo engaphambili esizeni encikene nomngcele womngwaqo okhona noma ohlongozwayo;

"Indawo eyiphansi lesakhiwo" kushiwo yonke indawo eyiphansi engaphakathi kwezindonga zesakhiwo ekalwa esitezi ngasinye kwingaphakathi nengaphandle lezindonga ezingaphandle, kubandakanya indawo enguvelandi eyobalwa ngokubheka indlela okume ngayo uvelandi, ngaphandle kwalokhu okulandelayo –

- (a) izindawo zabahamba ngezinyawo ezinompheme ezingaphandle kwesakhiwo;
- (b) izindawo zokupaka;
- (c) izindawo zokulayisha impahla;
- (d) izindawo zokugcina okulahlwayo;
- (e) izindonga zesakhiwo esingaphansi komhlaba;
- (f) izindonga zokusitha noma okwakhelwe ukusitha;
- (g) imipheme yokuvikela imishini yokushayisa umoya;
- (h) izindawo ezakhelwe kuphela ukulungisa nokugcina impahla isesimweni; kanye
- (i) nezindawo ezingasetshenziswa;

"umhlaba" kushiwo noma iyiphi indawo ebhaliswe kumbhalisi wamatayitela, kubandakanya isiza, indlu enetayitela, isiqephu sendawo, igceke, isitende, ipulazi nengxenye yesiqephu somhlaba esibhaliswe umbhalisi wamatayitela;

"indawo engemuva" kushiwo indawo egudle umngcele wesiza ongahlangani nomngcele ongasemgwaqeni;

"indawo eseceleni" kushiwo indawo egudle umngcele wesiza ohlangana nomngcele ongasemgwaqeni;

"isitezi" kushiwo –

- (a) igumbi noma amagumbi asesitezi sokuqala sesakhiwo;
- (b) igumbi noma amagumbi okwakhelwe phezu kwegumbi noma kwamagumbi esakhiwo;
- (c) igumbi noma amagumbi okuhlalekayo kuwona akhiwe ngaphansi kwesakhiwo; kanye
- (d) nayo yonke indawo engamamitha ama-3 ngaphezu kwesitezi ngasinye nangaphezu kophahla lwesakhiwo; futhi

"indawo engaphambili emgwaqeni" kushiwo indawo egudle umngcele wesiza ongasemgwaqeni, ongasendaweni yokuhamba umphakathi noma ongasendaweni eshiyelwe ukwakha umgwaqo.

IZINCAZELO ZOKUSETSHENZISWA KOMHLABA

1. Kulolu Hlelo –

"izindlu ezixhumene" kushiwo izindawo zokuhlala –

- (a) ezisetshenziswa imindenani emininzi;
- (b) ezihlanganiswa okungenani udonga olulodwa nanye indawo yokuhlala, okungesifona uthango; futhi
- (c) ezinendlela yokuphuma ngqo esakhiweni;

"indawo evikelwe" kushiwo indawo eshiyelwe izinto ezivikelwe njengemvelo, amasiko namagugu ahlonishwayo;

"inkulisa" kushiwo isakhiwo esisetshenziselwa ukunakekela ojahidada nezingane eziyisikhombisa kuya phezulu ngezikhathi zasemini uma abazali nabanakekeli bazo bengekho;

"ukutshala" kushiwo indawo esetshenziselwa ukutshala nokuvuna okusanhlamvu, izaqathe, izithelo, ukotini nezimbali;

"Isikhungo" kushiwo isakhiwo esisetshenziswa njengesibhedlela, umtholampilo, ikhaya labadala, ukungcina abangaphilile noma ikhaya lokunakekela abagulayo noma abalimele noma lokuhlala nokunakekela izaguga, abagula ngengqondo noma abakhubazekile, noma izingane ezinakekelwa isikhungo sokunakekela abangenabani;

"indlu yokuhlala" kushiwo indlu ezimele yodwa esetshenziswa umndeni owodwa njengendawo yokuhlala;

"Isakhiwo sokufunda" kushiwo isakhiwo esisetshenziswa njengesikole, ikolishi, inyuvesi, isikhungo sezobuchwepheshe, isikhungo sokufundela, ilabhorethri yocwaningo, iholo lokufundela, ithempeli, indlu yokukhuleka, indawo yokuzivocavoca, umtapo wolwazi womphakathi, indawo yemibukiso yobuciko, noma isigcinamagugu;

"imisebenzi yasekhaya" kushiwo —

- (a) ukwenziwa kwemisebenzi ethile ehlobene nendawo yokuhlala; noma
- (b) isitolo esingaphansi kwama-30m² esakhiweni;

"umzila" kushiwo indawo esetshenziswa umphakathi njengomzila wabahamba ngezinyawo;

"ihhovisi" kushiwo isakhiwo esisetshenziselwa ibhizinisi, ukugcinwa kwamabhuku okusebenza, ukusebenza nemisebenzi yokuphatha kahulumeni;

"indawo yokuhlanganela yomphakathi" kushiwo isakhiwo noma indawo esetshenziselwa imihlangano yomphakathi, ukuhlanganyela, ezenkolo nezokungcebeleka zangaphakathi;

"indawo yokudumisa yomphakathi" kushiwo isakhiwo noma indawo esetshenziswa njengesonto, indawo yokukhonza, isinagoge, ithempeli lamaSulumane, ithempeli noma enye indawo yokudumisa yomphakathi;

"indawo yezokungcebeleka ezimele" kushiwo inkundla yezemidlalo, amabala okudlala noma enye indawo evulekile okungeyomuntu noma okungeyesikhungo esizimele;

"indawo yokungcebeleka yomphakathi" kushiwo inkundla yezemidlalo, amabala okudlala noma enye indawo evulekile ephethwe uhlaka lukahulumeni;

"ingqalasizinda yokudonsa, yokuphehla, yokugcina neyokuthumela amanzi yomphakathi" kushiwo —

- (a) idamu, impophoma, umfula, isiphethu, umthombo noma isigwedlo okusetshenziselwa ukudonsa amanzi;

- (b) idamu, idamu lokuzakhela noma ithange okusetshenziselwa ukugcina amanzi;
- (c) umshini wokuphehla osetshenziselwa ukuphehla amanzi; kanye
- (d) nedamu lokuzakhela, ithange, imisele, amapayipi, imibhobho, izivalo, imishini yamamitha noma obunye ubuxhakaxhaka bamapayipi obusetshenziselwa ukuthumela amanzi azosetshenziswa umphakathi;

"Isakhiwo sezokungcebeleka" kushiwo isakhiwo esisetshenziselwa izinto ezihlobene nezemidlalo, kubandakanya izindlu zasezinkundleni, indawo yokuzivocavoca, inkundla yebhola lomphebezo kanjalo nendawo yokuhlala izethameli;

"Indawo yokudla" kushiwo isakhiwo esisetshenziselwa ukupheka ukudla neziphuzo okuzosetshenziselwa kuieso sakhiwo;

"umgwaqo" kushiwo indawo esetshenziswa umphakathi ukuhamba izimoto nabantu abahamba ngezinyawo;

"Isitolo" kushiwo isakhiwo noma indawo esetshenziselwa ukudayisa izimpahla nokuhlinzeka ngemisebenzi ekhokhelwayo njengendawo yokwenza ikhanda, indawo yamakhompyutha, indawo yokuhlaza izingubo, indawo yokuthenga amathikithi, indawo yokuqasha ama-vidiyo nesakhiwo sokukhanda izinto zasendlini, amakhompyutha, amakhalekhukhwini nezicathulo.

UKUSETSHENZISWA KOMHLABA

2. Lokhu kusetshenziswa komhlaba okulandelayo ikhona okuvumelekile kulezi zindawo eziklanywe –

UKUKLANYWA KWENDAWO	UKUSETSHENZISWA OKUVUMELEKILE
Indawo esetshenziselwa izinto ezinhlobonhlobo	Inkulisa Isakhiwo sokufundela Isikhungo Ihhovisi Indawo yokuhlanganela yomphakathi Indawo yokudumisa yomphakathi Indawo yokungcebeleka ezimele Isakhiwo sezokungcebeleka Indawo yokudla Isitolo
Umzila	Umzila
Indawo evulekile	Ukongiwa kwemvelo Ukutshala Ezokungcebeleka
Indawo yomphakathi	Ezokungcebeleka
Ingqalasizinda yokudonsa, yokuphehla, yokugcina	Ingqalasizinda yokudonsa, yokuphehla, yokugcina neyokuthumela amanzi yomphakathi

neyokuthumela amanzi yomphakathi	
Umgwaqo	Umgwaqo
Indawo yokuhlala	Inkulisa Indlu yokuhlala Imisebenzi yasekhaya

IZINDAWO EZIZUNGEZE ISAKHIWO

3.(1) Umhlaba owabelwe ukuSetshenziselwa izinto eziNhlolonhlobo neziNdawo zokuHlala uyokuba nendawo engaphambili ngasemgwaqeni engamamitha ama-2, indawo eseceleni engamamitha ayi-0 nendawo engemuva enamamitha ama-2.

(2) Angeke kwakhiwe sakhiwo endaweni eshiyiwe ngaphambili, emaceleni nangemuva kwesakhiwo.

(3) UMasipala waseThekwini nanoma iluphi olunye uhlaka lombuso lungakha imisebenzi ephathelene nomasipala endaweni eshiyiwe ngaphambili, eceleni noma ngemuva kwesakhiwo.

UBUBANZI

4. Ububanzi obuvumelekile obungama-80% ibona obuyosetshenziswa kumhlaba owabelwe ukuSetshenziselwa izinto eziNhlolonhlobo neziNdawo zokuHlala.

IMIBANDELA EPHATHELENE NOKUPHAKAMA KWEZAKHIWO

5. (1) Isakhiwo esikumhlaba owabelwe ukuSetshenziselwa izinto eziNhlolonhlobo angeke seqe kwizitezi ezi-4.

(2) Isakhiwo esisendaweni eyabelwe iziNdawo zokuHlala angeke seqe kwizitezi ezi-2.

UBUBANZI BESIZA

6. Indawo yokwakha angeke ibe ngaphansi kwama-50m² ububanzi.

IZINDAWO ZOKUPAKA

7.(1) Kumele kuhlinzekwe izindawo ezimbili zokupaka endaweni engama-100m² eyabelwe ukuSetshenziselwa izinto eziNhlolonhlobo, ngaphandle kwendawo yokuhlanganela umphakathi, kwendawo yokudumisa nendawo yokudla.

(2) Kumele kuhlinzekwe indawo yokupaka eyodwa ezihlalweni ngazine endaweni yokuhlanganela umphakathi, endaweni yokudumisa yomphakathi noma esitolo sokudlela.

(3) Indawo yokupaka kumele ibe yindawo engama-2,5m x 5m.

IMISEBENZI YASEKHAYA

8.(1) Imisebenzi yasekhaya angeke –

- (a) ibandakanye ukupakwa kwanoma iyiphi imoto enesisindo somthwalo esingaphezu kwamaThani amabili kuleyo ndawo noma emgwaqeni;
- (b) ibe nephansi elingaphezu kwama-50m²;
- (c) ibange imsindo ongaphezu kwama-7db ngaphezu komsindo ovumelekile, kukalwa kusukela emngceleni wesakhiwo; noma
- (d) ibandakanye ukudayiswa kotshwala noma kwanoma iluphi uphuzo oludakayo.

(2) Uma kuyindawo yokukhandela izimoto, isibalo sezimoto ezikhandwayo ngesikhathi esisodwa akumele seqe kwezimbili.

(3) Uma kuyinkulisa, kungagcinwa futhi kunakekelwe kuphela izingane ezingeqile kweziyishumi nambili zingakabalwa ezomnikazi wekhaya.

