



# Provincial Gazette

# Provinsiale Koerant

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Friday, 10 September 2010

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**PROVINCIAL NOTICES**

The following Provincial Notices are published for general information.

ADV. B. GERBER,  
DIRECTOR-GENERAL

Provincial Building,  
Wale Street  
Cape Town.

P.N. 351/2010

10 September 2010

**RECTIFICATION**

CITY OF CAPE TOWN

SOUTHERN DISTRICT

REMOVAL OF RESTRICTIONS ACT, 1967  
(ACT 84 OF 1967)

I, André John Lombaard, in my capacity as Deputy-Director in the Department of Environmental Affairs and Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owner of Erf 55, Bishops court, amend conditions IV.4. and V.G., contained in Deed of Transfer No. T. 16516 of 2007, to read as follows:

Condition IV.4.: That no building or structure or any portion thereof except boundary walls, fences and a guard house shall be erected nearer than 7,87 metres to any street line which forms a boundary of this erf. No such building or structure, except a guard house, shall be situated within 3,15 metres of any boundary common to an adjoining erf. Provided that if the slope of the land necessitates it, a garage may be erected on this erf nearer to the street line boundary, on condition that the roof of such garage does not project more than 0,94 metres above the natural level of the surrounding ground and the building is not erected nearer than 1,4 metres to the street line boundary of this erf. Provided further that should two or more contiguous erven be registered in the name of the same owner such erven may be consolidated whereupon the consolidated holding shall become one erf in the Township and all the conditions shall apply to it as being one erf.

Condition V.G.: No building of a greater height than 12,59 metres shall be erected upon the property without the prior consent of the Company or its nominees, and no part of the building except a guard house shall be nearer to any boundary than half the height of the highest portion of the building. For the purpose of this condition the height of the building shall be measured from the mean level of the ground adjoining such building.

P.N. 339/2010 dated 27 August 2010 is hereby cancelled.

P.N. 353/2010

10 September 2010

**NATIONAL ROAD TRAFFIC ACT, 1996 (ACT 93 OF 1996)****NOTICE OF REGISTRATION OF DRIVING LICENCE TESTING CENTRE**

The Minister of Transport and Public Works hereby gives notice that the following local authority has been registered and graded as indicated in terms of section 9 of the National Road Traffic Act, 1996 (Act 93 of 1996) as a driving licence testing centre.

| LOCAL AUTHORITY  | GRADE |
|--|-------|
| FISH HOEK DRIVING LICENCE TESTING CENTRE<br>(CITY OF CAPE TOWN MUNICIPALITY) | D     |

**PROVINSIALE KENNISGEWINGS**

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,  
DIREKTEUR-GENERAAL

Provinsiale-gebou,  
Waalstraat  
Kaapstad.

P.K. 351/2010

10 September 2010

**REGSTELLING**

STAD KAAPSTAD

SUIDELIKE DISTRIK

WET OP OPHEFFING VAN BEPERKING, 1967  
(WET 84 VAN 1967)

Ek, André John Lombaard, in my hoedanigheid as Adjunk-Direkteur in die Departement van Omgewingsake en Ontwikkelingsbeplanning, Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoorlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdheede, 1994 en op aansoek van die eienaar van Erf 55, Bishops court, wysig voorwaardes IV.4. en V.G., vervat in Transportakte Nr. T. 16516 van 2007, om soos volg te lees:

Condition IV.4.: That no building or structure or any portion thereof except boundary walls, fences and a guard house shall be erected nearer than 7,87 metres to any street line which forms a boundary of this erf. No such building or structure, except a guard house, shall be situated within 3,15 metres of any boundary common to an adjoining erf. Provided that if the slope of the land necessitates it, a garage may be erected on this erf nearer to the street line boundary, on condition that the roof of such garage does not project more than 0,94 metres above the natural level of the surrounding ground and the building is not erected nearer than 1,4 metres to the street line boundary of this erf. Provided further that should two or more contiguous erven be registered in the name of the same owner such erven may be consolidated whereupon the consolidated holding shall become one erf in the Township and all the conditions shall apply to it as being one erf.

Condition V.G.: No building of a greater height than 12,59 metres shall be erected upon the property without the prior consent of the Company or its nominees, and no part of the building except a guard house shall be nearer to any boundary than half the height of the highest portion of the building. For the purpose of this condition the height of the building shall be measured from the mean level of the ground adjoining such building.

PK. 339/2010 gedateer 27 Augustus 2010 word hiermee gekanselleer.

P.K. 253/2010

10 September 2010

**NASIONALE PADVERKEERSWET, 1996 (WET 93 VAN 1996)****KENNISGEWING VAN REGISTRASIE VAN BESTUURSLISENSIE-TOETSSENTRUM**

Kennis word hiermee deur die Minister van Vervoer en Openbare Werke gegee dat die volgende plaaslike owerheid kragtens artikel 9 van die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), as 'n bestuurslisensie-toetsentrum geregistreer is teenoor die gradering hieronder aangetoon.

| PLAASLIKE OWERHEID  | GRAAD |
|---|-------|
| VISHOEK BESTUURSLISENSIE-TOETSSENTRUM<br>(STAD KAAPSTAD MUNISIPALITEIT) | D     |

P.N. 352/2010

10 September 2010

**WESTERN CAPE PROVINCIAL TREASURY: GAZETTING OF ALLOCATIONS TO MUNICIPALITIES not listed in the Division of Revenue Act, 2010 (Act 1 of 2010) OR the Western Cape main budget, 2010.**

**WESTERN CAPE PROVINCIAL TREASURY**

I, Alan Winde, in my capacity as Provincial Minister of Finance, Economic Development and Tourism hereby publish the attached schedule in terms of section 29(2) and (3) of the Division of Revenue Act, 2010 (Act 1 of 2010) (2010 DORA), which determines that despite anything to the contrary contained in any law, that a Provincial Treasury may, in accordance with a framework determined by National Treasury, amend the allocations referred to in section 29(2) or make additional allocations to municipalities that were not published in terms of sections 29(1) and 29(2) of 2010 DORA. The distribution of these additional allocations and amended allocations are reflected in the attached schedules.

**ALAN WINDE, PROVINCIAL MINISTER OF FINANCE, ECONOMIC DEVELOPMENT AND TOURISM**

**DATE:**

| <b>Name of allocation</b>                   | <b>PROVINCIAL CONTRIBUTION TOWARDS THE ACCELERATION OF HOUSING DELIVERY</b>   |
|---|---|
| Transferring provincial department          | Human Settlements (Vote 8)  |
| Purpose                                     | To fund housing within municipalities who demonstrated capacity to plan and deliver housing rapidly, with the emphasis on rural areas.  |
| Measurable outputs                          | Improvement of the quality of human settlements by funding projects, which will address dysfunctionalities in such settlements.<br>This will include: <ul style="list-style-type: none"> <li>• Upgraded infrastructure in depressed areas and number of employment opportunities created;</li> <li>• The number of existing depressed areas re-planned and redeveloped and informal settlement upgrading; and</li> <li>• Completed plans of areas which could promote social, racial and functional integration.</li> </ul> |
| Conditions                                  | To form part of the contract between the provincial government and municipalities.  |
| Allocation criteria                         | Based on the business plans submitted to provincial Department of Human settlements as well as past performance.  |
| Reasons not incorporated in equitable share | Funds are provided in terms of the provincial own financing.  |
| Monitoring mechanisms                       | Projects are monitored on a regular basis through financial and implementation progress reports as well as site visits and meetings in order to ensure compliance and accurate reporting on key performance indicators.   |
| Projected life                              | The projects will be important in achieving sustainable human settlements. Other funding for the projects have been incorporated in the Integrated Housing and Human Settlement Development Grant over future financial years.  |
| Payment schedule                            | On the submission of certified claims.  |

| <b>Category</b> | <b>District Municipalities</b> | <b>Number</b> | <b>Municipality</b> | <b>Allocation R'000</b> |
|-----------------|--------------------------------|---------------|---------------------|-------------------------|
|                 |                                |               |                     | <b>2010/11</b>          |
| B               | DC1                            | WC015         | Swartland           | 5 000                   |
| <b>TOTAL</b>    |                                |               |                     | <b>5 000</b>            |

P.K. 352/2010

10 September 2010

**WES-KAAPSE PROVINSIALE TESOURIE: PUBLISERING VAN TOEKENNINGS AAN MUNISIPALITEITE WAT NIE GELYS IS IN DIE WET OP DIE VERDELING VAN INKOMSTE, 2010 (WET 1 VAN 2010) VAN DIE WES-KAAPSE OORSPRONKLIKE BEGROTING, 2010.**

**WES-KAAPSE PROVINSIALE TESOURIE**

Ek, Alan Winde, in my hoedanigheid as Provinsiale Minister van Finansies, Ekonomiese Ontwikkeling en Toerisme publiseer hiermee die aangehegte bylae ingevolge artikel 29(2) en (3) van die Wet op die Verdeling van Inkomste, 2010 (Wet 1 van 2010), wat bepaal dat ongeag die teenstelling in enige ander wet, die Provinsiale Tesourie in ooreenstemming met enige rapporteringsraamwerk soon deur die Nasionale Tesourie bepaal, toekennings ingevolge subartikel 29(2) kan wysig of addisionele toekennings aan munisipaliteite wat nie ingevolge subartikel 29(1) en 29(2) van die 2010 Wet op Verdeling van Inkomste gepubliseer was nie, mag maak. Die verspreiding van die addisionele en gewysigde toekennings is in die aangehegte skedules uiteengesit.

**ALAN WINDE, PROVINSIALE MINISTER VAN FINANSIES, EKONOMIESE ONTWIKKELING EN TOERISME**

**DATUM:**

| <b>Naam van toekenning</b>                | <b>PROVINSIALE BYDRAE OM BEHUISINGSLEWERING TE VERSNEL</b>   |
|---|--|
| Oordraggewende provinsiale departement    | Menslike nedersettings (Begrotingpos 8)  |
| Doel                                      | Om behuising te befonds by munisipaliteite wat bewys het dat hulle oor die kapasiteit beskik om te beplan en vinnig huise te lewer, met die klem op plattelandse gebiede.  |
| Meetbare uitsette                         | Verbetering van die kwaliteit van menslike nedersettings deur projekte te befonds wat disfunksionaliteite binne hierdie nedersettings aanspreek. Dit sluit die volgende in: <ul style="list-style-type: none"> <li>• Opgegradeerde infrastruktuur in neerdrukke gebiede en die aantal werksgeleenthede verskaf,</li> <li>• Die aantal huidige neerdrukke gebiede herbeplan en herontwikkel en informele nedersettings opgegradeer; en</li> <li>• Voltooië planne van gebiede wat sosiale, ras en funksionele integrasie bevorder.</li> </ul> |
| Voorwaardes                               | Moet deel wees van die ooreenkoms tussen die Provinsiale regering en die munisipaliteite.  |
| Toekenningskriteria                       | Gebaseer op besigheidsplanne ingedien by die provinsiale Departement van Menslike nedersettings, asook vorige prestasies.  |
| Redes nie vervat in billike verdeling nie | Fondse word bewillig in terms van Provinsiale eie finansiering.  |
| Moniteringsmeganisme                      | Projekte word op 'n gereelde basis gemoniteer met die gebruik van finansiële en implementering vorderingsverslae, sowel as ter plaatse besoeke en vergaderings om nakoming en akkurate verslagdoening teen sleutelprestasie-aanwysers te verseker.   |
| Geraamde tydperk                          | Hierdie projekte is noodsaaklik om volhoubare menslike nedersettings te verseker. Ander befondsing vir die projekte is ingesluit in die Geïntegreerde Behuising en Behuisings-vestigingsontwikkelings-toekenning vir die toekomstige jare.   |
| Betalingskedule                           | Met die indiening van gesertifiseerde eise.  |

| <b>Kategorie</b> | <b>Distriksraad</b> | <b>Nommer</b> | <b>Munisipaliteit</b> | <b>Toekenning</b> |
|------------------|---------------------|---------------|-----------------------|-------------------|
|                  |                     |               |                       | <b>R'000</b>      |
|                  |                     |               |                       | <b>2010/11</b>    |
| B                | DC1                 | WC015         | Swartland             | 5 000             |
| <b>TOTAAL</b>    |                     |               |                       | <b>5 000</b>      |

**REMOVAL OF RESTRICTIONS IN TOWNS****OPHEFFING VAN BEPERKINGS IN DORPE**

## CITY OF CAPE TOWN (CAPE FLATS DISTRICT)

## REMOVAL OF RESTRICTIONS, DEPARTURE AND COUNCIL'S CONSENT

- Erf 187 at No 63 Vorster Road, Wetton (*second placement*)

Notice is hereby given in terms of Section 3(6) of the Removal of Restrictions Act, Act 84 of 1967, Section 15 of the Land Use Planning Ordinance No 15 of 1985 and Section 9 of the Cape Town Zoning Scheme Regulations that the undermentioned application has been received and is open to inspection at the office of the District Manager at Ledger House, corner of Aden Avenue and George Street, Athlone, and any enquiries may be directed to Mrs K Patten, PO Box 283, Athlone, 7760, e-mail Karen.patten@capetown.gov.za, Tel (021) 684-4345, fax (021) 684-4410 weekdays during 08:00-13:30. The application is also open to inspection at the office of the Director: Integrated Environmental Management: Region B1, Provincial Government of the Western Cape, at Room 601, No 1 Dorp Street, Cape Town, from 08:00-12:30 and 13:00-15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at (021) 483-3009 and the Directorate's fax number is (021) 483-3098. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned Director: Integrated Environmental Management, at Private Bag X9086, Cape Town, 8000, on or before 11 October 2010, quoting the above Act and the objector's erf number. Any objections/comments received after aforementioned closing date may be disregarded.

*Applicant:* Willem Bührmann Associates

*Address:* 63 Vorster Road, Wetton

*Application Number:* 156500

*File Reference:* UM/13/187

*Nature of application:* Amendment of restrictive title conditions applicable to Erf 187, No 63 Wetton Road, Wetton, to legalise an existing second dwelling (granny flat) on the property and to enable the owner to operate a home industry from the property. A departure is also required in terms of Section 27(1) of the Cape Town Zoning Scheme Regulations to permit the wendy house (unauthorized) to be utilized as a second dwelling unit.

Council's consent in terms of Section 22(1) of the Cape Town Zoning Scheme Regulations to permit the existing outbuilding to be utilized for a home industry (copy/printing and making and adjusting aluminum windows).

ACHMAT EBRAHIM, CITY MANAGER

## STAD KAAPSTAD (KAAPSE VLAKTE-DISTRIK)

## OPHEFFING VAN BEPERKINGS, AFWYKING &amp; RAADSTOESTEMMING

- Erf 187 te Vorsterweg 63, Wetton (*tweede plasing*)

Kennisgewing geskied hiermee ingevolge artikel 3(6) van die Wet op Opheffing van Beperkings, Wet 84 van 1967, artikel 15 van die Ordonnansie op Grondgebruikbeplanning, nr. 15 van 1985, en artikel 9 van die Kaapstadse soneringskema regulasies dat onderstaande aansoek ontvang is en ter insae beskikbaar is by die kantoor van die distriksbestuurder, beplanning en bouontwikkelingsbestuur, Ledger House, h/v Adenlaan en Georgestraat, Athlone, en dat enige navrae gerig kan word aan mev. K Patten, Posbus 283, Athlone 7760, e-posadres Karen.patten@capetown.gov.za, tel. (021) 684-4345 of faksnr. (021) 684-4410, weksdae gedurende 08:00-13:30. Die aansoek is ook ter insae beskikbaar by die kantoor van die direkteur: geïntegreerde omgewingsbestuur, Streek B, provinsiale regering van die Wes-Kaap, Kamer 601, Dorpstraat 1, Kaapstad van 08:00-12.30 en 13:00-15:30 (Maandag tot Vrydag). Telefoniese navrae in dié verband kan aan (021) 483-3009 gerig word, en die direktoraat se faksnr. is (021) 483-3098. Enige besware, met volledige redes, moet voor of op 11 Oktober 2010 skriftelik aan die kantoor van bogenoemde direkteur: geïntegreerde omgewingsbestuur, departement van omgewingsake en ontwikkelingsbeplanning, Privaat Sak X9086, Kaapstad 8000, gerig word, met vermelding van bogenoemde toepaslike wetgewing en die beswaarmaker se ernommer. Enige besware wat na voormelde sluitingsdatum ontvang word, kan dalk buite rekening gelaat word.

*Aansoeker:* Willem Bührmann Associates

*Adres:* Vorsterweg 63, Wetton

*Aansoeknr.:* 156500

*Lêerverw.:* UM/13/187

*Aard van aansoek:* Wysiging van beperkende titelvoorwaardes wat op erf 187, Vorsterweg 63, Wetton, van toepassing is, ten einde 'n bestaande tweede woning (oumawoonstel) op die eiendom te wettig, en om die eienaar in staat te stel om 'n tuisnywerheid op die eiendom te bedryf. 'n Afwyking ingevolge artikel 27(1) van die Kaapstadse soneringskema regulasies word ook verlang om toe te laat dat die (ongemagtigde) Wendy-huis as tweede wooneenheid gebruik word.

Raadstoestemming ingevolge artikel 22(1) van die Kaapstadse soneringskema regulasies om toe te laat dat die bestaande buitegebou vir 'n tuisnywerheid (kopiëring/drukwerk en die maak en verstelling van aluminiumvensters) gebruik word.

ACHMAT EBRAHIM, STADSBESTUURDER

## CITY OF CAPE TOWN (CAPE FLATS DISTRICT)

## UKUSUSWA KWEZITHINTELO, UTYESHELO LOMQATHANGO NEMVUME YEBHUNGA

- Isiza 187 kwaNomb 63 Voster Road, Wetton

Kukhutshwa isaziso ngokungqinelana neCandelo 3(6) loMthetho wokuSuswa kweziThintelo, uMthetho 84 wango-1967, Icandelo 15 loMpoposho woCwangciso loSetyenziso loMhlaba onguNomb 15 wango-1985 neCandelo 9 leMigaqo yeNkqubo yoCando yaseKapa ukuba esi sicelo singezantsi sifunyenwe kwaye sivulelekile ukuba sihlolwe kwi-ofisi yoMhathi weSithili e-Ledger House, kwikona ye-Aden Avenue ne-George Street, Athlone, kwaye nayiphina imibuzo ingajoliswa kuNkosikazi K Patten, PO Box 283, Athlone, 7760, i-imeyile Karen.patten@capetown.gov.za inombolo yomnxeba (021) 684-4345, inombolo yefeksi (021) 684-4410 phakathi evekini 08:00-13:30. Esi sicelo sikwawulelekile ukuba sihlolwe kwi-ofisi yoMlawuli: Ulawulo oluHlanganisiweyo lokusiNgqongileyo INgingqi B1, uRhulumente wePhondo leNtshona Koloni, kwiGumbi 601, No 1 Dorp Street, eKapa, ukususela ngeye-08:00-12:30 neyo-13:00-15:30 (uMvulo ukuya ngoLwesihlanu). Imibuzo ngomnxeba ngalo mbandela ingenziwa kwa (021) 483-3009 kwaye inombolo yefeksi ngu-(021) 483-3098. Naziphina izichaso, nezizathu ezizeleyo zoko, mayingeniswe ngokubhaliweyo kule ofisi yoMlawuli engentla: uLawulo oluHlanganisiweyo lokusiNgqongileyo, kwa- Private Bag X9086, eKapa, 8000, ngomhla we-11 Okthobha 2010, okanye ngaphambi kwawo, kucatshulwa lo Mthetho ungentla nenombolo yesiza somchasi. Naziphina izichaso/izimvo ezifunyenweyo emva komhla wokuvala okhankanywe ngentla zisenokungananzwa.

*Umfaki-sicelo:* Willem Bührmann Associates

*Idilesi:* 63 Vorster Road, Wetton

*Inombolo yesicelo:* 156500

*Isalathisi sefayile:* UM/13/187

*Uhlobo lwesicelo:* Ukulungiswa kwemiqathango yetayitile ethintelayo esetyenziselwa iSiza 187, Nomb 63 Wetton Road, Wetton, ukwenzela ukubeka ngokusemthethweni indawo yokuhlala yesibini ekhoyo (iflethi eyokhiwa ngemva kwendlu) kwipropati ukwenzela ukuba umini abe nakho ukuqhuba ishishini lasekhaya kwipropati. Kukwafuneka notyeshelo lomqathango ngokungqinelana neCandelo 27(1) leMigaqo yeNkqubo yoCando yaseKapa ukwenzela kuvumeleke indlu yamaplanga (engagunyaziswanga) ukuba isetyenziswe njengeyunithi eyindawo yokuhlala.

Imvume yeBhunga ngokungqinelana neCandelo 22(1) leMigaqo yeNkqubo yoCando yaseKapa ukwenzela kuvumeleke ukusetyenziswa kwesakhiwo esikhoyo esingaphandle sisetyenziselwa ushishino (ikopi/ukushicilelwa nokwenziwa nokulungiswa kweefestile ze-aluminiyam).

ACHMAT EBRAHIM, CITY MANAGER

## CITY OF CAPE TOWN (CAPE FLATS DISTRICT)

## REMOVAL OF RESTRICTIONS AND REZONING

- Erf 526 Ottery at 274 Ottery Road, Ottery (*second placement*)

Notice is hereby given in terms of Section 3(6) of the Removal of Restrictions Act, Act 84 of 1967 and Section 17(2) of the Land Use Planning Ordinance No 15 of 1985 that the undermentioned application has been received and is open to inspection at the office of the District Manager at Ledger House, corner of Aden Avenue and George Street, Athlone, and that any enquiries may be directed to Mr P Nkosinkulu, PO Box 283, Athlone, 7760, or e-mail to phila.nkosinkulu@capetown.gov.za or tel. (021) 684-4349 or fax (021) 684-4410 weekdays during 08:00-14:30. The application is also open to inspection at the office of the Director: Integrated Environmental Management, Region B, Provincial Government of the Western Cape, at Room 601, Utilitas Building, No. 1 Dorp Street, Cape Town, weekdays from 08:00-12:30 and 13:00-15:30. Telephonic enquiries in this regard may be made at (021) 483-4634 and the Directorate's fax number is (021) 483-3098. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned Director: Integrated Environmental Management, at Private Bag X9086, Cape Town, 8000 on or before 11 October 2010, quoting the above Act and the objector's erf number. Any objections received after aforementioned closing date may be disregarded.

*Applicant:* Marten and Associates CC

*Address:* 274 Ottery Road, Ottery

*File Reference:* LUM/14/526

*Application number:* 173597

*Nature of application:* Removal of restrictive title conditions applicable to Erf 526, No. 274 Ottery Road, Ottery to enable the owner to legalise the use of the property for business purposes, to make extensions to the existing building and to build a new garage. The restrictive coverage and building lines will be encroached upon. Rezoning from Single Dwelling Residential to Special Business use zone to permit offices.

ACHMAT EBRAHIM, CITY MANAGER



## STAD KAAPSTAD (KAAPSE VLAKTE-DISTRIK)

## OPHEFFING VAN BEPERKINGS &amp; HERSONERING

- Erf 526 Ottery te Otteryweg 274, Ottery (*tweede plasing*)

Kennisgewing geskied hiermee ingevolge artikel 3(6) van die Wet op Opheffing van Beperkings, Wet 84 van 1967, en artikel 17(2) van die Ordonnansie op Grondgebruikbeplanning, nr. 15 van 1985, dat onderstaande aansoek ontvang is en ter insae beskikbaar is by die kantoor van die distriksbestuurder, beplanning en bou-ontwikkelingsbestuur, Ledger House, h/v Adenlaan en Georgestraat, Athlone, en dat enige navrae gerig kan word aan mnr. P Nkosinkulu, Posbus 283, Athlone 7760, e-posadres phila.nkosinkulu@capetown.gov.za, tel (021) 684-4349 of faksnr (021) 684-4410, weksdae gedurende 08:30-14:30. Die aansoek is ook ter insae beskikbaar by die kantoor van die direkteur: geïntegreerde omgewingsbestuur, Streek B1, provinsiale regering van die Wes-Kaap, Kamer 601, Utilitas-gebou, Dorpstraat 1, Kaapstad van 08:00-12:30 en 13:00-15:30 (Maandag tot Vrydag). Telefoniese navrae in dié verband kan aan (021) 483-4634 gerig word, en die direktoraat se faksnr. is (021) 483-3098. Enige besware, met volledige redes, moet voor of op 11 Oktober 2010 skriftelik aan die kantoor van bogenoemde direkteur: geïntegreerde omgewingsbestuur, departement van omgewingsake en ontwikkelingsbeplanning, Privaat Sak X9086, Kaapstad 8000, gerig word, met vermelding van bogenoemde toepaslike wetgewing en die beswaarmaker se erfnommer. Enige besware wat na voormelde sluitingsdatum ontvang word, kan dalk buite rekening gelaat word.

*Aansoeker:* Marten & Associates BK

*Adres:* Otteryweg 274, Ottery

*Lêerverw.:* LUM/14/526

*Aansoeknr.:* 173597

*Aard van aansoek:* Die opheffing van beperkende titelvoorwaardes wat op erf 526, Otteryweg 274, Ottery, van toepassing is, ten einde die eienaar in staat te stel om die gebruik van die eiendom vir sakedoeleindes te wettig, om aanbouings aan die bestaande gebou te doen en om 'n nuwe motorhuis te bou. Die dekkings- en boulynbeperkings sal oorskry word. Hersonering van enkelresidensieel na spesiale sakesone om kantore toe te laat.

ACHMAT EBRAHIM, STADSBESTUURDER

## CITY OF CAPE TOWN (CAPE FLATS DISTRICT)

## UKUSUSWA KWEZITHINTELO NOCANDO NGOKUTSHA

- Isiza 526 Ottery kwa-274 Ottery Road, Ottery (*second placement*)

Kukhutshwa isaziso ngokungqinelana neCandelo 3(6) loMthetho wokuSuswa lweziThintelo, uMthetho 84 wango-1967 neCandelo 17(2) loMpoposho woCwangeiso lokuSetyenziswa koMhlaba onguNomb 15 wango-1985 sokuba esi sicelo sikhankanywe ngezantsi sifunyenwe yaye sivulelekile ukuba sihlolwe kwi-ofisi yoMphathi weSithili e-Ledger House, kwikona ye-Aden Avenue ne-George Street, Athlone, nokuba nayiphina ingajoliswa kuMnu P Nkosinkulu, PO Box 283, Athlone, 7760, okanye ithunyelwe nge-imeyile kwaphila.nkosinkulu@capetown.gov.za okanye inombolo yomnxeba (021) 684-4349 okanye inombolo yefeksi (021) 684-4410 phakathi evekini ngeye-08:00-14:30. Esi sicelo sikwavulelekile ukuba sihlolwe kwi-ofisi yoMlawuli: ULawulo oluHlanganisieyo lokusiNgqongileyo: Ingingqi uRhulumente wePhondo leNtshona Koloni, kwiGumbi 601, Utilitas Building Nomb 1 Dorp Street, eKapa, phakathi evekini ukususela ngeye-08:00-12:30 neyo-13:00-15:30. Imibuzo ngomnxeba ngalo mbandela ingenziwa kwa-(021) 483-4634 kwaye inombolo yefeksi yecandelo loLawulo ngu (021) 483-3098. Naziphina izichaso, ngezizathu ezizeleyo zoko, mazingeniswe ngokubhaliweyo kule ofisi yomlawuli okhankanywe ngentla: uLawulo oluHlanganisieweyo lokusiNgqongileyo, kwaPrivate Bag X9086, eKapa, 8000, ngomhla we-11 Okthobha 2010 okanye ngaphambi, kucatshulwa lo Mthetho ungentla nenombolo yesiza somchasi. Naziphina izichaso/izimvo ezifunyenweyo emva komhla wokuvala okhankanywe ngentla zisenokungananzwa.

*Umfaki-sicelo:* Marten and Associates CC

*Idilesi:* 274 Ottery Road, Ottery

*Isalathisi sefayile:* LUM/14/526

*Inombolo yesicelo:* 173597

*Uhlobo lwesicelo:* Ukulungiswa kwemiqathango yetaytile ethintelayo esetyenziselwa iSiza 526, Nomb 274, Ottery Road, Ottery ukwenzela ukuba umnini akwazi ukumiselwa ngokusemthethweni ukusetyenziselwa ushishino kwepropati linjongo, ukwenza izandiso kwisakhiwo esikhoyo nokwakha igaraji entsha Uphahla oluthintelayo nemida yesakhiwo iza kungenelelwa. Ucando ngokutsha ukususela kwiNdawo elingiselelwe ukuhlala umntu kuye kwindawo estyenziselwa ushishino olulodwa ukwenzela kuvumeleke ii-ofisi.

ACHMAT EBRAHIM, CITY MANAGER

## CITY OF CAPE TOWN (SOUTHERN DISTRICT)

## RESTRICTIVE TITLE CONDITIONS, REZONING AND DEPARTURES

- Erf 89085, Cape Town at Clovelly (*second placement*)

Notice is hereby given in terms of Section 3(6) of the Removal of Restrictions Act, 1967 (Act 84 of 1967) and Sections 17(2) and 15(2) of the Land Use Planning Ordinance 15 of 1985, that the undermentioned application has been received and is open to inspection at the office of the District Manager, Department: Planning & Building Development Management, City of Cape Town, Ground Floor (Counter No: 3), 3 Victoria Road, Plumstead. Any enquiries may be directed to Pierre Evard, tel. (021) 710-8132 during normal office hours, Monday to Friday. The application is also open to inspection at the office of the Director, Integrated Environmental Management, Department of Environmental Affairs & Development Planning, Provincial Government of the Western Cape at the Utilitas Building, 1 Dorp Street, Cape Town, weekdays from 08:00-12:30 and 13:00-15:30. Telephonic enquiries in this regard may be made at (021) 483-4634 and the Directorate's fax number is (021) 483-3098. Any objections and/or comments, with full reasons therefor, must be submitted in writing at both (1) the office of the District Manager, Department: Planning & Building Development Management, City of Cape Town, Private Bag X5, Plumstead, 7801 or fax (021) 710-8283 or e-mailed to roger.brice@capetown.gov.za and (2) The Director: Integrated Environmental Management at Private Bag X9086, Cape Town, 8000, on or before the closing date, quoting, the above Act and Ordinance, the undermentioned application number, and the objectors erf, phone numbers and address. Objections and comments may also be hand delivered to the abovementioned street addresses by no later than the closing date. If your response is not sent to these addresses and/or fax number, and if, as a consequence it arrives late, it will be deemed to be invalid. For any further information in this regard, contact Roger Brice on tel. (021) 710-9308, or alternatively via the abovementioned e-mail address. The closing date for objections and comments is: Monday, 11 October 2010.

*Applicant:* Willem Bührmann Associates (on behalf of SL McLeod)

*Owner:* SL McLeod

*Application No.:* 141460

*Address:* 106 Clovelly Road, Clovelly

*Nature of applications:*

1. Amendment of restrictive title conditions applicable to Erf 89085, 106 Clovelly Road, Clovelly, to enable the owner to operate a guest house (with six (6) guest suites) from the property.
2. Rezoning of the property from Single Residential to General Residential Use Zone, Sub Zone R4 to permit a guest-house comprising 6 guest suites of which 5 will be selfcatering units, for a maximum of 14 guests and 3 staff. The hosts will reside on the property.
3. Building line departures from Section 60 of the Cape Town Zoning Scheme to permit:
  - The ground floor of the existing dwelling set back 2m from the south-east common boundary in lieu of 4.5m;
  - The ground floor of the existing garage and guest suite set back 2.15m from the Clovelly Road street boundary in lieu of 4.5m;
  - The ground floor of the existing dwelling set back between 1m and 1.8m from the boundary of the unmade street in lieu of 4.5m.
  - The first floor of the existing dwelling set back 2m from the south-east common boundary in lieu of 4.5m;
  - The first floor of the existing garage and guest suite set back 2.15m from the Clovelly Road street boundary in lieu of 4.5m;
  - The first floor of the existing dwelling set back 1.6m from the unmade street in lieu of 4.5m;
  - The second floor (attic) of the existing dwelling set back 2m from the south-east common boundary in lieu of 4.5m;
  - The second floor (attic) of the existing dwelling set back 3m from the boundary of the unmade street in lieu of 4.5m.

ACHMAT EBRAHIM, CITY MANAGER



## STAD KAAPSTAD (SUIDELIKE DISTRIK)

## BEPERKENDE TITELVOORWAARDES, HERSONERING &amp; AFWYKINGS

- Erf 89085, Kaapstad te Clovelly (*tweede plasing*)

Kennisgewing geskied hiermee ingevolge artikel 3(6) van die Wet op Opheffing van Beperkings, Wet 84 van 1967 en artikels 17(2) en 15(2) van die Ordonnansie op Grondgebruikbeplanning, nr. 15 van 1985, dat onderstaande aansoek ontvang is en ter insae beskikbaar is by die kantoor van die distriksbestuurder, departement: beplanning en bou-ontwikkelingsbestuur, Stad Kaapstad, Grondverdieping (toonbanknr. 3), Victoriaweg 3, Plumstead 7801. Navrae kan gerig word aan P Evar, tel. (021) 710-8132, gedurende normale kantoorure, Maandag tot Vrydag. Die aansoek is ook ter insae beskikbaar by die kantoor van die direkteur: geïntegreerde omgewingsbestuur, departement van omgewingsake en ontwikkelingsbeplanning, provinsiale regering van die WesKaap, Utilitas-gebou, Dorpstraat 1, Kaapstad, van 08:00-12:30 en 13:00-15:30 (Maandae tot Vrydae). Telefoniese navrae in dié verband kan gerig word aan (021) 483-4634 en die direktoraat se faksnr. is (021) 483-3098. Enige besware en/of kommentaar, met volledige redes daarvoor, moet voor of op die sluitingsdatum skriftelik by sowel (1) die kantoor van die distriksbestuurder, departement: beplanning en bou-ontwikkelingsbestuur, Stad Kaapstad, Privaat Sak X5, Plumstead 7801, faksnr. (021) 710-8283, Roger.Brice@capetown.gov.za, as (2) die direkteur: geïntegreerde omgewingsbestuur, Privaat Sak X9086, Kaapstad 8000, ingedien word, met vermelding van bogenoemde Wet en Ordonnansie en soneringskemaregulasies, onderstaande verwysingsnommer en die beswaarmaker se erf- en telefoonnommer en adres. Besware en kommentaar kan ook voor of op die sluitingsdatum per hand by bogenoemde straatadresse afgelewer word. As u reaksie nie na dié adresse en/of faksnr. gestuur word nie en gevolglik laat ontvang word, sal dit ongeldig geag word. Om nadere inligting, tree asseblief met R Brice, tel. (021) 710-9308, of bogenoemde e-posadres, in verbinding. Die sluitingsdatum vir besware en kommentaar is Maandag, 11 Oktober 2010.

*Aansoeker:* Willem Bührmann Associates (namens SL McLeod)

*Eienaar:* SL McLeod

*Aansoeknr.:* 141460

*Adres:* Clovellyweg 106, Clovelly

*Aard van aansoek:*

1. Wysiging van beperkende titelvoorwaardes wat op erf 89085, Clovellyweg 106, Clovelly, van toepassing is, ten einde die eienaar in staat te stel om 'n gastehuis (met ses (6) gastesuites) op die eiendom te bedryf.
2. Hersonerling van die eiendom van enkelresidensieel na algemeen residensieële gebruiksone, subsone R4, ten einde 'n gastehuis bestaande uit 6 gastesuites toe te laat, waarvan 5 selfsorgeenhede sal wees, vir 'n maksimum van 14 gaste en 'n personeel van 3. Die gashere sal op die eiendom woon.
3. Boulynbeperkingsafwykings van artikel 60 van die Kaapstadse soneringskema om toe te laat dat:
  - die grondverdieping van die bestaande gebou se inspringsing van die suidoostelike gemeenskaplike grens 2m in plaas van 4.5m is;
  - die grondverdieping van die bestaande motorhuis en gastesuite se inspringsing van die Clovellyweg-straatgrens 2.15m in plaas van 4.5m is;
  - die grondverdieping van die bestaande woning se inspringsing van die grens van die ongemaakte pad tussen 1m en 1.8m in plaas van 4.5m is;
  - die eerste verdieping van die bestaande woning se inspringsing van die suidoostelike gemeenskaplike grens 2m in plaas van 4.5m is;
  - die eerste verdieping van die bestaande motorhuis en gastesuite se inspringsing van die Clovellyweg-straatgrens 2.15m in plaas van 4.5m is;
  - die eerste verdieping van die bestaande woning se inspringsing van die grens van die ongemaakte pad tussen 1.6m in plaas van 4.5m is;
  - die tweede verdieping (solder) van die bestaande woning se inspringsing van die suidoostelike gemeenskaplike grens 2m in plaas van 4.5m is;
  - die tweede verdieping (solder) van die bestaande woning se inspringsing van die grens van die ongemaakte pad tussen 3m in plaas van 4.5m is.

ACHMAT EBRAHIM, STADSBESTUURDER

## CITY OF CAPE TOWN (SOUTHERN DISTRICT)

## IMIQATHANGO ETHINTELAYO YETAYTILE, UCANDO NGOKUTSHA NOTYESHELO LWEMIQATHANGO

- Isiza 89085, eKapa, Clovelly (*second placement*)

Kukhutshwa isaziso ngokungqinelana neCandelo 3(6) loMthetho wokuSuswa lweziThintelo, 1967 (uMthetho 84 wango-1967 neCandelo 17(2) loMpoposho woCwangciso lokuSetyenziswa koMhlaba onguNomb 15 wango-1985 ukuba esi sicelo sikhankanywe ngezantsi sifunyenwe yaye sivulelekile uba sihlolwe kwi-ofisi yoMphathi weSithili, iSebe: loCwangciso noLawulo loPhuhliso lwezaKhiwo, isiXeko saseKapa, uMgangatho oseMhlabeni (kwikhawuntari enguNomb: 3), 3 Victoria Road, Plumstead. Nayiphina imibuzo ingajoliswa ku-Pierre Evard, kule nombolo yomnxeba (021) 710-8132 ngeeyure eziqhelekileyo zomsebenzi, ukususela ngoMvulo ukuya ngoLwesihlanu. Isicelo sivulelekile ukuba sihlolwe kwi-ofisi yomlawuli, woLawulo oluHlanganisiweyo lokusiNgqongileyo, lisebe leMicimbi yokusiNgqongileyo noCwangciso loPhuhliso, uRhulumente wePhondo leNtshona Koloni e-Utilitas Building, 1 Dorp Street, eKapa, phakathi evekini ukususela ngeye- 08:00-12:30 kunye neyo-13:00-15:30. Imibuzo ngomnxeba malunga noku ingenziwa kwa-(021) 483-4634 kwaye inombolo yefeksi yecandelo loLawulo ngu- (021) 483-3098. Naziphina izichaso/okanye izimvo, nezizathu ezizeleyo zoko, mazingeniswe ngokubhaliweyo kwi-ofisi yoMphathi weSithili (1) ngokunjalo nakwiSebe loCwangciso noLawulo loPhuhliso: isiXeko saseKapa, Private Bag X5, Plumstead, 7801 okanye kule nombolo yefeksi (021) 710-8283 okanye zithunyelwe nge-imeyile kwa-roger.brice@capetown.gov.za (2) nakuMlawuli woLawulo oluHlanganisi weyo lokusiNgqongileyo: Kwa-Private Bag X9086, eKapa, 8000, ngomhla wokuvala okanye ngaphambi kwawo, kucatshulwa uMthetho noMpoposho ongentla, inombolo yesicelo ekhankanywe ngezantsi, neenombolo zomchasi, eyesiza, neyomnxeba kunye nedilesi. Izichaso nezimvo zisenokungeniswa ngesandla kule dilesi yesitalato ikhankanywe ngentla ungadlulanga umhla wokuvala. Ukuba impendulo yakho ayithunyelwanga kwezi dilesi kunye/okanye inombolo yefeksi, kwaye ukuba, ngenxa yoko ifika emva kwexesha, iya kuthathwa njengengekho mthethweni. Ngenkcazelo engenye ngoku, qhagamishelana no-Roger Brice kwinombolo yomnxeba (021) 710-9308, okanye ngale dilesi ye-imeyile ekhankanywe ngentla. Umhla wokuvala wezichaso nezimvo: nguMvulo, 11 Okthobha 2010.

*Umfaki-sicelo:* Willem Bührmann Associates (egameni lika-SL McLeod)

*Umnini:* SL McLeod

*Inombolo yesicelo:* 141460

*Idilesi:* 106 Clovelly Road, Clovelly

*Uhlobo lwesicelo:*

1. Ukulungiswa kwemiqathango ethintelayo esetyenziselwa iSiza 89085, 106 Clovelly Road, Clovelly, ukwenzela ukuba umnini aqhube ishishini lokuvula indlu yabandwendweli (enamagumbi amathandathu (6) abandwendweli) kwipropati.
2. Ucando ngokutsha lwepropati ukususela kwiNdawo elungiselelwe ukuhlala umntu omnye kuye kwiNdawo esetyenziselwa ukuHlala Jikelele, uMmandlana R4 ukwenzela kuvumeleke indlu yabandwendweli enamagumbi abandwendweli amathandathu (6) nalapho amahlanu kuwo aya kuba ziiyunithi apho baza kuzilungiselela khona ukutya, ukulungiselela iindwendwe ezingadlulanga kwi-14 nabasebenzi aba-3. Umnini-ndlu uya kuhlala kwipropati.
3. Utyeshelo lweMiqathango lwemida yesakhiwo ukususela kwiCandelo 60 leNkqubo yoCando yaseKapa ukwenzela kuvumeleke:
  - Umgangatho osemhlabeni wendawo yokuhlala ekhoyo ubuyiselwe umva nge-2m ukususela kumda wabantu bonke osemazantsi-mpuma endaweni ye-4.5m;
  - Umgangatho osemhlabeni wegaraji ekhoyo negumbi labandwendweli libuyiselwe umva nge-2.15m ukususela kumda we sitalato i-Clovelly Road endaweni ye-4.5m;
  - Umgangatho osemhlabeni wendawo yokuhlala ekhoyo ubuyiselwe umva phakathi kwe-1m ne-1.8m ukususela kumda wesitalato esingalungiswanga endaweni ye-4.5m;
  - Umgangatho wokuqala wendawo yokuhlala ekhoyo ubuyiselwe umva nge-2m ukususela kumda wabantu bonke osemazantsi-mpuma endaweni ye-4.5m Umgangatho osemhlabeni wegaraji ekhoyo negumbi labandwendweli libuyiselwe umva nge-2.15m ukususela kumda we sitalato i-Clovelly Road endaweni ye-4.5m;
  - Umgangatho wokuqala wendawo yokuhlala ekhoyo ubuyiselwe umva phakathi kwe-1.6m ukususela kwisitalato esingalungiswanga endaweni ye-4.5m. Umgangatho wesibini (ophezulu) wendawo yokuhlala ekhoyo ubuyiselwe umva nge-2m ukususela kumda wabantu bonke osemazantsi-mpuma endaweni ye4.5m;
  - Umgangatho wesibini (ophezulu) wendawo yokuhlala ekhoyo ubuyiselwe umva nge-3m ukususela kwisitalato esingalungiswanga endaweni ye-4.5m.

ACHMAT EBRAHIM, CITY MANAGER

## CITY OF CAPE TOWN (HELDERBERG DISTRICT)

## REMOVAL OF RESTRICTIONS

- Erf 1381, cnr Helderberg College Road & Elsenham Crescent, Bakkershoopte, Somerset West (*second placement*)

Notice is hereby given in terms of Sections 3(6) of the Act 84 of 1967 that the undermentioned application has been received and is open to inspection at the office of the District Manager, First Floor, Municipal Offices, cnr Victoria & Andries Pretorius Streets, Somerset West. Enquiries may be directed to Mr Dumza Mfutwana, PO Box 19, Somerset West, 7129, e-mail to ciska.smit@capetown.gov.za, tel. (021) 850-4346 or fax (021) 850-4487 during 08:00-14:30. Any objections, with full reasons therefor, must be lodged in writing at the office of the District Manager at the First Floor, Municipal Offices, cnr Victoria & Andries Pretorius Streets, Somerset West on or before 11 October 2010, quoting the above relevant legislation and the objector's erf and phone numbers and address. The application is also open to inspection at the office of the Director: Integrated Environmental Management: Region B, Provincial Government of the Western Cape at Room 601, 1 Dorp Street, Cape Town, from 08:00-12:30 and 13:00-15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at (021) 483-4634 and the Directorate's fax number is (021) 483-3098. Any objections received after the abovementioned closing date may be considered to be invalid.

*Applicant:* Messrs Friedlaender, Burger & Volkmann Land Surveyors

*Owner:* Hilton Campbell Trust

*Application Number:* 181576

*Notice Number:* 43/2010

*Erf/Erven Number:* Erf 1381, Bakkershoopte, Somerset West

*Address:* Cnr Helderberg College Road & Elsenham Crescent, Bakkershoopte, Somerset West

*Nature of application:* The Removal of Restrictive Title Conditions G(i) and G(ii) applicable to Erf 1381, 4 Elsenham Crescent, Bakkershoopte, Somerset West in order to remove the servitude area specified for the property in which no structures could be erected.

ACHMAT EBRAHIM, CITY MANAGER

## STAD KAAPSTAD (HELDERBERG-DISTRIK)

## OPHEFFING VAN BEPERKINGS

- Erf 1381, h/v Helderberg College-weg & Elsenhamsingel, Bakkershoopte, Somerset-Wes (*tweede plasing*)

Kennisgewing geskied hiermee ingevolge artikel 3(6) van Wet 84 van 1967 dat onderstaande aansoek ontvang is en ter insae beskikbaar is by die kantoor van die distriksbestuurder, Eerste Verdieping, Munisipale Kantore, h/v Victoria- & Andries Pretoriusstraat, Somerset-Wes. Navrae kan gerig word aan mnr. Dumza Mfutwana, Posbus 19, Somerset-Wes 7129, per e-pos aan ciska.smit@capetown.gov.za, gestuur word, tel. (021) 850-4346 of faksnr. (021) 850-4487, weksdae gedurende 08:00-14:30. Besware, met die volledige redes daarvoor, moet voor of op 11 Oktober 2010 skriftelik by die kantoor van bogenoemde distriksbestuurder, Eerste Verdieping, Munisipale Kantore, h/v Victoria- en Andries Pretoriusstraat, Somerset-Wes, ingedien word, met vermelding van bogenoemde toepaslike wetgewing, die aansoeknommer en die beswaarmaker se erf- en telefoonnommer en adres. Die aansoek is ook ter insae beskikbaar by die kantoor van die direkteur: geïntegreerde omgewingsbestuur, Streek B, provinsiale regering van die Wes-Kaap, Kamer 601, Dorpstraat 1, Kaapstad, van 08:00-12:30 en 13:00-15:30, Maandag tot Vrydag. Telefoniese navrae kan aan (021) 483-4634 gerig word, en die direktoraat se faksnr. is (021) 483-3098. Enige besware wat na bogenoemde sluitingsdatum ontvang word, kan dalk ongeldig geag word.

*Aansoeker:* Mnre. Friedlaender, Burger & Volkmann Landmeters

*Eienaar:* Hilton Campbell Trust

*Aansoeknr.:* 181576

*Kennisgewingnr.:* 43/2010

*Erfnr.:* Erf 1381, Bakkershoopte, Somerset-Wes

*Adres:* h/v Helderberg College-weg & Elsenhamsingel, Bakkershoopte, Somerset-Wes

*Aard van aansoek:* Die opheffing van beperkende titelvoorwaardes G(i) en G(ii) wat op erf 1381, Elsenhamsingel 4, Bakkershoopte, Somerset-Wes, van toepassing is, ten einde die serwituutgebied op te hef wat vir die eiendom gespesifiseer is en waarin geen strukture opgerig kon word nie.

ACHMAT EBRAHIM, STADSBESTUURDER

## CITY OF CAPE TOWN (HELDERBERG DISTRICT)

## UKUSUSWA KWEZITHINTELO

- Isiza-1381, kwiKona ye-Helderberg College Road ne-Elsenhams Crescent, Bakkershoogte, Somerset West (*isibhengezo sesibini*)

Kukhutshwa isaziso ngokweCandelo-3(6) loMthetho onguNomb. 84 wangowe-1967 sokuba isicelo esikhankanywe ngezantsi apha sifunyenwe kwaye sivulelekile ukuba siphononongwe kwi-ofisi yoMphathi weSithili ekuMgangatho wokuQala, kwii-Ofisi zikaMasipala, kwikona ye-Victoria neAndries Pretorius Streets, e-Somerset West. Imibuzo ingajoliswa kuMnu Dumza Mfutwana, PO Box 19, Somerset West, 7129, u-imeyilele ku ciska.smit@capetown.gov.za, umnxeba (021) 850-4346 okanye ufeksele kwa-(021) 850-4487 ukususela kweye-08:00-14:30. Naziphina izichaso ezinezizathu ezivakalayo zingangeniswa ngokubhaliweyo kwi-ofisi yoMphathi weSithili ekuMgangatho wokuQala, kwii-Ofisi zikaMasipala, kwikona ye-Victoria ne-Andries Pretorius Streets, e-Somerset West ngomhla okanye phambi kowe-11 Oktobha 2010, ucaphule lomthetho ungentla ufanelekileyo, inombolo yesiza somchasi, iinombolo zomnxeba nedilesi yakhe. Isicelo sikwavulelekile ukuba siphononongwe kwi-ofisi yoMlawuli woLawulo lokuSingqongileyo ngokuHlangeneyo, iNgingqi-B, ubuRhulumente bePhondo laseNtshona Kapa, kwiGumbi-601, 1 Dorp Street, eKapa, ukususela kweye-08:00-12:30 nokususela kweye-13:00-15:30 (ngoMvulo ukuya ngoLwesihlanu). Imibuzo ngomnxeba ngokuphatelene nalo mbandela ingenziwa kwa-(021) 483-4634 nakwinombolo yefeksi yoMlawuli engu-(021) 483-3098. Naziphina izichaso ezifunyenwe emva kwalo mhla wokuvalwa ukhankanywe ngentla apha, ziya kuthi zithatyathwe njengezingekho-mthethweni.

*Ummuni:* Hilton Campbell Trust

*Inombolo yesicelo:* 181576

*Inombolo yesaziso:* 43/2010

*Inombolo yesiza:* Isiza-1381, Bakkershoogte, Somerset West

*Idilesi:* kwiKona ye-Helderberg College Road ne-Elsenhams Crescent, Bakkershoogte, Somerset West

*Ubume besicelo:* Ukususwa kweMiqathango yeSithintelo seTaytile yobunini engu-G(i) no-G(ii) ngokujoliswe kwiSiza-1381, 4 Elsenhams Crescent, Bakkershoogte, Somerset West ukuze kuswe ummandla wothintelo kwipropati le apho kungavumelekanga ukuba kumiselwe olunye ulwakiho.

ACHMAT EBRAHIM, CITY MANAGER

## CITY OF CAPE TOWN (HELDERBERG DISTRICT)

## REMOVAL OF RESTRICTIONS, REZONING, SUBDIVISION, DEPARTURE &amp; APPROVAL OF SITE DEVELOPMENT PLAN

- Erf 120, 14 Helena Avenue (Old Stellenbosch Road), Somerset West (*second placement*)

Notice is hereby given in terms of Sections 3(6) of the Act 84 of 1967, 15(2)(a), 17(2)(a) & 24(2)(a) of Ordinance 15 of 1985 and the relevant Zoning Scheme Regulations that the undermentioned application has been received and is open to inspection at the office of the District Manager, First Floor, Municipal Offices, cnr Victoria & Andries Pretorius Streets, Somerset West. Enquiries may be directed to Ms Riana du Plessis, PO Box 19, Somerset West, 7129, e-mail to ciska.smit@capetown.gov.za, tel. (021) 850-4346 or fax (021) 850-4487 during 08:00-14:30. Any objections, with full reasons therefor, must be lodged in writing at the office of the District Manager at the First Floor, Municipal Offices, cnr Victoria & Andries Pretorius Streets, Somerset West on or before 11 October 2010, quoting the above relevant legislation and the objector's erf and phone numbers and address. Any objections received after the abovementioned closing date may be considered to be invalid. The application is also open to inspection at the office of the Director: Integrated Environmental Management: Region B, Provincial Government of the Western Cape at Room 601, 1 Dorp Street, Cape Town, from 08:00-12:30 and 13:00-15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at (021) 483-4634 and the Directorate's fax number is (021) 483-3098. Any objections received after the abovementioned closing date may be considered to be invalid.

*Applicant:* Messrs Diesel & Munns Inc

*Owner:* AE & RT De Kock

*Application Number:* 190498

*Notice Number:* 42/2010

*Address:* 14 Helena Avenue (Old Stellenbosch Road), Bakkershoogte, Somerset West

*Nature of application:*

- The Removal of Restrictive Title Deed conditions C.4(a), (b) & (d) on Erf 120, 14 Helena Avenue (Old Stellenbosch Road), Bakkershoogte, Somerset West which prohibits subdivision, limits the property to one dwelling and limits the building flatform;
- The rezoning of the property from Single Residential Zone to Subdivisional Area for Single Residential, General Residential Zone (guesthouse) and Transport (public road) purposes;
- The subdivision of the property into 3 portions, consisting of 1 portion for public road, 1 portion for General Residential (guesthouse) ( $\pm 1075\text{m}^2$ ) purposes and the remainder portion ( $\pm 2398\text{m}^2$ ) that will be used for Single Residential purposes;
- The following departures from the Somerset West Zoning Scheme:
  - Relaxation of the  $2000\text{m}^2$  minimum erf size requirement to permit a property of  $\pm 1076\text{m}^2$ ;
  - Relaxation of the 7.5m street building line to 4.5m for the proposed guesthouse on Portion 1;
  - Relaxation of the 4.5m lateral building line (adjacent to Erf 123) to 1.67m for the proposed guesthouse on Portion 1;
  - Relaxation of the 4.5m lateral building line (adjacent to the Remainder portion) to 2.83m for the proposed guesthouse on Portion 1;
  - Relaxation of the 4.5m lateral building line (adjacent to the Remainder portion) to 0m for the construction of a retaining wall on Portion 1;
  - Relaxation of the 4.5m rear building line to 3m to accommodate the proposed guesthouse on Portion 1;
- The approval of the Site Development Plan for the property.

ACHMAT EBRAHIM, CITY MANAGER

## STAD KAAPSTAD (HELDERBERG-DISTRIK)

## OPHEFFING VAN BEPERKINGS, HERSONERING, ONDERVERDELING, AFWYKING &amp; GOEDKEURING VAN DIE TERREINONTWIKKELINGSPLAN

- Erf 120, Helenalaan 14 (Ou Stellenboschpad), Somerset-Wes (*tweede plasing*)

Kennisgewing geskied hiermee ingevolge artikel 3(6) van Wet 84 van 1967, artikels 15(2)(a), 17(2)(a) en 24(2)(a) van Ordonnansie 15 van 1985, en die toepaslike soneringskema-regulasies dat onderstaande aansoek ontvang is en ter insae beskikbaar is by die kantoor van die distriksbestuurder, Eerste Verdieping, Munisipale Kantore, h/v Victoria- & Andries Pretoriusstraat, Somerset-Wes. Navrae kan gerig word aan me. Riana du Plessis, Posbus 19, Somerset-Wes 7129, per e-pos aan ciska.smit@capetown.gov.za, gestuur word, tel. (021) 850-4346 of faksnr. (021) 850-4487, weksdae gedurende 08:00-14:30. Besware, met die volledige redes daarvoor, moet voor of op 11 Oktober 2010 skriftelik by die kantoor van bogenoemde distriksbestuurder, Eerste Verdieping, Munisipale Kantore, h/v Victoria- en Andries Pretoriusstraat, Somerset-Wes, ingedien word, met vermelding van bogenoemde toepaslike wetgewing, die aansoeknommer en die beswaarmaker se erf- en telefoonnommer en adres. Die aansoek is ook ter insae beskikbaar by die kantoor van die direkteur: geïntegreerde omgewingsbestuur, Streek B, provinsiale regering van die Wes-Kaap, Kamer 601, Dorpstraat 1, Kaapstad, van 08:00-12:30 en 13:00-15:30, Maandag tot Vrydag. Telefoniese navrae kan aan (021) 483-4634 gerig word, en die direktoraat se faksnr is (021) 483-3098. Enige besware wat na bogenoemde sluitingsdatum ontvang word, kan dalk ongeldig geag word.

*Aansoeker:* Mnre. Diesel & Munns Ingelyf

*Eienaar:* AE & RT de Kock

*Aansoeknr.:* 190498

*Kennisgewingnr.:* 42/2010

*Adres:* Helenalaan 14 (Ou Stellenboschpad), Bakkershoogte, Somerset-Wes

*Aard van aansoek:*

- Die opheffing van beperkende titelaktevoorwaardes C.4(a), (b) & (d) op erf 120, Helenalaan 14 (Ou Stellenboschpad), Bakkershoogte, Somerset-Wes, wat onderverdeling verbied, die eiendom tot een woning beperk, en die bouplatform beperk.
- Die hersonering van die eiendom van enkelresidensiële sone na onderverdelingsgebied vir vervoer- (openbare pad), enkelresidensiële en algemeenresidensiële (gastehuis) doeleindes.
- Die onderverdeling van die eiendom in 3 gedeeltes bestaande uit 1 gedeelte vir openbare pad, 1 algemeenresidensiële gedeelte (gastehuis) ( $\pm 1075\text{m}^2$ ) en die restantgedeelte ( $\pm 2398\text{m}^2$ ) wat vir enkelresidensiële doeleindes gebruik sal word.
- Die volgende afwykings van Somerset-Wes se soneringskema:
  - Verslapping van die minimum erfgrööte vereiste van  $2000\text{m}^2$  ten einde 'n eiendom van  $\pm 1076\text{m}^2$  toe te laat.
  - Verslapping van die 7.5m-straatboulyn tot 4.5m vir die voorgestelde gastehuis op gedeelte 1.
  - Verslapping van die 4.5m-syboulyn (aanliggend aan erf 123) tot 1.67m vir die voorgestelde gastehuis op gedeelte 1.
  - Verslapping van die 4.5m-syboulyn (aanliggend aan die restantgedeelte) tot 2.83m vir die voorgestelde gastehuis op gedeelte 1.
  - Verslapping van die 4.5m-syboulyn (aanliggend aan die restantgedeelte) tot 0m vir die konstruksie van 'n keermuur op gedeelte 1.
  - Verslapping van die 4.5m-agterste boulyn tot 3m om die voorgestelde gastehuis op gedeelte 1 te akkommodeer.
- Goedkeuring van die terreinontwikkelingsplan vir die eiendom.

ACHMAT EBRAHIM, STADSBESTUURDER

## CITY OF CAPE TOWN (HELDERBERG DISTRICT)

UKUSUSWA KWEZITHINTELO, UCANDO NGOKUTSHA, ULWAHLULO, TYESHELO LOMQATHANGO NOKUPHUNYEZWA  
KWESICWANGCISO SOPHUHLISO LWESIZA

- Isiza-120, 14 Helena Avenue (Old Stellenbosch Road), Somerset West (*isibhengezo sesibini*)

Kukhutshwa isaziso ngokweCandelo-3(6) loMthetho onguNomb. 84 wangowe-1967, amaCandelo 15(2)(a), 17(2)(a) & 24(2)(a) oMpoposho onguNomb. 15 wangowe-1985 sokuba isicelo esikhankanywe ngezantsi apha, sifunyenwe kwaye sivulelekile ukuba siphononongwe kwi-ofisi yoMphathi weSithili ekuMgangatho wokuQala, kwii-Ofisi zikaMasipala, kwikona ye-Victoria neAndries Pretorius Streets, e-Somerset West. Imibuzo ingajoliswa kuNksz Riana du Plessis, PO Box 19, Somerset West, 7129, ku-imeyilelwe ku ciska.smit@capetown.gov.za, umnxeba (021) 850-4346 okanye kufekselwe kwa (021) 850-4487 ukususela kweye-08:00 ukuya kweye-14:30. Naziphina izichaso ezinezizathu ezivakalayo kufuneka zingeniswe ngokubhaliweyo kwiofisi yoMphathi weSithili ekuMgangatho wokuQala, kwikona ye-Naziphina izichaso ezifumaneka emva kwalo mhla wokuvalwa okhankanywe ngentla apha, zingathatyathwa njengezingekhomthethweni. Isicelo sikwavulelekile ukuba siphononongwe kwi-ofisi yoMlawuli woLawulo lokuSingqongileyo ngokuHlangeneyo, iNgingqi-B, ubuRhulumente bePhondo laseNtshona Kapa, kwiGumbi-601, 1 Dorp Street, eKapa, ukususela kweye-08:00-12:30 nokususela kweye-13:00-15:30 (ngoMvulo ukuya ngoLwesihlanu). Imibuzo ngomnxeba ngokuphathelene nalo mbandela ingenziwa kwa-(021) 483-4634 nakwinombolo yefeksi yoMlawuli engu-(021) 483-3098. Naziphina izichaso ezifunyenwe emva kwalo mhla wokuvalwa ukhankanywe ngentla apha, ziya kuthi zithatyathwe njengezingekho-mthethweni.

*Umfaki-sicelo:* Messrs Diesel & Munns Inc

*Umnini:* AE & RT De Kock

*Inombolo yesicelo:* 190498

*Inombolo yesaziso:* 42/2010

*Idilesi:* 14 Helena Avenue (Old Stellenbosch Road), Bakkershoogte, Somerset West, 14 Helena Avenue (Old Stellenbosch Road), Bakkershoogte, Somerset West

*Ubume besicelo:*

- Ukususwa kwemiqathango yeSithintelo seTayitile yobunini engu-C.4(a), (b) & (d) ngokujoliswe kwiSiza-120, 14 Helena Avenue (Old Stellenbosch Road), Bakkershoogte, Somerset West
- Ucando ngokutsha kwepropati ukususela kuMmandla wokuhlala umntu omnye ukuba ibenguMmandla owahluliweyo, uMmandla wokuhlala ngokuphangaleleyo (indlu yeendwendwe) nemibandela yezoThutho (indlela yoluntu);
- Ukwahlulwa-hlulwa kwepropati ukuba ibeziziqephu ezi-3, eziquka isiqephu-1 esiyindlela yoluntu, isiqephu-1 esilungiselelwe iNdawo yokuHlala ngokuphangaleleyo (elungiselelwe indlu yeendwendwe) ( $\pm 1075\text{m}^2$ ) kune nentsalela yesiqephu ( $\pm 2398\text{m}^2$ ) apho esiya kuthi sisetyenziselwe imibandela yokuhlala umntu omnye;
- Utyeshelo lwemigathango olulandelayo olususela kwiNkqubo yezoCando yase-Somerset West:
  - Ukunyenysiswa komlinganiselo wesiza ongama-2000m<sup>2</sup> ukuze kuvumeleke ipropati ebukhulu obuli-  $\pm 1076\text{m}^2$ ;
  - Ukucuthwa komda wesitrato kwisakhiwo osisi-7.5m ukuba ubesisi- 4.5m kulungiselelwa indlu yeendwendwe kwiSiqephu-1;
  - Ukucuthwa komda wesakhiwo osecaleni osisi-4.5m (omelene neSiza-123) ukuba ubesisi- 1.67m kulungiselelwa indlu yeendwendwe kwiSiqephu-1;
  - Ukucuthwa komda wesakhiwo osecaleni osisi-4.5m (omelene neNtsalela yesiqephu) ukuba ubesisi-2.83m kulungiselelwa indlu yeendwendwe kwiSiqephu-1;
  - Ukucuthwa komda wesakhiwo osecaleni osisi-4.5m (omelene neNtsalela yesiqephu) ukuba ubengu-0m kulungiselelwa ukwakhiwo kodonga olubiyeleyo kwiSiqephu-1;
  - Ukucuthwa komda wesakhiwo ongemva osisi-4.5m ukuba ubesisi-3m kulungiselelwa indlu yeendwendwe kwiSiqephu-1;
- Ukuphunyezwa kweSicwangciso soPhuhliso lweSiza kwipropati le.

ACHMAT EBRAHIM, CITY MANAGER



## CAPE AGULHAS MUNICIPALITY

## REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967) AND REZONING IN TERMS OF THE LAND USE PLANNING ORDINANCE, 15 OF 1985: ERF 848, STRUISBAAI

Notice is hereby given in terms of Section 3(6) of the Removal of Restrictions Act No 84 of 1967, and Section 17 of the Land Use Planning Ordinance No 15 of 1985, that the undermentioned applications have been received and is open for inspection at the office of the Director: Community Services, Cape Agulhas Municipality, Bredasdorp, from 8:00 to 13:00 and 13:30 to 16:00 Monday to Friday, and any enquiries in regard to these applications may be directed to Mr B Hayward at No 1 Dirkie Uys Street, Bredasdorp, tel. no. (028) 425-5500, fax no. (028) 425-1019 or e-mail: bertush@capeagulhas.com. The removal of restrictions' application is also open to inspection at the office of the Director: Integrated Environmental Management: Region B1, Provincial Government of the Western Cape, at Room 601, 1 Dorp Street, Cape Town from 08:00 to 12:30 and 13:00 to 15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at (021) 483-3098 and the Directorates fax number is (021) 483-3098.

Any objections or comments, with full reasons therefor, should be lodged in writing at the office of the abovementioned Director: Integrated Environmental Management, Private Bag X9086, Cape Town, 8000, or faxed to fax number (021) 483-3098, as well as the office of the Director: Community Services, Cape Agulhas Municipality, PO Box 51, Bredasdorp, or faxed to (028) 425-1019 or e-mailed to info@capeagulhas.com, on or before 11 October 2010, quoting, the above Act and Ordinance, the belowmentioned reference numbers, and the objector's erf number, telephone numbers and address. Any comments received after the aforementioned closing date may be disregarded.

The closing date for objections and comments is: 11 October 2010.

*FILE REF:* Provincial Government: E17/2/2/AS15/ERF 848, STRUISBAAI; Cape Agulhas Municipality: S848

*APPLICANT:* Tommy Brümmer Town Planners (on behalf of Golden Falls Trading 193 (Pty) Ltd)

*ERF:* Erf 848, Struisbaai

*ADDRESS:* No. 2 Harbour Road, Struisbaai

*NATURE OF APPLICATIONS:*

1. Removal of restrictive title conditions applicable to Erf 848 next to Struisbaai Harbour, to permit the development of the property for underground parking, retail uses, restaurants, a hotel and apartments. The conditions relating to the area of the erf that may be "built upon", the area to be left for the loading and unloading of vehicles and the street building line restrictions will be contravened.
2. Amendment of the servitude right of way condition registered over a portion of the property in favour of the general public.
3. The rezoning of Erf 848, Struisbaai in terms of Section 17(1) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) from Industrial Zone I to Special Zone, subject to the following conditions:
  - Primary use rights: Restaurants, shops, hotels and flats
  - A floor area factor of 2.2
  - A coverage of 92%
  - 0.0m setbacks from all the erf boundaries (parking basement only)

*Remainder of the building (above basement) to be setback:*

- 1.93m from the west boundary
- 3.55m from the north boundary
- 1.11m from the east boundary
- 1.44m from the south boundary.

*Parking to be provided at the following ratios:*

- 4 bays for every 100m<sup>2</sup> of GLA (retail space)
- 0.8 bays for every hotel room
- 0.8 bays for every apartment (residential unit)

Maximum height of 4 storeys (excluding basements) and/or a maximum physical height of 16 meters.

R STEVENS, MUNICIPAL MANAGER, PO BOX 51, BREDASDORP, 7280

## KAAP AGULHAS MUNISIPALITEIT

## WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET 84 VAN 1967) EN HERSONERING IN TERME VAN DIE ORDONNANSIE OP GRONDGEBRUIKBEPLANNING (NR 15 VAN 1985): ERF 848, STRUISBAAI

Kragtens artikel 3(6) van die Wet op Opheffing van Beperkings, 1967 (Wet Nr. 84 van 1967), asook artikel 17 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) word hiermee kennis gegee dat die onderstaande aansoeke ontvang is en ter insae lê by die kantoor van die Direkteur: Gemeenskapsdienste, Kaap Agulhas Munisipaliteit, Bredasdorp, vanaf 8:00 tot 13:00 en 13:30 to 16:00, Maandag tot Vrydag en navrae kan gerig word aan mnr B Hayward by Dirkie Uysstraat 1, Bredasdorp, tel nr. (028) 425-5500, faks nr. (028) 425-1019 of e-pos: bertush@capeagulhas.com. Die opheffingsaansoek lê ook ter insae by die kantoor van die Direkteur: Geïntegreerde Omgewingsbestuur: Streek B1, Provinsiale Regering van die Wes-Kaap, by kamer 601, Dorpstraat 1, Kaapstad, vanaf 08:00 tot 12:30 en 13:00 to 15:30 (Maandag to Vrydag). Telefoniese navrae in hierdie verband kan gerig word aan (021) 483-3098 en die Direktoraat se faksnommer is (021) 483-3098.

Enige kommentare en besware, met volledige redes daarvoor, moet skriftelik by die kantoor van die Direkteur: Geïntegreerde Omgewingsbestuur, Privaatsak X9086, Kaapstad, 8000, of per faks, faknommer (021) 483-3098, asook by die kantoor van die Direkteur: Gemeenskapsdienste, Kaap Agulhas Munisipaliteit, Posbus 51, Bredasdorp, of per faks, faknommer (028) 425-1019 of per e-pos by: info@capeagulhas.com, voor of op 11 Oktober 2010 gestuur word, met vermelding van bogenoemde Wet en Ordonnansie, die beswaarmaker se erfnommer, telefoonnommer en adres. Enige kommentaar wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie.

Sluitingsdatum vir besware en kommentaar: 11 Oktober 2010

*LÊER VERWYSING:* Provinsiale regering: E17/2/2/AS15/ERF 848, STRUISBAAI; Kaap Agulhas Munisipaliteit: S848

*AANSOEKER:* Tommy Brümmer Stadsbeplanners (namens Golden Falls Trading 193 (Edms) Bpk)

*ERF:* Erf 848, Struisbaai

*ADRES:* Haweweg 2, Struisbaai

*AARD VAN AANSOEKE:*

1. Opheffing van Beperkende titelvoorwaardes van toepassing op Erf 848 langs Struisbaai Hawe, ten einde die ontwikkeling van die eiendom vir ondergrondse parkering, kleinhandeldoeleindes, restaurante, 'n hotel en woonstelle toe te laat. Die voorwaardes wat verwys na die area van die erf wat op gebou mag word, die area wat vir die oplaai en aflaai van voertuie oop gehou moet word, en die straat boulyn beperking, sal oorskry word.
2. Wysiging van die serwituut reg tot weg voorwaarde wat oor 'n gedeelte van die eiendom ten gunste van die algemene publiek geregistreer is.
3. Die hersonering van erf 848, Struisbaai van Industriële Sone I doeleindes na Spesiale Sone ingevolge artikel 17(1) van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985), onderhewig aan die volgende voorwaardes:
  - Primêre grondgebruike: Restaurante, winkels, hotelle en woonstelle
  - 'n Vloerfaktor van 2.2
  - 'n Dekking van 92%
  - 0.0m terugset van al die erfgrense (slegs vir die kelderparkering)

*Res van die gebou (bo kelder verdieping) met die volgende terugset:*

- 1.93m van die westelike grens
- 3.55m van die noordelike grens
- 1.11m van die oostelike grens
- 1.44m van die suidelike grens.

