



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

**Provincial Gazette
Igazethi Yephondo
Provinsiale Koerant**

Vol. 24

BISHO/KING WILLIAM'S TOWN
12 JUNE 2017
12 JUNIE 2017

No. 3859

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
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DEPARTMENT OF HEALTH

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CONTENTS

Gazette *Page*
No. *No.*

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

15	Spatial Planning and Land Use Management Act (16/2013): Erf 296, Fernglen, Port Elizabeth, Eastern Cape	3859	11
16	Spatial Planning and Land Use Management Act (16/2013): Erf 219, Summerstrand, Port Elizabeth	3859	11
17	Sea Shore Act (21/1935): Proposed Lease of Three Sites situated below the High-Water Mark of the Sea at Haga Haga, Eastern Cape, to Wild Coast Abalone (Pty) Ltd	3859	12

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

97	Spatial Planning and Land Use Management Act (16/2013): Erf 2050, Westering	3859	12
98	Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act (16/2013): Erf 544, Cotswold, Port Elizabeth, Eastern Cape	3859	13
99	Spatial Planning and Land Use Management Act (16/2013): Inxuba Yethemba Local Municipality: Erf 1843, Middelburg	3859	13
100	Spatial Planning and Land Use Management Act (16/2013): Erf 2050, Westering	3859	14
101	Land Use Regulations Act (15/1987): Erf 2122, Zone 7, Mdantsane	3859	14
102	Spatial Planning and Land Use Management Act (16/2013): Erf 1872, Despatch, Eastern Cape	3859	15
103	Matatiele Local Municipality: Notice of commencement of operation of the Matatiele Municipal Planning Tribunal 3859		16

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

81	Spatial Planning and Land Use Management Act (16/2013): Buffalo City Metropolitan Municipality: Section 47 of the Spatial Planning and Land Use Management Act	3859	18
84	Local Government: Municipal Property Rates Act (6/2004): Senqu Municipality: Notice 65/2017: Public notice calling for inspection of second supplementary valuation roll and lodging of objections	3859	19
87	Local Government: Municipal Property Rates Amendment Act (6/2014): Elundini Municipality: Adopt by-laws to give effect to the implementation of its rates policy	3859	21
88	Land Use Regulation Act (15/1987) (former Ciskei Areas): Erf 9282, NU3, Mdantsane	3859	64

Closing times for **ORDINARY WEEKLY** 2017

EASTERN CAPE PROVINCIAL GAZETTE

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

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

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1000 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

EXTRA-ORDINARY

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

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3000** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

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

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

All notices received after the closing time will be rejected.

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

EXTRAORDINARY GAZETTES

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

NOTICE SUBMISSION PROCESS

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES**QUOTATIONS**

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

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

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

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

AMENDMENTS TO NOTICES

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

REJECTIONS

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

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

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

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

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

LIABILITY OF ADVERTISER

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

CUSTOMER INQUIRIES

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

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

PROOF OF PUBLICATION

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:

Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

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

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

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 15 OF 2017**Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 296, FERNGLEN, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B6(d) in Deed of Transfer No.

T111756/2002 applicable to Erf 296, Fernglen is hereby removed.

NOTICE 16 OF 2017**Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 219, SUMMERSTRAND, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions contained in clause 3(d) in Deed of Transfer No. T047200/10 applicable to Erf 219, Summerstrand is hereby removed.

NOTICE 17 OF 2017

Advert in terms of the Sea Shore Act, 1935, No. 21 of 1935

PROPOSED LEASE OF THREE SITES SITUATED BELOW THE HIGH-WATER MARK OF THE SEA AT HAGA HAGA, EASTERN CAPE, TO WILD COAST ABALONE (PTY) LTD.

Notice is hereby given in terms of section 3(1)(f)(g) of the Sea Shore Act, 1935, No. 21 of 1935, that **Wild Coast Abalone (Pty) Ltd** proposes to lease three sites, measuring approximately **(215)** square metres in total situated below the high-water mark of **Marshstrand Beach, Haga Haga, Eastern Cape** for **two sea water pipelines, and free flow discharge of processed sea water**. The coordinates for the structures are as follows:

STRUCTURE	EXTENT BELOW THE HIGH WATER MARK	EAST	SOUTH
Salt water intake	95m ²	32° 45' 08.41"	28° 16' 32.41"
Sump overflow	25m ²	32° 45' 07.75"	28° 16' 33.15"
Free flow discharge	95m ²	32° 45' 02.90"	28° 16' 39.43"

A locality plan lies for inspection at **the Haga Haga Public Library, Haga Haga** between **08h00 and 16h30 from Monday to Friday**.