UHLELO 2

- (1) = Ikheli lomgwaqo, incazelo yomhlaba
- (2) = Itayitela, umbandela
- (3) = Ubungako bokuzolungiswa noma bokuzosuswa

1. Alikho, **iNsalela yeNgxenywe 1 yeSiza 20 sePulazi No. 1557**

2. T 58842/2008, H

3. Ukususwa kombandela wetayitela ogunyaza ukushiywa kwendawo yokugxumeka izigxobo zikagesi

1. Alikho, **iNsalela yeNgxenywe 1 yeSiza 20 sePulazi No. 1557**

2. T 58842/2008, J

3. Ukususwa kombandela wetayitela ogunyaza ukushiywa kwendawo yokugxumeka izigxobo zikagesi

1. Alikho, **iNsalela yeNgxenywe 1 yeSiza 20 sePulazi No. 1557**

2. T 58842/2008, F

3. Ukususwa kombandela wetayitela ogunyaza ukushiywa kwendawo yokufakwa kwamapayipi

1. Alikho, **iNsalela yeNgxenywe 1 yeSiza 20 sePulazi No. 1557**

2. T 58842/2008, 2.B

3. Ukususwa kombandela wetayitela ovumela kuphela ukusetshenziswa komhlaba ngezinhloso zezolimo nezimbini

1. Alikho, **iNsalela yeNgxenywe 1 yeSiza 20 sePulazi No. 1557**

2. T 58842/2008, 1.1

3. Ukususwa kombandela wetayitela onikeza iziPhathimandla amandla okubeka imibandela ngokusetshenziswa komhlaba uma umhlaba uwela ezandleni zomuntu ozimele

1. Alikho, **iNsalela yeNgxenywe 1 yeSiza 20 sePulazi No. 1557**

2. T 58842/2008, 1.2

3. Ukususwa kombandela wetayitela ovumela kuphela ukusetshenziswa komhlaba ngenhloso yokulungisa amapayipi endle

No. 98

8 September 2011

KWAZULU-NATAL DEPARTMENT OF PUBLIC WORKS**KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003 (ACT No. 3 OF 2003)****NOTICE IN TERMS OF SECTION 5 OF THE KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003 (ACT NO. 3 OF 2003)**

In terms of Section 5 of the KwaZulu-Natal Land Administration Act 2003 (Act No. 3 of 2003), I, Magasvarie Govender, Member of the Executive Council for Human Settlement and Public Works of the KwaZulu-Natal Provincial Government hereby give notice that I intend letting a portion of the under mentioned Provincial State property situated at King Edward VIII Hospital for a period of 3 years.

- | | |
|--------------------------|--|
| 1. Property Description | ERF 8487 of Durban |
| 2. Street Address | Cnr. of Sydney Road & Francois Road |
| 3. Extent | 76m ² |
| 4. Title Deed | T2037/1938 |
| 5. Applicable conditions | The property will only be used as a tuckshop facility. |
| 6. Current Zoning | Health Institution |
| 7. Improvements | A tuckshop building in extent 76m ² |

Written representations in regard to the said letting can be made, within thirty (30) days of the publication of this notice to:-

Contact details

Head: Public Works
Private Bag X9041
Pietermaritzburg
3200

Telephonic Enquiries: Mrs. P.V. Qwabe
Tel. No. 031-203 2285
Fax. No.031-203 2115

No. 99

8 September 2011

KWAZULU-NATAL DEPARTMENT OF PUBLIC WORKS**KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003 (ACT No. 3 OF 2003)****NOTICE IN TERMS OF SECTION 5 OF THE KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003 (ACT NO. 3 OF 2003)**

In terms of Section 5 of the KwaZulu-Natal Land Administration Act 2003 (Act No. 3 of 2003), I, Magasvarie Govender, Member of the Executive Council for Human Settlement and Public Works of the KwaZulu-Natal Provincial Government hereby give notice that I intend letting a portion of the under mentioned Provincial State property situated at R.K. Khan Hospital for a period of 3 years.

- | | |
|---------------------------------|---|
| 1. Property Description | Remainder of ERF 149 Chatsworth |
| 2. Street Address | 336 Chatsworth Circle |
| 3. Extent | 58.75m² |
| 4. Title Deed | T10813/1969 |
| 5. Applicable conditions | The property will only be used as a tuckshop facility. |
| 6. Current Zoning | Health Institution |
| 7. Improvements | A tuckshop building in extent 58.75m² |

Written representations in regard to the said letting can be made, within thirty (30) days of the publication of this notice to:-

Contact details

Head: Public Works
Private Bag X9041
Pietermaritzburg
3200

Telephonic Enquiries: Mrs. P.V. Qwabe
Tel. No. 031-203 2285
Fax. No.031-203 2115

MUNICIPAL NOTICES—IZAZISO ZIKAMASIPALA

No. 111

8 September 2011

Notice No: 73/2011

MUNICIPALITY OF ENDUMENI

BY-LAW RELATING TO MUNICIPAL FACILITIES AND PUBLIC AMENITIES

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000], read with Section 162 of the Constitution of the Republic of South Africa Act, 1996 [Act No. 108 of 1996], the By-law Relating to Municipal Facilities and Public Amenities.

Purpose of By-law

The purpose of this by-law is to

- (a) regulate the use and enjoyment of municipal facilities and public amenities; and
- (b) provide for procedures, methods and practices to regulate the use and hire of municipal facilities.

CHAPTER 1

INTERPRETATION

1. **Definitions** – In this by-law, the singular includes the plural and vice versa, and, unless the context otherwise indicates –
 - '**appurtenance**' means any installation or appliance in or at a municipal facility, and includes, without derogating from the generality of the foregoing, keys, locks, windows, toilets, basins, water taps and fittings;
 - '**authorised official**' means –
 - (a) an official of the municipality who has been authorised by it to administer, implement and enforce the provisions of this by-law;
 - (b) a traffic officer appointed in terms of Section 3A of the National Road Traffic Act, 1996 [Act No. 93 of 1996];
 - (c) a member of the police service, as defined in terms of Section 1 of the South African Police Service Act, 1995 [Act No. 68 of 1995]; or
 - (d) a peace officer, contemplated in terms of Section 1 of the Criminal Procedure Act, 1977 [Act No. 51 of 1977];
 - '**council**' means the council of the municipality, or any political structure, political office bearer, councillor, or any staff member acting under council's delegated or sub-delegated authority;
 - '**hirer**' means any person who applies, pays, and obtains approval, for the use of a municipal facility or public amenity;
 - '**municipal facility**' means a building, hall, room or office, including any part thereof and apparatus therein, which is the property of, or which is managed or leased by, the municipality, and to which the general public has access, whether on payment of admission fees or not;
 - '**municipality**' means the Municipality of Endumeni, established in terms of Section 12 of the Municipal Structures Act, 1998 [Act No. 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;
 - '**notice**' means an official notice displayed at an entrance to, or at a conspicuous place in or about, a municipal facility or public amenity, and in which the municipality shall make known provisions and directions adopted by it in terms of this by-law;
 - '**nuisance**' means, without limiting the generality of the term, an act, omission, condition or state of affairs that –
 - (a) impedes, offends, endangers or inconveniences the public at large; or
 - (b) causes material inconvenience in the ordinary and comfortable use or enjoyment of a municipal facility or public amenity,
 - and '**public nuisance**' shall have a corresponding meaning;
 - '**person**' means a natural or juristic person, and includes a voluntary association of natural or juristic persons;
 - '**prescribed fee**' means the fee determined by resolution of the municipality for the hire of a municipal facility or use of public amenity;
 - '**public amenity**' means any land, square, camping site, swimming-bath, public resort, recreation site, nature reserve, zoological, botanical or other garden park or hiking trail which is the property of the municipality, including any portion thereof and apparatus therein or thereon; and
 - '**user**' means any person who actually utilizes, or who directly benefits from, a municipal facility or public amenity.

CHAPTER 2

USE OF MUNICIPAL FACILITIES AND PUBLIC AMENITIES

2. **Maximum number of visitors**
 - (1) The municipality may determine the maximum number of visitors who may be present at a specific time in or at a municipal facility or public amenity.
 - (2) The number contemplated in subsection (1) shall be made known by the municipality by means of a notice.
3. **Admission to a municipal facility or public amenity**
 - (1) A municipal facility or public amenity is, subject to the provisions of this by-law, open to the public during the times determined by the municipality, and made known in a notice.
 - (2) No visitor shall enter or leave a municipal facility or public amenity at a place other than that indicated for such purpose.
4. **Access and use by disabled persons**
 - (1) The municipality shall ensure that all entrances and exits from a municipal facility or public amenity are designed so as to accommodate and permit access by disabled persons.
 - (2) A municipal facility shall be equipped with such ramps, lifts or similar equipment and services so as to facilitate effective use by disabled persons.
 - (3) Nothing contained in this section shall be construed so as to detract from the requirements of the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977] and any regulations promulgated in terms thereof.

5. **Entrance fees**
- (1) A visitor to a municipal facility or public amenity shall pay an entrance fee, as may be determined from time to time by the municipality, and such entrance fees shall be made known by means of a notice.
- (2) Different entrance fees may be determined in respect of visitors of different ages, and the municipality may exempt certain groups of persons from the payment of an entrance fee, provided that such exemption does not amount to unlawful discrimination.
6. **Nuisance**
- (1) No person shall perform or permit any of the following acts in or at a municipal facility or public amenity without the municipality's prior written consent –
- (a) the firing of firearms, airguns, air pistols, or the use of longbows, crossbows, slingshots, catapults, or other weapons;
- (b) the discharge of fireworks, provided that the requirements of the Explosives Act, 2003 [Act No. 15 of 2003] and any regulations promulgated in terms thereof are met in the event that such person obtains the municipality's prior written consent;
- (c) the burning of rubble or refuse;
- (d) the causing of unpleasant or offensive smells;
- (e) the production of smoke nuisances;
- (f) the causing of disturbances, by fighting, shouting, or arguing, or by the use of loudspeakers, radios, television sets or similar equipment; or
- (g) the causing, in any other manner, of a nuisance, obstruction, disturbance, or annoyance, to the public.
- (2) An authorised official may, during any activity of a hirer, direct that the hirer remove from a municipal facility or public amenity any person who is in a state of intoxication and who is behaving in an offensive manner, or who is causing a nuisance or annoyance to other people in or at a municipal facility or public amenity or to occupiers of other parts of the municipal facility or public amenity or neighbouring buildings.
- (3) An authorised official may, during any activity of a hirer, direct the hirer to prevent access to a municipal facility by any person who is in a state of intoxication and who behaves in an offensive manner or who is causing a nuisance or annoyance to other people in or at, or users of, a municipal facility or public amenity, or to occupiers of other parts of the municipal facility or public amenity or neighbouring buildings.
7. **Health matters**
- No person shall, in or at a municipal facility or public amenity –
- (a) dump, drop or place any refuse, rubble, or material, or any object or thing, or permit it to be done, except in a container provided for that purpose in or at the municipal facility or public amenity;
- (b) pollute or contaminate the water in any swimming bath, dam, spruit, river, water course, or other form of water supply; or;
- (c) perform any act that may detrimentally affect the health of any visitor to a municipal facility or public amenity.
8. **Structures**
- (1) No person shall, without the prior written consent of the municipality, erect or establish, in or at a municipal facility or public amenity, any structure or shelter, or anything similar.
- (2) Notwithstanding the provisions of subsection (1), a person may park a caravan or erect a tent for camping purposes at a public amenity, provided that such caravan or tent is parked or erected on a site specifically set aside for such purpose by notice.
9. **Liquor and food**
- (1) No person shall bring into a municipal facility or public amenity any alcoholic beverage or food, of whatever nature, unless permitted in terms of prior written consent or by notice.
- (2) No person shall, in or at a municipal facility or public amenity, cook or prepare food of any kind whatsoever, except in terms of prior written consent or by notice, provided that –
- (a) the preparation and cooking of food in or at a municipal facility or public amenity shall be done
- (i) at places set aside for such purposes; and
- (ii) in a clean and hygienic manner, so as not to give rise to excessive smoke or other nuisances, or pose any danger to health; and
- (b) no animals, poultry or fish may be killed or skinned in or at a municipal facility or public amenity, unless permitted in terms of prior written consent or by notice.
10. **Animals**
- (1) No person shall bring any animal, bird, fish or poultry into a municipal facility or public amenity, provided that –
- (a) a blind person may be accompanied by a guide dog; and
- (b) the municipality may issue directions with regard to exceptions in respect of the foregoing prohibition.
- (2) The directions contemplated in subsection (2)(b) shall be made known by means of a notice.
11. **General use of municipal facilities and public amenities**
- (1) In respect of the use of municipal facilities and public amenities, no person shall–
- (a) arrange or present any public entertainment;
- (b) collect money or any other goods for charity or any other purpose from the general public;
- (c) display or distribute any pamphlet, placard, painting, book, handbill, or any other printed, written or painted work;
- (d) arrange, hold, or address, any meeting;
- (e) arrange, or hold, a public gathering or procession, exhibition or performance;
- (f) conduct any trade, occupation or business;
- (g) display, sell, rent out, or present for sale or rent, any goods or articles; or
- (h) hold an auction,

at such municipal facility or public amenity, unless the prior written consent of the municipality has been obtained, or such activity is permitted in terms of the conditions of hire, as contemplated by chapter 3 of this by-law.