*Parkering moet as volg voorsien word:*

- 4 parkeerplekke vir elke 100m<sup>2</sup> van die GLA (handelsarea)
- 0.8 parkeerplekke vir elke hotel kamer
- 0.8 parkeerplekke vir elke residensiële eenheid.

Maksimum hoogte van 4 verdiepings (uitgesluit die kelder) en/of maksimum fisiese hoogte van 16 meter.

R STEVENS, MUNISIPALE BESTUURDER, POSBUS 51, BREDASDORP, 7280

## CAPE AGULHAS MUNICIPALITY

## UMTHETHO WOKUSUSA IZITHINTELO, 1967 (UMTHETHO 84 KA-1967)

Apha kukhutshwa isaziso, ngokwemiqathango yecandelo 3(6) lalo Mthetho ukhankanywe ngentla apha, sokuba kuye kwafunyanwa esi sicelo singezantsi apha, nokuba kuvulelekile ukuba singeza kuphendlwa kwiOfisi yeManejala kaMasipala wase Cape Agulhas, Bredasdorp, kwaye nayiphi na imibuzo ingathunyelwa ku Mnu.Bertus Hayward kwa nombolo, 1 Dirkie Uys Street, Bredasdorp kwi nombolo (028) 425-5500, inombolo yefakisi (028) 425-1019 okanye e-mail: bertush@capeagulhas.com. Esi sicelo kanaanjalo kukwavulelekile nokuba siye kuphendlwa kwiOfisi yoMlawuli: kuLawulo lokusiNgqongileyo Olumanyanisiweyo (Integrated Environmental Management): uMmandla B1, kaRhulumente wePhondo leNtshona Koloni, kwiGumbi elungu 601, 1 Dorp Street, Cape Town, ukusukela ngentsimbi ye-08:00 ukuya kweye-12:30 nango-13:00 ukuya ku-15:30 (ngo-Mvulo ukuya kutsho ngoLwesihlanu). Imibuzo eyenziwa ngomnxeba ephathelele kulo mba ingenziwa ngomnxeba ephathelele kulo mba ingenziwa ngokutsalela kwa-(021) 483-3009, kwaye ke inombolo yefakisi yeli Candela loLawulo ngu-(021) 483-3098.

Naziphi na izikhalazo, ekufuneka zihambe nezizathu ezipheleleyo, kufuneka zihambe nezizathu ezipheleleyo, kufuneka zingeniswe ngento ebhaliweyo kule ofisi ikhankanywe ngentla apha yoMlawuli kuLawulo lokusingqileyo Olumanyanisiweyo (Integrated Environmental Management) kwaPrivate Bag X9086, Cape Town 8000, okanye kwi ofisi kaManejala kaMasipala wase Cape Agulhas, PO Box 51, Bredasdorp, okanye kwinqanaba lokusuka (028) 425-1019 okanye e-mail: info@capeagulhas.com, ngomhla we 11 October 2010, okanye phambi kwawo [makunikwe umhla oya kuba kungasalanga ngaphantsi kweentsu ezingama-30 ukusuka kumhla wokukhutshwa kwesi saziso], kuxelwe lo Mthetho ungentle apha kunye nenombolo yesiza salowo ukhalazayo. Naziphi na izimvo ezithe zafika emva kwalo mhla wokuvala ukhankanyiweyo zisenokungahoywa.

*Ungaki sixelo:* Tommy Brümmer Town Planners (egame le-Golden Falls Trading 193 (Pty) Ltd)

*Uhlobo lwesicelo:* Ukususwa kwemiqathango Yezithintelo kwitayitile yesiza 848, esikufuphi neZubuko lase-Struisbaai, ukuze kwakhiwe indawo okupaka izithuthi engaphantsi kwesakhiwe, iivenkile, iindawo zokutyela, ihotele namagumbi Okuhlala.

R STEVENS, MUNICIPAL MANAGER, PO BOX 51, BREDASDORP, 7280

## CITY OF CAPE TOWN (HELDERBERG DISTRICT)

## REMOVAL OF RESTRICTIONS &amp; DEPARTURE

- Erf 1315, 35 Ryger Street, Gordon's Bay (*second placement*)

Notice is hereby given in terms of Sections 3(6) of the Act 84 of 1967 & 15(2)(a) of Ordinance 15 of 1985 that the undermentioned application has been received and is open to inspection at the office of the District Manager, First Floor, Municipal Offices, cnr Victoria & Andries Pretorius Streets, Somerset West. Enquiries may be directed to Ms Riana du Plessis, PO Box 19, Somerset West, 7129, e-mail to ciska.smit@capetown.gov.za, tel. (021) 850-4346 or fax (021) 850-4487 during 08:00-14:30. Any objections, with full reasons therefor, must be lodged in writing at the office of the District Manager at the First Floor, Municipal Offices, cnr Victoria & Andries Pretorius Streets, Somerset West on or before 11 October 2010, quoting the above relevant legislation and the objector's erf and phone numbers and address. Any objections received after the abovementioned closing date may be considered to be invalid.

*Applicant:* A Paolini

*Owner:* MC Pretorius

*Application Number:* 179736

*Notice Number:* 41/2010

*Address:* 35 Ryger Street, Gordon's Bay

*Nature of application:*

- The Removal of Restrictive Title Deed conditions which limit the property to 20% coverage and to permit the owner to legalize the operation of a crèche (maximum of 65 children), on Erf 1315, 35 Ryger Street, Gordon's Bay;
- The departure from the relevant Zoning Scheme Regulations on Erf 1315, 35 Ryger Street, Gordon's Bay for the:
  - Relaxation of the 10m rear building line to 0m and 2.6m respectively to regularize the store, laundry room, outbuilding used for a play school (maximum of 65 children) and covered parking;
  - Relaxation of the 10m lateral building line (adjacent to Erf 1314) to 0m to regularize the store, outbuilding used for a play school (maximum of 65 children) and covered parking; and
  - Relaxation of the 10m lateral building line (adjacent to Erf 1316) to 0m to regularize the covered play area.

ACHMAT EBRAHIM, CITY MANAGER

## STAD KAAPSTAD (HELDERBERG-DISTRIK)

## OPHEFFING VAN BEPERKINGS &amp; AFWYKING

- Erf 1315, Rygerstraat 35, Gordonsbaai (*tweede plasing*)

Kennisgewing geskied hiermee ingevolge artikel 3(6) van Wet 84 van 1967 en artikel 15(2)(a) van Ordonnansie 15 van 1985, en die toepaslike soneringskemaregulasies dat onderstaande aansoek ontvang is en ter insae beskikbaar is by die kantoor van die distriksbestuurder, Eerste Verdieping, Munisipale Kantore, h/v Victoria- & Andries Pretoriusstraat, Somerset-Wes. Navrae kan gerig word aan me. Riana du Plessis, Posbus 19, Somerset-Wes 7129, per e-pos aan ciska.smit@capetown.gov.za, gestuur word, tel. (021) 850-4346 of faksnr. (021) 850-4487, weksdae gedurende 08:00-14:30. Besware, met die volledige redes daarvoor, moet voor of op 11 Oktober 2010 skriftelik by die kantoor van bogenoemde distriksbestuurder, Eerste Verdieping, Munisipale Kantore, h/v Victoria- en Andries Pretoriusstraat, Somerset-Wes, ingedien word, met vermelding van bogenoemde toepaslike wetgewing, die aansoeknommer en die beswaarmaker se erf- en telefoonnommer en adres. Enige besware wat na bogenoemde sluitingsdatum ontvang word, kan dalk ongeldig geag word.

*Aansoeker:* A Paolini

*Eienaar:* MC Pretorius

*Aansoeknr.:* 179736

*Kennisgewingnr.* 41/2010

*Adres:* Rygerstraat 35, Gordonsbaai

*Aard van aansoek:*

- Die opheffing van beperkende titelaktevoorwaardes wat die eiendom tot 20% dekking beperk, en om die eienaar toe te laat om die bedryf van 'n crèche (maksimum 65 kinders), op erf 1315, Rygerstraat 35, Gordonsbaai, te wettig.
- Afwyking van die toepaslike soneringskemaregulasies vir erf 1315, Rygerstraat 35, Gordonsbaai, vir die:
  - verslapping van die 10m-agterste boulyn tot 0m en 2.6m onderskeidelik om die pakkamer, waskamer en buitegebou wat vir 'n speelskool (maksimum 65 kinders) gebruik word, en oordekte parkering te regulariseer;
  - verslapping van die 10m-syboulyn (aanliggend aan erf 1314) tot 0m om die pakkamer, waskamer en buitegebou wat vir 'n speelskool (maksimum 65 kinders) gebruik word, en oordekte parkering te regulariseer; en
  - verslapping van die 10m-syboulyn (aanliggend aan erf 1316) tot 0m om die oordekte speelgebied te regulariseer.

ACHMAT EBRAHIM, STADSBESTUURDER

## CITY OF CAPE TOWN (HELDERBERG DISTRICT)

## UKUSUSWA KWEZITHINTELO NOTYESHELO LOMQATHANGO

- Isiza-1315, 35 Ryger Street, Gordon's Bay (*isibhengezo sesibini*)

Kukhutshwa isaziso ngokweCandelo-3(6) loMthetho onguNomb.84 wangowe-1967 nangokweCandelo-15(2)(a) loMpoposho onguNomb. 15 wangowe-1985 sokuba isicelo esikhankanywe ngezantsi apha, sifunyenwe kwaye sivulelekile ukuba siphononongwe kwi-ofisi yoMphathi weSithili ekuMgangatho wokuQala, kwii-Ofisi zikaMasipala, kwikona ye-Victoria ne-Andries Pretorius Streets, e-Somerset West. Imibuzo ingajoliswa kuNksz Riana du Plessis, PO Box 19, Somerset West, 7129, ku-imeyilelwe ku ciska.smit@capetown.gov.za, umnxeba (021) 850-4346 okanye kufekselwe kwa (021) 850-4487 ukususela kweye-08:00 ukuya kweye-14:30. Naziphina izichaso ezinezizathu ezivakalayo kufuneka zingeniswe ngokubhaliweyo kwiofisi yoMphathi weSithili ekuMgangatho wokuQala, kwii-Ofisi zikaMasipala, kwikona yeNaziphina izichaso ezifumaneka emva kwalo mhla wokuvalwa okhankanywe ngentla apha, zingathatyathwa njengezingekho-mthethweni.

*Umfaki-sicelo:* A Paolini

*Ummuni:* MC Pretorius

*Inombolo yesicelo:* 179736

*Inombolo yesaziso:* 41/2010

*Idilesi:* 35 Ryger Street, Gordon's Bay

*Ubume besicelo:*

- UkuSuswa kwemiqathango yeSithintelo seTaytile yobunini apho ithi ivumele ipropati ukuba ibengumlinganiselo we-20% kwakhona kuvumeleke umnini ukuba aqhube ikritshi ngokusemthethweni (enomlinganiselo wabantwana abangama 65) kwiSiza-1315, 35 Ryger Street, Gordon's Bay;
- Utyeshelo lomgathango olususela kwiMigaqo efanelekileyo yeNkqubo yezoCando kwiSiza-1315, 35 Ryger Street, Gordon's Bay:
  - Ukucuthwa komda wesakhiwo ongasemva oli-10m ukuba ubengu-0m no-2.6m ukuze kumiselwe ivenkile, igumbi lokuhlamba iimpahla, isakhiwo esingaphandle sokusetyenziselwa isikolo sokudlala (esinomlinganiselo wabantwana abangama-65) nendawo yokupaka egqunyweyo;
  - Ukucuthwa komda wesakhiwo ongasemva oli-10m (omelene neSiza-1316) ukuba ubengu-0m ukuze kumiselwe ummandla wokudlala obiyelweyo.

ACHMAT EBRAHIM, CITY MANAGER

## STELLENBOSCH MUNICIPALITY

REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967);  
REZONING AND LEASE OF ROAD RESERVE: ERF 776,  
STELLENBOSCH

Notice is hereby given in terms of Section 3(6) of the above Act that the undermentioned application has been received and is open to inspection at the office of The Director: Planning and Development Services, Town Hall, Plein Street, Stellenbosch from 08:30-15:30 (Monday to Friday). The application is also open to inspection at the office of the Director, Integrated Environmental Management, Provincial Government of the Western Cape, at Room 204, 1 Dorp Street, Cape Town, from 08:00-12:30 and 13:00-15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at (021) 483-8105 and the Directorate's fax number is (021) 483-3633. Any objections, with full reasons therefor, should be lodged in writing at the office of the abovementioned Director, Integrated Environmental Management, Provincial Government at Private Bag X9086, Cape Town, 8000, with a copy to the abovementioned Municipal Manager, PO Box 17, Stellenbosch on or before 11 October 2010, quoting the above Act and the objector's erf number. Any comments received after the aforementioned closing date may be disregarded.

*Applicant:* Cebo Planning

*Nature of application:* Removal of restrictive title conditions applicable to erf 776, 6 Krige Street, Stellenbosch, to enable the owner to utilise the property for office purposes.

Notice is also hereby given in terms of Section 17 of the Land Use Planning Ordinance, 1985 (No. 15 of 1985) that the undermentioned applications has been received and is open to inspection at the office of the Director: Planning & Development Services at the Planning Advice Centre, Plein Street, Stellenbosch, Tel. (021) 808-8606. Enquiries may be directed to Mr R Fooy, PO Box 17, Stellenbosch, 7599, Tel. (021) 808-8680 and fax number (021) 808-8651 weekdays during the hours of 08:30 to 15:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned Director on or before 11 October 2010 quoting the above relevant legislation and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid.

This advertisement is also available on the Municipal website [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za), <<http://www.stellenbosch.gov.za>>, on the Planning and Development page.

*Applicant:* Cebo Planning

*Erf/Erven number(s):* Erf 776, Stellenbosch

*Locality/Adress:* Situated at 6 Krige Street, Stellenbosch

*Nature of application:*

1. The rezoning of erf 776 from Single Residential to Specific Business for office purposes; and
2. An application for the lease of a portion of the road reserve in front of erf 776 to use as parking area for the proposed office use.

Notice no P25/10

MUNICIPAL MANAGER

## MUNISIPALITEIT STELLENBOSCH

WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET 84 VAN  
1967), HERSONERING EN HUUR VAN PADRESERWE: ERF 776,  
STELLENBOSCH

Kragtens artikel 3(6) van bostaande Wet word hiermee kennis gegee dat die onderstaande aansoek ontvang is en ter insae lê by die kantoor van Departement Beplanning en Ontwikkelingsdienste, Stadhuis, Pleinstraat, Stellenbosch vanaf 08:30-15:30. Die aansoek lê ook ter insae by die Kantoor van die Direkteur, Geïntegreerde Omgewingsbestuur, Provinsiale Regering van die Wes-Kaap, by Kamer 204, Dorpstraat 1, Kaapstad, vanaf 08:00-12:30 en 13:00-15:30 (Maandag tot Vrydag). Telefoniese navrae in hierdie verband kan gerig word aan (021) 483-8105 en die Direktooraat se faksnommer is (021) 483-3633. Enige besware, met die volledige redes daarvoor, moet skriftelik by die kantoor van die bogenoemde Direkteur, Geïntegreerde Omgewingsbestuur, Provinsiale Regering, Privaatsak X9086, Kaapstad, 8000, met 'n afskrif aan die bogenoemde Munisipale Bestuurder, Posbus 17, Stellenbosch ingedien word op of voor 11 Oktober 2010 met vermelding van bogenoemde Wet en beswaarmaker se ernommer. Enige kommentaar wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie.

*Aansoeker:* Cebo Planning

*Aard van aansoek:* Opheffing van beperkende titelvoorwaardes van toepassing op erf 776, Krigestraat 6, Stellenbosch, ten einde die eienaar in staat te stel om sy eiendom te gebruik vir kantoordoeleindes.

Kennis geskied ook hiermee ingevolge Artikel 17 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Nr. 15 van 1985), dat die onderstaande aansoek ontvang is en by die kantoor van die Direkteur: Beplanning & Ontwikkelingsdienste by die Advieskantoor Tel. (021) 808-8606 in Pleinstraat, Stellenbosch ter insae lê. Navrae kan aan mnr R Fooy by Posbus 17, Stellenbosch, 7599, Tel. nr. (021) 808-8680 en Faks nr. (021) 808-8651 weksdae gedurende 08:30 tot 15:30 gerig word. Besware, met volledige redes daarvoor, mag skriftelik by die kantoor van die bogenoemde Direkteur, op of voor 11 Oktober 2010 ingedien word, met vermelding van die relevante wetgewing, die beswaarmaker se erf- en telefoonnommer sowel as adres. Enige besware ontvang na voormelde sluitingsdatum, mag as ongeldig geag word.

Hierdie kennisgewing is ook beskikbaar op die Munisipale webtuiste [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za) <<http://www.stellenbosch.gov.za>>, op die Beplanning en Ontwikkelingsblad.

*Applikant:* Cebo Planning

*Erf/Erwe nommer(s):* Erf 776, Stellenbosch

*Ligging/Adres:* Geleë te Krigestraat 6, Stellenbosch

*Aard van aansoek:*

1. Die hersonering van erf 776 vanaf Enkelbewoning na Spesifieke Besigheid vir kantoordoeleindes; en
2. 'n Aansoek vir die huur van 'n gedeelte van die pad reserwe voor erf 776, ten einde dit aan te wend as parkering vir die voorgestelde kantoorgebruik.

Kennisgewing nr P25/10

MUNISIPALE BESTUURDER

**TENDERS**

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

**TENDERS**

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

**NOTICES BY LOCAL AUTHORITIES****KENNISGEWINGS DEUR PLAASLIKE OWERHEDE**

## CITY OF CAPE TOWN (HELDERBERG DISTRICT)

## SPECIAL CONSENT &amp; APPROVAL OF SITE DEVELOPMENT PLAN

- Erf 12333, 130–132 Main Road, Somerset West (*second placement*)

Notice is hereby given in terms of the relevant Zoning Scheme Regulations that the undermentioned application has been received and is open to inspection at the office of the District Manager at the First Floor, Municipal Offices, cnr Victoria & Andries Pretorius Streets, Somerset West. Enquiries may be directed to Riana du Plessis, PO Box 19, Somerset West, email to ciska.smit@capetown.gov.za, tel (021) 850-4346 or fax (021) 850-4487 weekdays during 08:00-14:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned District Manager on or before 4 October 2010, quoting the above relevant legislation, the application number and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid.

*Applicant:* Messrs JDV Property Administrators

*Owner:* GEM Business Trust

*Application number:* 194592

*Notice number:* 40/2010

*Address:* 130–132 Main Road, Somerset West

*Nature of application:*

- The Council's consent to permit a Place of Assembly (pub) to operate from the first floor of the existing building on Erf 12333, 130–132 Main Road, Somerset West;
- The approval of the Site Development Plan.

ACHMAT EBRAHIM, CITY MANAGER

10 September 2010

22330

## STAD KAAPSTAD (HELDERBERG-DISTRIK)

## SPESIALE TOESTEMMING &amp; GOEDKEURING VAN DIE TERREINONTWIKKELINGSPLAN

- Erf 12333, Hoofweg 130–132, Somerset-Wes (*tweede plasing*)

Kennisgewing geskied hiermee ingevolge die toepaslike soneringskemaeregulasies dat onderstaande aansoek ontvang is en ter insae beskikbaar is by die kantoor van die distriksbestuurder, Eerste Verdieping, Munisipale Kantore, h/v Victoria- & Andries Pretoriusstraat, Somerset-Wes. Navrae kan gerig word aan Riana du Plessis, Posbus 19, Somerset-Wes 7129, per e-pos aan ciska.smit@capetown.gov.za, gestuur word, tel (021) 850-4346 of faksnr. (021) 850-4487, weksdae gedurende 08:00-14:30. Besware, met die volledige redes daarvoor, moet voor of op 4 Oktober 2010 skriftelik by die kantoor van bogenoemde distriksbestuurder ingedien word, met vermelding van bogenoemde toepaslike wetgewing, die aansoeknommer en die beswaarmaker se erf- en telefoonnommer en adres. Enige besware wat na bogenoemde sluitingsdatum ontvang word, kan dalk ongeldig geag word.

*Aansoeker:* Mnre. JDV Property Administrators

*Eienaar:* GEM Business Trust

*Aansoeknr:* 194592

*Kennisgewingnr:* 40/2010

*Adres:* Hoofweg 130–132, Somerset-Wes

Aard van aansoek:

- Raadstoestemming ten einde toe te laat dat 'n plek van samekoms (kroeg) op die eerste verdieping van die bestaande gebou op erf 12333, Hoofweg 130–132, Somerset-Wes, bedryf word.
- Goedkeuring van die terreinontwikkelingsplan.

ACHMAT EBRAHIM, STADSBESTUURDER

10 September 2010

22330



## CITY OF CAPE TOWN (HELDERBERG DISTRICT)

## IMVUME EYODWA NOKUPHUNYEZWA KWESICWANGCISO SOPHUHLISO LWESIZA

- Isiza 12333, 130–132 Main Road, Somerset West (*isibhengezo sesibini*)

Kukhutshwa isaziso ngokweMigaqo efanelekileyo yeNkqubo yezoCando sokuba isicelo esikhankanywe ngezantsi apha, sifunyenwe kwaye sivulelekile ukuba siphononongwe kwi-ofisi yoMphathi weSithili ekuMgangatho wokuQala, kwii-Ofisi zikaMasipala, kwikona ye-Victoria neAndries Pretorius Streets, e-Somerset West. Imibuzo ingajoliswa ku-Riana du Plessis, PO Box 19, Somerset West, u-imeyilele ku-ciskasmit@capetown.gov.za umnxeba (021) 850-4346 okanye ufeksele kwa-(021) 850-4487 kwiintsuku eziphakathi evekini ukususela kwintsimbi ye-08:00 ukuya kweye-14:30. Naziphina izichaso ezinezizathu ezivakalayo zingangeniswa ngokubhaliweyo kwiofisi yoMphathi weSithili ngomhla okanye phambi kowe-4 Oktobha 2010, ucaphule umthetho ongentla ofanelekileyo, inombolo yesicelo, inombolo yesiza somchasi, inombolo zomnxeba nedilesi yakhe. Naziphina izichaso ezifumaneke emva kwalo mhla wokuvalwa okhankanywe ngentla apha, zingathatyathwa njengezingekho-mthethweni.

*Umfaki-sicelo:* Messrs JDV Property Administrators

*Ummuni:* GEM Business Trust

*Inombolo yesicelo:* 194592

*Inombolo vesaziso:* 40/2010

*Idilesi:* 130–132 Main Road, Somerset West

*Ubume besicelo:*

- Imvume yeBhunga ukuze kuvumeleke iNdawo yokuDibanela (iphabhu) ukuze iqhubekke kumgangatho wokuqala kwisakhiwo esikwiSiza-12333, 130–132 Main Road, Somerset West;
- Ukuphunyezwa kweSicwangciso soPhuhliso lweSiza.

ACHMAT EBRAHIM, CITY MANAGER

10 September 2010

22330

## CITY OF CAPE TOWN (KHAYELITSHA-/MITCHELLS PLAIN)

## REZONING, CONSENT AND AMENDMENT

- Farm 544 Portion 61 Driftsands

Notice is hereby given in terms Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the Cape Divisional Council Zoning Scheme and Section 6A(19) as remaining applicable under Section 37(1)(d) of the Act 125/1991 as well as in terms of Section 4(8) of the Land Use Planning Ordinance, 1985 (15 of 1985) and Act 88/1967 that Council has received the undermentioned application, which is open to inspection at the office of the District Manager at Department: Planning & Building Development Management at E-Block, Stocks and Stocks Complex, Ntlazane Street, Ilitha Park, Khayelitsha. Enquiries may be directed to M Wansbury, Department: Planning & Building Development Management, PO Box X93, Bellville, 7535 or e-mail Michele.Wansbury@capetown.gov.za, fax (021) 360-1113 weekdays during the hours of 08:00 to 12:00. Written objections, if any, with reasons may be lodged at the office of the abovementioned District Manager on or before 2010/10/10, quoting the above applicable legislation, the application number, as well as your erf and contact phone number and address.

*Owner:* Medical Research Council

*Applicant:* Pierre Smit & Associates

*Application no:* 194608

*Nature of application:* Rezoning from “Government” to “Noxious Industrial”.

Consent to utilize the property for the purposes of a medical waste incineration facility (noxious industry).

Amendment of the Cape Metropolitan Area: Peninsula Urban Structure Plan 1998 (previous Guide Plan to change the designation of a portion of Portion 61 of the Farm Driftsands 544 from “Urban Development” to “Noxious Industrial”.

ACHMAT EBRAHIM, CITY MANAGER

10 September 2010

22331

## STAD KAAPSTAD (KHAYELITSHA-/MITCHELLS PLAIN-DISTRIK)

## HERSONERING, TOESTEMMING EN WYSIGING

- Plaas 544, gedeelte 61, Driftsands

Kennisgewing geskied hiermee ingevolge artikel 17 van die Ordonnansie op Grondgebruikbeplanning, nr. 15 van 1985, die Kaapse afdelingsraad se soneringskema en artikel 6A(19), soos dit van toepassing bly ingevolge artikel 37(1)(d) van Wet 125 van 1991, sowel as ingevolge artikel 4(8) van die Ordonnansie op Grondgebruikbeplanning, no. 15 van 1985, en Wet 88 van 1967 dat die raad onderstaande aansoek ontvang het wat ter insae beskikbaar is by die kantoor van die distriksbestuurder, departement: beplanning en bou-ontwikkelingsbestuur, Blok E, Stocks & Stocks-kompleks, Ntlazanestraat, Ilitha Park, Khayelitsha. Navrae kan gerig word aan M Wansbury, departement: beplanning en bou-ontwikkelingsbestuur, Posbus X93, Bellville 7535, e-posadres Michele.Wansbury@capetown.gov.za, of faksnr. (021) 360-1113, weksdae van 08:00-12:00. Skriftelike besware, as daar is, met redes, kan voor of op 10 Oktober 2010 aan die kantoor van bogenoemde distriksbestuurder gerig word, met vermelding van bogenoemde toepaslike wetgewing, die aansoeknommer sowel as u erf- en kontaktelefoonnommer en adres.

*Eienaar:* Mediese Navorsingsraad

*Aansoeker:* Pierre Smit & Associates

*Aansoeknr:* 194608

*Aard van aansoek:* Hersonerig van “staats-” na “skadelikindustriële” gebruik.

Toestemming om die eiendom vir die doeleindes van ’n mediese afvalverbrandingsfasiliteit (skadelike bedryf) te gebruik.

Wysiging van die Kaapse metropolitaanse gebied: Skiereilandstedelikestruktuurplan 1998 (voorheen gidsplan), om die bestemming van ’n gedeelte van gedeelte 61 van die Plaas Driftsands 544 van “stedelike ontwikkeling” na “skadelikindustriële” te verander.

ACHMAT EBRAHIM, STADSBESTUURDER

10 September 2010

22331

CITY OF CAPE TOWN (KHAYELITSHA-/MITCHELLS PLAIN)

REZONING, DEPARTURE AND APPROVAL OF THE SITE DEVELOPMENT PLAN

- Erven 5454, 5455 & 5456

Notice is hereby given in terms of Sections 17 and 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that Council has received the undermentioned application, which is open to inspection at the office of the District Manager at Department: Planning & Building Development Management at E-Block, Stocks and Stocks Complex, Ntlazane Street, Ilitha Park, Khayelitsha. Enquiries may be directed to M Wansbury, Department: Planning & Building Development Management, PO Box X93, Bellville, 7535 or e-mail Michele.Wansbury@capetown.gov.za or fax (021) 360-1113 weekdays during 08:00-12:00. Written objections, if any, with reasons may be lodged at the office of the abovementioned District Manager on or before 2010/10/10, quoting the above applicable legislation, the application number, as well as your erf and contact phone number and address.

*Location:* Magalies Crescent & Andrew Street

*Owner:* Verenigde Gereformeerde Kerk in Suider Afrika Gemeente-Eerstriver Suid

*Applicant:* I.C@Plan Town Planners

*Application no:* 195447

*Nature of application:* Rezoning from "Residential Zone III" to "Institutional Zone II" to permit the extension of the current church building and to provide additional parking.

Departure for the following side and street building lines:

- The relaxation of the lateral building lines (adjoining erven 6702-6704) on the ground level from 10m to 5.6m & 8.7m respectively to accommodate the proposed extensions which includes ablution facilities and a portion of the staircase
- The relaxation of the lateral building line (adjoining erven 6702-6704) on the first floor level from 10m to 2.5m & 8.7m to accommodate the proposed first storey
- The relaxation of the lateral building lines (adjoining Erf 5457) on the ground level from 10m to 5.7m to accommodate the proposed first storey; and
- The relaxation of the street building lines (adjoining Magalies Crescent) on the first floor from 10m to 6.3m to accommodate the proposed first storey

Application of the Site Development Plan

ACHMAT EBRAHIM, CITY MANAGER

10 September 2010

22332

STAD KAAPSTAD (KHAYELITSHA-/MITCHELLS PLAIN-DISTRIK)

HERSONERING, AFWYKING & GOEDKEURING VAN DIE TERREINONTWIKKELINGSPLAN

- Erwe 5454, 5455 & 5456

Kennisgewing geskied hiermee ingevolge artikels 17 en 15(1)(a)(i) van die Ordonnansie op Grondgebruikbeplanning, nr. 15 van 1985, die raad onderstaande aansoek ontvang het wat ter insae beskikbaar is by die kantoor van die distriksbestuurder, departement: beplanning en bouontwikkelingsbestuur, Blok E, Stocks & Stocks-kompleks, Ntlazanestraat, Ilitha Park, Khayelitsha. Navrae kan gerig word aan M Wansbury, departement: beplanning en bou-ontwikkelingsbestuur, Posbus X93, Bellville 7535, e-posadres Michele.Wansbury@capetown.gov.za, of faksnr. (021) 360-1113, weksdae van 08:00-12:00. Skriftelike besware, as daar is, met redes, kan voor of op 10 Oktober 2010 aan die kantoor van bogenoemde distriksbestuurder gerig word, met vermelding van bogenoemde toepaslike wetgewing, die aansoeknommer sowel as u erf- en kontaktelefoonnommer en adres.

*Ligging:* Magaliessingel & Andrewstraat

*Eienaar:* Verenigde Gereformeerde Kerk in Suider-Afrika, Gemeente Eerstriver-Suid

*Aansoeker:* I.C@Plan Stadsbeplanners

*Aansoeknr.:* 195447

*Aard van aansoek:* Hersonering van "residensiële sone III" na "institusionele sone II" om die uitbreiding van die bestaande kerkgebou toe te laat en om bykomende parkering te verskaf.

Afwyking van die volgende sy- en straatboulyne:

- Die verslapping van die syboulyne (aanliggend aan erwe 6702-6704) op grondvlak van 10m tot 5.6m & 8.7m onderskeidelik om die voorgestelde aanbouings te akkommodeer, wat ablusiefasiliteite en 'n gedeelte van die trappe insluit.
- Die verslapping van die syboulyn (aanliggend aan erwe 6702-6704) op eersterverdiepingvlak van 10m tot 2.5m & 8.7m om die voorgestelde eerste verdieping te akkommodeer.
- Die verslapping van die syboulyne (aanliggend aan erf 5457) op grondvlak van 10m tot 5.7m om die voorgestelde eerste verdieping te akkommodeer.
- Die verslapping van die straatboulyne (aanliggend aan Magaliessingel) op die eerste verdieping van 10m tot 6.3m om die voorgestelde eerste verdieping te akkommodeer.

Goedkeuring van die terreinontwikkelingsplan.

ACHMAT EBRAHIM, STADSBESTUURDER

10 September 2010

22332

## CITY OF CAPE TOWN (SOUTHERN DISTRICT)

## EXTENSION OF TIME FOR REZONING

- Erf 82176 Cape Town at Retreat, Princess Vlei

Notice is hereby given in terms of Section 16 of the Land Use Planning Ordinance No 15 of 1985, that the undermentioned application has been received and is open to inspection at the offices of the District Manager, Department: Planning & Building Development Management, 3 Victoria Road, Plumstead, from 08:00-14:30, Mondays to Fridays. Enquiries may be directed to Mr D Suttle, tel (021) 710-8268. Any objections and/or comments, with full reasons therefor, must be submitted in writing at the office of the District Manager, Department: Planning and Building Development Management, Private Bag X5, Plumstead, 7801 or fax (021) 710-8283, or e-mailed to kelvin.barry@capetown.gov.za on or before the closing date, quoting the above Ordinance, the belowmentioned reference number, and the objector's erf number, and phone number/s and address. Objections and comments may also be hand-delivered to the abovementioned street address by no later than the closing date. If your response is not sent to these addresses and/or fax number, and if, as a consequence it arrives later, it will be deemed to be invalid. For any further information in this regard, contact Mr D Suttle (021) 710-8268. The closing date for objections and comments is 11 October 2010.

*File Ref:* LUM/00/82176(191904)

*Applicant:* Insight Property Developers

*Address:* Adjacent to Princess Vlei, off Prince George Drive

*Nature of application:*

- Application is made in terms of Section 16 of the Land Use Planning Ordinance No 15 of 1985 to extend the validity period of the rezoning of a portion of the subject property from Single Dwelling Residential and Public Open Space to General Business Sub zone B1 to permit a shopping centre.

ACHMAT EBRAHIM, CITY MANAGER

10 September 2010

22333

## GEORGE MUNICIPALITY

## NOTICE NO 046/2010

CLOSING OF PORTIONS OF ERVEN 1821, 5007 AND 5553, TYOLORA ADJOINING REMAINDER ERF 5553, REMAINDER ERF 5007, ERF 1821 AND PORTION 100 OF THE FARM SAND KRAAL NO. 197 GEORGE

Notice is hereby given in terms of the provision of Section 137(1) of Ordinance 20 of 1974 that the Council has closed portions of erven 1821, 5007 and 5553, Tyolora adjoining Remainder erf 5553, Remainder erf 5007, erf 1821 and Portion 100 of the Farm Sandkraal No. 197, George and that such closure will take effect from the date on which this notice appears.

(TYOLORA 602 v5 p11)

DG RAS, ACTING MUNICIPAL MANAGER, Civic Centre, York Street, GEORGE 6530

10 September 2010

22334

## STAD KAAPSTAD (SUIDELIKE DISTRIK)

## VERLENGING VAN HERSONERINGSTYD

- Erf 82176 Kaapstad te Retreat, Princesvlei

Kennisgewing geskied hiermee ingevolge artikel 16 van die Ordonnansie op Grondgebruikbeplanning, nr. 15 van 1985, dat onderstaande aansoek ontvang is en ter insae beskikbaar is by die kantoor van die distriksbestuurder, departement: beplanning en bouontwikkelingsbestuur, Stad Kaapstad, Grondverdieping, Victoriaweg 3, Plumstead 7801. Navrae kan gerig word aan mnr. D Suttle, tel (021) 710-8268, van 08:00 tot 14:30, Maandag tot Vrydag. Enige besware en/of kommentaar, met volledige redes daarvoor, moet voor of op die sluitingsdatum skriftelik gerig word aan die kantoor van die distriksbestuurder, departement: beplanning en bou-ontwikkelingsbestuur, Stad Kaapstad, Private Bag X5, Plumstead 7801, faksnr. (021) 710-8283 of e-posadres Kelvin. barry@capetown.gov.za, met vermelding van bogenoemde Ordonnansie, onderstaande verwysingsnommer en die beswaarmaker se erf- en telefoonnommer en adres. Besware en kommentaar kan ook voor of op die sluitingsdatum per hand by bogenoemde straatadres afgelewer word. As u reaksie nie na dié adresse en/of faksnr. gestuur word nie en gevolglik laat ontvang word, sal dit ongeldig geag word. Om nadere inligting in dié verband, tree asseblief in verbinding met mnr. D Suttle, tel (021) 710-8268. Die sluitingsdatum vir besware en kommentaar is 11 Oktober 2010.

*Lêerverwysingsnr:* LUM/00/82176(191904)

*Aansoeker:* Insight Property Developers

*Adres:* Aanliggend aan Princesvlei, uit Prince George-rylaan

*Aard van aansoek:*

- Daar word ingevolge artikel 16 van die Ordonnansie op Grondgebruikbeplanning, nr. 15 van 1985, aansoek gedoen om die geldigheidstydperk van die hersonering van 'n gedeelte van die onderhewige eiendom van enkelresidensiële en openbare oop ruimte na algemeenskonesone, subsone B1, te verleng ten einde 'n winkelsentrum toe te laat.

ACHMAT EBRAHIM, STADSBESTUURDER

10 September 2010

22333

## GEORGE MUNISIPALITEIT

## KENNISGEWING NR 046/2010

SLUITING VAN GEDEELTES VAN ERWE 1821, 5007 EN 5553, TYOLORA AANGRENSEND RESTANT ERF 5553, RESTANT ERF 5007, ERF 1821 EN GEDEELTE 100 VAN DIE PLAAS SAND KRAAL NR. 197 GEORGE

Kennisgewing geskied hiermee ingevolge die bepalings van Artikel 137(1) van Ordonnansie 20 van 1974 dat die Raad gedeeltes van erwe 1821, 5007 en 5553, Tyolora aangrensend Restant erf 5553, Restant erf 5007, erf 1821 en gedeelte van die plaas Sand Kraal Nr 197 George gesluit het en dat gemelde sluiting vanaf die datum waarop hierdie kennisgewing verskyn van krag sal wees.

(TYOLORA 602 v5 p11)

DG RAS, WAARNEMENDE MUNISIPALE BESTUURDER, Burger-sentrum, Yorkstraat, GEORGE 6530

10 September 2010

22334

## GEORGE MUNICIPALITY

NOTICE NO: 044/2010

STRUCTURE PLAN AMENDMENT, CLOSURE,  
CONSOLIDATION AND REZONING: ERVEN 4299 AND 4300,  
KERK STREET, PACALTSDORP

Notice is hereby given that Council has received the following application on the abovementioned properties:

1. Amendment of the Pacaltsdorp structure plan by the cancellation of the road which traverse Erven 120, 4299, 4300 and Remainder Erf 119, Pacaltsdorp;
2. Closure of the portion public road; Consolidation of the closed portion road with erven 4299 and 4300, Pacaltsdorp;
3. Rezoning of the consolidated erf in terms of Section 17(2)a of Ordinance 15 of 1985 from TRANSPORT ZONE II and RESIDENTIAL ZONE I to RESIDENTIAL ZONE IV.

Details of the proposal are available for inspection at the Council's office, Civic Centre, 5th Floor, York Street, George, during normal office hours, Monday to Friday.

*Enquiries:* Keith Meyer  
*Reference:* Erf 118, Pacaltsdorp

Motivated objections, if any, must be lodged in writing with the Deputy Senior Manager: Planning, by not later than Monday, 11 October 2010. Please take note that no objections by e-mail will be accepted.

Any person, who is unable to write, can submit their objection verbally to the Council's office where they will be assisted by a staff member to put their comments in writing.

DG RAS, ACTING MUNICIPAL MANAGER, Civic Centre, York Street, GEORGE 6530, Tel: (044) 801-9435, Fax: 086 529 9985, Email: keith@george.org.za

10 September 2010

22335

## GEORGE MUNICIPALITY

NOTICE NO: 043/2010

PROPOSED REZONING AND SUBDIVISION: ERF 25, NOORD  
STREET, PACALTSDORP

Notice is hereby given that Council has received the following application on the abovementioned property:

1. Rezoning in terms of Section 17(2)a of Ordinance 15 of 1985 from RESIDENTIAL ZONE I to A SUBDIVISIONAL AREA;
2. Subdivision of the abovementioned subdivisional area in terms of Section 24(2) of Ordinance 15 of 1985 into 11 Residential zone II erven, 2 Transport zone II erven and 1 Open Space Zone I erf.

Details of the proposal are available for inspection at the Council's office, Civic Centre, 5th Floor, York Street, George, during normal office hours, Monday to Friday.

*Enquiries:* Keith Meyer  
*Reference:* Erf 25, Pacaltsdorp

Motivated objections, if any, must be lodged in writing with the Deputy Senior Manager: Planning, by not later than Monday, 11 October 2010. Please take note that no objections by e-mail will be accepted.

Any person, who is unable to write, can submit their objection verbally to the Council's office where they will be assisted by a staff member to put their comments in writing.

DG RAS, ACTING MUNICIPAL MANAGER, Civic Centre, York Street, GEORGE 6530, Tel: (044) 801-9435, Fax: 086 529 9985, Email: keith@george.org.za

10 September 2010

22336

## GEORGE MUNISIPALITEIT

KENNISGEWING NR: 044/2010

STRUKTUURPLANWYSIGING, SLUITING, KONSOLIDASIE EN  
HERSONERING: ERWE 4299 EN 4300, KERKSTRAAT,  
PACALTSDORP

Kennis geskied hiermee dat die Raad die volgende aansoek op bogenoemde eiendom ontvang het:

1. Wysiging van die Pacaltsdorp struktuurplan deur die kansellering van die straat wat Erwe 120, 4299, 4300 en Restant Erf 119, Pacaltsdorp deursny;
2. Sluiting van die gedeelte publieke straat; Konsolidasie van die geslote gedeelte straat met erwe 4299 en 4300, Pacaltsdorp;
3. Hersonerings van die gekonsolideerde erf in terme van Artikel 17(2)a van Ordonnansie 15 van 1985 vanaf VERVOERSONE II en RESIDENSIELE SONE I na RESIDENSIELE SONE IV.

Volledige besonderhede van die voorstel sal gedurende gewone kantoorure, Maandag tot Vrydag, ter insae beskikbaar wees by die Raad se kantoor, Burgersentrum, 5de Vloer, Yorkstraat, George.

*Navrae:* Keith Meyer  
*Verwysing:* Erf 118, Pacaltsdorp

Gemotiveerde besware, indien enige, moet skriftelik by die Adjunk Senior Bestuurder: Beplanning ingedien word nie later as Maandag, 11 Oktober 2010. Let asseblief daarop dat geen e-pos besware aanvaar word nie.

Indien 'n persoon nie kan skryf nie, kan sodanige persoon sy kommentaar mondelings by die Raad se kantoor aflê waar 'n persoon eellid sal help om die kommentaar/vertoë op skrif te stel.

DG RAS, WAARNEMENDE MUNISIPALE BESTUURDER, Burgersentrum, Yorkstraat, GEORGE 6530, Tel: (044) 801-9435, Faks: 086 529 9985, Epos: keith@george.org.za

10 September 2010

22335

## GEORGE MUNISIPALITEIT

KENNISGEWING NR: 043/2010

VOORGESTELDE HERSONERING EN ONDERVERDELING: ERF  
25, NOORDSTRAAT, PACALTSDORP

Kennis geskied hiermee dat die Raad die volgende aansoek op bogenoemde eiendom ontvang het:

1. Hersonerings in terme van Artikel 17(2)a van Ordonnansie 15 van 1985 vanaf RESIDENSIELE SONE I na 'N ONDERVERDELINGSGBIED;
2. Onderverdeling van bogenoemde onderverdelingsgebied in terme van Artikel 24(2) van Ordonnansie 15 van 1985 in 11 Residensiële sone II erwe, 2 Vervoersone II erwe en 1 Oopruimtesone I erf.

Volledige besonderhede van die voorstel sal gedurende gewone kantoorure, Maandag tot Vrydag, ter insae beskikbaar wees by die Raad se kantoor, Burgersentrum, 5de Vloer, Yorkstraat, George.

*Navrae:* Keith Meyer  
*Verwysing:* Erf 25, Pacaltsdorp

Gemotiveerde besware, indien enige, moet skriftelik by die Adjunk Senior Bestuurder: Beplanning ingedien word nie later as Maandag, 11 Oktober 2010. Let asseblief daarop dat geen e-pos besware aanvaar word nie.

Indien 'n persoon nie kan skryf nie, kan sodanige persoon sy kommentaar mondelings by die Raad se kantoor aflê waar 'n persoon eellid sal help om die kommentaar/vertoë op skrif te stel.

DG RAS, WAARNEMENDE MUNISIPALE BESTUURDER, Burgersentrum, Yorkstraat, GEORGE 6530, Tel:(044) 801-9435, Faks: 086 529 9985, Epos: keith@george.org.za

10 September 2010

22336

## GEORGE MUNICIPALITY

NOTICE NO 045/2010

CLOSING OF A PORTION OF PUBLIC STREET  
ADJOINING TO ERVEN 194, 410, 411 AND 1980  
WILDERNESS

Notice is hereby given in terms of the provision of Section 137(1) of Ordinance 20 of 1974 that the Council has closed a portion of public street adjoining Erven 194, 410, 411 and 1980 Wilderness and that such closure will take effect from the date on which this notice appears.

(S/8692/7 v1 p245)

DG RAS, ACTING MUNICIPAL MANAGER, Civic Centre, York Street, GEORGE 6530

10 September 2010

22338

## GEORGE MUNICIPALITY

NOTICE NO: 042/2010

PROPOSED REZONING AND DEPARTURE: ERF 2276, 59  
VICTORIA STREET, GEORGE

Notice is hereby given that Council has received the following application on the abovementioned property:

1. Rezoning in terms of Section 17(2)a of Ordinance 15 of 1985 from GENERAL RESIDENTIAL to BUSINESS (Offices);
2. Departure in terms of Section 15 of Ordinance 15 of 1985 to relax the following building lines:
  - (a) North-western side building line from 4.5m to 3.42m (existing main building);
  - (b) Northern-western side building line from 4.5m to 1.017m (existing outbuilding);
  - (c) Rear boundary building line from 4.5m to 0.703m (new double storey office block 8.5m high);

Details of the proposal are available for inspection at the Council's office, Civic Centre, 5th Floor, York Street, George, during normal office hours, Monday to Friday.

*Enquiries:* Keith Meyer

*Reference:* Erf 2276, George.

Motivated objections, if any, must be lodged in writing with the Deputy Senior Manager: Planning, by not later than Monday, 11 October 2010. Please take note that no objections by e-mail will be accepted.

Any person, who is unable to write, can submit their objection verbally to the Council's office where they will be assisted by a staff member to put their comments in writing.

DG RAS, ACTING MUNICIPAL MANAGER, Civic Centre, York Street, GEORGE 6530, Tel: (044) 801-9435, Fax: 086 529 9985, Email: keith@george.org.za

10 September 2010

22337

## GEORGE MUNISIPALITEIT

KENNISGEWING NR 045/2010

SLUITING VAN 'N GEDEELTE VAN PUBLIEKE STRAAT  
AANGRENSEND AAN ERWE 194, 410, 411 EN 1980  
WILDERNESS

Kennisgewing geskied hiermee ingevolge die bepalings van Artikel 137(1) van Ordonnansie 20 van 1974 dat die Raad 'n gedeelte van publieke straat aangrensend aan Erwe 194, 410, 411 en 1980 Wilderness gesluit het en dat gemelde sluiting vanaf die datum waarop hierdie kennisgewing verskyn van krag sal wees.

(S/8692/7 v1 p245)

DG RAS, WAARNEMENDE MUNISIPALE BESTUURDER, Burger-sentrum, Yorkstraat, GEORGE 6530

10 September 2010

22338

## GEORGE MUNISIPALITEIT

KENNISGEWING NR: 042/2010

VOORGESTELDE HERSONERING EN AFWYKING: ERF 2276,  
VICTORIA STRAAT 59, GEORGE

Kennis geskied hiermee dat die Raad die volgende aansoek op bogenoemde eiendom ontvang het:

1. Hersonerings in terme van Artikel 17(2)a van Ordonnansie 15 van 1985 vanaf ALGEMENE WOON na SAKE (Kantore);
2. Afwyking in terme van Artikel 15 van Ordonnansie 15 van 1985 om die volgende boulyne te verslap:
  - (a) Noord-westelike syboulyn vanaf 4.5m na 3.42m (bestaande hoofgebou);
  - (b) Noord-westelike syboulyn vanaf 4.5m na 1.017m (bestaande buitegebou);
  - (c) Agtergrensboulyn vanaf 4.5m na 0.703m (nuwe dubbelverdieping kantoorblok 8.5m hoog);

Volledige besonderhede van die voorstel sal gedurende gewone kantoor-ure, Maandag tot Vrydag, ter insae beskikbaar wees by die Raad se kantoor, Burgersentrum, 5de Vloer, Yorkstraat, George.

*Navrae:* Keith Meyer

*Verwysing:* Erf 2276, George.

Gemotiveerde besware, indien enige, moet skriftelik by die Adjunk Senior Bestuurder: Beplanning ingedien word nie later nie as Maandag, 11 Oktober 2010. Let asseblief daarop dat geen e-pos besware aanvaar word nie.

Indien 'n persoon nie kan skryf nie, kan sodanige persoon sy kommentaar mondelings by die Raad se kantoor aflê waar 'n personeellid sal help om die kommentaar/vertoë op skrif te stel.

DG RAS, WAARNEMENDE MUNISIPALE BESTUURDER, Burger-sentrum, Yorkstraat, GEORGE 6530, Tel: (044) 80-9435, Faks: 086 529 9985, Epos: keith@george.org.za

10 September 2010

22337



## GEORGE MUNICIPALITY

NOTICE NO 048/2010

CLOSING OF A PORTION OF PUBLIC STREET  
ADJOINING TO ERVEN 447, 448, 451, 491 AND 1788  
WILDERNESS

Notice is hereby given in terms of the provision of Section 137(1) of Ordinance 20 of 1974 that the Council has closed a portion of public street adjoining Erven 447, 448, 451, 491 and 1788 Wilderness and that such closure will take effect from the date on which this notice appears.

(S/8692/1 v2 p186)

DG RAS, ACTING MUNICIPAL MANAGER, Civic Centre, York Street, GEORGE 6530

10 September 2010

22339

## GEORGE MUNICIPALITY

NOTICE NO 047/2010

CLOSING OF PORTIONS OF PORTIONS 88 AND 100 OF THE  
FARM SAND KRAAL NO. 197 GEORGE ADJOINING ERVEN  
11221, 11222, 16231 AND 16232 GEORGE

Notice is hereby given in terms of the provision of Section 137(1) of Ordinance 20 of 1974 that the Council has closed portions of portions 88 and 100 of the farm Sand Kraal no. 197 George adjoining Erven 11221, 11222, 16231 and 16232 George and that such closure will take effect from the date on which this notice appears.

(GEOR.197 v5 p157)

DG RAS, ACTING MUNICIPAL MANAGER, Civic Centre, York Street, GEORGE 6530

10 September 2010

22340

## HESSEQUA MUNICIPALITY

PROPOSED DEPARTURE: ERF 1280 GOUSBLOM AVENUE,  
STILBAAI WEST

Notice is hereby given in terms of the provisions of Section 15 of Ordinance 15(1)(a)(ii) of 1985 that the Council has received the following application for departure.

*Property:* Erf 1280–803m<sup>2</sup>— Single Residential

*Application:* Departure of Stilbaai Scheme Regulations in order to operate a Coffee Shop from a Single Residential Zone 1 site.

*Applicant:* AC Oosthuizen (obo JN Book)

Details concerning the application are available at the office of the undersigned during office hours. Any objections to the proposed departure should be submitted in writing to reach the office of the undersigned not later than 1 October 2010.

People who cannot write can approach the office of the undersigned during normal office hours where the responsible official will assist you in putting your comments or objections in writing.

MUNICIPAL MANAGER, HESSEQUA MUNICIPALITY, PO BOX 29, RIVERSDALE 6670

10 September 2010

22341

## GEORGE MUNISIPALITEIT

KENNISGEWING NR 048/2010

SLUITING VAN 'N GEDEELTE VAN PUBLIEKE STRAAT  
AANGRENSEND AAN ERWE 447, 448, 451, 491 EN 1788  
WILDERNESS

Kennisgewing geskied hiermee ingevolge die bepalings van Artikel 137(1) van Ordonnansie 20 van 1974 dat die Raad 'n gedeelte van publieke straat aangrensend aan Erwe 447, 448, 451, 491 en 1788 Wilderness gesluit het en dat gemelde sluiting vanaf die datum waarop hierdie kennisgewing verskyn van krag sal wees.

(S/8692/1 v2 p186)

DG RAS, WAARNEMENDE MUNISIPALE BESTUURDER, Burger-sentrum, Yorkstraat, GEORGE 6530

10 September 2010

22339

## GEORGE MUNISIPALITEIT

KENNISGEWING NR 047/2010

SLUITING VAN GEDEELTES VAN GEDEELTES 88 EN 100 VAN  
DIE PLAAS SAND KRAAL NO. 197 GEORGE AANGRENSEND  
AAN ERWE 11221, 11222, 16231 EN 16232 GEORGE

Kennisgewing geskied hiermee ingevolge die bepalings van Artikel 137(1) van Ordonnansie 20 van 1974 dat die Raad gedeeltes van gedeeltes 88 en 100 van die plaas Sand Kraal nr. 197 George aangrensend aan Erwe 11221, 11222, 16231 en 16232 George gesluit het en dat gemelde sluiting vanaf die datum waarop hierdie kennisgewing verskyn van krag sal wees.

(GEOR.197 v5 p157)

DG RAS, WAARNEMENDE MUNISIPALE BESTUURDER, Burger-sentrum, Yorkstraat, GEORGE 6530

10 September 2010

22340

## HESSEQUA MUNISIPALITEIT

VOORGESTELDE AFWYKING: ERF 1280 GOUSBLOMRYLAAN,  
STILBAAI-WES

Kennis geskied hiermee ingevolge die bepaling van Artikel 15(1)(a)(ii) van Ordonnansie 15 van 1985 dat die Hessequa Raad die volgende aansoek om afwyking ontvang het:

*Eiendomsbeskrywing:* Erf 1280–803m<sup>2</sup>—Enkelwoon

*Aansoek:* Afwyking van Stilbaai Skemaregulasies se Enkelwoon sone-ring vir die bedryf van 'n Koffiewinkel vanaf Enkelwoon erf.

*Applikant:* AC Oosthuizen (nms JN Book)

Besonderhede rakende die aansoek is ter insae by die kantoor van die ondergetekende gedurende kantooreure. Enige besware teen die voorgenome afwyking moet skriftelik gerig word om die ondergetekende te bereik nie later as 1 Oktober 2010.

Persone wat nie kan skryf nie, kan die onderstaande kantoor nader tydens sy normale kantooreure waar die betrokke amptenaar u sal help om u kommentaar of besware op skrif te stel.

MUNISIPALE BESTUURDER, HESSEQUA MUNISIPALITEIT, POSBUS 29, RIVERSDAL 6670

10 September 2010

22341



## HESSEQUA MUNICIPALITY

PROPOSED DEPARTURE: ERF 63,  
GOURITSMOND

Notice is hereby given in terms of the provisions of Section 15 of the Land-Use Planning Ordinance 15 of 1985 (Ord. 15 of 1985) that the Hessequa Council has received the following application on the above-mentioned property:

*Property:* Erf 63—Res (I), Gouritsmond

*Application:*

- Departure from the Section 8 Scheme regulations' Residential I Land Use restrictions for the increase of coverage from 50% to 62.37%.

*Applicant:* AC Loubser on behalf of Dr FJ De Jager

Details concerning the application are available at the office of the undersigned as well as Gouritsmond Municipal Offices during office hours. Any objections to the proposed application should be submitted in writing to reach the office of the undersigned not later than 1 October 2010.

People who cannot write can approach the office of the undersigned during normal office hours where the responsible official will assist you in putting your comments or objections in writing.

MUNICIPAL MANAGER, HESSEQUA MUNICIPALITY, PO BOX 29, RIVERSDAL 6670

10 September 2010

22342

## KNYSNA MUNICIPALITY

LAND USE PLANNING ORDINANCE, 1985  
(ORDINANCE 15 OF 1985)LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT  
(ACT 32 OF 2000)PROPOSED REZONING AND SUBDIVISION: ERF 3333,  
KNYSNA (*Sunridge Street, Hornlee, Knysna*)

Notice is hereby given in terms of Sections 17(2) and 24(2)(a) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that the undermentioned application has been received by the Municipal Manager and is open for inspection during office hours at the Municipal Town Planning Offices, 3 Church Street, Knysna. Any objections, with full reasons therefor, should be lodged in writing with the Municipal Manager, PO Box 21, Knysna, 6570 on or before Monday, 11 October 2010 quoting the above Ordinance and objector's erf number.

Notice is further given in terms of Section 21(4) of the Local Government: Municipal Systems Act (Act 32 of 2000) that people who cannot write may approach the Town Planning Section (3 Church Street) during normal office hours at the Municipal Offices where the Secretary will refer you to the responsible official who will assist you in putting your comments or objections in writing.

*Applicant:* Macroplan (obo Knysna Municipality)

*Nature of application:*

1. The rezoning and subdivision of Erf 3333, Knysna;

JB DOUGLAS, MUNICIPAL MANAGER

*File reference:* Erf 3333 KNY

10 September 2010

22345

## HESSEQUA MUNISIPALITEIT

VOORGESTELDE AFWYKING: ERF 63, KUSWEG 63,  
GOURITSMOND

Kennis geskied hiermee ingevolge die bepalings van Artikel 15 van Ordonnansie 15 van 1985 (Ord. 15 van 1985) dat die Hessequa Raad die volgende aansoek op bogenoemde eiendom ontvang het:

*Eiendomsbeskrywing:* Erf 63—Res (I), Gouritsmond

*Aansoek:*

- Afwyking van die Artikel 8 Skemaregulasies se Residensiële I grondgebruikbeperkings vir die dekkingsoorskryding van 50% na 62.3%

*Applikant:* AC Loubser namens Dr FJ De Jager

Besonderhede rakende die aansoek is ter insae by die kantoor van die ondergetekende asook die Gouritsmond Munisipale Kantore gedurende kantoorure. Enige besware teen die voorgename aansoek moet skriftelik gerig word om die ondergetekende te bereik nie later as 1 Oktober 2010.

Persone wat nie kan skryf nie, kan die onderstaande kantoor nader tydens sy normale kantoorure waar die betrokke amptenaar u sal help om u kommentaar of besware op skrif te stel.

MUNISIPALE BESTUURDER, HESSEQUA MUNISIPALITEIT, POSBUS 29, RIVERSDAL 6670

10 September 2010

22342

## KNYSNA MUNISIPALITEIT

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985  
(ORDONNANSIE 15 VAN 1985)WET OP PLAASLIKE REGERING: MUNISIPALE STELSELS,  
2000 (WET 32 VAN 2000)VOORGESTELDE HERSONERING EN ONDERVERDELING: ERF  
3333, KNYNSNA (*Sunridgestraat, Hornlee, Knysna*)

Kennis geskied hiermee ingevolge Artikels 17(2) en 24(2)(a) van die Ordonnansie op Grondgebruikbeplanning 1985 (Ordonnansie 15 van 1985) dat die onderstaande aansoek deur die Munisipale Bestuurder ontvang is en gedurende kantoorure ter insae lê by die Munisipale Stadsbeplanningskantore, Kerkstraat 3, Knysna. Enige besware met volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Posbus 21, Knysna, 6570 ingedien word op of voor Maandag, 11 Oktober 2010, met vermelding van bogenoemde Ordonnansie en beswaarmaker se ernommer.

Ingevolge Artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels 2000 (Wet 32 van 2000) word verder kennis gegee dat persone wat nie kan skryf nie die Stadsbeplanningsafdeling (Kerkstraat 3) kan nader tydens normale kantoorure waar die Sekretaris u sal verwys na die betrokke amptenaar wat u sal help om u kommentaar of besware op skrif te stel.

*Aansoeker:* Macroplan (nms Knysna Munisipaliteit)

*Aard van aansoek:*

1. Die hersonering en onderverdeling van Erf 3333, Knysna

JB DOUGLAS, MUNISIPALE BESTUURDER

*Lêerverwysing:* Erf 3333 KNY

10 September 2010

22345

## HESSEQUA MUNICIPALITY

## PROPOSED SUBDIVISION and CONSOLIDATION of

- (a) PORTION 21 of the farm KLEIN SOEBATTERS VLAKTE No. 369
- (b) REMAINDER of PORTIONS 16, 43 and 44 of the farm MODDERFONTEIN No. 417
- (c) PORTIONS 29, 46 and 48 of the farm MODDERFONTEIN No. 417

## RIVERSDALE DISTRICT

Notice is hereby given in terms of the provisions of Section 24(2) of Land-use Ordinance 15 of 1985 (Ord. 15 of 1985) that the Hessequa Municipality has received the following application on the abovementioned property:

*Property:*

- (a) Portion 21 of KLEIN SOEBATTERS VLAKTE No. 369—53.0922ha
- (b) Remainder of Portion 43 of MODDERFONTEIN No. 417—123.9661ha
- (c) Remainder of Portion 16 of MODDERFONTEIN No. 417—88,5753ha
- (d) Portion 48 of MODDERFONTEIN No. 417—131.8830ha
- (e) Portion 29 of MODDERFONTEIN No. 417—1.7232ha
- (f) Remainder of Portion 44 of MODDERFONTEIN No. 417—12.3677ha
- (g) Portion 46 of MODDERFONTEIN No. 417—17.8599ha

All zoned as Agriculture Zone 1

*Proposal:* To subdivide and consolidate the abovementioned seven properties to form six properties of about 12, 30, 41, 100, 109 en 132 hectares

*Applicant:* Van der Walt & Visagie Professional Land Surveyors (on behalf of JM Cronje, FAB Kasselmann, L Du Preez)

Details concerning the application are available at the office of the undersigned during office hours as well as the Riversdale Municipal office. Any objections, to the proposed application should be submitted in writing to reach the office of the undersigned not later than 1 OCTOBER 2010.

People who cannot write can approach the office of the undersigned during normal office hours where the responsible official will assist you in putting your comments or objections in writing.

MUNICIPAL MANAGER, HESSEQUA MUNICIPALITY PO BOX 29, RIVERSDALE

10 September 2010

22343

## HESSEQUA MUNISIPALITEIT

## VOORGESTELDE ONDERVERDELING en KONSOLIDASIE van:

- (a) GEDEELTE 21 van die plaas KLEIN SOEBATTERS VLAKTE Nr 369
- (b) RESTANTE van GEDEELTES 16, 43 en 44 van die plaas MODDERFONTEIN Nr 417
- (c) GEDEELTES 29, 46 en 48 van die plaas MODDERFONTEIN Nr 417

## RIVERSDAL DISTRIK

Kennis geskied hiermee ingevolge Artikel 24(2) van Ordonnansie 15 van 1985 dat die Hessequa Raad die volgende aansoek op bogenoemde eiendomme ontvang het:

*Eiendomsbeskrywing:*

- (a) Gedeelte 21 van KLEIN SOEBATTERS VLAKTE Nr 369—53.0922ha
- (b) Restant van Gedeelte 43 van MODDERFONTEIN Nr 417—123.9661ha
- (c) Restant van Gedeelte 16 van MODDERFONTEIN Nr 417—88,5753ha
- (d) Gedeelte 48 van MODDERFONTEIN Nr 417—131.8830ha
- (e) Gedeelte 29 van MODDERFONTEIN Nr 417—1.7232ha
- (f) Restant van Gedeelte 44 van MODDERFONTEIN Nr 417—12.3677ha
- (g) Gedeelte 46 van MODDERFONTEIN Nr 417—17.8599ha

Al 7 eiendomme is Landbousone 1

*Aansoek:* Onderverdeling en konsolidasie van bogenoemde sewe eiendomme om weer ses eiendomme te vorm van ongeveer 12, 30, 41, 100, 109 en 132 hektaar

*Aansoeker:* Van der Walt & Visagie Professionele Landmeters (nms J M Cronje, FAB Kasselmann, L Du Preez)

Besonderhede rakende die aansoek is ter insae by die kantoor van die ondergetekende gedurende kantooreure sowel as Riversdal Munisipale Kantore. Enige besware teen die voorgenome aansoek moet skriftelik gerig word om die ondergetekende te bereik nie later as 1 OKTOBER 2010

Persone wat nie kan skryf nie, kan die onderstaande kantoor nader tydens sy normale kantooreure waar die betrokke amptenaar u sal help om u kommentaar of besware op skrif te stel.

MUNISIPALE BESTUURDER, HESSEQUA MUNISIPALITEIT, POSBUS 29, RIVERSDAL

10 September 2010

22343

## KNYSNA MUNICIPALITY

LAND USE PLANNING ORDINANCE, 1985  
(ORDINANCE 15 OF 1985)

LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT  
(ACT 32 OF 2000)

PROPOSED REZONING AND SUBDIVISION: ERF 2252,  
KNYSNA (*Protea Street, Hornlee, Knysna*)

Notice is hereby given in terms of Sections 17(2) and 24(2)(a) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that the undermentioned application has been received by the Municipal Manager and is open for inspection during office hours at the Municipal Town Planning Offices, 3 Church Street, Knysna. Any objections, with full reasons therefor, should be lodged in writing with the Municipal Manager, PO Box 21, Knysna, 6570 on or before Monday, 11 October 2010 quoting the above Ordinance and objector's erf number.

Notice is further given in terms of Section 21(4) of the Local Government: Municipal Systems Act (Act 32 of 2000) that people who cannot write may approach the Town Planning Section (3 Church Street) during normal office hours at the Municipal Offices where the Secretary will refer you to the responsible official who will assist you in putting your comments or objections in writing.

*Applicant:* Macroplan (obo Knysna Municipality)

*Nature of application:*

1. The rezoning and subdivision of Erf 2252, Knysna

JB DOUGLAS, MUNICIPAL MANAGER

*File reference:* Erf 2252 KNY

10 September 2010

22344

## KNYSNA MUNICIPALITY

LAND USE PLANNING ORDINANCE, 1985  
(ORDINANCE 15 OF 1985)

LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT  
(ACT 32 OF 2000)

PROPOSED REZONING AND SUBDIVISION: ERF 3336,  
KNYSNA (*Stroebel Street, Hornlee, Knysna*)

Notice is hereby given in terms of Sections 17(2) and 24(2)(a) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that the undermentioned application has been received by the Municipal Manager and is open for inspection during office hours at the Municipal Town Planning Offices, 3 Church Street, Knysna. Any objections, with full reasons therefor, should be lodged in writing with the Municipal Manager, PO Box 21, Knysna, 6570 on or before Monday, 11 October 2010 quoting the above Ordinance and objector's erf number.

Notice is further given in terms of Section 21(4) of the Local Government: Municipal Systems Act (Act 32 of 2000) that people who cannot write may approach the Town Planning Section (3 Church Street) during normal office hours at the Municipal Offices where the Secretary will refer you to the responsible official who will assist you in putting your comments or objections in writing.

*Applicant:* Macroplan (obo Knysna Municipality)

*Nature of application:*

1. The rezoning and subdivision of Erf 3336, Knysna

JD DOUGLAS, MUNICIPAL MANAGER

*File reference:* Erf 3336 KNY

10 September 2010

22346

## KNYSNA MUNISIPALITEIT

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985  
(ORDONNANSIE 15 VAN 1985)

WET OP PLAASLIKE REGERING: MUNISIPALE STELSELS,  
2000 (WET 32 VAN 2000)

VOORGESTELDE HERSONERING EN ONDERVERDELING: ERF  
2252, KNYNSNA (*Proteastraat, Hornlee, Knysna*)

Kennis geskied hiermee ingevolge Artikels 17(2) en 24(2)(a) van die Ordonnansie op Grondgebruikbeplanning 1985 (Ordonnansie 15 van 1985) dat die onderstaande aansoek deur die Munisipale Bestuurder ontvang is en gedurende kantoorure ter insae lê by die Munisipale Stadsbeplanningskantore, Kerkstraat 3, Knysna. Enige besware met volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Posbus 21, Knysna, 6570 ingedien word op of voor Maandag, 11 Oktober 2010, met vermelding van bogenoemde Ordonnansie en beswaarmaker se ernommer.

Ingevolge Artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels 2000 (Wet 32 van 2000) word verder kennis gegee dat persone wat nie kan skryf nie die Stadsbeplanningsafdeling (Kerkstraat 3) kan nader tydens normale kantoorure waar die Sekretaresse u sal verwys na die betrokke amptenaar wat u sal help om u kommentaar of besware op skrif te stel.

*Aansoeker:* Macroplan (nms Knysna Munisipaliteit)

*Aard van aansoek:*

1. Die herosnering en onderverdeling van Erf 2252, Knysna

JB DOUGLAS, MUNISIPALE BESTUURDER

*Lêerverwysing:* Erf 2252 KNY

10 September 2010

22344

## KNYSNA MUNISIPALITEIT

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985  
(ORDONNANSIE 15 VAN 1985)

WET OP PLAASLIKE REGERING: MUNISIPALE STELSELS,  
2000 (WET 32 VAN 2000)

VOORGESTELDE HERSONERING EN ONDERVERDELING: ERF  
3336, KNYNSNA (*Stroebelstraat, Hornlee, Knysna*)

Kennis geskied hiermee ingevolge Artikels 17(2) en 24(2)(a) van die Ordonnansie op Grondgebruikbeplanning 1985 (Ordonnansie 15 van 1985) dat die onderstaande aansoek deur die Munisipale Bestuurder ontvang is en gedurende kantoorure ter insae lê by die Munisipale Stadsbeplanningskantore, Kerkstraat 3, Knysna. Enige besware met volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Posbus 21, Knysna, 6570 ingedien word op of voor Maandag, 11 Oktober 2010, met vermelding van bogenoemde Ordonnansie en beswaarmaker se ernommer.

Ingevolge Artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels 2000 (Wet 32 van 2000) word verder kennis gegee dat persone wat nie kan skryf nie die Stadsbeplanningsafdeling (Kerkstraat 3) kan nader tydens normale kantoorure waar die Sekretaresse u sal verwys na die betrokke amptenaar wat u sal help om u kommentaar of besware op skrif te stel.