Any objection to the proposed lease or permit may be lodged with the Department of Economic Development, Environmental Affairs and Tourism at Alderwood House, Palm Square Business Park, Bonza Bay Road, Beacon Bay, East London or e-mailed to leigh-ann.kretzmann@dedea.gov.za on or before **(date, shall be not less than 30 days after the date on which the notice is published)**.

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 97 OF 2017

NELSON MANDELA BAY MUNICIPALITY (EASTERN CAPE) Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) **ERF 2050, WESTERING, PORT ELIZABETH, EASTERN CAPE** Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B(a), (b), (c) and (d) contained in Deed of Transfer No T 77938/2012 applicable to Erf 2050 Westering are hereby removed.

PROVINCIAL NOTICE 98 OF 2017

NOTICE TO BE PUBLISHED IN THE PROVINCIAL GAZETTE (EC):**Nelson Mandela Bay Municipality (Eastern Cape)**

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

ERF 544, COTSWOLD, PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B6 (b), (c) and (d) in Deed of Transfer No. T28364/2009 applicable to Erf 544, Cotswold are hereby removed.

PROVINCIAL NOTICE 99 OF 2017

INXUBA YETHEMBA LOCAL MUNICIPALITY**SECTION 47 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013**

It is hereby notified in terms of the above-mentioned act that the undermentioned application(s) has been received and is open for inspection at the town planning enquiry counter, Cradock, 5880 on weekdays from 8:00 to 16:30.

Any objections with full reasons thereof, must be lodged in writing with the Municipal Manager at P. O. Box 24, Cradock, 5880 within 30 days of this notice, quoting the above act and the objector's property details.

Nature of application

Removal of Title Deed conditions for Erf 1843, Middelburg as follows:

- **B3** - This lot may only be used for light industrial purposes, no offensive, damaging, unhealthy or dangerous activities or industries may be done on this lot.
- **B6** - No boreholes may be drilled on this lot for the purpose of pumping and using subterranean water.

Applicant:

MNT Geomatics

PROVINCIAL NOTICE 100 OF 2017

NELSON MANDELA BAY MUNICIPALITY (EASTERN CAPE) Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) **ERF 2050, WESTERING, PORT ELIZABETH, EASTERN CAPE** Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B(a), (b), (c) and (d) contained in Deed of Transfer No T 77938/2012 applicable to Erf 2050 Westering are hereby removed.

PROVINCIAL NOTICE 101 OF 2017**BUFFALO CITY METROPOLITAN MUNICIPALITY****SECTION 23 OF THE LAND USE REGULATIONS ACT 15 OF 1987**

It is hereby notified in terms of the above-mentioned act that the undermentioned application(s) has been received and is open for inspection at the town planning enquiry counter, first floor, City Planning Engineering Centre, 26 Oxford Street, East London, on weekdays from 8:00 to 13:00.

Any objections with full reasons thereof, must be lodged in writing with the Municipal Manager at P. O. Box 81, East London, 5201 within 30 days of this notice, quoting the above act and the objector's property details.

Nature of application:

1. Removal of Title Deed condition 2 subsections (a) up to (d), from Title Deed No. TX2/1982-CS relevant to the property described as Erf 2122 Zone 7, Mdantsane so that the property owner(s) may be placed in a position to transfer the property if required and that the development and land use controls with regard to the property will solely vest in the Municipality as authority of first instance.
2. Subdivision of the property to create a Portion and a Remainder to be used for Single Residential purposes.

Applicant:

MNT Geomatics

PROVINCIAL NOTICE 102 OF 2017

NELSON MANDELA BAY MUNICIPALITY (EASTERN CAPE)**Removal of restrictions in terms of the Spatial Planning and Land Use Management Act,
2013 (Act 16 of 2013)
ERF 1872 DESPATCH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, notice is hereby given that conditions D(a), D(b), D(c) and D(d) in Deed of Transfer No T55034/2010 applicable to Erf 1872, Despatch are hereby removed.