- (2) Nothing contained in this section shall be construed so as to detract from -
- (a) the requirements of the Regulation of Gatherings Act, 1993 [Act No. 205 of 1993]; or
 - (b) any person's constitutional right to assemble, demonstrate, picket and present petitions.

12. Safety and responsible conduct

- (1) Subject to subsection (2), no person shall -
- (a) cause damage or disfigurement;
 - (b) use, or try to use, anything for any purpose other than that for which it is designated or determined by notice;
 - (c) light a fire or prepare food, except at a place indicated for that purpose by notice;
 - (d) wash any crockery or laundry, or hang out such laundry, except at places indicated by notice for that purpose,
- in or at a municipal facility or public amenity.
- (2) The municipality may, by way of notice, and subject to such conditions as the municipality deems necessary, and mentioned in the said notice, authorise any of the actions contemplated in subsection (1), or in the relevant conditions of hire.

**CHAPTER 3
HIRE OF MUNICIPAL FACILITIES**

13. Cooperation between municipal departments

Every department of the municipality having jurisdiction over or responsibility for any municipal facility must cooperate with any other such department in ensuring that -

- (a) such municipal facility is properly maintained in a state fit for the purposes for which it was designed and is used; and
- (b) subject to the provisions of section 19, no part of such municipal facility is made available to, or hired out to, more than one person at the same time.

14. Application for hiring of municipal facilities

- (1) Any person wishing to apply for the hiring of a municipal facility must -
- (a) submit an application to the municipality in the form prescribed by the municipality for this purpose;
 - (b) clearly stipulate in such application -
 - (i) the municipal facility, seating, accommodation and equipment required; and
 - (ii) the period for which the municipal facility is required;
 - (c) ensure that such application form is received by the municipality not less than 30 (thirty) days prior to the date on which the municipal facility is first required by the applicant, provided that this time period may, depending on the demand for the municipal facility in question, be relaxed by the municipality.
- (2) The municipality may refuse to hire out any municipal facility in terms of subsection (1), or may cancel any booking thereof if -
- (a) the municipal facility is to be used for any unlawful purpose; or
 - (b) the municipal facility is required at the same time by the municipality for municipal purposes, provided that the municipality shall furnish at least 14 (fourteen) days' notice of any cancellation of an existing booking.
- (3) No compensation shall be payable by the municipality to the hirer for any loss which the hirer may suffer by reason of the municipality's having acted in terms of subsection (2), provided that the municipality shall refund all charges that have already been paid to it in respect of the application.
- (4) The hirer is limited to the use of the municipal facility specified in the application form, and may not use any other municipal facility for which he or she has not applied.
- (5) The municipal facility so hired may not, except with the prior written consent of the municipality, be used for any purpose other than the purposes indicated on the application form or stipulated in the conditions of hire.

15. Tariff of fees

The municipality may from time to time determine a tariff of prescribed fees for the hire of municipal facilities provided by the municipality in terms of this by-law.

16. Payment of charges

No person shall be permitted to use any municipal facility unless the prescribed fee, where applicable, has been fully paid, provided that the municipality may exempt any person or organisation, on good cause, from the payment of the entire prescribed fee, or a portion thereof.

17. Period of hire

Notwithstanding any determination made by the municipality regarding the dates and period for which a municipal facility may be hired, the municipality may allow the hirer reasonable access to a municipal facility before the commencement date of the period of hire, so as to enable the hirer to make necessary preparations and arrangements, but subject to the prior payment of the prescribed fee by the hirer.

18. Adjustment of period of hire

- (1) Any person who makes an application for the use of a municipal facility in terms of the provisions of section 14 may, subsequent to the approval of such application, and the reservation of such municipal facility, apply for the postponement of such reservation to a later date, without penalty or forfeiture, provided that such postponement may be refused if such municipal facility has, in the meantime, been reserved for use by another person on the date to which the postponement is sought.
- (2) Any person who has already made an application for the reservation of a municipal facility may cancel such reservation, provided that if -

- (a) a reservation is cancelled 1 (one) month or longer prior to the commencement date of such reservation, then the hirer must receive a full refund of the prescribed fee already paid;
 - (b) a reservation is cancelled more than 15 (fifteen) days but less than 1 (one) month prior to the commencement date of such reservation, then the hirer must receive a 50% (fifty percent) refund of the prescribed fee;
 - (c) a reservation is cancelled 15 (fifteen) days or less prior to the commencement date of such reservation, then the hirer is not entitled to receive any refund of the prescribed fee.
- (3) Any person may extend the period of hire of a municipal facility upon written application to the municipality in the manner provided for in section 14(1), provided that -
- (a) the period of 30 (thirty) days' notice, as contemplated in terms of section 14(1)(c), shall not apply;
 - (b) the municipal facility concerned has not, in the meantime, been reserved for use by any other person
19. **Joint hire**
- (1) The municipality may let any municipal facility or part thereof to different hirers for simultaneous use.
 - (2) In the case of such simultaneous use, each hirer must use any ancillary amenities which serve or comprise part of the municipal facility -
 - (a) jointly with the other hirers; and
 - (b) in such manner that all the hirers, their guests, customers, patrons, employees, agents, directors or other representatives are able to enjoy the use of the municipal facility in question without infringing on the rights of use by other users.
 - (3) The provisions of this by-law, read with the necessary changes, apply to the joint users of the hired municipal facility.
20. **Sub-letting**
A hirer may not -
- (a) sub-let any hired or municipal facility to any other person or organisation;
 - (b) cede, pledge, or renounce, in favour of another person any of his or her rights or obligations under this by-law; and
 - (c) allow any other person to occupy a municipal facility without the prior written consent of the municipality.
21. **Condition of municipal facility**
- (1) The hirer must inspect the hired municipal facility, including all installations, appliances, fittings, accessories and furniture, before he or she commences to use such installations, appliances, fittings, accessories and furniture.
 - (2) If the hirer finds that any of the installations, appliances, fittings, accessories and furniture in or at a municipal facility are not in a proper state of repair, then the hirer must report this fact to the municipality.
 - (3) If the hirer fails either to inspect a municipal facility in terms of subsection (1), or to report any defects found therein in terms of subsection (2), then it shall be deemed that, upon commencement of occupation by the hirer, everything in or at the municipal facility was in a proper state of repair.
22. **Duties of the hirer**
Every person hiring a municipal facility from the municipality must -
- (a) take all reasonable steps to keep all sewerage pipes, water taps and drains within or serving the municipal facility free from obstruction or blockage as a result of the hirer's activities;
 - (b) at all times keep the municipal facility in a clean, tidy and sanitary condition;
 - (c) not affix or attach to the municipal facility any notices or other matter, without the prior consent of the municipality, provided that upon the termination of the hire, the hirer must remove all such attachments;
 - (d) not obscure any plate glass windows by painting or otherwise;
 - (e) not drive into the walls or partitions or doors of the municipal facility any screws or nails;
 - (f) not change or interfere with or overload any electrical installation in or at the municipal facility;
 - (g) not remove or take out from the municipal facility any furniture or other articles whatsoever that belong to the municipality;
 - (h) not obstruct or interfere or tamper with any thermostats or air conditioning appliances in or at the municipal facility;
 - (i) not introduce or install any unsafe or heavy article, furniture, fitting, appliance or equipment which, in the reasonable opinion of the municipality, could damage the municipal facility or any part thereof, provided that the municipality may impose, on the introduction of such item, such conditions as are reasonable to ensure the safety of the municipal facility and its users;
 - (j) not install in or at the municipal facility any air conditioning or ventilation units or equipment, without the municipality's prior written consent;
 - (k) not permit the storage of motor vehicles or other movable items of any description on the pavements, entrance halls, staircases or passages of the municipal facility;
 - (l) not do anything, or allow anything to be done, in non-compliance with any reasonable instruction or prohibition given or issued by the municipality;
 - (m) not park vehicles, or allow the parking of vehicles by the hirer's guests, customers, patrons, employees, agents, directors or other representatives anywhere at the municipal facility, except in properly demarcated parking bays, or as may be pointed out by an authorised official.
23. **Damage to property**
- (1) A hirer who fails to keep and maintain a municipal facility in the same order and condition as when it was hired out to him or her shall be guilty of an offence.
 - (2) In addition to any remedies available to the municipality at common law, such hirer shall be liable in terms of the penalties specified in this by-law.