*Aansoeker:* Macroplan (nms Knysna Munisipaliteit)

*Aard van aansoek:*

1. Die herosnering en onderverdeling van Erf 3336, Knysna

JB DOUGLAS, MUNISIPALE BESTUURDER

*Lêerverwysing:* Erf 3336 KNY

10 September 2010

22346

## KNYSNA MUNICIPALITY

LAND USE PLANNING ORDINANCE, 1985  
(ORDINANCE 15 OF 1985)

LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT  
(ACT 32 OF 2000)

PROPOSED REZONING AND SUBDIVISION: ERF 3339,  
KNYSNA (*Stroebel Street, Hornlee, Knysna*)

Notice is hereby given in terms of Sections 17(2) and 24(2)(a) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that the undermentioned application has been received by the Municipal Manager and is open for inspection during office hours at the Municipal Town Planning Offices, 3 Church Street, Knysna. Any objections, with full reasons therefor, should be lodged in writing with the Municipal Manager, PO Box 21, Knysna, 6570 on or before Monday, 11 October 2010 quoting the above Ordinance and objector's erf number.

Notice is further given in terms of Section 21(4) of the Local Government: Municipal Systems Act (Act 32 of 2000) that people who cannot write may approach the Town Planning Section (3 Church Street) during normal office hours at the Municipal Offices where the Secretary will refer you to the responsible official who will assist you in putting your comments or objections in writing.

*Applicant:* Macroplan (obo Knysna Municipality)

*Nature of application:*

1. The rezoning and subdivision of Erf 3339, Knysna

JB DOUGLAS, MUNICIPAL MANAGER

*File reference:* Erf 3339 KNY

10 September 2010

22347

## KNYSNA MUNICIPALITY

LAND USE PLANNING ORDINANCE, 1985  
(ORDINANCE 15 OF 1985)

LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT  
(ACT 32 OF 2000)

PROPOSED REZONING AND SUBDIVISION:  
ERVEN 4712-4723 AND 4773-4787, KNYNSNA  
(*Ysterhout Street, Hornlee, Knysna*)

Notice is hereby given in terms of Sections 17(2) and 24(2)(a) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that the undermentioned application has been received by the Municipal Manager and is open for inspection during office hours at the Municipal Town Planning Offices, 3 Church Street, Knysna. Any objections, with full reasons therefor, should be lodged in writing with the Municipal Manager, PO Box 21, Knysna, 6570 on or before Monday, 11 October 2010 quoting the above Ordinance and objector's erf number.

Notice is further given in terms of Section 21(4) of the Local Government: Municipal Systems Act (Act 32 of 2000) that people who cannot write may approach the Town Planning Section (3 Church Street) during normal office hours at the Municipal Offices where the Secretary will refer you to the responsible official who will assist you in putting your comments or objections in writing.

*Applicant:* Macroplan (obo Knysna Municipality)

*Nature of application:*

1. The rezoning and subdivision of Erven 4712-4723 and 4773-4787, Knysna

JB DOUGLAS, MUNICIPAL MANAGER

*File reference:* Erven 4712-4723 and 4773-4787 KNY

10 September 2010

22348

## KNYSNA MUNICIPALITEIT

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985  
(ORDONNANSIE 15 VAN 1985)

WET OP PLAASLIKE REGERING: MUNISIPALE STELSELS,  
2000 (WET 32 VAN 2000)

VOORGESTELDE HERSONERING EN ONDERVERDELING: ERF  
3339, KNYNSNA (*Stroebelstraat, Hornlee, Knysna*)

Kennis geskied hiermee ingevolge Artikels 17(2) en 24(2)(a) van die Ordonnansie op Grondgebruikbeplanning 1985 (Ordonnansie 15 van 1985) dat die onderstaande aansoek deur die Munisipale Bestuurder ontvang is en gedurende kantoorure ter insae lê by die Munisipale Stadsbeplanningskantore, Kerkstraat 3, Knysna. Enige besware met volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Posbus 21, Knysna, 6570 ingedien word op of voor Maandag, 11 Oktober 2010, met vermelding van bogenoemde Ordonnansie en beswaarmaker se ernommer.

Ingevolge Artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels 2000 (Wet 32 van 2000) word verder kennis gegee dat persone wat nie kan skryf nie die Stadsbeplanningsafdeling (Kerkstraat 3) kan nader tydens normale kantoorure waar die Sekretaresse u sal verwys na die betrokke amptenaar wat u sal help om u kommentaar of besware op skrif te stel.

*Aansoeker:* Macroplan (nms Knysna Munisipaliteit)

*Aard van aansoek:*

1. Die herosnering en onderverdeling van Erf 3339, Knysna

JB DOUGLAS, MUNISIPALE BESTUURDER

*Lêerverwysing:* Erf 3339 KNY

10 September 2010

22347

## KNYSNA MUNISIPALITEIT

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985  
(ORDONNANSIE 15 VAN 1985)

WET OP PLAASLIKE REGERING: MUNISIPALE STELSELS,  
2000 (WET 32 VAN 2000)

VOORGESTELDE HERSONERING EN ONDERVERDELING:  
ERWE 4712-4723 EN 4773-4787, KNYNSNA  
(*Ysterhoutstraat, Hornlee, Knysna*)

Kennis geskied hiermee ingevolge Artikels 17(2) en 24(2)(a) van die Ordonnansie op Grondgebruikbeplanning 1985 (Ordonnansie 15 van 1985) dat die onderstaande aansoek deur die Munisipale Bestuurder ontvang is en gedurende kantoorure ter insae lê by die Munisipale Stadsbeplanningskantore, Kerkstraat 3, Knysna. Enige besware met volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Posbus 21, Knysna, 6570 ingedien word op of voor Maandag, 11 Oktober 2010, met vermelding van bogenoemde Ordonnansie en beswaarmaker se ernommer.

Ingevolge Artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels 2000 (Wet 32 van 2000) word verder kennis gegee dat persone wat nie kan skryf nie die Stadsbeplanningsafdeling (Kerkstraat 3) kan nader tydens normale kantoorure waar die Sekretaresse u sal verwys na die betrokke amptenaar wat u sal help om u kommentaar of besware op skrif te stel.

*Aansoeker:* Macroplan (nms Knysna Munisipaliteit)

*Aard van aansoek:*

1. Herosnering en onderverdeling van Erwe 4712-4723 en 4773-4787, Knysna

JB DOUGLAS, MUNISIPALE BESTUURDER

*Lêerverwysing:* Erwe 4712-4723 en 4773-4787 KNY

10 September 2010

22348

## KNYSNA MUNICIPALITY

LAND USE PLANNING ORDINANCE, 1985  
(ORDINANCE 15 OF 1985)

LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT  
(ACT 32 OF 2000)

PROPOSED CONSOLIDATION, REZONING AND SUBDIVISION:  
ERVEN 3642, 3667, 3668, 3669, 3670 AND 4822, KNYNSNA  
(*Callander Street, Hornlee, Knysna*)

Notice is hereby given in terms of Sections 17(2) and 24(2)(a) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that the undermentioned application has been received by the Municipal Manager and is open for inspection during office hours at the Municipal Town Planning Offices, 3 Church Street, Knysna. Any objections, with full reasons therefor, should be lodged in writing with the Municipal Manager, PO Box 21, Knysna, 6570 on or before Monday, 11 October 2010 quoting the above Ordinance and objector's erf number.

Notice is further given in terms of Section 21(4) of the Local Government: Municipal Systems Act (Act 32 of 2000) that people who cannot write may approach the Town Planning Section (3 Church Street) during normal office hours at the Municipal Offices where the Secretary will refer you to the responsible official who will assist you in putting your comments or objections in writing.

*Applicant:* Macroplan (obo Knysna Municipality)

*Nature of application:*

1. The consolidation, rezoning and subdivision of Erven 3642, 3667, 3668, 3669, 3670 and 4822, Knysna;

JB DOUGLAS, MUNICIPAL MANAGER

*File reference:* Erven 3642, 3667, 3668, 3669, 3670 and 4822 KNY

10 September 2010

22349

## LANGEBERG MUNICIPALITY

MN NO. 74/2010

PROPOSED SUBDIVISION OF ERF 1182, 5 ADDERLEY STREET,  
ROBERTSON  
Ordinance 15 of 1985 Land Use Planning

Notice is hereby given in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that Council has received an application from Gamsu & Houterman on behalf of Roelou Barry Motors & Trekkers for the subdivision of erf 1182, Robertson, into three portions (Portion A:  $\pm 5750\text{m}^2$ , Portion B:  $4946\text{m}^2$  and Remainder:  $\pm 6438\text{m}^2$ ).

The application will be open for inspection at the Robertson Office during normal office hours. Written legal and fully motivated objections/comments, if any, must be lodged with the undersigned before or on 15 October 2010. Further details are obtainable from Mr Jack van Zyl (023) 614-8000 during office hours. Any person who cannot write may come to the office mentioned above, during office hours where a staff member of the municipality will assist that person to transcribe his/her comments or representations.

SA MOKWENI, MUNICIPAL MANAGER, Municipal Office, Private Bag X2, ASHTON 6715

10 September 2010

22350

## KNYSNA MUNISIPALITEIT

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985  
(ORDONNANSIE 15 VAN 1985)

WET OP PLAASLIKE REGERING: MUNISIPALE STELSELS,  
2000 (WET 32 VAN 2000)

VOORGESTELDE KONSOLIDASIE, HERSONERING EN  
ONDERVERDELING: ERWE 3642, 3667, 3668, 3669, 3670 EN  
4822, KNYNSNA (*Callanderstraat, Hornlee, Knysna*)

Kennis geskied hiermee ingevolge Artikels 17(2) en 24(2)(a) van die Ordonnansie op Grondgebruikbeplanning 1985 (Ordonnansie 15 van 1985) dat die onderstaande aansoek deur die Munisipale Bestuurder ontvang is en gedurende kantoorure ter insae lê by die Munisipale Stadsbeplanningskantore, Kerkstraat 3, Knysna. Enige besware met volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Posbus 21, Knysna, 6570 ingedien word op of voor Maandag, 11 Oktober 2010, met vermelding van bogenoemde Ordonnansie en beswaarmaker se erfnummer.

Ingevolge Artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels 2000 (Wet 32 van 2000) word verder kennis gegee dat persone wat nie kan skryf nie die Stadsbeplanningsafdeling (Kerkstraat 3) kan nader tydens normale kantoorure waar die Sekretaris se naam u sal verwys na die betrokke amptenaar wat u sal help om u kommentaar of besware op skrif te stel.

*Aansoeker:* Macroplan (nms Knysna Munisipaliteit)

*Aard van aansoek:*

1. Die konsolidasie, herosnering en onderverdeling van Erwe 3642, 3667, 3668, 3669, 3670 en 4822, Knysna

JB DOUGLAS, MUNISIPALE BESTUURDER

*Lêerverwysing:* Erwe 3642, 3667, 3668, 3669, 3670 en 4822 KNY

10 September 2010

22349

## LANGEBERG MUNISIPALITEIT

MK NR. 74/2010

VOORGESTELDE ONDERVERDELING VAN ERF 1182,  
ADDERLEYSTRAAT 5, ROBERTSON  
Ordonnansie 15 van 1985 Grondgebruikbeplanning

Kennis geskied hiermee ingevolge Artikel 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) dat die Raad 'n aansoek ontvang het van Gamsu & Houterman namens Roelou Barry Motors & Trekkers vir die onderverdeling van erf 613, Robertson, in drie gedeeltes (Gedeelte A:  $\pm 5750\text{m}^2$ , Gedeelte B:  $4946\text{m}^2$  en Restant:  $\pm 6438\text{m}^2$ ).

Die aansoek lê ter insae gedurende kantoorure in die Robertson Kantoor en skriftelike regsgeënde en goed gemotiveerde besware/kommentaar, indien enige, moet nie later as 15 Oktober 2010 skriftelik by die ondergetekende ingedien word nie. Navrae kan gerig word aan mnr Jack van Zyl by telefoonnummer (023) 614-8000. 'n Persoon wat nie kan skryf nie kan gedurende kantoorure na bogenoemde kantoor kom waar 'n personeellid van die Munisipaliteit daardie persoon sal help om sy/haar kommentaar of versoë af te skryf.

SA MOKWENI, MUNISIPALE BESTUURDER, Langeberg Munisipaliteit, Privaatsak X2, ASHTON 6715

10 September 2010

22350



## LANGEBERG MUNICIPALITY

MN NO. 75/2010

PROPOSED DEPARTURES OF ERVEN 1770, 969, 947, 769,  
ASHTON

ERVEN 2045, 2502, 2227, 2094, 2449, 2307, BONNIEVALE

Notice is hereby given in terms of Section 15 of the Land Use Planning Ordinance (Ordinance no 15 of 1985) that Council has received the undermentioned applications for departures in Ashton and Bonnievale to erect mobile shops/house shops.

HA Mohammad, 20 Dahlia Street, Ashton. Erf 1770  
G Williams, 45 Middle Street, Ashton. Erf 969  
J Matthyse, 37 Delphinium Avenue, Ashton. Erf 947  
D Manuel, 30 Disa Street, Ashton. Erf 769  
B Booï, 14 Silwerboom Street, Bonnievale. Erf 2045  
AT Matsob, 71 Viooltjie Street, Bonnievale. Erf 2502  
E Ambros, 1 Keurboom Street, Bonnievale. Erf 2227  
ED Lombaard, 37 Protea Avenue, Bonnievale. Erf 2094  
HA Mohammad, 11 Bloekom Avenue, Bonnievale. Erf 2449  
L De Vlam, 14 Aarbeboom Street, Bonnievale. Erf 2307

The applications for the proposed departures will be open for inspection at the Ashton and Bonnievale Offices during normal office hours. Written legal and fully motivated objections/comments, if any, must be lodged with the Municipal Manager, Private Bag X2, Ashton, 6715, before or on 15 October 2010. Further details are obtainable from Mr Jack van Zyl (023) 614-8000) during office hours. Any person who cannot write may come to the office mentioned above, during office hours where a staff member of the municipality will assist that person to transcribe his/her comments or representations.

SA MOKWENI, MUNICIPAL MANAGER, Municipal Office, Private Bag, X2 ASHTON 6715

10 September 2010

22351

## MATZIKAMA MUNICIPALITY

NOTICE: APPLICATION FOR REZONING

Notice is hereby given in terms of section 17(2) of the Land Use Planning Ordinance, 1985 that the Council received the following application for consideration:

*Owner:* Dutch Reformed Church Vredendal

*Property:* Remainder of Erf 314, Vredendal

*Locality:* Corner of Voortrekker and Church Street, Vredendal

*Existing zoning:* Institutional zone II

*Proposed development:* The rezoning of a portion of the Remainder of Erf 314, Vredendal, to Special Use to build a memorial wall ( $\pm 1000\text{m}^2$ ).

Full details can be obtained from Mr Lategan/ms Van der Westhuizen during normal office hours. Written motivated objections and/or comments against the application should reach the undermentioned on or before Monday, 11 October 2010.

Any person who cannot write are invited to visit the office of the Municipality where mr Lategan will assist such person to transcribe his/her objections and/or comments.

DGI O'NEILL, MUNICIPAL MANAGER, MUNICIPAL OFFICES,  
PO BOX 98, VREDENDAL, 8160. TEL. (027) 201-3300. FAX (027)  
213-5098

NOTICE: G12/2010

10 September 2010

22352

## LANGEBERG MUNISIPALITEIT

MK NR. 75/2010

VOORGESTELDE AFWYKINGS ERWE 1770, 969, 947, 769,  
ASHTON

ERWE 2045, 2502, 2227, 2094, 2449, 2307, BONNIEVALE

Kennis geskied hiermee ingevolge Artikel 15 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie nr. 15 van 1985), dat die Raad die onderstaande aansoeke om afwykings vir Ashton en Bonnievale ontvang het ten einde mobiele winkels/huiswinkels op te rig.

HA Mohammad, Daliastraat 20, Ashton. Erf 1770  
G Williams, Middelstraat 45, Ashton. Erf 969  
J Matthyse, Delphiniumlaan 37, Ashton. Erf 947  
D Manuel, Disastraat 30, Ashton. Erf 769  
B Booï, Silwerboomstraat 14, Bonnievale. Erf 2045  
AT Matsob, Viooltjiesstraat 71, Bonnievale. Erf 2502  
E Ambros, Keurboomstraat 1, Bonnievale. Erf 2227  
ED Lombaard, Protealaan 37, Bonnievale. Erf 2094  
HA Mohammad, Bloekomlaan 11, Bonnievale. Erf 2449  
L De Vlam, Aarbeboomstraat 14, Bonnievale. Erf 2307

Die aansoeke insake die voorgename afwykings lê ter insae gedurende kantoorure in die Ashton en Bonnievale Kantore en skriftelike regsgeldige en goed gemotiveerde besware/kommentaar, indien enige moet nie later as 15 Oktober 2010 skriftelik by die Munisipale Bestuurder, Privatsak X2, Ashton, 6715, ingedien word nie. Navrae kan gerig word aan mnr Jack van Zyl by telefoonnommer (023) 614-8000. 'n Persoon wat nie kan skryf nie kan gedurende kantoorure na bogenoemde kantoor kom waar 'n personeellid van die Munisipaliteit daardie persoon sal help om sy/haar kommentaar of vertoë af te skryf.

SA MOKWENI, MUNISIPALE BESTUURDER, Munisipale Kantoor, Privatsak X2, ASHTON

10 September 2010

22351

## MATZIKAMA MUNISIPALITEIT

KENNISGEWING: AANSOEK OM HERSONERING

Kennis geskied hiermee ingevolge artikel 17(2) van die Ordonnansie op Grondgebruikbeplanning, 1985 dat die Raad die volgende aansoek vir oorweging ontvang het:

*Eienaar:* Nederduits Gereformeerde Gemeente van Vredendal

*Eiendom:* Restant van Erf 314, Vredendal

*Ligging:* Hoek van Voortrekker- en Kerkstraat, Vredendal

*Huidige sonering:* Institusionele sone II

*Voorstel:* Die hersonering van 'n gedeelte van Erf 314, Vredendal na Spesiale Gebruik ten einde 'n gedenknismuur ( $\pm 1000\text{m}^2$ ) op te rig.

Volledige besonderhede van die aansoek is gedurende kantoorure by Mnr Lategan of me Van der Westhuizen ter insae. Skriftelik gemotiveerde kommentaar en/of besware teen die voorstel kan by ondergenoemde voor of op Maandag, 11 Oktober 2010 ingedien word.

Enige persoon wat nie kan skryf nie kan gedurende die kantoorure van die Munisipaliteit na die ondergemelde kantoor kom waar mnr Lategan sodanige persoon sal help om sy/haar beswaar of te skryf.

DGI O'NEILL, MUNISIPALE BESTUURDER, Munisipale kantore,  
Kerkstraat 37, Posbus 98, Vredendal, 8160 Tel: (027) 201-3300. Faks:  
(027) 213-5098.

KENNISGEWING: G12/2010

10 September 2010

22352



MOSSEL BAY MUNICIPALITY

LAND USE PLANNING ORDINANCE, 1985  
(ORD. 15 OF 1985)

LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)

PROPOSED DEPARTURE: ERF 9421, 94 RODGER STREET, MOSSEL BAY

Notice is hereby given that an application has been received in terms of section 15(1)(a)(ii) of the above Ordinance that the undermentioned application has been received by the Municipality and is open to inspection at the Town Planning Division, 4th Floor, Montagu Place Building, Montagu Street, Mossel Bay. Any objections, with full reasons therefor, must be lodged in writing with the Municipal Manager, PO Box 25, Mossel Bay, 6500 on or before Monday, 4 October 2010, quoting the above proposal and objector's erf number. Any comment or objection received after the aforementioned closing date may be disregarded. Any enquiries in this regard may be directed to Ms H Vorster, Town Planning, at telephone number (044) 606-5077 or fax number (044) 690-5786.

In terms of section 21(4) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) notice is hereby given that people who cannot write may approach the Legal Services Division during office hours, where a member of staff will assist you in putting your comments or objections in writing.

*Applicant:* Mr LJ Triegaardt, 94 Rodger Street, MOSSEL BAY 6500

*Nature of application:* Proposed departure from the Mossel Bay Scheme Regulations applicable to Erf 9421, 94 Rodger Street, Mossel Bay, zoned "Single Residential Zone" in order to permit the owner to operate a Guest House/Bed and Breakfast on the property.

*File Reference:* 15/4/2/5

DR M GRATZ, MUNICIPAL MANAGER

10 September 2010

22353

SALDANHA BAY MUNICIPALITY

APPLICATION FOR REZONING AND DEPARTURE OF ERF 1166, 5 WATERKANT STREET, VREDENBURG

Notice is hereby given that Council received an application for:

- (i) the rezoning of Erf 1166, Vredenburg, in terms of Section 17(1) of the Land Use Planning Ordinance (No. 15 of 1985), from Single Residential Zone to General Residential Zone, in order to erect 6 single storey flats; and
- (ii) a departure from the Vredenburg-Saldanha Scheme Regulations, in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance (No. 15 of 1985), to encroach:
  - the erf size from 2000m<sup>2</sup> to 1428m<sup>2</sup>
  - the coverage from 25% to 35%;
  - street building line (Proses Street) from 8m to 7m; and
  - the side building line from 4.5m to 3.5m for the respective detached unit.

Details are available at the Municipal Manager's office, municipal building opposite the Primary School, 4 School Street, Vredenburg. Weekdays: 08:00-13:00 and 13:30-16:30. Enquiries: D Dunn (Tel: (022) 701-7034).

Objections/comment to the proposal, with relevant reasons, must be lodged in writing, with the Municipal Manager, Private Bag X12, Vredenburg, 7380, before or on 11 October 2010.

MUNICIPAL MANAGER

10 September 2010

22354

MOSSELBAAI MUNISIPALITEIT

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985  
(ORD. 15 VAN 1985)

PLAASLIKE REGERING: WET OP MUNISIPALE STELSELS, 2000  
(WET 32 VAN 2000)

VOORGESTELDE AFWYKING: ERF 9421, RODGERSTRAAT 94, MOSSELBAAI

Kennis geskied hiermee dat 'n aansoek ingevolge artikel 15(1)(a)(ii) van die bostaande Ordonnansie deur die Munisipaliteit ontvang is en ter insae lê by die Afdeling Stadsbeplanning, 4de Vloer, Montagu Plek Gebou, Montagustraat, Mosselbaai. Enige besware, met volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Posbus 25, Mosselbaai, 6500 ingedien word op of voor Maandag, 4 Oktober 2010, met vermelding van bogenoemde voorstel en beswaarmaker se ernommer. Enige kommentaar of beswaar wat na die voorgemelde sluitingsdatum ontvang word mag moontlik nie in ag geneem word nie. Enige navrae kan gerig word aan Me H Vorster, Stadsbeplanning, by telefoonnommer (044) 606-5077 of faksnommer (044) 690-5786.

Ingevolge artikel 21(4) van die Plaaslike Regering: Wet op Munisipale Stelsels, 2000 (Wet 32 van 2000) word kennis hiermee gegee dat persone wat nie kan skryf nie, die Afdeling Regsdienste kan nader tydens kantoore, waar 'n lid van die personeel u behulpsaam sal wees om u kommentaar of beswaar op skrif te stel.

*Aansoeker:* Mnr LJ Triegaardt, Rodgerstraat 94, MOSSELBAAI 6500

*Aard van aansoek:* Voorgestelde afwyking van die Mosselbaai Skema-regulasies van toepassing op Erf 9421, Rodgerstraat 94, Mosselbaai, gesoneer "Enkel Residensiële Sone" ten einde die eienaar in staat te stel om 'n Gastehuis/Bed en Ontbyt op die eiendom te bedryf.

*Lêer verwysing:* 15/4/2/5

DR M GRATZ, MUNISIPALE BESTUURDER

10 September 2010

22353

SALDANHABAAI MUNISIPALITEIT

AANSOEK OM HERSONERING EN AFWYKING VAN ERF 1166, WATERKANTSTRAAT 5, VREDENBURG

Kennis geskied hiermee dat die Raad 'n aansoek ontvang het vir:

- (i) die hersonering van Erf 1166, Vredenburg, ingevolge Artikel 17(1) van die Ordonnansie op Grondgebruikbeplanning (Nr 15 van 1985), vanaf Enkel Residensiële sone na Algemene Woonsone, ten einde 6 enkelverdieping woonstelle op te rig; en
- (ii) 'n afwyking op Erf 1166, Vredenburg van die Vredenburg-Saldanha Skemaregulasie, ingevolge Artikel 15(1)(a)(i) van die Ordonnansie op Grondgebruikbeplanning (Nr. 15 van 1985), vir die oorskryding van:
  - die erf grootte van 2000m<sup>2</sup> na 1428m<sup>2</sup>
  - die 25% dekking na 35%;
  - die neergelegde straatboulyn (Prosesstraat) van 8m na 7m; en
  - die neergelegde 4.5m van die kant/syboulyn na 3.5m onderseidelik vir die losstaande eenheid.

Nadere besonderhede lê ter insae by die Munisipale Bestuurder se kantoor, munisipale gebou, oorkant die Laerskool, Skoolstraat 4, Vredenburg. Weekdae: 08:00-13:00 en 13:30-16:30. Navrae: D Dunn (Tel: (022) 701-7034).

Besware/kommentare ten opsigte van die aansoek, tesame met betrokke redes, moet skriftelik voor of op 11 Oktober 2010 by die Munisipale Bestuurder, Privaatsak X12, Vredenburg, 7380, ingedien word.

MUNISIPALE BESTUURDER

10 September 2010

22354

## STELLENBOSCH MUNICIPALITY

## APPLICATION FOR REZONING, SUBDIVISION AND CONSOLIDATION REMAINDER FARM 1060 AND PORTION 42 OF FARM 65 STELLENBOSCH DIVISION

Notice is hereby given in terms of Sections 17 and 24 of the Land Use Planning Ordinance, 1985 (No. 15 of 1985) that the undermentioned application has been received and is open to inspection at the office of the Director: Planning & Development Services at the Planning Advice Centre, Plein Street, Stellenbosch (Tel. (021) 808-8606). Enquiries may be directed to Mr R Fooy, PO Box 17, Stellenbosch, 7599, Tel. (021) 808-8680 and fax number (021) 808-8651 weekdays during the hours of 08:30 to 15:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned Director on or before 11 October 2010, quoting the above relevant legislation and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid.

This advertisement is also available on the Municipal website [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za), on the Planning and Development page.

*Applicant:* Emile van der Merwe Town Planning Consultants

*Erf/Erven number(s):* Remainder Farm 1060 and Portion 42 of Farm 65, Stellenbosch Division

*Locality/Address:* Adjacent and in close proximity to the intersection of Main Road 174 (R304 Koelenhof Road) and Divisional Road 1085 (Kromme Rhee Road).

*Nature of application:*

1. The proposed subdivision of Remainder Farm 1060, Stellenbosch into Portion A (±3ha) and Remainder;
2. The proposed rezoning of the aforementioned subdivided portion A (±3ha) from Agricultural Zone I to Institutional Zone I and the consolidation thereof with the adjoining farm, Portion 42 of the Farm 65.

MUNICIPAL MANAGER — (Notice No P30/10)

10 September 2010

22355

## STELLENBOSCH MUNICIPALITY

## REZONING: ERF 1541, FRANSCHHOEK

Notice is hereby given in terms of Section 17 of the Land Use Planning Ordinance, 1985 (No. 15 of 1985) that the undermentioned application has been received and is open to inspection at the office of the Director: Planning & Development Services at the Planning Advice Centre, Plein Street, Stellenbosch (Tel. (021) 808-8606). Enquiries may be directed to Mr P April, PO Box 17, Stellenbosch, 7599, Tel. (021) 808-8683 and fax no. (021) 808-8651 weekdays during the hours of 08:30 to 15:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned Director on or before 11 October 2010 quoting the above relevant legislation and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid.

This advertisement is also available on the Municipal website [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za) on the Planning and Development page.

*Applicant:* Robert MJ Meeusen

*Erf/Erven number(s):* Erf 1541, Franschhoek

*Locality/Address:* Situated in 2 Daniel Hugo Street, Franschhoek

*Nature of application:* The rezoning of Erf 1541, Franschhoek from Single Residential to General Business.

MUNICIPAL MANAGER — (Notice No. P28/10)

10 September 2010

22356

## STELLENBOSCH MUNISIPALITEIT

## AANSOEK OM HERSONERING, ONDERVERDELING EN KONSOLIDASIE RESTANT PLAAS 1060 EN GEDEELTE 42 VAN PLAAS 65 AFDELING STELLENBOSCH

Kennis geskied hiermee ingevolge Artikels 17 en 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Nr. 15 van 1985), dat onderstaande aansoek ontvang is en by die kantoor van die Direkteur: Beplanning & Ontwikkelingsdienste by die Advieskantoor (Tel. Nr. (021) 808-8606) in Pleinstraat, Stellenbosch ter insae lê. Navrae kan aan Mnr R Fooy by Posbus 17, Stellenbosch, 7599, Tel. Nr. (021) 808-8680 en (021) 808-8651 weksdae gedurende 08:30 tot 15:30 gerig word. Besware, met volledige redes daarvoor, mag skriftelik by die kantoor van die bogenoemde Direkteur, voor of op 11 Oktober 2010 ingedien word, met vermelding van die relevante wetgewing, die beswaarmaker se erf- en telefoonnommer, sowel as adres. Enige besware ontvang na voormelde sluitingsdatum, mag as ongeldig geag word.

Hierdie kennisgewing is ook beskikbaar op die Munisipale webtuiste [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za), op die Beplanning en Ontwikkelingsblad.

*Applikant:* Emile van der Merwe Town Planning Consultants

*Erf/Erwe nommer(s):* Restant Plaas 1060 and Gedeelte 42 van Plaas 65, Afdeling Stellenbosch

*Ligging/Adres:* Aangrensend en naby die kruising van Hoofpad 174 (R304 Koelenhof Pad) en Afdelingspad 1085 (Kromme Rhee Pad)

*Aard van aansoek:*

1. Die voorgestelde onderverdeling van Restant Plaas 1060, Stellenbosch in Gedeelte A (±3ha) en Restant;
2. Die voorgestelde hersonering van die voormelde onderverdeelde Gedeelte A (±3ha) vanaf Landbousone I na Institusionele Sone I en die konsolidasie daarvan met die aangrensende plaas, Gedeelte 42 van Plaas 65.

MUNISIPALE BESTUURDER — (Kennisgewing Nr. P30/10)

10 September 2010

22355

## STELLENBOSCH MUNISIPALITEIT

## HERSONERING: ERF 1541, FRANSCHHOEK

Kennis geskied hiermee ingevolge Artikel 17 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Nr. 15 van 1985), dat die onderstaande aansoek ontvang is en by die kantoor van die Direkteur: Beplanning & Ontwikkelingsdienste by die Advieskantoor (Tel. (021) 808-8606) in Pleinstraat, Stellenbosch ter insae lê. Navrae kan aan Mnr P April by Posbus 17, Stellenbosch, 7599, Tel nr. (021) 808-8683 en Faksnr. (021) 808-8651 weksdae gedurende 08:30 tot 15:30 gerig word. Besware, met volledige redes daarvoor, mag skriftelik by die kantoor van die bogenoemde Direkteur, op of voor 11 Oktober 2010 ingedien word, met vermelding van die relevante wetgewing, die beswaarmaker se erf- en telefoonnommer sowel as adres. Enige besware ontvang na voormelde sluitingsdatum, mag as ongeldig geag word.

Hierdie kennisgewing is ook beskikbaar op die Munisipale webtuiste [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za) op die Beplanning en Ontwikkelingsblad.

*Applikant:* Robert MJ Meeusen

*Erf/Erwe nommer(s):* Erf 1541, Franschhoek

*Ligging/Adres:* Geleë in Daniel Hugostraat 2, Franschhoek

*Aard van aansoek:* Die hersonering van Erf 1541, Franschhoek vanaf Enkelwoning na Algemene Besigheid.

MUNISIPALE BESTUURDER — (Kennisgewing Nr. P28/10)

10 September 2010

22356

## STELLENBOSCH MUNICIPALITY

## REZONING AND DEPARTURE: ERVEN 510/469 AND 510/470, JAMESTOWN

Notice is hereby given in terms of Sections 17 and 15 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), that the undermentioned application has been received and is open to inspection at the office of the Director: Planning & Development Services at the Planning Advice Centre, Plein Street, Stellenbosch (Tel. (021) 808-8606). Enquiries may be directed to Mr Craig Alexander, PO Box 17, Stellenbosch, 7599, Tel. (021) 808-8645 and fax number (021) 808-8651 weekdays during the hours of 08:30 to 15:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned Director on or before 11 October 2010 quoting the above relevant legislation and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid.

The advertisement is also available on the Municipal website [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za) <<http://www.stellenbosch.gov.za>>, on the Planning and Development page.

*Applicant:* George Bond & Gilt Investments

*Erf/Erven number(s):* Erven 510/469 and 510/470, Jamestown, Stellenbosch

*Locality/Address:* Erven 510/469 and 510/470, corner of Tribute and Festive Street, Jamestown, Stellenbosch

*Nature of application:*

- (i) The rezoning of Erven 510/469 and 510/470, Jamestown, from Residential Zone III to Residential Zone IV in order to permit the development of twelve (12) flats, consisting of an apartment building on each erf; and
- (ii) A departure to relax the street building line from 8m to 4m and the side building line from 4m to 3m for Erven 510/469 and 510/470, Jamestown, in order to develop a block of flats.

MUNICIPAL MANAGER

Notice number P29/10

10 September 2010

22357

## STELLENBOSCH MUNICIPALITY

## REZONING OF PORTION 23 OF FARM NATTE VALLEIJ NO. 747, PAARL DIVISION

Notice is hereby given in terms of Section 17 of the Land Use Planning Ordinance, 1985 (No 15 of 1985) that the undermentioned application has been received and is open to inspection at the office of the Director: Planning & Development Services at the Planning Advice Centre, Plein Street, Stellenbosch (Tel (021) 808-8606). Enquiries may be directed to Ms C Charles, PO Box 17, Stellenbosch, 7599. Tel. (021) 808-8699 and fax number (021) 808-8651 weekdays during the hours of 08:30 to 15:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned Director on or before 11 October 2010 quoting the above relevant legislation and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid.

This advertisement is also available on the Municipal website [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za) <<http://www.stellenbosch.gov.za>>, on the Planning and Development page.

*Applicant:* Marike Vreken Town and Regional Planner

*Erf/Erven numbers:* Portion 23 of Farm Natte Valleij No. 747, Paarl Division

*Locality/Address:* Located ±9km north of Stellenbosch and ±3.5km south of Klapmuts

*Nature of application:* Application for the rezoning of a portion measuring ±17.931ha of Portion 23 of Farm Natte Valleij No. 747, Paarl Division from Agricultural Zone I to Open Space Zone II for cemetery purposes.

MUNICIPAL MANAGER — (Notice No. P26/10)

10 September 2010

22358

## STELLENBOSCH MUNISIPALITEIT

## HERSONERING EN AFWYKING: ERWE 510/469 EN 510/470, JAMESTOWN

Kennis geskied hiermee ingevolge Artikels 17 en 15 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Nr. 15 van 1985), dat die onderstaande aansoek ontvang is en by die kantoor van die Direkteur: Beplanning & Ontwikkelingsdienste by die Advieskantoor (Tel. Nr. (021) 808-8606) in Pleinstraat, Stellenbosch ter insae lê. Navrae kan aan Mnr Craig Alexander by Posbus 17, Stellenbosch, 7599, Tel. (021) 808-8645 en Faksnr. (021) 808-8651 weksdae gedurende 08:30 tot 15:30 gerig word. Besware, met volledige redes daarvoor, mag skriftelik by die kantoor van die bogenoemde Direkteur, op of voor 11 Oktober 2010 ingedien word, met vermelding van die relevante wetgewing, die beswaarmaker se erf- en telefoonnommer sowel as adres. Enige besware ontvang na voormelde sluitingsdatum, mag as ongeldig geag word.

Hierdie kennisgewing is ook beskikbaar op die Munisipale webtuiste [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za) <<http://www.stellenbosch.gov.za>>, op die Beplanning en Ontwikkelingsblad.

*Applikant:* George Bond & Gilt Investments

*Erf/Erwe nommer(s):* Erwe 510/469 en 510/470, Jamestown, Stellenbosch

*Ligging/Adres:* Erwe 510/469 en 510/470, Hoek van Tribute- en Festivestraat, Jamestown, Stellenbosch

*Aard van aansoek:*

- (i) Die hersonering van Erwe 510/469 en 510/470, Jamestown, vanaf Residensiële Sone III na Residensiële Sone IV ten einde die ontwikkeling van twaalf (12) woonstelle, bestaande uit 'n woonstelgebou op elke erf, toe te laat; en
- (ii) 'n afwyking ten einde die straat boulyn op Erwe 510/469 en 510/470, Jamestown, te oorskry vanaf 8m na 4m en die sygrensboulyn vanaf 4m tot 3m ten einde woonstelle op te rig.

MUNISIPALE BESTUURDER

Kennisgewingnommer P29/10

10 September 2010

22357

## STELLENBOSCH MUNISIPALITEIT

## HERSONERING VAN GEDEELTE 23 VAN PLAAS NATTE VALLEIJ NR. 747 AFDELING PAARL

Kennis geskied hiermee ingevolge Artikel 17 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Nr. 15 van 1985), dat die onderstaande aansoek ontvang is en by die kantoor van die Direkteur: Beplanning & Ontwikkelingsdienste by die Advieskantoor (Tel. (021) 808-8606) in Pleinstraat, Stellenbosch ter insae lê. Navrae kan aan Me C Charles by Posbus 17, Stellenbosch, 7599, Tel. nr. (021) 808-8699 en Faksnr. (021) 808-8651 weksdae gedurende 08:30 tot 15:30 gerig word. Besware, met volledige redes daarvoor, mag skriftelik by die kantoor van die bogenoemde Direkteur, op of voor 11 Oktober 2010 ingedien word, met vermelding van die relevante wetgewing, die beswaarmaker se erf- en telefoonnommer sowel as adres. Enige besware ontvang na voormelde sluitingsdatum, mag as ongeldig geag word.

Hierdie kennisgewing is ook beskikbaar op die Munisipale webtuiste [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za) <<http://www.stellenbosch.gov.za>>, op die Beplanning en Ontwikkelingsblad.

*Applikant:* Marike Vreken Stads- en Streeksbeplanner

*Erf/Erwe nommer(s):* Gedeelte 23 van Plaas Natte Valleij Nr 747, Afdeling Paarl

*Ligging/Adres:* Geleë ±9km noord van Stellenbosch en ±3.5km suid van Klapmuts

*Aard van aansoek:* Aansoek om hersonering van 'n gedeelte van ±17.931ha groot op Gedeelte 23 van Plaas Natte Valleij Nr. 747, Afdeling Paarl vanaf Landbousone I na Oopruimte Sone II vir begraaflaasdoeleindes.

MUNISIPALE BESTUURDER — (Kennisgewing Nr. P26/10)

10 September 2010

22358

## SWARTLAND MUNICIPALITY

NOTICE 27/2010/2011

PROPOSED SUBDIVISION OF ERF 547,  
RIEBEEK KASTEEL

Notice is hereby given in terms of Section 24(1) of Ordinance 15 of 1985 for the subdivision of Erf 547 (1165m<sup>2</sup> in extent) situated in Fontein Street, Riebeeck Kasteel into a remainder ( $\pm 437\text{m}^2$ ) and portion A ( $\pm 728\text{m}^2$ ).

The remainder of Erf 547 ( $\pm 437\text{m}^2$ ) is offered for consolidation with Erf 66, Riebeeck Kasteel.

Further particulars are available during office hours (weekdays) at the Department Development Services, office of the Head: Planning, Building Control and Valuations, Municipal Office, Church Street, Malmesbury.

Any comments whether an objection or support, may be lodged in writing with the undersigned not later than 11 October 2010 at 17:00.

JJ SCHOLTZ, Municipal Manager, Municipal Office, Private Bag X52, MALMESBURY 7299

10 September 2010

22359

## SWARTLAND MUNICIPALITY

NOTICE 26/2010/2011

PROPOSED DEPARTURE ON FARM OLYVENHOEK NO. 818,  
DIVISION MALMESBURY

Notice is hereby given in terms of Section 15(1)(a)(ii) of Ordinance 15 of 1985 that an application has been received for a departure on Farm Olyvenhoek no. 818 ( $\pm 136\text{ha}$  in extent), division Malmesbury situated south of Malmesbury in order to operate a sandmine.

Further particulars are available during office hours (weekdays) at the Department Development Services, office of the Head: Planning, Building Control and Valuations, Municipal Office, Church Street, Malmesbury.

Any comments whether an objection or support, may be lodged in writing with the undersigned not later than 11 October 2010 at 17:00.

JJ SCHOLTZ, Municipal Manager, Municipal Office, Private Bag X52, MALMESBURY 7299

10 September 2010

22360

## SWARTLAND MUNICIPALITY

NOTICE 25/2010/2011

## PROPOSED DEPARTURE ON ERF 6150, MALMESBURY

Notice is hereby given in terms of Section 15(1)(a)(i) of Ordinance 15 of 1985 that an application has been received for a departure on Erf 6150 (445m<sup>2</sup> in extent), situated c/o Hof and Vrede Street, Malmesbury in order to depart from the 1.5m side building (eastern boundary) to 0.7m for the erection of a first floor on top of the existing building.

Further particulars are available during office hours (weekdays) at the Department Development Services, office of the Head: Planning, Building Control and Valuations, Municipal Office, Church Street, Malmesbury.

Any comments whether an objection or support, may be lodged in writing with the undersigned not later than 11 October 2010 at 17:00.

JJ SCHOLTZ, Municipal Manager, Municipal Office, Private Bag X52, MALMESBURY 7299

10 September 2010

22361

## SWARTLAND MUNISIPALITEIT

KENNISGEWING 27/2010/2011

VOORGESTELDE ONDERVERDELING VAN ERF 547,  
RIEBEEK KASTEEL

Kennis geskied hiermee ingevolge Artikel 24(1) van Ordonnansie 15 van 1985 dat 'n aansoek ontvang is vir die onderverdeling van Erf 547 (groot 1165m<sup>2</sup>), geleë to Fonteinstraat, Riebeeck Kasteel in 'n restant ( $\pm 437\text{m}^2$ ) en gedeelte A ( $\pm 728\text{m}^2$ ).

Die restant van Erf 547 ( $\pm 437\text{m}^2$ ) word aangebied vir konsolidasie met Erf 66, Riebeeck Kasteel.

Verdere besonderhede is gedurende gewone kantoorure (weeksdag) by Departement Ontwikkelingsdienste, die kantoor van die Hoof: Beplanning, Boubeheer en Waardasies, Munisipale Kantoor, Kerkstraat, Malmesbury beskikbaar.

Enige kommentaar, hetsy beswaar of ondersteuning, kan skriftelik by die ondergetekende ingedien word nie later nie as 11 Oktober 2010 om 17:00.

JJ SCHOLTZ, Munisipale Bestuurder, Munisipale kantore, Privaatsak X52, MALMESBURY 7299

10 September 2010

22359

## SWARTLAND MUNISIPALITEIT

KENNISGEWING 26/2010/2011

VOORGESTELDE AFWYKING OP PLAAS OLYVENHOEK NR.  
818, AFDELING, MALMESBURY

Kennis geskied hiermee ingevolge Artikel 15(1)(a)(ii) van Ordonnansie 15 van 1985 dat 'n aansoek ontvang is vir 'n afwyking op Plaas Olyvenhoek nr. 818 (groot  $\pm 136\text{ha}$ ), Afdeling Malmesbury, geleë suid van Malmesbury ten einde 'n sandmyn te bedryf.

Verdere besonderhede is gedurende gewone kantoorure (weeksdag) by Departement Ontwikkelingsdienste, die kantoor van die Hoof: Beplanning, Boubeheer en Waardasies, Munisipale Kantoor, Kerkstraat, Malmesbury beskikbaar.

Enige kommentaar, hetsy beswaar of ondersteuning, kan skriftelik by die ondergetekende ingedien word nie later nie as 11 Oktober 2010 om 17:00.

JJ SCHOLTZ, Munisipale Bestuurder, Munisipale kantore, Privaatsak X52, MALMESBURY 7299

10 September 2010

22360

## SWARTLAND MUNISIPALITEIT

KENNISGEWING 25/2010/2011

## VOORGESTELDE AFWYKING OP ERF 6150, MALMESBURY

Kennis geskied hiermee ingevolge Artikel 15(1)(a)(i) van Ordonnansie 15 van 1985 dat 'n aansoek ontvang is vir 'n afwyking op Erf 6150 (groot 445m<sup>2</sup>), geleë h/v Hof- en Vredestraat, Malmesbury ten einde af te wyk van die 1.5m syboulyn (oostelike grens) na 0.7m vir die oprigting van 'n eerste vloer op die bestaande gebou.

Verdere besonderhede is gedurende gewone kantoorure (weeksdag) by Departement Ontwikkelingsdienste, die kantoor van die Hoof: Beplanning, Boubeheer en Waardasies, Munisipale Kantoor, Kerkstraat, Malmesbury beskikbaar.

Enige kommentaar, hetsy beswaar of ondersteuning, kan skriftelik by die ondergetekende ingedien word nie later nie as 11 Oktober 2010 om 17:00.

JJ SCHOLTZ, Munisipale Bestuurder, Munisipale kantore, Privaatsak X52, MALMESBURY 7299

10 September 2010

22361



## SWARTLAND MUNICIPALITY

NOTICE 24/2010/2011

PROPOSED SUBDIVISION OF ERF 1323,  
RIEBEEK KASTEEL

Notice is hereby given in terms of Section 24(1) of Ordinance 15 of 1985 for the subdivision of Erf 1323 (13.86ha in extent) situated in Kloof Street, Riebeeck Kasteel into a remainder ( $\pm 5.9$ ha) and portion A ( $\pm 7.9$ m<sup>2</sup>).

Further particulars are available during office hours (weekdays) at the Department Development Services, office of the Head: Planning, Building Control and Valuations, Municipal Office, Church Street, Malmesbury.

Any comments whether an objection or support, may be lodged in writing with the undersigned not later than 11 October 2010 at 17:00.

JJ SCHOLTZ, Municipal Manager, Municipal Office, Private Bag X52, MALMESBURY 7299

10 September 2010

22362

## SWARTLAND MUNICIPALITY

NOTICE 23/2010/2011

PROPOSED REZONING AND SUBDIVISION OF ERF 1451,  
RIEBEEK KASTEEL

Notice is hereby given in terms of Section 17(1) of Ordinance 15 of 1985 that an application has been received for the rezoning of a portion of Erf 1451 ( $\pm 1$ ha in extent), situated in Kloof Street, Riebeeck Kasteel from agricultural zone I to residential zone I in order to erect a house and stables.

Application is also made in terms of Section 24(1) of Ordinance 15 of 1985 for the subdivision of Erf 1451, Riebeeck Kasteel into a remainder ( $\pm 24.6$ ha in extent) and portion A ( $\pm 1$ ha in extent).

Further particulars are available during office hours (weekdays) at the Department Development Services, office of the Head: Planning, Building Control and Valuations, Municipal Office, Church Street, Malmesbury.

Any comments whether an objection or support, may be lodged in writing with the undersigned not later than 11 October 2010 at 17:00.

JJ SCHOLTZ, Municipal Manager, Municipal Office, Private Bag X52, MALMESBURY 7299

10 September 2010

22363

## SWARTLAND MUNICIPALITY

NOTICE 28/2010/2011

PROPOSED DEPARTURE ON FARMS BLOEMENDALS-  
FONTEIN NO. 702 AND 703, DIVISION  
MALMESBURY

Notice is hereby given in terms of Section 15(1)(a)(ii) of Ordinance 15 of 1985 that an application has been received for a departure on Farm Bloemendalsfontein no. 702 ( $\pm 119$ ha in extent), division Malmesbury as well as farm Bloemendalsfontein no. 703 ( $\pm 9$ ha in extent), division Malmesbury, situated  $\pm 6$ km west of Malmesbury in order to operate a sand and gravel mine.

Further particulars are available during office hours (weekdays) at the Department Development Services, office of the Head: Planning, Building Control and Valuations, Municipal Office, Church Street, Malmesbury.

Any comments whether an objection or support, may be lodged in writing with the undersigned not later than 11 October 2010 at 17:00.

JJ SCHOLTZ, Municipal Manager, Municipal Office, Private Bag X52, MALMESBURY 7299

10 September 2010

22364

## SWARTLAND MUNISIPALITEIT

KENNISGEWING 24/2010/2011

VOORGESTELDE ONDERVERDELING VAN ERF 1323,  
RIEBEEK KASTEEL

Kennis geskied hiermee ingevolge Artikel 24(1) van Ordonnansie 15 van 1985 dat 'n aansoek ontvang is vir die onderverdeling van Erf 1323 (groot 13.86ha), geleë te Kloofstraat, Riebeeck Kasteel in 'n restant ( $\pm 5.9$ ha) en gedeelte A ( $\pm 7.9$ ha).

Verdere besonderhede is gedurende gewone kantoorure (weeksdag) by Departement Ontwikkelingsdienste, die kantoor van die Hoof: Beplanning, Boubeheer en Waardasies, Munisipale Kantoor, Kerkstraat, Malmesbury beskikbaar.

Enige kommentaar, hetsy beswaar of ondersteuning, kan skriftelik by die ondergetekende ingedien word nie later nie as 11 Oktober 2010 om 17:00.

JJ SCHOLTZ, Munisipale Bestuurder, Munisipale kantore, Privaatsak X52, MALMESBURY 7299

10 September 2010

22362

## SWARTLAND MUNISIPALITEIT

KENNISGEWING 23/2010/2011

VOORGESTELDE HERSONERING EN ONDERVERDELING VAN  
ERF 1451, RIEBEEK KASTEEL

Kennis geskied hiermee ingevolge Artikel 17(1) van Ordonnansie 15 van 1985 dat 'n aansoek ontvang is vir die hersonering van 'n gedeelte van Erf 1451 (groot  $\pm 1$ ha), geleë te Kloofstraat, Riebeeck Kasteel vanaf landbousone I na residensiële sone I ten einde 'n woonhuis en perde-stalle op te rig.

Aansoek word ook gedoen ingevolge Artikel 24 van Ordonnansie 15 van 1985 vir die onderverdeling van Erf 1451 (groot 24.6ha), in 'n restant (groot  $\pm 24.6$ ha) en gedeelte A (groot  $\pm 1$ ha).

Verdere besonderhede is gedurende gewone kantoorure (weeksdag) by Departement Ontwikkelingsdienste, die kantoor van die Hoof: Beplanning, Boubeheer en Waardasies, Munisipale Kantoor, Kerkstraat, Malmesbury beskikbaar.

Enige kommentaar, hetsy beswaar of ondersteuning, kan skriftelik by die ondergetekende ingedien word nie later nie as 11 Oktober 2010 om 17:00.

JJ SCHOLTZ, Munisipale Bestuurder, Munisipale kantore, Privaatsak X52, MALMESBURY 7299

10 September 2010

22363

## SWARTLAND MUNISIPALITEIT

KENNISGEWING 28/2010/2011

VOORGESTELDE AFWYKING OP PLASE  
BLOEMENDALSFONTEIN NR. 702 EN 703, AFDELING  
MALMESBURY

Kennis geskied hiermee ingevolge Artikel 15(1)(a)(ii) van Ordonnansie 15 van 1985 dat 'n aansoek ontvang is vir 'n afwyking op Plaas Bloemendalsfontein nr. 702 (groot  $\pm 119$ ha), Afdeling Malmesbury asook die plaas Bloemendalsfontein nr. 703 (groot  $\pm 9$ ha), Afdeling Malmesbury, geleë  $\pm 6$ km wes van Malmesbury ten einde sand en gruis te myn.

Verdere besonderhede is gedurende gewone kantoorure (weeksdag) by Departement Ontwikkelingsdienste, die kantoor van die Hoof: Beplanning, Boubeheer en Waardasies, Munisipale Kantoor, Kerkstraat, Malmesbury beskikbaar.

Enige kommentaar, hetsy beswaar of ondersteuning, kan skriftelik by die ondergetekende ingedien word nie later nie as 11 Oktober 2010 om 17:00.

JJ SCHOLTZ, Munisipale Bestuurder, Munisipale kantore, Privaatsak X52, MALMESBURY 7299

10 September 2010

22364

## WESTERN CAPE GAMBLING AND RACING BOARD

## OFFICIAL NOTICE

RECEIPT OF AN APPLICATION FOR THE PROCUREMENT OF  
A FINANCIAL INTEREST

In terms of the provisions of Sections 58 and 32 of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996) ("Act"), as amended, the Western Cape Gambling and Racing Board ("the Board") hereby gives notice that an application for the procurement of a financial interest of five percent or more in Casino Operator Licence holders in the Western Cape has been received.

GPI Slots (Pty) Ltd ("GPI Slots"), a wholly-owned subsidiary of Grand Parade Investments Ltd ("GPI"), entered into an agreement with Nadeson Investments (Pty) Ltd, Mr Alexander Abercrombie and Ms Tracy Barbara Hampton to acquire the entire issued share capital of Business Venture Investments No. 967 (Pty) Ltd ("BVI"), Slots Solutions (Pty) Ltd ("Slots Solutions") and Stripe Investments 7 (Pty) Ltd ("Stripe").

The Board received applications in terms of section 58 of the Act, whereby the procurement of a 5% or more financial interest in casino operator and route operator licence holders in the Western Cape are considered. The agreement will result in GPI Slots acquiring a financial interest in a Casino and a Route Operator in the Western Cape as follows:

- 4.9% in a Route Operator, namely, Thuo Gaming Western Cape (Pty) Ltd ("TGWC") through Slots Solutions;
- 7% in TGWC through BVI; and
- 7.72% in a Casino Operator, namely, Worcester Casino (Pty) Ltd ("Worcester Casino") through Stripe.

GPI Slots currently holds a 88.1% financial interest in TGWC and will have full control if this transaction is approved.

A further agreement between GPI Slots and GPI was concluded whereby GPI Slots will sell its entire financial interest in Stripe to GPI. If the transaction is approved, GPI will have a 44.39% financial interest in Worcester Casino.

Interested parties are referred to Section 32 of the Act, which permits parties to lodge comment on the application. In the case of objections to the application, the grounds on which such objections are founded must be furnished. Where comment(s) are furnished in respect of the application, full particulars and facts to substantiate such comment must be provided. The name, address and telephone number of the person submitting the objection or offering the comment must also be provided. Comments or objections must reach the Board not later than 16:00 on Friday, 1 October 2010.

Objections or comments must be forwarded to the Chief Executive Officer, Western Cape Gambling and Racing Board, PO Box 8175, Roggebaai 8012 or handed to the Chief Executive Officer, Western Cape Gambling and Racing Board, Seafare House, 68 Orange Street, Gardens, Cape Town or faxed to (021) 422-2603.

## WES-KAAPSE RAAD OP DOBBELARY EN WEDRENNE

## AMPTELIKE KENNISGEWING

ONTVANGS VAN 'N AANSOEK VIR DIE VERKRYGING VAN 'N  
FINANSIËLE BELANG

Kragtens die bepalings van artikels 58 en 32 van die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (Wet 4 van 1996) ("Wet", soos gewysig, gee die Wes-Kaapse Raad op Dobbelary en Wedrenne ("die Raad") hiermee kennis dat 'n aansoek vir die verkryging van 'n finansiële belang van vyf persent of meer in 'n Casino Operateurlisensiehouer in die Wes-Kaap ontvang is.

GPI Slots (Pty) Ltd ("GPI Slots"), 'n volfiliaal van Grand Parade Investments Ltd ("GPI"), het 'n ooreenkoms aangegaan met Nadeson Investments (Pty) Ltd, mnr Alexander Abercrombie en me Tracy Barbara Hampton om die totale uitgereikte aandeelkapitaal van Business Venture Investments Nr 967 (Pty) Ltd ("BVI"), Slots Solutions (Pty) Ltd ("Slots Solutions") en Stripe Investments 7 (Pty) Ltd ("Stripe") te koop.

Die Raad het kragtens artikel 58 van die Wet aansoeke ontvang, waarvolgens die verkryging van 5% of meer finansiële belang in casino-operateurlisensiehouers in die Wes-Kaap oorweeg word. Die ooreenkoms sal daartoe lei dat GPI Slots soos volg 'n finansiële belang in 'n Casino- en Roete-Operateurlisensiehouer in die Wes-Kaap verkry:

- 4.9% in 'n Roete-Operateurlisensiehouer, naamlik, Thuo Gaming Western Cape (Pty) Ltd ("TGWC") deur Slots Solutions;
- 7% in TGWC deur BVI; en
- 7.72% in 'n Casino-Operateur, naamlik, Worcester Casino (Pty) Ltd ("Worcester Casino") deur Stripe.

GPI Slots beheer tans 88.1% finansiële aandeel in TGWC en sal volle beheer hê indien hierdie transaksie goedgekeur word.

'n Verdere ooreenkoms tussen GPI Slots en GPI was gesluit waarvolgens GPI Slots sy volle finansiële aandeel in Stripe aan GPI sal verkoop. Indien die transaksie goedgekeur word, sal GPI 'n 44.39% finansiële aandeel in Worcester Casino besit.

Belangstellende partye word verwys na artikel 32 van die Wet, wat partye toelaat om kommentaar oor die aansoek te lewer. In geval van besware teen die aansoek, moet die gronde waarop sodanige besware gebaseer is, verstrekkend word. Waar kommentaar ten opsigte van die aansoek gelewer word, moet volle besonderhede en feite om sodanige kommentaar te staaf, voorsien word. Die naam, adres en telefoonnommer van die persoon wat besware wil maak of kommentaar wil lewer moet ook voorsien word. Kommentare of besware moet die Raad op die laatste teen 16:00 op Vrydag, 1 Oktober 2010 bereik.

Besware of kommentaar moet gestuur word aan die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Posbus 8175, Roggebaai 8012, of ingehandig word by die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Seafare Huis, Oranjestraat 68, Tuine, Kaapstad 8001 of gefaks word na (021) 422-2603.



**MOSSEL BAY MUNICIPALITY**  
**SPECIAL RATING AREAS POLICY**

Whereas the Municipality adopts a By-Law relating to Special Rating Areas; and

Whereas the Council has adopted a Special Rating Policy on 15 July 2010, Resolution E78-07/2010.

**Now therefore the Policy is hereby published for general information.**

**1. INTRODUCTION**

1.1 This Policy for the Establishing of Special Rating Areas must be read together with the Local Government: Municipal Property Rates Act, No 6 of 2004 (“the Property Rates Act”) and the Municipality’s Special Rating Area By-Law, as in force from time to time (“the By-Law”).

1.2 All words and phrases defined in the By-Law have the same meaning in this Policy.

1.3 In the event of any conflict between the provisions of the By-Law and the provisions of this Policy, the By-Law prevails.

**2. AIM OF THE POLICY**

This Policy aims to —

2.1 set out Council’s position on Special Rating Areas and the factors that will influence Council’s decision whether or not to determine a particular Special Rating Area;

2.2 provide guidance to members of the local community and to decision-makers within the Municipality in relation to the establishment of Special Rating Areas; and

2.3 strike an appropriate balance between facilitating self-funded community initiatives that aim to improve and/or upgrade neighbourhoods by —

2.3.1 making use of Council resources and structures, or

2.3.2 making use of a Section 21 company structure.

**3. POLICY STATEMENT**

3.1 The Municipality’s general Rates Policy is based on the guiding principles of:

3.1.1 equity;

3.1.2 affordability;

3.1.3 poverty alleviation;

3.1.4 social and economic development; and

3.1.5 financial sustainability and cost efficiency.

3.2 The Municipality regards Special Rating Areas as a potential tool for allowing it to fulfil its constitutional and statutory obligations to promote:

3.2.1 social and economic development; and

3.2.2 a safe and healthy environment, in a way which balances the guiding principles underlying its general Rates Policy.

3.3 Special Rating Areas allow property owners within a geographical area to improve and upgrade their area by means of a property rate in addition to the standard property rate.

**4. FACTORS CONSIDERED WHEN DETERMINING A SPECIAL RATING AREA**

The Council will consider determining a Special Rating Area where the substantive requirements of section 22 of the Property Rates Act are complied with, including that —

4.1 the purpose of the Special Rating Area is to allow an additional rate to be levied on property in the defined area to raise funds for improving or upgrading the area;<sup>1</sup>

4.2 the Special Rating Area will not be used to reinforce existing inequities in the development of the Municipality’s area of jurisdiction;<sup>2</sup>

4.3 the determination of the Special Rating Area is consistent with the Municipality’s Integrated Development Plan (IDP);<sup>3</sup>

4.4 the majority of members of the local community who will be liable for paying any additional rate in the Special Rating Area have consented to its establishment;<sup>4</sup>

4.5 the procedural requirements of section 22 of the Property Rates Act<sup>5</sup> are complied with, including the community consultation requirement, as well as the procedural requirements in Chapter 1 of the By-Law;

4.6 the proposed improvement or upgrade has been clearly and fully defined;

4.7 the proposed improvement or upgrade can be clearly and logically linked to a geographical area, the boundaries of which can be clearly determined;

4.8 there is evidence that it will be financially viable to use a Special Rating Area to raise funds for the proposed improvement or upgrade;

4.9 the Municipality is satisfied with the institutional arrangements proposed in respect of the Special Rating Area; and

4.10 ultimately, the decision whether or not to determine a Special Rating Area rests with the Council in its sole discretion.

## 5. CATEGORIES OF OWNERS / PROPERTIES FULLY EXEMPTED FROM PAYMENT OF THE ADDITIONAL RATE

### 5.1 Indigent, Senior Citizens and Disabled Persons

Registered owners of residential properties who are indigent, senior citizens and / or disabled persons qualify for a full exemption (100%) from paying the additional rate should they qualify in terms of the minimum criteria as set out below. The Special Rates Area has the option to further alleviate poverty by determining additional exemption criteria.

#### 5.1.1 Minimum Registration Criteria for Indigent

In order to qualify for registration as an indigent, for a period not exceeding twelve months, an applicant must satisfy the following criteria:

- (a) the usage of the residential property must be predominantly private residential; and
- (b) the applicant must be—
  - (i) the registered owner of the residential property; or
  - (ii) an occupier of a child-headed household which is registered in the name of the deceased parents; or
  - (iii) a purchaser of a residential property from any of the spheres of Government on a delayed transfer basis; and
- (c) the gross total household income of the residential property may not exceed the maximum income of the Senior Citizens and Disabled Persons Rates Rebate Scheme which receives a 100% rates rebate as per the Municipality of Mossel Bay: Rates Policy; and
- (d) the applicant may not be the registered owner of more than one property; and
- (e) be a full-time occupant of the property; and
- (f) notwithstanding the aforesaid, owners of residential immovable property which have a Municipal value of R88 000.00, or less, or as determined by Council from time to time, will be deemed to meet the criteria in sub-item (a) to (e).

Council may amend the criteria as mentioned in sub-items (a) to (f) from time to time.

#### 5.1.2 Minimum Registration Criteria for Senior Citizens and Disabled Persons

Registered owners of residential properties who are senior citizens and/or disabled persons qualify for special rebates according to gross monthly household income of all persons normally residing on that property. To qualify for the exemption a property owner must be a natural person and the owner of such a property which satisfies the requirements of the definition of residential property and must on 1 July of the financial year:

- (a) occupy the property as his/her normal residence; and
- (b) be at least 60 years of age or in receipt of a disability pension; and
- (c) be in receipt of a gross monthly household income (i.e. money earned or received from any source) including that of all persons normally residing on that property) not exceeding R8 000 as proven by the submission by the minimum of 3 months bank statements from all financial institutions; and
- (d) not be the owner of more than one property; and
- (e) provided that where the owner is unable to occupy the property due to no fault of his/her own, the spouse or minor children may satisfy the occupancy requirement; and
- (f) provided that a usufructuary will be regarded as the owner; and
- (g) provided that the criteria of a natural person may be waived at the sole discretion of the Chief Financial Officer (CFO) to allow for a property owned by a trust where the total number of beneficiaries meets all of the other requirements of the Rates Policy; and provided further that the gross monthly income of all persons residing on that property be added to the gross monthly income of the beneficiaries staying on that property.
- (h) The owner must submit the application by 31 March for this rebate to be granted for the financial year in which the application is submitted, failing which the rebate will not be granted.
- (i) Any owner who, during a financial year, meets all the above criteria may apply to receive the exemption from the date of receipt of the application for the next financial year.
- (j) In exceptional circumstances the Council may approve the granting of this exemption even though the applicant owns additional properties for which a market related rental is included in the gross monthly household income.

### 5.2 Valuation Threshold

All improved residential properties that have a municipal valuation of R88 000 or less will be exempt from paying additional rates. These residential properties, therefore, qualify for a 100% exemption of the additional rates.

### 5.3 Religious Institutions

All properties registered in the name of and used primarily as a place of worship by a Religious Community, including an official residence registered in the name of that community which is occupied by an office bearer of that community who officiates at services at that place of worship may be fully exempted (100%) from paying additional rates.

Properties used primarily as an office of a Religious Community or property used as parking, camping sites not operated for gain and cemeteries for that Religious Community will receive a fully exemption (100%) for additional rates.

In exceptional circumstances the Chief Financial Officer may accept that a property registered in a name other than that of the religious organisation be regarded as the property of a religious community if it can be proven that the registration is merely to facilitate transfer of the property into the name of the religious community.

At the request of the CFO, religious organisations may be required to provide proof to the Municipal Valuer that their properties are still being used for religious purposes.

#### 5.4 Council Owned Properties

Only municipal properties used predominantly for official municipal business may be full exempted (100%) from paying additional rates.

#### 5.5 Implementation Procedure

All categories of property or owners that qualify in terms of the minimum requirements listed in 5.1, must register first with the Municipality before supplying the SRA with the relevant proof of registration. On receipt of this proof, the SRA can fully exempt (100%) the property or owner from paying the additional rate.

Should the SRA apply additional exemption criteria, the qualifying property owners must register directly with the Municipality. The Municipality must keep a record with proof of all properties that are exempted from paying the additional rate. This list must be supplied to the SRA when the membership list is finalised each financial year.

### 6. PROCESS

6.1 The flow chart gives the time line of the process which must be completed by mid-January of the financial year preceding the establishment of the Special Rating Area. (Available as Annexure 1)

6.2 This Policy sets out —

6.2.1 guidelines and requirements in relation to institutional arrangements for Special Rating Areas (paragraph 7 7);

6.2.2 the further requirements which must be followed (paragraph 88); and

6.2.3 the information which needs to be submitted to the Municipality in order to motivate a request for determination of a Special Rating Area (paragraph 9).

### 7. INSTITUTIONAL ARRANGEMENTS

Section 22 of the Property Rates Act is not prescriptive as to the structural arrangements which need to be put in place to administer a Special Rating Area. The two broad structural arrangements that will be supported by the Chief Financial Officer (CFO) are the following:

#### 7.1 Administration by the Municipality

If the applicant chooses to use the Municipality as its service provider the following must be adhered to:

(a) the proposed improvements or upgrades must meet the aims and objects of this Policy;

(b) the respective Directorate(s) must enter into an agreement to provide or manage the required services;

(c) the necessary support for the proposed improvements or upgrades must be obtained;

(d) the CFO must establish separate accounting and record-keeping systems in respect of the income derived from the additional rate as set out in the Municipal Property Rates Act;<sup>6</sup> and

(e) the CFO will pay any expenses out of income generated by the additional.

#### 7.2 Administration by the Section 21 Company

7.2.1 If the applicant proposes that the services/upgrades will be managed and implemented by them, the Municipality will require the ratepayers within the Special Rating Area to establish and participate in an appropriate structure to carry out planning, contracting, financial control and administrative functions within the Special Rating Area.

7.2.2 This option does not entail ratepayers setting the additional rate, which under law can only be done by the Council, instead, ratepayers will recommend the annual budget amount of the additional rate to the Municipality by 31 January, with appropriate motivation, and the Council will consider the recommendation during its budgeting process.

7.2.3 The “administration by the section 21 company” option gives a higher degree of control and autonomy to ratepayers and, from the perspective of ratepayers who have promoted the Special Rating Area, may be the preferred option.

7.2.4 Because this option places funds collected by government in the hands of the private sector, the requirements set out in this Policy must be met.

7.2.5 The functions of the structure would include:

(a) determining the funding required each year and making a recommendation to the CFO that the funding be approved as part of the Municipality’s annual budget;

(b) appointing contractors to effect the improvement(s) or upgrade(s); and

(c) receiving the additional rate collected by the Municipality and expending the funds to the contractors.

7.2.6 Structural requirements when administrated by the Section 21 Company:

(a) before the Municipality will consider allowing ratepayers in a Special Rating Area to carry out administrative and other functions in relation to the area, it must be satisfied that an appropriate structure has been put in place for that purpose. The Municipality will require the ratepayers to establish a section 21 company (company not for gain) as per the Companies Act, No. 61 of 1973 (“the Companies Act”) for that purpose;

(b) the founding documentation in relation to the structure established by ratepayers (the Memorandum and Articles of Association) must be approved in writing by the CFO or his or her nominee;

(c) the section 21 company must be managed under the Companies Act, No. 61 of 1973 and also comply with any other legislation as a result of the financial connection to Council; and

- (d) the section 21 company must give a written notice of the intention to hold an Annual General Meeting on the date stated in the notice by advertising in the local newspapers and one daily newspaper.
- (e) a pro forma Memorandum and Articles of Association, drafted for the purpose of a section 21 company set up as a Special Rating Area, is available as Schedule 2.

## **8. APPLICATION FOR THE ESTABLISHMENT OF A SPECIAL RATING AREA**

The process for establishing Special Rating Areas as set out in Chapter 1 of the By-Law must be followed, whether the Special Rating Area is to be administered by the Municipality or by a section 21 company.

## **9. MOTIVATING A SPECIAL RATING AREA**

### **9.1 The motivation report must contain —**

- 9.1.1 a list of all rateable properties within the proposed Special Rating Area, contact details of all owners and the value of each property as set out in the Council's general valuation. Differentiation between categories of properties, as provided for in section 8 of the Property Rates Act, must be considered;
- 9.1.2 a diagram clearly indicating the boundaries of the proposed Special Rating Area;
- 9.1.3 whether the Special Rating Area is to be administered by the Municipality or by a section 21 company;
- 9.1.4 an executive summary of the improvement or upgrade proposed for the Special Rating Area as set out in the Implementation Plan;
- 9.1.5 an explanation of how the proposed improvement or upgrade is linked to the geographical area of the proposed Special Rating Area;
- 9.1.6 an explanation of why the proposed Special Rating Area will not reinforce existing inequities in the development of the Municipality;
- 9.1.7 an explanation of how the Special Rating Area, if determined, will be consistent with the Municipality's IDP;
- 9.1.8 an explanation of the institutional arrangements proposed in relation to the Special Rating Area;
- 9.1.9 proof of the consent of the majority of the members of the local community in the proposed Special Rating Area who will be liable for paying the additional rate (a pro forma consent form is available as Schedule 3);
- 9.1.10 proof of the notice of the public meeting or meetings contemplated in the By-Law;
- 9.1.11 minutes of the public meeting(s); and
- 9.1.12 compilation date.