PROVINCIAL NOTICE 103 OF 2017



PUBLIC NOTICE

NOTICE OF COMMENCEMENT OF OPERATION OF THE MATATIELE MUNICIPAL PLANNING TRIBUNAL

Notice is hereby extended on behalf of Matatiele Local Municipality that the Matatiele Municipal Planning Tribunal will commence its operation on the **31st May 2017**. The members of the Tribunal were appointed by Council as per CR 43/31/10/2016 and will be appointed for a period of **5 years**. The designations and names are published as follows:

Requirements (Sect 34)	Names of the Members
(a) Municipal Officials -	1. General Manager: Infrastructure Services – (Chairperson)
	2. General Manager: Economic Development and Planning- Deputy Chairperson)
	3. Manager: Development Planning /Coordinator FFP
(b) Registered Town Planners - 2	5. Mr Christo Theart
	6. Dr Masilonyane Mokhele
(c) Registered Engineers - 2	7. Mr S. Sifo
(d) Experience with finance - 2	7. Ms S.J.K. Earle
(e) Admitted Attorney or Advocate	8. Adv A.R. Duminy

(g)Registered Environmental Assessment	11. Ms C. Matela
(h) Any person with knowledge and experience in spatial planning or law	12. Ms R.G. Tobia
	13. Ms L. Ntshengulana
	14. Mr G. Hitchins
Sect 35 (2) Invitation of organ of state and non-organisation (Schedule 1)	15. Mr J.M Marais

Enquiries regarding the above should be directed to the EDP Department: Mr T. Mfene at 039 737 8100.

Dr DCT NAKIN
Municipal Manager

Notice No: 2016/2017-152

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 81 OF 2017**BUFFALO CITY METROPOLITAN MUNICIPALITY****SECTION 47 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013**

It is hereby notified in terms of the above-mentioned act that the undermentioned application(s) has been received and is open for inspection at the town planning enquiry counter, first floor, City Planning Engineering Centre, 26 Oxford Street, East London, on weekdays from 8:00 to 13:00.

Any objections with full reasons thereof, must be lodged in writing with the Municipal Manager at P. O. Box 81, East London, 5201 within 30 days of this notice, quoting the above act and the objector's property details.

Nature of application:

1. Removal of Title Deed condition B. (2) (a) up to and including subsection (b), from Title Deed No. T5551/2014 relevant to the property described as Erf 9282 NU3 Mdantsane so that the property owner (s) may be placed in a position to transfer the property if required and that the development and land use controls with regard to the property will solely vest in the Municipality as authority of first instance.
2. Subdivision of Erf 9282, NU3 Mdantsane to create a Portion and a Remainder to be used for Single Residential purposes.

Applicant:

SETPLAN East London

5-12

LOCAL AUTHORITY NOTICE 84 OF 2017

SENQU MUNICIPALITY

NOTICE 65/2017

PUBLIC NOTICE CALLING FOR INSPECTION OF SECOND SUPPLEMENTARY VALUATION ROLL AND LODGING OF OBJECTION/S

Notice is hereby given in terms of Section 78 (6) of the Local Government: Municipal Property Rates Act, (Act No. 6 of 2004), hereinafter referred to as the "Act", that the supplementary valuation roll for the financial year 2017/2018 is open for public inspection at the Senqu Municipality Offices and public libraries at Lady Grey, Sterkspruit and Barkly East from 12th of June 2017 to 24th July 2017.

In addition, the supplementary valuation roll is available at the following website: www.senqu.gov.za

An invitation is hereby made in terms of section 78(5)(b) of the Act that any owner of property should lodge a request with the municipal manager in respect of any matter reflected in the supplementary valuation roll within the above-mentioned period.

Attention is specifically drawn to the fact that in terms of section 50(2) of the Act an objection must be in relation to a specific individual property and not against the supplementary valuation roll as such.

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

Senqu Municipal Offices <i>(Lady Grey Offices)</i> 19 Murray Street Lady Grey 9755	Senqu Municipal Offices <i>(Sterkspruit Offices)</i> 79 Main Street Sterkspruit 9762	Senqu Municipal Offices <i>(Barkly East Offices)</i> Molteno Street Barkly East 9786
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or on the website www.senqu.gov.za

(Please use: the following forms when lodging an objection)

Form a: residential (full title and sectional title used for residential purposes)

Form b: properties other than residential or agricultural (e.g. businesses, factories, schools)

Form c: agricultural holdings or farms) and

Form d: Appeal form

The completed forms must be returned to the following address:	Or Posted to the Following Address:
Senqu Municipal Office 19 Murray Street Lady Grey 9755	Senqu Municipality Private Bag X 03 Lady Grey 9755

Please Note that all forms must be clearly marked with the words: **“Supplementary Valuation Objection”**

Objections may also be faxed to 086 585 5302 but the onus is on the sender to ensure that the administration of Senqu Municipality receives such faxed objections.