24. **Advertisements and decorations**
- (1) No person who has applied for the hire of a municipal facility may publicly announce or advertise any function or event in respect of which an application for the hire of such municipal facility has been made, before the municipality has notified such person in writing that the application has been approved.
 - (2) Every hirer must, before vacating a hired municipal facility, on the termination of the period of hire, remove all posters, notices, decorations, flags, emblems, signs, and other forms of advertisement or direction erected or affixed by him or her, and make good any damage caused by such removal.
25. **Admissions, ushers and sale of tickets**
The hirer shall be responsible for all arrangements in connection with the –
- (a) admission of members of the public to any cultural or other activities at a municipal facility;
 - (b) the provision of ushers, and other persons necessary to control the admission of persons to a municipal facility; and
 - (c) the sale of tickets.
26. **Overcrowding**
- (1) No overcrowding of a municipal facility may be allowed at any time during any of the hirer's activities.
 - (2) The hirer must comply with the municipality's requirements prescribing the maximum number of persons allowed at a municipal facility during activities.
 - (3) Without detracting from the general requirements referred to in subsections (1) and (2), the hirer may not permit admission by more persons to a municipal facility than the number of available seats, or, where seating is not provided, the maximum number of persons prescribed by notice at a municipal facility, or as stipulated in the conditions of hire.
27. **Sale of food and drinks**
- (1) No person may sell food or drinks at any hired municipal facility during any activities, without the prior written consent of the municipality.
 - (2) The municipality may permit the sale of food or drinks by such persons as it may approve, after it has received written application to sell such items, and the municipality may allocate sufficient accommodation to such approved persons, wherein trading stock, furniture, equipment, installations and books necessarily required for that purpose may be accommodated.
 - (3) The provisions of subsections (1) and (2) do not apply where the supply and sale of food and drinks comprise an integral part of the activities of the hirer.
 - (4) The municipality shall not be responsible for the payment of compensation to the hirer in respect of any loss, theft or damage suffered by the hirer or any other person in respect of the items referred to in subsection (2) as a result of any cause whatsoever, except where such loss, theft or damage is due to the willful act or omission or gross negligence on the part of the municipality.
28. **Services**
- (1) The nature of the municipal services to be provided to a municipal facility shall be determined at the sole discretion of the municipality.
 - (2) The municipality shall not be liable for -
 - (a) the non-receipt or non-delivery of goods, postal matter or correspondence belonging to the hirer;
 - (b) the loss, theft or damage in respect of anything which the hirer, or his or her guests, customers, patrons, employees, agents, directors or representatives may have deposited or left in or at a municipal facility or any part thereof, except where such loss, theft or damage is due to the willful act or omission or gross negligence of the municipality.
 - (3) The municipality may take such steps as it may consider necessary for the proper maintenance and operation of any common areas in or at a or municipal facility.
 - (4) An authorised official may attend or be present at the hirer's function, to ensure compliance with any provision of this by-law.
 - (5) The hirer is not entitled to the official services of an authorised official or any other representative of the municipality who attends the hirer's function in terms of subsection (4).
 - (6) The hirer is not entitled to receive free cleaning or other services from the municipality in connection with the hirer's activities during the preparation of, or during, a function.
29. **Exclusion of liability**
- (1) The municipality shall not be liable for -
 - (a) any damage or loss sustained by any person as a result of an insufficient supply of municipal services or interruption in the supply thereof to a municipal facility, or due to any act or omission on the part of the municipality, if the municipality considers the interruption necessary to enable it to exercise any of its powers or perform any of its functions under this by-law, or under any other law;
 - (b) any loss, theft or damage caused to the stock-in-trade, furniture, equipment, installations, books, papers, clothing, or other articles of any nature whatsoever, kept at a hired municipal facility by the hirer or anyone else, whether in regard to the hirer's business or not;
 - (c) any consequential loss suffered by the hirer by making use of a municipal facility, or as a result of rain, hail, lightning, wind, fire, storms, riot or civil commotion;
 - (d) the loss of life or injury to the hirer or anyone else at or in a municipal facility during a function or event; and
 - (e) any loss suffered by the hirer as a result of any failure or defect at or in a municipal facility, provided that any such damage, theft or loss is not as a result of the willful act or omission or gross negligence on the part of the municipality.
 - (2) Upon approval by the municipality of any application for hire, a hirer must complete and sign an indemnity, as may be prescribed, in favour of the municipality.
30. **Destruction of municipal facility**
- (1) The municipality may cancel the hire of a municipal facility in the event that -

- (a) the municipal facility is destroyed or is damaged to such an extent as to be substantially unusable;
- (b) there is damage to the municipal facility, such that it is rendered substantially unusable because of the absence of access to, or supply of, any necessary municipal service; or
- (c) there is destruction or damage to the municipal facility, and the municipality decides not to proceed with the hire of the municipal facility, in order to engage in reconstruction, renovation or rebuilding, or for safety reasons.
- (2) Any decision made in terms of subsection (1) must be communicated by written notice given by the municipality to the hirer within a reasonable period of the event giving rise to the cancellation.
- (3) No hirer shall have any claim against the municipality for any damage or loss arising out of the damage to, or destruction of, a municipal facility or any part thereof, or for the resultant loss of beneficial use of a municipal facility by such hirer.
31. **Termination for non-compliance**
The municipality may at any time cancel the hire of a municipal facility if the hirer fails to comply with any of the provisions of this by-law, in which event -
- (a) the municipality shall not be liable for any damage or loss sustained by any person as a result of such cancellation;
- (b) such cancellation shall be effected without prejudice to any claim which the municipality may have against the hirer under any provision of this by-law, or at common law.
32. **Termination of hire**
- (1) Upon the termination of the period of hire -
- (a) the hirer must return a municipal facility to the municipality, in good order and condition;
- (b) the hirer must make good, and repair, at his or her own cost any damage or breakage, or reimburse the municipality for the cost of replacing, repairing, or making good, any broken, damaged or missing articles; and
- (c) the municipality may deduct from any deposit paid by the hirer in respect of a municipal facility the costs of the said breakage, damage or loss.
- (2) A hirer must vacate a hired municipal facility within such period after expiry of the period of hire, as is stated on the application form or conditions of hire, provided that -
- (a) failure by the hirer to comply with the provisions of this subsection entitles the municipality to levy a further prescribed fee for such additional period during which the hirer remains in occupation of a municipal facility after the expiry of the period of hire; and
- (b) the provisions of this subsection do not preclude the municipality from taking lawful steps to procure the eviction of any such hirer from a municipal facility.
- (3) A hirer must comply with all reasonable and lawful instructions of the municipality in respect of the cleaning of a municipal facility upon the hirer's vacation thereof, provided that the municipality itself may elect to undertake the cleaning of all crockery and cutlery used by the hirer.
- (4) A hirer must comply with all reasonable and lawful instructions of the municipality, in respect of the vacation of a municipal facility and the return thereof.
33. **Fire hazards and insurance**
- (1) A hirer may not bring to, or allow to be brought to, or kept at, a municipal facility, nor undertake nor permit to be done or undertaken in or at a municipal facility, any matter, thing or activity whereby the fire policy, or any other insurance policy, for the municipal facility concerned may become or becomes void or voidable, or whereby the premium for any such insurance may be or is increased.
- (2) If the premium for such insurance is increased as a result of any act or omission contemplated in subsection (1), then -
- (a) the municipality may, in its discretion, allow such activity, and recover from the hirer the amount due in respect of any additional insurance premium; and
- (b) the hirer must pay such amount immediately on notification by the municipality or the insurance company to the effect that such additional premium has been charged.
- (3) The municipality may at any time require a hirer to take out insurance with an insurance company, approved by the municipality, against damage or loss suffered during or as a result of any function for which a municipal facility is hired.
34. **Storage facilities**
The municipality shall not be responsible for providing storage facilities for the equipment of the hirer, or that of his or her guests, customers, patrons, employees, visitors, supporters or agents during any period prior to, during or after a function or event.
35. **Equipment**
- (1) A hirer who requires the municipality to supply any equipment for use during a function or event may use such equipment only with the permission of the municipality, and under the supervision of an authorised official.
- (2) If the hirer causes damage to the equipment, or removes or causes the equipment to be removed from a municipal facility without permission, or fails to return it, then the hirer shall be liable for the repair or replacement costs thereof.
36. **Right of entry**
- (1) An authorised official may enter a municipal facility at all reasonable times -
- (a) to inspect the municipal facility and carry out any repairs or alterations or additions or modifications or improvements in or at the municipal facility; and
- (b) in order to ensure that the conditions of hire for the municipal facility, and the provisions of this by-law, are being complied with
- (2) A hirer shall have no claim for the reimbursement of any charges payable for the hire of a municipal facility, compensation, damages or otherwise in connection with the exercise by the authorised official of the rights under subsection (1).

- (3) An authorised official may erect scaffolding, hoardings and building equipment in or at a municipal facility, as well as such other devices required by law or which the municipality's architects may certify are necessary to carry out the repairs contemplated in subsection (1)(a).

37. **Inspection**

Upon the conclusion of the hirer's activities at the end of the period of hire, or at the termination of the hire under any of the provisions of this by-law, the municipality and the hirer, or his or her nominee, must inspect a municipal facility, for the purpose of assessing any damage or loss.

38. **Hire of public amenities**

- (1) The provisions of this chapter shall apply, *mutatis mutandis*, to the hire of public amenities.
(2) It shall be within the sole discretion of the municipality to determine –
(a) whether or not to hire out a public amenity; and
(b) the conditions of any such hire.

**CHAPTER 4
GENERAL PROVISIONS**

39. **Offences and penalties**

Any person who contravenes, or fails to comply with, a provision of this by-law, a notice issued in terms of this by-law, or a condition imposed under this by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in this by-law, shall be guilty of an offence, and liable, upon conviction, to –

- (a) a fine not exceeding R60 000, or imprisonment for a period not exceeding 12 (twelve) months, or either such fine or such imprisonment, or both such fine and such imprisonment;
(b) in the case of a continuing offence, an additional fine of R600, or an additional period of imprisonment of 1 (one) day, or either such additional fine or such additional imprisonment, or 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 a result of such contravention or failure.

40. **Regulations**

The municipality may make regulations not inconsistent with this by-law, prescribing –

- (a) any matter that may or must be prescribed in terms of this by-law; and
(b) any matter that may facilitate the application of this by-law.

41. **Repeal of by-laws**

Any by-laws relating to municipal facilities and public amenities adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

42. **Short title**

This by-law is called the By-law Relating to Municipal Facilities and Public Amenities, 2007, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

Inombolo yesaziso: 73/2011

UMASIPALA WASENDUMENI
IMITHESHWANA EPHATHELENE NEZAKHIWO NEZINDAWO ZOKUKHULULEKA ZOMPHAKATHI

UMphathi waMasipala lapha umemezela, ngokweSigaba 13 soMthetho waHulumeni weNdawo: Izinhlelo zaMasipala, 2000 [uMthetho Nombolo 32 we-2000] ufundwa kanye neSigaba 162 soMthethosisekelo waseRiphabhlikhi yaseNingizimu Afrika, 1996 [uMthetho Nombolo 108 we-1996], uMtheshwana ophathelelene neZakhiwo neZindawo zokukhululeka zoMphakathi.

Inhloso YoMtheshwana

Inhloso yalo mtheshwana:

- (a) Ukulawula ukusetshenziswa ngendlela efanele kwezakhiwo nezindawo zokukhululeka zomphakathi: kanye Nokumisa izinqubo, izindlela zokwenza nezinhlelo zokulawula ukusetshenziswa nokuqashiswa kwezakhiwo zamasisipala.