### **9.2 The Implementation Plan for the proposed improvements or upgrades must at least address the following:**

- 9.2.1 those services which will improve and upgrade the Special Rating Area;
- 9.2.2 how the proposed improvements or upgrades will be implemented;
- 9.2.3 by when the proposed improvements or upgrades will be achieved; and
- 9.2.4 an implementation program, which clearly indicates implementation milestones, dates and responsibilities. (Schedule 4 provides a template).

### **9.3 The budget for the proposed improvements or upgrades must at least address the following:**

- 9.3.1 an annual budget per line item commencing on 1 July of the first year and end on 30 June of the last year of the term; and
- 9.3.2 a budget split for the provision of improvements or upgrades between the different categories of properties.
- 9.3.3 Paragraph 1212 of this Policy defines the financial controls required.

## **10. EXTENSION AND/OR RENEWAL OF TERM**

In the event that a Special Rating Area seeks to renew the term over which it will operate or extend its boundaries, then the procedures set out in Chapter 3 of the By-Law must be followed.

## **11. DISSOLUTION**

The Special Rating Area may be dissolved by resolution of the Council, subject to the provisions of section 15 of the By-Law.

## **12. FINANCIAL CONTROL**

- 12.1 As stated in the By-Law, the amount of any additional rate levied in a Special Rating Area is determined by the Council. The additional rate is imposed by the Council, is a debt owing to the Municipality and is payable and collected in the same manner as other property rates imposed by the Council.
- 12.2 Before the Municipality will pay over any additional rate collected to the governing body of the ratepayers' management structure, the management structure and the Municipality must have concluded a written finance agreement regulating, amongst other things:
  - 12.2.1 the mechanisms and manner of payment;
  - 12.2.2 how the additional rate is to be held by the management structure;
  - 12.2.3 any parameters relating to expenditure;
  - 12.2.4 any obligations on the management structure to take out and maintain appropriate insurance.

**13. COSTS**

Unless otherwise agreed by the Municipality Manager or his/her nominee, the Municipality shall not be liable for any costs incurred by ratepayers within the relevant proposed Special Rating Area in respect of the implementation of the steps set out in this Policy and in the By-Law.

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- 1 Section 22(1)(b)
  - 2 Section 22(4)
  - 3 Section 22(4)
  - 4 Section 22(2)(b)
  - 5 Section 22(2)(a)
  - 6 Section 22(3)(c)(i)

10 September 2010

22324

**MOSSELBAAI MUNISIPALITEIT****BELEID OOR SPESIALE AANSLAGGEBIEDE**

Aangesien die Munisipaliteit van Mosselbaai 'n Verordening insake Spesiale Aanslaggebiede aanvaar het; en

Aangesien die Raad 'n Beleid oor Spesiale Aanslaggebiede aanvaar het op 15 Julie 2010, Besluit E78-07/2010.

**Derhalwe word die Beleid hiermee gepubliseer vir algemene inligting.**

**1. INLEIDING**

- 1.1 Hierdie Beleid oor Spesiale Aanslaggebiede moet saamgelees word met die Wet op Plaaslike Regering: Munisipale Eiendomsbelasting, Wet 6 van 2004 (hierna 'die Wet op Eiendomsbelasting') en die Mosselbaai Munisipaliteit Verordening op Spesiale Aanslaggebiede (hierna 'die Verordening'), soos van tyd tot tyd van krag.
- 1.2 Alle woorde en sinsnedes wat in die Verordening omskryf is, het dieselfde betekenis in hierdie beleid.
- 1.3 In geval van enige strydigheid tussen die bepalings van die Verordening en die bepalings van hierdie beleid, sal die Verordening geld.

**2. DOEL VAN DIE BELEID**

Hierdie beleid stel dit ten doel —

- 2.1 om die Raad se standpunt oor Spesiale Aanslaggebiede, en die faktore wat die Raad se besluit kan beïnvloed om 'n besondere Spesiale Aanslaggebied te bepaal of nie, uiteen te sit;
- 2.2 om lede van die plaaslike gemeenskap en besluitnemers in die Munisipaliteit van leiding te voorsien met betrekking tot die totstandkoming van Spesiale Aanslaggebiede;
- 2.3 om die korrekte balans te vind vir die aanmoediging van selfgefinansierde gemeenskapsprojekte wat daarop gemik is om woonbuurte te verbeter en/of op te knap deur
  - 2.3.1 die gebruik van Raadshulpbronne en -strukture; en
  - 2.3.2 die gebruik van 'n Artikel 21-maatskappystruktuur.

**3. BELEIDSTELLING**

- 3.1 Die Munisipaliteit se algemene Beleid oor Eiendomsbelasting berus op die beginsels van
  - 3.1.1 billikheid;
  - 3.1.2 bekostigbaarheid;
  - 3.1.3 armoedeverligting;
  - 3.1.4 maatskaplike en ekonomiese ontwikkeling; en
  - 3.1.5 finansiële volhoubaarheid en kostedoeltreffendheid.
- 3.2 Die Munisipaliteit beskou Spesiale Aanslaggebiede as 'n moontlike instrument waardeur dit sy grondwetlike en statutêre verpligtinge kan nakom om
  - 3.2.1 maatskaplike en ekonomiese ontwikkeling te bewerkstellig; en
  - 3.2.2 om 'n veilige en gesonde omgewing daar te stel op 'n manier wat die beginsels waarop die algemene Beleid oor Eiendomsbelasting berus, te balanseer.
- 3.3 Spesiale Aanslaggebiede stel grondeienaars in 'n geografiese gebied daartoe in staat om hul gebied met behulp van eiendomsbelasting bykomend tot die standaard-eiendomsbelasting te verbeter en op te knap.

**4. FAKTORE WAT MET DIE BEPALING VAN 'N SPESIALEAANSLAGGEBIED IN AG GENEEM WORD**

Die Raad sal oorweeg om 'n Spesiale Aanslaggebied te bepaal waar die wesenlike vereistes van artikel 22 van die Wet op Eiendomsbelasting nagekom word, en waar:

- 4.1 die doel van die Spesiale Aanslaggebied is om 'n bykomende belasting op eiendom in die omskrewe gebied te hef ten einde fondse te genereer vir die verbetering of opknapping van die gebied;<sup>1</sup>
- 4.2 die Spesiale Aanslaggebied nie gebruik sal word om bestaande ongelykhede in die ontwikkeling van die Munisipaliteit se regsgebied te versterk nie;<sup>2</sup>
- 4.3 die bepaling van die Spesiale Aanslaggebied met die Munisipaliteit se Geïntegreerde Ontwikkelingsplan (GOP) strook;<sup>3</sup>
- 4.4 die meerderheid van die lede van die plaaslike gemeenskap, wat enige bykomende belasting in die Spesiale Aanslaggebied sal moet betaal, tot die instelling van die gebied toegestem het;<sup>4</sup>
- 4.5 die prosedureële vereistes van artikel 22 van die Wet op Eiendomsbelasting<sup>5</sup> nagekom word, wat die vereiste oor gemeenskapoorleg sowel as die prosessuele vereistes in hoofstuk 1 van die Verordening insluit;
- 4.6 die voorgestelde verbetering of opknapping duidelik en volledig omskryf is;
- 4.7 die voorgestelde verbetering of opknapping duidelik en logies aan 'n geografiese gebied met duidelik afgebakende grense verbind kan word;
- 4.8 daar bewyse bestaan dat dit finansiële lewensvatbaar sal wees om 'n Spesiale Aanslaggebied te gebruik om fondse te genereer vir die voorgestelde verbetering of opknapping;
- 4.9 die Munisipaliteit tevrede is met die voorgestelde institusionele reëlings met betrekking tot die Spesiale Aanslaggebied; en
- 4.10 die besluit om 'n Spesiale Aanslaggebied te bepaal of nie, uiteindelik by die Raad berus, en geheel na die Raad se eie goeë dunnke geneem word.

## **5. EIENAARS-/EIENDOMSKATEGORIEË WAT TEN VOLLE VAN DIE BETALING VAN DIE BYKOMENDE BELASTING VRYGESTEL WORD**

### **5.1 Deernisgevalle, senior burgers en persone met gestremdhede**

Deernisgevalle, senior burgers en/of persone met gestremdhede wat die geregistreerde eienaars van residensiële eiendom is, kom vir 'n volle vrystelling (100%) van die bykomende belasting in aanmerking indien hulle binne die minimum maatstawwe, soos hier onder uiteengesit, val. Die Spesiale Aanslaggebied kan ook kies om armoede verder te verlig deur bykomende vrystellingsmaatstawwe te bepaal.

#### **5.1.1 Minimum registrasiemaatstawwe vir deernisgevalle**

Ten einde vir 'n maksimum tydperk van twaalf maande vir registrasie as 'n deernisgeval in aanmerking te kom, moet 'n aansoeker aan onderstaande maatstawwe voldoen:

- (a) Die residensiële eiendom moet hoofsaaklik vir privaat residensiële doeleindes gebruik word; en
- (b) Die aansoeker moet:
  - (i) die geregistreerde eienaar van die residensiële eiendom wees; of
  - (ii) 'n inwoner van 'n huishouding wees waarvan 'n kind die hoof is en in die naam van die afgestorwe ouer(s) geregistreer is; of
  - (iii) 'n koper op 'n uitgestelde oordraggrondslag wees van 'n residensiële eiendom vanaf enige regeringsfeer; en
- (c) die totale bruto huishoudelike inkomste van die residensiële eiendom mag nie die maksimum inkomste oorskry van die belastingkortingsstelsel vir Senior Burgers en Persone met Gestremdhede waarvolgens voormelde persone ingevolge die Munisipaliteit van Mosselbaai se Beleid oor Eiendomsbelasting volle vrystelling van belasting ontvang nie; en
- (d) die aansoeker mag nie die geregistreerde eienaar van meer as een eiendom wees nie; en
- (e) die aansoeker moet voltyds op die eiendom woon; en
- (f) nieteenstaande voormelde, sal daar veronderstel word dat die eienaars van vaste residensiële eiendom met 'n Munisipale waarde van R88 000 of minder, of soos van tyd tot tyd deur die Raad bepaal, aan die maatstawwe in sub-item (a) tot (e) hier bo voldoen.

Die Raad kan die maatstawwe soos in sub-items (a) tot (f) hierbo uiteengesit van tyd tot tyd wysig.

#### **5.1.2 Minimum registrasiemaatstawwe vir senior burgers en persone met gestremdhede**

Senior burgers en/of persone met gestremdhede wat die geregistreerde eienaars van residensiële eiendom is, kan, na gelang van die bruto maandelikse huishoudelike inkomste van alle persone wat gewoonlik op die eiendom woon, spesiale kortings ontvang. Om vir sodanige korting in aanmerking te kom, moet 'n eiendomseienaar 'n natuurlike persoon wees; moet hy/sy die eienaar wees van 'n eiendom wat aan die vereistes van die omskrywing van residensiële eiendom voldoen; en moet die eienaar op 1 Julie van die betrokke boekjaar:

- (a) die eiendom as sy/haar gewone woonplek bewoon; en
- (b) minstens 60 jaar oud wees of 'n ongeskiktheidspensioen ontvang; en
- (c) 'n bruto maandelikse huishoudelike inkomste (d.w.s. geld wat uit enige bron verdien of ontvang word, wat die inkomste van alle persone insluit wat gewoonlik op daardie eiendom woon) van nie meer nie as R8 000 nie, soos gestaaf deur die indiening van minstens drie maande se bankstate van alle finansiële instellings waar rekening gehou word; en
- (d) nie die eienaar van meer as een eiendom wees nie; en
- (e) met dien verstande dat waar die eienaar weens omstandighede buite sy/haar beheer nie daartoe in staat is om op die eiendom te woon nie, sy/haar eggenoot of minderjarige kinders aan die bewoningsvereiste kan voldoen; en
- (f) dat 'n vruggebruiker as die eienaar beskou sal word; en
- (g) dat die maatstawwe van 'n natuurlike persoon geheel na die Hoof: Finansiële Beampte (HFB) se eie goeë dunnke laat vaar kan word om voorsiening te maak vir 'n eiendom in besit van 'n trust, waar die totale getal begunstigdes aan al die ander vereistes van die Beleid oor Eiendomsbelasting voldoen; en voorts dat die bruto maandelikse inkomste van alle persone wat op daardie eiendom woon by die bruto maandelikse inkomste van die begunstigdes wat op die eiendom woon, getel word.



- (h) Die eienaar moet teen 31 Maart aansoek doen ten einde hierdie korting in die boekjaar waarin die aansoek ingedien word, te ontvang. Indien die eienaar versuim om dit te doen, sal geen korting toegestaan word nie.
- (i) Enige eienaar wat in die loop van 'n boekjaar aan al bostaande maatstawwe voldoen, kan aansoek doen om die kwytstelling vanaf die datum van ontvangs van die aansoek vir die volgende boekjaar.
- (j) In buitengewone omstandighede kan die Raad vrystelling goedkeur, selfs al besit die aansoeker bykomende eiendomme waarvoor 'n markverwante huurinkomste by die bruto maandelikse huishoudelike inkomste ingesluit is.

#### 5.2 **Waardasiedrempel**

Alle verbeterde residensiële eiendomme met 'n munisipale waarde van R88 000 of minder is vrygestel van bykomende belasting. Hierdie residensiële eiendomme kom dus vir 100% vrystelling van die bykomende belasting in aanmerking.

#### 5.3 **Godsdienstige instellings**

Alle eiendomme wat in die naam van 'n godsdienstige gemeenskap geregistreer is, en hoofsaaklik as 'n aanbiddingsplek deur sodanige gemeenskap gebruik word, en wat 'n amptelike woning insluit wat in die naam van daardie gemeenskap geregistreer is en deur 'n ampsdraer van die gemeenskap bewoon word, en wat dienste by sodanige aanbiddingsplek lei, kan volle vrystelling (100%) van bykomende belasting ontvang.

Eiendomme wat hoofsaaklik gebruik word as 'n kantoor van 'n godsdienstige gemeenskap, of as parkeerterreine of as kampeerterreine wat sonder winsbejag bedryf word, en begraafplase wat vir daardie godsdienstige gemeenskap gebruik word, sal volle vrystelling (100%) van bykomende belasting ontvang.

In buitengewone omstandighede kan die HFB aanvaar dat 'n eiendom wat in 'n ander naam as dié van die godsdienstige organisasie geregistreer is, as die eiendom van 'n godsdienstige gemeenskap beskou word, mits daar bewys kan word dat dié registrasie bloot was om die oordrag van die eiendom na die godsdienstige gemeenskap te fasiliteer.

Op versoek van die HFB, kan godsdienstige organisasies versoek word om aan die Munisipale Waardeerder te bewys dat hul eiendomme steeds vir godsdienstige doeleindes gebruik word.

#### 5.4 **Raadseiendomme**

Slegs munisipale eiendomme wat hoofsaaklik vir amptelike munisipale sake gebruik word, kan volle vrystelling (100%) van die bykomende belasting ontvang.

#### 5.5 **Implementeringsprosedure**

Alle kategorieë van eiendomme of eienaars wat aan die minimum vereistes van paragraaf 5.1 voldoen, moet eers by die Munisipaliteit registreer voordat hulle die SAG van die tersaaklike registrasiebewys voorsien. By ontvangs van sodanige registrasiebewys kan die SAG volle vrystelling (100%) van bykomende belasting aan die eiendom of eienaar toestaan.

Indien die SAG bykomende vrystellingsmaatstawwe instel, moet die grondeienaars, wat aan sodanige bykomende maatstawwe voldoen, regstreeks by die Munisipaliteit registreer. Die Munisipaliteit moet rekord hou van watter eiendomme van die bykomende belasting vrygestel word. Sodanige lys van eiendomme moet aan die SAG voorsien word ten einde die ledelys vir die boekjaar te finaliseer.

### 6. **PROSES**

- 6.1 Die vloeiendiagram is, dui die tydsbestek van die proses aan wat teen die middel van Januarie van die boekjaar wat die instelling van die Spesiale Aanslaggebied voorafgaan, afgehandel moet wees. (Beskikbaar as Bylae 1)
- 6.2 Hierdie Beleid sit onderstaande uiteen:
  - 6.2.1 Die riglyne en vereistes met betrekking tot die institusionele reëlins vir Spesiale Aanslaggebiede (paragraaf 7)
  - 6.2.2 Die verdere vereistes waaraan voldoen moet word (paragraaf 8) en
  - 6.2.3 Die inligting wat by die Munisipaliteit ingedien moet word ten einde 'n versoek vir die bepaling van 'n spesiale-aanslaggebied te motiveer (paragraaf 9)

### 7. **INSTITUSIONELE REËLINGS**

Artikel 22 van die Wet op Eiendomsbelasting is nie voorskriftelik met betrekking tot die strukturele reëlins vir die administrasie van 'n Spesiale Aanslaggebied nie. Die twee algemene strukturele reëlins wat die Hoof: Finansiële Beampte (HFB) sal ondersteun, is die volgende:

#### 7.1 **Administrasie deur die Munisipaliteit**

Indien die aansoeker kies om die Munisipaliteit as diensverskaffer te gebruik, moet daar aan onderstaande voldoen word:

- (a) Die voorgestelde verbeterings of opknappings moet met die doelwitte en oogmerke van hierdie Beleid strook;
- (b) Die tersaaklike/onderskeie Direktorat(e) moet 'n ooreenkoms aangaan om die vereiste dienste te lewer of te bestuur.
- (c) Die nodige steun vir die voorgestelde verbeterings of opknappings moet verkry word.
- (d) Die HFB moet afsonderlike rekeningkundige en rekordstelsels met betrekking tot die inkomste uit die bykomende belasting instel, soos in die Wet op Eiendomsbelasting uiteengesit; en<sup>6</sup>
- (e) Die HFB sal enige koste uit die inkomste van die bykomende belasting dek.

#### 7.2 **Administrasie deur die Artikel 21-maatskappy**

- 7.2.1 Indien die aansoeker voorstel dat hul self die dienste/opknappings wil bestuur en in werking stel, sal die Munisipaliteit van die belastingbetalers in die Spesiale Aanslaggebied verwag om 'n toepaslike struktuur te skep én daaraan deel te neem ten einde beplanning, kontraktering, finansiële beheer en administratiewe pligte in die Spesiale Aanslaggebied uit te voer.
- 7.2.2 Hierdie opsie behels nie dat belastingbetalers die bykomende belasting vasstel nie, welke funksie volgens wet slegs deur die Raad vervul kan word. Die belastingbetalers sal egter teen 31 Januarie die jaarlikse begrote bedrag van die bykomende belasting met 'n toepaslike motivering by die Munisipaliteit aanbeveel, en die Raad sal die aanbeveling gedurende die begrotingsproses oorweeg.

- 7.2.3 Die administrasie deur 'n Artikel 21-maatskappy metode verleen 'n groter mate van beheer en outonomie aan belastingbetalers, en kan uit die perspektief van die belastingbetalers wat die Spesiale Aanslaggebied voorstaan die voorkeurmetode wees.
- 7.2.4 Aangesien hierdie metode geld, wat deur die regering ingesamel word, aan die privaat sektor toevertrou, moet daar stiptelik aan die vereistes van hierdie Beleid voldoen word.
- 7.2.5 Die funksies van die bestuurstruktuur sal die volgende insluit:
- Die bepaling van die befondsing wat elke jaar benodig word, en 'n aanbeveling by die HFB dat die geld as deel van die Munisipaliteit se jaarlikse begroting goedgekeur word.
  - Die aanstelling van kontrakteurs om die verbetering(s) of opknapping(s) uit te voer.
  - Die ontvangs van die bykomende belasting wat deur die Munisipaliteit ingevorder word, en die oorbetalings van sodanige geld aan die kontrakteurs.
- 7.2.6 Strukturele vereistes in geval van administrasie deur 'n Artikel 21-maatskappy:
- Voordat die Munisipaliteit dit sal oorweeg om belastingbetalers in 'n Spesiale Aanslaggebied toe te laat om administratiewe en ander funksies met betrekking tot die gebied te vervul, moet daar tot die Munisipaliteit se bevrediging bewys word dat 'n toepaslike struktuur vir daardie doel bestaan. Hiervoor sal die Munisipaliteit van belastingbetalers verwag om 'n Artikel 21-maatskappy (maatskappy sonder winsbejag) ooreenkomstig die Maatskappywet, Wet 61 van 1973, op te rig.
  - Die oprigtingsdokumente met betrekking tot die struktuur wat die belastingbetalers instel (d.w.s. die Statute en Akte van Oprigting) moet skriftelik deur die HFB of sy/haar genomineerde goedgekeur word.
  - Die Artikel 21-maatskappy moet ingevolge die Maatskappywet, Wet 61 van 1973, bestuur word, en moet ook aan enige ander wetgewing as gevolg van sy finansiële verbondenheid aan die Raad voldoen.
  - Die Artikel 21-maatskappy moet skriftelik kennis gee van die voorneme om 'n Algemene Jaarvergadering te hou op 'n datum soos in sodanige kennisgewing aangedui, deur die kennisgewing in die plaaslike koerante en een dagblad te adverteer.
  - 'n Pro forma akte van oprigting en statute wat met die oog op 'n Artikel 21-maatskappy vir 'n Spesiale Aanslaggebied opgestel is, is beskikbaar as Bylae 2.

## 8. AANSOEK OM DIE INSTELLING VAN 'N SPESIALE AANSLAGGEBIED

Die proses vir die instelling van 'n Spesiale Aanslaggebied soos in Hoofstuk 1 van die verordening uiteengesit, moet gevolg word, ongeag of die Spesiale Aanslaggebied deur die Munisipaliteit of 'n Artikel 21-maatskappy geadminestrer sal word.

## 9. MOTIVERING VIR 'N SPESIALE AANSLAGGEBIED

### 9.1 Die motiveringsverslag moet die onderstaande bevat:

- 9.1.1 'n Lys van alle belasbare eiendomme binne die voorgestelde Spesiale Aanslaggebied, kontakbesonderhede van alle eienaars, sowel as die waarde van elke eiendom ingevolge die Raad se algemene waardasie. Onderskeid tussen eiendoms-kategorieë waarvoor artikel 8 van die Wet op Eiendomsbelasting voorsiening maak, moet oorweeg word.
- 9.1.2 'n Diagram wat die grense van die voorgestelde Spesiale Aanslaggebied duidelik aandui
- 9.1.3 Of die Spesiale Aanslaggebied deur die Munisipaliteit of 'n Artikel 21-maatskappy geadminestrer sal word
- 9.1.4 'n Opsomming van die verbetering of opknapping wat vir die Spesiale Aanslaggebied voorgestel word, soos in die implementeringsplan vervat
- 9.1.5 'n Verduideliking van hoe die voorgestelde verbetering of opknapping met die geografiese gebied van die voorgestelde Spesiale Aanslaggebied verband hou
- 9.1.6 'n Verduideliking hoekom die voorgestelde Spesiale Aanslaggebied nie bestaande ongelykhede in die ontwikkeling van die Munisipaliteit sal versterk nie
- 9.1.7 'n Verduideliking van hoe die Spesiale Aanslaggebied, indien bepaal, met die Munisipaliteit se Geïntegreerde Ontwikkelingsplan (GOP) sal strook.
- 9.1.8 'n Verduideliking van die institusionele reëlings wat ten opsigte van die Spesiale Aanslaggebied voorgestel word.
- 9.1.9 Bewys van toestemming van die meerderheid van die lede van die plaaslike gemeenskap in die voorgestelde aanslaggebied wat die bykomende belasting sal moet betaal ('n pro forma-toestemmingsvorm is beskikbaar as Bylae 3).
- 9.1.10 Bewys van die kennisgewing van die openbare vergadering(s) wat in die verordening beoog word.
- 9.1.11 Notule(s) van die openbare vergadering(s).
- 9.1.12 Die voltooiingsdatum.
- 9.2 **Die implementeringsplan vir die voorgestelde verbeterings of opknappings moet minstens die volgende aanspreek:**
- 9.2.1 Daardie dienste wat die Spesiale Aanslaggebied sal verbeter en opknop.
- 9.2.2 Hoe die voorgestelde verbeterings of opknappings in werking gestel sal word.
- 9.2.3 Teen wanneer die voorgestelde verbeterings of opknappings voltooi sal wees.
- 9.2.4 'n Implementeringsprogram wat die implementeringsmylpale, -datums en -verantwoordelikhede duidelik toon (Waarvoor Bylae 4 as basis gebruik kan word).
- 9.3 **Die begroting vir die voorgestelde verbeterings of opknappings moet minstens die volgende aanspreek:**
- 9.3.1 'n Jaarlikse begroting per lyn item vanaf 1 Julie van die eerste jaar tot 30 Junie van die laaste jaar van die termyn.
- 9.3.2 'n Begrotingsverdeling tussen die verskillende eiendoms-kategorieë vir die voorsiening van die verbeterings of opknappings.

9.3.3 Paragraaf 12 van hierdie Beleid omskryf die vereiste finansiële beheer.

## 10. VERLENGING EN/OF HERNUWING VAN TERMYN

Indien 'n Spesiale Aanslaggebied die termyn waarvoor dit bepaal is, wil henu of verleng, of die grense van die gebied wil wysig, moet die prosedures soos in Hoofstuk 3 van die Verordening uiteengesit, gevolg word.

## 11. ONTBINDING

Die Spesiale Aanslaggebied kan deur 'n Raadsbesluit ontbind word, onderworpe aan die bepalings van artikel 15 van die Verordening.

## 12. FINANSIËLE BEHEER

12.1 Soos in die verordening uiteengesit, bepaal die Raad die bedrag van enige bykomende belasting wat in 'n Spesiale Aanslaggebied gehef word. Die bykomende belasting word deur die Raad opgelê en is aan die Munisipaliteit verskuldig, en word op presies dieselfde manier betaal en ingevorder as ander eiendomsbelasting wat die Raad oplê.

12.2 Voordat die Munisipaliteit enige ingevorderde bykomende belasting aan die beheerliggaam van die belastingbetalers se bestuurstruktuur oorbetaal, moet daar 'n skriftelike finansiële ooreenkoms tussen die bestuurstruktuur en die Munisipaliteit bestaan, welke ooreenkoms onder meer die volgende sal reguleer:

12.2.1 Die betaalmeganismes en -metode.

12.2.2 Hoe die bestuurstruktuur die bykomende tarief sal hou.

12.2.3 Enige riglyne met betrekking tot die besteding

12.2.4 Enige verpligtinge op die bestuurstruktuur om toepaslike versekering te bekom en in stand te hou

## 13. KOSTES

Tensy die Munisipale Bestuurder of sy/haar genomineerde anders ooreenkoms, sal die Munisipaliteit nie aanspreeklik wees vir enige koste wat belastingbetalers in die betrokke voorgestelde Spesiale Aanslaggebied aangaan met betrekking tot die inwerkingstelling van die stappe soos in hierdie Beleid en die Verordening vervat nie.

1 Artikel 22(1)(b)

2 Artikel 22(4)

3 Artikel 22(4)

4 Artikel 22(2)(b)

5 Artikel 22(2)(a)

6 Artikel 22(3)(c)(i)

10 September 2010

22324

## UMASIPALA WASE-MOSSEL BHAYI

### ISIGUNYAZISI MALUNGA NEENGINQI EZIKHETHELWE UPHUHLISO LWABUCALA

Njengokuba lo Masipala wase-Mossel Bhayi sele elwamkele uPhuhliso lwabuCala noluBalulekileyo kweziningqi zikhethekileyo; kwaye

Nanjengokuba iBhunga liye laGunyazisa ngokukodwa lazamkela ezingingqi zikhethekileyo ngomhla we-15 Julayi 2010, ngokwesigqibo esiku E78-07/2010.

#### Lomba usisiGunyazisi seBhunga, uvunyelwe ukuba upapashwe kuLuntu lonke.

### 1. ISIQALO

1.1 Lo Mgaqo-nkqubo wokumiselwa kwamaxabiso awodwa kwiingingqi kufuneka ufundwe ngokuhlaneneyo kunye noMthetho wamaxabiso ooMasipala, uMthetho 6 ka 2004 ("uMthetho wamaXabiso") kunye noMthetho wangaphakathi, osebenza ixesha nexesha ("uMthetho wangaphakathi").

1.2 Onke amagama kunye namabinzana asetyenziswe kulo Mthetho anentsingiselo enye naleyo ikulo Mgaqo-nkqubo.

1.3 Kwiimeko apho kukho intandabuzo phakathi kwezibonelelo zoMthetho kunye nezibonelelo zalo mgaqo-nkqubo, uMthetho uya kuthabatha ingqwalasela.

### 2. INJONGO YALO MGAQO-NKQUBO

Lo Mgaqo-nkqubo ujolise —

2.1 Ekucaciseni injongo yeBhunga malunga neeningqi zamaxabiso awodwa kakunye nezinto eziyakuphembelela isigqibo seBhunga ekumiseleni okanye ekungayimiseli ingingqi ethile phantsi kwalo mgaqo-nkqubo.

2.2 Ukubonelela ngesikhokelo kumalungu oluntu nakubathabathi-zigqibo phakathi kuMasipala malunga nokumiselwa kweeningqi zamaxabiso awodwa.

2.3 Ukumisela ukulingana phakathi kwabo bazihlawulelayo kuluntu nakwabo baceba ukuphucula iingingqi —

2.3.1 Ngokusebenzisa imithombo kaMasipala, okanye

2.3.2 Ukusebenzisa iiNKampani ezikwiCandelo 21.

### 3. INGXELO-NTETHO YALO MGAQO-NKQUBO

- 3.1 Umgaqo-nkqubo wamaxabiso kaMasipala jikelele usekelwe phantsi kwezikhkelo ezizezi:
- 3.1.1 ukulingana
- 3.1.2 ukufikelela
- 3.1.3 ukupheliswa kwendlala;
- 3.1.4 uphuhliso lwentlalo noqoqosho; kunye
- 3.1.5 ukufikelela ngokwemali nokonga ngokwamaxabiso.
- 3.2 uMasipala uzithabatha iindawo zamaxabiso awodwa njengesixhobo esiya kubangela ukufezekiswa koxanduvo alubekwe ngumgaqo-siseko kunye nemithetho echaphazelekayo ekuphuculeni:
- 3.2.1 intlalo nophuhliso loqoqosho; kunye
- 3.2.2 imeko ekhuselekileyo nesempilweni,ngendlela elinganayo kwizikhkelo ezisekelwe phantsi koMgaqo-nkqubo wamaxabiso.
- 3.3 Ingingqi zamaxabiso awodwa zibangela abanini beendawo kummandla othile ukuba ziphucuke kwaye ziphuhle ngendlela yamaxabiso eendawo.

### 4. IZINTO EZIQWALASELWAYO XA KUMISELWA INGINGQI YAMAXABISO AWODWA

- iBhunga liya kuqwalasel aukumisela ingingqi yamaxabiso awodwa apho iimfuno zecandelo 22 loMtheho wamaxabiso zithe zafezekiswa, xa —
- 4.1 Injongo yamaxabiso awodwa iya kubangela ukuhlawulwa kwexabiso elongeziweyo kwindawo kwingingqi echaziweyo,khon'ukuze kunyuswe ingxowa-mali yokuphucula ingingqi;<sup>1</sup>
- 4.2 Ixabiso elilodwa aliyi kusetyenziswa ekwandiseni ukungalingani ekuphuhliseni kwengingqi ephantsi kolawulo lukaMasipala;<sup>2</sup>
- 4.3 Ukumiselwa kwengongqi yamaxabiso awodwa iza kufezekisa isiCwangciso soPhuhliso eoluhlanganisiweyo (IDP);<sup>3</sup>
- 4.4 Uninzi lwabahlali kuloo ngingqi ifuna amaxabiso awodwa luye lwanikezela imvume ukuba liya kulihlawula ixabiso elongeziweyo;<sup>4</sup>
- 4.5 Iimfuno zenkqubo zecandelo 22 zamaxabiso eendawo ziye zafezekiswa,kubandakanya uqhagamshelwano kunye noluntu luye lwenziwa kwanezimiselo zeSahluko 1 zoMthetho wangaphakthi ziye zafezekiswa;<sup>5</sup>
- 4.6 Uphuhliso nokuphuculwa okucetywayo kuye kwacaciswa;
- 4.7 Uphuhliso olucetywayo luyacaca ngokufanelekileyo kwaye luqhogene nengingqi leyo ichaphazelekayo,apho nemida yayo icaciswe ngokupheleleyo;
- 4.8 Kukho ubungqina bokuba kuya kuba yimfuneko ukusebenzisa ingqingqi enamaxabiso awodwa ekuphuhliseni ingxowa-mali yophuhliso olo;
- 4.9 uMasipala anelisekile ukuba amalungiselelo eziko elo licetywayo malunga nengingqi yamaxabiso awodwa; kunye
- 4.10 okokugqibela,isigqibo sokuba isicelo siyamkelwa okanye siyakhatywa,silele kuMasipala kuphela.

### 5. AMANQANABA ABANINI / IINDAWO EZOBEKWA ECALENI MALUNGA NGOKOMYINGE WE: 100% KWIXABISO ELONGEZIWEYO

#### 5.1 Abahluphekileyo,Abadala kunye nabakhubazekileyo

Abanini ababhalisiweyo beendawo zokuhlala abahluphekileyo,abahlali abadala kunye nabakhubazekileyo bafumana isaphulelo esiyi 100% ekuhlawuleni ixabiso elongeziweyo xa bechaphazeleka ngokwezimiselo ezichazwe apha ngezantsi.Ingingqi yamaxabiso awodwa isenokucutha indlela nentlupheko ngokumisela ixabiso elongeziweyo.

#### 5.1.1 Indlela yokubhalisela ukuhlupheka

Ukuze uqwalaseleke njengohluphekileyo,isithuba esingekho ngaphezu kwenyanga ezili:12,umenzi-sicelo kufuneka azalisekise le miqathango ilandelayo:

- (a) indlela esetyenziselwa yona indawo leyo yokuhlala kufuneka ibe yeyabucala; kwaye
- (b) umenzi-sicelo kufuneka—
- (i) nguye obhaliswe njengomnini wendawo leyo yokuhlala; okanye
- (ii) umntu ohlala kumzi owonganyelwe ngumntwana nebhaliswe egameni lomntu ongasaphiliyo nobengumzali womntwana lowo; okanye
- (iii) umntu othenge naphina kwindawo kaRhulumente abe ulityaziswe kukubhaliswa kwendawo leyo; okanye
- (c) ingeniso edibeneyo yomzi lowo ingabi ngaphezu kweyabantu abamkela indodla xa idityanisiwe,abakhubazekileyo kunye nabantu abafumana imbuyekezo kwiSkimu sokubuyekeza amaxabiso befumana i100% ngokoMasipala waseMossel Bhayi: Umgaqo-nkqubo wamaxabiso;
- (d) umenzi-sicelo angabi ngumntu obhaliselwe izindlu ezimbini ngaxesha-nye;
- (e) abe uhlala isigxina kwindawo leyo; kwaye
- (f) abanini beendawo ezime ndaw-nye(izindlu)nezinexabiso eliyi:R88 000.00 ngokoMasipala okanye ngaphantsi koko,ngokokumiselwa liBhunga,ixesha nexesha,bayakuthatyathwa njengabayakuxhamla kule nkqubo phantsi kwezimiselo (a) uku ku(e)

iBhunga lisenokuyiguqula le nkqubo ichazwe ku (a) uku ku(f).

### 5.1.2 Umyinge wokuchonga ukubhaliswa kwabahlali abadala kunye nabakhubazekileyo

Abanini beendawo ababhalisiweyo nabangabantu abadala okanye abakhubazekileyo abachaphazeleka kumaxabiso akhethekileyo nawodwa ngokwengeniso yabo yenyanga umzi ngamnye xa behlala bonke kuloo mzi, baya kuxhamla kule nkquboUkuze uqwalaselwe kule nkqubo kufuneka ube ungumntu ophilayo ube ungumnini waloo ndawo kwaye ufezekise neemfuno zokuchongw, kwaye ube ukusukela ngomhla we:01 Julayi::

- (a) ubuhlala kade kuloo ndawo; kwaye
- (b) ube uneminyaka engama:60 kwaye wamkela indodla; kwaye
- (c) ube ufumana ingeniso yenyanga (ibe yingeniso oyifumana kumthombo othile)( kubandakanya naleyo uyifumana kubantu abahlala apho kuloo ndlu) engekho ngaphezu kwe:R8 000 ngokubonakaliswa kukungeniswa kwengxelo esuka ebhankini yeenyanga ezintathu; kwaye
- (d) angabi nezindlu ezingaphezu kwesinye; kwaye
- (e) naxa umnini wendlu engakwazi ukuhlala kwindlu leyo ngezizathu ezingabangelwanga nguye
- (f) ngaphandle kokuba lowo uhlala kuloo ndawo uthatyathwa njengomnini;; kwaye
- (g) ngaphandle kokuba inqobo yokugqiba ngomntu ophilayo ingabekwa bucala ngemvume eyodwa yeGosa eliyiNtloko yezimali ukuvumela indawo eyiyetrasti apho bonke abaxhamla kuyo bayazifezekisa zonke iimfuno zomgaqo-nkqubo wamaxabiso, kwakhona ukuba ingeniso yonke yabantu abahlala kuloo ndawo iyakudityaniswa kwingeniswo ephezulu yabo bonke abantu abahlala kuloo ndawo.
- (h) Umnini wendawo kufuneka isicelo sakhe sokufumana imbuyekeso asingenise ngomhla wama:31 kaMatshi khon' ukuze afumane imbuyekeso yaloo nyaka singeniswe ngawo isicelo.
- (i) Nawuphina umnini wendawo, othi ngaloo nyaka-mali, azifezekise zonke iimfuno eziyinqobo yokwenza isigqibo sengqwalasela echazwe apha ngentla, angasingeniswa isicelo sakhe sokubekelwa bucala ekuhlawuleni khon' ukuze angachaphazeleki kwintlawulo yaloo nyaka-mali.
- (j) Kwiimeko ezizodwa, iBhunga lingasiqwalasela isicelo sokungahlawuliswa nokuba umenzi-sicelo unenye indawo eyiyeyakhe apho umrhumo werente uhlawulwa khona ngokwengeniso yenyanga.

### 5.2 uMqobo wovavanyo

Zponke iindawo zokuhlala ezinovavanyo ngokwexabiso eliyi:R88 000 kuMasipala okanye ngaphantsi koko, aziyikuhlawuliswa amaxabiso awongezweyo. Ezi ndawo zokuhlala, ngoko ke, ziya kuxhamla umyinge oyi:100% kumaxabiso awongezweyo.

### 5.3 amaZiko eNkolo

Zonke iindawo ezibhaliswe egameni kwaye zisetyenziswa kuphela njengendawo yokukhonzwa, kubandakanya indawo ebhaliswe egameni labahlali baloo ndawo esetyenziswa njenge-ofisi yomhlali waloo ngingqi kwaye yena inguye owongamele iinkonzo kuloo ndawo yokunqula, nazo ziyakusikelwa umyinge oyi:100% yokungahlawuli amaxabiso awongezweyo.

Iindawo ezisetyenziswa njenge-ofisi yeNkolo kuluntu oluchaphazelekayo okanye njengendawo yokumisa izithuthi, iindawo zokunkampisha ezingajoliswanga kwingeniswo kunye namangcwaba aloo ngingqi yabahlali, ziya kukhutshelwa bucala ngokupheleleyo ekuhlawuleni amaxabiso awongezweyo.

Kwiimeko ezizodwa iGosa eliyiNtloko yeziMali lingakwamkela ukuba indawo leyo xa ibhaliswe egameni elilelanye kodwa injongo ikukuba iya kuguqulwa egameni lombutho wenkolo, liya kuyithabatha loo ndawo njengendawo yokuhamba iinkonzo zenkolo kuluntu oluhlala kuloo ndawo.

Ngesicelo seGosa eliyiNtloko yeziMali, imibutho yezenkolo isenokucelwa ukuba ize ubungqina kuMvavanyi kaMasipala ukuba iindawo ezo zisetyenziswa kwezenkolo.

### 5.4 Iindawo ezizezeBhunga

Kuphela ziindawo zikaMasipala nezisetyenziselwa iinjongo zikaMasipala eziya kukhutshwa bucala ekuhlawuleni amaxabiso awongezweyo.

### 5.5 Inkqubo yokusebenza

Onke amanqanaba kunye nabanini abanelungelo lokuxhamla ngokwemiqathango echazwe ku 5.1, kufuneka kuqala babhalise kwiBhunga phambi phambi kokuba zingenise ubungqina bokubhaliswa kwizibonelelo zeengingqi zamaxabiso awodwa. Xa obu bungqina bufumanekile, iSRA iya kumkhuphela bucala ekuhlawuleni umnini-ndawo.

Xa iSRA iye yenza isicelo esongezweyo sokungahlawuli, abanini beendawo ezikumgangatho ophezulu kufuneka babhalise ngqo kuMasipala. uMasipala kufuneka agcine ubungqina obuchaza zonke iindawo ezingenalo uxanduva lokuhlawula ixabiso elongezweyo. Olu luhlu kufuneka lungeniswe kwezo ngingqi zithatyathwa njengezimiswe amaxabiso awodwa xa ubulungu bale nkqubo sele buqunjelwe rhoqo ekupheleni konyaka-mali.

## 6. INKQUBO

- 6.1 Umfanekiso oncanyathiselwe njengesihlomelo 1, ubonakalisa ixesha le nkqubo, ekufuneka ibe igqityiwe phakathi kuJanyuwari wonyaka-mali owandulela ukumisela kweengingqi zamaxabiso awodwa.
- 6.2 Lo Mgaqo-nkqubo ucacisa —
  - 6.2.1 Izikhokelo kunye neemfuno ezimalunga namalungiselelo amaziko eeNgingqi zamaXabiso awodwa (umqolo 7);
  - 6.2.2 Ezinye iimfuno ekufuneka zilandelwe (umqolo 8) kunye
  - 6.2.3 Neengcombolo ekufuneka zingeniswe kuMasipala khon' ukuze zixhase isicelo sokumisela kwengingqi yamaxabiso awodwa (umqolo 9).



## 7. AMALUNGISELELO AMAZIKO

ICandelo 22 loMthetho wamaXabiso eeNdawo alibeki xanduva kumalungiselelo eendawo ekufuneka zibe sele zimiselwe ukulawula ingingqi yamaxabiso awodwa. La malungiselelo mabini abanzi aya kuxhaswa liGosa eliyiNtloko yeziMali ngala alandelayo:

### 7.1 Ulawulo oluya kuthatyathwa nguMasipala

7.1.1 Ukuba umenzi-sicelo ufuna ukuba uMasipala ibe nguye umboneleli ngeenkonzo, oku kulandelayo kufuneka ufezekiswe:

- (a) iziphakamiso neziphuhliso kufuneka zihambisane neenjongo zalo mgaqo-nkqubo;
- (b) uLawulo oluchaphazelekayo kufuneka lungene kwisivumelwano sokubonelela okanye sokulawula iinkonzo eziyimfuneko;
- (c) inkxaso eyimfuneko yophuhliso olucetywayo kufuneka ifumaneke;
- (d) iGosa eliyiNtloko yeziMali kufuneka limisele ulawulo kunye nogcino lweencwadi malunga nengeniso ephuma kumaxabiso awongeziweyo njengokuba kumiselwe kuMthetho kaMasipala omalunga namaXabiso;<sup>6</sup> kwaye
- (e) iGosa eliyiNtloko yeziMali liya kuhlawula nayiphina indleko ethe yenziwa ngamaxabiso awongeziweyo;

7.1.2 ezi zibonelelo zilandelayo zoMthetho kaMasipal kunye noMgaqo-nkqubo azingeni ndawo kulawulo lweengingqi zamaxabiso awodwa alawulwa nguMasipala; amacandelo 8 loMthetho kaMasipala kunye nomhlathi 7.2 womgaqo-nkqubo.

### 7.2 Ulawulo olumalunga neeNkampani ezilicandelo 21

7.2.1 Ukuba umenzi sicelo uphakamisa ukuba iinkonzo ziyakubonelelwa kwaye zilawulwe nguye, uMasipala uya kulindela ukuba abahlawuli bamaxabiso kuloo ngingqi ukuba bathabathe inxaxheba ngokweziko elifanelekileyo ukuba bathabathe isicwangciso, ukubandakanyeka kwisivumelwano, kulawulo lwezimali kunye nemisebenzi yolawulo phakathi kuloo ngingqi yamaxabiso awongeziweyo.

7.2.2 Le imbono ayichaphazeli abahlawuli bamaxabiso abathabatha inxaxheba kumaxabiso awongeziweyo, apho ngokomthetho oko kungenziwa kuphela liBhunga, endaweni yoko, abahlawuli bamaxabiso baya kwenza isindululo kuhlahlo-lwabiwo-mali ngokwexabiso elongeziweyo eliya kuhlawulwa kuMasipala ngomhla wama:31 Janyuwari, kunye nesindululo esivakalayo, kwaye iBhunga liya kusiqwalasela isindululo eso xa lisenza uhlahlo-lwabiwo-mali lwalo.

7.2.3 Imbono yolawulo ngokweeNkampani ezikwiCandelo 21 inikezela inqanaba eliphezulu kulawulo kunye nenqanaba labahlawuli bamaxabiso, kwaye, ingakumbi kwabo bahlawuli bathe baphucula ingingqi enamaxabiso awodwa.

7.2.4 Kuba le mbono ibeka imali esisibonelelo sikaRhulumente ezandleni zabantu babucala, iimfuno ezikhankanywe apha kulo mgaqo-nkqubo kufuneka zifezekiswe.

7.2.5 Imisebenzi yeli ziko iya kubandakanya le ilandelayo:

- (a) ukumisela imali eya kuba yimfuneko; rhoqo ngonyaka kwaye yenze isindululo kwiGosa eliyiNtloko yeziMali ukuba isicelo semali samkelwe njenganxalenye yohlahlo-lwabiwo-mali lweBhunga;
- (b) ukuqashwa koonokontra ukuze baphuhlise okanye bahlaziye; kwaye
- (c) ukwamkela ixabiso elongeziweyo eliqokelelwe nguMasipala kwanokwahlula le mali phakathi koonokontra.

7.2.6 Izinto eziyimfuneko xa ulawulo luphantsi kweNkampani eliCandelo 21:

- (a) Phambi kokuba uMasipala avumele abahlawuli bamaxabiso kwingingqi yamaxabiso awodwa ukuba baluthabathele kubo ulawulo kunye neminye imisebenzi, kufuneka aneliseke uku amaziko afanelekileyo amiselwe le njongo. uMasipala uya kulindela ukuba abahlawuli bamaxabiso bamisele iNkampani ekicandelo 21 ngokoMthetho weeNkampani 61 ka 1973 (uMthetho weeNkampani);
- (b) Amaxwebhu acacisa ukumiselwa kwelo ziko kufuneka abe aqulunqiwe ngabahlawuli bamaxabiso, kwaye kufuneka abe amkelwe ngokubhaliweyo liGosa eliyiNtloko yeziMali okanye lowo ugunyazisiweyo nguye;
- (c) INkampani eliCandelo 21 kufuneka ilawulwe phantsi kwezimiselo zoMthetho weeNkampani 61 ka 1973 kwaye ihambisane neminye imithetho echaphazelekayo ngenxa yokuqhagamshelana kwayo ngezimali kunye neBhunga; kwaye
- (d) Kwaye iNkampani eliCandelo 21 kufuneka yenze isipapasho esibhaliweyo malunga nenjongo yokubamba intlanganisano gabalala yonyaka, kwaye esosaziso senziwe kumaphepha-ndana angaphakathi ekuhlaleni.
- (e) Isiqulunqo sesiBHambathi sendibanisela malunga namaNqaku emanyano, equlunqwe ngenjongo yenkampani ekwiCandelo 21, emiselwe njengengingqi yamaxabiso awodwa, incanyathiselwe apha kulo Mgaqo-nkqubo njengesiHlomelo 2 arumelekile.

## 8. ISICELO SOKUMISELA INGINGQI YAMAXABISO AWODWA

Inkqubo yokumisela ingingqi yamaxabiso awodwa njengokuba imiselwe kwiSahluko 1 somthetho kaMasipala kufuneka ilandelwe, nokuba ingingqi yamaxabiso awodwa iza kulawulwa nguMasipala okanye yiNkampani yeCandelo 21.

## 9. UKUXHASA INGINGQI YAMAXABISO AWODWA

### 9.1 Ingxelo yenkxaso kufuneka iqulathe —

uluhlu lweendawo ezibandakanyeka ekuhlawuleni amaxabiso phakathi kwingingqi leyo icetywayo, iingcombolo zoqhagamshelwano zabo bonke abanini kunyexabiso lendawo nganye njengokuba kucacisiwe kuvavanyo gabalala lukaMasipala. Ukwahlulwa-hlulwakweendawo ngokwamanqanaba, njengokuba kubonelelwe kwicandelo 8 loMthetho wamaXabiso, kufuneka kuqwalaselwe;

9.1.2 umzobo ocacisa imida yendawo leyo kufuneka ibe yeyamaxabiso awodwa

9.1.3 nokuba indawo leyo iza kulawulwa nguMasipala okanye inkampani yecandelo 21;

9.1.4 isishewankathelo sokuphucula indawo leyo icetyelwa ukwenziwa eyamaxabiso awodwa ngokucacisiweyo kwisiCwangciso sokusebnza;

9.1.5 ingcaciso yokuba uphuhliso nokuphuculwa kwendawo leyo luza kwenziwa njani na;

9.1.6 ingcaciso yokuba ukuphuculwa nokuphuhlisa kwendawo leyo akuyi kubangela ukungalingani ngakumbu kuluntu lwasekuhlaleni;

9.1.7 ingcaciso echaza ukuba isicwangciso eso asiyi kunxaxha, okanye singahambisani nesiCwangciso soPhuhliso;



- 9.1.8 ingcaciso echaza amalungiselelo eziko elicetywayo malunga nengingqi yamaxabiso awodwa(ebandakanya nechaza ukuba abenzi-secelo bengingqi yamaxabiso awodwa bayabandakanyeka ekucwangciseni nasekulawuleni kunye nasemisebenzini yesicelo esichazwe kumhlathi 8.2 walo mgaqo-nkqubo);
- 9.1.9 ubungqiba bokuvunywa kwesicelo luninzi lwamalungu oluntu lwasekuhlaleni malunga nale ngingqi yamaxabiso awodwa icetywayo);
- 9.1.10 ubungqina beentlanganiso zoluntu ezimiselwe nguMthetho wangaphakathi;
- 9.1.11 imizuzu yeentlanganiso zoluntu;kunye
- 9.1.12 nomhla wesiqukunqo.
- 9.2 IsiCwangciso sokusebenza sokuphuhlisa nokuhlaziya kufuneka ubuncinane sibandakanye oku kulandelayo:**
- 9.2.1 iinkonzo eziya kubandakanyeka ekuphuhliseni ingingqi yamaxabiso awodwa;
- 9.2.2 uphuhliso nohlaziyo olucetywayo luyakwenziwa njani;
- 9.2.3 ziya kugqitywa nini ezi ziphuhliso neempucuko zali ngingqi
- 9.2.4 inkqubo yokusebenza,ecacisa ngokupheleleyo izinto ezingundoqo,imihla noxanduva isiHlomelo 4 sibonelela ngomzekelo wale nkqubo.
- 9.3 uhlahlo-lwabiwo-mali lwezi nkqubo zophuhliso nokuhlaziya luqwalasela oku kulandelayo:**
- 9.3.1 imali ebekwe bucala yomsebenzi ngamnye eqala ngomhla we: 01 Julayi kunyaka wokuqala nomhla wama:30 June wonyaka wokugqibela;kunye
- 9.3.2 nokwabiwa kwemali yezibonelelo zolu phuhliso phakathi kwala manqanaba ohlukileyo.
- 9.3.3 Umhlathi 12 walo mgaqo-nkqubo uchaza ulawulo lwezimali oluyimfuneko.
- 10. UKWANDISWA/NOKUHLAZIWA KWEXESHA**
- Xa ingingqi yamaxabiso awodwa ifuna uhlaziya ixesha eya kusebenza ngalo okanye yandise imida yayo,iinkqubo ezichazwe kwiSahluko 3 soMthetho wangaphakathi kufuneka silandelwe.
- 11. UKUBHANGISWA**
- Ingingqi yamaxabiso awodwa isenokubhangiswa ngesigqibo seBhunga phantsi kezibonelelo zecandelo 15 loMthetho wangaphakathi.
- 12. ULAWULO LWEZIMALI**
- 12.1 Njengokuba kumiselwe nguMthetho,nasiphina isixa esithe sangumrhumo kwingingqi yamaxabiso awodwa iya kumiselwa liBhunga.Isixa esongeziweyo esimiselwe liBhunga,lityala elityalwa uMasipala kwaye liya kuhlawulwa okanye liqokelelwe ngendlela efanayo yalawo matyala amiselwa liBhunga.
- 12.2 Phambi kokuba iBhunga ligqithisele nasiphina isixa-mali esityalwa iQumrhu elilawulayo labahalwuli bamaxabiso,iqumrhu lolawulo kunye noMasipala kufuneka babe bangene kwisivumelwano kwaye kutyikitywe isivumelwano semali esibhaliweyo,phakathi kwezinye izinto::
- 12.2.1 iimeko kunye nendlela yokuhlawula;
- 12.2.2 isixa-mali esongeziweyo siya kugcinwa njani liqumrhu lolawulo;
- 12.2.3 nezinye izinto ezimalunga nenkcitho;
- 12.2.4 naziphina ezinye izibophelelo zequmrhu lolawulo ekufuneka zithabathe I-inshorensi efanelekileyo yokugcinwa kwengingqi yamaxabiso awodwa.
- 13. UKUCHAPHAZELEKA KWEMINYE IMIGAQO-NKQUBO YEBHUNGA**
- Eminye imigaqo-nkqubo eyamkelwe liBhunga isebenza ngokufanayo nemiqathango,ekuqokeleleni amaxabiso awongeziweyo ngokwalo mgaqo-nkqubo,uMthetho wangaphakathi kunye necandelo 22 loMthetho wamaxabiso eendwo,kubandakanya,kodwa kungamiselwanga mda,kuQokelelo lwamatyala kaMasipala kunye nomgaqo-nkqubo wokuqokelela amatyala kunye nomgaqo-nkqubo wamaxabiso.

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1 Artikel 22(1)(b)

2 Artikel 22(4)

3 Artikel 22(4)

4 Artikel 22(2)(b)

5 Artikel 22(2)(a)

6 Artikel 22(3)(c)(i)

**MOSSEL BAY MUNICIPALITY**  
**SPECIAL RATING AREA BY-LAW**

**To provide for the establishment of special rating areas; to provide for additional rates; and to provide for matters incidental thereto.**

Under the provisions of Section 156(2) of the Constitution of the Republic of South Africa, 1996; the Mossel Bay Municipality enacts as follows:—

**CHAPTER 1**

**ESTABLISHMENT OF SPECIAL RATING AREAS**

**1. DEFINITIONS**

In this By-law words or expressions shall bear the meaning assigned to them and, unless the context otherwise indicates —

“**additional rate**” means an additional rate contemplated in sections 19(1)(d) and 22(1)(b) of the Property Rates Act;

“**applicant**” means any owner who makes an application for the determination of a special rating area in accordance with the provisions of Chapter 1, or if a management body is established in terms of section 10 any reference to “**the Applicant**” means the management body;

“**CFO**” means the Chief Financial Officer of the City, or his/her nominee;

“**City**” means the Mossel Bay Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998( Act No. 117 of 1998);

“**Council**” means the Council of the Mossel Bay Municipality;

“**implementation plan**” means an Implementation Plan as contemplated in section 6;

“**majority**” means the majority of property owners as contemplated in section 22 of the Property Rates Act;

“**management body**” means the management body of a special rating area to be established in accordance with the provisions of section 10;

“**motivation report**” means a motivation report as contemplated in section 6;

“**owner**” has the meaning assigned to it in section 1 of the Property Rates Act;

“**Policy**” means the Policy for the determination of special rating areas, or any other policy adopted by the Council in relation to special rating areas, as in force from time to time;

“**Property Rates Act**” means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);

“**rateable property**” has the meaning assigned to it in section 1 of the Property Rates Act;

“**special rating area**” means a special rating area approved by the Council in accordance with the provisions of section 22 of the Property Rates Act and section 8 of this By-Law.

**2. INTERPRETATION**

In the event of any conflict with the Afrikaans or isiXhosa texts the English text prevails.

**3. DETERMINATION OF SPECIAL RATING AREAS**

The City may by resolution of the Council determine special rating areas.

**4. APPLICATION**

(1) Any owner located within the area of jurisdiction of the City and who owns property within the proposed special rating area, may lodge an application to the Council for the determination of a special rating area.

(2) All costs incurred by the applicant in respect of the establishment of a special rating area shall be for his/her own account, provided that after implementation of the implementation plan the management body may reimburse the applicant for some or all of those costs.

(3) Any application contemplated in subsection (1) must —

(a) be in writing and be in the form as the CFO may determine;

(b) be submitted not more than nine months after the date on which the public meeting referred to in section 5 is held, or if a second public meeting is held as provided for in section 6(2), nine months after the date of the second public meeting;

(c) be accompanied by —

(i) a motivation report and an implementation plan;

(ii) the written consent of the majority of the members of the local community in the proposed special rating area who will be liable for paying the additional rate, in a form determined by the CFO;

(iii) payment of such fee as the Council may determine,

**5. PUBLIC MEETINGS**

(1) An application for the determination of a special rating area must be preceded by the holding of a public meeting.

(2) The purpose of the public meeting is to enable the applicant to consult with those owners within the proposed special rating area with regard to the proposed boundaries of the area and the proposed improvement or upgrading of the area.

(3) Prior to the holding of the public meeting, the applicant must —

(a) give notice in a manner approved by the CFO in terms of this By-law to all owners of rateable property, who will be liable for payment of the additional rate, of the applicant's intention to apply for the determination of a special rating area;

- (b) in the notice referred to in subsection (3)(a), give notice of a public meeting, which notice must —
  - (i) state the purpose of such meeting; and
  - (ii) contain details of the place, date and time when such meeting is to be held.
- (4) The public meeting must be held not less than seven days and not more than 30 days after the date of the notice.
- (5) The public meeting must be held at such place, date and time as stated in the notice, provided that it must be held at a place which is within the boundaries of the proposed special rating area unless the CFO approves another venue in writing before the public meeting is held.
- (6) The public meeting must be chaired by a suitably qualified and experienced person appointed by the CFO.
- (7) Interested persons must, at the public meeting, be —
  - (a) furnished with all relevant information relating to the proposed special rating area, including the information to be set out in the motivation report and implementation plan; and
  - (b) given an opportunity to ask questions, express their views and make representations.

## **6. MOTIVATION REPORT AND IMPLEMENTATION PLAN**

- (1) Any application for the establishment of a special rating area must include a motivation report and an implementation plan covering a period commencing on 1 July of a year and ending on 30 June of the fifth year, or covering such lesser period as may be determined by the CFO.
- (2) If the motivation report or the implementation plan are materially amended, as determined by the CFO, after the public meeting referred to in section 5, the applicant must call a second public meeting for approval of the special rating area as amended.
- (3) The provisions of section 5 apply with the necessary changes to the second public meeting.

## **7. ADVERTISING OF APPLICATION AND OBJECTIONS**

- (1) The applicant must within 14 days after the application is lodged in accordance with Section 4, or within such further period which the CFO may approve —
  - (a) cause a notice of the application to be published in a manner approved by the CFO; and
  - (b) either before or up to seven days after the date of publication of the notice, give written notice of the application to all owners within the proposed special rating area, who will be liable for payment of the additional rate, such notice to be given by pre-paid registered post, hand delivery or in any other manner approved of in writing by the CFO.
- (2) Every notice contemplated in terms of subsection (1) must state that written objections to the determination of a special rating area or the provisions of the motivation report and implementation plan may be lodged with the Council by a date specified in the notice, which shall not be less than 30 days after the date of publication in terms of subsection (1)(a), and must state where the documentation specified in subsection (5) will be available for inspection.
- (3) Any owner of rateable property who will be liable for paying the additional rate may submit written objections to the determination of the special rating area, which objections must be received by the Council not later than the date stipulated in the notice referred to in subsection (1).
- (4) An applicant and any objector to the application who owns property within the proposed special rating area may make oral representations to Council.
- (5) The application, including the motivation report and the implementation plan, and all objections must be available for inspection at the offices of the City and at a venue determined by the CFO within the proposed special rating area, for the period referred to in subsection (2).

## **8. DECISION**

- (1) After the provisions of sections 4 to 7 have been compiled with, the Council must, at a meeting of the Council held 90 days after the last date for the submission of objections in accordance with section 7(2), consider the application and —
  - (a) determine a special rating area which must be implemented in accordance with the motivation report and implementation plan;
  - (b) determine a special rating area with such amendments or conditions as the Council considers to be in the public interest;
  - (c) refuse the application, in which event the Council must, within 30 days, furnish the applicant with written reasons for not approving the determination of a special rating area; or
  - (d) refer the application back to the applicant for amendment in such manner as the Council may direct.
- (2) If an application is refused by the Council in accordance with the provisions of subsection (1)(c) or referred back to the applicant in accordance with the provisions of subsection (1)(d), the applicant may, within six months of the Council's decision, re-apply to the Council for the determination of the special rating area, provided that such re-application has been appropriately amended in the light of the reasons for refusal or referral, as the case may be.
- (3) If the motivation report or implementation plan is amended in any material respect at any time before the determination, the Council may require that the application be re-advertised in accordance with the provisions of section 7, with the necessary changes.

## CHAPTER 2

### SPECIAL RATING AREAS—STRUCTURES AND FINANCES

#### 9. COMMENCEMENT OF THE IMPLEMENTATION PLAN

Once the Council has approved the establishment of the special rating area, the implementation plan may only be implemented after the management body has been established in accordance with section 10.

#### 10. ESTABLISHMENT, COMPOSITION, POWERS AND DUTIES OF MANAGEMENT BODY

- (1) The applicant must cause to be established a management body for the purposes of implementing the provisions of the implementation plan.
- (2) The management body must be a company incorporated in accordance with the provisions of Section 21 of the Companies Act, 1973 (Act No. 61 of 1973).
- (3) The City shall monitor compliance by the management body with the applicable provisions of this By-Law, any guidelines or policies adopted by the City and any agreements entered into with the management body and the City.
- (4) A Council must nominate the relevant ward Councillor and one other person, as representatives to attend and participate, but not vote, at the meetings of the management body.
- (5) Within two months after receipt of the first payment of the additional rate, the management body must begin carrying out the provisions of the implementation plan.
- (6) Within two months of the end of each financial year, the management body must provide the CFO with —
  - (a) its audited financial statements for the immediately preceding year; and
  - (b) an annual report on its progress in carrying out the provisions of the implementation plan in the preceding year to improve and upgrade the special rating area.
- (7) With two months after the Annual General Meeting, the management body must provide Council with —
  - (a) its audited financial statements for the immediately preceding year; and
  - (b) an annual report on its progress in carrying out the provisions of the implementation plan in the preceding year to improve and upgrade the special rating area.

#### 11. FINANCES

- (1) The financial year of the management body must coincide with the financial year of the Council.
- (2) Where a special rating area has been determined, the Council must levy in accordance with the provisions of the Property Rates Act, a property rate in addition to the rates that it already charges on the owners of rateable property in the special rating area for the purposes of realising the implementation plan, provided that the Council may in terms of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), Rates Policy, Credit Control and Debt Collection By-law and the Credit Control and Debt Collection Policy, exempt the indigent, senior citizens, disabled persons or any other category of residents.
- (3) When determining the additional rate referred to in subsection (2), the Council may give consideration to imposing differential additional rates on one or more of the categories set out in section 8 of the Property Rates Act.
- (4) The additional rate due in terms of this By-law is a debt due to the Council and is payable and must be collected in the same manner as other property rates imposed by the Council.
- (5) The Council may, for the purpose of carrying out the provisions of the implementation plan of special rating area and subject to section 67 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), make payment to the management body of a special rating area.
- (6) The payment contemplated in subsection (5) is conditional upon the conclusion of a finance agreement to be entered into between the Council and the relevant management body, and such agreement must regulate, among other things —
  - (a) the mechanisms and manner of payment; and
  - (b) terms on which payment to the relevant management body is to be made.
- (7) Subject to the provisions of its memorandum and articles of association, the management body is entitled to raise its own funds through commercial activities, donations or any other lawful means.
- (8) The Council may, for the purposes of this By-law, determine and impose on the management body an administrative charge.

#### 12. THE ROLE OF THE CFO

In addition to the other responsibilities and obligations of the CFO as set out elsewhere in this By-Law, the CFO must —

- (a) establish separate accounting and other record-keeping systems regarding the revenue generated by the additional rate and the improvement and upgrading of the special rating area;
- (b) monitor compliance with the applicable legislation, including this By-Law and the Policy, by —
  - (i) receiving and considering the audited financial statements and reports regarding the carrying out of duties laid out in the implementation plan;
  - (ii) if he/she elects to do so, nominating representatives to attend and participate but not vote at meetings of the management body.

**CHAPTER 3****AMENDMENT AND EXTENSION OF IMPLEMENTATION PLANS****13. AMENDMENT TO IMPLEMENTATION PLANS**

- (1) An implementation plan, including the geographical boundaries of the special rating area, may be amended by the Council on written application by the management body at any time after the formation of the special rating area.
- (2) The Council may approve an application for an amendment referred to in subsection (1) where the Council considers it not likely to materially affect the rights or interests of any owner, provided that the Council may require the management body to cause a notice of the application for such amendment to be published as approved by the CFO.
- (3) The Council may only approve an amendment in terms of subsection (1), with the changes required by the context, in accordance with the provisions of Chapter 1, which the Council considers is likely to —
  - (a) materially affect the rights or interests of any person;
  - (b) affect the approved budget for the special rating area; or
  - (c) change the boundaries of the special rating area.
- (4) The Council may, for good reason, on written application by the management body, exempt the management body from complying with the provisions, or condone any non-compliance with any provisions, of Chapter 1.

**14. EXTENSION OF IMPLEMENTATION PLANS**

A management body must, if it elects to extend the term of the implementation plan for a further period, on or before 1 January in the year in which the implementation plan is due to terminate, submit an application to the City for approval of extension of the term of the implementation plan, provided that—

- (a) the extension of the implementation plan may only be approved by the Council in accordance with the provisions of Chapter 1, with the changes required by the context, and the Council may, for good reason, on written application by the management body, exempt the management body from complying, or condone any non-compliance, with any such provisions;
- (b) the provisions of section 14 shall apply to any amendment of an implementation plan which has been extended in terms of this section.

**CHAPTER 4****DISSOLUTION OF A SPECIAL RATING AREA****15. DISSOLUTION**

- (1) The Council may dissolve a special rating area —
  - (a) upon written application signed by the majority of owners within the boundaries of the special rating area who are liable for paying the additional rate; or
  - (b) after prior consultation by the CFO with the management body or the community, for any good cause, whereupon he/she may cause the management body to be wound up.
- (2) Upon the winding up of a management body, the assets remaining after the satisfaction of all its liabilities shall be utilised by the Council to provide additional municipal services in accordance with the provisions of the implementation plan for such area.

**CHAPTER 5****16. SHORT TITLE AND COMMENCEMENT**

This By-Law shall be known as the Special Rating Area By-Law and shall come into operation on the date of publication thereof in the Provincial Gazette.

10 September 2010

22325

**MOSELBAAI MUNISIPALITEIT****VERORDENING OP SPESIALE AANSLAGGEBIEDE****Om voorskrifte neer te lê vir die instelling van spesiale aanslaggebiede, bykomende belasting, en sake bykomend daartoe.**

Kragtens die bepalings van Artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika, 1996 verander die Mosselbaai Munisipaliteit soos volg:—

**HOOFSTUK 1****INSTELLING VAN SPESIALE AANSLAGGEBIEDE****1. WOORDOMSKRYWING**

In hierdie verordening, sal woorde en uitdrukkings die betekenis weergee aan dit toegewys tensy dit uit die samehang anders blyk,

“**aansoeker**” beteken enige eienaar wat aansoek doen vir die bepaling van ’n spesiale aanslaggebied ooreenkomstig die bepalings van Hoofstuk 1, of indien ’n bestuursliggaam ingevolge artikel 10 ingestel is, beteken enige verwysing na “**die Applikant**” die bestuursliggaam;

“**bestuursliggaam**” beteken die bestuursliggaam van ’n spesiale-aanslaggebied wat ooreenkomstig die bepalings van artikel 10 ingestel moet word<sup>1111</sup>;

“**belasbare eiendom**” dieselfde betekenis sal hê soos bepaal in artikel 1 van die Wet op Eiendomsbelasting;

“**beleid**” beteken die beleid vir die bepaling van spesiale aanslaggebiede, of enige ander beleid wat die Raad met betrekking tot spesiale



aanslaggebiede aanvaar, soos van tyd tot tyd van krag;

“**bykomende belasting**” beteken ’n bykomende belasting soos beoog in artikel 19(1)(d) en 22(1)(b) van die Wet op Eiendomsbelasting;

“**eienaar**” dieselfde betekenis sal hê soos bepaal in artikel 1 van die Wet op Eiendomsbelasting;

“**HFB**” beteken die Hoof Finansiële Beampte van die Munisipaliteit of sy/haar genomineerde;

“**implementeringsplan**” beteken ’n Implementeringsplan soos beoog in artikel 6;

“**meerderheid**” beteken die meerderheid van eiendomseienaars soos beoog in artikel 22 van die Wet op Eiendomsbelasting;

“**motiveringsverslag**” beteken ’n motiveringsverslag soos beoog in artikel 666;

“**Raad**” beteken die Raad van die Mosselbaai Munisipaliteit;

“**spesiale aanslaggebied**” beteken ’n spesiale aanslaggebied soos ooreenkomstig die bepaling van artikel 22 van die Wet op Eiendomsbelasting, en artikel 8 van hierdie verordening deur die Raad goedgekeur;

“**Stad**” beteken die Munisipaliteit van Mosselbaai gestig in terme van artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (nr. 117 van 1998).

“**Wet op Eiendomsbelasting**” beteken die Wet op Plaaslike Regering: Munisipale Eiendomsbelasting, 2004 (Wet 6 van 2004).

## 2. VERTOLKING

In geval van enige teenstrydigheid met die Afrikaanse of Xhosa-teks, sal die Engelse teks geld.

## 3. BEPALING VAN SPESIALE AANSLAGGEBIEDE

Die Stad kan deur ’n resoluție van die Raad spesiale aanslaggebiede bepaal.