For enquiries please telephone or email

Mrs Emily Maponopono : Tel 051 603 1348 mailto: maponoponoe@senqu.gov.za

Ms Zifikile Luwaca : Tel 051 603 1363 mailto: luwacaz@senqu.gov.za

MR MM YAWA
Municipal Manager

25 May 2017

5-12

LOCAL AUTHORITY NOTICE 87 OF 2017

ELUNDINI

MUNICIPALITY



PROPERTY RATES BY LAW

Whereas Section 4 and 10 of the Local Government: Municipal Property Rates Amendment Act, 2014 (No. 6 of 2014) requires a municipality to adopt by-laws to give effect to the implementation of its rates policy.

Now therefore the Municipal council of Elundini Municipality approves and adopts the following rates by-law.

1. Definitions

For the purpose of these by-laws any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Amendment Act, 2014 (No. 6 of 2014) shall bear the same meaning in these by-laws and unless the context indicates otherwise:-

“act” means the Local Government: Municipal Property Rates Amendment Act, 2014 (No. 6 of 2014).

“municipality” means the municipal council for the municipal area of Elundini Municipality.

2. Rating of property

In terms of section 2(3) of the Act the power of the municipality to levy rates on property is subject to:-

- (a) Section 229 and other applicable provisions of the Constitution
- (b) The provisions of the Act
- (c) The municipality’s rates policy; and
- (d) This by-law

3. General principles

- (1) Rates are levied as an amount in the rand based on the market value of all ratable property contained in the municipality’s valuation roll
- (2) Criteria are provided for the determination of categories of property and owners and for the purpose of levying different rates on categories of property and owners.
- (3) Different rates will be levied for different categories of ratable property
- (4) Relief measures in respect of payment for rates will not be granted to any category of property or owners on an individual basis, other than by way of an exemption, rebate or reduction.
- (5) All ratepayers with similar properties will be treated the same.
- (6) The ability of a person to pay rates will be taken into account.
- (7) Provision will be made for the promotion of local social development and sustainable local government.

- (8) Rates will be based on the value of all rateable property and the amount required by the municipality to balance the operating budget.

4. Classification of service and expenditure

- (1) The municipal manager or his/her nominee subject to the guidelines provided by the National Treasury and Mayor or Executive Committee and principles contained in the rates policy will classify services, categorize expenditure and create cost centers that would enable the municipality to cross subsidize its functions.

5. Categories of properties and owners

- (1) In terms of Section 3(3) of the Act the municipality must determine the criteria for the determination of categories of property and owners for granting exemptions, reductions and rebates and criteria if it levies different rates for different categories of property.
- (2) In terms of section 8(1) and 15(1) read in conjunction with section 19 of the Act the municipality may exempt a category of owner of property from rates or grant a rebate or reduction in the rates.
- (3) The criteria for categories of property and owners and the different categories of property and owners are reflected in the municipality's rates policy and adjusted annually, if required, during the budget process.

6. Properties used for multiple purposes

Rates on properties used for multiple purposes will be levied on properties used for:-

- (a) A purpose corresponding with the use of the property, and or permitted use of the property as regulated;
- (b) A purpose corresponding with the dominant use of the property inside the urban edge;
- (c) A purpose corresponding with the identified portions of the Agricultural properties, small holdings other than agricultural land use,

7. Differential rating

- (1) Criteria for differential rating on different categories of properties in terms of section 8(1) of the Act
- (2) Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category as informed by the ratios stipulated in the Elundini Municipality rates policy.

8. Criteria for exemptions, reductions and rebates

Criteria for determining categories of owners of property for the purpose of granting exemptions, rebates and reductions in terms of section 15(2) of the Act will be according to:-

- (a) Indigent status of the owner of a property
- (b) Sources of income of the owner of a property
- (c) Owners of property situated within an area affected by:-
 - (i) A disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - (ii) Any other serious adverse social or economic conditions;
- (d) Owners of residential properties with a market value below a determined threshold; or
- (e) Owners of agricultural properties who are bona fide farmers

9. Exemptions

- (1) Over and above the exemptions provided for in sections 16 and 17 of the Act specific categories of property as indicated in the table below are exempted from the payment of rates within the meaning of sections 15(1)(a) of the Act and 9(7) of this by-law.