ISAHLUKO 1
UKUHUMUSHA

1. **Incazele** – Kulo mtheshwana, ubunye bubandakanya ubuningi okanye kuguqukezelwe, okanye ngaphandle uma ingqikithi isho okunye –
- 'isixhumelelo'** sisho noma yini efakiwe noma into yokusebenza noma esakhiweni samasisipala, futhi kubandakanya, ngale kokululaza okuchazwe phambilini, okhiye, izihluthulelo, amawindi, izindlu zangasese, obheseni, ompompi bamanzi nokubethelwe odongeni;
- 'isikhulu Esigunyaziwe'** sisho –
- (a) isikhulu samasisipala esigunyazwe ngumphathi yiwo ukulawula, ukwenza, nokuphoqa ukuthotshelwa kwezimiso zalo mtheshwana;
- (b) isiphathimandla somgwaqo esiqokwe ngokulandela iSigaba 3A soMthetho Kazwelonke Wokuhamba Kwezithuthi Emgwaqeni we-1996 [uMthetho nombolo 93 we-1996];
- (c) ilungu lombutho wamaphoyisa, njengoba sichazwe ngokulandela iSigaba 1 soMthetho Wombutho Wamaphoyisa eNingizimu Afrika we-1995 [uMthetho Nombolo 68 we-95]; noma
- (d) isiphathimandla sokuthula, esihlongozwe ngokulandela iSigaba 1 soMthetho Wenqubo yokuthethwa Kwamacala we-1977 [uMthetho Nombolo 51 we-1977];
- 'umkhandlu'** usho umkhandlu wamasipala, noma wanoma yisiphi isakhiwo sezepolitiki, umphathisikhundla kwezepolitiki sezepolitiki, ikhansela, noma ngumuphi umsebenzi osebenza ngokugunyazwa noma isakhiwo esingaphansi esinikezwe igunya ngumkhandlu;
- 'umqashiselwa'** usho noma yimuphi umuntu osebenzisa, okhokha, noma othola igunya lokusebenzisa isakhiwo noma izindawo zokukhululeka zomphakathi;
- 'isakhiwo samasisipala'** sisho indlu, iholo, ikamefo noma ihovisi, kubandakanya nanoma yiyiphi ingxenye yaso nokusetshenziswa ngaphakathi, okuyimpahla, noma okulawulwa noma kuqashiswa ngumasipala, futhi okusetshenziswa ngumphakathi, kungaba ukhokha imali yokungena noma awuyikhokhi;
- 'umasipala'** usho uMasipala WaseNdumeni, omiswe ngokulandela iSigaba 12 soMthetho Wezakhiwo ZaMasipala we-1998 [uMthetho Nombolo 117 we-1998], futhi ubandakanya noma yisiphi isakhiwo sezepolitiki, umphathisikhundla kwezepolitiki, ikhansela, isithunywa salo esigunyazwe ngokomthetho noma yinoma ngumuphi umsebenzi walo omele ukusebenza kwalo mtheshwana ngokwamandla agixabezwe umkhandlu, futhi aduliselwe noma aphinde aduliselwe lesa sakhiwo sezepolitiki, lowo mphathisikhundla kwezepolitiki, felo khansela, lowo mkhulumeli noma lowo msebenzi;
- 'isaziso'** sisho isaziso esisemthethweni esixhonye lapho kungenwa khona, noma endaweni ebonakalayo ngaphakathi noma esakhiweni noma endaweni yokukhululeka yomphakathi, nalapho umasipala uyomemezela izimiso nemiyalelo emukelwe yiwo ngokulandela lo mtheshwana;
- 'inkathazo'** isho, ngale kokululaza ukwaziwa okujwayelekile kwegama, isenzo, iphutha, isimo noma ukwenzeka kwezinto –
- (a) okuthiya, okucunula, okufaka engozini noma okuphazamisa umphakathi ngothi lwayo; noma
- (b) okudala ukuphazamiseka okubonakalayo ekusebenzeni noma ekuzithokoziseni ngesakhiwo samasisipala noma ngendawo yokukhululeka yomphakathi, futhi 'inkathazo emphakathini' iyoba nencazelo efanayo;
- 'umuntu'** usho umuntu ongowokuzalwa noma ongowongokomthetho, futhi kubandakanya ukhlanganyela ngokuzinikela kwabantu abangokokuzalwa noma abangokomthetho;
- 'imali emisiwe ekhokhwayo'** isho imali ekhokhwayo emiswe ngesinqumo samasisipala yokuqasha isakhiwo samasisipala noma yokusebenzisa indawo yokukhululeka yomphakathi;
- 'indawo yokukhululeka yomphakathi'** isho noma ngumuphi umhlaba, ibala, indawo yokumisa amatende, iziziba zokubhukuda, indawo evakashelwayo, indawo yokungcebeleka, isiqiwi semvelo, ipaki leziwane, lezimila noma yiyiphi elinye ipaki noma umzila wokuhamba okuyindawo yamasipala, kubandakanya noma yiyiphi ingxenye yayo nalokho okusetshenziswa kuyo; futhi
- 'umsebenzisi'** usho noma ngumuphi umuntu osebenzisa ngqo, noma ozuza ngqo esakhiweni samasisipala noma endaweni yokukhululeka komphakathi.

ISAHLUKO 2

UKUSETSHENZISWA KWEZAKHIWO ZAMASIPALA NEZINDAWO ZOKUKHULULEKA ZOMPHAKATHI

2. **Isibalo Esikhulu Sokugcina Sabavakashi**
- (1) Umasipala unganquma isibalo esikhulu sokugcina sabavakashi abangaba khona ngesikhathi esithize noma esakhiweni samasisipala noma endaweni yokukhululeka yomphakathi.
- (2) Isibalo esihlongozwe esigatshaneni (1) siyomenyezelwa ngumasipala ngesaziso.
3. **Ukungena Esakhiweni Samasisipala Noma Endaweni Yokukhululeka Yomphakathi**
- (1) Isakhiwo samasisipala noma indawo yokukhululeka yomphakathi, kweyame ezimisweni zalo mtheshwana, ivulelwa umphakathi ngezikhathi ezinqunye ngumasipala, futhi zimenezelwa ngesaziso.
- (2) Akekho umvakashi oyongena noma aphume esakhiweni samasisipala noma endaweni yokukhululeka yomphakathi ngentuba engenalo uphawu lwaleyo nhloso.
4. **Ukungena Nokusetshenziswa Ngabantu Abakhubazekile**
- (1) Umasipala uyoqiniseka ukuthi zonke izintuba zokungena nokuphuma esakhiweni samasisipala noma endaweni yokukhululeka yomphakathi zakhiwe ngendlela elungele neyumela ukungena kwabantu abakhubazekile.
- (2) Isakhiwo samasisipala siyoba nendawo ekhuphuka ngezinyawo, amakheshe noma izinto zokusebenza nezinsiza ezifana nawo ukwenza lula ukusetshenziswa kwazo ngabantu abakhubazekile.

- (3) Akukho okuqukethwe kulesi sigaba okuyohunyushwa sengathi kunciphisa izimfuno zoMthetho KaZwelonke WeZimiso Nemigomo Yezakhiwo we-1977 [uMthetho Nombolo 103 we-1977] nanoma ngumuphi omunye umgomo omenyezelwe ngokulandela leyo ndlela.
5. **Imali Yokungena**
- (1) Umvakashi esakhiweni samasipala noma endaweni yokukhululeka yomphakathi uyokhokha imali yokungena, njengokunquma kwamasipala njalo emva kwesikhathi, futhi leyo mali iyomenyezelwa ngesaziso.
- (2) Kunganqunywa izimali ezehlukene mayelana nabudala babavakashi obehlukene, futhi umasipala ungaxofela amaqembu athile abantu ukuba angayikhokhi imali yokungena, kube sekutheni lokho kuxololwa akukhona ukubandiulula ngokungemthetho.
6. **Inkathazo**
- (1) Akukho muntu oyokwenza noma avumele noma yiziphi izenzo ezilandelayo esakhiweni samasipala noma endaweni yokukhululeka yomphakathi ngaphandle kwemvume yamasipala ebhalwe ngaphambiliini-
- (a) ukudutshulwa kwezikhali, kwezibhamu, kwevolovolo noma ukusetshenziswa kwemicibisholo, kweminsalo, kwendwayimane, kwezihlilingi, noma kwezinye izikhali;
- (b) ukuqhumisa izikwibhisi, kube sekutheni izidingo zoMthetho Weziqhumane we-2003 [uMthetho Nombolo 15 we-2003] nanoma yisiphi esinye isimiso esimenyezelwe kanjalo siyalandelwa uma lowo muntu ethola imvume yamasipala ebhalwe ngaphambiliini;
- (c) ukushiswa kwemvithiza noma inkucuzi;
- (d) ukubanga iphunga elibi noma elinyanyisayo;
- (e) ukukhiqiza intuthu eyinkathazo;
- (f) ukuphazamisa ngokulwa, ngokumemeza, noma ngokuxabana, noma ngokusebenzisa izandisamsindo, imisakazo, omabonakude, noma ukucasula umphakathi; noma
- (g) ukudala, noma yingayiphi enye indlela, inkathazo, ukuthikameza, ukuphazamisa, noma ukucasula, umphakathi.
- (2) Isikhulu esigunyaziwe, ngesikhathi somcimbi womqashiselwa, singayala ukuthi umqashiselwa asuse esakhiweni samasipala noma endaweni yokukhululeka yomphakathi noma ngumuphi umuntu esimweni sokudakwa futhi oziphethe ngendlela yokudelela, noma oyinkathazo noma ocasula abanye abantu esakhiweni samasipala noma endaweni yokukhululeka yomphakathi noma kubahlali benye ingxenye yesakhiwo samasipala noma endaweni yokukhululeka yomphakathi noma ezindlini zomakhelwane.
- (3) Isikhulu esigunyaziwe, ngesikhathi somcimbi womqashiselwa, singayala ukuthi umqashiselwa enqabe ukungena esakhiweni samasipala noma endaweni yokukhululeka yomphakathi noma ngumuphi umuntu esimweni sokudakwa futhi oziphethe ngendlela yokudelela, noma oyinkathazo noma ocasula abanye abantu esakhiweni samasipala noma endaweni yokukhululeka yomphakathi noma kubahlali benye ingxenye yesakhiwo samasipala noma endaweni yokukhululeka yomphakathi noma ezindlini zomakhelwane.
7. **Ezempilo**
- Akukho muntu esakhiweni samasipala noma endaweni yokukhululeka yomphakathi -
- (a) oyolahla, awise noma abeke noma yiziphi inkucuzi, imvithi noma impahla noma enye into, noma oyovumela lokho ukuba kwenzeka, ngaphandle kusesitsheni esihlinzekelwe ukwenza lokho esakhiweni samasipala noma endaweni yokukhululeka yomphakathi;
- (b) oyonukubeza noma angcolise amanzi esizibeni sokubhukuda, edanyini, emfudlaneni, emfuleni, emchachazweni wamanzi, noma enye indlela yokuletha amanzi; noma;
- (c) oyokwenza noma yisiphi isenzo esingakhubaza kabuhlungu impilo yomvakashi esakhiweni samasipala noma endaweni yokukhululeka yomphakathi.
8. **Izakhiwo**
- (1) Akukho muntu, ngaphandle kwemvume ebhaliwe ngumasipala ngaphambiliini, oyokwakha, noma amise, esakhiweni samasipala noma endaweni yokukhululeka yomphakathi, esinye isakhiwo noma umpheme noma enye into efana nayo.
- (2) Ngaphandle kwezimiso zesigatshana (1), umuntu angamisa umahambanendlwana/ikharaveni noma agxumeke itende ngenhloso yokuhlala yokukhululeka yomphakathi, kube sekutheni lowo mahambanendlwana noma itende limiswe noma ligxunyekwe endaweni ehlukaniselwe leyo nhloso ngesaziso.
9. **Utshwala Nokudla**
- (1) Akukho muntu oyoletsa esakhiweni samasipala noma endaweni yokukhululeka yomphakathi noma nguluphi uphuzo noma ukudla, noma okwathuloboluni, ngaphandle uma evunyelwe ngemvume noma ngesaziso esibhaliwe, kube sekutheni -
- (a) ukulungisa nokuphekwa kokudla esakhiweni samasipala noma endaweni yokukhululeka yomphakathi kwenziwa -
- (i) endaweni ehlukaniselwe leyo nhloso; futhi
- (ii) ngendlela ehlanzekile nenempilo; futhi
- (b) akukho silwane, inkukhu noma inhlanzi engabulawa noma ihlinzwe esakhiweni samasipala noma endaweni yokukhululeka yomphakathi, ngaphandle uma evunyelwe ngemvume noma isaziso esibhalwe ngaphambiliini.
10. **Izilwane**
- (1) Akukho muntu oyoletsa noma yisiphi isilwane, inyoni, inhlanzi noma inkukhu esakhiweni samasipala noma endaweni yokukhululeka yomphakathi, kube sekutheni -
- (a) umuntu okhubazake ngokungaboni uhamba nenja; futhi
- (b) umasipala ukhiphe imiyalelo mayelana nokwafukile ngokwezenqabelo ezishiwo phambiliini.
- (2) Imiyalelo ehlongozwe esigatshani (2)(b) iyomenyezelwa ngesaziso.
11. **Ukusetshenziswa Kwezakhiwo Zamasipala Nezindawo Zokukhululeka Zomphakathi**
- (1) Mayelana nokusetshenziswa kwesakhiwo samasipala nendawo yokukhululeka yomphakathi, akukho muntu -
- (a) oyohlela noma ethule okokuthokozisa umphakathi;
- (b) oyoqoqa imali noma enye impahla esingumnikelo wesihle noma ngenye inhloso emphakathini;