## 4. AANSOEKE

- (1) Enige eienaar in die regsgebied van die Munisipaliteit van Mosselbaai wat eiendom in die voorgestelde spesiale aanslaggebied besit, kan by die Raad aansoek doen om die vasstelling van ’n spesiale aanslaggebied.
- (2) Alle koste wat die aansoeker met betrekking tot die bepaling van ’n spesiale aanslaggebied aangaan, sal deur hom/haar self gedek word, met dien verstande dat die bestuursliggaam ná die inwerkingtreding van die implementeringsplan ’n deel van of al die koste aan die aansoeker kan terugbetaal.
- (3) Enige aansoek wat in subartikel (1) hier bo beoog word, moet:
  - (a) skriftelik wees en in ’n formaat wat die HFB kan bepaal;
  - (b) binne nege maande ná die datum van die openbare vergadering waarna artikel 5 verwys, ingedien word, of indien ’n tweede openbare vergadering ingevolge artikel 6(2) plaasvind, binne nege maande ná die datum van sodanige tweede vergadering;
  - (c) vergesel word van:
    - (i) ’n motiveringsverslag en ’n implementeringsplan;
    - (ii) die skriftelike toestemming van die meerderheid van die lede van die plaaslike gemeenskap in die voorgestelde spesiale aanslaggebied wat die bykomende belasting sal moet betaal, en wel in ’n formaat wat die HFB bepaal; en
    - (iii) sodanige bedrag aansoekgeld as wat die Raad kan bepaal.

## 5. OPENBARE VERGADERINGS

- (1) ’n Aansoek om die bepaling van ’n spesiale aanslaggebied moet deur ’n openbare vergadering voorafgegaan word.
- (2) Die doel van die openbare vergadering is om die aansoeker in staat te stel om die eienaars in die voorgestelde spesiale aanslaggebied met betrekking tot die voorgestelde grense van die gebied, en die voorgestelde verbetering of opknapping van die gebied te raadpleeg.
- (3) Voor die openbare vergadering gehou word, moet die aansoeker
  - (a) aan alle eienaars van belasbare eiendom wat die bykomende belasting sal moet betaal, kennis gee van die aansoeker se voorneme om vir die vasstelling van ’n spesiale aanslaggebied aansoek te doen, welke kennisgewing op sodanige wyse sal geskied as wat die HFB ingevolge hierdie verordening kan bepaal; en
  - (b) In die kennisgewing waarna subartikel 3(a) verwys, kennis gee van ’n openbare vergadering welke kennisgewing
    - (i) die doel van sodanige vergadering moet verduidelik; en
    - (ii) besonderhede van die plek, datum en tyd van die vergadering moet verstrek.
- (4) Die openbare vergadering moet nie minder nie as sewe dae en nie meer nie as 30 dae ná die datum van die kennisgewing plaasvind(3)(a)(3)(a).
- (5) Die openbare vergadering moet op sodanige plek, datum en tyd geskied as wat die kennisgewing bepaal, met dien verstande dat dit binne die grense van die voorgestelde spesiale aanslaggebied gehou moet word tensy die HFB skriftelike toestemming vir ’n ander vergaderplek verleen voordat die openbare vergadering plaasvind.
- (6) ’n Toepaslik gekwalifiseerde en ervare persoon wat deur die HFB aangestel word, sal as voorsitter van die openbare vergadering optree.
- (7) By die openbare vergadering moet belangstellende persone:
  - (a) van alle tersaaklike inligting met betrekking tot die voorgestelde spesiale aanslaggebied voorsien word, insluitende die inligting wat in die motiveringsverslag en die implementeringsplan vervat sal word; en
  - (b) geleentheid ontvang om vrae te vra, hulle menings te lug, en verhoë te rig.

**6. MOTIVERINGSVERSLAG EN IMPLEMENTERINGSPLAN**

- (1) Enige aansoek om die instelling van 'n spesiale aanslaggebied moet 'n motiveringsverslag en implementeringsplan insluit vir 'n tydperk wat op 1 Julie van 'n bepaalde jaar in aanvang neem, en op 30 Junie van die vyfde jaar daarna ten einde loop, of sodanige korter tydperk as wat die HFB kan bepaal.
- (2) Indien die HFB bepaal dat die motiveringsverslag of die implementeringsplan ná afloop van die openbare vergadering waarna artikel 5 verwys beduidend gewysig moet word, moet die aansoeker 'n tweede openbare vergadering belê vir die goedkeuring van die gewysigde spesiale aanslaggebied.
- (3) Die bepalinge van artikel 5, mét die nodige veranderinge, geld eweneens vir die tweede openbare vergadering.

**7. ADVERTERING VAN AANSOEK EN BESWARE**

- (1) Die aansoeker moet binne 14 dae nadat die aansoek ingevolge artikel 4 ingedien is, of binne sodanige langer tydperk as wat die HFB mag goedkeur —
  - (a) toesien dat 'n kennisgewing van die aansoek tot die bevrediging van die HFB gepubliseer word; en
  - (b) hetsy binne of tot en met sewe dae ná die datum van voormelde publikasie skriftelike kennis van die aansoek gee aan alle eienaars in die voorgestelde spesiale aanslaggebied wat die bykomende belasting sal moet betaal, welke kennisgewing per voorafbetaalde geregistreerde pos versend, met die hand afgelewer of op enige ander manier gestuur moet word waarvoor die HFB skriftelike goedkeuring verleen.
- (2) Elke kennisgewing wat in subartikel (1) hier bo beoog word, moet vermeld dat skriftelike besware teen die bepaling van 'n spesiale aanslaggebied of die bepalinge van die motiveringsverslag en implementeringsplan teen 'n datum soos in die kennisgewing bepaal, wat nie minder as 30 dae ná die publikasiedatum ingevolge subartikel 1(a) hier bo moet wees nie, by die Raad ingedien kan word, en moet voorts vermeld waar die dokumentasie ingevolge subartikel (5) hier onder ter insae sal lê.
- (3) Enige eenaar van belasbare eiendom wat die bykomende belasting sal moet betaal, kan skriftelike besware teen die bepaling van die spesiale aanslaggebied indien, welke besware die Raad teen nie later as die datum in die kennisgewing waarna subartikel (1) hier bo verwys, moet bereik(2)(2) nie
- (4) 'n Aansoeker en enige beswaarmaker teen die aansoek wat eiendom in die voorgestelde spesiale aanslaggebied besit, kan mondelinge verhoë tot die Raad rig.
- (5) Die aansoek, wat die motiveringsverslag en die implementeringsplan insluit, sowel as alle besware, moet vir die tydperk waarna subartikel (2) hier bo verwys ter insae lê by die kantore van die Stad, en 'n plek in die voorgestelde spesiale aanslaggebied soos deur die HFB bepaal(2)(2).

**8. BESLISSING**

- (1) Nadat daar aan die bepalinge van artikel 4 tot 7 voldoen is, moet die Raad by 'n Raadsvergadering 90 dae ná die sluitingsdatum vir die indiening van besware ooreenkomstig artikel 7(2) die aansoek oorweeg, en:
  - (a) 'n spesiale aanslaggebied bepaal wat ooreenkomstig die motiveringsverslag en implementeringsplan in werking gestel moet word;
  - (b) 'n spesiale aanslaggebied bepaal met sodanige wysigings of voorwaardes as wat na die Raad se mening in die openbare belang is;
  - (c) die aansoek van die hand wys, in welke geval die Raad die aansoeker binne 30 dae van skriftelike redes vir sodanige weiering moet voorsien; of
  - (d) die aansoek na die aansoeker terugverwys vir sodanige wysigings as wat die Raad kan voorskryf.
- (2) Indien die Raad 'n aansoek ooreenkomstig die bepalinge van subartikel 1(c) hierbo weier, of dit ooreenkomstig die bepalinge van subartikel 1(d) hier bo na die aansoeker terugverwys, kan die aansoeker binne ses maande ná die Raad se besluit weer by die Raad om die bepaling van die spesiale aanslaggebied aansoek doen, mits sodanige heraanzoek voldoende gewysig is aan die hand van die redes vir die weiering of die voorskrifte van die terugverwysing, na gelang van omstandighede.
- (3) Indien die motiveringsverslag of implementeringsplan in enige stadium voor die beslissing beduidend gewysig word, kan die Raad daarop aandring dat die aansoek mét die nodige veranderinge weer ooreenkomstig die bepalinge van artikel 7 geadverteer moet word.

**HOOFSTUK 2****SPEZIALE AANSLAGGEBIEDE — STRUKTURE EN FINANSIES****9. INWERKINGTREDING VAN DIE IMPLEMENTERINGSPLAN**

Nadat die Raad die vasstelling van die spesiale aanslaggebied goedgekeur het, kan die implementeringsplan slegs in werking tree nadat die bestuursliggaam ooreenkomstig artikel 10 ingestel is<sup>1111</sup>.

**10. INSTELLING, SAMESTELLING, MAGTE EN BEVOEGDHEDE VAN DIE BESTUURSLIGGAAM**

- (1) Die aansoeker moet toesien dat 'n bestuursliggaam ingestel word om die voorskrifte van die implementeringsplan ten uitvoer te bring.
- (2) Die bestuursliggaam moet 'n maatskappy wees wat ooreenkomstig die bepalinge van artikel 21 van die Maatskappyywet, 1973 (Wet 61 van 1973) opgerig is.
- (3) Die Stad sal die bestuursliggaam se voldoening aan die toepaslike bepalinge van hierdie verordening, enige riglyne of beleid van die Stad, en enige ooreenkomste tussen die bestuursliggaam en die Stad monitor.
- (4) Die Raad moet die tersaaklike wyksraadslid en een ander persoon as verteenwoordigers benoem om die vergaderings van die bestuursliggaam by te woon en daaraan deel te neem, hoewel sonder stemreg.
- (5) Binne twee maande nadat die bykomende belasting die eerste keer ontvang is, moet die bestuursliggaam die bepalinge van die implementeringsplan begin toepas.
- (6) Binne twee maande ná afloop van 'n boekjaar moet die bestuursliggaam die HFB van die onderstaande voorsien:
  - (a) Die bestuursliggaam se geouditeerde finansiële state vir die onmiddellik voorafgaande jaar; en

- (b) 'n Jaarverslag oor die bestuursliggaam se vordering met die toepassing van die bepalings van die implementeringsplan in die voorafgaande jaar ten einde die spesiale aanslaggebied te verbeter en op te knap.
- (7) Binne twee maande ná die algemene jaarvergadering moet die bestuursliggaam die tersaaklike Raad van onderstaande voorsien:
- (a) Die bestuursliggaam se geouditeerde finansiële state vir die onmiddellik voorafgaande jaar; en
- (b) 'n Jaarverslag oor die bestuursliggaam se vordering met die toepassing van die bepalings van die implementeringsplan in die voorafgaande jaar ten einde die spesiale aanslaggebied te verbeter en op te knap

## 11. FINANSIES

- (1) Die boekjaar van die bestuursliggaam moet saamval met die boekjaar van die Raad.
- (2) Waar 'n spesiale aanslaggebied bepaal is, moet die Raad ooreenkomstig die bepalings van die Wet op Eiendomsbelasting 'n eiendomsbelasting bykomend tot die bestaande belasting aan eienaars van belasbare eiendom in die spesiale aanslaggebied oplê ten einde die implementeringsplan uit te voer, met dien verstande dat die Raad ingevolge die Wet op Plaaslike Regering: Munisipale Eiendomsbelasting, 2004 (Wet 6 van 2004), die Beleid oor Eiendomsbelasting, die Verordening op Kredietbeheer en Skuldinvordering, en die Beleid insake Kredietbeheer en Skuldinvorderingsbeleid, deernisgevalle, senior burgers, persone met gestremdhede, of enige ander kategorie inwoners van sodanige bykomende belasting kan vrystel.
- (3) Met die bepaling van die bykomende belasting waarna subartikel (2) hier bo verwys, kan die Raad dit oorweeg om verskillende bykomende belastings aan een of meer van die kategorieë soos in artikel 8 van die Wet op Eiendomsbelasting uiteengesit, op te lê.
- (4) Die bykomende belasting betaalbaar ingevolge hierdie verordening is verskuldig aan die Raad, en moet op dieselfde manier ingevorder word as ander eiendomsbelasting wat die Raad hef.
- (5) Ten einde die bepalings van die implementeringsplan vir die spesiale aanslaggebied uit te voer, en onderworpe aan artikel 67 van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (Wet 56 van 2003), kan die Raad betalings doen aan die bestuursliggaam van 'n spesiale aanslaggebied.
- (6) Die betalings beoog in subartikel (5) hierbo is op voorwaarde dat 'n finansiële ooreenkoms tussen die Raad en die tersaaklike bestuursliggaam gesluit word, welke ooreenkoms onder meer onderstaande moet reguleer:
- (a) Die meganismes en metode van betaling; en
- (b) Die bepalings waarvolgens die betaling aan die tersaaklike bestuursliggaam gedoen word.
- (7) Onderworpe aan die bepalings van sy statute en akte van oprigting kan die bestuursliggaam self deur kommersiële bedrywighede, skenkings en ander wettige maniere geld insamel.
- (8) Vir die doeleindes van hierdie verordening kan die Raad 'n administrasiefooi bepaal en aan die bestuursliggaam oplê.

## 12. DIE ROL VAN DIE HOOF FINANSIËLE BEAMPTE

Benewens die ander verantwoordelikhede en verpligtinge van die HFB, soos elders in hierdie verordening uiteengesit, moet die HFB —

- (a) afsonderlike rekeningkundige en ander rekordhoudingstelsels instel met betrekking tot die inkomste uit die bykomende belasting en die verbetering en opknapping van die spesiale aanslaggebied;
- (b) nakoming van die toepaslike wetgewing, insluitende hierdie verordening en die Beleid, moniteer deur
- (i) die geouditeerde finansiële state en verslae met betrekking tot die verrigting van take soos in die implementeringsplan uiteengesit in ontvangs te neem en te oorweeg; en
- (ii) indien hy/sy so besluit, verteenwoordigers te benoem om die vergaderings van die bestuursliggaam by te woon en daaraan deel te neem, hoewel sonder stemreg.

### HOOFSTUK 3

#### WYSIGING EN VERLENGING VAN IMPLEMENTERINGSPLANNE

## 13. WYSIGING VAN IMPLEMENTERINGSPLANNE

- (1) Die Raad kan op skriftelike aanvraag deur die bestuursliggaam, en in enige stadium ná die bepaling van die spesiale aanslaggebied, 'n implementeringsplan wysig, wat die wysiging van die geografiese grense van die spesiale aanslaggebied kan insluit.
- (2) Die Raad kan 'n aansoek om wysiging waarna subartikel (1) hierbo verwys, goedkeur indien dit na die Raad se oordeel geen beduidende invloed op die regte of belange van enige eienaar behoort te hê nie, met dien verstande dat die Raad die bestuursliggaam kan versoek om toe te sien dat die aansoek om sodanige wysiging tot die bevrediging van die HFB gepubliseer word.
- (3) Waar 'n aansoek om wysiging ingevolge subartikel (1) hierbo waarskynlik na die Raad se mening—
- (a) die regte of belange van enige persoon wesenlik sal raak;
- (b) die goedgekeurde begroting vir die spesiale aanslaggebied sal raak; of
- (c) die grense van die spesiale aanslaggebied sal verander;
- kan die Raad sodanige aansoek slegs ooreenkomstig die bepalings van Hoofstuk 1 goedkeur, met die aanpassings soos in die konteks vereis.
- (4) Die Raad kan op goeie gronde, en op skriftelike aanvraag deur die bestuursliggaam laasgenoemde van die nakoming van voormelde bepalings vrystel, of enige nienakoming van enige bepalings van Hoofstuk 1 kondoneer.

## 14. VERLENGING VAN IMPLEMENTERINGSPLANNE

Indien 'n bestuursliggaam kies om die termyn van die implementeringsplan met 'n verdere tydperk te verleng, moet sodanige bestuursliggaam op of voor 1 Januarie in die jaar waarin die implementeringsplan bestem is om te verstryk 'n aansoek om sodanige verlenging van die termyn van die implementeringsplan by die Munisipaliteit indien, met dien verstande dat

- (a) die Raad die verlenging van die implementeringsplan slegs ooreenkomstig die bepalings van hoofstuk 1 kan goedkeur, met die veranderinge soos deur die konteks vereis, en dat die Raad om 'n gegronde rede, en op skriftelike aansoek deur die bestuursliggaam laasgenoemde van die nakoming van enige sodanige bepalings kan vrystel, of enige nie-nakoming daarvan kan kondoneer; en
- (b) die bepalings van artikel 14 vir enige wysiging van 'n implementeringsplan sal geld wat ingevolge hierdie artikel verleng word.

#### HOOFSTUK 4

##### ONTBINDING VAN 'N SPESIALE AANSLAGGEBIED

#### 15. ONTBINDING

- (1) Die Raad kan 'n spesiale aanslaggebied ontbind —
  - (a) by ontvangs van 'n skriftelike aansoek wat onderteken is deur die meerderheid van die eenaars binne die grense van die spesiale aanslaggebied wat die bykomende belasting betaal; of
  - (b) nadat die HFB die bestuursliggaam of die gemeenskap geraadpleeg het, en om enige gegronde rede, in welke geval hy/sy aan die ontbinding van die bestuursliggaam kan uitvoering gee.
- (2) Met die ontbinding van 'n bestuursliggaam sal die Raad die bates wat ná die delging van alle skuld oorbly, gebruik om bykomende munisipale dienste ooreenkomstig die bepalings van die implementeringsplan vir sodanige gebied te lewer.

#### HOOFSTUK 5

#### 16. KORT TITEL EN INWERKINGTREDING

Hierdie verordening staan bekend as die Verordening op Spesiale Aanslaggebiede en tree in werking op die datum van publikasie daarvan in die Provinsiale Koerant.

10 September 2010

22325

#### UMASIPALA WASEMOSSSEL BHAYI

##### UMGAQO-NKQUBO WEENGINEQI ZAMAXABISO AWODWA

**Isiboneleloseengingqi ezinamaxabiso awodwa;ukubonelela ngamaxabiso awongeziweyo;kwanokubonelela ngemicimbi emayelana nezonto.**

YENZIWE UMTHEHO nguMasipala waseMossel Bhayi ngolu hlobo lulandelayo:—

#### ISAHLUKO 1

##### UKUMISELWA KWENGINEQI YAMAXABISO AWODWA 1

#### 1. IZICHAZI-MAGAMA

Kulo mthetho amagama kunye nentetho kufuneka zibe nentsingiselo ebhekiswe kuso ngaphandle kokuba kuchazwe ngolunye uhlobo —

“**amaxabiso awongeziweyo**” kuthetha ixabiso elongeziweyo ngokokumiselwa ngamacandelo 19(1)(d) no 22(1)(b) loMthetho wamaXabiso eendawo.

“**umenzi-sicelo**” nawuphina umnini-ndawo owenza isicelo sokumiselwa kwamaxabiso awodwa phantsi kwezibonelelo zesahluko 1, okanye ukuba liqumrhu lolawulo elimiselwe ngokwecandelo 10 nayiphina into ebhekisa ” **kumenzi-sicelo**” kuthetha iqumrhu lolawulo

“**CFO**” kuthetha iGosa eliyiNtloko kwezeMali okanye lowo ugunyazisiweyo;

“**iDolophu**” kuthetha uMasipala waseMossel Bhayi omiselwe phantsi kweSaziso sePhondo uNombolo 479 ka 2000 ngokwecandelo 12 loRhulumente wasemakhaya — uMthetho weeNkqubo ka 1998(uMthetho 117 ka 1998);

“**iBhunga**” kuthetha iBhunga likaMasipala waseMossel bhayi;

“**isicwangciso sokusebenza**” kuthetha isicwangciso ngokumiselwe licandelo 6;

“**isininzi**” kuthetha uninzi lwabanini-ndawo ngokumiselwa licandelo 22 loMthetho wamaxabiso eendawo

“**iqumrhu lolawulo**” kuthetha iqumrhu lolawulo kwingingqi emiselwe amaxabiso awodwa nezakumiselwa phantsi kwecandelo 10;

“**ingxelo yenkxaso**” kuthetha ingxelo emiselwe licandelo 6;

“**umnini**” linentsingiselo echazwe kwicandelo 1 loMthetho wamaxabiso eendawo;

“**Umgqaqo-nkqubo**” kuthetha umgqaqo-nkqubo wokumiselwa kweengingqi zamaxabiso awodwa, nawuphina umgqaqo-nkqubo owamkelwa liBhunga ixesha nexesha;

“**uMthetho wamaxabiso eendawo**” kuthetha uMthetho wamaxabiso kaMasipala ka 2004

“**indawo zexabiso**” linentsingiselo eliyinikwa licandelo 1 loMthetho wamaxabiso;

“**ingingqi yamaxabiso awodwa**” kuthetha indawo enamaxabiso awodwa ngokweBhunga phantsi kwezibonelelo zecandelo 22 loMthetho wamaxabiso kunye necandelo 8 lomthetho kaMasipala.

#### 2. UKUTOLIKWA

Xa kufumaneka ingxaki kulwimi lwesiXhosa nelesiBhulu, inguqulelo yesiNgesi iyasebenza.

#### 3. UKUMISELWA KWEENDAWO ZAMAXABISO AWODWA

Idolophu ngokwesigqibo seBhunga isenokumiselwa iindawo zamaxabiso awodwa.

#### 4. ISICELO

- (1) Nawuphina umnini ndawo okumhlaba ophantsi kolawulo lwedolophu okwingingqi emiselweyo ngokwamaxabiso awodwa, angenza isicelo kwiBhunga ekumiselweni kwengingqi yamaxabiso awodwa.

- (2) Zonke iindleko ezithe zenzeka ngenxa yesicelo sokumiselwa kwengingqi yamaxabiso awodwa iya kuba lityala lomenzi sicelo eso, ngaphandle kokuba emva kokusebenza kwesicwangciso sokusebenza iqumru lolawulo liya kwenza imbuyekezo kumenzi-sicelo kwiindleko ezithile.
- (3) Nasiphina isicelo esichazwe kwicandelo(1)kufuneka—  
Nawuphina umenzi-sicelo ochazwe
- (a) Sibhalwe kwaye senziwe kwifomu ngokumiselwa liGosa eliyiNtloko
- (b) Singeniswe zingaphelanga iinyanga ezili:9 emva kokubanjwa kwentlanganiso echazwe kwicandelo 5, okanye ukuba kukwintlanganiso yesibini ngokwecandelo 6(2)singeniswe kwisithuba seenyanga ezili:9 emva kwentlanganiso leyo;
- (c) sikhathshwe —
- (i) yingxelo exhasayo;
- (ii) luninzi lwemvume yabahlali kuloo ngingqi yabahlali ichaphazelekayo ukuba ixabiso elongeziweyo liya kuhlawulwa, kwifomu eyakumiselwa liGosa eliyiNtloko yezimali;
- (iii) intalwulo yaloo mali neyakumiselwa liBhunga,

## 5. IINTLANGANISO ZIKAWONKE-WONKE

- (1) Isicelo sokumiselwa kwengingqi yamaxabiso awodwa kufuneka kukhokelwe yintlanganiso kawonke-wonke.
- (2) Injongo yale ntlanganiso kukuba umenzi-sicelo aqhagamshelane nabo banini beendawo phakathi kwengingqi le icetywa ukumiselwa amaxabiso awodwa malunga nemida eya kumiselwa ekuphuculeni ingingqi leyo iza kuphuculwa kwaye ihlaziywe.
- (3) Phambi kokubanjwa kwentlanganiso, umenzi-sicelo kufuneka —
- (a) Anike isaziso ngendlela eyakuvunywa liGosa eliyiNtloko yeziMali ngokwalo mthetho ukuba uya kuba noxanduva lokuhlawula amaxabiso awongeziweyo;
- (b) Kwisaziso esichazwe kwicandelo(3)(a), kuya kunikwa isaziso sentlanganiso kawonke-wonke, kwaye isaziso eso kufuneka —
- (i) sichaze injongo yentlanganiso, kwaye
- (ii) sichaze iingcombolo zendawo, umhla nexesha lentlanganiso leyo.
- (4) Intlanganiso kufuneka ibanjwe kwisithuba seentsuku ezisi:7 nesithuba seentsuku ezingama:30 somhla wesaziso.
- (5) Intlanganiso kufuneka ibanjwe ngohlobo ekuchazwe ngalo kwisaziso, indawo, umhla nexesha kwaye kwengingqi yendawo ekucetywa ukumiselwa kuyo amaxabiso awodwa ngaphandle kokuba iGosa eliyiNtloko leziMali limisele enye indawo yentlanganiso kawonke-wonke.
- (6) Intlanganiso kawonke-wonke kufuneka ichotshelwe kumntu onamava noqibeleleyo otyunjwe liGosa eliyintloko yeziMali.
- (7) Abantu abanomdla kwintlanganiso kawonke-wonke, kufuneka —
- (a) Bangenise lonke ulwazi neengcombolo ezichaphazelekayo malunga nengingqi ecetywa ukwenziwa eyamaxabiso awodwa kubandakanya iingcombolo ezizakufakwa kwisicwangciso sokusebenza nengxelo exhasayo, kwaye
- (b) Banikwe ithuba lokubuzisa imibuzo kwaye benze nezingeniso zabo.

## 6. INGXELO EXHASAYO KUNYE NESICWANGCISO SOKUSEBENZA

- (1) Nasiphina isicelo sengingqi yamaxabiso awodwa kufuneka sikhathshwe yingxelo exhasayo kunye nesicwangciso sokusebenza sibandakanya ixesha eliqala ngomhla we:01 Julayi sipele ngomhla wama:30 Juni wonyaka wesihlanu, okanye sibandakanye ixesha elinganeno kuneli ngokumiselwa liGosa eliyiNtloko yeziMali.
- (2) Ukuba ingxelo exhasayo kunye nesicwangciso sokusebenza ziye zaguqulwa kakhulu, ngokumiselwa liGosa eliyiNtloko yeziMali, emva kwentlanganiso ekhankanywe kwicandelo5, umenzi-sicelo kufuneka aphinde abize enye intlanganiso yokwamkelwa kwengingqi yamaxabiso awodwa, ngokwenguqulelo eyenziweyo.
- (3) Izibonelelo zecandelo 5 ziya kusebenza ngokufanayo neenguqulelo zentlanganiso yesibini kawonke-wonke.

## 7. UKUPAPASHWA KWESICELO KUNYE NEZICHASI ZASO

- (1) Umenzi-sicelo kufuneka kungaphelanga iintsuku ezili:14 emva kokwenza isicelo ngokwecandelo 4, okanye phakathi kwaso nasiphina isithuba esiya kumiselwa liGosa eliyiNtloko yeziMali;
- (a) Enze indlela yokuba isicelo esi sipapashwe; kwaye
- (b) Nokuba kuphambi okanye emva kokupapashwa kwesicelo, enze isaziso esibhaliweyo sesicelo kubo bonke abanini beendawo abakuloo ngingqi yamaxabiso awodwa, abayakuba noxanduva lokuhlawula ixabiso elongeziweyo, isaziso eso senziwe ngendlela esele ihlawulelwe kwangaphambili ngeposi eqinisekisiweyo, ngesandla okanye ngayo nayiphina indlela ebhaliweyo eyamkelwe liGosa eliyiNtloko yeziMali.
- (2) nasiphina isicelo esichazwe kwicandelo(1)kufuneka sichaze ukuba izichasi ezibhaliweyo malunga nokumiselwa kwengingqi yamaxabiso awodwa okanye izibonelelo zengxelo exhasayo kunye nesicwangciso sokusebenza kufuneka zingeniswe kwiBhunga ngomhla ochazwe kwisaziso eso, oyakuba nganeno kweentsuku ezingama:30 emva kokupapashwa ngokwecandelo(1)(a)kwaye sichaze ukuba uxwebhu olo luya kufumaneka phi khon 'ukuze lihlolwe.
- (3) Nawuphina umnini-ndawo ochaphazeleka ekuhlawuleni ixabiso elongeziweyo angangenisa izichasi ezibhaliweyo ekufuneka zingene kwiBhunga kungadlulanga umhla ochazwe kwisaziso esichazwe kwicandelo (1).
- (4) Nawuphina umenzi-sicelo okanye ochasayo ohlala kwengingqi ecetyelwa amxabiso awodwa angenza ezakhe izingeniso ngomlomo kwiBhunga.
- (5) Isicelo kunye nengxelo exhasayo kunye nesicwangciso sokusebenza, kunye nazo zonke izichasi kufuneka zifumaneka ukuze zihlolwe



kwii-ofisi zedolophu nakwindawo eyakumiselwa liGosa eliyiNtloko yeziMali kwingingqi ecetywayo yamaxabiso awodwa, ixesha elimiselwe kwicandelo (2).

## 8. ISIGQIBO

- (1) Emva kokuba zonke izibonelelo zecandelo 4 ukuya kwele 7 ziye zazalisekiswa, iBhunga kufuneka, kwintlanganiso yeBhunga eyakubanjwa emva kweentsuku ezingama:90 zokungeniswa kwezichasi ngokwecandelo 7(2) liqwalasele isicelo, kwaye —
  - (a) Limisele ingingqi yamaxabiso awodwa ekufuneka ifezekisiwe ngokwengxelo exhasayo kunye nesicwangciso sokusebenza;
  - (b) Limisele ingingqi yamaxabiso awodwa kunye neenguqulelo okanye imiqathango ngokumiselwa liBhunga emdleni woluntu;
  - (c) Lisikhabe isicelo, ze kuloo meko iBhunga kufuneka kungaphelanga iintsuku ezingama:30, lazise umenzi-sicelo ngendlela ebhaliweyo ngezizathu zokusikhaba isicelo sakheokanye
  - (d) Lisibuyisele kumenzi waso isicelo khon' ukuze enze inguqulelo ngohlobo iBhunga eliyakuthi libonakalise ngalo.
- (2) Xa isicelo sikhatywa liBhunga okanye lisibuyisela kumenzi waso sisicelo, umenzi-sicelo kufuneka kwisithuba seenyanga esiyi:6, emva kwesigqibo seBhunga, aphinde enze esinye isicelo kwiBhunga, ukuba eso sicelo siphindwayo siye saguqulwa ngohlobo elofunekayo phantsi kwezizathu ebezibangele ukukhatywa kwaso okanye ukubuyiswa kwaso kwakhona.
- (3) Ukuba ingxelo exhasayo kunye nesicwangciso sokusebenza ziguqulwe kakhulu nangaliphina ixesha phambi kokumiselwa kwengingqi, iBhunga lisenokufuna ukuba isicelo siphinde sipapashwe ngokwezimiselo zecandelo 7 kunye neenguqulelo ezifanelekileyo.

## ISIAHLUKO 2

### INGINGQI ZAMAXABISO AWODWA — IZIMISLEO NEMALI

## 9. UKUQALA KOKUSEBENZA KWESICWANGCISO

Xa iBhunga sele likumisele ukusebenza kwengingqi ngokwamaxabiso awodwa, isicwangciso sokusebenza kukhona singaqalayo naso ukusebenza xa iqumrhu lolawullo sele limiselwe ngokwecandelo 10.

## 10. UKUMISELWA, ISIQULUNQO, AMAGUNYA NEMISEBENZI YEQUMRHU LOLAWULO

- (1) Umenzi-sicelo kufuneka aqinisekise ukumiselwa kwequmrhu lolawulo, ngenjongo yokumiselela imisebenzi nezibonelelo zesicwangciso sokusebenza.
- (2) Iqumrhu lolawulo kufuneka libe yiNKampani efakelelweyo ngokwezibonelelo zecandelo 21 loMthetho weeNKampani, 1973 (uMthetho 61 ka 1973).
- (3) Idolophu iya kusolo ikuphonononga ukuthotyelwa kwezibonelelo, imithetho yangaphakathi kunye nemigaqo-nkqubo liqumrhu elilawulayo kunye nazo zonke ezinye izivumelwano ekuvunyelwe kuzo liqumrhu lolawulo kunye nedolophu.
- (4) IBhunga kufuneka lityumbe uCeba ofanelekileyo kunye nomnye umntu, njengabameli abaya kuthabatha inxaxheba kodwa bengavoti, kwiintlanganiso zolawulo.
- (5) Kwisithuba seenyanga ezimbini emva kokufunyanwa kwentlawulo yokuqala yexabiso elongeziweyo, iqumrhu lolawulo kufuneka liqalise ngokusebenzisa izibonelelo zesicwangciso sokusebenza.
- (6) Kwisithuba seenyanga ezimbini kunyaka-mali ngamnye, iqumrhu lolawulo kufuneka lingenise kwiGosa eliyiNtloko yezimali —
  - (a) Amaxwebhu alo ezimali aphicothiweyo; kunye
  - (b) Nengxelo yalo yonyaka ebonakalisa ukusetyenziswa kwezibonelelo zesicwangciso sokusebenza kunyaka owandulela olandelayo nokubonakalisa ukuphuculwa nokuhlaziya kwengingqi yamaxabiso awodwa.
- (7) Kwisithuba seenyanga ezimbini emva kwentlanganiso yonyaka, iqumrhu lolawulo kufuneka lingenise kwiBhunga —
  - (a) amaxwebhu aphicothiweyo email yonyaka, phambi konyaka olandelayo;
  - (a) Ingxelo yalo malunganokusetyenziswa kwezibonelelo zesicwangciso sokusebenza kunyaka owandulela olandelayo malunga nendlela yokuphucula nokuhlaziya ingingqi yamaxabiso awodwa.

## 11. IIMALI

- (1) Unyaka-mali wequmrhu lolawulo kufuneka unqamane nonyaka-mali weBhunga.
- (2) Apho ingingqi ithe yamiselwa njengeyamaxabiso awodwa, iBhunga kufuneka limisele imirhumo ngokwezibonelelo zoMthetho wamaxabiso eendawo, ixabiso elongeziweyo elisele limiselwe kubanini beendawo kwingingqi yamaxabiso awodwa ngenjongo yokuqinisekisa isicwangciso sokusebenza, ngaphandle kokuba iBhunga liya kumiselela amanye amaxabiso ngokoMthetho wamaxabiso eendawo kunye noMthetho woMasipala basemakhaya. Ukulawulwa kwamatyala nokuqokelelwa kwawo kunye nemigaqo-nkqubo yokuqokelela amatyala kaMasipala, ubakhuphela bucala abahlelekileyo, abantu abadala, abakhubazekileyo kunye namanye amanqanaba abantu
- (3) Xa kumiselwa ixabiso elongeziweyo elichazwe kwicandelo(2), iBhunga linokuqwalasela ukumiselela amaxabiso awohlukileyo kumanye amaqela ngokwahlukana kwawo achazwe kwicandelo 8 loMthetho wamaxabiso eendawo.
- (4) Ixabiso elongeziweyo ngokwalo mthetho wangaphakathi ekufuneka lihlawulwe kwiBhunga nekufuneka liqokelelwe ngendlela afanayo nokuqokelelwa kwamanye amaxabiso amiselwa liBhunga.
- (5) IBhunga, ekufezekiseni izibonelelo zesicwangciso sokusebenza, kwingingqi yamaxabiso awodwa naphantsi kwezibonelelo zecandelo 67 zooRhulumente basemakhaya: uMthetho weeMali zooMasipala (uMthetho 56 ka 2003), kufuneka lenze intlawulo kwiqumrhu lolawulo lengingqi yamaxabiso aphantsi.
- (6) Intlawulo echazwe kwicandelo(5) iphantsi kwemiqathango xa sele kwenziwe isivumelwano semali ekuthe kwavunyelwana kuso nguMasipala kunye nequmrhu lolawulo elichaphazelekayo, kwaye eso sivumelwano kufuneka sibandakanye, phakathi kwezinye, ezi —
  - (a) Ubuchule nendlela yokuhlawula, kunye
  - (b) Nemiqathango eya kuhlawulwa phantsi kwayo intlawulo kwiqumrhu lolawulo.

- (7) Phantsi kwezibonelelo zesibhambathiso kunye namanqaku endibanisela, iqumrhu lolawulo linalo igunya lokunyusa imali ngeentshukumo zalo, izipho kunye nayiphina indlela eyamkelekileyo.
- IBhunga, ngokugunyaziswa ngulo mthetho, lisenokumisela kwaye libeke umrhumo kwiqumrhu elilawulayo umrhumo wolawulo.

## 12. INDIMA YEGOSA ELIYINTLOKO YEZIMALI

Ngaphezu kolunye uxanduva kunye nezinye izibophelelo zeGosa lezimali njengokuba zicacisiwe kwindawo ethile kulo mthetho wangaphakathi, iGosa leziMali kufuneka —

- (a) Limisele ulawulo lwemli olahlukileyo kunye nezinye iindlela zokugcina iingcombolo zemali ethi ingeniswe ngamaxabiso awongeziweyo kwanokuphucula nokuhlaziya ingingqi yamaxabiso awodwa;
- (b) Liphonononge ukuthiyelwa nokufezekiswa komthetho ochaphazelekayo, kubandakanya loMthetho wangaphakathi —
- (i) ngokwamkela nokuqwalasela amaxwebhu aphicothiweyo email malunga nokusetyenziswa kwezibonelelo eziqukathwe kwisicwangciso sokusebenza;
- (ii) xa ekhetha ukusebenza ngolo hlobo, etyumba abameli ukuba bathabathe inxaxheba kodwa bengavoti kwiintlanganiso zequmrhu lolawulo.

### ISAHLUKO 3

#### UKUGUQULWA NOKWANDISWA KWESICWANGCISO SOKUSEBENZA

## 13. INGUQULELO KWISICWANGCISO SOKUSEBENZA

- (1) Isicwangciso sokusebenza kubandakanya imida yengingqi yamaxabiso awodwa, asenokuguqulwa liBhunga ngesicelo esibhaliweyo liqumrhu lolawulo ngalo naliphina ixesha emva kokumisela kwengingqi yamaxabiso awodwa.
- (2) IBhunga lisenokusamkela isicelo sokuguqulwa okuchazwe kwicandelo(1) apho iBhunga libonayo ukuba loo nguqulelo ayisayi kuchaphazela ilungelo okanye umdla womnini-ndawo, ngaphandle kokuba iBhunga lingafuna iqumrhu lolawulo ukuba lenze isaziso sesicelo senguqulelo leyo ngokugunyaziswa liGosa eliyiNtloko yezimali.
- (3) IBhunga lingakwamkela ukuguqulwa kuphela phantsi kwezibonelelo zecandelo(1) kunye neenguqulelo ezichazwe phakathi kumxholo wesicelo eso phantsi kwezibonelelo zeSahluko 1, apho iBhunga liziqwalasela ngokuba —
- (a) Ziya kuchaphazela kakhulu ilungelo nomdla womnye umntu;
- (b) Ziya kuchaphazel auhla-lwabiwo-mali olusele lwamkelwe; okanye
- (c) Liguqule imida yengingqi yamaxabiso awodwa.
- (4) iBhunga, phantsi kwezizathu ezivakalayo, ngesicelo esibhaliweyo liqumrhu lolawulo, lingakhupha uxanduva kwiqumrhu lolawulo ekufezekiseni izibonelelo okanye liphuhlise naluphina ufezekiso lwezibonelelo zeSahluko 1.

## 14. UKWANDISWA KWESICWANGCISO SOKUSEBENZA

iqumrhu lolawulo, xa likhetha ukusandisa isicwangciso sokusebenza elinye ixesha elongezelelekileyo, phambi komhla we:01 Janyuwari kunyaka lowo siphelwa ngawo ukusebenza, lingangenisa isicelo kwidolophu khon' ukuze kwandiswe ixesha lesicwangciso sokusebenza phantsi kwale miqathango:

- (a) Ukwandiswa kwesi sicwangciso siya kugunyaziswa liBhunga kuphela ngokwezibonelelo zeSahluko 1, kunye neenguqulelo ezikumxholo kwaye iBhunga, phantsi kwezizathu ezivakalayo ngesicelo esibhaliweyo liqumrhu lolawulo, lingalikhupha uxanduva iqumrhu elilawulayo ekufezekiseni izibonelelo ezichapazelekayo.
- (b) Izibonelelo zeSahluko 14 ziya kusebenza ngokufanayo kulo naluphina uguqulo lwesicwangciso sokusebenza esithe sandiswa ngokweli candelo.

### ISAHLUKO 4

#### UKUBHANGISWA KWENGINGQI YAMAXABISO AWODWA

## 15. UKUBHANGISWA

- (1) iBhunga lisenokuyibhangisa ingingqi yamaxabiso awodwa —
- (a) Phantsi kwesicelo esibhaliweyo nesityikitye ngabanini beendawo abahlalakule ngingqi icetywayo ukub aimiselwe ngengeyamaxabiso awodwa nabanoxanduva lokuhlalwala ixabiso elongeziweyo
- (b) Emva kokuqhagamshelana neGosa eliyiNtloko yezimali kunye nequmrhu lolawulo okanye uluntu, phantsi kwesizathu esivakalayo, apho anokubonakalisa khona ukuba iqumrhu lolawulo malibhangiswe.
- (2) ekubhangisweni kwequmrhu lolawulo, izinto ezishiyeka ngemva emva kokuhlalwala kwamatyala onke, iya kusetyenziswa liBhunga ekuboneleleni ngeenkonzo zikaMasipala ngokwezibonelelo zesicwangciso sokusebenza kuloo ngingqi.

### ISAHLUKO 5

#### IMIBANDELA GABALALA

## 16. ISIHLOKO ESIFUTSHANE

- (1) Lo Mthetho wangaphakathi uya kubizwa ngokuba nguMthetho wangaphakathi kaMasipala waseMossel Bhayi: uMthetho wangaphakathi weengingqi zamaXabiso awodwa, 2010.

**CITY OF CAPE TOWN**  
**PUBLIC PARKS BY-LAW, 2010**

**To regulate the admission of persons, animals and vehicles to public parks; to provide for the use and enjoyment of public parks; to determine conduct that will not be permitted within public parks; and to provide for matters incidental thereto.**

**PREAMBLE**

**WHEREAS** section 156(2) and (5) of the Constitution of the Republic of South Africa, 1996 provides that a City may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

**AND WHEREAS** Part B of Schedule 5 to the Constitution lists local amenities and municipal parks and recreation as local government matters;

**AND NOW THEREFORE BE IT ENACTED** by the Council of the City of Cape Town as follows:—

**Definitions**

1. In this By-law, unless the context otherwise indicates —

“**animal**” includes any mammal, bird, fish, reptile, insect, amphibian or invertebrate;

“**authorised official**” means a member of staff of the City delegated by the City Manager and the Director: City Parks, or appointed by the City Manager to implement the provisions of this By-law, or any appointed external service provider referred to in section 76(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and includes a law enforcement officer or traffic official of the City who has been declared a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977), acting when on duty and properly identified as such;

“**City**” means the City of Cape Town established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), in Provincial Notice 479 of 2000 and published in Provincial Gazette Extraordinary 5588 dated 22 September 2000;

“**City Manager**” means the person appointed by the Council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act NO. 117 OF 1998);

“**Constitution**” means the Constitution of the Republic of South Africa Act, 1996;

“**Council**” means the council of the City of Cape Town, being a council as provided for in terms of section 18 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), or any committee, any sub-council or any councillor of council, acting under delegated or sub-delegated authority of the Council;

“**Councillor**” means the member of the Council;

“**Director: City Parks**” means the employee of the City in charge of public parks of the City;

“**notice**” means a written notification, or a pictogram issued in terms of this By-law as set out in Schedule 1, prominently and legibly displayed at the entrance to or in any facility or part thereof to which it is intended to apply;

“**public park**” means—

- (a) any botanical or other garden, play ground, zoned public open space managed by the Department of City Parks in the City, or a park owned or leased by the City, including any portion thereof and any facility or apparatus therein or thereon, but excluding any public road or street; and
- (b) any botanical, other garden or play ground which is lawfully controlled and managed in terms of an agreement by a person other than the Council;

“**Structures Act**” means the Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998);

“**this By-law**” includes the Schedules hereto;

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

- (a) a trailer; and
- (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto which is designated or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include -
  - (i) any vehicle propelled by electric power from storage batteries and which is controlled by a pedestrian; or
  - (ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person.

**Delegation and appointment of authorised officials**

2. (1) The City Manager may delegate any of his or her powers or assign any of his or her duties in terms of this By-law to any official of the City.

(2) The Director: City Parks may delegate any of his or her powers or assign any of his or her duties to any official of the City.

(3) Subject to the recruitment policies of the City, the City Manager may appoint authorised officials to exercise and perform certain powers and duties in terms of this By-law.

**Maximum number of persons**

3. (1) The Director: City Parks may determine the maximum number of visitors who may be present at a specific time in a public park, provided that different numbers may be so determined for different parks and for different events.

(2) The numbers contemplated in subsection (1) must be made known by the Director: City Parks by means of a notice.

**Admission to and visiting a public park**

4. (1) A person who is admitted to gain access or visit a public park must, subject to the provisions of this By-law, observe and comply with all notices displayed in a public park or in the entrance thereto and obey any instructions given to him or her by the authorised official.

(2) Should a person fail to observe and comply with a notice or any instructions referred to in subsection (1), the City shall not be liable for damage

or injury suffered while such person is visiting the public park.

(3) A public park is, subject to the provisions of this By-law, open to the public on the times determined by the Director: City Parks, provided that different times may be determined in respect of different public parks.

(4) No person shall enter or leave an enclosed public park at a place other than that indicated for that purpose.

(5) The conditions times and places contemplated in subsections (1), (2) and (3) shall be made known by the Director: City Parks by means of a notice.

#### **Entrance fees**

5. (1) Subject to the provisions of this By-law, every person shall have free access to a public park.

(2) Despite subsection (1), Council may, in terms of the Tariff By-law prescribe fees for entering a public park in such special circumstances as determined by it, and such fees shall be made known by means of a notice.

#### **Dumping and Littering**

6. No person shall in a public park —

- (a) dump, drop, bury or place any refuse, rubble, material or any object or thing; or
- (b) permit any dumping, dropping, burying, placing of any refuse, rubble, material or any object or thing,

except in a container identified for that purpose in the park.

#### **Liquor and food**

7. (1) No person shall bring into, consume, brew, store or sell in a public park any liquor or any other alcoholic or intoxicating substance.

(2) No person shall in a public park, contrary to a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice.

(3) The preparation and cooking of food at places set aside by notice for such purpose in or at a public park shall be done in a clean and sanitary manner.

(4) No animal may be killed, skinned or slaughtered in a public park without the written consent of the Director: City Parks having first been obtained.

#### **Animals**

8. (1) No person shall bring any dead or alive animal into a public park except in accordance with the directions of the Director: City Parks provided that different directions may be determined in respect of different public parks and different types of animals.

(2) The directions contemplated in subsection (1) shall be made known by means of a notice.

(3) Carcasses may not be buried in a public park but must be disposed of at the owner's expense and in a manner approved by the Council.

#### **Use of public parks**

9. (1) No person shall in a public park without the written permission of the Director: City Parks or contrary to any conditions which the Director: City Parks may impose when granting such permission —

- (a) arrange or present any public entertainment;
- (b) display or distribute any pamphlet, placard, painting, book, handbill, sign, advertisement board or any other printed, written or painted work;
- (c) arrange or hold a public gathering or procession, or any exhibition or performance;
- (d) conduct any trade, occupation or business;
- (e) display, sell or rent or present for sale or rent any wares or articles;
- (f) hold an auction;
- (g) off-load or store building or other material.

(2) Subject to any other law, the written permission contemplated in subsection (1) shall be refused only if anything referred to in subsection (1)(a) to (g)—

- (a) is likely to give rise to —
  - (i) public rioting;
  - (ii) the disturbance of public peace;
  - (iii) the committing of an offence;
  - (iv) the committing of an indecent act;
  - (v) risks that compromise safety and security; or
  - (vi) a situation where a planned activity in any area of jurisdiction of the City is taking place at the same time as a planned activity in the park, and the activity planned to take place in the park is deemed to have a detrimental impact on the ability of the City to ensure safety and security;
- (b) is detrimental to the public or the users of, or visitors to, the public park; or
- (c) is likely to damage or destroy the amenities, wildlife or plant material in the park.

**Trees in public parks**

10. (1) No person other than an authorized official shall—

- (a) plant or prune a tree or shrub, or in any way cut down a tree or a shrub, in a public park or remove it therefrom, except with the written permission of the Director: City Parks;
- (b) unless permitted by a notice climb a tree growing in a public park or, break or damage such tree; or
- (c) in any way mark or paint any tree growing in a public park or attach any advertisement thereto.

(2) Any tree or shrub planted in a public park shall become the property of the City.

**Safety and order**

11. (1) No person shall, in a public park —

- (a) damage, tamper with or destroy any equipment, amenity or structure;
- (b) plant, pull out, pick, damage or remove any plant, grass, shrub, bulbs, vegetation or flower;
- (c) kill, hurt, follow, disturb, ill-treat, catch, remove, translocate or release any animal or displace, disturb, destroy or remove their habitat;
- (d) use or try to use anything in such park for any purpose other than that for which it is designated;
- (e) discard any burning or smouldering object;
- (f) throw or dislodge any rock, stone or object from any mountains, slope or cliff;
- (g) behave in an improper, indecent, unruly, violent or anti-social manner or cause a disturbance;
- (h) run, walk, stand, sit or lie in a flower bed;
- (i) run, walk, stand, sit or lie on grass contrary to a notice;
- (j) lie on a bench or seating-place or use it in such a manner that prevents others from using it;
- (k) play or sit on playpark equipment, except if the person concerned is 14 years old or younger, or as permitted by a notice;
- (l) swim, walk or play in a fish-pond, fountain, stream, dam or pond;
- (m) skate on roller skates or a skateboard or similar device except where permitted by notice;
- (n) operating a gas or charcoal fired barbeque or stove;
- (o) dig, disturb or remove any mineral substance including soil, sand, gravel or rock;
- (p) damage, dig, disturb, deface, destroy or remove any fossils, bones or historical artifacts;
- (q) operate any remote control device including boats, planes helicopters or cars;
- (r) build, erect, place, create, remove or modify any structure, amenity, pathway, trail, jump or ramp; or
- (s) engage in any activity which may pose a risk or in combination with other activities in the area of jurisdiction of the City.

(2) Notwithstanding subsection (1), the Director: City Parks may, by notice, and subject to such conditions as he or she may deem necessary, authorise or permit any of the actions contemplated in subsections (1).

**Water**

12. No person may in a public park—

- (a) misuse, remove, pollute or contaminate any water source, water supply or waste water;
- (b) interfere with or obstruct the flow of any river or seasonal wetland; or
- (c) drain or redirect any water from private land.

**Vehicles**

13. (1) No person may bring into a public park any truck, bus, motorcar, motor cycle, bicycle, quadbike, motor tricycle, or any other vehicle, craft, hot air balloon or aeroplane, whether driven by mechanical, animal, natural or human power, supermarket or other trolleys, except in accordance with the written permission of the Director: City Parks provided that different requirements or conditions may be determined for different public parks and for different vehicles, craft or aeroplanes.

(2) The Director: City Parks may determine the speed limit applicable in a public park, provided that different speed limits may be determined for different public parks and for different vehicles, craft or aeroplanes.

(3) The requirements or conditions contemplated in subsection (1) and the speed limit contemplated in subsection (2) shall be made known by a notice by the Director: City Parks.

**Games**

14. No person may play or conduct any game of any nature that will cause —

- (a) disturbance or potentially disturb; or
- (b) injury to,

other park users except at places set aside for that purpose by notice and in accordance with the directions of the Director: City Parks.



**Improper or indecent behaviour**

15. No person may in a public park —

- (a) perform an act which is indecent or conduct himself or herself improperly by exposure of his or her person or otherwise, or make improper gestures or incite or urge someone to perform a disorderly or indecent act;
- (b) use foul, lewd or indecent language;
- (c) write, paint, draw or in any way make a lewd, explicit or immoral figure, writing, drawing or representation; or
- (d) enter or use a toilet facility intended or indicated as such by notice for members of the opposite sex, provided that this shall not apply to children below the age of seven accompanied by an adult.

**Powers of an authorised official**

16. An authorised official may —

- (a) in a public park at any time enter upon any place, land, premises or building and conduct an investigation thereat in order to determine whether the provisions of this By-law are complied with;
- (b) for the better exercising of any power or the performance of any function or duty assigned or granted to him or her, take along an interpreter who, while acting under the lawful order of such an official, shall have the same powers, functions and duties as such official as contemplated in paragraph (a);
- (c) give instructions to or direct the public, for the purposes of this By-law, to act in a specific manner whilst at the public park.

**Amendment, change and addition of a notice or pictogram**

17. (1) The Director: City Parks may, subject to the provisions of this By-Law, amend, change or add any notice or pictogram mentioned in Schedule 1.

(2) The Director: City Parks must, within 5 working days after an amendment, change or addition of a notice or pictogram as contemplated in subsection (1), display such amended, changed or added notice or pictogram in the relevant public park or at the entrance thereto.

**Offences and penalties**

18. (1) Any person who contravenes or fails to comply with a notice issued in terms of, or a condition imposed under, or any other provision of, this By-law, shall be guilty of an offence and if convicted shall be liable for a fine or imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

(2) In addition to imposing a fine or imprisonment in terms of subsection (1), a court may order any person convicted of an offence under this By-law —

- (a) to remedy the harm caused; or
- (b) to pay damages for harm caused to another person or to property which order shall have the force and effect of a civil judgment.

**Repeal of by-laws**

19. (1) The by-laws listed in Schedule 2 hereto are repealed to the extent set out in column 3 of such Schedule.

(2) In the event of any other by-law of the City being inconsistent with this By-law, the provisions of this By-law shall prevail, to the extent of the inconsistency.

**Short title**

20. This By-law is called the City of Cape Town: Public Parks By-law, 2010.

**SCHEDULE 1****Symbols / Pictograms for use on park notice boards**

May 2010

| NO | INTERPRETATION OF SYMBOL | BETEKENIS VAN SIMBOOL | INTSINGISELO YOMQONDISO            |
|----|--------------------------|-----------------------|------------------------------------|
| 1  | City of Cape Town emblem | Stad Kaapstad-embleem | Imbasa yeSixeko saseKapa           |
| 2  | Potable water            | Drinkwater            | Amanzi aselwayo                    |
| 3  | First aid                | Noodhulp              | Uncedo lokuqala                    |
| 4  | Directional sign         | Rigtingwyser          | Umqondiso owalathisayo             |
| 5  | Toilets                  | Toilette              | Izindlu zangasese                  |
| 6  | Ladies                   | Dames                 | Amanenekazi                        |
| 7  | Gents                    | Mans                  | Amanene                            |
| 8  | Litter bin               | Vullisdrom            | Umgqomo wenkunkuma                 |
| 9  | Pedestrians              | Voetgangers           | Abahambi ngeenyawo                 |
| 10 | Jogging                  | Draf                  | Ukuncunkca                         |
| 11 | Hiking                   | Voetslaan             | Uhambo lokusela umoya              |
| 12 | Cycling                  | Fietsry               | Ukukhwela ibhayisikile             |
| 13 | Mountain bikes           | Bergfietsse           | Iibhayisikili zokonyuka intaba     |
| 14 | Motor bikes              | Motorfietsse          | Izithuthuthu                       |
| 15 | Scramblers               | Veldmotorfietsse      | Abahamba kwiindawo ezingamaxethuka |
| 16 | Quad bikes               | Vierwielmotorfietsse  | Izithuthuthu ezinxaneQuad bikes    |
| 17 | Motor vehicles           | Motorvoertuie         | Iinqwelo-mafutha                   |
| 18 | Busses                   | Busse                 | Iibhasi                            |
| 19 | Parking                  | Parkering             | Iindawo zokupaka                   |

| NO | INTERPRETATION OF SYMBOL  | BETEKENIS VAN SIMBOOL   | INTSINGISELO YOMQONDISO   |
|----|---|---|---|
| 20 | Horse riding  | Perdry  | Indawo yokukhwela amahashe  |
| 21 | Swimming  | Swem  | Indawo yokudada   |
| 22 | Fishing   | Hengel  | Indawo yokuloba   |
| 23 | Boardsailing  | Seilplankry   | Ukuhamba ngesikhephe esiqhutywa ngumoya   |
| 24 | Sailing   | Seil  | Ukuhamba ngesikhephe  |
| 25 | Boating   | Skuitvaar/roei  | Ukuhamba ngephenyane  |
| 26 | Boat-launching ramp   | Bootlanseerhelling  | Ithambeka lenqanawa eweza abantu emlanjeni  |
| 27 | Camping   | Kampering   | Ukuhlala endle/ukukampisha  |
| 28 | Caravans  | Woonwaens   | Uhambo ngekaravan   |
| 29 | Fire in fireplaces  | Vuurmaak in vuurmaakplekke  | Umlilo kumaziko   |
| 30 | Picnic site   | Piekniekterrein   | Indawo yepikniki  |
| 31 | Dogs  | Honde   | Izinja  |
| 32 | Dogs on leash   | Honde aan leibande  | Izinja ezilawulwa ngeminxeba  |
| 33 | Remove dog faeces   | Verwyder honde-ontlasting   | Yisuse ituwa yenja  |
| 34 | Roller skating  | Rolskaats   | Umdlalo wokutyibiliza ngezihlangu ezinamavili   |
| 35 | Skateboarding   | Skaatsplankry   | Ukutyibiliza ngeplanga  |
| 36 | Hang-gliding  | Hangsweef   | Ukubhabha ngesiwuza   |
| 37 | Café/Take away  | Kafee/wegneemetes   | Ekhefi  |
| 38 | Tea-room  | Teekamer  | Igumbi lokuphungela   |
| 39 | Restaurant  | Restaurant  | Erestyu   |
| 40 | Prohibition   | Verbod  | Isithintelo   |
| 41 | No overnight stay   | Oornagverblyf verbode   | Akuvumelekanga ukulala apha   |
| 42 | No fires  | Vuurmaak verbode  | Ayivumelekanga imililo  |
| 43 | No portable barbecue appliances   | Draagbare braaitoestelle verbode  | Azivumelekanga izixhobo zokosa inyama eziphathekayo   |
| 44 | No hunting  | Jag verbode   | Akuvumelekanga ukuzingela   |
| 45 | No firearms   | Vuurwapens verbode  | Ayivumelekanga imipu  |
| 46 | No bow and arrow shooting   | Pyl-en-boogskiet verbode  | Akuvumelekanga ukudubula ngotolo nesaphetha   |
| 47 | No catapults  | Ketties verbode   | Azivumelekanga izilinge   |
| 48 | No stone-throwing   | Klipgooiery verbode   | Akuvumelekanga ukugibisela amatye   |
| 49 | No flower picking   | Blompluk verbode  | Akuvumelekanga ukukhiwa kweentyantyambo   |
| 50 | No dumping  | Storting verbode  | Akuvumelekanga ukulahla inkunkuma   |
| 51 | No golf   | Gholf verbode   | Akuvumelekanga ukudlala igalufa   |
| 52 | No radios, tape or CD players   | Radio's en band- of CD-spelers verbode  | Abavumelekanga oonomathotholo, iteyiphu okanye ezo zidlala amawecwe   |
| 53 | No washing or drying of clothes   | Klerewas en -droogmaak verbode  | Akuvumelekanga ukuhlamba okanye ukuxhoma impahla  |
| 54 | No fireworks  | Vuurwerk verbode  | Azivumelekanga izitakantlantsi  |
| 55 | No drugs or alcohol   | Dwelms en alkohol verbode   | Azivumelekanga iziyobisi okanye utywala   |
| 56 | No damaging of vegetation   | Beskadiging van plantegroei verbode   | Akuvumelekanga ukutshabalalisa izityalo   |
| 57 | Opening times   | Oopmaaktye  | Amaxesha okuvula  |
| 58 | Closing times   | Sluitingstye  | Amaxesha okuvula  |
| 59 | No supermarket or other trolleys  | Supermark- of ander trollies verbode  | Akufuneki zitroli zasesuphamakethi okanye ezingezinye   |
| 60 | No washing of the body  | Lyfwas verbode  | Akuhlanjwa umzimba apha   |
| 61 | No graffiti   | Graffiti verbode  | Akufuneki mibhalo eludongeni/igrafithi  |
|    | <i>Note</i>   | <i>Let wel</i>  | <i>Qaphela</i>  |
|    | All symbols are in green detail on a white background with a red border. If a symbol is displayed with a red border and red diagonal slash (no 40) it implies that the activity concerned is prohibited | Alle simbole verskyn in groen, op 'n wit agtergrond met 'n rooi rand. Indien 'n simbool 'n rooi rand en 'n rooi skuinsstreep daardeur het (nr. 40), is die betrokke aktiwiteit verbode. | Yonke imiqondiso izotywe luhlaza kumgangatho omhlophe ezotywe kuwo nomqokumbelo obomvu. Xa umqondiso uveliswe unomqokumbelo obomvu kunye nomgca okrwelwe ngokuxwesileyo (nomb. 40) oku kuthetha ukuba lo msetyenzana kubhekiselelwe kuwo awuvumelekanga |

## SCHEDULE 2

## LIST OF BY-LAWS TO BE REPEALED

| NO P.N. NUMBER                              | NAME OF THE BY-LAW   | EXTENT OF REPEAL |
|---|--|------------------|
| 414/1999                                    | City of Tygerberg: By-law relating to Public Amenities                       | The whole        |
| 137/1987                                    | Gordon's Bay Municipality: By-law relating to Parks and Public Places        | The whole        |
| 568/2000                                    | Oosternberg Municipality: By-law relating to Public Amenities                | The whole        |
| 391/1979 as amended by 85/1981 and 833/1990 | Somerset West Municipality: By-law relating to the Helderberg Nature Reserve | The whole        |

10 September 2010

22326

## STAD KAAPSTAD

## VERORDENING OP OPENBARE PARKE, 2010

Om die toegang van persone, diere en voertuie tot openbare parke te reguleer; voorskrifte neer te lê vir die gebruik en genieting van openbare parke; gedrag te bepaal wat nie in openbare parke toegelaat sal word nie; en voorskrifte neer te lê vir sake bykomend daartoe.

## AANHEF

**NADEMAAL** artikel 156(2) en (5) van die Grondwet van die Republiek van Suid-Afrika, 1996, bepaal dat 'n munisipaliteit verordeninge kan uitvaardig en administreer vir die doeltreffende administrasie van die aangeleenthede wat hy die reg het om te administreer, en om enige bevoegdheid uit te oefen met betrekking tot 'n aangeleentheid wat redelikerwys nodig is vir, of verband hou met, die doeltreffende verrigting van sy funksies;

**EN NADEMAAL** deel B van bylae 5 by die Grondwet plaaslike geriewe en munisipale parke sowel as ontspanning as plaaslikeregeringsake lys; **DAAROM AANVAAR** die raad van die Stad Kaapstad die volgende verordening:

## Woordomskrywing

1. In hierdie verordening, tensy uit die samehang anders blyk, beteken:

“**dier**” onder meer enige soogdier, voël, vis, reptiel, insek, amfibie of ongewerwelde dier;

“**direkteur: Stadspark**” die Stadswerknemer in beheer van openbare parke van die Stad;

“**gemagtigde amptenaar**” 'n personeelid van die Stad wat van die stadsbestuurder en die direkteur: Stadspark bevoegdheid ontvang het, of deur die stadsbestuurder aangestel is, om die bepalings van hierdie verordening toe te pas, of enige aangestelde eksterne diensverskaffer waarna daar in artikel 76(b) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (nr 32 van 2000) verwys word, en sluit in 'n wetstoepassingsbeampte of verkeersbeampte van die Stad wat as vredesbeampte verklaar is ingevolge artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977), en as sodanig optree en behoorlik geïdentifiseer is wanneer hy/sy aan diens is;

“**Grondwet**” die Grondwet van die Republiek van Suid-Afrika, 1996;

“**hierdie verordening**” ook die bylaes hierby;

“**kennisgewing**” 'n skriftelike mededeling of piktogram (beeldskrifteken) wat ingevolge hierdie verordening, en soos in bylae 1 uiteengesit, uitgereik is, en opsigtelik en leesbaar vertoon word by die ingang van of in enige fasiliteit of deel daarvan waarvoor dit bedoel is om te geld;

“**openbare park**”:

- enige botaniese of ander tuin, speelterrein, gesoneerde openbare oop ruimte onder die bestuur van die departement Stadspark in die Stad, of park wat deur die Stad besit of gehuur word, wat enige gedeelte daarvan en enige fasiliteit of apparaat daarin of daarop insluit, maar enige openbare pad of straat uitsluit; en
- enige botaniese of ander tuin of speelterrein wat ingevolge 'n wettige ooreenkoms deur 'n persoon buiten iemand verbonde aan die raad beheer en bestuur word;

“**raad**” die raad van die Stad Kaapstad, synde 'n raad ingevolge artikel 18 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (nr 117 van 1998), of enige komitee, subraad, of lid van die raad wat ingevolge die raad se gedelegeerde of subgedelegeerde bevoegdhede optree;

“**raadslid**” 'n lid van die raad;

“**Stad**” die Stad Kaapstad ingestel ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (nr 117 van 1998), in Provinsiale Kennisgewing 479 van 2000, gepubliseer in Buitengewone Provinsiale Koerant 5588 van 22 September 2000;

“**stadsbestuurder**” die persoon wat ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (nr 117 van 1998) deur die raad aangestel is;

“**Strukturewet**” die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (nr 117 van 1998);

“**voertuig**” enige selfaangedrewe voertuig, wat insluit:

- 'n sleepwa; en
- 'n voertuig met pedale en 'n enjin of elektriese motor as 'n integrerende deel daarvan of daarby, wat ontwerp of aangepas is om met behulp van sodanige pedale, enjin of motor, of sowel sodanige pedale as die enjin of motor aangedryf te word, met uitsluiting van:
  - enige voertuig wat deur elektriese krag uit akkumulatorbatterye aangedryf word en deur 'n voetganger beheer word; of
  - enige voertuig met 'n massa van tot en met 230 kg, en wat spesiaal ontwerp en gebou is, en nie bloot aangepas is nie, vir gebruik deur enige persoon met 'n fisieke gebrek of gestremdheid, en alleenlik deur sodanige persoon gebruik word.

**Oordrag van bevoegdheid aan, en aanstelling van, gemagtigde amptenare**

2. (1) Die stadsbestuurder kan ingevolge hierdie verordening enige van sy of haar bevoegdhede of enige van sy of haar pligte aan enige amptenaar van die Stad oor- of opdra.
- (2) Die direkteur: Stadsparke kan enige van sy of haar bevoegdhede of enige van sy/haar pligte aan enige amptenaar van die Stad oor- of opdra.
- (3) Onderworpe aan die werwingsbeleid van die Stad, kan die stadsbestuurder gemagtigde amptenare aanstel om sekere bevoegdhede en pligte ingevolge hierdie verordening uit te oefen en uit te voer.

**Maksimum getal persone**

3. (1) Die direkteur: Stadsparke kan die maksimum getal besoekers bepaal wat op 'n bepaalde tydstip in 'n openbare park mag wees, met dien verstande dat verskillende getalle só vir verskillende parke en verskillende geleenthede bepaal kan word.
- (2) Die direkteur: Stadsparke moet die getalle in subartikel (1) hier bo deur middel van 'n kennisgewing bekend maak.

**Toegang tot, en besoek aan, 'n openbare park**

4. (1) 'n Persoon wat toegang tot 'n openbare park verkry, of 'n openbare park besoek, moet, onderworpe aan die bepalings van hierdie verordening, alle kennisgewings wat in 'n openbare park of by die ingang daarvan vertoon word sowel as enige instruksies van die gemagtigde amptenaar gehoorsaam en nakom.
- (2) By versuim om 'n kennisgewing of enige instruksies waarna in subartikel (1) hier bo verwys word, te gehoorsaam en na te kom, sal die Stad nie aanspreeklik wees vir enige skade of besering wat sodanige persoon ly of opdoen terwyl hy/sy in die openbare park is nie.
- (3) Onderworpe aan die bepalings van hierdie verordening, is 'n openbare park oop vir die publiek op die tye soos deur die direkteur: Stadsparke bepaal, met dien verstande dat verskillende tye vir verskillende openbare parke vasgestel kan word.
- (4) Geen persoon mag 'n omheinde openbare park op 'n ander plek as die aangewese in- of uitgang binnegaan of verlaat nie.
- (5) Die direkteur: Stadsparke sal die voorwaardes, tye en plekke soos in subartikel (1), (2) en (3) hier bo beoog, deur middel van 'n kennisgewing bekend maak.

**Toegangsgeld**

5. (1) Onderworpe aan die bepalings van hierdie verordening, het enige persoon vrye toegang tot 'n openbare park.
- (2) Ondanks subartikel (1) hier bo, kan die raad ingevolge die Verordening op Tariewe toegangsgeld vir openbare parke vasstel in sodanige spesiale omstandighede as wat dit kan bepaal, welke toegangsgeld met behulp van 'n kennisgewing bekend gemaak sal word.

**Storting en rommelstrooiing**

6. Geen persoon mag in 'n openbare park-
- (a) enige vullis, rommel, materiaal of enige voorwerp of item stort, neergooi, begrawe of neersit; of
  - (b) toelaat dat enige vullis, rommel, materiaal of enige voorwerp of item gestort, neergegooi, begrawe of neergesit word,
- buiten in 'n houer in die park wat vir daardie doel bestem is nie.

**Voedsel en drank**

7. (1) Geen persoon mag enige drank of enige ander alkoholiese of dwelmmiddel by 'n openbare park inbring of in 'n openbare park brou, berg of verkoop nie.
- (2) Geen persoon mag in stryd met 'n kennisgewing enige soort voedsel in 'n openbare park gaarmaak of berei nie, buiten op plekke wat ingevolge sodanige kennisgewing daarvoor bestem is.
- (3) Die bereiding en gaarmaak van voedsel op plekke in of by 'n openbare park wat ingevolge 'n kennisgewing vir sodanige doeleindes bestem is, moet op 'n skoon en higiëniese wyse geskied.
- (4) Geen dier mag sonder die vooraf- skriftelike toestemming van die direkteur: Stadsparke in 'n openbare park doodgemaak, geslag of ontvel word nie.

**Diere**

8. (1) Geen persoon mag enige lewende óf dooie dier by 'n openbare park inbring nie, buiten ooreenkomstig die opdrag van die direkteur: Stadsparke, met dien verstande dat verskillende opdragte met betrekking tot verskillende openbare parke en verskillende soorte diere uitgereik kan word.
- (2) Die opdragte wat in subartikel (1) hier bo beoog word, sal deur middel van 'n kennisgewing bekend gemaak word.
- (3) Geen karkasse mag in 'n openbare park begrawe word nie, maar moet op die eienaar se onkoste en op 'n manier wat die raad se goedkeuring wegdra mee weggedoen word.

**Gebruik van openbare parke**

9. (1) Geen persoon mag sonder die skriftelike toestemming van die direkteur: Stadsparke, of in stryd met enige voorwaardes wat die direkteur: Stadsparke met die verlening van sodanige toestemming kan oplê, in 'n openbare park:
- (a) enige openbare vermaak reël of aanbied nie;
  - (b) enige pamflet, plakkaat, skildery, boek, biljet, teken, advertensiebord of enige ander gedrukte, geskrewe of geskilderde werk vertoon of versprei nie;
  - (c) 'n openbare byeenkoms of optog, of enige uitstalling of vertoning, reël of hou nie;
  - (d) enige ambag, beroep of saak beoefen nie;
  - (e) enige goedere of artikels vertoon, verkoop of verhuur, of te koop of te huur aanbied nie;
  - (f) 'n veiling hou nie; of

(g) bou- of ander materiaal aflaai of berg nie.