Description of category of property	Criteria
Municipal Properties	9(2)
Cemeteries and crematoriums	9(3)
Community benefit organizations	9(4) and 9(5)

- (2) Municipal properties are exempted from paying rates as it will increase the rates burden or service charges to property owners or consumers.
- (3) Cemeteries and crematoriums registered in the name of private persons and operated not for gain.
- (4) Properties owned by community benefit organizations located in the municipality for the benefit of people in the municipality.
- (5) Section 13 and 35: Prohibition on the rating of certain public services infrastructure subject to the phasing in period.
- (6) Exemptions will be subject to the following conditions:
 - (a) All applications must be addressed in writing to the municipality;
 - (b) A SARS tax exemptions certificate must be attached to all applications;
 - (c) The municipal manager or his/her nominee must approve all applications;
 - (d) Applications must reach the municipality before the end of October preceding the start of the new municipal financial year for which relief is sought; and

- (e) The municipality retains the right to refuse exemptions if the details supplied in the application form were incomplete, incorrect or false.

10. Rebates

(1) Categories of properties

- (a) The municipality may grant rebates within the meaning of section 15(1)(b) of the Act on the rates to the owners of the following categories of properties and subject to the criteria and conditions contained in 10(1)(b) to 10(1)(f) of this by-law:-

Description of category of property

- (a) Mixed use residential properties
- (b) General Residential
- (c) Vacant residential properties
- (d) Industrial
- (e) Business/Commercial
- (f) Agricultural Land for Farming
- (g) Agricultural Land for-mixed use
- (h) Property with mining permit
- (i) Property with mineral rights
- (j) Public Service Infrastructure

Public services infrastructures are the following components:

- (1) National, provincial or other public roads on which goods, services or labour move across a municipal boundary;
- (2) Railway lines forming part of a national railway system;
- (3) Runways, aprons and the air traffic control unit at national or provincial airports, including the vacant land known as the obstacle free zone surrounding these, which must be vacant for air navigation purposes; “(as amended by section 1(k) of the Amendment Act); and
- (4) Breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels.

In terms of Section 36 of the Amendment Act deletes subsection 3(4) of the principle Act and a new subsection 3(3)(k) is inserted. The newly inserted provision requires that a municipality's rates policy must give effect to the Regulations on the Rate Ratios between Residential and Non-Residential Categories of Properties (“the Regulation”). The Regulations prescribe a ratio of 1:0.25 between residential and agricultural properties. The deletion of section 3(4) is intended to protect municipalities from obligation that may be imposed on them by property owners

(particularly organized agricultural property owners) to provide for exemptions, rebates and reductions over and above the protection that is provided for agricultural properties in the Regulations. The agricultural property ratio in the regulations takes into account the matters that are contained in the deleted subsection 3(4), therefore there is no further obligation on a municipality to give further rebates, exemptions or reductions over and above the prescribed ratio.

(2) Categories of owners

- (a) The following categories of owners of ratable properties may be granted a rebate on rates within the municipality within the meaning of section 15(1)(b) of the Act:-**

Description of Category of Owners	Criteria
Indigent & Unemployed Persons	10(2)(b)

(b) Criteria for granting rebates to category of owners

i. Indigent and unemployed Persons Rate Rebate

To qualify for the rebate a property owner must:

- a. Occupy the property as his/her normal residence;**
- b. Be at least 60 years of age or in receipt of a disability pension from the Department of Welfare and Social Development;**
- c. Be in receipt of a total monthly income from all sources (including income of spouses of owner: not exceeding R2 700;- N.B. Link to Indigent Policy.**
- 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.**

ii. Property owners must apply on a prescribed application form for a rebate as determined by the municipality.

iii. Applications must be accompanied by:-

- a. A certified copy of the identity document or any other proof of the owners age which is acceptable to the municipality;**
- b. Sufficient proof of income of the owner and his/her spouse;**
- c. An affidavit from the owner;**
- d. If the owner is a disabled person proof of a disability pension payable by the state must be supplied; and**
- e. If the owner has retired at an earlier stage for medical reasons proof thereof must be submitted.**

- iv. These applications must reach the municipality before the end of **October** preceding the start of the new municipal financial year for which relief is sought.
- v. The municipality retains the right to refuse rebates if the details supplied in the application forms are incomplete, incorrect or false.