- (c) oyokhangisa noma asabalalise noma yiphi incwajana, iphepha lesaziso, umdwebo, incwadi, incwadi yesikweletu, noma ngumuphi umsebenzi oshicilelwe noma obhaliwe noma odwetshiwe;
- (d) oyohlela, abambe noma akhulume kunanoma ngumuphi umhlango; noma
- (e) oyohlela noma abambe noma umhlango womphakathi noma umshongolo, umbukiso noma umgido;
- (f) oyokwenza noma nguluphi uhwebo, umsebenzi noma ibhizinisi;
- (g) oyokhangisa, adayise, aqashise noma alethe ukuze adayise noma aqashise, noma iyiphi impahla noma into; noma
- (h) oyokwenza indali, kuleso sakhiwo samasipala noma indawo yokukhululeka yomphakathi, ngaphandle uma ethole imvume ebhalwe ngaphambili kumasipala, noma lesa senzo sivunyelwe ngokulandela izimiso zokuqashisa ezihlongozwe esahlukweni salo mtheshwana.
- (2) Akukho okuqukethwe kulesi sigaba okuyohunyushwa ngokunciphisa -
- (a) imibandela yoMthetho Wokulawulwa Kwemibuthano we-1993 [uMthetho Nombolo 205 we-1993]; noma
- (b) noma yiliphi ilungelo lomuntu ngokomthethosisekelo ukuba ahlanganise, abhikishe, aqhinqe noma ethule isikhalo.
12. **Ukuphepha Nokuziphatha Ngo buqotho**
- (1) Kweyame esigatshaneni (2), akukho muntu -
- (a) oyolimaza noma onakalise;
- (b) oyosebenzisa, noma azame ukusebenzisa, noma yini ngenhloso okungeyona ebalulwe noma eqagulwe ngesaziso;
- (c) oyokokhela umilo noma apheke ukudla, ngaphandle uma kwasezindaweni ezihlukaniselwe leyo nhloso ngesaziso;
- (d) oyogeza noma yiziphi izitsha noma izingubo, noma aiengise lezo izingubo, ngaphandle kwasezindaweni ezihlukaniselwe leyo nhloso ngesaziso, esakhiweni samasipala noma endaweni yokukhululeka yomphakathi;
- (2) Umasipala, ngesaziso, futhi kweyame kulezo zimiso njengoba umasipala ubona kudingeka, futhi ukuphawulile esazisweni lesa, ungagunyaza noma yisiphi sezenzo ezihlongozwe esigatshaneni (1), noma ezimisweni ezifanele zokuqashisa.

ISAHLUKO 3

UKUQASHISA NGEZAKHIWO ZAMASIPALA

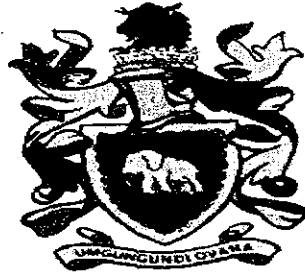
13. **Ukubambisana Kweminyango Yamasipala**
Umnyango wamasipala owengamele noma ophethe noma yisiphi isakhiwo samasipala kumele ubambisane nalowo mnyango ekwenzeni isiqiniseko sokuthi -
- (a) lesa sakhiwo samasipala sinakeleke ngendlela yokuthi sikulungele ukufeza inhloso esehlukaniselwe yona futhi siyasetshenziswa; futhi
- (b) kweyame ezimisweni zesigaba 19, ayikho ingxenye yalesa sakhiwo samasipala esinikezelwa noma esiqashiselwa, abantu abangaphezu koyedwa ngesikhathi esifanayo.
14. **Isicelo Sokuqasha Isakhiwo Samasipala**
- (1) Noma ngumuphi umuntu onesifiso sokufaka isicelo sokuqasha isakhiwo samasipala kufanele -
- (a) afake isicelo kumasipala ngeformu elilungiselwe leyo nhloso ngumasipala;
- (b) agagule ngokucacile kuleso sicelo -
- (i) isakhiwo samasipala, uhlelo lokuhlala, indawo nempahla ezosetshenziswa edingekayo; kanye
- (ii) nesikhathi okuzodingwa ngaso isakhiwo samasipala;
- (c) aqiniseke ukuthi lelo fomu lokufaka isicelo umasipala usithola zingakadluli izinsuku ezingama-30 ngaphambi kosuku isakhiwo samasipala umfakisicelo asidinga ngaso okokuqala, kube sekutheni lesa sikhathi singaxegiswa ngumasipala, kweyame ekutheni sisetshenziswa kangakanani lesa sakhiwo samasipala.
- (2) Umasipala ungenqaba ukuqashisa noma yisiphi isakhiwo samasipala ngokulandela isigatshana (1), noma usule noma ngukuphi ukubekiswa kwaso uma -
- (a) isakhiwo samasipala sizosetshenziselwa inhloso engemthetho; noma
- (b) isakhiwo samasipala sidingwa ngesikhathi esifanayo ngumasipala ngoba uzosisebenzisa, kube sekutheni umasipala ukhipha isaziso okungenani kusenezinsuku eziyi-14 sokuhoxisa noma ngukuphi ukubekiswa kwesakhiwo okwenziwe..
- (3) Akukho sinxephezelo esiyokhokhelwa umqashiselwa ngumasipala ngokulahlekelwa komqashiselwa ngesizathu sesenzo samasipala ngokulandela isigatshana (2); kube sekutheni umasipala uyobuyisa zonke izimali ezibizwayo ngokufaka isicelo.
- (4) Umqashiselwa uphoqekeke ukuba asebenzise isakhiwo samasipala esibalulwe efomini lesicelo, futhi akumele asebenzise esinye isakhiwo samasipala engacelanga ukusisebenzisa.
- (5) Isakhiwo samasipala esiqashwe ngaleyo ndlela, ngaphandle kwemvume ebhalwe phambili ngumasipala, singasetshenziselwe enye inhloso okungesiyo esishiwo efomini lesicelo noma esibalulwe ezimisweni zokuqasha.
15. **Uhlelo Lwezimali Ezikhokhwayo**
Umasipala unganquma uhlelo lwezimali ezimiswe zokuqasha izakhiwo zamasipala ezihlinzekwa ngumasipala ngokulandela lo mtheshwana, njalo emva kwesikhathi,
16. **Ukukhokhwa Kwezimali Ezibizwayo**
Akukho muntu oyovunyelwa ukusebenzisa noma yisiphi isakhiwo samasipala ngaphandle uma imali emisiwe ephelile, lapho kufanele khona, ingakhokhiwe, kube sekutheni umasipala ungaxolela noma ngumuphi umuntu noma inhlangano, ngesizathu esilungile, angakhokhi yonke imali emisiwe, noma ingxenye yayo.
17. **Isikhathi Sokuqasha**
Ngaphandle kwanoma yisiphi isinqumo esenziwe ngumasipala mayelana nezinsuku nesikhathi nobungako besikhathi isakhiwo samasipala esingaqashwa ngaso, umasipala ungavumela umqashiselwa isikhathi esifanele sokungena esakhiweni samasipala ngaphambi kosuku lokuqala kwesikhathi asiqasha, ukuze umqashiselwa akwazi ukwenza amalungiselelo ahlele okudingekayo, kodwa kweyame ekutheni umqashiselwa uzikhokhe ngaphambili izimali ezimiswe.

18. **Ukuguqula Isikhathi Sokuqasha**
- (1) Noma ngumuphi umuntu ofaka isicelo sokusebenzisa isakhiwo samasipala ngokulandela isigaba 14, kulandela ukugunyazwa kwaleso sicelo, nokubekiswa kwaleso sakhiwo samasipala, angafaka isicelo sokuhlehlisela lokho kubekiswa kolunye usuku, ngaphandle kwesijezi noma ukulahlekelwa, kube sekutheni kungenqatshwa uma leso sakhiwo samasipala, ngaleso sikhathi, sibekisiwe ukuze sisetshenziswe ngomunye umuntu ngosuku okucelwa ukuba luhlehliswe.
- (2) Noma ngumuphi umuntu osefaka isicelo sokubekisa isakhiwo samasipala angahoxisa lokho kubekisa, kube sekutheni uma -
- (a) ukubekisa kusulwa inyanga eyo-1 noma ngaphezulu ngaphambi kosuku lokuqala lwalokho kubekiswa, umqashiselwa kumele abuyiselwe yonke imali emisiwe aseyikhokhile;
- (b) ukubekisa kusulwa izinsuku ezingaphezu kwezinsuku eziyi-15 kodwa ngaphansi kwenyanga eyo-1 ngaphambi kosuku lokuqala lwalokho kubekiswa, umqashiselwa kumele abuyiselwe ama-50% emali emisiwe;
- (c) ukubekiswa kusulwa ezinsukwini eziyi-15 noma ngaphansi ngaphambi kosuku lokuqala lwalokho kubekiswa, umqashiselwa akumele abuyiselwa noma yiyiphi imali emisiwe.
- (3) Noma ngumuphi umuntu angelula isikhathi sokuqasha isakhiwo samasipala ngesicelo esibhalwe kumasipala ngendlela ehlinzekwe esigabeni 14(1), kube sekutheni -
- (a) isaziso sezinsuku ezingama-30, njengoba sihlongozwe ngokulandela isigaba 14(1)(c), asisetshenziswa;
- (b) isakhiwo samasipala othintekayo ngaleso sikhathi, awusibekisile ukuze sisetshenziswe ngomunye umuntu.
19. **Ukuqashisa Ngokuhlanganyela**
- (1) Umasipala ungavumela noma yisiphi isakhiwo samasipala noma ingxenye yaso ukuba sisetshenziswe abaqashiselwa abehlukene sikhathi sinye.
- (2) Uma kwenzeka kuba nokusetshenziswa sikhathi sinye, umqashiselwa ngamunye kufanele asebenzise noma yiziphi ezinye izindawo zokukhululeka zomphakathi ezisebenzayo noma eziyingxenye yesakhiwo samasipala -
- (a) ngokuhlanganyela nabanye abaqashiselwa; futhi
- (b) nangendlela yokuthi bonke abaqashiselwa, izimenywa, abasekefi, abathengi, abasebenzi, abenzeli, abaqondisi noma ezinye izithunywa zakhe ziyakuthokozela ukusebenzisa isakhiwo samasipala esisetshenziswayo ngaphandle kokuqonela ilungelo labanye abasebenzisi.
- (3) Izimiso zalo mtheshwana, zifundwa nezinguquko ezifanele, zisebenza ngokuhlanganyela kubasenzisi besakhiwo samasipala esiqashiwe.
20. **Ukuqashisela Omunye**
Umqashiselwa angekwazi -
- (a) ukuqashisela omunye noma yisiphi isakhiwo esiqashiwe noma samasipala omunye umuntu noma inhlangano;
- (b) ukuyeka, ukubambisa, noma ukudlulisela, komunye umuntu noma yiliphi ilungelo noma isibopho sakhe ngaphansi kwalo mtheshwana; futhi
- (c) ukuvumela omunye umuntu ahlale esakhiweni samasipala ngaphandle kwemvume yamasipala ebhalwe ngaphambilini.
21. **Isimo Sesakhiwo Samasipala**
- (1) Umqashiselwa kufanele ahlole isakhiwo samasipala esiqashisayo, kubandakanya konke okufakiwe, okusetshenziswayo, okuxhunyiwe, izitsha nempahla yasendlini, ngaphambi kokuqala ukusebenzisa lokho okufakiwe, okusetshenziswayo, okuxhunyiwe, izitsha nempahla yasendlini.
- (2) Uma umqashiselwa ethola ukuthi lokho okufakiwe, okusetshenziswayo, okuxhunyiwe, izitsha nempahla yasendlini esakhiweni samasipala akufungile, umqashiselwa kumele akubike lokho kumasipala.
- (3) Uma umqashiselwa ehlukelela kungaba ukhulola isakhiwo samasipala ngokulandela isigatshana (1), noma ukubika noma nguluphi ufa olutholakele ngokulandela isigatshana (2), kuyofathwa ngokuthi, lapho umqashiselwa eqala ukuhlala, yonke into noma isakhiwo samasipala sasilungile.
22. **Izibopho Zomqashiselwa**
Noma ngumuphi umuntu oqasha isakhiwo samasipala kumele -
- (a) alandele zonke izinyathelo ezifanele ukugcina amapayipi endle, ompompi nemisele yamanzi esakhiweni noma ephakela isakhiwo samasipala engathikamezekile noma engavalekile ngenxa yemicimbi yomqashiselwa;
- (b) ngazo zonke izikhathi agcine isakhiwo samasipala sisesimweni esihlanzekile, esihlelekile nesinempilo;
- (c) angaxhomi noma anamathelise esakhiweni samasipala noma yiziphi izaziso noma enye into, ngaphandle kwemvume yamasipala ebhalwe ngaphambilini, kube sekutheni ekupheleni kokuqashwa, umqashiselwa ususa zonke lezo zinto ezinanyathelisiwe;
- (d) angasithabezi noma yisiphi isibuko samafasitela ngokusipenda noma ngenye indlela;
- (e) angashayeleti izipikili ezindongeni noma kumaphathishini noma ezicabheni zesakhiwo samasipala;
- (f) angaguquli noma athikameze noma athwese ngokweqile noma yikuphi kwagesi okufakiwe esakhiweni samasipala;
- (g) angasusi noma akhiphe noma iyiphi impahla noma enye into okungeyamasipala;
- (h) avimbe noma athikameze noma athintathinte noma iyiphi ithemostethi noma isiguqulamoya esakhiweni samasipala;
- (i) angenise noma afake noma yini engaphephile noma into, impahla, okuxhunyiwe, izisetshenziswa noma into yokusebenza esindayo, ngokubona kwamasipala okufanele, okungalimaza isakhiwo samasipala noma ingxenye yaso, kube sekutheni umasipala ungaphoqelela, uma kungeniswa leyo nto, lezo zimiso ezifanele ukuqikelela ukuphepha kwesakhiwo samasipala nabasebenzisi baso;
- (j) angafaki esakhiweni samasipala noma iyiphi ingxenye noma into eguqulela umoya noma efaka umoya, ngaphandle kwemvume yamasipala ebhalwe ngaphambilini;
- (k) angavumeli ukugcinwa kwezimoto noma enye into ehambayo yanoma luphi uhlobo onqenqemeni, endaweni yokungena emahholo, ezitebhisini noma emaphasejini esakhiwo samasipala;
- (l) angenzi lutho noma avumele kwenziwe into, engahambisani nortyalelo noma isenqabelo esifanele esinikezwe noma esikhishwe ngumasipala;
- (m) angashiya izithuthi, noma avumele ukushiywa kwezithuthi ngabavakashi, ngabathengi, abasekeli, ngabasebenzi, ngabenzeli, ngabaqondisi noma ngezinye izithunywa zakhe noma yilaphi esakhiweni