(2) Onderworpe aan enige ander wet, sal die skriftelike toestemming wat in subartikel (1) hier bo beoog word, slegs geweier word indien enigiets waarna daar in subartikel (1)(a) tot (g) verwys word—

(a) waarskynlik sal aanleiding gee tot—

(i) openbare oproerigheid;

(ii) openbare rusverstoring;

(iii) 'n oortreding;

(iv) 'n onwelvoeglike daad;

(v) risiko's wat veiligheid en sekuriteit in gevaar stel; of

(vi) 'n situasie waar 'n beplande aktiwiteit in enige regsgebied van die Stad op dieselfde tyd plaasvind as 'n beplande aktiwiteit in die park, en die aktiwiteit wat in die park moet plaasvind na verwagting 'n nadelige uitwerking sal hê op die Stad se vermoë om veiligheid en sekuriteit te verseker;

(b) tot nadeel is van die publiek, of die gebruikers van of besoekers aan die openbare park; of

(c) waarskynlik die geriewe, natuurlewe of plantmateriaal in die park sal beskadig of vernietig.

**Bome in openbare parke**

10. (1) Geen persoon buiten 'n gemagtigde amptenaar mag-

(a) 'n boom of struik in 'n openbare park plant of snoei of op enige manier afsaag of verwyder, buiten met die skriftelike toestemming van die direkteur: Stadsparke nie;

(b) tensy deur 'n kennisgewing toegelaat in 'n boom wat in 'n openbare park staan klim of, dit breek of beskadig nie; of

(c) enige boom wat in 'n openbare park staan op enige manier merk of verf of enige advertensie daarteen aanbring nie.

(2) Enige boom of struik wat in 'n openbare park geplant word, word die eiendom van die Stad.

**Veiligheid en orde**

11. (1) Geen persoon mag in 'n openbare park-

(a) met enige toerusting, gerief of struktuur peuter, dit beskadig of vernietig nie;

(b) enige plant, gras, struik, bol, plantegroei of blom plant, uittrek, pluk, beskadig of verwyder nie;

(c) enige dier doodmaak, beseer, volg, steur, mishandel, vang, verwyder, hervestig of vrylaat, of enige dierehabetat verplaas, steur, vernietig of verwyder nie;

(d) enigiets in sodanige park vir enige doeleinde buiten dit waarvoor dit bestem is, gebruik of probeer gebruik nie;

(e) enige brandende of smeulende voorwerp weggooi nie;

(f) enige klip, rots of voorwerp van enige berg, helling of krans afgooi of losbreek nie;

(g) onbehoorlik, onwelvoeglik, oproerig, gewelddadig of antisosiaal optree of 'n steurnis veroorsaak nie;

(h) in 'n blombedding hardloop, loop, staan, sit of lê nie;

(i) in stryd met 'n kennisgewing op 'n grasperk hardloop, loop, staan, sit of lê nie;

(j) op 'n bank of sitplek lê, of dit op 'n manier aanwend wat ander daarvan verhoed om dit te gebruik nie;

(k) op speelparktoerusting speel of sit nie, buiten persone van 14 jaar of jonger of waar dit ingevolge 'n kennisgewing toegelaat word;

(l) in 'n visdam, fontein, stroom, dam of poel swem, loop of speel nie;

(m) op rolskaatse, 'n skaatsplank of 'n soortgelyke toestel skaats nie, buiten waar dit ingevolge 'n kennisgewing toegelaat word;

(n) 'n gas- of steenkoolbraaitoestel of -stoof gebruik nie;

(o) enige minerale stof, wat grond, sand, gruis of klip insluit, opgrawe, steur of verwyder nie;

(p) enige fossiele, beendere of historiese artefakte beskadig, opgrawe, steur, skend, vernietig of verwyder nie;

(q) enige afstandbeheertoestelle, soos bote, vliegtuie, helikopters of motors, gebruik nie;

(r) enige struktuur, gerief, pad, baan, springvlak of helling bou, oprig, neersit, skep, verwyder of wysig nie; of

(s) enige aktiwiteit beoefen wat op sigself of saam met ander aktiwiteite in die regsgebied van die Stad 'n gevaar kan inhou nie.

(2) Nieteenstaande subartikel (1), kan die direkteur: Stadsparke per kennisgewing en onderworpe aan sodanige voorwaardes as wat hy of sy nodig kan ag, magtiging of toestemming verleen vir enige van die stappe wat in subartikel (1) voorsien word.

**Water**

12. Geen persoon mag in 'n openbare park—

(a) enige waterbron, watertoevoer of afvalwater misbruik, verwyder, besoedel of besmet nie;

(b) die vloei van enige rivier of seisoenale moerasland versteur of verhinder nie; of

(c) enige water van privaat grond dreineer of herlei nie.



**Voertuie**

13. (1) Geen persoon mag enige vragmotor, bus, motor, motorfiets, trapfiets, vierwielfiets, driewielmotorfiets of enige ander voertuig, vaartuig, warmlugballon of vliegtuig, hetsy deur meganiese, diere-, natuur- of mensekrag aangedryf, of supermark of ander trollies by 'n openbare park inbring nie, tensy ooreenkomstig die skriftelike toestemming van die direkteur: Stadsparke, met dien verstande dat verskillende vereistes of voorwaardes vir verskillende openbare parke en vir verskillende voer-, vaar- of vliegtuie bepaal kan word.

(2) Die direkteur: Stadsparke kan die toepaslike snelheidsgrens vir 'n openbare park bepaal, met dien verstande dat verskillende snelheidsgrense vir verskillende openbare parke en vir verskillende voer-, vaar- of vliegtuie bepaal kan word.

(3) Die direkteur: Stadsparke sal die vereistes of voorwaardes in subartikel (1) hier bo, en die snelheidsgrens in subartikel (2) hier bo deur middel van 'n kennisgewing bekend maak.

**Speletjies**

14. Geen persoon mag enige speletjie van enige aard speel of aanvoer wat vir ander parkgebruikers—

- (a) 'n steurnis of moontlike steurnis sal veroorsaak nie; of
- (b) die gevaar van besering inhou nie;

buiten op plekke wat ingevolge 'n kennisgewing daarvoor bestem is, en ooreenkomstig die opdrag van die direkteur: Stadsparke.

**Onbehoorlike of onweloweglike gedrag**

15. Geen persoon mag in 'n openbare park—

- (a) 'n onweloweglike daad pleeg, hom of haarself onbehoorlik gedra deur hom of haar te ontbloot of iets dergelyks, onbehoorlike gebare maak, of iemand aanhits of aanmoedig om 'n wanordelike of onweloweglike daad te pleeg nie;
- (b) vuil, suggestiewe of onweloweglike taal gebruik nie;
- (c) 'n suggestiewe, eksplisiete of onsedelike afbeelding, geskrif, skets of voorstelling skryf, verf, teken of op enige manier aanbring nie; of
- (d) 'n toiletgerief wat ingevolge 'n kennisgewing vir lede van die teenoorgestelde geslag bedoel of bestem is, binnegaan of gebruik nie, met dien verstande dat dit nie vir kinders onder die ouderdom van sewe sal geld wat deur 'n volwassene vergesel word nie.

**Bevoegdhede van 'n gemagtigde amptenaar**

16. 'n Gemagtigde amptenaar kan-

- (a) te eniger tyd enige plek, grond, perseel of gebou in 'n openbare park binnegaan of betree en 'n ondersoek daar onderneem ten einde vas te stel of die bepalings van hierdie verordening nagekom word;
- (b) vir die beter uitoefening van enige mag, of die beter uitvoering van enige funksie of plig wat aan hom of haar opgedra of verleen is, 'n tolk saamneem wat, hoewel sodanige tolk onder die wettige bevel van sodanige amptenaar sal optree, dieselfde bevoegdhede, funksies en pligte as sodanige amptenaar, soos in paragraaf (a) hier bo beoog, sal hê.

**Wysiging, verandering en byvoeging van 'n kennisgewing of piktogram**

17. (1) Die direkteur: Stadsparke kan, onderworpe aan die bepalings van hierdie verordening, enige kennisgewing of piktogram wat in bylae 1 vermeld word, wysig, verander of byvoeg.

(2) Die direkteur: Stadsparke moet binne vyf (5) werksdae ná 'n wysiging, verandering of byvoeging van 'n kennisgewing of piktogram soos in subartikel (1) hier bo beoog, sodanige gewysigde, veranderde of bygevoegde kennisgewing of piktogram in die betrokke openbare park, of by die ingang daarvan, vertoon.

**Oortredings en strafmaatreëls**

18. Enige persoon wat 'n kennisgewing uitgereik, voorwaarde opgelê, of enige ander bepaling ingevolge hierdie verordening oortree of verontagsaam, sal aan 'n oortreding skuldig wees, en sal by skuldigbevinding strafbaar wees met 'n boete, of tronkstraf vir 'n tydperk van hoogstens ses maande, of sowel sodanige boete as tronkstraf.

**Herroeping van verordeninge**

19. (1) Die verordeninge in bylae 2 hierby word herroep in soverre dit in kolom 3 aangedui word.

(2) In geval enige ander verordening van die Stad in stryd met hierdie verordening sou wees, sal die bepalings van hierdie verordening geld in soverre daar strydigheid bestaan.

**Kort titel**

20. Hierdie verordening heet die Stad Kaapstad: Verordening op Openbare Parke, 2010.

**BYLAE 1****Simbole/piktogramme vir gebruik op parkkennisgewingborde**

| NO/NR | INTERPRETATION OF SYMBOL | BETEKENIS VAN SIMBOOL | INTSINGISELO YOMQONDISO  |
|-------|--------------------------|-----------------------|--------------------------|
| 1     | City of Cape Town emblem | Stad Kaapstad-embleem | Imbasa yeSixeko saseKapa |
| 2     | Potable water            | Drinkwater            | Amanzi aselwayo          |
| 3     | First aid                | Noodhulp              | Uncedo lokuqala          |
| 4     | Directional sign         | Rigtingwyser          | Umqondiso owalathisayo   |
| 5     | Toilets                  | Toilette              | Izindlu zangasese        |
| 6     | Ladies                   | Dames                 | Amanenekazi              |
| 7     | Gents                    | Mans                  | Amanene                  |
| 8     | Litter bin               | Vullisdrom            | Umgqomo wenkunkuma       |

| NO/NR | INTERPRETATION OF SYMBOL         | BETEKENIS VAN SIMBOOL                  | INTSINGISELO YOMQONDISO  |
|-------|----------------------------------|--|--|
| 9     | Pedestrians                      | Voetgangers                            | Abahambi ngeenyawo   |
| 10    | Jogging                          | Draf                                   | Ukuncunkca   |
| 11    | Hiking                           | Voetslaan                              | Uhambo lokusela umoya  |
| 12    | Cycling                          | Fietsry                                | Ukukhwela ibhayisikile   |
| 13    | Mountain bikes                   | Bergfietse                             | Iibhayisikili zokonyuka intaba                                       |
| 14    | Motor bikes                      | Motorfietse                            | Izithuthuthu   |
| 15    | Scramblers                       | Veldmotorfietse                        | Abahamba kwiindawo ezingamaxethuka                                   |
| 16    | Quad bikes                       | Vierwielmotorfietse                    | Izithuthuthu ezinxaneQuad bikes                                      |
| 17    | Motor vehicles                   | Motorvoertuie                          | Iinqwelo-mafutha   |
| 18    | Busses                           | Busse                                  | Iibhasi  |
| 19    | Parking                          | Parkering                              | Iindawo zokupaka   |
| 20    | Horse riding                     | Perdry                                 | Indawo yokukhwela amahashe   |
| 21    | Swimming                         | Swem                                   | Indawo yokudada  |
| 22    | Fishing                          | Hengel                                 | Indawo yokuloba  |
| 23    | Boardsailing                     | Seilplankry                            | Ukuhamba ngesikhephe esiqhutywa ngumoya                              |
| 24    | Sailing                          | Seil                                   | Ukuhamba ngesikhephe   |
| 25    | Boating                          | Skuitvaar/roei                         | Ukuhamba ngephenyane   |
| 26    | Boat-launching ramp              | Bootlanseerhelling                     | Ithambeka lenqanawa eweza abantu emlanjeni                           |
| 27    | Camping                          | Kampering                              | Ukuhlala endle/ukukampisha   |
| 28    | Caravans                         | Woonwaans                              | Uhambo ngekaravan  |
| 29    | Fire in fireplaces               | Vuurmaak in vuurmaakplekke             | Umlilo kumaziko  |
| 30    | Picnic site                      | Piekniekterrein                        | Indawo yepikniki   |
| 31    | Dogs                             | Honde                                  | Izinja   |
| 32    | Dogs on leash                    | Honde aan leibande                     | Izinja ezilawulwa ngeminxeba   |
| 33    | Remove dog faeces                | Verwyder hondeontlasting               | Yisuse ituwa yenja   |
| 34    | Roller skating                   | Rolskaats                              | Umdlalo wokutyibiliza ngezihlangu ezinamavili                        |
| 35    | Skateboarding                    | Skaatsplankry                          | Ukutyibiliza ngeplanga   |
| 36    | Hang-gilding                     | Hangsweef                              | Ukubhabha ngesiwuza  |
| 37    | Café/Take away                   | Kafee/wegneemetes                      | Ekhefi   |
| 38    | Tea-room                         | Teekamer                               | Igumbi lokuphungela  |
| 39    | Restaurant                       | Restaurant                             | Erestyu  |
| 40    | Prohibition                      | Verbod                                 | Isithintelo  |
| 41    | No overnight stay                | Oornagverblyf verbode                  | Akuvumelekanga ukulala apha  |
| 42    | No fires                         | Vuurmaak verbode                       | Ayivumelekanga imililo   |
| 43    | No portable barbecue appliances  | Draagbare braaitoestelle verbode       | Azivumelekanga izixhobo zokosa inyama eziphathekayo                  |
| 44    | No hunting                       | Jag verbode                            | Akuvumelekanga ukuzingela  |
| 45    | No firearms                      | Vuurwapens verbode                     | Ayivumelekanga imipu   |
| 46    | No bow and arrow shooting        | Pyl-en-boogskiet verbode               | Akuvumelekanga ukudubula ngotolo nesaphetha                          |
| 47    | No catapults                     | Ketties verbode                        | Azivumelekanga izilinge  |
| 48    | No stone-throwing                | Klipgooiery verbode                    | Akuvumelekanga ukugibisela amatye                                    |
| 49    | No flower picking                | Blompluk verbode                       | Akuvumelekanga ukukhiwa kweentyantyambo                              |
| 50    | No dumping                       | Storting verbode                       | Akuvumelekanga ukulahla inkunkuma                                    |
| 51    | No golf                          | Gholf verbode                          | Akuvumelekanga ukudlala igalufa                                      |
| 52    | No radios, tape or CD players    | Radio's en band- of CD-spelers verbode | Abavumelekanga oonomathotholo, iteyiphu okanye ezo zidlala amacwecwe |
| 53    | No washing or drying of clothes  | Klerewas en -droogmaak verbode         | Akuvumelekanga ukuhlamba okanye ukuxhoma impahla                     |
| 54    | No fireworks                     | Vuurwerk verbode                       | Azivumelekanga izitakantlantsi                                       |
| 55    | No drugs or alcohol              | Dwelms en alkohol verbode              | Azivumelekanga iziyobisi okanye utywala                              |
| 56    | No damaging of vegetation        | Beskadiging van plantegroei verbode    | Akuvumelekanga ukutshabalalisa izityalo                              |
| 57    | Opening times                    | Oopmaaktye                             | Amaxesha okuvula   |
| 58    | Closing times                    | Sluitingstye                           | Amaxesha okuvala   |
| 59    | No supermarket or other trolleys | Supermark- of ander trollies verbode   | Akufuneki zitroli zasesuphamakethi okanye ezingezinye                |
| 60    | No washing of the body           | Lyfwas verbode                         | Akuhlanjwa umzimba apha  |
| 61    | No graffiti                      | Graffiti verbode                       | Akufuneki mibhalo eludongeni/igrafithi                               |
|       | Note                             | Let wel                                | <i>Qaphela</i>   |

| NO/NR | INTERPRETATION OF SYMBOL  | BETEKENIS VAN SIMBOOL  | INTSINGISELO YOMQONDISO   |
|-------|---|--|---|
|       | All symbols are in green detail on a white background with a red border. If a symbol is displayed with a red border and red diagonal slash (no 40) it implies that the activity concerned is prohibited | Alle simbole verskyn in groen, op 'n wit agtergrond met 'n rooi rand. Indien 'n simbool 'n rooi rand en 'n rooi skuinsstreep daardeur het (nr 40), is die betrokke aktiwiteit verbode. | Yonke imiqondiso izotywe luhlaza kumgangatho omhlophe ezotywe kuwo nomqokumbelo obomvu. Xa umqondiso uveliswe unomqokumbelo obumvu kunye nomgca okrwelwe ngokuxwesileyo (nomb. 40) oku kuthetha ukuba lo msetyenzana kubhekiselelwe kuwo awuvumelekanga |

## BYLAE 2

## LYS VERORDENINGE WAT HERROEP WORD

| NOMMER VAN PROVINSIALE KENNISGEWING             | NAAM VAN VERORDENING   | OMVANG VAN HERROEPING |
|---|--|-----------------------|
| 414/1999  | Stad Tygerberg: Verordening insake Openbare Geriewe                        | In sy geheel          |
| 137/1987  | Gordonsbaai Munisipaliteit: Verordening insake Parke en Openbare Plekke    | In sy geheel          |
| 568/2000  | Oostenberg Munisipaliteit: Verordening insake Openbare Geriewe             | In sy geheel          |
| 391/1979, soos gewysig deur 85/1981 en 833/1990 | Somerset-Wes Munisipaliteit: Verordening insake Helderberg-natuurreservaat | In sy geheel          |

10 September 2010

22326

## ISIXEKO SASEKAPA

## UMTHETHO KAMASIPALA OLAWULA IIPAKA ZOLUNTU, 2010

**Injongo kukulawula ukungena kwabantu, izilwanyana nezithuthi kwiipaka zoluntu; ukuze kubonelelwe ngendlela yokusetyenziswa nokonwatyelwa kweepaka zoluntu; ukuze kugqitywe ngendlela yokuziphatha engamkelekanga kwiipaka zoluntu; kunye nokubonelela ngemibandela enxulumene noko.**

## IMBULAMBETHE

**NANGONA** icandelo 156(2) nele-(5) oMgaqo-siseko weRiphabhliki yoMzantsi Afrika, 1996 limisela ukuba iSixeko sinelungelo lokwenza nokulawula imithetho kamasipala silungiselela ulawulo olufanelekileyo lwemicimbi esinelungelo lokuyilawula, kunye nokusebenzisa naliphi na igunya eliphathelene nomcimbi ofanelekileyo ukuze kwenziwe imisebenzi yaso okanye ehamba noko ngokuyimpumelelo;

**YAYE NANGONA** iSiqendu B seShedyuli 5 yoMgaqo-siseko sidwelisa amaziko aluncedo engingqi neepaka zikamasipala neendawo zolonwabo njengemicimbi yorhulumente wengingqi;

**YAYE NGOKU NGENXA YOKO KUZA KUWISWA UMTHETHO** liBhunga lesiXeko saseKapa ngolu hlobo:-

## Iinkcazelo

**1.** Kulo Mthetho kaMasipala, ngaphandle kokuba umxholo ubonakalisa ngolunye uhlobo —

**“isilwanyana”** kuqukwa nasiphina isilwanyana esanyisayo, intaka, intlanzi, isilwanyan esinegazi elibandayo esirhubuluzayo/inoyoka, isinambuzane, ixoxo/isele okanye isilwanyana esingenamqolo;

**“igosa eligunyazisiweyo”** kubhekiselelwe kwilungu labasebenzi lesiXeko eligunyaziswe nguMphathi wesiXeko noMlawuli; wecandelo leePaka zesiXeko, okanye oqeshwe nguMphathi wesiXeko ukuba amisele imigaqo yalo Mthetho kaMasipala, okanye nawuphina umboneleli ngenkonzo ochongiweyo wangaphandle ocaciswe kwicandelo-76 (b) loMthetho wobuRhulumente beNgingqi ongoLawulo weeNkqubo zikaMasipala onguNomb.32 wango-2000 kwaye kuqukwe igosa lezonyanzeliso lomthetho okanye igosa lezendlela lesiXeko elithe lamiselwa njengegosa loxolo ngokwecandelo-334 loMthetho ongoMgaqo ongophononongo loLwaphuylo-mthetho onguNomb.51 wangowe-1977, elithi lisebenze xa lisebenzini kwaye libenembonakalo ololo hlobo;

**“isiXeko”** kubhekiselelwe kwisiXeko saseKapa esamiselwa ngokwemigaqo yecandelo 12 loMthetho olawula iZakheko zikaMasipala: kubuRhulumente beNgingqi, 1998 (uMthetho onguNomb. 117 ka-1998), kwiSaziso sePhondo 479 ka-2000 nesabhengezwa kwiPhephandaba likaRhulumente lePhondo elingaQhelekanga 5588 esatyikitywa ngowama-22 Septemba 2000;

**“UMphathi wesiXeko”** kubhekiselelwe kumntu oqeshwe liBhunga ngokwemigaqo yecandelo lama-82 loMthetho olawula iZakheko zikaMasipala: kubuRhulumente beNgingqi, 1998 (uMthetho onguNomb. 117 ka-1998);

**“UMgaqo-siseko”** kubhekiselelwe kuMgaqo-siseko weRiphabhliki yoMzantsi Afrika, 1996;

**“iBhunga”** kubhekiselelwe kwibhunga leSixeko saseKapa, nelibhunga ngokwemigaqo yecandelo 18 loMthetho olawula iZakheko zikaMasipala: kubuRhulumente beNgingqi, 1998 (uMthetho onguNomb. 117 ka-1998), okanye nayiphi na ikomiti, naliphi ibhungana okanye nawuphi uceba webhunga, osebenza phantsi kwegunya lebhunga okanye igunya elinikezelwe kulo;

**“uCeba”** kubhekiselelwe kwilungu leBhunga;

**“uMlawuli: wecandelo leePaka zesiXeko”** kubhekiselelwe kumsebenzi wesixeko owongamele icandelo leepaka zoluntu leSixeko;

**“isaziso”** kubhekiselelwe kwisaziso esibhaliweyo okanye imiqondiso eyimifanekiso ekhutshwa ngokwemigaqo yalo Mthetho kaMasipala, njengoko kubonakalisiwe kule Shedyuli, esiboniswa kakhulu nangokucacileyo kwindawo yokungena okanye kulo naliphi Iziko okanye inxenye yalo nekuyinjongo ukuze sisetyenziswe kuyo;

**“ipaka yoluntu”** kubhekiselelwe—

- (a) kuwo nawuphi na umezo wezityalo okanye nawuphi na umezo, ibala lokudlala, ibala loluntu elivulekileyo elilawulwa liSebe leePaka zesiXeko kwisiXeko, okanye ipaka elawula okanye eqeshwe sisiXeko, kuqukwa nasiphina isiqephu okanye naliphi na Iziko

okanye isixhobo esilapho kodwa kungabandakanywa nayiphi na indlela okanye isitalato soluntu; kunye

- (b) nawo nawuphi na umyezo wezityalo, okanye nasiphi na isitya okanye ibala lokudlala nesilawulwa ngokusemthethweni ngokwemigaqo yesivumelwano esenziwe nguloo mntu ingelilo iBhunga;

**“uMthetho olawula iZakheko”** kubhekiselelwe kuMthetho olawula iZakheko zikaMasipala: kubuRhulumente beNgingqi, 1998 (uMthetho onguNomb. 117 ka-1998);

**“lo Mthetho kaMasipala”** uquka le Shedyuli ilapha;

**“isithuthi”** kubhekiselelwe kuso nasiphi na isithuthi esiziqhuba ngokwaso yayo kuqukwa—

- (a) inqwelo erhuqwayo okanye isikhotshi; kunye
- (b) nesithuthi esinezinyathelo nenjini okanye injini yombane eyinxalenye edibeneyo yayo okanye eqhotyoshelwe kuyo nelungiselelwe okanye eyokhelwe ukuba iqhutywe kusetyenziswa izinyathelo, okanye injini okanye injini yombane okanye zombini ezo zinyathelo nenjini nenjini yombane, kodwa asibandakanyi-
- (i) nasiphi na isithuthi esiqhutywa ngamandla ombane agcinwe kwibhetri egcina amandla nelawulwa ngumhlambi ngeenyawo; okanye
- (ii) nasiphi na isithuthi esinomthamo ongadlulanga kuma-230 eekhilogramu yaye nelungiselelwe ngokukodwa yokhiwa, nengalungiselelwanga nje kuphela, ukusetyenziswa nguye nabani na onesifo sokugogeka komzimba okanye ukhubazeko ukuba isetyenziswa ngulo mntu kuphela.

**Ukunikezelwa kwegunya nokonyulwa kwamagosa agunyazisiweyo**

2. (1) UMphathi wesiXeko unelungelo lokunikezela naliphi na igunya lakhe okanye abe nawuphi na kwimisebenzi yakhe kulo naliphi na igosa lesiXeko ngokwemigaqo yoMthetho kaMasipala.

(2) Umlawuli: wecandelo leePaka zesiXeko unakho ukunikezela amagunya akhe kulo naliphi na igosa lesiXeko.

(3) Ngokuxhomekeke kwimigaqo-nkqubo yengqesho yesiXeko, uMphathi wesiXeko unalo ilungelo lokonyula amagosa agunyazisiweyo ukuba enze okanye asebenzise amagunya athile ngokwemigaqo yalo Mthetho kaMasipala.

**Elona nani likhulu labantu**

3. (1) Umlawuli: wecandelo leePaka zesiXeko unakho ukumisela elona nani likhulu labantu abandwendweleyo nabanokubakho ngexesha elithile kwipaka yoluntu, ukuba amanani ohlukeneyo abantu anokumiselwa nakwezinye iipaka ezohlukeneyo nangokweziganeko ezohlukeneyo.

(2) Amanani ekujoliswe kuwo kwicandelwana (1) kufuneka aziswe nguMlawuli: wecandelo leePaka zesiXeko esebenzisa isaziso.

**Ukungena nokutyelela ipaka yesixeko**

4. (1) Umntu ovunyelweyo ukuba angene okanye atyelele ipaka yoluntu kufuneka, ngokuxhomekeke kwimigaqo yalo Mthetho kaMasipala, aqwalasele yaye athobele zonke izaziso ezixhonywe kwipaka yoluntu okanye kwindawo yokungena apho.

(2) Xa ubani engaphumeleli ukuqwalasela okanye ukuthobela isaziso esichazwe kwicandelwana (1), isiXeko asinakuba naxanduva lokuhlawulela umonakalo okanye ukonzakala akufumene ngexesha lo mntu etyelele kulo paka yoluntu.

(3) Ipaka yoluntu, isebenza ngokuxhomekeke kwimigaqo yalo Mthetho kaMasipala, ivulelekile eluntwini ngawo onke amaxesha amiswe nguMlawuli: wecandelo leePaka zesiXeko, ukuba kunokumiselwa amaxesha ohlukeneyo ngokubhekiselele kwiipaka zoluntu ezohlukeneyo.

(4) Akukho mntu uvumelekileyo ukuba angene okanye aphume kwipaka yoluntu ebiyelweyo kwindawo engeyiyo leyo iphawulelwe oko.

(5) Imiqathango yamaxesha neendawo emiselwe kumacandelwana (1), (2) nele-(3) mayaziswe nguMlawuli: wecandelo leePaka zesiXeko esebenzisa isaziso.

**Intlawulo yokungena**

5. (1) Ngokuxhomekeke kimimislo yalo Mthetho kaMasipala, wonke umntu kufuneka angene ngaphandle kwentlawulo kwipaka yoluntu.

(2) Nakubeni kubonakalisiwe kwicandelwana-(1), iBhunga NgokoMthetho kaMasipala ongamaXabiso/ongehRhafu, lingamisela imirhumo engokungena kwipaka yoluntu Ngokweemeko ezithile ekuthe kwathatyathwa isigqibo ngazo kwaye imirhumo leyo kufuneka yaziswe kwizaziso.

**Ukulahla nokuNgcolisa**

6. Akukho mntu uvumelekileyo ukuba kwipaka yoluntu -

- (a) alahle, awise, ombele okanye abeke inkunkuma, amaqhekeza okwakha, izinto ezimdaka okanye nantoni na; okanye
- (b) avumele ukuba kulahlwe, kuwiswe, kombelwe, kubekwe inkunkuma, amaqhekeza okwakha, izinto ezimdaka okanye nantoni na,

ngaphandle kwakumgqomo ophawulelwe lo msebenzi kwipaka leyo.

**Utywala nokutya**

7. (1) Akukho mntu, ovumelekile ukuba enze ngokuchasene nesaziso, ngokuthi azise, asele, adidiyele, agcine okanye athengise kwipaka yoluntu nabuphi na utywala okanye nasiphi na isiselo esinxilisayo okanye into eyobisayo.

(2) Akukho mntu uvumelekileyo kwipaka, ngokuchasene nesaziso, ukuba apheke okanye alungiselele ukutya nokuba kukolwaphi na uhlobo, ngaphandle kwakwiindawo ezibekelwe bucala ukuze kwenziwe lo msebenzi nezichazwe kwisaziso.

(3) Ukulungisa nokupheka ukutya kwiindawo ezibekelwe bucala nezichazwe kwisaziso ukuze kwenziwe lo msebenzi okanye kwipaka yoluntu kuyimfuneko ukuba kwenziwe ngendlela ecocekileyo neseempilweni.

(4) Akuvumelekanga ukuba izilwanyana eziphilayo, iinkukhu okanye intlanzi zixhelwe, zobulwe okanye zihlinzwe kwipaka yoluntu ngaphandle kokuba kuqale kufunyanwe invume ebhaliweyo yoMlawuli: wecandelo leePaka zesiXeko.

**Izilwanyana**

8. (1) Akuvumelekanga ukuba nabani aze nesilwanyana esiphilayo, isirhubuluzi, intaka, intlanzi okanye inkukhu kwipaka yoluntu ngaphandle kokuthobela imiyalelo yoMlawuli: wecandelo leePaka zesiXeko ukuba imiyalelo eyohlukeneyo inokumiselwa ngokuphathelele kwiipaka zoluntu ezohlukeneyo neentlobo ezohlukeneyo zezilwanyana, iintaka, iintlanzi neenkukhu

(2) Imiyalelo echazwe kwicandelwana (1) kuyimfuneko ukuba ibhengezwe kusetyenziswa isaziso.

(3) Akuvumelekanga ukuba imizimba yezilwanyana ezixheliweyo ingcwatyelwe kwipaka yoluntu koko kufuneka ilahlwe ngeendleko zomni wesilwanyana eso nangendlela eyamkelweyo liBhunga.

**Ukusetyenziswa kweepaka zoluntu**

**9.** (1) Akukho mntu uvumelekileyo ukuba kwipaka yoluntu ngaphandle kokufumana imvume ebhaliweyo yoMlawuli: wecandelo leePaka zesiXeko okanye ngokuchasene nayo nayiphi na imiqathango yoMlawuli: wecandelo leePaka zesiXeko aya kuthi ayimisele xa enikezela imvume -

- (a) acwangcise okanye asindleke indibano yolonwabo yoluntu;
- (b) abonise okanye asasaze iincwadana, amakhadi abhaliweyo, imizobo, iincwadi, izaziso ezinikezelwa ngezandla, imiqondiso, ibhodi yezibhengezo-ntengiso okanye nayo nantoni na eshicilelweyo, ebhaliweyo okanye umsebenzi wobugcisa bomzobo;
- (c) acwangcise, abambe okanye enze intetho kwintlango okanye nawuphina umboniso okanye umbiniso waseqongenis;
- (d) enze okanye aqhube naliphina urhwebo, aumsebenzi okanye ushishino;
- (e) ukubonisa, ukuthengisa okanye ukuqeshisa okanye ukubeka into ethengiswayo okanye eqeshisayo okanye ukuqeshisa impahla okanye izinto;
- (f) ukubamba ifandesi;
- (g) ukothula okanye ukugcina kwisakhiwo okanye nantoni na eyimpahla.

(2) Ngokuxhomekeke kuwo nawuphi na omnye umthetho, imvume ebhaliweyo nechazwe kwicandelwana (1) ayisayi kwamkelwa kuphela ukuba -

- (a) oko kuza kwenziwa kunokubangela —
  - (i) ingxwabangxwaba yoluntu;
  - (ii) uphazamiseko kwinzolo yoluntu;
  - (iii) ukophulwa komthetho;
  - (iv) ukubandakanyeka koluntu kwizenzo ezingafanelekanga;
  - (v) imingciphek ethi ibeke esichengeni ezokhuselo nokhu-seleko; okanye
  - (vi) imeko apho kuye kuqhubekela intshukumo kwipaka ecwangcisiweyo nakowuphina ummandla woLawuli sisiXeko, iye ithatyathwe njengenempembelelo engamkelekanga ukuba isiXeko sikwazi ukujongana nokhuselo nokhuseleko;
- (b) kuyinxwaleko eluntwini okanye kubasebenzisi, okanye kubatyeleli bepaka yoluntu; okanye
- (c) kunokubangela umonakalo okanye kunokutshabalalisa izixhobo eziluncedo okanye izinto zokugcina izityalo zepaka.

**Imithi kwiipaka zoluntu**

**10.** (1) Akukho mntu ngaphandle kwegosa eligunyazisiweyo uvumelekileyo ukuba-

- (a) atyale okanye athene imithi okanye ityholwana, okanye agawule ngayo nayiphi na indlela imithi okanye ityholwana, kwipaka yoluntu okanye awususe kule ndawo, ngaphandle kokuba ufumene imvume ebhaliweyo kuMlawuli: wecandelo leePaka zoLuntu;
- (b) ngaphandle kokuba uvunyelwe ngokwesaziso ukuba agwenkcele okanye akhwele okanye, ophule okanye onakalise umthi lowo ukhula kwipaka yoluntu; okanye
- (c) ngayo nayiphi na indlela aphawule okanye apeyinte umthi okhula kwipaka yoluntu okanye aqhoboshele isibhengezo-ntengiso kulo mthi.

(2) Nawuphi na umthi okanye ityholwana elilinywe kwipaka yoluntu liya kuba yipropati yesiXeko.

**Ukhuseleko nocwangco**

**11.** (1) Akukho mntu uvumelekileyo kwipaka kwipaka yoluntu ukuba -

- (a) onakalise, abhuca-bhuca okanye atshabalalise nasiphi na isixhobo, izinto eziluncedo okanye isakheko;
- (b) adoncule/atsale, ancothule okanye onakalise nasiphi na isityalo, ityholwana, izitswele, utyani okanye intyantyambo;
- (c) abulale, onzakalise, alandele, aphazamise, apathe kakubi okanye abambe nasiphi na isilwanyana, intake okanye intlanzi okanye asuse, aphazamise, atshabalalise indawo yokuhlala okanye asuse iindlwana zeentaka okanye amaqanda azo;
- (d) asebenzise okanye azame ukusebenzisa nantoni ekwipaka ngenjongo engeyiyo leyo ilungiselelwe yona,
- (e) alahle nantoni na evuthayo okanye eqhumayo;
- (f) aphose okanye ashensexile ulwalwa, ilitye okanye nantoni na ezintabeni, kwithambeka okanye eliweni;
- (g) aziphathe ngendlela engafanelekanga, elihlazo, engalawulekiyo, enobundlobongela engafanelanga intlalo, okanye abangele uphazamiseko;
- (h) ahambe, eme, ahlale okanye angqengqeqe kwisityalelo seentyantyambo;
- (i) ahambe, eme, ahlale okanye angqengqeqe engceni ngokuchasene nemiqathango yesaziso;
- (j) angqengqeqe esitulweni okanye kwindawo yokuhlala okanye ayisebenzise ngendlela ethintela abanye ekuyisebenziseni;
- (k) adlale okanye ahlale kwizixhobo zokuhlala zepaka, ngaphandle kokuba lo mntu kubhekiselelwe kuye ngumntwana ominyaka ingaphantsi kweli-14 ubudala okanye ngaphantsi, okanye njengoko kubonakalisiwe/kuvunyelwe kwisaziso;
- (l) adade, ahambe okanye adlale, ngokuchasene nemiqathango yesaziso, kwichibi leentlanzi, emthonjeni, kumsele, kwidama okanye



kwichibi lamanzi;

- (m) atyibilize ngezihlangu ezinamavili okanye ngeplanga lokutyibiliza okanye ngesixhobo esifana nezi ngaphandle kwakwindawo ekuvumelekileyo ukwenza oku ngesaziso;
- (n) alayite isitovu segesi sokoja inyama okanye abase amalahlle elungiselela ukosa inyama okanye esitovini.
- (o) ombe, aphazamise okanye asuse nawuphina umbandela ongezendalo kuquka umhlaba, isanti, amahlalutye okanye amatye;
- (p) onakalise, ombe/agrumbe, aphazamise, atshintshe inkangeleko, atshabalalise okanye asuse nayiphina intsalela eselugcinweni eyimbali, amathambo okanye umsebenzi wobugcisa oyimbali yexesha lamandulo;
- (q) asebenzise nasiphina isixhobo esisebenza ngamaza omoya okanye injini kuquka izikhephe, iinqwelo-moya nezithuthi;
- (r) amisele isakhiwo, agxumeke, abeke, ayile, asuse okanye alungelelanise isakheko, iziko loncedo, indlela yokudlula, umzila, axhuma-xhume okanye adale ithambeka; okanye
- (s) okanye azibandakanye nakweyiphina intshukumo apho eya kuthi ibangele umngcipheko okanye intshukumo ebandakanye ezinye iintshukumo ezikummandla olawulwa sisiXeko.

(2) Nakubeni kukho icandelwana (1), uMlawuli weePaki zesiXeko angathi ngokusebenzisa isaziso, kwaye ngokuxhomekeke kuloo miqathango apho aya kuthi abone kufanelekile ukuba agunyazise okanye avumele nalo naliphina kumanyathelo abonakaliswe kwicandelwana (1)

#### **Amanzi**

**12.** Akukho namnye umntu kwipaka oya kuthi —

- (a) asebenzise ngendlela engeyiyo, angcolise okanye adyobhe nawuphi na umthombo wamanzi, ubonelelo lwamanzi okanye amanzi angasetyenziswayo akuyo nayiphi na ipaka yoluntu;
- (b) aphazamisane okanye axabe okanye athintele ukuhamba kwamanzi awo nawuphina umlambo okanye umhlaba ongumgxobhozo ngokwamaxesha athile; okanye
- (c) afunxe okanye avulele nawaphina amanzi akumhlaba wabucala.

#### **Izithuthi**

**13.** (1) Akukho mntu uvumelekileyo ukuba eze kwipaka yoluntu ngeloli, ngebhasi, ngenqwelo-mafutha, ngesithuthuthu, isithuthuthu esinamavili amane, isithuthuthu esinamavili amathathu, okanye nasiphi na isithuthuthu, inqwelo ehamba emanzini okanye inqwelo-moya, nokuba iqhutywa ngobuchule bomatshini, ngezilwanyana, ngamandla endalo okanye ngamandla abantu, ngaphandle kokungqinelana nemvume ebhaliweyo yoMlawuli: wecandelo leePaka zesiXeko ukuba kunokumiselwa iimfuno ezohlukeneyo okanye imiqathango kwiipaka ezohlukeneyo zoluntu nejoliswa kwizithuthuthu ezohlukeneyo, iinqwelo zokuhamba emanzini okanye iinqwelo-moya.

(2) UMlawuli: wecandelo leePaka zesiXeko unakho ukumisela umlinganiselo wesantya esinokusetyenziswa kwiindlela ezikwiipaka zoluntu, ukuba imilinganiselo yezantya eyohlukeneyo kwiipaka zoluntu ezohlukeneyo nezithuthuthu, iinqwelo ezihamba emanzini neenqwelo-moya ezohlukeneyo.

(3) Iimfuno nemiqathango echazwe kwicandelwana (1) kunye nomlinganiselo wesantya ochazwe kwicandelwana (2) ziya kubhengezwa ngesaziso nguMlawuli: wecandelo leePaka zesiXeko.

#### **Imidlalo**

**14.** Akukho mntu uvumelekileyo ukuba adlale okanye aququzelele nawuphi na umdlalo nokuba ngowaluphi na uhlobo—

- (a) oya kubangela uphazamiseko, okanye onokuphazamisa; okanye
- (b) ubangele umonzakalo,

kwabanye abasebenzisi bepaka kwiindawo ezibekelwe bucala, ezilungiselelwe injongo yesaziso nangokungqinelana nemiyalelo emiselwe nguMlawuli: wecandelo leePaka zesiXeko.

#### **Isimo sokuziphatha esingafanelekanga okanye esiluhlazo**

**15.** Akukho mntu uvumelekileyo kwipaka yoluntu ukuba —

- (a) enze isenzo esiluhlazo okanye aziphathe ngendlela engafanelekanga ngokuzibhenca ubuni bakhe okanye nangayiphi na indlela, okanye enze izijekulo ezingafanelekanga okanye axhokoxe okanye athundeze omnye umntu ukuba enze isenzo esingafanelekanga okanye esiluhlazo;
- (b) asebenzise intetho engcolileyo, enoburheletya okanye engafanelekanga;
- (c) abhale, apeyinte, azobe okanye ngayo nayiphi na indlela enze umfanekiso onoburheletya, ocacileyo ongekho sikweni, umbhalo, umzobo okanye alinganise nantoni na engafanelekanga; okanye
- (d) angene okanye asebenzise indlu yangasese elungiselelwe okanye ephawulwe kwisaziso ngokuba yeyamalungu esini esingesiso eso sakhe, kodwa ukuba oku akwenziwa ngabantwana abaminyaka ingaphantsi kwesixhenxe ubudala.

#### **Amagunya egosa eligunyazisiweyo**

**16.** Igosa eligunyazisiweyo linakho —

- (a) ukuthi kwipaka yoluntu ngalo naliphi na ixesha lingene nakuyiphi na indawo, kumhlaba, kumasango okanye kwisakhiwo ze enze uphando kulo ndawo ngenjongo yokufumanisa ukuba imiqathango yalo Mthetho kaMasipala iyathotyelwa kusini na;
- (b) ukuze kusetyenziswe amagunya ngokufanelekileyo kuwo nawuphi na umsebenzi omiselwe yena, onikwe lona linakho ukuhamba netoliki eza kuthi, ngeli xesha isebenza phantsi komyalelo osemthethweni welo gosa, nayo ibe namagunya afanayo, imisebenzi noxanduva olufana nolo lwegosa njengoko ichaziwe kumhlathi (a);
- (c) ukunika imiyalelo okanye linike isikhokelo kuluntu ngokweenjongo zalo Mthetho kaMasipala, ukuba luziphathe ngendlela ethile ngokweli thuba bakwipaka yoluntu.

**Ulungiso, ukutshintshwa nokongezwa kwesaziso okanye komqondiso ongumfanekiso**

17. (1) Umlawuli: wecandelo leePaka zesiXeko unakho, ngokuxhomekeke kwimigaqo yalo Mthetho kaMasipala, ukulungisa, ukutshintsha okanye ukongeza nasiphi na isaziso okanye umqondiso ongumfanekiso okhankanywe kwishedyuli-1.

(2) Umlawuli: wecandelo leePaka zesiXeko kuyimfuneko ukuba, kwisithuba seentsuku ezi-5 zomsebenzi emva kokulungiswa, kokutshintshwa okanye kokongezwa kwesaziso okanye komqondiso ongumfanekiso njengoko kuchaziwe kwicandelwana (1), kuboniswe olo lungiso, utshintsho okanye isongezo kwisaziso okanye komqondiso ongumfanekiso kwipaka yoluntu efanelekileyo okanye kwindawo yokungena/kwisango lepaka leyo.

**Izohlwayo**

18. (1) Nabani na owaphula imigaqo okanye ongaphumeleliyo ukuthobela esi saziso sikhutshwe ngokungqinelana, okanye umqathango omiselwe phantsi kwaso, okanye nawuphi na omnye umgaqo, walo Mthetho kaMasipala, uya kuba netyala lolwaphulo-mthetho yaye ukuba uthe wagwetywa uya kuba noxanduva lokuhlulwa isohlwayo okanye ukuvalelwa isithuba esingadlulanga kwiinyanga ezintandathu, okanye zombini isohlwayo nokuvalelwa.

(2) Ukongeza ekunikezelweni kwesohlwayo okanye ukuvalelwa ejele, ngokwecandelwana (1), inkundla inganika umyalelo nabani na ogwetywe ngenxa yokwaphuyla lo Mthetho kaMasipala —

- (a) Enze izilungiso kumonakalo wokwaphula kwakhe lo mthetho; okanye
- (b) Ahlawule intlawulo yentlungu ayenzileyo kuloo mntu okanye kwipropati leyo kwaye umyalelo lowo uya kuthi ubenesinyanzeliso nemiphumela yesigqibo senkundla yasekuhlaleni.

**Ukuguzulwa kwemithetho**

19. (1) Imithetho edweliswe kwiSheduli yesi- 2 iyaguzulwa.

(2) Xa kunokwenzeka omnye umthetho kamasipala wesiXeko ongangqinelaniyo nalo Mthetho kaMasipala, imigaqo yalo Mthetho kaMasipala iya koyisa okanye iya kuba yiyo esetyenziswayo, kangangoko kukho ukungangqinelani nomnye.

**Isihloko esifutshane**

20. Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala olawula iiPaka zoLuntu: wesiXeko saseKapa, 2010.

**ISHEDYULI — 1****Imiqondiso / Imifanekiso elungiselelwe ukusetyenziswa kwiibhodi zezaziso kwipaka yoluntu (Symbols / Pictograms for use on park notice boards)**

Meyi 2010

| NO | INTERPRETATION OF SYMBOL | BETEKENIS VAN SIMBOOL      | INTSINGISELO YOMQONDISO                    |
|----|--------------------------|----------------------------|--|
| 1  | City of Cape Town emblem | Stad Kaapstad-embleem      | Iimbasa yesiXeko saseKapa                  |
| 2  | Potable water            | Drinkwater                 | Amanzi aselwayo                            |
| 3  | First aid                | Noodhulp                   | Uncedo lokuqala                            |
| 4  | Directional sign         | Rigtingwyser               | Umqondiso owalathisayo                     |
| 5  | Toilets                  | Toilette                   | Izindlu zangasese                          |
| 6  | Ladies                   | Dames                      | Amanenekazi                                |
| 7  | Gents                    | Mans                       | Amanene                                    |
| 8  | Litter bin               | Vullisdrom                 | Umgqomo wenkunkuma                         |
| 9  | Pedestrians              | Voetgangers                | Abahambi ngeenyawo                         |
| 10 | Jogging                  | Draf                       | Ukunkunkca                                 |
| 11 | Hiking                   | Voetslaan                  | Uhambo lokusela umoya                      |
| 12 | Cycling                  | Fietsry                    | Ukukhwela ibhayisikile                     |
| 13 | Mountain bikes           | Bergfietse                 | Iibhayisikili zokonyuka intaba             |
| 14 | Motor bikes              | Motorfietse                | Izithuthuthu                               |
| 15 | Scramblers               | Veldmotorfietse            | Abahamba kwiindawo ezingamaxethuka         |
| 16 | Quad bikes               | Vierwielmotorfietse        | Izithuthuthu ezinxaneQuad bikes            |
| 17 | Motor vehicles           | Motorvoertuie              | Iinqwelo-mafutha                           |
| 18 | Busses                   | Busse                      | Iibhasi                                    |
| 19 | Parking                  | Parkering                  | Iindawo zokupaka                           |
| 20 | Horse riding             | Perdry                     | Indawo yokukhwela amahashe                 |
| 21 | Swimming                 | Swem                       | Indawo yokudada                            |
| 22 | Fishing                  | Hengel                     | Indawo yokuloba                            |
| 23 | Boardsailing             | Seilplankry                | Ukuhamba ngesikhephe esiqhutywa ngumoya    |
| 24 | Sailing                  | Seil                       | Ukuhamba ngesikhephe                       |
| 25 | Boating                  | Skuitvaar/roei             | Ukuhamba ngephenyane                       |
| 26 | Boat-launching ramp      | Bootlanseerhelling         | Ithambeka lenqanawa eweza abantu emlanjeni |
| 27 | Camping                  | Kampering                  | Ukuhlala endle/ukukampisha                 |
| 28 | Caravans                 | Woonwaens                  | Uhambo ngekharavan                         |
| 29 | Fire in fireplaces       | Vuurmaak in vuurmaakplekke | Umlilo kumaziko                            |
| 30 | Picnic site              | Piekniekterrein            | Indawo yepikniki                           |
| 31 | Dogs                     | Honde                      | Izinja                                     |
| 32 | Dogs on leash            | Honde aan leiband          | Izinja ezilawulwa ngeminxeba               |
| 33 | Remove dog faeces        | Verwyder honde-ontlasting  | Yisuse ituwa yenja                         |

| NO | INTERPRETATION OF SYMBOL  | BETEKENIS VAN SIMBOOL   | INTSINGISELO YOMQONDISO   |
|----|---|---|---|
| 34 | Roller skating  | Rolskaats   | Umdlalo wokutyibiliza ngezihlangu ezinamavili   |
| 35 | Skateboarding   | Skaatsplankry   | Ukutyibiliza ngeplanga  |
| 36 | Hang-gilding  | Hangsweef   | Ukubhabha ngesiwuza   |
| 37 | Café/Take away  | Kafee/wegneemetes   | Ekhefi  |
| 38 | Tea-room  | Teekamer  | Igumbi lokuphungela   |
| 39 | Restaurant  | Restaurant  | Erestyu   |
| 40 | Prohibition   | Verbod  | Isithintelo   |
| 41 | No overnight stay   | Oornagverblyf verbode   | Akuvumelekanga ukulala apha   |
| 42 | No fires  | Vuurmaak verbode  | Ayivumelekanga imililo  |
| 43 | No portable barbecue appliances   | Draagbare braaitoestelle verbode  | Azivumelekanga izixhobo zokosa inyama eziphathekayo   |
| 44 | No hunting  | Jag verbode   | Akuvumelekanga ukuzingela   |
| 45 | No firearms   | Vuurwapens verbode  | Ayivumelekanga imipu  |
| 46 | No bow and arrow shooting   | Pyl-en-boogskiet verbode  | Akuvumelekanga ukudubula ngotolo nesaphetha   |
| 47 | No catapults  | Ketties verbode   | Azivumelekanga izilinge   |
| 48 | No stone-throwing   | Klipgooiery verbode   | Akuvumelekanga ukugibisela amatye   |
| 49 | No flower picking   | Blompluk verbode  | Akuvumelekanga ukukhiwa kweentyantyambo   |
| 50 | No dumping  | Storting verbode  | Akuvumelekanga ukulahla inkunkuma   |
| 51 | No golf   | Gholf verbode   | Akuvumelekanga ukudlala igalufa   |
| 52 | No radios, tape or CD players   | Radio's en band- of CD-spelers verbode  | Abavumelekanga oonomathotholo, iteyiphu okanye ezo zidlala amacwecwe  |
| 53 | No washing or drying of clothes   | Klerewas en -droogmaak verbode  | Akuvumelekanga ukuhlamba okanye ukuxhoma impahla  |
| 54 | No fireworks  | Vuurwerk verbode  | Azivumelekanga izitakantlantsi  |
| 55 | No drugs or alcohol   | Dwelms en alkohol verbode   | Azivumelekanga iziyobisi okanye utywala   |
| 56 | No damaging of vegetation   | Beskadiging van plantegroei verbode   | Akuvumelekanga ukutshabalalisa izityalo   |
| 57 | Opening times   | Oopmaaktye  | Amaxesha okuvula  |
| 58 | Closing times   | Sluitingstye  | Amaxesha okuvala  |
| 59 | No supermarket or other trolleys  | Supermark- of ander trollies verbode  | Akufuneki zitroli zasesuphamakethi okanye ezingezinye   |
| 60 | No washing of the body  | Lyfwas verbode  | Akuhlanjwa umzimba apha   |
| 61 | No graffiti   | Graffiti verbode  | Akufuneki mibhalo eludongeni/igrafithi  |
|    | <i>Note</i>   | <i>Let wel</i>  | <i>Qaphela</i>  |
|    | All symbols are in green detail on a white background with a red border. If a symbol is displayed with a red border and red diagonal slash (no 40) it implies that the activity concerned is prohibited | Alle simbole verskyn in groen, op 'n wit agtergrond met 'n rooi rand. Indien 'n simbool 'n rooi rand en 'n rooi skuinsstreep daardeur het (nr. 40), is die betrokke aktiwiteit verbode. | Yonke imiqondiso izotywe luhlaza kumgangatho omhlophe ezotywe kuwo nomqokumbelo obomvu. Xa umqondiso uveliswe unomqokumbelo obumvu kunye nomgca okrwelwe ngokuxwesileyo (nomb. 40) oku kuthetha ukuba lo msetyenzana kubhekiselelwe kuwo awuvumelekanga |

## ISHEDYULI-2

## ULUHLU LWEMITHETHO KAMASIPALA EKUFUNEKA IBHANGISIWE/IMISELWE NGOKUTSHA (LIST OF BY-LAWS TO BE REPEALED)

| INOMBOLO YE-P.N.  | IGAMA LOMTHETHO KAMASIPALA  | UBUNGAKANANI BOKUBHANGISWA |
|---|---|----------------------------|
| 414/1999  | IsiXeko sase-Tygerberg: UMthetho kaMasipala ophathelene namaZiko oluntu aluncedo                  | Uwonke                     |
| 137/1987  | UMthetho kaMasipala wase-Gordon's Bay ophathelene neepaki kunye neeNdawo zoLuntu                  | Uwonke                     |
| 568/2000  | UMthetho kaMasipala wase-Osternberg ophathelene namZiko oLuntu aluncedo                           | Uwonke                     |
| 391/1979 njengoko ulungisiwe ngowe-85/1981 nongowe-833/1990 | UMthetho kaMasipala wase-Somerset West ophathelene neNdawo yezoLondolozo lweNdalo yase-Helderberg | Uwonke                     |

**CITY OF CAPE TOWN: BY-LAW ON LIQUOR TRADING DAYS AND HOURS, 2010**

**To provide for the control of undertakings selling liquor to the public in order to ensure a safe and healthy environment in the City of Cape Town; to provide for days and hours of trade in liquor by licensed undertakings that sell liquor to the public; and to provide for matters related thereto.**

**Preamble**

**WHEREAS** a municipality has competence in terms of Section 156(1) (a) read with Part B of Schedule 5 to the Constitution of the Republic of South Africa, 1996, to control undertakings that sell liquor to the public;

**WHEREAS** a municipality may, in terms of section 156(2) of the Constitution, make and administer by-laws for the effective administration of the matters which it has the right to administer;

**WHEREAS** it is the intention of the City to only permit trade in liquor from correctly zoned premises in terms of the zoning scheme of the City;

**WHEREAS** it is the intention of the City to set trading days and hours for all licensed undertakings situated within the City of Cape Town that sell liquor to the public;

**AND NOW THEREFORE, BE IT ENACTED** by the Council of the City of Cape Town, as follows:—

**Definitions**

1. (1) In this By-law, unless the context indicates otherwise —

“**agricultural zoned area**” means an area zoned in terms of the Zoning Scheme for the promotion and protection of agriculture on farms as an important economic, environmental and cultural resource, where limited provision is made for non-agricultural uses to provide owners with an opportunity to increase the economic potential of their properties, without causing a significant negative impact on the primary agricultural resource;

“**City of Cape Town**” means the City of Cape Town established by the City of Cape Town Establishment Notice published in Provincial Notice No. 479 of 2000, as amended, and “**City**” has a corresponding meaning;

“**general business zoned areas**” means areas zoned in terms of the Zoning Scheme designed to promote economic development in business districts and development corridors, and includes a wide range of land uses such as business, residential and community uses;

“**general industrial zones**” means zones that accommodate all forms of industry, but do not include noxious trade and risk activity;

“**general residential zones**” means zones designed to provide a healthy, safe, and pleasant environment for urban living at higher densities;

“**guest house**” means a dwelling house or second dwelling which is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment which exceeds the restrictions of a bed and breakfast establishment, and may include facilities for business meetings or training sessions by guests on the property;

“**hotel**” means a property used as a temporary residence for transient guests, where lodging and meals are provided, and may include —

- (i) a restaurant or restaurants;
- (ii) conference and entertainment facilities that are subservient and ancillary to the dominant use of the property as a hotel;
- (iii) premises which are licensed to sell alcoholic beverages for consumption on the property,

but does not include an off-sales facility, a dwelling house or dwelling unit.

“**liquor**” means liquor as defined in section 1 of the Act;

“**Liquor Licensing Tribunal**” means the Liquor Licensing Tribunal as defined in section 1 of the Act;

“**local business zones**” means zones that provide intermediate zones, which can act as a buffer or interface between general business zones or other high intensity non-residential uses and residential areas;

“**place of entertainment**” means a place used predominantly for commercial entertainment which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis, which includes a cinema, theatre, amusement park, dance hall, gymnasium and nightclub;

“**room service facility**” includes a mini bar or self-help facility for the consumption of liquor situated in guest rooms and a call-up service for registered guests;

“**single residential zone**” means a zone —

- (a) which is designed to provide locations for predominantly single-family dwelling houses in low to medium density neighbourhoods; or
- (b) where there are controlled opportunities for home employment, additional dwellings and low intensity mixed use development on a single residential property;

“**the Act**” means the Western Cape Liquor Act, 2008 (Act No. 4 of 2008);

“**undertaking**” includes any premises, business, outlet or land use activity from which liquor is sold; and

“**zoning scheme**” means the zoning scheme applicable to the area and in force within the area of jurisdiction of the City of Cape Town.

(2) In this By-law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act has that meaning.

**Trading days and hours for consumption of liquor on licensed premises**

2. (1) Undertakings licensed to sell liquor by the Liquor Licensing Tribunal in terms of the Act may sell liquor for consumption on licensed premises of such undertakings situated within the area of jurisdiction of the City of Cape Town, on the following days and hours:

- (a) on any day of the week from Monday to Sunday; and

- (b) during the hours of trade as set out in the Schedule; or
- (c) any such day or hour as the City may determine, subject to any other law.

(2) Despite subsection (1), a hotel or guest house licensed to sell liquor by the Liquor Licensing Tribunal may offer a room service facility.

#### Trading days and hours for consumption of liquor off licensed premises

3. Undertakings licensed to sell liquor by the Liquor Licensing Tribunal in terms of the Act may sell liquor for consumption off the licensed premises of such undertakings situated within the area of jurisdiction of the City of Cape Town, on the following days and hours:

- (a) on any day of the week with the exception of Sundays; and
- (b) during the hours of trade as set out in the Schedule; or
- (c) any such day or hour as the City may determine, subject to any other law.

#### Transitional provision

4. (1) Subject to the provisions of the Act, trading hours applicable to a liquor license issued before the commencement of this By-law shall continue to apply until such license is renewed in terms of the Act.

(2) The trading hours referred to in subsection (1) shall be valid until the license has lapsed as contemplated in section 62(2) of the Act.

#### Offences and penalties

5. (1) A person who contravenes sections 2 and 3 of this By-law commits an offence.

(2) A person who commits an offence referred to in subsection (1) is, on conviction, liable for a fine not exceeding R30 000.00 or to a term of imprisonment not exceeding three years, or both such fine or such imprisonment.

#### Short title

6. This By-law is called the City of Cape Town By-law on Liquor Trading Days and Hours, 2010 and comes into operation on 1 January 2011.

### SCHEDULE

#### Trading hours of licensed premises

| Location category (with predominant land use character as indicated below)<br>& licensed premises type  | Permitted maximum trading hours                             |                 |
|---|---|-----------------|
|   | On-consumption  | Off-consumption |
| <b>1. Residential (including informal and general residential) areas (e.g. areas zoned informal, single or general residential or any other equivalent zoning)</b>  |   |                 |
| guest houses permitted as of right (i.e. without need for any separate zoning approval)   | None (subject to existing rights and section 89 of the Act) |                 |
| guest houses / hotels / backpacker's lodges (whether conference facilities / events / function centres included or not)   | From 1100 and not later than 2300                           |                 |
| Pub / bar / tavern / restaurant   |   |                 |
| Night club / karaoke / place of entertainment / theatres  |   |                 |
| Sports & community / service clubs / amenity facilities / community centres (excluding special events / temporary licences)   |   |                 |
| <b>2. Local / neighbourhood business centres (including mixed use areas consisting of single / general residential interspersed with business uses) (e.g. areas zoned local business or community use or any other equivalent zoning)</b> |   |                 |
| guest houses / hotels / backpacker's lodges (whether conference facilities / events / function centres included or not)   | 1100—2300   |                 |
| Pub / bar / tavern / restaurant   |   |                 |
| Night club / karaoke / place of entertainment / theatres  |   |                 |
| Sports & community / service clubs / amenity facilities / community centres (excluding special events / temporary licences)   | 1100—2400   |                 |
| Liquor / bottle stores / specialised wine shops   |   | 0900—1800       |
| <b>3. General business centres / areas (e.g. areas zoned general business or any other equivalent zoning)</b>   |   |                 |
| guest houses / hotels / backpacker's lodges (whether conference facilities / events / function centres included or not)   | 1100—0200 following day                                     |                 |
| Pub / bar / tavern / restaurant   |   |                 |
| Night club / karaoke / place of entertainment / theatres  |   |                 |
| Sports & community / service clubs / amenity facilities / community centres (excluding special events / temporary licences)   |   |                 |
| Supermarkets with retail food component / Retail food store   |   | 0900—1800       |
| Liquor / bottle stores / specialised wine shops   |   |                 |
| <b>4. Industrial areas (e.g. areas zoned general industry use or any other equivalent zoning)</b>   |   |                 |
| Pub / bar / tavern / restaurant   | 1100 — 0200 following day                                   |                 |
| Night club / karaoke / place of entertainment / theatres  |   |                 |
| Sports & community / service clubs / amenity facilities / community centres (excluding special events / temporary licences)   |   |                 |
| Liquor / bottle stores / specialised wine shops   |   |                 |
| <b>5. Agricultural / rural areas (e.g. areas zoned agriculture or rural or any other equivalent zoning)</b>   |   |                 |



|  |  |           |
|--|--|-----------|
| Guest accommodation (whether conference facilities / events / function centres included or not)  | 1100 — 0200 following day                            |           |
| Pub / bar / tavern / restaurant / tourist facilities   |  |           |
| Sports & community / service clubs / amenity facilities / community centres (excluding special events / temporary licences)  |  |           |
| Wine farms / wine shops  | 1100—2300  | 0900—1800 |
| <b>6. Small holding areas (e.g. areas zoned agriculture or rural or any other equivalent zoning)</b>   |  |           |
| Guest accommodation (whether conference facilities / events / function centres included or not)  | 1100—2400  |           |
| Pub / bar / tavern / restaurant / tourist facilities   |  |           |
| Night club / karaoke / place of entertainment / theatres   |  |           |
| Sports & community / service clubs / amenity facilities / community centres (excluding special events / temporary licences)  |  |           |
| <b>7. Other (ad-hoc) locations</b>   |  |           |
| Vehicles / mobile undertakings used for tourist / entertainment / recreational purposes (as per definition of 'premises' in Section 1 of Act 4/08), except where approval in terms of City of Cape Town Special Events By-law determines otherwise | 1100—2200  |           |
| Special events / temporary licensed premises   | As determined by event permit and/or Liquor Tribunal |           |

Note: Determination of applicable location category

Where the location category as set out above is unclear or in dispute or difficult to determine or areas are not zoned homogeneously (e.g. a business zoned premises in the middle of a residential zoned area), the actual zoning of the subject licensed premises will take precedence in order to determine the category.

10 September 2010

22327

## UMTHETHO KAMASIPALA OLAWULA IINTSUKU NAMAXESHA OKUTHENGISWA KOTYWALA, 2010 WESIXEKO SASEKAPA

Ukubonelela ngolawulo kwimisebenzi yokuthengiswa kotywala eluntwini ngenjongo yokuqinisekisa imeko-bume engqonge isiXeko saseKapa ekhuselekileyo nesempilweni; ukubonelela imiqathango yeentsuku namaxesha okuthengiswa kotywala ngabo baneemphephamvume zokuthengisa utywala eluntwini; kunye nokulawula imicimbi ephathelene noku.

### Isingeniso

**NJENGOKUBA** umasipala enegunya ngokwemigaqo yeCandelo 156(1) (a) elifundwa neSahluko B seShedyuli 5 kuMgaqo-siseko weRiphabliki yoMzantsi Afrika, 1996, lokulawula imisebenzi yokuthengiswa kotywala eluntwini;

**NJENGOKUBA** umasipala enakho, ngokwemigaqo yecandelo 156(2) loMgaqo-siseko, ukuqulunqa nokulawula imithetho kamasipala ngenjongo yokulawulwa ngokufanelekileyo kwemicimbi enelungelo lokuyilawula;

**NJENGOKUBA** iyingjongo yesiXeko ukuvumela kuphela ukurhweba ngotywala kwiindawo ezicandelwe oko ngokufanelekileyo ngokungqinelana nenkqubo yokucandwa komhlaba kwisiXeko;

**NJENGOKUBA** iyingjongo yesiXeko ukumisela iintsuku namaxesha okurhweba kuzo zonke iindawo ezinamaphepha-mvume okuthengiselwa uluntu utywala kummandla wesiXeko saseKapa;

**YAYE NJENGOKO KUNJALO NGOKU, KUMISELWA** liBhunga lesiXeko saseKapa, ngolu hlobo:—

### Iinkcazelo

1. (1) Kulo Mthetho kaMasipala, ngaphandle kokuba umxholo ubonisa ngolunye uhlobo —

**“izowuni ecanedelwe ulimo”** kuthethwa ummandla ocande ngokwemigaqo yeNkqubo yokuCandwa koMhlaba ukuze kukhuthazwe yaye kukhuseleke ulimo kwiifama ezingqongileyo njengomthombo woqoqosho, wokusingqongileyo nowenkubeko obalulekileyo, nalapho kukho amalungiselelo alinganiselweyo emisebenzi engeyiyo yolimo kubanini-mhlaba abanamathuba okwandisa ubuchule babo kwezoqoqosho kwiipropati zabo, ngaphandle kokubangela impembelelo engathandekiyo kwimithombo yokuqala yezolimo;

**“IsiXeko saseKapa”** kuthethwa isiXeko saseKapa esasekwa ngokweSaziso sokuMiselwa kwesiXeko saseKapa nesabhengezwa kwiSaziso sePhondo esinguNomb. 479 ka-2000, nesalungiswayo, yaye **“isiXeko”** sinentsingiselo engqinelana nale;

**“imimandla ecanedelwe ushishino jikelele”** kuthethwa imimandla ecande ngokwemigaqo yeNkqubo yokuCandwa komhlaba elungiselelwe ukukhuthaza uphuhliso lwezoqoqosho kwizithili zoshishino nemimandla yophuhliso, yaye kuqulwa indawo ebanzi yosetyenziso-mhlaba efana namashishini, iindawo zokuhlala nemisebenzi yasekuhlaleni;

**“iizowuni yemizi-mveliso jikelele”** kuthethwa iizowuni ezisetyenziselwa zonke iintlobo zemizi-mveliso, kodwa akubandakanywa urhwebo lwezinto nemisebenzi eyingozi;

**“iizowuni zokuhlala jikelele”** kuthethwa iizowuni ezilungiselelwe ukubonelela ngeendawo zokuhlala zasezidolophini ezisempilweni, ezikhuselekileyo, nezikholisayo kwiindawo ezinengxinano;

**“indawo yeendwendwe”** kuthethwa indlu yokuhlala okanye indawo yokuhlala yesibini esetyenziselwa ukubonelela ngendawo yokuhlala nokutya kwiindwendwe ezidlulayo ngeendleko, kwindawo engaphezulu kwaleyo ilungiselelwe ukuba yindawo yokulala ze ufumane isidlo sakusasa, yaye kunokuqulwa amaziko eentlanganiso zoshishino okanye iiseshoni zoqeqesho zeendwendwe ezikulo propati;

“**ihotele**” kuthethwa ipropati esetyenziswa njengendawo yokuhlala yethutyana yeendwendwe ezidlulayo, nalapho kubonelelwa ngendawo yokuhlala eqeshisayo nokutya, yaye kunokuqukwa —

- (i) iresty okanye iiresty;
- (ii) amaziko enkomfa nawolonwabo ancedisa nasebenzisana kwimisebenzi ephambili yalo propati njengehotele;
- (iii) iindawo ezineempepha-mvume zokuthengisa iziselo ezinxilisayo neziselelwa kule propati,

kodwa akubandakanywa iziko elithengisa utywala ukuze buselelwe kwenye indawo, indlu ekuhlalwa kuyo okanye iyunithi eyindawo yokuhlala.

“**isiselo esinxilisayo**” kuthethwa isiselo esinxilisayo njengoko sichaziwe kwicandelo 1 loMthetho;

“**Igunya-bantu leeMpepha-mvume zoTywala**” kuthethwa iGunya-bantu leeMpepha-mvume zoTywala njengoko kuchaziwe kwicandelo 1 loMthetho;

“**iizowuni zoshishino lweengingqi**” kuthethwa iizowuni ezibonelela ngeendawo ezikufuphi, ezisebenza njengomda okanye ngeendawo zesixokelelwano eziphakathi kweezowuni zoshishino jikelele okanye ezingasetyenziselwa ukuhlala ezinengxinano emandla kunye neendawo zokuhlala;

“**indawo yolonwabo**” kuthethwa indawo esetyenziselwa ubukhulu becala urhwebo lwendawo yokuzonwabisa enokutsala umdla wentlaninge yabantukusetyenzwa ngaphandle kwamaxesha omsebenzi okanye indawo enengxolo ebangelwa ngumculo okanye indawo yokuzonwabosa rhoqo, nequka icinema, indawo yemiboniso, ipaka yokuzonwabisa, iholo yomdaniso, iholo enezixhobo zokuthamba nendawo yolonwabo evula ebusuku;

“**indawo enamagumbi abonelelwa ngeenkono**” kuqukwa ibhari encinane okanye indawo ozincedayo kuyo ukusela utywala efumaneka kumagumbi eendwendwe nenkonzo yokufuna uncedo yeendwendwe ezibhalisiweyo;

“**izowuni yekuhlala enesiza esinye**” kubhekiselelwe kwizowuni —

- (a) elungiselelwe ukubonelela ngeendawo ezinezindlu zokuhlala usapho olunye kwiindawo ezingenangxinano ingako ukuya kwezineengxinano; okanye
- (b) apho kukho amathuba alawulwayo engqesho yasekhaya, iindawo zokuhlala ezongezweyo nendawo ephuhliselwe imisebenzi exubeneyo kwipropati yokuhlala enye;

“**uMthetho**” kuthethwa uMthetho ojongene noTywala kwiNtshona Koloni, 2008 (uMthetho onguNomb. 4 ka-2008);

“**umsebenzi**” kuqukwa nayiphi na indawo, ishishini, indawo okanye imisebenzi yosetyenziso-mhlaba apho kuthengiswa khona utywala; yaye

“**inkqubo yokucandwa komhlaba**” kuthethwa inkqubo yokucandwa komhlaba esetyenziswa kwingingqi ethile yaye enyanzeliswa kulo ndawo iphanti kolawulo lwesiXeko saseKapa.