11. Reductions

(1) Categories of property and owners

- (a) A reduction in the municipal valuation as contemplated in section 15(1)(b) of the Act will be granted where the value of a property is affected by:-
 - i. A disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - ii. Any other serious adverse social or economic conditions.
- (b) The reduction will be in relation to the certificate issued for this purpose by the municipal valuer.
- (c) All categories of owners can apply for a reduction in the rates payable as described above.
- (d) Owners of the following categories of ratable property situated within the municipality may be granted a reductions within the meaning of section 15(1) (b) of the Act on the rates payable in respect of their properties and subject to the conditions contained in 11(1)(e) of this by-law:-

Description of category of property
Residential property
Vacant properties
Mixed use residential properties
Business & commercial properties
Industrial
Agricultural Land for Farming
Agricultural land portions used for other purposes than agriculture – commercially, hospitality of guests, purposes of ecotourism, trading or hunting of game.
Property with mining permit
Property with mineral rights
Government properties / state owned land
Public service infrastructure

- (e) Criteria for granting reductions**
 - i. A reductions in the municipal valuation as contemplated in sections 15(1)(b) of the Act will be granted where the value of a property is affected by fire damage, demolishment of floods.**
 - ii. The reduction will be in relation to the certificate issued for this purpose by the municipal valuer.**
- 12. Rates increases**
 - (1) The municipality will consider increasing rates annually during the budget process in terms of the guidelines issued by National Treasury from time to time.**
 - (2) Rates increase will be used to finance the increase in operating costs in municipal functions.**
 - (3) Affordability of rates to ratepayers.**
 - (4) All increases in property rates will be communicated to the local community through the community participation process.**
- 13. Notification of rates**
 - (1) The municipality will give notice of all rates approved at the annual budget meeting at least 30 days prior to the date that the rates become effective. Accounts delivered after the 30 days notice will be based on the new rates.**
 - (2) A notice stating the purport of the municipality's resolution and the date on which the new rates become operational will be displayed by the municipality at places installed for that purpose.**
- 14. Payment of rates**
 - (1) Ratepayers may choose between paying rates annually in one installment on or before 30 September or in twelve equal installments on or before the seventh day of the month following on the month in which it becomes payable.**
 - (2) If the owner of property that is subject to rates, notify the municipal manager of his/her nominee not later than 31 May in any financial year, or such later date in such financial year as may be determined by the municipal manager or his/her nominee that he/she wishes to pay all rates in respect of such property in installments, such owner shall be entitled to pay all rates in the subsequent financial year and each subsequent financial year in twelve installments until such notice is withdrawn by him/her in a similar manner.**
 - (3) Interest on arrears rates, whether payable on or before 30 September or in equal monthly installments, shall be calculated in accordance with the**

provisions of the credit control, debt collection and indigent policy of the municipality.

- (4) If a property owner, who is responsible for the payment of property rates in terms of this policy, fails to pay such rate in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control, Debt Collection and Indigent Policy of the Municipality.
- (5) Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act.
- (6) Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.
- (7) In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

15. Short title

This by-law is the rates by-law of the Elundini Municipality.

16. Commencement

This by-law comes into force and effect on 1 July 2015.

Elundini Municipality –Amended Rates Policy – 2015

March 2015

ELUNDINI MUNICIPALITY
AMENDED PROPERTY RATES POLICY
CONTENTS

	PAGE
1. Preamble	3
2. Definitions	3
3. Purpose of policy	10
4. Statutory Framework	10
5. Imposition of property rates	11
6. Categories of Rateable Properties	15
7. Categories of Owners	17
8. <u>Exemptions</u>	17
8.1 Municipal properties	17
8.2 Public Benefit/Non Governmental and Cultural Organisations	17
8.2.1 Welfare and Humanitarian Institutions	18
8.2.2 Animal Welfare Institutions	18
8.2.3 Cultural Institutions	18
8.2.4 Conditions applicable to applications	18
9. Impermissible Rates	19
10. Reductions	19
11. <u>Rebates</u>	20
11.1 <u>Categories of property</u>	20
11.1.1 Business, commercial and industrial properties	20
11.1.2 New commercial or industrial developments	21
11.1.3 Small, very small and micro business enterprises	21
11.1.4 Privately owned estates serviced by the owner	21
11.1.5 Agricultural property rebate	22

Elundini Municipality –Amended Rates Policy – 2015

March 2015

	PAGE
11.1.5.1 Conditions applying in respect of this rebate	22
11.1.6 Public and private schools, universities and colleges	22
11.1.7 Sporting bodies	22
11.1.8 Cemeteries and crematoriums	23
11.1.9 Welfare institutions	23
11.1.10 Charitable institutions	23
 11.2 <u>Categories of owners</u>	 23
11.2.1 Indigent owners and State Pensioners	23
11.2.2 Pensioners and disabled (other sources)	25
11.2.3 Child-headed households	25
 12. Special rating areas	 26
13. Phasing-out of PSI rates	28
14. Promulgation of resolutions levying rates	28
15. Payment of rates	28
16. Accounts to be furnished	29
17. Liability for and recovery of rates	30
18. General valuation of rateable property	30
19. Correction of errors and omissions	31
20. Cost of exemptions, rebates, reductions and phasing-in discounts of rates	31
21. Budget-related policy	31
22. By-laws to give effect to this rates policy	32
23. Adoption of policy	32

Elundini Municipality –Amended Rates Policy – 2015

March 2015

1. Preamble

In terms of section 3 of the Municipal Property Rates Act No. 6 of 2004 (MPRA) as amended, the Council of the municipality is required to adopt a policy consistent with the provisions of the Act on the levying of rates on rateable property within the municipality.