- samasipala, ngaphandle kwasezindaweni eyehlukaniselwe ukushiywa kwezithuthi, noma njengoba kusho isikhulu esigunyaziwe.
23. **Ukulimala Kwempahla**
 (1) Umqashiselwa ohluleka ukugcina nokunakekela isakhiwo samasipala esimweni esifana naleso esasikuso esiqasha uyobekwa icala.
 (2) Ngaphezu kwanoma yiliphi ikhambi umasipala onalo ngokwemithetho yabantu, umqashiselwa uyokhokha ngokulandela izimiso zezijeziso ezibalulwe kulo mtheshwana.
24. **Izikhangiso Nemihlobiso**
 (1) Akukho muntu ofake isicelo sokuqasha isakhiwo samasipala ongamemezela noma akhangise ingcacca noma ngumuphi umsebenzi noma umcimbi okusafakwe isicelo sokuqasha leso sakhiwo samasipala, ngaphambi kokuba umasipala sewumazisile lowo muntu ngencwadi ukuthi isicelo semukelwe.
 (2) Noma ngumuphi umqashiselwa, ngaphambi kokushiya isakhiwo samasipala asiqashile, ekupheleni kwesikhathi sokuqasha, uyosusa wonke amaphosta, izaziso, imihlobiso, amaflegi, iziphandla, izimpawu, nezinye izinhlobo zokukhangisa noma zokukhombisa ezakhiwe noma ezixunyekwe nguyena, futhi alungise umonakalo odalwe ngukususwa kwalokho.
25. **Ukungena, Abangenisi Nokuthengiswa Kwamathikithi**
 Umqashiselwa uyoba nesibopho ngawo wonke amalungiselelo mayelana –
 (a) nokungena kwamlungu omphakathi kunoma yimiphi imicimbi yamasiko noma eminye esakhiweni samasipala;
 (b) nokubakhona kwabangenisi, kanye nabanye abantu abadingekayo ukulawula ukungena kwabantu esakhiweni samasipala; kanye
 (c) nokuthengiswa kwamathikithi.
26. **Ukuminyana**
 (1) Ukuminyana esakhiweni samasipala akuyovunyelwa nganoma yisiphi isikhathi ngesikhathi semicimbi yomqashiselwa.
 (2) Umqashiselwa kufanele alandele izimiso zamasipala ezibeka inani elikhulu lokugcina labantu abavunyelwe esakhiweni samasipala emicimbini.
 (3) Ngale kokunciphisa izidingo ezijwalekile ezichazwe esigatshaneni (1) nese- (2), umqashiselwa akayukuvumela esakhiweni samasipala abantu abangaphezu kwenani lezihlalo ezikhona, noma, lapho izihlalo zingekho khona, inani labantu eliphezulu lokugcina elimiswe ngesaziso esakhiweni samasipala, noma njengoba libalulwe ezimisweni zokuqashisa.
27. **Ukuthengiswa Kokudla Neziphuzo**
 (1) Akukho muntu ongathengisa ukudla noma iziphuzo esakhiweni samasipala esiqashiwe ngesikhathi somcimbi, ngaphandle kwemvume yamasipala ebhalwe ngaphambilini.
 (2) Umasipala ungavumela ukuthengiswa kokudla neziphuzo yilowo muntu njengoba kungagunyazwa, emva kokuba esethole isicelo sokuthengisa lezo zinto, futhi umasipala unganika labo bantu abagunyaziwe indawo eyanele, lapho impahla ethengisayo, kungahlaliswa nempahla yasendini nezinto zokusebenza, okufakiwe nezincwadi ezidingekayo kulokho kuthengisa.
 (3) Izimiso zezigatshana (1) nese- (2) azisebenzi uma ukukhipha nokuthengiswa kokudla neziphuzo kuyingxenye esemqoka yemicimbi yomqashiselwa.
 (4) Umasipala awuyukuba nasibopho sokukhokhela umqashiselwa noma omunye umuntu isinxephezelelo ngenxa yokulahleka, yokwebiwa noma yokulimala kwezinto ezichazwe esigatshaneni (2) ngenxa yanoma yisiphi isizathu, ngaphandle uma lokhu kulahleka, kwebiwa noma kulimala kungenxa yokwenza ngenhloso noma ngephutha noma ngobudedengu bamasipala.
28. **Imisebenzi**
 (1) Uhlolo lwemisebenzi yamasipala okumele ihlinzekwe esakhiweni samasipala iyonqunywa ngokwentando yamasipala.
 (2) Umasipala awuyobekwa icala ngenxa –
 (a) yokungemukeli noma yokungathunyelwa kwempahla, okuposive noma imiyalezo yomqashiselwa;
 (b) yokulahleka, ukwebiwa noma ukulimala kwempahla yomqashiselwa, noma yezimerywa, yabathengi, yabasekeli, yabasebenzi, yabenzeli, yabaqondisi noma ezinye izithunyuwa zakhe okungabe ziyifake noma ziyishiye esakhiweni samasipala noma kwenye ingxenye yaso, ngaphandle uma lokhu kulahleka, kwebiwa noma kulimala kungenxa yokwenza ngenhloso noma ngephutha noma ngobudedengu bamasipala.
 (3) Umasipala ungathatha lezo zinyathelo ongazibona zidingeka mayelana nokunakekeleka nokusetshenziswa kwezindawo zawonke wonke esakhiweni samasipala.
 (4) Isikhulu esigunyaziwe singathamela noma sibe khona emsebenzini womqashiselwa, ukuqiniseka ukuthi ziyalandelwa izimiso zalo mtheshwana.
 (5) Umqashiselwa akanagunya lokusebenzisa isiphathimandla esigunyaziwe noma esinye isithunyuwa samasipala esithamele umsebenzi ngokulandela isigatshana (4).
 (6) Umqashiselwa akanagunya lokuba ahlanzelwe noma enzelwe eminye imisebenzi ngumasipala mahhala maqondana nemicimbi yomqashiselwa ngesikhathi sokulungiselela, noma somcimbi uqobo.
29. **Ukuzikhipha ecaleni**
 (1) Umasipala awuyibekwa icala ngenxa –
 (a) yanoma ngukuphi ukulinyalelwa noma ukulahlekelwa kwanoma ngumuphi umuntu ngenxa yokunganikezwa kwemisebenzi yamasipala eyanele noma ngokuthikamezeka kwalokho kunikezelwa yisakhiwo samasipala, noma ngenxa yanoma yisiphi isenzo noma iphutha lamasipala, uma umasipala ucabanga ukuthi ukuthikamezeka kuyadingeka ukuze ukwazi ukusebenzisa amandla awo noma ukwenza umsebenzi wawo ngaphansi kwalo mtheshwana, noma ngumuphi omunye umthetho;
 (b) Yanoma ngukuphi ukulahlekelwa, ukwebiwa noma ukulimala kwempahla ethengisayo, impahla yasendini, izinto ezisetshenziwayo, okufakiwe, izincwadi, amaphepha, izingubo, noma izinto zanoma nguluphi uhlobo, ezigcinwe esakhiweni samasipala esiqashwe ngumqashiselwa noma omunye umuntu, kungaba maqondana nebhizinisi lomqashiselwa noma cha;