(2) Kulo Mthetho kaMasipala, ngaphandle kokuba umxholo ubonakalisa ngolunye uhlobo, naliphi na igama okanye inkcaza entsingiselo yayo eyabelwe kulo Mthetho.

#### **Iintsuku namaxesha okurhweba kwimisebenzi yokuselwa kotywala kwindawo eneempepha-mvume zoko**

2. (1) Iindawo zemisebenzi eneempepha-mvume zokuthengisa utywala ezikhutshwa liGunya-bantu leeMpepha-mvume zoTywala ngokwemigaqo yoMthetho zivumelekile ukuba zithengise utywala ukuze buselelwe kwiindawo ezineempepha-mvume zalo misebenzi nezifumaneka kummandla wolawulo lwesiXeko saseKapa, ngezi ntsuku namaxesha alandelayo:

- (a) ngalo naluphi na usuku lweveki ukususela ngoMvulo ukuya ngeCawa; kunye
- (b) ngamaxesha okuthengisa achazwe kwiShedyuli; okanye
- (c) ngalo naluphi na usuku okanye amaxesha aya kumiselwa sisiXeko, ngokuxhomekeke kuwo nawuphi omnye umthetho.

(2) Nangona kumiselweyo kwicandelwana (1), ihotele okanye indawo yeendwendwe eneempepha-mvume zokuthengisa utywala liGunya-bantu leempepha-mvume zoTywala inakho ukubonelela ngenkonzo yokuthengisela emagumbini.

#### **Iintsuku namaxesha okuthengisa ukuselwa kotywala ngaphandle kwendawo enephepha-mvume loko**

3. Iindawo ezineempepha-mvume zokuthengisa utywala liGunya-bantu leeMpepha-mvume zoTywala ngokwemigaqo yoMthetho zinakho ukuthengisa utywala ukuze buselelwe ngaphandle kwendawo enephepha-mvume lokuthengisa utywala kwezo ndawo zifumaneka kummandla ophantsi kolawulo lwesiXeko saseKapa, ngezi ntsuku nangala maxesha alandelayo:

- (a) ngalo naluphi na usuku lweveki ngaphandle kwangeeCawa; kunye
- (b) nangamaxesha okurhweba achazwe kwiShedyuli; okanye
- (c) ngalo naluphi na usuku okanye ixesha eliya kumiselwa sisiXeko, ngokuxhomekeke kuwo nawuphi umthetho.

#### **Ubonelelo lwethutyana**

4. (1) Ngokuxhomekeke kwimiqathango yoMthetho, amaxesha okuthengisa amiselwe kwiphepha-mvume lotywala elikhutshwe phambi kokumiselwa kwalo Mthetho kaMasipala aya kuqhubeka esebenza de elo phepha-mvume lihlahlaziye ngokungqinelana noMthetho.

(2) Amaxesha okusebenza achazwe kwicandelwana (1) aya kusebenza de liphelelwe iphepha-mvume njengoko kuchaziwe kwicandelo lama-62(2) loMthetho.

#### **Ulwaphulo-mthetho nezohlwayo**

5. (1) Umntu owaphula imigaqo yecandelo 2 nele-3 alo Mthetho kaMasipala uya kuba netyala.

(2) Umntu ofunyaniswe enetyala elichazwe kwicandelwana (1), esakugwetywa, uya kuba noxanduva lesohlwayo esingadlulanga kuma-R30 000.00 okanye ixesha lokuvallelwa elingadlulanga kwiminyaka emithathu, okanye zombini isohlwayo nokuvallelwa.

**Isihloko esifutshane**

6. Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala wesiXeko saseKapa olawula iiNtsuku naMaxesha okuThengiswa koTywala, 2010 yaye uya kuqalisa ukusebenza ngomhla woku-1 Janyuwari 2011.

**ISHEDYULI****Amaxesha okuthengisa kwiindawo ezineempepha-mvume**

| Udidi lwendawo (esetyenziswa ubukhulu becala njengoko kubonisiwe ngezantsi apja) nohlobo lwendawo yephepha-mvume  | Ubuninzi bamaxesha okurhweba avumelekileyo                          |                      |
|---|---|----------------------|
|   | Buselelwa kwalapha  | Buselelwa ngaphandle |
| <b>1. Indawo yokuhlala (kuquka iindawo zokuhlala ezingamiselekanga nezimiselekileyo) (umzekelo: iindawo ezicandwe njengezingamiselekanga, indawo yokuhlala enesiza esinye okanye yoluntu jikelele okanye enye indawo ecandelwe omnye umsebenzi)</b>   |   |                      |
| Iindawo zeendwendwe ezivumelekileyo ngokusemthethweni (umzekelo: kungekho mfuneko yokwamkelwa kwesicelo esisodwa socando)   | Ayikho (kuxhomekeke kumalungelo akhoyo necandelo lama-89 loMthetho) |                      |
| Iindawo zeendwendwe / iihotele / iindawo zokuhlala abakhenkethi (nokuba ngamaziko eenkomfa / amatheko / kuqukwa okanye engaqukwanga amaziko emisebenzi)   | Ukususela ngo-1100 ingadluli intsimbi ye-2300                       |                      |
| Ibhari / indawo yentselo / iresty   |   |                      |
| Indawo yolonwabo evula ebusuku / indawo yomdaniso / indawo yolonwabo / iiholo zomdaniso   |   |                      |
| Amaziko emidlalo noluntu / iindawo zonikezelo ngeenkonzo / amaziko aluncedo / amaziko oluntu (ngaphandle kwawamatheko akhethekileyo / iimpepha-mvume zethutyana)  |   |                      |
| <b>2. Amaziko oshishini engingqi / asekuhlaleni (kuqukwa neendawo zemisebenzi exubileyo equka iindawo zokuhlala ezinesiza esinye / indawo yokuhlala jikelele edibene namashishini) (umzekelo; iindawo ezicandelwe amashishini engingqi okanye imisebenzi yoluntu okanye ecandelwe imisebenzi efanayo)</b> |   |                      |
| Iindawo zeendwendwe / iihotele / iindawo zokuhlala abakhenkethi (nokuba ngamaziko eenkomfa / amatheko / kuqukwa okanye engaqukwanga amaziko emisebenzi)   | 1100—2300   |                      |
| Ibhari / indawo yentselo / iresty   |   |                      |
| Indawo yolonwabo evula ebusuku / indawo yomdaniso / indawo yolonwabo / iiholo zomdaniso   |   |                      |
| Amaziko emidlalo noluntu / iindawo zonikezelo ngeenkonzo / amaziko aluncedo / amaziko oluntu (ngaphandle kwawamatheko akhethekileyo / iimpepha-mvume zethutyana)  | 1100—2400   |                      |
| Iivenkile zotywala / iivenkile ezithengisa iwayini ezithile   | 0900—1800   |                      |
| <b>3. Amaziko oshishini engingqi / asekuhlaleni (umzekelo iindawo ezicandelwe amashishini jikelele okanye ezicandelwe eminye imisebenzi)</b>  |   |                      |
| Iindawo zeendwendwe / iihotele / iindawo zokuhlala abakhenkethi (nokuba ngamaziko eenkomfa / amatheko / kuqukwa okanye engaqukwanga amaziko emisebenzi)   | 1100—0200 ngosuku olulandelayo                                      |                      |
| Ibhari / indawo yentselo / iresty   |   |                      |
| Indawo yolonwabo evula ebusuku / indawo yomdaniso / indawo yolonwabo / iiholo zomdaniso   |   |                      |
| Amaziko emidlalo noluntu / iindawo zonikezelo ngeenkonzo / amaziko aluncedo / amaziko oluntu (ngaphandle kwawamatheko akhethekileyo / iimpepha-mvume zethutyana)  |   |                      |
| Iivenkile ezinkulu ezithengisa nokutya / iivenkile ezithengisa ukutya   | 0900—1800   |                      |
| Iivenkile zotywala / iivenkile ezithengisa iwayini ezithile   |   |                      |
| <b>4. Imimandla yemizi-mveliso (umzekelo: iindawo ezicandelwe imizi-mveliso jikelele okanye ezicandelwe eminye imisebenzi efana nale)</b>   |   |                      |
| Ibhari / indawo yentselo / iresty   | 1100—0200 ngosuku olulandelayo                                      |                      |
| Indawo yolonwabo evula ebusuku / indawo yomdaniso / indawo yolonwabo / iiholo zomdaniso   |   |                      |
| Amaziko emidlalo noluntu / iindawo zonikezelo ngeenkonzo / amaziko aluncedo / amaziko oluntu (ngaphandle kwawamatheko akhethekileyo / iimpepha-mvume zethutyana)  |   |                      |
| Iivenkile zotywala / iivenkile ezithengisa iwayini ezithile   |   |                      |
| <b>5. Imimandla yolimo / yamaphandle (umzekelo: iindawo ezicandelwe ulimo okanye amaphandle okanye ezicandelwe eminye imisebenzi efana nale)</b>  |   |                      |
| Iindawo zeendwendwe / iihotele / iindawo zokuhlala abakhenkethi (nokuba ngamaziko eenkomfa / amatheko / kuqukwa okanye engaqukwanga amaziko emisebenzi)   | 1100—0200 ngosuku olulandelayo                                      |                      |
| Ibhari / indawo yentselo / iresty   |   |                      |
| Amaziko emidlalo noluntu / iindawo zonikezelo ngeenkonzo / amaziko aluncedo / amaziko oluntu (ngaphandle kwawamatheko akhethekileyo / iimpepha-mvume zethutyana)  |   |                      |
| Iifama zewayini / iivenkile zewayini  | 1100—2300   | 0900—1800            |
| <b>6. Imimandla yeefama ezincinane (umzekelo: iindawo ezicandelwe ulimo okanye amaphandle okanye eminye imisebenzi efana nale)</b>  |   |                      |

|  |  |  |
|--|--|--|
| Iindawo zeendwendwe / iihotele / iindawo zokuhlala abakhenkethi (nokuba ngamaziko eenkomfa / amatheko / kuqukwa okanye engaqukwanga amaziko emisebenzi)  | 1100—2400  |  |
| Ibhari / indawo yentselo / iresty / amaziko abakhenkethi   |  |  |
| Indawo yolonwabo evula ebusuku / indawo yomdaniso / indawo yolonwabo / iiholo zomdaniso  |  |  |
| Amaziko emidlalo noluntu / iindawo zonikezelo ngeenkono / amaziko aluncedo / amaziko oluntu (ngaphandle kwamatheko akhethekileyo / iimpepha-mvume zethutyana)  |  |  |
| <b>7. Ezinye iindawo (ezilungiselelwe iijongo ezithile)</b>  |  |  |
| Izithuthi / iindawo ezithuthwayo ezisetyenziselwa iijongo zabakhenkethi / zolonwabo (ngokwenkcazelo 'yendawo' kwiCandelo 1 loMthetho 4/08), ngaphandle kwalapho kokuba ulwamkelo ngokwemigaqo yoMthetho kaMasipala wesiXeko saseKapa umisela ngolunye uhlobo | 1100—2200  |  |
| Amatheko akhethekileyo / iindawo zeempepha-mvume zethutyana  | Njengoko kumiselweyo kwiphepha-mvume lamatheko kunye/okanye liGunya-bantu leempepha-mvume zoTywala |  |

Qaphela: Ukumiselwa kwemisebenzi efanele uhlobo oluthile lwendawo

Kwimeko apho uhlobo lwendawo njengoko kuchaziwe ngasentla lungacacanga okanye kuphikiswana ngalo okanye kunzima ukuluchaza okanye iindawo ezingacandwanga ngohlobo olunye (umzekelo: indawo eandelwe ushishino phakathi kwindawo eandelwe iindawo zokuhlala), olona cando lwale ndawo inephepha-mvume kuya kusetyenziswa lona ngenjongo yokumisela olona hlobo lwayo.

10 September 2010

22327

#### STAD KAAPSTAD SE VERORDENING OP DRANKHANDELSDAE EN -URE, 2010

**Om die beheer van ondernemings wat drank aan die publiek verkoop, te bepaal ten einde 'n veilige en gesonde omgewing in Stad Kaapstad te verseker; om dae en ure te bepaal vir handel in drank deur gelisensieerde ondernemings wat drank aan die publiek verkoop; en om bepalinge neer te lê vir aangeleenthede wat daarop betrekking het.**

##### Aanhef

**NADEMAAL** 'n munisipaliteit kragtens artikel 156(1) (a) gelees tesame met Deel B van Bylae 5 van die Grondwet van die Republiek van Suid-Afrika, 1996, die bevoegdheid het om ondernemings te beheer wat drank aan die publiek verkoop;

**NADEMAAL** 'n munisipaliteit, kragtens artikel 156(2) van die Grondwet, verordeninge mag maak en toepas vir die doeltreffende administrasie van aangeleenthede waarvan die administrasie regtens aan hom opgedra is;

**NADEMAAL** dit die Stad se voorneme is om handel in drank slegs toe te laat vanuit persele wat tereg ooreenkomstig die Stad se soneringskema hiervoor gesoneer is;

**NADEMAAL** dit die Stad se voorneme is om handelsdae en -ure vas te stel vir alle ondernemings wat binne die Stad Kaapstad geleë is en drank aan die publiek verkoop;

**WORD DAAR DUS HIERMEE** as volg deur die Raad van Stad Kaapstad **VERORDEN**:—

##### Omskrywings

1. (1) In hierdie verordening, tensy die konteks anders aandui, beteken —

“**algemeenindustriële sone**” 'n sone wat alle vorms van industrieë akkommodeer maar nie skadelike handel en risiko-aktiwiteite insluit nie;

“**algemeenresidensiële sones**” sones wat ontwerp is om 'n gesonde, veilige en aangename omgewing vir stedelike verblyf teen hoër digtheid te voorsien;

“**algemeensakesone-areas**” areas wat ooreenkomstig die soneringskema gesoneer is met die voorneme om ekonomiese ontwikkeling in sakedistrikte en ontwikkelingskorridors te bevorder en sluit 'n wye reeks grondgebruike soos sake-, residensiële en gemeenskapsgebruike in;

“**die Wet**” die Wes-Kaapse Drankwet, 2008 (Wet nr. 4 van 2008);

“**drank**” drank soos in artikel 1 van die Wet gedefinieer;

“**Dranklisensieringstribunaal**” die Dranklisensieringstribunaal soos in artikel 1 van die Wet gedefinieer;

“**enkelresidensiële sone**” 'n sone —

- wat ontwerp is om persele te voorsien vir oorwegend enkelgesin-woonhuise in woonbuurte met 'n lae tot medium digtheid; of
- waar daar beheerde geleenthede vir werkverskaffing tuis is, bykomende wonings en laedigheid-ontwikkelings met 'n gemengde gebruik op 'n enkelresidensiële-eiendom;

“**gastehuis**” 'n woonhuis of tweede woning wat gebruik word vir die doel om huisvesting en maaltye aan verbygaande gaste teen vergoeding te verskaf in 'n onderneming wat die beperkings vir 'n bed-en-ontbyt-onderneming oorskry en mag fasiliteite vir sakebyeenkomste of opleidingsessies deur gaste op die persele insluit;

“**hotel**” 'n eiendom wat as 'n tydelike woning deur verbygaande gaste gebruik word, waar huisvesting en maaltye verskaf word, en mag die volgende insluit —

- 'n restaurant of restaurant;

- (ii) konferensie- en vermaaklikheidsfasiliteite wat ondergeskik en aanvullend tot die oorheersende gebruik van die eiendom as 'n hotel is;
- (iii) persele wat gelisensieer is om alkoholiese drankies vir verbruik binne die eiendom te verkoop;

maar sluit nie 'n buiteverkoopfasiliteit, 'n woonhuis of wooneenheid in nie;

**“kamerdiensfasiliteit”** 'n minikroeg of selfbedieningsfasiliteit vir die verbruik van drank wat in gastekamers geleë is en 'n oproepdiens vir geregistreerde gaste;

**“landbou-gesoneerde area”** 'n area wat ooreenkomstig die soneringskema vir die bevordering en beskerming van landbou op plase as 'n belangrike ekonomiese en kulturele hulpbron gesoneer is, waar beperkte voorsiening vir gebruike anders as landbou gemaak is ten einde eienaars 'n geleentheid te bied om die ekonomiese potensiaal van hul eiendomme te verhoog, sonder om 'n beduidende negatiewe impak op die primêre landbouhulpbron tot gevolg te hê;

**“onderneming”** sluit enige perseel, sake-onderneming, afsetpunt of grondgebruik-aktiwiteit in van waar drank verkoop word;

**“plaaslikesakesone”** 'n sone wat 'n tussensone voorsien om as buffer of koppelvlak tussen algemeensakesones of ander hoëdigtheid- nie-residensiële gebruike en residensiële areas te dien;

**“soneringskema”** die soneringskema van toepassing op die area en van krag binne die regsgebied van Stad Kaapstad;

**“Stad Kaapstad”** die Stad Kaapstad gestig deur die Stad Kaapstad-stigtingskennisgewing soos per Provinsiale Kennisgewing nr. 479 van 2000, soos gewysig, gepubliseer, en **“Stad”** het 'n ooreenstemmende betekenis; en

**“vermaaklikheidslokaal”** 'n lokaal wat oorwegend vir kommersiële vermaak gebruik word wat relatief groot getalle mense kan lok, buite normale sake-ure bedryf word of op 'n gereelde grondslag geraas weens musiek of brassery voortbring waarby ingesluit 'n bioskoop, teater, pretpark, danssaal, gimnasium en nagklub.

(2) In hierdie verordening, tensy die konteks anders aandui, het enige woord of uitdrukking waaraan 'n omskrywing in die Wet toegeken is daardie betekenis.

#### **Handelsdae en -ure vir verbruik van drank binne gelisensieerde persele**

2. (1) Ondernemings wat kragtens die Wet deur die Dranklisensieringstribunaal gelisensieer is om drank te verkoop, mag drank vir verbruik binne gelisensieerde persele van sodanige ondernemings wat in die regsgebied van Stad Kaapstad geleë is op die volgende dae en ure verkoop:

- (a) op enige dag van die week vanaf Maandag tot Sondag; en
- (b) gedurende die handelsure soos in die Bylae uiteengesit; of
- (c) op enige sodanige dag of uur as wat die Stad mag bepaal, onderworpe aan enige ander wet.

(2) Desnieteenstaande subartikel (1) mag 'n hotel of gastehuis wat deur die Dranklisensieringstribunaal gelisensieer is om drank te verkoop 'n kamerdiensfasiliteit aanbied.

#### **Handelsdae en -ure vir verbruik van drank buite gelisensieerde persele**

3. Ondernemings wat kragtens die Wet deur die Dranklisensieringstribunaal gelisensieer is om drank te verkoop, mag drank vir verbruik buite die gelisensieerde persele van sodanige ondernemings as wat binne die regsgebied van Stad Kaapstad geleë is op die volgende dae en ure verkoop:

- (a) op enige dag van die week met die uitsondering van Sondag; en
- (b) gedurende die handelsure soos in die Bylae uiteengesit; of
- (c) op sodanige dag of uur as wat die Stad mag bepaal, onderworpe aan enige ander wet.

#### **Oorgangsbepaling**

4. (1) Onderworpe aan die bepalings van die Wet sal die handelsure van toepassing op 'n dranklisensie wat voor die aanvang van hierdie verordening uitgereik is steeds geldig wees totdat sodanige lisensie kragtens die Wet hernieu word.

(2) Die handelsure waarna in subartikel (1) verwys word, sal geldig bly totdat die lisensie soos beoog in artikel 62(2) van die Wet verval het.

#### **Oortredings en boetes**

5. (1) 'n Persoon wat artikels 2 en 3 van hierdie verordening oortree, begaan 'n oortreding.

(2) 'n Persoon wat 'n oortreding begaan waarna in subartikel (1) verwys word, is by skuldigbevinding blootgestel aan 'n boete wat nie R30 000.00 oorskry nie of 'n gevangenisstraf wat nie drie jaar oorskry nie, of aan beide sodanige boete of gevangenisstraf.

#### **Verkorte titel**

6. Hierdie verordening staan bekend as die Stad Kaapstad se Verordening op Drankhandelsdae en -ure, 2010 en tree op 1 Januarie 2011 in werking.

#### **BYLAE**

##### **Handelsure van gelisensieerde persele**

| Liggingskategorie (met aard van grondgebruik oorwegend soos hieronder aangedui) en tipes gelisensieerde persele   | Toegelate maksimum handelsure                                   |               |
|---|---|---------------|
|   | Binneverbruik   | Buiteverbruik |
| <b>1. Residensiële (insluitend informeel- en algemeenresidensiële-) areas (bv. areas wat as informeel-, enkel- of algemeenresidensiële gesoneer is of enige ander ekwivalente sonering)</b> |   |               |
| Regtensvergunde gastehuis (d.w.s. sonder dat enige afsonderlike soneringsgoedkeuring nodig is)  | Geen (onderworpe aan bestaande regte en artikel 89 van die Wet) |               |



|  |  |           |
|--|--|-----------|
| Gastehuis / hotel / rugsakreisiger-oornagplek (hetsy fasiliteite vir konferensies / geleenthede / funksies ingesluit is of nie)  | Vanaf 1100 en nie later nie as 2300                                      |           |
| Kroeg / drinkplek / taverne / restaurant   |  |           |
| Nagklub / karaoke / vermaaklikheidslokaal / teater   |  |           |
| Sport-en-gemeenskap/diensklub/ nutsbedryffasiliteit/gemeenskapsentrum (uitgesluit spesiale geleenthede / tydelike lisensies)   |  |           |
| <b>2. Plaaslike / buurtsakesentrums (insluitend gemengdegebruikareas bestaande uit enkel/algemeenresidensieel afgewissel met sakegebruik) (bv. areas wat as plaaslikesake- of gemeenskapgebruik gesoneer is of enige ander ekwivalente sonering)</b>                         |  |           |
| Gastehuis / hotel / rugsakreisiger-oornagplek (hetsy fasiliteite vir konferensies / geleenthede / funksies ingesluit is of nie)  | 1100—2300  |           |
| Kroeg / drinkplek / taverne / restaurant   |  |           |
| Nagklub / karaoke / vermaaklikheidslokaal / teater   | 1100—2400  |           |
| Sport-en-gemeenskap/diensklub/ nutsbedryffasiliteit/gemeenskapsentrum (uitgesluit spesiale geleenthede / tydelike lisensies)   |  |           |
| Drankwinkel / bottelstoor / gespesialiseerde wynwinkel   |  | 0900—1800 |
| <b>3. Algemene sakesentrums/areas (bv. areas wat as algemeensake gesoneer is of enige ander ekwivalente sonering)</b>  |  |           |
| Gastehuis / hotel / rugsakreisiger-oornagplek (hetsy fasiliteite vir konferensies / geleenthede / funksies ingesluit is of nie)  | 1100—0200 volgende dag   |           |
| Kroeg / drinkplek / taverne / restaurant   |  |           |
| Nagklub / karaoke / vermaaklikheidslokaal / teater   |  |           |
| Sport-en-gemeenskap/diensklub/ nutsbedryffasiliteit/gemeenskapsentrum (uitgesluit spesiale geleenthede / tydelike lisensies)   |  |           |
| Supermark met kleinhandel-koskomponent / kleinhandel-koswinkel   |  | 0900—1800 |
| Drankwinkel / bottelstoor / gespesialiseerde wynwinkel   |  |           |
| <b>4. Industriële areas (bv. areas wat as algemeenindustriëlegebruik gesoneer is of enige ander ekwivalente sonering)</b>  |  |           |
| Kroeg / drinkplek / taverne / restaurant   | 1100—0200 volgende dag   |           |
| Nagklub / karaoke / vermaaklikheidslokaal / teater   |  |           |
| Sport-en-gemeenskap/diensklub/ nutsbedryffasiliteit/gemeenskapsentrum (uitgesluit spesiale geleenthede / tydelike lisensies)   |  |           |
| Drankwinkel / bottelstoor / gespesialiseerde wynwinkel   |  |           |
| <b>5. Landbou- / landelike areas (bv. areas wat as landbou of landelik gesoneer is of enige ander ekwivalente sonering)</b>  |  |           |
| Gaste-akkommodasie (hetsy fasiliteite vir konferensies / geleenthede / funksies ingesluit is of nie)   | 1100—0200 volgende dag   |           |
| Kroeg / drinkplek / taverne / restaurant / toeristefasiliteit  |  |           |
| Sport-en-gemeenskap/diensklub/ nutsbedryffasiliteit/gemeenskapsentrum (uitgesluit spesiale geleenthede / tydelike lisensies)   | 1100—2300  | 0900—1800 |
| Wynplaas / wynwinkel   |  |           |
| <b>6. Kleinhoewe-areas (bv. areas wat as landbou of landelik gesoneer is of enige ander ekwivalente sonering)</b>  |  |           |
| Gaste-akkommodasie (hetsy fasiliteite vir konferensies / geleenthede / funksies ingesluit is of nie)   | 1100 — 2400  |           |
| Kroeg / drinkplek / taverne / restaurant / toeristefasiliteit  |  |           |
| Nagklub / karaoke / vermaaklikheidslokaal / teater   |  |           |
| Sport-en-gemeenskap/diensklub/ nutsbedryffasiliteit/gemeenskapsentrum (uitgesluit spesiale geleenthede / tydelike lisensies)   |  |           |
| <b>7. Ander (ad-hoc) liggings</b>  |  |           |
| Voertuie / mobiele ondernemings wat vir toeriste- / vermaaklikheid- / ontspanningsdoeleindes gebruik word (soos per definisie van 'persele' in artikel 1 van Wet 4/08), behalwe waar goedkeuring kragtens Stad Kaapstad se Verordening op Spesiale Geleenthede anders bepaal | 1100—2200  |           |
| Spesiale geleenthede / tydelik-gelisensieerde persele  | Soos bepaal deur permit uitgereik vir geleentheid en / of Dranktribunaal |           |

Nota: Bepaling van tersaaklike liggingskategorie

Waar die liggingskategorie soos hierbo uiteengesit onduidelik is of betwis word of moeilik bepaalbaar is of waar areas nie eenvormig gesoneer word nie (bv. 'n sakegesoneerde perseel in die middel van 'n residensieelgesoneerde area) sal die werklike sonering van die perseel wat aan lisensiering onderhewig is, voorrang geniet ten einde die kategorie te bepaal.

**MATZIKAMA MUNICIPALITY****TARIFF BY-LAW**

The Matzikama Municipality herewith adopts the following by-law in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and section 75 of the Local Government: Municipal Systems Act, 2000:

**INDEX**

1. Preamble
2. Definitions
3. Adoption and implementation of a tariff policy
4. Contents of a tariff policy
5. Enforcement of the tariff policy
6. Repeal of by-laws
7. Short title and commencement

**1. PREAMBLE**

(1) The Municipality may in terms of section 229(1) of the Constitution impose:

- (a) rates on property and surcharges on fees for services provided by or on behalf of the municipality; and
- (b) other taxes, levies and duties, if authorised by national legislation.

(2) The municipality may in terms of section 75A of the Systems Act -

- (a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
- (b) recover collection charges and interest on any outstanding amount.

(3) The municipal council must in terms of section 74(1) of the Systems Act adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements, and which complies with the provisions of the Systems Act, the Municipal Finance Management Act and with any other applicable legislation.

(4) The municipal council must in terms of section 75(1) of the Systems Act adopt a by-law to give effect to the implementation and enforcement of its tariff policy.

(5) A by-law, contemplated in section 75(1) of the Systems Act, may in terms of section 75(2) differentiate between different categories of users, debtors, service providers, services, service standards, geographical areas and other matters as long as such differentiation does not amount to unfair discrimination.

**2. DEFINITIONS**

In this by-law, the English text prevails in the event of an inconsistency with the Afrikaans text and unless the context indicates otherwise:

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Credit Control and Debt Collection By-Law**” means the municipality’s Credit Control and Debt Collection By-Law as contemplated in sections 96(b), 97 and 98 of the Systems Act;

“**Municipal Finance Management Act**” means the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003);

“**municipal council**” means the municipal council of the municipality contemplated in section 157(1) of the Constitution;

“**municipality**” means the Matzikama Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, No. 117 of 1998;

“**Systems Act**” means the Local Government: Municipal Systems Act, 2000, No. 32 of 2000;

“**tariff**” means moneys, fees or other charges which the municipality may levy in respect of any function or service rendered by the municipality, excluding rates levied by the municipality in terms of the Local Government: Municipal Property Rates Act, No. 6 of 2004; and

“**tariff policy**” means the policy of the municipality as adopted by the municipal council by resolution 6.2.2 of 28 May 2010.

**3. ADOPTION AND IMPLEMENTATION OF A TARIFF POLICY**

(1) The municipality must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality itself or by way of service delivery agreements, and which complies with the provisions of the Systems Act, the Municipal Finance Management Act and with any other applicable legislation.

(2) The municipality may not levy tariffs except in accordance with its tariff policy.

**4. CONTENTS OF A TARIFF POLICY**

The municipality’s rates policy:

- (a) applies to all tariffs levied by the municipality in accordance with its approved annual budget;
- (b) reflects the principles contemplated in section 74(2) of the Systems Act and any additional principles for the levying of tariffs, which the municipal council may determine;
- (c) specifies the manner in which the principles contemplated in paragraph (b) should be introduced in terms of the tariff policy;
- (d) specifies, for tariff purposes, the grounds for differentiation, if any, between different categories of users, debtors, service providers, services, service standards, geographical areas and other matters as long as such differentiation does not amount to unfair

discrimination; and

- (e) includes such additional implementation mechanisms which the municipal council may wish to introduce, supplementary to those provided for in the Credit Control and Debt Collection By-Law.

## 5. ENFORCEMENT OF THE TARIFF POLICY

The municipality's tariff policy must be enforced by means of the Credit Control and Debt Collection By-Law and Policy and any additional implementation mechanisms in accordance with its tariff policy.

## 6. REPEAL OF BY-LAWS

Any provision in a by-law, adopted by the municipality or any of the disestablished municipalities that have been incorporated into the municipality, which relates to any aspect provided for in this by-law is herewith repealed.

## 7. SHORT TITLE AND COMMENCEMENT

This By-law shall be called the Tariff By-Law of the Matzikama Municipality and shall come into operation on the date of publication thereof in the Provincial Gazette.

10 September 2010

22328

# MATZIKAMA MUNISIPALITEIT VERORDENING INSAKE TARIIEWE

Ingevolge artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika, 1996 en artikel 75 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 neem die Munisipaliteit Matzikama hiermee die volgende verordening aan:

## INHOUDSOPGAWE

1. Aanhef
2. Woordoms krywing
3. Aanvaarding en implementering van die tariefbeleid
4. Inhoud van die tariefbeleid
5. Toepassing van die tariefbeleid
6. Herroeping van verordeninge
7. Kort titel en inwerkingtrede

### 1. AANHEF

- (1) Ingevolge artikel 229(1) van die Grondwet mag die munisipaliteit:
  - (a) eiendomsbelasting en bobelasting op gelde vir dienste deur of namens die munisipaliteit verskaf, oplê; en
  - (b) indien deur nasionale wetgewing daartoe gemagtig, ander belastings, heffings en regte oplê.
- (2) Ingevolge artikel 75A van die Stelselwet mag die munisipaliteit:
  - (a) gelde, koste en tariewe ten opsigte van enige funksie of diens van die munisipaliteit hef en verhaal; en
  - (b) invorderingskoste en rente op enige uitstaande bedrag verhaal.
- (3) Ingevolge artikel 74(1) van die Stelselwet moet die munisipale raad 'n tariefbeleid oor die heffing van gelde vir 'n munisipale diens wat deur die munisipaliteit gelewer word, aanvaar en implementeer of deur middel van diensleweringsooreenkomste wat aan die bepalings van die Stelselwet, die Finansiëlebestuurswet en enige ander toepaslike wetgewing, voldoen.
- (4) Ingevolge artikel 75(1) van die Stelselwet moet die munisipale raad verordeninge aanneem om uitvoering te gee aan die inwerkingstelling en toepassing van sy tariefbeleid.
- (5) Ingevolge artikel 75(2) van die Stelselwet mag verordeninge wat aangeneem word soos beoog in artikel 75(1) tussen verskillende kategorieë gebruikers, debiteure, diensverskaffers, dienste, diensstandaarde, geografiese gebiede en ander aangeleenthede onderskei met dien verstande dat sodanige differensiasie nie op onbillike diskriminasie neerkom nie.

### 2. WOORDOMSKRYWING

In hierdie verordening geld die Engelse teks in die geval van enige teenstrydigheid met die Afrikaanse teks, en tensy die inhoud anders aandui, beteken:

“**Finansiëlebestuurswet**” die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, Wet 56 van 2003;

“**Grondwet**” die Grondwet van die Republiek van Suid-Afrika, 1996;

“**Munisipaliteit**” die Munisipaliteit van Matzikama ingestel ingevolge van artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, Wet 117 van 1998;

“**munisipale raad**” die munisipale raad van die munisipaliteit bedoel in artikel 157(1) van die Grondwet;

“**Stelselwet**” die Wet op Plaaslike Regering: Munisipale Stelsels, Wet 32 van 2000;

“**tarief**” gelde, koste of enige ander tariewe wat deur die munisipaliteit gehef word vir enige funksie of diens wat deur die munisipaliteit gelewer word, met uitsondering van belastings wat deur die munisipaliteit ingevolge die **Local Government: Municipal Property Rates Act, No. 6 of 2004** gehef word;

“**tariefbeleid**” die tariefbeleid van die munisipaliteit soos goedgekeur deur die munisipale raad by besluit 6.2.2 van 28 Mei 2010; en

“**Verordening insake Kredietbeheer en Skuldinvordering**” die munisipaliteit se Verordening insake Kredietbeheer en Skuldinvordering soos bedoel in artikels 96(b), 97 en 98 van die Stelselwet.

### 3. AANVAARDING EN IMPLEMENTERING VAN DIE TARIEFBELEID

(1) Die munisipaliteit moet 'n tariefbeleid oor die heffing van gelde vir 'n munisipale diens oor die heffing van gelde vir 'n munisipale diens wat deur die munisipaliteit gelewer word, aanvaar en implementeer of deur middel van dienslewings-ooreenkomste wat aan die bepalings van die Stelselwet, die Finansiëlebestuurswet en enige ander toepaslike wetgewing voldoen.

(2) Die munisipaliteit mag nie tariewe oplê behalwe ooreenkomstig sy tariefbeleid nie.

### 4. INHOUD VAN DIE TARIEFBELEID

Die munisipaliteit se tariefbeleid:

- (a) is van toepassing op alle tariewe wat deur die munisipaliteit ooreenkomstig sy goedgekeurde jaarlikse begroting opgelê word;
- (b) weerspieël die beginsels soos bedoel in artikel 74(2) van die Stelselwet en enige verdere beginsels vir die oplegging van tariewe wat die munisipale raad mag bepaal;
- (c) spesifiseer die wyse waarop die beginsels bedoel in paragraaf (b) ingevolge die tariefbeleid in werking gestel moet word;
- (d) spesifiseer vir tariefdoeleindes die grondslag vir differensiasie, indien enige, tussen die verskillende kategorieë gebruikers, debiteure, diensverskaffers, dienste, diensstandaarde, geografiese gebiede en ander aangeleenthede, met dien verstande dat sodanige differensiasie nie op onbillike diskriminasie neerkom nie; en
- (e) sluit sodanige verdere implementeringsmeganismes in wat die munisipale raad van voorneme is om op te lê bykomend tot dié vervat in die Verordening insake Kredietbeheer en Skuldinvordering.

### 5. TOEPASSING VAN DIE TARIEFBELEID

Die munisipaliteit se tariefbeleid moet deur middel van die Verordening op en Beleid oor Kredietbeheer en Skuldinvordering en enige verdere implementerings-meganismes ooreenkomstig sy tariefbeleid toegepas word.

### 6. HERROEPING VAN VERORDENINGE

Enige bepaling in 'n verordening, voorheen uitgevaardig deur die munisipaliteit of enige van die afgeskafte munisipaliteite wat nou by die munisipaliteit ingelyf is, in so ver dit betrekking het op enige aangeleenthede waarvoor in hierdie verordening voorsiening gemaak word, word hiermee herroep.

### 7. KORT TITEL EN INWERKINGSTREDE

Hierdie verordening heet die Verordening insake Tariewe van Matzikama Munisipaliteit en tree in werking op die datum van publikasie in die Provinsiale Koerant.

10 September 2010

22328

## UMASIPALA WASEMATZIKAMA UMTHETHO WEDOLOPHU WERHAFU

UMasipala waseMatzikama wamkela lo mthetho ulandelayo ngokwecandelo le-156(2) kuMagaqo-siseko waseMzantsi Afrika, ka-1996 necandelo Lama-75 kuMthetho weeNkqubo zikaMasipala: kuRhulumente wasekuhlaleni, ka-2000:

### ISALATHISO

1. Intshayelelo
2. Iinkcazelo
3. Ukwamkelwa nokuphonyezwa komgaqo-nkqubo werhafu
4. Okuqulathwe kumgaqo-nkqubo werhafu
5. Ukunyanzeliswa komgaqo-nkqubo werhafu
6. Ukurhoxiswa kwemithetho yedolophu
7. Isihloko esifutshane nokuqaliswa kwayo

### 1. INTSHAYELELO

(1) Umasipala ngokwecandelo lama-229(1) kuMgaqo-siseko anganyanzelisa:

- (a) iintlawulo zeepropati nezinye iintlawulo ezongeziwewo zeenkonzos ezibonelelwa ngumasipala okanye egameni likamasipala; kunye
- (b) nezinye iirhafu neemfanelo, ukuba oko kugunyaziswe ngabowiso-mthetho kwisizwe.

(2) Umasipala ngokwecandelo lama-75A kuMthetho weeNkqubo zakhe -

- (a) angarhafisa kwaye afumane iintlawulo, amatyala okanye irhafu malunga nayo nayiphi na imisebenzi okanye iinkonzos zikamasipala; kunye
- (b) nokufumana iintlawulo zokuqokelelwa kwemali nenzala kuyo nayo nayiphi na imali eseleyo.

(3) Ibhunga likamasipala kufuneka ngokwecandelo lama-74(1) kuMthetho weeNkqubo zakhe lamkele kwaye liphumeze umgaqo-nkqubo werhafu ngokurhafiswa kweenkonzo zikamasipala ezibonelelwa ngumasipala ngokwakhe okanye ngokwendlela yesivumelwano sokunikezelwa kweenkonzo,

nesihambelana namalungiselelo oMthetho weeNkqubo zakhe, uMthetho wokuLawulwa kweeMali zikaMasipala kunye nemonye imithetho esebenzayo.

(4) Ibhunga likamasipala ngokwecandelo lama-75(1) kuMthetho weeNkqubo zakhe kufuneka lamkele umthetho wedolophu ukwenza kufezekiswe kwaye kunyanzeliswe umgaqo-nkqubo werhafu.

(5) Umthetho, ngokuchazwe kwicandelo lama-75(1) kuMthetho weeNkqubo, ngokwecandelo lama-75(2) wahlula phakathi kokuhlelwa kwabasebenzisi, abanamatyala, ababoneleli ngeenkonz, iinkonz, umgangatho weenkonz, iindawo zokuhlala neminye imiba ukuba oko kwahlulwa akuzi kufana nocalu-calulo.

## 2. IINKCAZELO

Kulo mthetho wedolophu, isicatshulwa sesiNgesi sibakho jikelele xa singangqinelaniyo nesesiBhulu isicatshulwa naxa okuqulathiweyo kuchaza ngenye indlela:

“**Umgaqo-siseko**” uthetha uMgaqo-siseko waseMzantsi Afrika, ka-1996;

“**Umthetho wedolophu wokulawulwa kwamatyala nokuqokelelwa kwemali yamatyala**” uthetha umthetho wedolophu wokulawulwa kwamatyala nokuqokelelwa kwemali yamatyala kamasipala njengoko kuchaziwe kwicandelo lama-96(b), lama-97 nelama-98 kuMthetho weeNkqubo zikaMasipala;

“**uMthetho wokuLawulwa kweeMali zikaMasipala**” uthetha uMthetho wokuLawulwa kweeMali zikaMasipala: kuRhulumente wasekuhlaleni, ka-2003 (uMthetho 56 ka-2003);

“**ibhunga likamasipala**” lithetha ibhunga likamasipala njengoko kuchaziwe kwicandelo le-157(1) kuMgaqo-siseko;

“**umasipala**” kuthethwa uMasipala waseMatzikama osekwe ngokwecandelo le-12 kuMthetho weeNkqubo zikaMazipala: kuRhulumente wasekuhlaleni, onguNombolo 117 ka-1998;

“**uMthetho weeNkqubo**” uthetha iiNkqubo zikaMasipala: kuRhulumente wasekuhlaleni, ka-2000, onguNombolo 32 ka-2000;

“**irhafu**” ithetha iimali, iintlawulo okanye ezinye iintlawulo apho umasipala anokufuna irhafu malunga nawo nawuphi na umsebenzi okanye inkonzo enikezelwe ngumasipala, kungabandakanywa ukuhlawulwa kweenkonzo zikamasipala ngokoMthetho wokuhlalulwa kwePropati kaMasipala, onguNombolo 6 ka-2004; kunye

“**nomgaqo-nkqubo werhafu**” uthethaumgaqo-nkqubo kamasipala njengoko wamkelwe libhunga likamasipala ngokwezisombululo eziku-6.2.2 zomhla wama-28 kuMeyi ngo-2010.

## 3. UKWAMKELWA NOKUPHUNYEZWA KOMGAQO-NKQUBO WERHAFU

(1) Umasipala kufuneka amkele kwaye aphumeze umgaqo-nkqubo werhafu kwiintlawulo zeenkonz zikamasipala ezibonelelwa ngumasipala ngokwakhe okanye ngendlela yesivumelwano sokuhanjiswa kweenkonzo, nesihambelana noMthetho weeNkqubo, uMthetho wokuLawulwa kweeMali zikaMasipala neminye imithetho esebenzayo.

(2) Umasipala akanokurhafisa ngaphandle kokuba oko kuhambelana nomgaqo-nkqubo wakhe werhafu.

## 4. OKUQULATHWE KUMGAQO-NKQUBO WERHAFU

Umgaqo-nkqubo weentlawulo zeenkonz zikamasipala:

- (a) usebenza kuzo zonke iirhafu ezirhafiswa ngumasipala ngokoqingqo-mali lwakhe lonyaka oluvunyiweyo;
- (b) ubonakalisa imithetho-siseko echaziweyo kwicandelo lama-74(2) kuMthetho weeNkqubo nayo nayiphi na imithetho-siseko eyongeziweyo yerhafu, enokuqinisekiswa libhunga likamasipala;
- (c) ucacisa indlela apho imithetho-siseko ithi ichazwe kumhlathi (b) ekufuneka yazisiwe ngokomgaqo-nkqubo werhafu;
- (d) ucacisa ngeenjongo zerhafu, umahluko ukuba ukho, phakathi kokuhlelwa kwabasebenzisi, abanamatyala, ababoneleli ngeenkonz, iinkonz, umgangatho weenkonz, iindawo zokuhlala neminye imiba ukuba oko kwahlulwa akuzi kufana nocalu-calulo.
- (e) kubandakanywa nezinye iindlela ezongezelelweyo zokuphumeza oku apho ibhunga likamasipala linokunqwenela ukuzazisa, kusongezelelwa kwezo zibonelelweyo kuMthetho wokuLawulwa kwamatyala nokuqokelelwa kweemali zamatyala.

## 5. UKUNYANZELISWA KOMGAQO-NKQUBO WEENTLAWULO ZIKAMASIPALA

Umgaqo-nkqubo werhafu kufuneka unyanzeliswe ngokoMthetho noMgaqo-nkqubo wokuLawulwa kwamatyala nowokuqokelelwa kweemali zamatyala nazo naziphi na iindlela ezongeziweyo zokuphumeza oku ngokomgaqo-nkqubo werhafu.

## 6. UKURHOXISWA KOMTHETHO WEDOLOPHU

Nawaphi na amalungiselelo kumthetho wedolophu, amkelwe ngumasipala okanye nabaphi na oomasipala abahlukanisiweyo kurhulumente abamanywe kumasipala, abanxulumene nawo nawuphi na umba obonelelweyo kulo mthetho ayarhoxiswa.

## 7. ISIHLOKO ESIFUTSHANE NOKUQALISWA KWASO

Lo mthetho wedolophu uza kubizwa njengoMthetho weRhafu kuMasipala waseMatzikama kwaye uza kusebenza ngomhla ekupapashwa ngawo kwiGazethi yePhondo.



**MATZIKAMA MUNICIPALITY**  
**CREDIT CONTROL AND DEBT COLLECTION BY-LAW**

In order to give effect to the Municipality's credit control and debt collection policy, its implementation and enforcement, as required by section 98 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and to give effect to the duty imposed by section 96 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) to collect all money that is due and payable to the Municipality, the Matzikama Municipality hereby adopts the following by-law in terms of section 75 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and section 156(2) of the Constitution of the Republic of South Africa, 1996:

**INDEX**

1. Definitions
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3. Duty to collect debts
4. Payment of accounts
5. Provision of services
6. Service agreement
7. Deposits
8. Interest charges
9. Agreement to pay arrears
10. Authority to restrict or disconnect the supply of services
11. Authority of Council to recover costs
12. Consolidation and crediting of accounts
13. Appropriation of payments
14. Attachment
15. Claim on rental for property rates
16. Full and final settlement payments
17. Indigents
18. Delegation
19. Application
20. Offences
21. Short title and commencement

**1. Definitions**

Unless inconsistent with the context:

“**arrangement**” means a written agreement entered into between the Council and a debtor where specific parameters for the payment of a debt are agreed to;

“**Council**” means the municipal council of the Municipality;

“**debt**” means any monies owing to the Council in respect of the rendering of services, and includes monies owing in regard to property rates.

“**debtor**” means any person who owes a debt to the Council;

“**due date**” in the absence of any express agreement and in relation to-

- (a) rates, other than rates which are being paid by instalments, means the first day of July of the financial year for which such rate is determined, and
- (b) any service and rates which are being paid by instalments, means the date stipulated on the account and determined by the Council as the last date on which the account can be paid;

“**Municipal Manager**” means the person appointed by the Council as the Municipal Manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998;

“**Municipality**” means the Municipality of Matzikama;

“**policy**” means the credit control and debt collection policy of the Council as adopted by resolution 6.2.2 of 28 May 2010;

“**service**” means any service rendered by the Council, in respect of which an account may be rendered; and

“**user**” means a person to whom Council provides a service whether or not such a person has entered into an agreement with the Council for the supply of any service.

**2. Accounts**

- (1) The Municipal Manager will bill a user at regular intervals, as set out in the policy.
- (2) The Municipal Manager will post or hand deliver accounts to users before the due date.

### **3. Duty to collect debts**

All debts owing to the Council will be collected in accordance with the policy and no deviation is permissible without amendment to the policy.

### **4. Payment of accounts**

- (1) A user must before the due date pay in full an account rendered.
- (2) Accounts may be paid at any of the offices of the Council where a cash receipting facility is available.

### **5. Provision of services**

Applications for services and the provision of new services will be dealt with as set out in the policy.

### **6. Service agreement**

- (1) Except as otherwise determined in the policy, no supply of services shall be given until a service agreement has been entered into between the Council and the user.
- (2) The Municipal Manager is authorised to enter into a service agreement with a user.

### **7. Deposits**

The Council may require the payment of deposits for the provision of new services and the reconnection of services, or may adjust the amount of any existing deposit, as set out in the policy.

### **8. Interest charges**

The Municipal Manager will charge and recover interest in respect of any arrear debt as set out in the policy.

### **9. Arrangements to pay arrears**

- (1) The Municipal Manager may make arrangements with a debtor to pay any arrear debt under conditions as set out in the policy.
- (2) Should any dispute arise as to the amount of the arrear debt, the debtor must nevertheless continue to make regular payments, in terms of the arrangement until such time as the dispute has been settled.
- (3) The Municipal Manager is authorised to enter into agreements with a debtor to formalise an arrangement.

### **10. Authority to restrict or disconnect supply of services**

The Municipal Manager may restrict or disconnect the supply of water, gas or electricity, or discontinue any other service to the premises of any user under conditions as set out in the policy.

### **11. Authority of Council to recover costs**

The Municipal Manager must recover the following costs, in instances where such costs are incurred by or on behalf of the Council:

- (a) costs and administration fees where payments made to the Council by negotiable instruments are dishonoured by banks when presented for payment;
- (b) legal and administration costs, including attorney-and-client costs and tracing fees incurred in the recovery of debts;
- (c) disconnection and reconnection fees, where any service has been disconnected as a result of non-compliance with these by-laws, and
- (d) any losses the Council may suffer as a result of tampering with Council equipment or meters.

### **12. Consolidation and crediting of accounts.**

The Municipal Manager is authorised to-

- (a) consolidate any separate accounts of a debtor; and
- (b) credit a payment by such a debtor against any account of that debtor.

### **13. Appropriation of payments**

The Municipal Manager is authorised to appropriate any payment by a user, firstly to the costs referred to in section 11, secondly to any interest charges due, and thereafter to the outstanding amount.

### **14. Attachment**

The Municipal Manager may, in order to recover debt, as a last resort, attach the debtor's property.

### **15. Claim on rental for property rates**

The Municipal Manager must apply to a court for the attachment of any rent, due in respect of any rateable property, to cover in part or in full any amount in respect of property rates outstanding for a period longer than three months after the fixed date of payment in respect of such property.

### **16. Full and final settlement payments**

- (1) Any amount tendered in defrayment of a debt, will be accepted at any cash receiving office of the Council.
- (2) No offer of payment in full and final settlement of a debt, when such amount is less than the outstanding amount, shall be accepted, unless confirmed in writing by the Municipal Manager.
- (3) Notwithstanding subsection (2), the payment so offered shall nevertheless be credited against the debtor's account.

**17. Indigents**

A debtor, who can prove indigence, will be dealt with as set out in the policy.

**18. Delegations.**

(1) The Municipal Manager may delegate any power or duty conferred on the Municipal Manager in terms of this by-law to a member of the municipal staff.

(2) A delegation in terms of subsection (1)-

- (a) must be in writing;
- (b) is subject to any limitations, conditions and directions the Municipal Manager may impose;
- (c) may include the power to sub-delegate a delegated power or duty;
- (d) does not divest the Municipal Manager of the responsibility concerning the exercise of the power or the performance of the duty.

**19. Application**

This by-law does not apply to the lease of Council's immovable property or any other immovable property administered by Council on behalf of an organ of state in another sphere of government, in so far as it relates to the collection of rental.

**20. Offences and penalties.**

Any person who:

- (a) obstructs or hinders any councillor or official of the Council in the execution of his or her duties under this by-law;
- (b) uses or interferes with Council equipment or consumption of services supplied;
- (c) tampers with any Council equipment or breaks any seal on a meter;
- (d) contravenes or fails to comply with the provisions of this by-law or the policy, or
- (e) fails to comply with a notice served in terms of this by-law;

shall be guilty of an offence and liable on conviction to pay a fine.

**21. Short title and commencement**

This By-law shall be called the Credit Control and Debt Collection By-Law of the Matzikama Municipality and shall come into operation on the date of publication thereof in the Provincial Gazette.

10 September 2010

22328

**MATZIKAMA MUNISIPALITEIT****VERORDENING INSAKE KREDIETBEHEER EN SKULDINVORDERING**

Ten einde gevolg te gee aan die Munisipaliteit se kredietbeheer- en skuldinvorderingsbeleid en die implementering en uitvoering daarvan soos vereis deur artikel 98 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) en om gevolg te gee aan die plig wat artikel 96 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) plaas om alle gelde wat aan die Munisipaliteit verskuldig en betaalbaar is, in te vorder, neem Matzikama Munisipaliteit hiermee ingevolge artikel 75 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) en artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996) die volgende verordening aan:

**INHOUDSOPGAWE**

1. Woordbepaling
2. Rekeninge
3. Plig om skuld in te vorder
4. Betaling van rekeninge
5. Lewering van dienste
6. Diensooreenkoms
7. Deposito's
8. Rente
9. Reëlings vir die betaling van agterstallige skuld
10. Bevoegdheid om die voorsiening van dienste te beperk of af te sny
11. Bevoegdheid van Raad om koste te verhaal
12. Konsolidasie en kreditering van rekeninge
13. Toewysing van betalings

14. Beslaglegging
15. Reg op huurgeld vir eiendomsbelasting
16. Volle en finale vereffening
17. Hulpbehoewendes
18. Delegasies
19. Toepassing
20. Strafbepaling
21. Kort titel en inwerkingtrede

### 1. Woordbepaling

Tensy onbestaanbaar met die sinsverband, beteken:

“**beleid**” die munisipaliteit se kredietbeheer- en skuldinvorderingsbeleid soos goedgekeur deur die Raad by besluit 6.2.2 van 28 Mei 2010;

“**diens**” enige diens wat deur die Raad gelewer word en ten opsigte waarvan ’n rekening gelewer word;

“**gebruiker**” ’n persoon aan wie die Raad ’n diens lewer, hetsy of so ’n persoon ’n ooreenkoms met die Raad aangegaan het vir die voorsiening van so ’n diens, al dan nie;

“**munisipale bestuurder**” die persoon wat deur die Raad as munisipale bestuurder ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998, aangestel is;

“**Munisipaliteit**” die Munisipaliteit van Matzikama;

“**Raad**” die munisipale raad van die Munisipaliteit;

“**reëling**” ’n skriftelike ooreenkoms aangegaan deur die Raad en ’n skuldenaar waar tot spesifieke bedinge vir die betaling van skuld ooreengekom word;

“**skuld**” enige geld wat aan die Raad verskuldig is vir die lewering van dienste, en sluit gelde in wat verskuldig is ten opsigte van eiendomsbelasting;

“**skuldenaar**” enige persoon wat by die Raad in skuld is;

“**vervaldatum**” by gebrek aan enige uitdruklike ooreenkoms en ten opsigte van:

- (a) belastings, behalwe belastings wat in paaiemente afbetaal word, die eerste dag van Julie van die finansiële jaar waarvoor sodanige belasting bepaal is, en
- (b) enige diens en belastings wat in paaiemente afbetaal word, die datum wat op die rekening aangedui word en deur die Raad bepaal is as die laaste datum waarop die rekening betaal kan word.

### 2. Rekeninge

- (1) Die munisipale bestuurder sal gereeld ’n rekening aan ’n gebruiker stuur, soos uiteengesit in die beleid.
- (2) Die munisipale bestuurder sal voor die vervaldatum rekeninge aan gebruikers pos of per hand laat aflewer.

### 3. Plig om skuld in te vorder

Alle skuld aan die Raad sal ingevorder word in navolging van die beleid en geen afwyking daarvan is toelaatbaar sonder dat die beleid eers gewysig is nie.

### 4. Betaling van rekeninge

- (1) ’n Gebruiker moet ’n rekening wat gelewer word, ten volle betaal voor die vervaldatum.
- (2) Rekeninge kan betaal word by enige kantoor van die Raad waar geriewe is vir die aanvaarding van kontant.

### 5. Lewering van dienste

Aansoek vir dienste en die voorsiening van nuwe dienste sal hanteer word soos uiteengesit in die beleid.

### 6. Diensooreenkoms

- (1) Behalwe soos andersins bepaal in die beleid, sal gaan dienste gelewer word alvorens ’n diensooreenkoms tussen die Raad en die gebruiker aangegaan is nie.
- (2) Die munisipale bestuurder is gemagtig om ’n diensooreenkoms met ’n gebruiker aan te gaan.

### 7. Deposito’s

Die Raad kan vereis dat deposito’s vir die lewering van nuwe dienste en die heraansluiting van dienste betaal word, of kan die bedrag van enige bestaande deposito aanpas, soos uiteengesit in beleid.

### 8. Rente

Die munisipale bestuurder sal rente hef en invorder ten opsigte van enige agterstallige skuld, soos uiteengesit in die beleid.

### 9. Reëlins vir die betaling van agterstallige skuld

- (1) Die munisipale bestuurder kan reëlins tref met ’n skuldenaar om enige agterstallige skuld onder voorwaardes soos in die beleid uiteengesit, te betaal.
- (2) Indien daar enige dispuut ontstaan oor die bedrag van die agterstallige skuld, moet die skuldenaar nogtans voortgaan om gereelde betalings

ingevolge die reëlings te maak, tot tyd en wyl die dispuut uit die weg geruim is.

(3) Die munisipale bestuurder is gemagtig om ooreenkomste met 'n skuldenaar aan te gaan ten einde 'n reëling waartoe ooreengekom is, te formaliseer.

#### **10. Bevoegdheid om die voorsiening van dienste te beperk of af te sny**

Die munisipale bestuurder kan die voorsiening van water, gas of elektrisiteit beperk of afsny, of die voorsiening van enige ander diens aan die perseel van 'n gebruiker staak, ingevolge die voorwaardes soos uiteengesit in die beleid.

#### **11. Bevoegdheid van Raad om koste te verhaal**

Die munisipale bestuurder moet die volgende koste wat deur of namens die Raad aangegaan is, verhaal:

- (a) onkoste en administrasiefooie waar betalings aan die Raad deur middel van verhandelbare dokumente deur banke dishonoreer is toe dit vir betaling aangebied is;
- (b) regs- en administrasiekostes, insluitende prokureur-en-kliëntkoste en opsporingsgelde wat aangegaan is in die verhalings van skulde;
- (c) afsny- en heraansluitingsfooie, waar enige diens gestaak is as gevolg van die nie-nakoming van hierdie verordening, en
- (d) enige verliese wat die Raad mag ly as gevolg van peustering met raadstoerusting of meters.

#### **12. Konsolidasie en kreditering van rekenings**

Die munisipale bestuurder is gemagtig om-

- (a) die afsonderlike rekenings van 'n skuldenaar te konsolideer, en
- (b) 'n betaling wat deur so 'n skuldenaar gemaak is, teen enige rekening van so 'n skuldenaar te krediteer.

#### **13. Toewysing van betalings**

Die munisipale bestuurder is gemagtig om enige betaling van 'n gebruiker toe te wys, eerstens aan die kostes waarna in artikel 11 verwys word, tweedens aan enige rente wat opgehoop het, en daarna aan die uitstaande bedrag.

#### **14. Beslaglegging**

Die munisipale bestuurder kan, ten einde skuld in te vorder en, as 'n laaste uitweg, beslag laat lê op die eiendom van 'n skuldenaar.

#### **15. Reg op huurgeld vir eiendomsbelasting**

Die munisipale bestuurder moet by 'n hof aansoek doen om beslag te lê op enige huurgeld betaalbaar ten opsigte van enige belasbare eiendom, vir die gedeeltelike of algehele verhalings van eiendomsbelasting wat vir meer as drie maande na die vervaldatum ten opsigte van sodanige eiendom uitstaande is.

#### **16. Volle en finale vereffening**

- (1) Enige bedrag wat vir die delging van skuld aangebied word, sal aanvaar word by enige kontantkantoor van die Raad.
- (2) Geen aanbod vir volle en finale vereffening van skuld, teen 'n bedrag minder as die uitstaande bedrag, sal aanvaar word nie, tensy dit skriftelik deur die munisipale bestuurder bevestig is.
- (3) Ondanks die bepalings van subartikel (2), sal die betaling aldus aangebied nogtans teen die rekening van die skuldenaar gekrediteer word.

#### **17. Hulpbehoewendes**

'n Skuldenaar wat hulpbehoewendheid kan bewys, sal hanteer word soos in die beleid uiteengesit.

#### **18. Delegasies**

(1) Die munisipale bestuurder mag enige bevoegdheid of plig wat ingevolge die bepalings van hierdie verordening aan die munisipale bestuurder opgedra is, aan 'n lid van die munisipaliteit se personeel deleger.

(2) 'n Delegasie ingevolge subartikel (1):

- (a) moet skriftelik wees;
- (b) is onderworpe aan enige beperkings, voorwaardes en lasgewings wat die munisipale bestuurder mag opleë;
- (c) kan die bevoegdheid insluit om 'n gedelegeerde bevoegdheid te subdeleger;
- (d) ontnem nie die munisipale bestuurder die verantwoordelikheid betreffende die uitoefening van die bevoegdheid of die verrigting van die plig nie.

#### **19. Toepassing**

Hierdie verordening is nie van toepassing op die verhuring van onroerende raadseiendom of enige ander onroerende eiendom wat deur die Raad namens enige ander staatsorgaan in 'n ander sfeer van regering administreer word nie, in soverre dit betrekking het op die verhalings van huurgeld, nie.

#### **20. Strafbepaling**

Enige persoon wat:

- (a) 'n raadslid of amptenaar van die Raad in die uitvoering van sy of haar pligte ingevolge hierdie verordening weerstaan of hinder;
- (b) die Raad se toerusting gebruik of daarmee inmeng of met die verbruik van dienste inmeng;
- (c) met die Raad se toerusting peuter of enige seël op 'n meter breek;
- (d) die bepalings van hierdie verordening of die beleid oortree of nalaat om daaraan te voldoen, of



- (e) nalaat om aan 'n kennisgewing wat ingevolge hierdie verordening uitgereik is, te voldoen, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met die betaling van 'n boete.

## 21. Kort titel en inwerkingtrede

Hierdie verordening heet die Verordening insake Kredietbeheer en Skuldinvordering van Matzikama Munisipaliteit en tree in werking op die datum van publikasie daarvan in die Provinsiale Koerant.

10 September 2010

22328

## UMASIPALA WASEMATZIKAMA

### UMTHETHO WEDOLOPHU WOKULAWULWA KWAMATYALA NOKUQOKELELWA KWEMALI YAMATYALA

Ukuze ufezekiswe umgaqo-nkqubo wokulawulwa kwamatyala nokuqokelelwa kweemali zamatyala, ukuphunyezwa nokunyanzeliswa kwawo, njengoko kufunwa kwicandelo lama-98 kuMthetho weeNkqubo zikaMasipala: kuRhulumente wasekuhlaleni, ka-2000 (uMthetho 32 ka-2000) nokuphumeza umsebenzi onyanzeliswa licandelo 96 loMthetho weeNkqubo zikaMasipala: kuRhulumente wasekuhlaleni, ka-2000 (kuMthetho 32 ka-2000) ukuqokelela zonke iimali ekufanelwe zihlawulwe kwaMasipala, uMasipala waseMatzikama wamkele lo mthetho ulandelayo ngokwecandelo 75 kuMthetho weeNkqubo zikaMasipala: kuRhulumente wasekuhlaleni, ka-2000 (kuMthetho 32 ka-2000) necandelo 156(2) loMgaqo-siseko waseMzantsi Afrika, ka-1996:

#### ISALATHISO

1. Iinkcazelo
2. Ii-akhawunti
3. Umsebenzi wokuqokelelwa kwamatyala
4. Ukuhlawulwa kwee-akhawunti
5. Amalungiselelo eenkonzo
6. Isivumelwano seenkonzo
7. Idipozithi
8. Inzala
9. Isivumelwano sokuhlawula imali osemva ngayo
10. Igunya lokukuthintela okanye lokuyekisa isibonelelo seenkonzo
11. Igunya leBhunga lokufumana kwakhona iindleko ebezingahlawulwanga
12. Ukudityaniswa nokubuyiselwa ityala lee-akhawunti
13. Ukuzithabathela iintlawulo
14. Okuncanyathiselweyo
15. Ibango ekurhafelweni kweemali zepropati
16. Iintlawulo ezipheleleyo nezokugqibela zokuhlawula lonke ityala
17. Ukungabi nanto
18. Abameli
19. Isicelo
20. Ityala
21. Inkcazelo emfutshane nokuqala kwayo

#### 1. Iinkcazelo

Ngaphandle kokuba awuvumelani nomxholo:

“**amalungiselelo**” athetha isivumelwano esibhaliweyo esiphakathi kweBhunga nalowo unetyala apho ubungakanani bentlawulo yetyala kuthi kuvunyelwane ngabo;

“**Ibhunga**” lithetha ibhunga likaMasipala;

“**ityala**” lithetha nayiphi na imali oyityala iBunga malunga neenkonzo ezinikezelweyo, kubandakanywa iimali ezityalwayo malunga neentlawulo zepropati.

“**onetyala**” kuthethwa namphi na umntu otyala iBhunga;

“**umhla ekuhlawulwa ngawo**” xa kungekho sivumelwano namalunga-

- (a) nentlawulo, ngaphandle kweentlawulo ezihlawulwa ngezavenge, kuthethwa umhla wokuqala kaJulayi wonyaka-mali apho ezo ntlawulo ziye ziqinisekiswa khona, kunye
- (b) naziphi na iinkonzo neentlawulo ezihlawulwa ngezavenge, zithetha umhla ochazwe kwi-akhawunti neziqinisekiswa liBhunga njengomhla wokugqibela apho inokuhlawulwa ngawo i-akhawunti;

“**uMlawuli kwaMasipala**” uthetha umntu obekwe liBhunga njengoMlawuli kwaMasipala ngokwecandelo 82 kuMthetho weeNkqubo zikaMasipala: kuRhulumente wasekuhlaleni, ka-1998;

“**uMasipala**” kuthethwa uMasipala waseMatzikama;

“**umgaqo-nkqubo**” uthetha umgaqo-nkqubo wokulawulwa kwamatyala nokuqokelelwa kweemali zamatyala eBhunga njengoko wamkelwe zizigqibo eziku-6.2.2 zomhla wama-28 kuMeyi ngo-2010;

“**iinkonzo**” kuthethwa iinkonzo ezinikezelwe liBhunga, ngokwendlela enikezelwe ngayo i-akhawunti; kunye

“**nomsebenzisi**” kuthethwa umntu onikwe iinkonzo liBhunga nokuba loo mntu uye wenza okanye akenza sivumelwano neBhunga lokunikezelwa ngayo nayiphi na inkonzo.

## 2. Ii-akhawunti

(1) Umlawuli kaMasipala uza kunika lowo usebenzise iinkonzo i-akhawunti ngamaxesha athile, njengoko kuchaziwe kumgaqo-nkqubo.

(2) Umlawuli kaMasipala uza kuthumela ngeposi okanye zisiwe ngesandla ii-akhawunti kulowo usebenzise iinkonzo phambi komhla ekufanele ahlawule ngawo.

## 3. Umsebenzi wokuqokelelwa kwamatyala

Onke amatyala atyalwa iBhunga aza kuqokelelwa ngokomgaqo-nkqubo kwaye akukho kunxaxha kuvumelekileyo ungatshintshwanga umgaqo-nkqubo.

## 4. Ukuhlawulwa kwee-akhawunti

(1) Lowo usebenzisa iinkonzo kufuneka phambi komhla afanele ukuhlawula ahlawule i-akhawunti yakhe ngokupheleleyo.

(2) Ii-akhawunti zingahlawulwa nakwezaphi na ii-ofisi zeBhunga apho kukho khona iindawo zokuhlawula.

## 5. Amalungiselelo eenkonzo

Ukufakwa kwezicelo zeenkonzo namalungiselelo eenkonzo ezintsha kuza kujongwana nazo njengoko kuchaziwe kumgaqo-nkqubo.

## 6. Isivumelwano seenkonzo

(1) Ngaphandle kokuba kuqinisekisiwe kumgaqo-nkqubo, akukho zibonelelo zeenkonzo eziza kunikezelelwa de sibe isivumelwano seenkonzo senziwe phakathi kweBhunga nalowo usebenzisa iinkonzo.

(2) Umlawuli kaMasipala unikwa igunya lokwenza isivumelwano seenkonzo nalowo uzisebenzisayo.

## 7. Iidiposithi

Ibhunga linokufuna intlawulo yediposithi ngamalungiselelo eenkonzo ezintsha nokuphinda kufakelwe ezo nkonzo bezikho, okanye kungahlengahlengiswa imali ekhoyo yediposithi, njengoko kuchaziwe kumgaqo-nkqubo.

## 8. Inzala

Umlawuli kaMasipala uza kufuna inzala kwaye kubuyiselwe inzala malunga netyala elisemva njengoko kuchaziwe kumgaqo-nkqubo.

## 9. Isivumelwano sokuhlawula imali osemva ngayo

(1) Umlawuli kaMasipala unokwenza amalungiselelo nalowo unetyala lokuhlawula naziphi na iimali asemva ngazo phantsi kweemeko njengoko kuchaziwe kumgaqo-nkqubo.

(2) Xa kungavunyelwana ngemali yetyala osemva ngayo, lowo unetyala kufuneka aqhubekeke ukuhlawula, ngokwesivumelwano de loo ngxwabangxwaba yabo bavumelane ngayo.

(3) Umlawuli kaMasipala unikwa igunya lokubanesivumelwano nalowo unetyala ukwenza la malungiselelo abesemthethweni.

## 10. Igunya lokukuthintela okanye lokuyekisa isibonelelo seenkonzo

Umlawuli kaMasipala unokubeka izithintelo okanye acime amanzi, ugesi okanye umbane, okanye ayeke ukuqhubekeka nazo naziphi na iinkonzo ezikumhlaba walowo usebenzisa iinkonzo phantsi kweemeko njengoko kuchaziwe kumgaqo-nkqubo.

## 11. Igunya leBhunga lokufumana kwakhona iindleko ebezingahlawulwanga

Umlawuli kaMasipala kufuneka afumane zonke ezi ndleko zilandelayo, apho ezo ndleko zifunyanwa liBhunga okanye egameni leBhunga:

- (a) iindleko neemali zokulawulwa kweentlawulo apho iintlawulo ezihlawulwe kwiBhunga ngokothethathethwano zingahlonelwa ziibhanki xa kufuneka zihlawulwe;
- (b) iindleko zasemthethwebi nezokulawulwa kwamatyala, kubandakanywa iindleko zamagqwetha nezabo bafumana iinkonzo kuthi neendleko zokuphandwa kufunwa amatyala;
- (c) iintlawulo zokucinywa nezokuphinda kubuyiselwe, apho naziphi na iinkonzo beziphelisiwe ngenxa yokungahambelani nale mithetho yedolophu, kunye
- (d) naziphi izinto iBhunga eliphulukene nazo ngenxa yokonakaliswa kwezixhobo zeBhunga okanye kweemitha.