In order to give effect to the said section 3 of the MPRA, the Council of the municipality adopts the policy contained herein.

2. Definitions

Any words and phrases referred to in this policy shall have the meaning and interpretation assigned thereto in the MPRA, a reference to the male gender shall include the female and neuter genders and, for ease of reference and to facilitate the application of this policy, unless the context indicates otherwise-

“Act” means the Local Government: Municipal Property Rates Act No. 6 of 2004 and includes its regulations;

“accommodation establishment” means a property that, although zoned for single residential purposes, provides residential accommodation on a regular and continuous short-term rentable basis in addition to its permitted use and includes guesthouses, **“bed & breakfast”** and **“self-catering”** establishments and, for purposes of this policy, such establishment shall be regarded as business property;

“agent” in relation to the owner of a property, means a person appointed by the owner of such property to receive rental or other payments or make payments in respect of that property on his behalf;

“agricultural property” means a property that is used primarily for agricultural purposes but, without derogating from Section 9, excludes any portion thereof that is used commercially for the hospitality of guests, and excludes the use of the property for the purpose of ecotourism or for the trading in or hunting of game;

“arrear rates” means any amount due for assessed rates which remains unpaid after the due date for payment;

“annually” means once every financial year;

“business” means the activity of buying, selling or trade in goods or services and includes any office or other accommodation on the same erf, the use of which is incidental to such business, with the exclusion of the business of mining, agriculture, farming, or inter alia, any other business consisting of the cultivation of soils, the gathering in of crops or the rearing of livestock or consisting of the propagation and harvesting of fish or other aquatic organisms;

Elundini Municipality –Amended Rates Policy – 2015

March 2015

“category”-

- (a) in relation to property, means a category of properties determined in terms of section 8 of the Act; and
- (b) in relation to owners of properties, means a category of owners determined in terms of section 15 (2) of the Act;

“category of properties” means a category of properties determined according to use of the property, permitted use of the property or a combination of the two.

“community” means the local community;

“Constitution” means the Constitution of the Republic of South Africa Act No.108 of 1996;

“Council” means the council of the municipality as envisaged in section 157(1) of the Constitution and section 18 (3) of the Local Government: Municipal Structures Act No. 117 of 1998;

“date of valuation” for the purposes of a general valuation, means the date determined by the Council, which date may not be more than 12 months before the start of the financial year in which the valuation roll is to be first implemented;

“effective date”-

- (a) in relation to a valuation roll, means the date on which the valuation roll takes effect in terms of section 32 (1) of the Act; or
- (b) in relation to a supplementary valuation roll, means the date on which a supplementary valuation roll takes effect in terms of section 78 (2) (b) of the Act;

“exclusion” in relation to a municipality’s rating power, means a restriction of that power as provided for in section 17 of the Act;

“exemption” in relation to the payment of a rate, means an exemption from the payment of rates granted by the Council in terms of section 15 of the Act;

“farm property” or **“farm”** refers to property that is capable of being used productively for agricultural and farming purposes, either on a full-time or a part-time basis, regardless of whether or not agriculture forms the principal source of income for the owner or tenant thereof and provided further that this definition shall not be interpreted in a manner that excludes a smallholding from being regarded as “farm property” or a “farm”;

“financial year” means the period starting from 1 July in a year to 30 June the next year;

“Income Tax Act” means the Income Tax Act No. 58 of 1962 as amended;

“indigent owner” means an owner of property who is in permanent occupation of such property and is registered as an indigent in terms of the municipality’s indigent policy;

Elundini Municipality –Amended Rates Policy – 2015

March 2015

“land reform beneficiary” in relation to a property, means a person who-

- (a) acquired such property through-
 - (i) the Provision of Land and Assistance Act No. 126 of 1993; or
 - (ii) the Restitution of Land Rights Act No. 22 of 1994;
- (b) holds such property subject to the Communal Property Associations Act No. 28 of 1996; or
- (c) holds or acquires the property in question in terms of such other land tenure reform legislation as may, pursuant to section 25 (6) and (7) of the Constitution, be enacted after this Act has taken effect;