- (c) noma yikuphi ukulahlekelwa okungavelela umqashiselwa ngokusebenzisa isakhiwo samasipala, noma ngenxa yemvula, isichotho, umbani, umoya, umlilo, isiphapho, isiteleka noma umbhikisho womphakathi;
- (d) yokufa noma yokulimala komqashiselwa noma omunye osesakhiweni samasipala ngesikhathi somsebenzi noma somcimbi; kanye nangokulahlekelwa komqashiselwa ngenxa yanoma ngukuphi ukwehluleka noma iphutha esakhiweni samasipala,
- kube sekutheni lokho kulimala, ukweba noma ukulahleka kungenxa yokwenza ngenhloso noma ngephutha noma ngobudedengu bamasipala.
- (2) Uma isicelo sokuqashisa sesigunyaziwe ngumasipala, umqashiselwa kumele agcwalise futhi asayinele umasipala isivikelo secala, njengoba kungase kumiswe, kube kubhekelwa umasipala.
- 30. Ukubhidlika Kwesakhiwo Samasipala**
- (1) Umasipala unгахoxisa ukuqashwa kwesakhiwo samasipala uma -
- (a) isakhiwo samasipala sibhidlika noma silimale ngangokuthi ngeke sasebenza;
- (b) isakhiwo samasipala silimele, ngangokuthi ngeke sasebenza ngenxa yokungangeneki kuso, noma ukunikezwa kwanoma yimuphi umsebenzi wamasipala odingekayo; noma
- (c) isakhiwo samasipala sidlika noma silimele, futhi umasipala unquma ukungaqhubeki nokuqashisa isakhiwo samasipala, ukuze uqale ukwakha kabusha, ukusivuselela, noma ukusilungisa, noma ngenxa yezizathu zokuphepha.
- (2) Noma yisiphi isinqumo esithathwe ngokulandela isigatshana (1) kufanele sidluliselwe kumqashiselwa ngesaziso esibhaliwe ngumasipala ngesikhathi esifanele sokuqashisa ukuqashwa.
- (3) Akukho mqashiselwa oyofuna noma ngukuphi ukunxeshezela ngumasipala nganoma ngukuphi ukulimala noma ukulahlekelwa ngenxa yokulimala, noma yokudlika kwesakhiwo noma noma yiyiphi ingxenye yaso, noma ngenxa yokulahleka okudalekile mayelana nokusetshenziswa kwesakhiwo samasipala ngumqashiselwa ukuze ahlomule.
- 31. Ukusula Ukuqasha Ngenxa Yokungathobeli umthetho**
- Umamasipala ungasula, noma yisiphi isikhathi sokuqashwa kwesakhiwo samasipala uma umqashiselwa ehluleka ukuthobela noma yiziphi izimiso zalo mtheshwana, uma kwenzeka njalo -
- (a) umasipala awuyobekwa icala lanoma ngukuphi ukulimala noma ukulahlekelwa kwanoma ngumuphi umuntu ngenxa yalokho kusula;
- (b) lokho kusula kuyokwenziwa ngale kokunyundela noma yiyiphi ilungelo lamasipala kumqashiselwa ngaphansi kwalo mtheshwana, noma umthetho wabantu.
- 32. Ukuphela Kokuqasha**
- (1) Ekupheleni kwesikhathi sokuqasha -
- (a) umqashiselwa kufanele abuyisele isakhiwo samasipala kumasipala, silungile futhi sisesimweni esihle;
- (b) umqashiselwa kufanele akhonde, futhi alungise, ngezindleko zakhe yinoma ngukuphi ukulimala noma ukuphuka, noma abuyise izindleko zamasipala zokubuyisela, zokulungisa noma zokukhanda noma yini ephukile, elimele noma into elahlekile; futhi
- (c) umasipala ungasula emalini ekhokhwe ngumqashiselwa mayelana nezindleko zesakhiwo samasipala zokwephuka, zokulimala noma ukulahlekelwa.
- (2) umqashiselwa kufanele aphume esakhiweni samasipala esiqashiwe ngaleso sikhathi emva kokuphela kwesikhathi sokuqasha, njengoba kubaluliwe efomini lokufaka isicelo noma ezimsweni, kube sekutheni -
- (a) ukwehluleka komqashiselwa ukulandela lezi zimiso zalesi sigatshana kunika umasipala igunya ukuba umkhokhise enye imali emisiwe mayelana naleso sikhathi esingaphezulu esihlalwa ngumqashiselwa emva kokuphela kwesikhathi sokuqasha; futhi
- (b) izimiso zalesi sigatshana azimenqabeli umasipala ukuba uthathe izinyathelo zomthetho ukuthola imvume yokumkhipha lowo mqashiselwa esakhiweni samasipala.
- (3) Umqashiselwa kufanele alandele yonke imiyalelo yamasipala efanele nesemthethweni mayelana nokuhlaza isakhiwo samasipala lapho umqashiselwa esephuma kuso, kube sekutheni umasipala uqobo ungakhetha ukuhlaza ngokwakhe zonke izitsha ezisetshenziswa ngumqashiselwa.
- (4) Umqashiselwa kufanele alandele yonke imiyalelo yamasipala efanele nesemthethweni mayelana nokuphuma esakhiweni samasipala nokubuyiselwa kwaso.
- 33. Izingozi Zomlilo Nomshuwalense**
- (1) Umqashiselwa akayukuletha, noma avumele ukuba kulethwe, noma kugcinwe, esakhiweni samasipala, noma enze noma avumele ukuba kwenziwe esakhiweni samasipala, noma utho, into noma umcimbi ongadala ukuba inqubomgomo yomlilo, noma enye inqubomgomo yomshuwalense, wesakhiwo samasipala esetshenziswayo ingasebenzi, noma ongadala imali ekhokhelwa lowo mshuwalense ngenyanga yenyuka.
- (2) Uma imali ekhokhelwa lowo mshuwalense yenyuka ngenxa yanoma yisiphi isenzo noma iphutha elihlongozwe esigatshaneni (1), -
- (a) umasipala, ngokubona kwawo, ungavumela lowo mcimbi, futhi ufune umqashiselwa abuyise lelo nani elifanele mayelana naleyo imali enye ekhokhelwa umshuwalense; futhi
- (b) umqashiselwa kufanele akhokhe lelo nani ngokushesha lapho aziswa ngumasipala noma inkampani yomshuwalense ukuthi akhokhe leyo mali enye ekhokhelwa umshuwalense ebiziwe.
- (3) Umasipala nganoma yisiphi isikhathi ungasula umqashiselwa ukuba athathe umshuwalense enkampaneni yomshuwalense, egunyazwe ngumasipala, mayelana nokulimala noma nokulahlekelwa okwenzeke ngesikhathi noma ngenxa yanoma ngumuphi umcimbi isakhiwo samasipala esiqashelwe wona.
- 34. Izakhiwo Zokulondoloza**
- Umasipala awuyukuba nasibopho sokuhlizeka izakhiwo zokulondoloza impahla yomqashiselwa, noma yeziminywa, yabathengi, yabasekeli, yabasebenzi, yabavakashi, yabaxhasi noma yezithunywa zakhe nganoma yisiphi isikhathi ngaphambi, ngesikhathi noma ngemuva komsebenzi noma umcimbi.
- 35. Impahla Yokusebenza**
- (1) Umqashiselwa odinga umasipala uhlizeke noma yiyiphi impahla ukuba ayisebenzise ngesikhathi somsebenzi noma somcimbi angayisebenzisa leyo mpahla kuphela ngemvume yamasipala, futhi ngaphansi konakekelo lwesiphathimandla esigunyaziwe.

- (2) Uma umqashiselwa elimaza impahla yokusebenza, noma esusa noma eyala ukuba kususwe impahla yokusebenza esakhiweni samasipala ngaphandle kwemvume, noma ehluleka ukuyibuyisela, umqashiselwa uyokhokha izindleko zokuyilungisa noma zokuyibuyisela.
36. **Ilungelo lokungena**
- (1) Isiphathimandla esigunyaziwe singangena esakhiweni samasipala ngazo zonke izikhathi ezifanele -
- (a) ukuhlola isakhiwo samasipala nokwenza noma ngukuphi ukukhanda noma ukwandisa noma ukushintsho noma ukwandisa noma ukugugula noma ukulungisa isakhiwo samasipala; futhi ukwenza isiqiniseko sokuthi imigomo yokuqashwa kwesakhiwo samasipala, nezimiso zalo mtheshwana, ziyalandelwa.
- (2) Umqashiselwa akanalo ilungelo lokufuna ukubuyiselwa izimali azibiziwe zokuqasha isakhiwo samasipala, isinxephezelo, umonakalo noma okunye mayefana namalungelo isiphathimandla esigunyaziwe esiwasebenzisile ngaphansi kwesigatshana (1).
- (3) Isiphathimandla esigunyaziwe singakhanda isibhaxa sokugibela, uthango lwezaziso, nempahla yokwakha esakhiweni samasipala, kanye nokunye kokusebenza okudingwa ngumthetho noma ezinye izisetshenziswa okungaqinisekiswa ngonjiniyela bamasipala, ukuthi kuyadingeka ukwenza umsebenzi wokukhanda ohlongozwe esigatshani.
37. **Ukuhlola**
Lapho imicimbi yomqashiselwa seyiphothulwe ekupheleni kwesikhathi sokuqasha, noma Upon the conclusion of the hirer's activities at the end of the period of hire, or ekuhoxisweni kokuqasha ngaphansi kwanoma yiziphi izimiso zalo mtheshwana, umasipala nomqashiselwa, noma oqokwe nguye, kufanela bahlolile isakhiwo samasipala, ngenhloso yohlola noma ngumuphi umonakalo noma ukulahlakelwa.
38. **Ukuqasha Izindawo Zokukhululeka Zomphakathi**
- (1) Izimiso zalesi sahluko ziyosebenza, ushintsho olufanele selenziwe (*mutatis mutandis*), ekuqasheni izindawo zokukhululeka zomphakathi.
- (2) Kuyoba sekuboneni kwamasipala ukunquma -
- (a) ukuqashisa noma ukungaqashisi ngendawo yokukhululeka yomphakathi; futhi
- (b) izimiso zalokho kuqashisa.
- ISAPHELA 4**
IZIMISO EZIWAYELEKILE
39. **Amacala Nezinhlawulo**
Noma ngumuphi umuntu ophula, noma owehluleka ukuthobela, isihlinzeke salo mtheshwana, isaziso esikhishwe ngokulandela lo mtheshwana, noma isimiso esiphogelelwa ngaphansi kwalo mtheshwana, ngale kokuthi lokho kwepulwa noma ukwehluleka kuqinisekise njengecala ndawana thize kulo mtheshwana, uyobekwa icala, futhi akhokhe, lapho egwetshwa -
- (a) inhlawulo engengaphezu kwama-R60 000, noma aboshwe isikhathi esingengaphezu kwezinyanga eziyi-12, noma enye inhlawulo ngaphezulu noma isikhathi sokuboshwa ngaphezulu noma kokubili leyo nhlawulo nalokho kuboshwa;
- (b) Uma kuyicala eliqhubekayo nokwenzeka, enye inhlawulo yama-R600.00 ngaphezulu noma esinye isikhathi sokuboshwa sosuku olu-1 ngaphezulu, noma leyo nhlawulo noma lokho kuboshwa ngaphezulu, noma kokubili leyo nhlawulo ngaphezulu nokuboshwa, kwalolo nalolo suku eboshelwe lelo cala liqhubeka; futhi
- (c) enye imali ngaphezulu elingana nanoma yiziphi izindleko nencithakalo etholwe yinkantolo idalwe ngumasipala ngenxa yalokho kwepulwa noma ukwehluleka.
40. **Izimiselo**
Umasipala ungenza izimiselo ezingashayisani nalo mtheshwana, ezimisa -
- (a) noma yini engamiswa noma okumele imiswe ngokulandela lo mtheshwana; futhi
- (b) noma yini engakhuthaza ukusetshenziswa kwalo mtheshwana.
41. **Ukuchithwa Kwemitheshwana**
Noma yimiphi imitheshwana ephathelene nezakhiwo zamasisipala nezindawo zokukhululeka zomphakathi ezemukele ngumasipala noma ngumuphi umkhandlu wamasipala oodlule manje osewuwuphiko lokuphatha lwamasipala uyochithwa kusukela ngosuku lokumemezela lo mtheshwana.
42. **Isihloko Esifingqiwe**
Lo mtheshwana ubizwa ngokuthi uMtheshwana Ophathelene Nezakhiwo Zamasipala Nezindawo Zokukhululeka Zomphakathi we-2007, futhi uqala ukusebenza ngosuku olunqinywe ngumasipala ngesimemezelo kwiGazethi Yesifundazwe.



UMVOTI 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) of the Local Government Municipal Property Rates Act, of 2004 (Act No.6 of 2004), hereinafter referred to as the "Act", that the supplementary valuation roll for the period ended 20 June 2011 for the financial years 2011/2012, 2012/2013 is open for public inspection at the municipal offices. King Dinizulu/Bell Street from the 22 August 2011 until the 30 of September 2011

An invitation is hereby given in terms of section 49(1)(a)(ii) of the Act that any owner of property or other person who desires to, should lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from the Valuation Roll within the abovementioned 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 Valuation Roll as such.

The prescribed forms for the lodging of an objection are obtainable at the Municipal Offices.

The completed objection forms must be addressed to the Municipal Manager and handed in at the Umvoti Municipal office, King Dinizulu/Bell street or sent by registered post to P O Box 71 Greytown 3250 and must be received by the close of business, 30 September 2011

For enquiries please telephone: MrZuma M J 033- 4139191.

IJM ARCHER
Acting MUNICIPAL MANAGER

PO Box 71
Greytown,
3250

Notice No: 1597

To appear on the 17 and 24 August 2011 Greytown Gazette, Municipal Website and all Municipal Notice Boards.