## 12. Ukudityaniswa nokubuyiselwa ityala lee-akhawunti.

Umlawuli kaMasipala ugunyayiswe ukuba-

- (a) adibanise zonke ii-akhawunti ezizimeleyo zalowo unetyala; kunye
- (b) nokubuyisela intlawulo eyenziwe ngulowo unetyala kwi-akhawunti yalowo unetyala.

## 13. Ukuzithabathela iintlawulo

Umlawuli kaMasipala ugunyaziswe ukuba azithathele ngokufanelekileyo naziphi na iintlawulo ezisuka kulowo usebenzisa iinkonzo, okokuqala ngokwendleko ekubhekiselwe kuzo kwicandelo le-11, okwesubini nayiphi na inzala ekufanele ukuba ihlawulwe, eza kuba lityala eliseleyo.

**14. Okuncanyathiselweyo**

Umlawuli kaMasipala, ukuze afumane ityala, njengento yokugqibela anokuyenza, unokufumana ipropati yalowo unetyala.

**15. Ibango ekurhafelweni kweemali zepropati**

Umlawuli kaMasipala kufuneka afake isicelo kwinkundla yamatyala xa efuna nayiphi na irenti, malunga nayiphi na ipropati enexabiso, ukuhlawula inxenye okanye yonke imali malunga nemali eseleyo yepropati ixesha elide kuneenyanga ezintathu emva komhla omiselweyo wokuhlawula malunga naloo propati.

**16. Iintlawulo eziphelweyo nezokugqibela zokuhlawula lonke ityala**

- (1) Nayiphi na imali ehlawulelwe amatyala, iza kwamkelwa nakweyiphi na i-ofisi eyamkela imali yeBhunga.
- (2) Akukho sibonelelo santlawulo esiphelweyo nesokugqibezela ityala, xa loo mali ingaphantsi kwemali eseleyo, eza kwamkelwa, ngaphandle kokuba oko kuvunywe ngembalelwano ngumlawuli kaMasipala.
- (3) Noxa icandelwana (2), intlawulo ebonelelweyo iza kubuyiselwa kwi-akhawunti yalowo unetyala.

**17. Ukungabi nanto**

Lowo unetyala, onokuqinisekisa ukuba akananto, kuza kujongwana naye njengoko kuchaziwe kumgaqo-nkqubo.

**18. Abameli.**

- (1) Umlawuli kaMasipala unokunikezela naliphi na igunya okanye umsebenzi onikezelwe kumlawuli kaMasipala ngokwalo mthetho kwilungu elisebenzela umasipala.
- (2) Ummeli ngokweli candelwana (1)-
  - (a) kufuneka afumane imbalelwano;
  - (b) uxhomekeke kuzo naziphi na izithintelo, iimeko nemiyalelo ayinikezelwa nguMlawuli kaMasipala;
  - (c) unokubandakanya amandla okunikezela ngamagunya okanye ngomsebenzi;
  - (d) akahluthi mandla oMlawuli kaMasipala kuxanduva lwakhe malunge namandla okanye nokwenza umsebenzi wakhe.

**19. Isicelo**

Lo mthetho awusebenzi kwipropati yeBhunga enokusuka engamanga sigxina okanye nayiphi na ipropati engasukiyo elawulwa liBhunga egameni likaRhulumente kwelinye inqanaba likarhulumente, ngokokuqokelelwa kwerenti.

**20. Amatyala nezohlwayo.**

Nabani na:

- (a) ophazamisa okanye othintela namphi na uceba okanye igosa leBhunga ekwenzeni umsebenzi wakhe phantsi kwalo mthetho;
- (b) osebenzisa okanye ophazamisana nezixhobo zeBhunga okanye osebenzisa iinkonzo ezibonelelweyo;
- (c) owonakalisa izixhobo zeBhunga okanye owophula naziphi na iziciko zeemitha;
- (d) owaphula okanye ongahambelaniyo namalungiselelo alo mthetho okanye omgaqo-nkqubo, okanye
- (e) ongahambelaniyo nesaziso esinikiweyo ngokwalo mthetho;

onokubanetyala nofanele ukuqinisekisa ukuba uhlawula amatyala.

**21. Inkcazelo emfutshane nokuqala kwayo**

Lo mthetho wedolophu uza kubizwa njengoMthetho wedolophu wokulawulwa kwamatyala nokuqokelelwa kwamatyala oMasipala waseMatzikama kwaye uza kusebenza ngomhla ekupapashwa ngawo kwiGazethi yePhondo.

10 September 2010

22328

**MATZIKAMA MUNICIPALITY****PROPERTY RATES BY-LAW**

The Matzikama Municipality herewith adopts the following by-law in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and section 6 of the Local Government: Municipal Property Rates Act, 2004:

**INDEX**

1. Preamble
2. Definitions
3. Adoption and implementation of the rates policy
4. Contents of the rates policy
5. Enforcement of the rates policy
6. Repeal of by-laws
7. Short title and commencement

## 1. PREAMBLE

- (1) The municipality may impose rates on property and surcharges on fees for services provided by or on behalf of the municipality in terms of section 229(1) of the Constitution.
- (2) The municipal council must adopt a policy on the levying of rates on rateable property in the municipality in terms of section 3 of the Property Rates Act.
- (3) The municipal council must adopt a by-law to give effect to the implementation of its rates policy in terms of section 6(1) of the Property Rates Act.
- (4) The municipal council may in section 6(2) of the Property Rates Act differentiate between different categories of properties and different categories of owners of properties liable for the payment of rates.

## 2. DEFINITIONS

In this by-law, the Afrikaans text prevails in the event of an inconsistency with the English text and unless the context indicates otherwise:

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Credit Control and Debt Collection By-Law**” means the municipality’s Credit Control and Debt Collection By-Law as contemplated in sections 96(b), 97 and 98 of the Local Government: Municipal Systems Act, No. 32 of 2000;

“**municipal council**” means the municipal council of the municipality as contemplated in section 157(1) of the Constitution;

“**municipality**” means the Matzikama Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, No. 117 of 1998;

“**Property Rates Act**” means the Local Government: Municipal Property Rates Act, No.6 of 2004;

“**rates**” means municipal rates on property as contemplated in section 229 of the Constitution; and

“**rates policy**” means the policy of the municipality as adopted by the municipal council by resolution 6.2.2 of 28 May 2010.

## 3. ADOPTIONS AND IMPLEMENTATION OF THE RATES POLICY

- (1) The provisions of the rates policy apply to the levying of rates on all rateable property.
- (2) The municipality may not levy a rate except in accordance with its rates policy.

## 4. CONTENTS OF THE RATES POLICY

The municipality’s rates policy:

- (a) applies to all rates levied by the municipality in accordance with its approved annual budget;
- (b) complies with the requirements in respect of:
  - (i) the adoption and contents of a rates policy as contemplated in section 3 of the Property Rates Act;
  - (ii) the process of community participation as contemplated in section 4 of the Property Rates Act; and
  - (iii) the annual review of the rates policy as contemplated in section 5 of the Property Rates Act;
- (c) specifies additional principles, criteria and measures in accordance with the Property Rates Act for the levying of rates, which the municipal council may determine;
- (d) specifies the manner in which the principles contemplated in paragraph (c) should be introduced in terms of the rates policy; and
- (e) includes additional implementation mechanisms which the municipal council may wish to introduce, supplementary to those provided for in the Credit Control and Debt Collection By-Law and Policy.

## 5. ENFORCEMENT OF THE RATES POLICY

The municipality’s rates policy must be enforced by means of the Credit Control and Debt Collection By-Law and any additional implementation mechanisms in accordance with its rates policy.

## 6. REPEAL OF BY-LAWS

Any provision in a by-law, adopted by the municipality or any of the disestablished municipalities that have been incorporated into the municipality, which relates to any aspect provided for in this by-law is herewith repealed.

## 7. SHORT TITLE AND COMMENCEMENT

This By-law shall be called the Property Rates By-Law of the Matzikama Municipality and shall come into operation on the date of publication thereof in the Provincial Gazette.

**MATZIKAMA MUNISIPALITEIT**  
**VERORDENING INSAKE EIENDOMSBELASTING**

Ingevolge artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika, 1996 en artikel 6 van die *Local Government: Municipal Property Rates Act, 2004* neem die Munisipaliteit Matzikama hiermee die volgende verordening aan:

**INHOUDSOPGAWE**

1. Aanhef
2. Woordomskrywing
3. Aanvaarding en implementering van die beleid insake eiendomsbelasting
4. Inhoud van die beleid insake eiendomsbelasting
5. Toepassing van die beleid insake eiendomsbelasting
6. Herroeping van verordeninge
7. Kort titel en inwerkingtrede

**1. AANHEF**

- (1) Ingevolge artikel 229(1) van die Grondwet mag die munisipaliteit eiendoms-belasting en bobelasting op gelde vir dienste deur of namens die munisipaliteit verskaf, oplê.
- (2) Ingevolge artikel 3 van die Wet op Eiendomsbelasting moet die munisipale raad 'n beleid insake die heffing van belasting op belasbare eiendom aanvaar.
- (3) Ingevolge artikel 6(1) van die Wet op Eiendomsbelasting moet die munisipale raad 'n verordening aanneem om gevolg te gee aan die implementering van sy beleid insake eiendomsbelasting.
- (4) Ingevolge artikel 6(2) van die Wet op Eiendomsbelasting mag die munisipale raad tussen verskillende kategorieë eiendomme en verskillende kategorieë eienaars van eiendomme wat aanspreeklik is vir die betaling van belasting, differensieer.

**2. WOORDOMSKRYWING**

In hierdie verordening geld die Afrikaanse teks in die geval van enige teenstrydigheid met die Engelse teks, en tensy die inhoud anders aandui, beteken:

- “**belasting**” of “**belasting**” ’n munisipale belasting op eiendom soos beoog in artikel 229 van die Grondwet;
- “**Beleid insake eiendomsbelasting**” die beleid van die munisipaliteit soos goedgekeur deur die munisipale raad by besluit 6.2.2 van 28 Mei 2010;
- “**Grondwet**” die Grondwet van die Republiek van Suid-Afrika, 1996;
- “**munisipaliteit**” die Munisipaliteit van Matzikama ingestel ingevolge van artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, Wet 117 van 1998;
- “**munisipale raad**” die munisipale raad van die munisipaliteit bedoel in artikel 157(1) van die Grondwet;
- “**Verordening insake Kredietbeheer en Skuldinvordering**” die munisipaliteit se Verordening insake Kredietbeheer en Skuldinvordering soos bedoel in artikels 96(b), 97 en 98 van die Stelselwet; en
- “**Wet op Eiendomsbelasting**” die “**Local Government: Municipal Property Rates Act, Act 6 of 2004**”.

**3. AANVAARDING EN IMPLEMENTERING VAN DIE BELEID INSAKE EIENDOMSBELASTING**

- (1) Die bepaling van die beleid insake eiendomsbelasting geld ten opsigte van die heffing van belasting op alle belasbare eiendom.
- (2) Die munisipaliteit is hef geen belasting behalwe ooreenkomstig sy beleid insake eiendomsbelasting nie.

**4. INHOUD VAN DIE BELEID INSAKE EIENDOMSBELASTING**

Die munisipaliteit se beleid insake eiendomsbelasting:

- (a) is van toepassing op alle belasting wat deur die munisipaliteit gehef word ooreenkomstig sy goedgekeurde jaarlikse begroting;
- (b) voldoen aan die vereistes vir:
  - (i) die aanvaarding en inhoud van 'n beleid insake eiendomsbelasting soos bedoel in artikel 3 van die Wet op Eiendomsbelasting;
  - (ii) die proses van gemeenskapsdeelname soos bedoel in artikel 4 van die Wet op Eiendomsbelasting; en
  - (iii) die jaarlikse hersiening van die beleid insake eiendomsbelasting soos bedoel in artikel 5 van die Wet op Eiendomsbelasting;
- (c) spesifiseer verdere beginsels, maatstawwe en maatreëls ooreenkomstig die Wet op Eiendomsbelasting vir die heffing van belasting wat die munisipale raad mag bepaal;
- (d) spesifiseer die wyse waarop die beginsels bedoel in paragraaf (c) ingevolge die tariefbeleid in werking gestel moet word; en
- (e) sluit verdere implementeringsmeganismes in wat die munisipale raad van voorneme is om op te lê bykomend tot dié vervat in die Verordening op en Beleid oor Kredietbeheer en Skuldinvordering.

**5. TOEPASSING VAN DIE BELEID INSAKE EIENDOMSBELASTING**

Die munisipaliteit se beleid insake eiendomsbelasting moet deur middel van die Verordening insake Kredietbeheer en Skuldinvordering en enige verdere implementeringsmeganismes ooreenkomstig sy beleid insake eiendomsbelasting toegepas word.

**6. HERROEPING VAN VERORDENINGE**

Enige bepaling in 'n verordening voorheen uitgevaardig deur die munisipaliteit of enige van die afgeskafte munisipaliteite wat nou by die munisipaliteit ingelyf is, in so ver dit betrekking het op enige aangeleenthede waarvoor in hierdie verordeninge voorsiening gemaak word, word hiermee herroep.

**7. KORT TITEL EN INWERKINGSTREDE**

Hierdie verordening heet die Verordening insake Eiendomsbelasting van Matzikama Munisipaliteit en tree in werking op die datum van publikasie in die Provinsiale Koerant.

10 September 2010

22329

**UMASIPALA WASEMATZIKAMA****UMTHETHO WEDOLOPHU WEENTLAWULO ZEPROPATI KAMASIPALA**

UMasipala waseMatzikama wamkela lo mthetho ulandelayo ngokwecandelo le-156(2) kuMagaqo-siseko waseMzantsi Afrika, ka-1996 necandelo lesi-6 kuMthetho weeNtlawulo zePropati kaMasipala: kuRhulumente wasekuhlaleni, ka-2004:

**ISALATHISO**

1. Intshayelelo
2. Iinkcazelo
3. Ukwamkelwa nokuphuyezwa komgaqo-nkqubo weentlawulo zikamasipala
4. Okuqulathwe kumgaqo-nkqubo weentlawulo zikamasipala
5. Ukunyanzeliswa komgaqo-nkqubo weentlawulo zikamasipala
6. Ukurhoxiswa kwemithetho yedolophu
7. Isihloko esifutshane nokuqaliswa kwayo

**1. INTSHAYELELO**

- (1) Umasipala anganyanzelisa iintlawulo zeepropati nezinye iintlawulo ezongeziweyo zeenkonzo ezibonelelwa ngumasiopala okanye egameni lakhe ngokwecandelo lama-229(1) loMgaqo-siseko.
- (2) Ibhunga likamasipala kufuneka lamkele umgaqo-nkqubo wokurhafisa weentlawulo kwipropati enexabiso kumasipala ngokwecandelo lesi-3 kuMthetho weeNtlawulo zePropati kaMasipala.
- (3) Ibhunga likamasipala kufuneka lamkele umthetho wedolophu ukuphumeza umgaqo-nkqubo weentlawulo zikamasipala ngokwecandelo le-6(1) kuMthetho weeNtlawulo zePropati kaMasipala.
- (4) Ibhunga likamasipala kwicandelo le-6(2) kuMthetho weeNtlawulo zePropati kaMasipala linokwahlula phakathi kokuhlelwa kweepropati nokuhlelwa okwahlukeneyo kwabanikazi beepropati ekufanele bahlawule iinkonzo zikamasipala.

**2. IINKCAZELO**

Kulo mthetho wedolophu, isicatshulwa sesiBhulu sibakho jikelele xa singangqinelaniyo nesesiNgesi isicatshulwa naxa okuqulathiweyo kuchaza ngenye indlela:

“**Umgqaqo-siseko**” uthetha uMgaqo-siseko waseMzantsi Afrika, ka-1996;

“**Umthetho wedolophu wokulawulwa kwamatyala nokuqokelelwa kwemali yamatyala**” uthetha umthetho wedolophu wokulawulwa kwamatyala nokuqokelelwa kwemali yamatyala kamasipala njengoko kuchaziwe kwicandelo lama-96(b), lama-97 nelama-98 kuMthetho weeNkqubo zikaMazipala: kuRhulumente wasekuhlaleni, onguNombolo 32 ka-2000;

“**ibhunga likamasipala**” lithetha ibhunga likamasipala njengoko kuchaziwe kwicandelo le-157(1) kuMgaqo-siseko;

“**umasipala**” kuthethwa uMasipala waseMatzikama osekwe ngokwecandelo le-12 kuMthetho weeNkqubo zikaMazipala: kuRhulumente wasekuhlaleni, onguNombolo 117 ka-1998;

“**uMthetho weentlawulo zeepropati kamasipala**” kuthethwa uMthetho weeNtlawulo zePropati kaMazipala: kuRhulumente wasekuhlaleni, onguNombolo 6 ka-2004;

“**iintlawulo zikamasipala**” kuthethwa iintlawulo zikamasipala zeepropati njengoko kuchaziwe kwicandelo lama-229 kuMgaqo-siseko; kunye

“**nomgaqo-nkqubo weentlawulo zikamasipala**” kuthethwa umgaqo-nkqubo kamasipala njengoko wamkelwe libhunga likamasipala zizisombululo eziku-6.2.2 zangomhla wama-28 kuMeyi ngo-2010.

**3. UKWAMKELWA NOKUPHUYEZWA KOMGAQO-NKQUBO WEENTLAWULO ZIKAMASIPALA**

- (1) Amalungiselelo omgaqo-nkqubo weentlawulo zeenkonzo zikamasipala asebenza ekurhafeleni iintlawulo zeenkonzo kwipropati enexabiso.
- (2) Umasipala akanakurhafisa ntlawulo ngaphandle kokuba oko kuhambelana nomgaqo-nkqubo weentlawulo zeenkonzo zikamasipala.

**4. OKUQULATHWE KUMGAQO-NKQUBO WEENTLAWULO ZIKAMASIPALA**

Umgqaqo-nkqubo weentlawulo zeenkonzo zikamasipala:

- (a) usebenza kuzo zonke iintlawulo zeenkonzo ezirhafiswa ngumasipala ngokoqingqo-mali lwakhe lonyaka oluvunyiweyo;
- (b) uhambelana neemfuno malunga:
  - (i) nokwamkelwa nokuqulathwe kumgaqo-nkqubo weentlawulo zeenkonzo zikamasipala njengoko kuchaziwe kwicandelo lesi-3



kuMthetho wokuhlawulwa kwePropati kaMasipala;

- (ii) nenkqubo yokuthatha inxaxheba njengoko kuchaziwe kwicandelo lesi-4 kuMthetho wokuhlawulwa kwePropati kaMasipala; kunye
- (iii) nophengululo lonyaka lomgaqo-nkqubo wentlawulo lweenkonzo zikamasipala njengoko kuchaziwe kwicandelo lesi-5 kuMthetho wokuhlawulwa kwePropati kaMasipala;
- (c) ubonakalisa imithetho-siseko ethile eyongeziweyo, umgaqo nemiqathango ngokoMthetho wokuhlawulwa kwePropati kaMasipala ngokurhafiswa kwezi nkonzo, ezinokuqinisekiswa libhunga likamasipala;
- (d) ucacisa indlela apho imithetho-siseko ithi ichazwe kumhlathi (c) ekufuneka yazisiwe ngokomgaqo-nkqubo weentlawulo zeenkzo zikamasipala; kwaye
- (e) kubandakanywa nezinye iindlela ezongezelelweyo zokuphumeza oku apho ibhunga likamasipala linokunqwenela ukuzazisa, kusongezelelwa kwezo zibonelelweyo kuMthetho noMgaqo-nkqubo wokuLawulwa kwamatyala nokuqokelelwa kweemali zamatyala.

## 5. UKUNYANZELISWA KOMGAQO-NKQUBO WEENTLAWULO ZIKAMASIPALA

Umgqo-nkqubo weentlawulo zeenkono zikamasipala kufuneka anyanzelise ngokoMthetho wokuLawulwa kwamatyala nowokuqokelelwa kweemali zamatyala nazo naziphi na iindlela ezongeziweyo zokuphumeza oku ngokomgaqo-nkqubo weentlawulo zeenkono zikamasipala.

## 6. UKURHOXISWA KOMTHETHO WEDOLOPHU

Nawaphi na amalungiselelo kumthetho wedolophu, amkelwe ngumasipala okanye nabaphi na oomasipala abahlukanisiweyo kurhulumente abamanywe kumasipala, abanxulumene nawo nawuphi na umba obonelelweyo kulo mthetho ayarhoxiswa.

## 7. ISIHLOKO ESIFUTSHANE NOKUQUALISWA KWASO

Lo mthetho wedolophu uza kubizwa njengoMthetho weentlawulo zePropati kamasipalala kuMasipala waseMatzikama kwaye uza kusebenza ngomhla ekupapashwa ngawo kwiGazethi yePhondo.

10 September 2010

22329

### MOSSEL BAY MUNICIPALITY WATER CONSERVATION POLICY

Whereas the Municipality of Mossel Bay adopts a By-Law relating to Water Services as promulgated in Provincial Gazette 6678, dated 20 November 2009; and

Whereas the By-Law provides for a Policy for Conservation and Demand Management; and

Whereas the Council has adopted a Water Conservation Policy on 15 July 2010, Resolution E77-07/2010.

**Now therefore the Policy is hereby published for general information.**

In terms of Section 42 of the Municipal By-law relating to Water Services, the Municipality may impose measures to limit, discontinue or restrict the use of water for water conservation purposes, drought and other reasons. Now therefore the Municipal Council adopts this Water Conservation Policy.

#### Principles

The vision of all water conservation and demand management endeavours should be the efficient and effective use of water by all and the minimisation of loss or wastage of water. Conservation is the efficient use and saving of water achieved through measures such as water saving devices, water-efficient processes, water demand management and water rationing.

Water demand management is the adaptation and implementation of a strategy to influence the water demand and usage of water in order to meet objectives like economic efficiency, environmental protection, sustainability of water supply and services.

Thus, water conservation and demand management should be an integral part of the planning processes for management, water supply and the provisions of water services.

Due to the responsibility of the Municipality to ensure the availability of water, the Municipality must do everything in its power to ensure—

— a constant supply of water for use in the area under its jurisdiction; and

— to create a water conservation and demand management culture between the service provider and users.

Therefore, this Policy determines a set of rules for the effective and efficient measures for water conservation and demand management.

#### PART 1: SITUATIONAL EVALUATION

1. (a) The Director: Civil Services in consultation with the Municipal Manager must establish a trustworthy mechanism to monitor and continuously report on the status of the water demand.
- (b) The Director must ensure that there is an efficient information system to—
  - (i) record and provide data for water management;
  - (ii) the quality and quantity of water in the various water resources;
  - (iii) the use of water resources;
  - (iv) register of water user authorisations;
  - (v) waterworks which might fail or has failed;
  - (vi) record information about a drought which has occurred or which seems imminent;

- (vii) identification of and usage by bulk water and high water consumers;
- (viii) record and provide data for the development, enhancing or monitoring of this Policy; and
- (ix) any matter connected with water, water resources and demand management that may serve as an early warning system to real or potential hazards effecting service delivery, water conservation and demand management.

2. The Director: Civil Services shall report on a monthly basis to the Municipal Manager in a suitable format in order to allow the Municipal Manager:

- (a) to monitor the status of water resources;
- (b) and make recommendations to the Executive Mayor and Council.

## **PART 2: WATER AUDIT**

3. For effective water demand management, the Municipality may require-

- (a) major water users (those using more than 3 650 kilolitres per annum), excluding those comprising multiple dwelling units, to undertake an annual water audit. The audit must be carried out no later than two weeks after the end of each financial year of the Municipality. The audit report must be sent to the Director: Civil Services.
- (b) that the audit must detail the following-
  - (i) amount of water used during a financial year;
  - (ii) amount paid for water for the financial year;
  - (iii) number of people living on the stand or premises;
  - (iv) number of people permanently working on the stand or premises;
  - (v) comparison of the above factors with those reported in each of the previous two years (where available);
  - (vi) seasonal variation in demand (monthly consumption figures);
  - (vii) details of water pollution monitoring methods;
  - (viii) details of current initiative to manage their demand for water;
  - (ix) details of plans to manage their water demand;
  - (x) comparison of the above factors with those reported in each of the previous two years (where available); and
  - (xi) estimate of consumption by various components in use;
- (c) that no person may allow water, used as a heat-exchange medium in any equipment or plant and supplied from a water installation, to run continuously to waste except for maintaining a prescribed level of total dissolved solids in a re-circulating plant.

## **PART 3: WATER RESTRICTIONS AND CONSERVATION**

4. (1) The Municipality may in terms of section 42 of the By-law relating to Water Services, prohibit, restrict or limit the provisions of water supply services or consumption of water.

(2) The following water restrictions, or additional or other measures, shall be applied, having regard to the state of the Wolwedans Dam, which is the main reservoir for Mossel Bay.

(3) Stages of the drought:

### **1.1 Wolwedans Dam volume between 40 and 60%:**

- 1.1.1 (a) No irrigation systems may be used.
- (b) Watering of gardens may only be undertaken for one hour per day between 18:00—19:00, two days per week.

Even numbered households ONLY **Mondays** and **Thursdays**.

Uneven numbered households ONLY **Tuesdays** and **Fridays**.

Watering with a garden hose may only take place if it is hand-held.

- 1.1.2 A fine in terms of Section 75A of the Systems Act, being a 50% penalty on tariffs for monthly consumption in excess of 20 kiloliter per month per household connection.
- 1.1.3 At sports fields only the watering of cricket pitches, golf course greens and bowling greens is permitted for two hours per day, two days per week.
- 1.1.4 No hosing of roofs and driveways and no washing of vehicles with a garden hose will be permitted. The filling of swimming pools is prohibited.
- 1.1.5 That the restriction referred to in 1.1.4 above not be applicable to any **bona fide** and full-time commercial enterprises whose business it is to wash cars.
- 1.1.6 Identification of areas with high water pressure and/or high water consumption for the installation of pressure reduction and/or flow lowering devices.
- 1.1.7 Effective awareness processes must be followed.

**1.2 Dam volume between 25 en 40%:**

- 1.2.1 No attached garden hoses or automatic irrigation equipment may be used. Watering of gardens only by means of a bucket during the times determined in 1.1.1 above.
- 1.2.2 A fine, being a 100% penalty on tariffs for monthly consumption in excess of 20 kiloliter per month per household connection.
- 1.2.3 Implementation and application of fines and instant fines.
- 1.2.4 No hosing of structures, roofs and driveways and no filling of swimming pools.
- 1.2.5 Stricter policing and implementation of a complaint line and whistle blowers facility.
- 1.2.6 Consultation with bulk consumers in the industrial and business sectors as identified through the billing system.
- 1.2.7 Only the watering of golf greens, cricket pitches and bowling greens permitted. The watering of all other types of sports fields is prohibited.
- 1.2.8 Effective awareness processes must be followed.
- 1.2.9 Identification of areas with high water pressure and/or high water consumption for the installation of pressure reduction and flow lowering devices.

**1.3 Dam volume less than 25%:**

- 1.3.1 As mentioned in paragraph 1.2 above.
- 1.3.2 A fine, being a 200% penalty on consumption greater than 20 kiloliter per month per household connection.
- 1.3.3 No watering/irrigation of any sports fields permitted.
- 1.3.4 That when the Municipal Manager declares that the dam volume has dropped to below 25% no water charges in respect of water losses because of leakages will be written off.

**Additional Measures**

- 1.3.5 That additional control measures be implemented as soon as the volume of the Wolwedans Dam decreases below 40% and that the Municipal Manager be authorized to execute any further measures in consultation with the Executive Mayor.

(4) The requirements of section 21A of the Municipal Systems Act, Act 32 of 2000, must be followed.

**PART 4: WATER DEMAND MANAGEMENT**

5. (1) The Municipality may in general or in emergencies by public notice, require any owner or consumer to comply with good water conservation and demand management practices as set out hereunder:

- (a) No person may without prior written authority from the Director: Civil Services water a garden, sports field, park, or other grassed area using potable water, between the hours of 10:00 and 16:00.
- (b) Where a hosepipe is used to irrigate a garden, park, or sports field from a potable water source a controlling device such as a sprayer shall be attached to the hose end.
- (c) No person may without prior written authority from the Director: Civil Services hose down a hard-surfaced or paved area using water from a potable source.
- (d) A hosepipe used for washing vehicles, boats, and caravans must be fitted with an automatic self-closing device.
- (e) Automatic top up systems using a float valve fed from a potable water source to supply swimming pools and garden ponds are not allowed.
- (f) Commercial car wash industries must recycle a minimum of 50% of the water used in operations.
- (g) Wash-hand basins provided in public facilities must be fitted with demand type taps.
- (h) Showers provided at public facilities must be fitted with demand type valves.
- (i) Potable water may not be used to dampen building sand and other building material to prevent it from being blown away.
- (j) Stand pipe draw-off taps must be at a height of at least 450mm, measured above ground level.
- (k) The maximum flow rate from any tap installed in a wash hand basin may not exceed 6 litres per minute.
- (l) The maximum flow rate from any showerhead may not exceed 10 litres per minute.
- (m) Water closet cisterns may not exceed 9,5 liters in capacity and such cistern must be of dual flushing mechanisms.
- (n) No automatic cistern or tipping tank may be used for flushing a urinal.
- (o) Within two years after the promulgation of this Policy all automatic flushing cisterns fitted to urinals, must be replaced with either manually operated systems or non-manual apparatus which causes the flushing device to operate after each use of such urinal.
- (p) Terminal water fittings installed outside any buildings other than a residential dwelling must—
  - (i) incorporate a self-closing device;
  - (ii) have a removable handle for operating purposes;
  - (iii) be capable of being locked to prevent unauthorized use; or
  - (iv) be of a demand type that limits the quantity of water discharged in each operation;
- (q) the re-use of household grey water for gardening

(2) Additional measures or practices, as deemed necessary may be implemented.

#### **PART 5: PLANNING**

6. (1) The Director: Civil Services is responsible for the administration of the Water Services By-law and this Policy and must set up a multipurpose task team of Directors (or their duly authorised delegates) to develop programmes and establish frameworks—

- (a) for the identification, development and management of effective and efficient water conservation measures;
- (b) and set broad principles and appropriate criteria and mechanisms for the implementation and enforcement thereof;
- (c) the required organisational capacity and working relationships between the different role players and the financial implication and budget allocations;
- (d) to educate and raise awareness within the Municipality and the community, establish successful communication and co-operation between consumers, the Municipality and other spheres of government by implementing an effective communication programme as an ongoing activity;
- (e) for proper risk management and effective measures to minimise and identify fraudulent activities relating to the scope of this Policy and the instituting of administrative sanctions and disciplinary measures against transgressors and legal proceedings;
- (f) for recovering of money owed and the cost involved in the execution of the programmes;
- (g) for short, medium and long term solutions-
  - (i) designed to achieve sustainable reductions in water use;
  - (ii) changes to the use of water with the purpose of gaining greater water use efficiency;
  - (iii) the integration of the approved strategies into other water resources management functions;
  - (iv) new and better management approaches, inter alia, for—
    - minimising the waste of and increasing the efficiency of water use by adopting water saving technologies by the Municipality and consumers;
    - removal of alien vegetation that negatively impact on catchment areas and rivers;
    - leak detection programmes;
    - any other measures to achieve the desired outcome.
  - (v) for specific or in general water uses, conditions must be attached to the general authorisations and licences issued by-
    - specifying management practices and general requirements for the different water uses and conservation measures;
    - by requiring, when applicable, the monitoring and analysis of and reporting and imposing a duty to measure and record aspects of the water uses;
    - specifying measuring and recording devices to be used;
    - requiring the preparation and approval of and adherence to water management plans.

(2) The Director: Civil Services must report quarterly for the first nine months, thereafter every six months.

#### **PART 6: GENERAL**

7. The provisions of the By-law relating to Water Services are applicable and apply to this Policy.

10 September 2010

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### **MOSELBAAI MUNISIPALITEIT**

#### **WATER BESPARINGSBELEID**

Aangesien die Munisipaliteit van Mosselbaai 'n Verordening insake Watervoorsiening aanvaar het soos afgekondig in Provinsiale Koerant 6678, gedateer 20 November 2009; en

Aangesien die Verordening voorsiening maak vir 'n Beleid vir Wateraanvraagbestuur en Besparing; en

Aangesien die Raad 'n Waterbesparingsbeleid aanvaar het op 15 Julie 2010, by besluit E77-07/2010;

**Derhalwe word die Beleid hiermee gepubliseer vir algemene inligting.**

Ooreenkomstig Artikel 42 van die Munisipale Verordeninge met betrekking tot Watervoorsiening, kan die Munisipaliteit maatreëls toepas om die gebruik van water te beperk, te staak of in te kort vir waterbesparingsdoeleindes, droogte en ander redes. Derhalwe aanvaar die Munisipale Raad hierdie Waterbesparingsbeleid.

#### **Beginsels**

Die visie van alle water besparings en aanvraagbestuurspogings moet die doeltreffende en effektiewe gebruik van water en die algehele vermindering van verlies of verspilling van water by almal wees. Besparing is die doeltreffende gebruik en bewaring van water bereik deur maatreëls soos water bewaringsmiddels, water doeltreffende prosesse, water aanvraagbestuur en water rantsoenering.

Aanvraagbestuur is die aanvaarding en implementering van 'n strategie om die water aanvraag en gebruik van water te beïnvloed ten einde die doelstellings soos ekonomiese doeltreffendheid, omgewingsbeveiliging, volhoubaarheid van watervoorsiening en dienste na te kom.

Gevolgtlik moet waterbesparing en aanvraagbestuur 'n geïntegreerde deel wees van die beplanningsprosesse vir bestuur, watervoorsiening en die voorsiening van water dienste.

As gevolg van die verantwoordelikheid van die Munisipaliteit om die beskikbaarheid van water te verseker, moet die Munisipaliteit alles binne sy vermoë doen om—

— ’n volhoubare voorraad water vir gebruik in sy regsgebied te verseker; en

— om ’n kultuur van waterbesparing en aanvraagbestuur te skep tussen die diensverskaffer en verbruikers.

Gevollik bepaal hierdie Beleid ’n stel reëls vir die effektiewe en doeltreffende maatreëls vir waterbesparing en aanvraagbestuur.

### DEEL 1: TER PLAATSE EVALUERING

1. (a) Die Direkteur: Siviele Dienste moet in oorleg met die Munisipale Bestuurder ’n betroubare meganisme daarstel om die status van die wateraanvraag te monitor en deurlopend verslag te doen.
- (b) Die Direkteur moet verseker dat daar ’n doeltreffende inligtingstelsel is wat die volgende inligting bevat:
  - (i) aantekening en voorsiening van data vir waterbestuur;
  - (ii) die kwaliteit en hoeveelheid water in die verskillende waterbronne;
  - (iii) die gebruik van waterbronne;
  - (iv) register van waterverbruiker magtigings;
  - (v) waterwerke wat mag instort of ingestort het;
  - (vi) aantekening van inligting ten opsigte van droogte wat plaasgevind het of wat op hande is;
  - (vii) identifisering van en gebruik deur grootmaat- en groot waterverbruikers;
  - (viii) aantekening en voorsiening van data vir die ontwikkeling, verhoging of monitering van hierdie Beleid; en
  - (ix) enige aangeleentheid met betrekking tot waterbronne en aanvraagbestuur wat mag dien as ’n vroegtydige waarskuwingstelsel ten opsigte van werklike of potensiële risiko’s wat dienslewering, waterbesparing en aanvraagbestuur beïnvloed.
2. Die Direkteur: Siviele Dienste sal op ’n maandelikse grondslag in behoorlike formaat aan die Munisipale Bestuurder rapporteer ten einde die Munisipale Bestuurder in staat te stel —
  - (a) om die status van waterbronne te monitor;
  - (b) en aanbevelings aan die Uitvoerende Burgemeester en Raad te maak.

### DEEL 2: WATER OUDIT

3. Vir effektiewe water aanvraagbestuur, kan die Munisipaliteit vereis dat-

- (a) groot waterverbruikers (sodaniges wat meer as 3 650 kiloliter per jaar gebruik), met uitsluiting van sodaniges wat bestaan uit veelvoudige wooneenhede, ’n jaarlikse oudit onderneem. Die oudit moet uitgevoer word nie later nie as twee weke na die einde van die eerste finansiële jaar van die Munisipaliteit. Die oudit verslag moet versend word aan die Direkteur: Siviele Dienste.
- (b) die oudit die volgende besonderhede weergee-
  - (i) hoeveelheid water gebruik gedurende die finansiële jaar;
  - (ii) bedrag betaal vir water vir die finansiële jaar;
  - (iii) aantal persone wat op die standplaas of perseel woonagtig is;
  - (iv) aantal persone wat permanent op die standplaas of perseel werksaam is;
  - (v) vergelyking van die bogemelde faktore met daardie verslae in elk van die vorige twee jaar (indien beskikbaar);
  - (vi) seisoen verandering in aanvraag (maandelikse verbruik syfers);
  - (vii) besonderhede van waterbesmetting moniteringsmetodes;
  - (viii) besonderhede van huidige inisiatiewe om hul aanvraag vir water te bestuur;
  - (ix) besonderhede van planne om hulle water aanvraag te bestuur;
  - (x) vergelyking van die bogemelde faktore met daardie gerapporteer in elk van die vorige twee jare (indien beskikbaar); en
  - (xi) beraming van verbruik deur verskeie komponente in gebruik;
- (c) dat geen persoon mag toelaat dat water, gebruik as ’n hitte-wisseling middel in enige toerusting of uitrusting en voorsien van ’n water installasie, aanhoudend verlore loop behalwe vir die onderhoud van ’n voorgeskrewe vlak van totale ontbinde vaste materiaal in ’n hersirkulerende uitrusting nie.

### DEEL 3: WATER BEPERKINGS EN BESPARING

4. (1) Die Munisipaliteit kan ooreenkomstig Artikel 42 van die Verordeninge met betrekking tot Watervoorsiening waterverbruik verbied, beperk of inperk.

(2) Die volgende water beperkings, of bykomende of ander metodes, moet toegepas word, met in agneming van die stand van die Wolwedansdam, as die hoofopgaardam vir Mosselbaai.

(3) Stadia van die droogte

#### 1.1 Wolwedansdam volume tussen 40 en 60%:

- 1.1.1 (a) Geen besproeiingstelsels mag gebruik word nie.

(b) Tuin benutting mag slegs plaasvind vir een uur per dag tussen 18:00—19:00, twee dae per week.

Gelyke nommer huishoudings SLEGS **Maandae en Donderdae**.

Ongelyke nommer huishoudings SLEGS **Dinsdae en Vrydae**.

Besproeiing met 'n tuinslang mag slegs geskied as dit in die hand gehou word.

- 1.1.2 'n Boete ooreenkomstig Artikel 75A van die Stelselwet, synde 50% boete op tariewe vir maandelikse verbruik hoër as 20 kiloliter per maand per huishouding aansluiting.
- 1.1.3 By sportvelde slegs die nat spuit van krieket kolflaai, gholfbaan setperke en rolbalbane word toegelaat vir twee uur per dag, twee dae per week.
- 1.1.4 Geen skoon spuit van dakke en opritte en geen was van voertuie met 'n tuinslang mag toegelaat word nie. Die vul van swembaddens is verbied.
- 1.1.5 Dat die beperking waarna verwys word in 1.1.4 hierbo nie van toepassing sal wees op enige **bona fide** en voltydse kommersiële ondernemings met 'n besigheid vir die was van voertuie nie.
- 1.1.6 Identifisering van gebiede met hoë waterdruk en/of hoë waterverbruik vir die installasie van druk verlagings en/of vloei vermindering apparaat.
- 1.1.7 Effektiewe bewusmakingsprosesse moet gevolg word.

### 1.2 Damvolume tussen 25 en 40%:

- 1.2.1 Geen gekoppelde tuinslange of outomatiese besproeiingstoerusting mag gebruik word nie. Besproeiing van tuine slegs deur middel van 'n emmer gedurende die tye bepaal in 1.1.1 hierbo.
- 1.2.2 'n Boete synde 100% op tariewe vir maandelikse verbruik hoër as 20 kiloliter per maand per huishoudelike aansluiting.
- 1.2.3 Instelling en toepassing van boetes en kitsboetes.
- 1.2.4 Geen skoonspuit van strukture, dakke en opritte, en geen vul van swembaddens.
- 1.2.5 Strenger polisiëring en toepassing van 'n klagtelyn en fluitblaser fasiliteit.
- 1.2.6 Gesprekvoering met grootmaat verbruikers in die nywerheids- en sake-sektore soos geïdentifiseer deur die rekening stelsel.
- 1.2.7 Slegs die besproeiing van gholfsetperke, krieketkolflaai en rolbalbane toegelaat. Die besproeiing van ander soorte sportvelde is verbode.
- 1.2.8 Effektiewe bewusmakingsprosesse moet gevolg word.
- 1.2.9 Identifisering van gebiede met hoë waterdruk en/of waterverbruik vir die installering van druk- verminderings- en vloeiverlagingsstoestelle.

### 1.3 Damvolumes minder as 25%:

- 1.3.1 Soos genoem in 1.2 hierbo.
- 1.3.2 'n Boete van 200% op verbruik hoër as 20 kiloliter per maand per huishoudelike aansluiting.
- 1.3.3 Geen benutting/besproeiing van enige sportgrondeword toegelaat nie.
- 1.3.4 Dat wanneer die Munisipale Bestuurder verklaar dat die damvolume onder 25% gedaal het, geen waterheffings ten opsigte van waterverliese weens lekkasies afdokumenteer word nie.

### Bykomende Maatreëls

- 1.3.5 Dat bykomende beheermaatreëls ingestel word sodra die volume van die Wolwedansdam verminder het tot minder as 40% en dat die Munisipale Bestuurder bemaatig word om enige ander maatreëls in te stel in onderhandelings met die Uitvoerende Burgemeester.

(4) Die vereistes van Artikel 21A van die Munisipale Stelselwet, Wet 32 van 2000, moet gevolg word.

## DEEL 4: WATER AANVRAAGBESTUUR

5. (1) Die Munisipaliteit kan in die algemeen of in noodgevalle deur openbare kennisgewing vereis dat enige eienaar of verbruiker moet voldoen aan goeie waterbesparings- en aanvraagbestuur praktyke soos hieronder uiteengesit:

- (a) Geen persoon mag sonder vooraf skriftelike magtiging van die Direkteur: Siviele Dienste 'n tuin, sportgronde, park of ander grasbedekte gebied tussen die ure 10:00 en 16:00 met die gebruik van drinkwater nat maak nie.
- (b) Waar 'n tuinslang gebruik word om 'n tuin, park, of sportgrond te besproei uit 'n drinkwater bron moet 'n beheertoestel soos 'n sproeier aan die tuinslang gekoppel wees.
- (c) Geen persoon mag sonder vooraf skriftelike magtiging van die Direkteur: Siviele Dienste 'n harde oppervlakte of 'n geplaveide oppervlakte nat spuit uit 'n drinkwater bron nie.
- (d) 'n Tuinslang wat gebruik word vir die was van voertuie, bote en karavane moet geheg wees aan 'n outomatiese self sluit apparaat.
- (e) Outomatiese aanvullingsstelsels met die gebruik van 'n vloei klep gevoer van 'n drinkwater bron om swembaddens en tuinpoele te voorsien is nie toelaatbaar nie.
- (f) Kommersiële voertuigwasondernemings moet 'n minimum van 50% van die water gebruik in die bedryf daarvan herwin.
- (g) Handewaskomme voorsien in openbare geriewe moet voorsien word van aanvraag tipe krane.



- (h) Storte voorsien by openbare geriewe moet voorsien word van aanvraag tipe kleppe.
- (i) Drinkwater mag nie gebruik word om bousand en ander boumateriaal te benat om te verhoed dat dit weggewaai word nie.
- (j) Staantype se aftrek krane moet op 'n hoogte van ten minste 450mm wees, gemeet vanaf grondvlak.
- (k) Die maksimum vloeiskaal van enige kraan geïnstalleer in 'n handwasbak moet nie 6 liters per minuut oorskry nie.
- (l) Die maksimum vloeiskaal van enige stortkop mag nie 10 liters per minuut oorskry nie.
- (m) 'n Watertoilet tenk mag nie 'n 9,5 liter kapasiteit oorskry nie en sodanige spoelbak moet van 'n tweeledige storting meganisme voorsien wees.
- (n) Geen outomatiese spoelbak of stortingstenk mag gebruik word om 'n urinaal te vloei nie.
- (o) Binne twee jaar na die bekendmaking van hierdie Beleid moet alle outomatiese vloei spoelbakke by urinale, vervang word met hand beheerde stelsels of nie-handbeheerde stelsels wat die vloei toerusting na elke gebruik van sodanige urinal beheer.
- (p) Afsluitende water toebehore geïnstalleer buite enige gebou behalwe residensiële wonings moet—
  - (i) 'n Self-sluit apparaat insluit;
  - (ii) voorsien wees van 'n verwyderbare handvat vir maklike hantering;
  - (iii) moet in staat wees om gesluit te word om ongemagtigde gebruik te voorkom; of
  - (iv) wees van 'n aanvraag tipe wat die hoeveelheid water vrygestel in enige bedryf beperk;
- (q) die hergebruik van huishoudelike water vir tuinmaak.

(2) Bykomende maatreëls of gebruike, soos nodig geag, kan geïmplementeer word.

#### DEEL 5: BEPLANNING

6. (1) Die Direkteur: Siviele Dienste is verantwoordelik vir die administrasie van die Watervoorsienings Verordening en hierdie Beleid en moet 'n veeldoelige taakspan van Direkteure (of hul behoorlik gemagtigde verteenwoordigers) daarstel om programme te ontwikkel en raamwerke te vestig—

- (a) vir die identifisering, ontwikkeling en bestuur van effektiewe en doeltreffende waterbesparingsmaatreëls;
- (b) en breë beginsels en toepaslike kriteria en meganismes daarstel vir die implementering en toepassing daarvan;
- (c) die vereiste organisatoriese kapasiteit en werkverhoudings tussen die verskillende rolspelers en die finansiële implikasie en begrotingstoepassings;
- (d) om opvoeding en bewusmaking binne die Munisipaliteit en die gemeenskap te doen, vestig doeltreffende kommunikasie- en samewerking tussen verbruikers, die Munisipaliteit en ander sferes van Regering te skep deur die implementering van doeltreffende kommunikasie programme as 'n voortgesette aktiwiteit;
- (e) vir behoorlike risiko bestuur en effektiewe maatreëls om bedrieglike aktiwiteite met betrekking tot die omvang van hierdie Beleid te beperk en te identifiseer en die instelling van administratiewe goedkeuring en dissiplinêre maatreëls en regseldige optredes teenoor oortreders;
- (f) vir verhaal van geld verskuldig en die koste betrokke in die uitvoering van die programme;
- (g) vir kort-, medium en langtermyn oplossings—
  - (i) ontwerp om volhoubare vermindering in waterverbruik te behaal;
  - (ii) veranderings in die gebruik van water met die doel om groter watergebruik doeltreffendheid te verwesenlik;
  - (iii) die integrasie van die goedgekeurde strategieë in ander waterbron bestuursfunksies;
  - (iv) nuwe en beter bestuursbenadering, onder meer, vir—
    - vermindering van die vermorsing van, en die verhoging in die doeltreffendheid van watergebruik deur toepassing van waterbesparingstegnologies deur die Munisipaliteit en verbruikers;
    - verwydering van vreemde plantegroei wat 'n negatiewe impak uitoefen op opvangsgebied en riviere;
    - lekkasie opsporingsprogramme
    - enige ander maatreëls om die vereiste uitslag te verwesenlik.
- (v) vir spesifieke of in algemene waterverbruike, moet voorwaardes toegevoeg word tot die algemene magtigings en lisensies uitgereik deur—
  - spesifisering van bestuurspraktyke en algemene vereistes vir die verskillende watergebruike en besparingsmaatreëls;
  - vereising, waar van toepassing, die monitering en ontleding daarvan en die toepassing van 'n diens om aspekte van die watergebruike te bepaal, aan te teken en verslag te doen;
  - spesifiseer opmeting en aantekening toerusting wat gebruik moet word;
  - vereising van die daarstelling en goedkeuring van en voldoening aan waterbestuurplanne.

(2) Die Direkteur: Siviele Dienste moet kwartaalliks verslag doen vir die eerste nege maande, en daarna elke ses maande.

#### DEEL 6: ALGEMEEN

7. Die bepalinge van die Verordening met betrekking tot Watervoorsiening is van toepassing en het betrekking op hierdie Beleid.

## UMASIPALA WASEMOSEL BHAYI

### UMGAQO-NKQUBO WOKULONDOLOZWA KWAMANZI

Ngjengokuba uMasipala wase-Mossel Bhayi ethe ngenxa yemeko wamkela isibonelelo samanzi, nanjengokuba yachazwa kwiPhepha ndaba leP-rovinsi elingu 6678 langomhla we-20 zika-Novemba ngo-2009; kwaye

Nanjengokuba lenkqubo ikhokela ibonelela umyalelo wolawulo lwamanzi nokuwonga; kwaye

Nanjengokuba i-Bhunga liye lamkela umyalelo wokonga amanzi ngomhla we-15 zika Julayi 2010, ngokwesigqibo esiku E77-07/2010;

#### Ngoko ke lomylelo ungumpoposho wokwazisa wonke ubani.

Ngokwesivumelwano sesicatshulwa esingu 42 sesikhokelo sooMasipala esimayelana neeNkonzo zaManzi, uyakwazi uMasipala ukuphumeza imiqathango yokuqikelela ukusetyenziswa kwaManzi, ukuwanqumamisa okanye ukuwanciphisa ezama iindlela zokonga, imbalela/ukoma nezinye izizathu. Ngenxa yoko iBhunga looMasipala liyawamkela lomylelo wokonga aManzi.

NgokweCandelo 42 loMthetho wangaphakathi kaMasipala malunga neenkonzo zamanzi, uMasipala usenokumisela imiqathango yemida, ukuvala okanye ukulawula ukusetyenziswa kwamanzi ngenjongo yokulondoloza amanzi, imbalela kunye nezinye izizathu. Ngoko ke iBhunga likaMasipala liyawamkela loMgaqo-nkqubo wokulondoloza amanzi.

#### Imithetho-siseko

Imbono yako konke ukulondolozwa kwamanzi kwanolawulo lwemfuneko yamanzi kukuzama ukumisela imiqathango yokusetyenziswa kwamanzi ngendlela efanelekileyo nechanekileyo kwanokuzama ukucutha ilahleko kwanokudlala ngamanzi. Ulondolozo yeyona ndlela ifanelekileyo yokonga amanzi enokwenziwa ekongeni amanzi njengezixhobo ezithile zamanzi, iinkqubo ezifanelekileyo zokonga amanzi, ulawulo lwemfuneko yamanzi kunye nokulinganisa ukusetyenziswa kwamanzi.

Ulawulo lwemfuneko yamanzi kukwamkela kwanokufezekiswa kwendlela ethile enokuphembelela imfuneko yamanzi kwanokusetyenziswa kwamanzi khon'ukuze kufezekiswe iifunzo zoqoqosho, ukukhuselwa kokusingqongileyo, ukufumaneka kwamanzi kunye nezinye iinkonzo.

Kungoko ke, ukongiswa kwamanzi kunye nolawulo lwemfuneko yamanzi kunyanzelekile ukuba kube yinxalenye yeenkqubo zesicwangciso solawulo, ukunikezelwa kwamanzi kwanezibonelelo zokunikezelwa kweenkonzo zamanzi.

Ngenxa yoxanduva analo uMasipala ekuqinisekiseni ukufumaneka kwamanzi, uMasipala kufuneka enze konke okusemandleni akhe ukuqinisekisa —

— Ukunikezelwa kwamanzi kwingingqi ephantsi kolawulo lwakhe;

— Ukumiselwa kwenkcubeko yokulondolozwa kwamanzi kwanenkubeko yolawulo lwemfuneko yamanzi phakathi kwabanikezeli beenkonzo nabo basebenzisa amanzi.

Ngako oko ke, lo mgaqo-nkqubo umisela uluhlu lwemigaqo yokulondolozwa kwamanzi ngendlela efanelekileyo nechanekileyo yokulondoloza amanzi kunye nokufuneka kwamanzi okuphezulu.

#### ISIQENDU 1: UVAVANYO LWEMEKO

1. (a) uMlawuli: Iinkonzo zangaphakathi kunye noqhagamshelwano kunye noMphathi kaMasipala kufuneka bemisele indlela ethembekileyo yobugcisa ekulawuleni kwanokunikezela ingxelo rhoqo malunga nemeko enyanzelisa ukufuneka kwamanzi.
- (b) uMlawuli kufuneka aqinisekise ukuba kukho iingcombolo ngokwaneleyo kwinkqubo malunga-
  - (i) nokufaka iingcombolo kwanokubonelela ngolawulo lwamanzi;
  - (ii) umgangatho kwanenqanaba lamanzi kwimithombo eyahlukeneyo yamanzi;
  - (iii) ukusetyenziswa kwemithombo yamanzi;
  - (iv) ukubhaliswa kwabasebenzisi abagunyazisiweyo bamanzi;
  - (v) imisebenzi yamanzi engasebenziyo okanye esengenakusebenza;
  - (vi) ukubhaliswa kwangcombolo zembalela ethe yafika okanye eseza kufika;
  - (vii) ukuchazwa kwanokusetyenziswa komthamo omkhulu wamanzi kwanabo basebenzisa amanzi kakhulu;
  - (viii) ukubhalisa kwanokunginisa iingcombolo zokuphuhlisa, ukuqinisekisa okanye ukubeka iliso kulo Mgaqo-nkqubo;
  - (ix) nawo mawuphina umbandela omalunga namanzi, imithombo yamanzi kwanolawulo lwemfuneko yamanzi ezinokusebenza njengezilumkiso zokuqala ezinokubonisa iingozi ezikhoyo kwanezinokwenzeka malunga nokuchatshazelwa kokunikezelwa kweenkonzo, ukulondolozwa kwamanzi kwanemfuneko yamanzi enyanzelekileyo.
2. uMlawuli: Iinkonzo zangaphakathi uyakwenza ingxelo rhoqo ngenyanga kuMphathi kaMasipala ngendlela efanelekileyo —
  - (a) yokulawula umgangatho wemithombo yamanzi;
  - (b) kwaye enze izindululo kuSodolophu wesiGqeba kunye neBhunga.

#### ISIQENDU 2: UPHICOTHO-NGXELO NGAMANZI

3. Ekuqinisekiseni ukufuneka kwamanzi ngokunyanzelekileyo, uMasipala usenokufuna—

- (a) abo basebenzisa amanzi kakhulu (abo basebenzisa amanzi ngaphezu kweehhilolitha ezingama:3 650 ngonyaka) ngaphandle kwabo babandakanyeka kwizindlu eziliqela kwindawo enye, ukuba athabathe uphicotho-ngxelo ngamanzi ngonyaka. Uphicotho olo akufuneki

Iwenziwe emva kwesithuba seeveki ezimbini emva kokuphela konyaka-mali kaMasipala.Ingxelo yophicotho kufuneka ingeniswe kuMlawuli:linkonzo zangaphakathi.

- (b) Uphicotho kufuneka kucacise oku kulandelayo —
- (i) umthamo wamanzi osetyenzisiweyo kunyaka-mali;
  - (ii) isixa-mali esithe sahlawulwa kunyaka-mali;
  - (iii) inani labantu abahlala kwesi siza okanye indawo;
  - (iv) inani labantu abasebenza isigxina kweso siza okanye kuloo indawo;
  - (v) uthelekiso lwezi zinto zingentla kunye nezo zithe zachazwa kuzo zonke ezi zale minyaka mibini igqithileyo;
  - (vi) utshintsho ngokwamaxesha onyaka(iingcombolo zamanani malunga nokusetyenziswa kwamanzi);
  - (vii) iingcombolo zendlela zokucoca amanzi;
  - (viii) iingcombolo zeziqalo ezisetyenziswa ngoku ukulawula imfuneko yamanzi;
  - (ix) iingcombolo zezicwangciso zokulawula amanzi;
  - (x) ukuthelekiswa kwezi ngcombolo zingentla kunye nezo zithe zachazwa kwiminyaka emibini edlulileyo;
  - (xi) uthelekelelo lokusetyenziswa kwamanzi ngamaziko awahlukeneyo;
- (c) ukuba akukho nawuphina umntu ekufuneka avumele ukusetyenziswa kwamanzi ngengento yokwenza ubushushu kulo naliphina iziko okanye isixhobo apho kukho khona ufakelo lwamanzi,ukuze ahambe uhalala eyinkcitho ngaphandle kogutyulo olusikelwe umda wokunyibilikisa izinto ezilukhuni.

### ISIQENDU 3: UKUNYILWA KWAMANZI NOKONGIWA KWAWO

4 (1) uMasipala,ngokweCandelo 42 loMthetho wangaphakathi omalunga neenkonzelo zamanzi,usenokuthintela okanye anyile okanye amisele umda ekubonelelweni ngamanzi okanye ukusetyenziswa kwamanzi.

(2) Le mida imiselweyo ilandelayo,okanye imiqathango eyongezweyo okanye nayiphina imiqathango,iya kusebenza,ngokuqwalaselwa komthamo wedama iWolwedans,nelingoyena vimba uphambili wamanzi eMossel Bhayi.

(3) Amanqanaba embalela:

#### 1.1 umthamo weDama iWolwedans uphakathi kwe:40% ne 60%:

1.1.1 (a) Akukho nkcnkceshelo luvumelekileyo.

(b) Ukunkcnkceshelwa kwezitiya kuya kwenziwa kuphela phakathi kwala maxesha: 18h00 — 19h00 kabini ngeveki.

Iinombolo zezindlu ezingekho mnqakathi ziya kunkcnkceshela **KUPHELA ngeMivulo nangoolweZine.**

Izindlu ezineenombolo ezimnqakathi,**KUPHELA ngoolweziBini nganoolweziHlanu.**

Ukunkcnkceshela ngemibhobho yamanzi kuya kwenziwa kuphela xa umbhobho lowo ubanjwe ngesandla ngumntu.

1.1.2 Umdlwiwo umiselwa ngokweCandelo 74A loMthetho weeNkqubo,oyi:50% yexabiso letyala lenyanga ogqithise kwi:20% yeekhilolitha umzi ngamnye.

1.1.3 Emabaleneni emidlalo kuphela ngamabala omdlalo weqakamba,awegalufa kunye nawebhola ejulwayo ekuvumeleke ukuba ankcnkceshelwe iiyure ezimbini kuphela ngosuku,neentsuku ezimbini ngeveki.

1.1.4 Akuvumelekanga akucoca amaphahla ezindlu ngemibhobho yamanzi kunye neendawo zokungena iinqwelo-mafutha.Ukugcwaliswa kwamachibo okuqubha akuvumelekanga.

1.1.5 Umda omiselwe ku 1.1.4 apha ngentla awuchaphazeli ushishino oluqhuba umsebenzi wokuhlamba izithuthi.

1.1.6 Ukutyunjwa kweendawo ezinoxinzelelo oluphezulu lokusebenzisa amanzi ngokugqithisileyo ngokufakelwa kwezixhobo zokucutha ukusetyenziswa kwamanzi.

1.1.7 Iinkqubo ezifizekileyo zokwazisa kufuneka zilandelwe.

#### 1.2 Umthamo wedama uphakathi kwe:25% ne 40%

1.2.1 Akukho mibhobho yamanzi okanye izixhobo zokunkcnkceshela ezizisebenzela ngokwazo zivumelekileyo.Ukunkcnkceshelwa kwezitiya kuya kwenziwa kuphela ngamabhakethi ngala maxesha achazwe ku 1.1.1 apha ngentla.

1.2.2 Umdlwiwo oyi:100% wetyala lenyanga eligqithise kwi:20 yeekhilolitha ngenyanga kumzi ngamnye.

1.2.3 Ukunyanzeliswa kwemidliwo nokufezekiswa kwayo kunye nemidliwo yesikhawu.

1.2.4 Akuvumelekanga ukutshizwa kwezindlu ngamanzi okanye iindawo ezihamba iinqwelo-mafutha okanye ukugcwaliswa kwamachibi okuqubha.

1.2.5 Imigaqo-nkqubo eqatha kwanokusetyenziswa kwayo ngokupheleleyo kwanokufakelwa komnxeba wokwamkela izikhalazo kunye noontamni.

1.2.6 Uqhagamshelwano kunye nabasebenzisi bamanzi ngokugqithisileyo kwiindawo zoshishino njengokubhekiswa kwinkqubo yokukhutshwa kwamatyala.

1.2.7 Kuphela kukunkcnkceshelwa kwamabala eegalufa,amabala eqakamba kunye namabala ebhola ejulwayo okuvumelekileyo.Ukunkcnkceshelwa kwamanye amabala ezemidlalo akuvumelekanga.

1.2.8 Iinkqubo ezifizekileyo kufuneka zilandelwe.

1.2.9 Ukutyunjwa kweendawo ezikuxinzelelo oluphezulu lokusebenzisa amanzi ngokufakelwa kwezixhobo zokucutha ukusetenziswa kwamanzi ngokugqithisileyo.

### 1.3 Umthamo weDama ungaphantsi kwe: 25%

1.3.1 Njengokuba kuchaziwe ku 1.2 apha ngentla.

1.3.2 Umdlwiwo oyi:200% ekusebenziseni amanzi okugqithise kwi 20 yeekhilolitha zamanzi ngenyanga umzi ngamnye.

1.3.3 Akuvumelekanga ukunkcenkceshelwa kwamabala ezemidlalo nawoluphina uhlobo.

1.3.4 Xa uMlawuli wakwa Masipala esazisa ukuba umthamo wedama wehle nge 25% akukho ntlawulo malunga nenkcitho yamanzi ngokuba ukuvuza kwamanzi kuzakulungiswa kwaye kucinywe.

#### Amanyathelo awongeziweyo

1.3.5 Amanyathelo awongeziweyo aya kumiselwa ngokukhawuleza njengokuba umthamo weWolwedans dam uya usihla ngaphantsi we:40% kwaye uMphathi kaMasipala uya kugunyaziswa ukuba anyanzelise nawaphina amanyathelo ngokuqhagamshelana noSodolophu wesiGqeba.

(4) Iimfuno nezimiselo zeCandelo 21A loMthetho weeNKqubo zooMasipala,uMthetho 32 ka 2000,kufuneka zilandelwe.

#### ISIQENDU 4: UKULWULWA KWEMFUNO YAMANZI

5. (1) uMasipala,phantsi kweemeko ezithile okanye zonxunguphalo nangesaziso sikawonke-wonke,angamisela ukuba nawuphina umnini-ndawo okanye umsebenzisi wamanzi ukuba ahambisane nezimiselo zokonga amanzi kunye nolawulo lwemfuno ephambili yamanzi njengokuba kucacisiwe apha ngezantsi:

- (a) Akukho nabanina ngaphandle kwemvume egunyaziswe nguMlawuli: Iinkonzo zangaphakathi,uvumeleke ukuba ankcenkceshele isitiya,amabala emidlalo,iipaki okanye nayiphina indawo enengca esebenzisa amanzi aphantsi,phakathi ko:10h00 no 16h00.
- (b) Apho kusetyenziswa khona umbhobho wamanzi ukunkcenkceshela isitiya,ipaki,ibala lemidlalo ngamanzi aphuma kumthombo kunye nesixhobo solawulo njengesithizayo.
- (c) Akukho nabanina oyakuthi ankcenkceshele iindawo ezilukhuni esebenzisa umbhobho wamanzi ngaphandle kwemvume yoMlawuli: Iinkonzo zangaphakathi.
- (d) Umbhobho osetyenziselwa ukuhlamba izithuthi,izikhithshane kunye neekharaveni kufuneka zifakelwe isixhobo esizilawulayo nesikwaziyo ukuzivala ngokwaso.
- (e) Azivumelekanga iinkqubo zokunkcenkceshela kusetyenziswa ivaluvu ezifakelwe kwumthombo wamanzi khon'ukuze zigalele amanzi kumachibi okuqubha.
- (f) Amashishini aqhuba umsebenzi wokuhlamba izithuthi kufuneka asebenzise ngokuphindiweyo i50% yamanzi xa kuhlanjwa izithuthi.
- (g) Izitya zokuhlamba izandla ezikwiindawo zikawonke-wonke kufuneka zifakelwe iivaluvu ezicutha ukuphuma kwamanzi.
- (h) Iishawara ezikwiindawo zikawonke-wonke kufuneka zifakwe iivaluvu ezicutha ukuphuma kwamanzi ngamandla.
- (i) Amanzi aphantsi akuvumelekanga ukuba asetyenziselwe ukumanzisa iindawo Isanti yokwakha kunye nezinye izinto zokwakha ukuzinqanda ukuba zingaphatheki.
- (j) Iimpompo ezimiswe ngezintandlathini kufuneka ubude bazo bube yi450 yemilimitha ukusuka emhlabeni.
- (k) Ubukhulu okanye amandla okuphuma kwamanzi kwimpompo kwisitya sokuhlamba izandla akufuneki bube ngaphezu kwe:6 yeelitha zamanzi ngomzuzu.
- (l) Ubukhulu okanye amandla okuphuma kwamanzi kwishawara akufuneki bube ngaphezu kwe:01 yeelitha zamanzi ngomzuzu.
- (m) Izigcini manzi kwizindlu zangasese akuvumelekanga ukuba zigcine amanzi angaphezu kwe:9,5 yeelitha zamanzi kwaye kufuneka zigungxulwe ngendlela ezenzekelayo.
- (n) Azivumelekanga izigcini-manzi zezindlu zangasese okanye amatanki akhuphela amanzi ngaphandle kwiindawo zokuntsontsa.
- (o) Kwisithuba seminyaka emibini emva kokwaziswa kwalo mgaqo- nkqubo,zonke oonkqubo zogutyulo oluzenzekelayo nezincanyathiselwe kwiindawo zokuntsontsa,kufuneka zipheliswe indawo yazo ithatyathwe zezo zisebenza ngezandla.
- (p) Naziphina izixhobo zamanzi ezifakwe kwizakhiwo ezingezizo ezokuhlala abantu kufuneka:
  - (i) zibe nesixhobo esizivala ngokwaso;
  - (ii) zibe nesixhobo esiphathwayo sokusebenzisa ezo mpimpo;
  - (iii) zibe ziyatshixwa khon' ukuze kuthintelwe umonakalo okanye ukonakaliswa;
  - (iv) zibe zikwimeko eyimfuneko kuluntu necutha umthamo omninzi wamanzi.
- (q) kusetyenziswe kwakhona amanzi ebekuhlanjwe ngawo impahla ekunkcenkcesheleni izitiya.

(2) Amanyathelo ongezweyo,ngokubonwa eyimfuneko aya kusetyenziswa.

**ISIQENDU 5: UCWANGCISO**

6. (1) uMlawuli: Iinkonzo zangaphakathi unoxanduva lokulawula uMthetho weeNkonzo zamanzi kunye nalo mgaqo-nkqubo kwaye kufuneka amisele iqela elisebenzayo labalawuli khon' ukuze baqulunqe iinkqubo kwaye bamisele nesimo —

- (a) Ekuqwalaseleni, ekuphuhliseni nasekulawuleni amanyathelo afezekileyo okongiwa kwamanzi;
- (b) Bamisele nemithetho siseko kunye neendlela ezichanekileyo zokusetyenziswa kwaloo migaqo-nkqubo;
- (c) Umgangatho oyimfuneko kwanobudlelwane bokusebenza phakathi kwabachaphazelekayo kufuneka imiselwe kwaaneempembelelo ezinemali phakathi kwanokuqwalaselwa kohlahlo-lwabiwo-mali;
- (d) Ukufundisa kokwazisa phakathi kuMasipala kunye noluntu, kumiselwe unxibelelwano oluyimpumelelo kwanentsebenziswano phakathi kwabasebenzisi bamanzi, uMasipala kunye namanye amanqanaba kaRhulumente ekufezekiseni unxibelelwano kwaneenkqubo ezizizo;
- (e) Ulawulo lomngcipheko oluchanekileyo kwanamanyathelo afezekileyo ekucutheni inkcitho yamanzi kunye nokuqwalasela iinkqubo zobuqhethseba malunga nobume balo mgaqo-nkqubo kwanokumiselwa kwezohlwayo zolawulo ezifanelekileyo kwanoluleko kwabo batyeshela iinkqubo zomthetho;
- (f) Malunga nokubuyekwezwa kwemali etyalwayo kunye neendleko ezichaphazelekayo ekufezekisweni kwezi nkqubo —
- (g) kwizisombululo zexesha elifutshane, eliphakathi nelide —
  - (i) kwenziwe ukucutha ukusetyenziswa kwamanzi;
  - (ii) Ukutshintshwa kokusetyenziswa kwamanzi ngenjongo yokufezekisa ukusetyenziswa kwamanzi ngendlela echanekileyo;
  - (iii) ukudityaniswa kweendlela ezamkelekileyo zamanzi kunye neminye imithombo yemisebenzi yolawulo;
  - (iv) Iindlela ezintsha nezingcono zolawulo, phakathi kwazo,-
    - Ukucutha inkcitho nokwandisa imfezeko yokwandiswa kokusetyenziswa kwamanzi ngendlela echanekileyo neyongayo kuMasipala nakubasebenzisi bamanzi;
    - Ukususwa kokhula olunempembelelo kwiindawo ezisecaleni kwemilambo;
    - Ukuphandwa kwandawo ezivuzayo;
    - Kunye nawaphina amanyathelo ayimfuneko.
  - (v) Ekusetyenzisweni kwamanzi jikelele, imiqathango ethile kufuneka imiselwe kwaemvume ezithi zikhutshwe malunga —
    - Neenkqubo ezithile zolawulo kwaneemfuno gabalala ezahlukeneyo zokusetyenziswa kwamanzi;
    - Xa kuyimfuneko, kumiselwe kwaye kuxelwe kwaye kubekwe uxanduva kwaye kushicilelwe zonke iingcombolo malunga nokusetyenziswa kwamanzi;
    - Kucaciswe amanyathelo nokushicilelwa kwezixhobo ekufuneka zisetyenziswe;
    - Kufunwe ulungiselelo kunye nemvume kwanokuhambisana nezicwangciso zolawulo lwamanzi;

(2) uMlawuli: Iinkonzo zangaphakathi kufuneka anikezele ingxelo yekota kwiinyanga ezili:9 zokuqala, ze emva koko rhoqo emva kweenyanga ezintandathu(6).

**ISIQENDU; IMIBANDELA GABALALA**

7. Izibonelelo zoMthetho wangaphakathi malunga neeNkonzo zaManzi ziya sebenza kwaye ziyasebenza nakulo Mgaqo-nkqubo.

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