“land tenure right” means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act No. 11 of 2004;

“local community” in relation to the municipality-

- (a) means that body of persons comprising:
 - (i) the residents of the municipality;
 - (ii) the ratepayers of the municipality;
 - (iii) any civic organizations and non-governmental, private sector or labour organizations or bodies which are involved in local affairs within the municipality; and
 - (iv) visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality; and
- (b) includes, more specifically, the poor and other disadvantaged sections of such body of persons;

“market value” in relation to a property, means the value of the property determined in accordance with section 46 of the Act;

“MEC for local government” means the member of the Executive Council responsible for local government in the Eastern Cape Province;

“MPRA” means the Municipal Property Rates Act No. 6 of 2004;

“ ‘mining property’ means a property used for mining operations as defined in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);”

“multiple purposes” in relation to a property, means the use of a property for more than one purpose, subject to section 9

Elundini Municipality –Amended Rates Policy – 2015

March 2015

“municipal council” or “council” means the municipal council of Elundini Municipality;

“Municipal Finance Management Act” means the Local Government: Municipal Finance Management Act No. 56 of 2003;

“municipality” means the Elundini Municipality;

“municipal manager” means a person appointed by the Council in terms of section 82 of the Municipal Structures Act No. 117 of 1998 and includes any staff member acting in this position and any staff member to whom duties and powers with regard to the implementation and enforcement of this policy have been lawfully delegated and, in the event of the municipality being subject to an intervention in terms of section 139 of the Constitution or any other applicable law, the administrator appointed as a result of or pursuant to such intervention;

“municipal valuer” or “valuer of a municipality” means a person designated as a municipal valuer in terms of section 33 (1) of the Act;

“newly rateable property” means rateable property on which property rates were not levied before the end of the financial year preceding the date on which the Act took effect, excluding-

- (a) a property which was incorrectly omitted from a valuation roll and, for that reason, was not rated before that date; and
- (b) a property identified by the Minister responsible for local government by notice in the Gazette where the phasing-in of a rate is not justified;

“occupier” in relation to a property, means a person in actual occupation of a property, whether or not that person has a right to occupy the property concerned;

“Office bearer”: in relation to places of public worship, means the primary person who officiates at services at that place of worship.

“official residence”, in relation to places of public worship, means—

- (a) a portion of the property used for residential purposes; or
- (b) one residential property, if the residential property is not located on the same property as the place of public worship, registered in the name of a religious community or registered in the name of a trust established for the sole benefit of a religious community and used as a place of residence for the office bearer;”;

“organ of state” means an organ of state as defined in section 239 of the Constitution;

“owner”-

- (a) in relation to a property referred to in paragraph (a) of the definition of “property”, means a person in whose name ownership of the property is registered;
- (b) in relation to a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered;
- (c) in relation to a land tenure right referred to in paragraph (c) of the definition of “property”, means a person in whose name the right is registered or to whom it was granted in terms of legislation; or

- (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of “property”, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled”, provided that a person mentioned below may, for the purposes of the Act, be regarded by the municipality as the owner of a property in the following cases:
- (i) a trustee, in the case of a property in a trust excluding state trust land;
 - (ii) an executor or administrator, in the case of a property in a deceased estate;
 - (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;
 - (iv) a judicial manager, in the case of a property in the estate of a person under judicial management;
 - (v) a curator, in the case of a property in the estate of a person under curatorship;
 - (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
 - (vii) a lessee, in the case of a property that is registered in the name of the municipality and is leased by it; or
 - (viii) subject to this policy, a buyer, in the case of a property that was sold by the municipality and of which possession was given to the buyer thereof pending registration of ownership in the name of the buyer concerned;

“permitted use”, in relation to a property, means the limited purposes for which the property may be used in terms of -

- (a) any restrictions imposed by -
 - (i) a condition of title;
 - (ii) a provision of a town planning or land use scheme; or
 - (iii) any legislation applicable to any specific property or properties; or
- (b) any alleviation of any such restrictions;

“Place of public worship”: means property used primarily for the purposes of congregation, excluding a structure that is primarily used for educational instruction in which secular or religious education is the primary instructive medium: Provided that the property is –

- (a) registered in the name of a religious community;
- (b) registered in the name of a trust established for the sole benefit of a religious community;
- (c) subject to land tenure right.

“prescribed” means prescribed in terms of the Act or a regulation promulgated in terms of the Act;

“property” means -

Elundini Municipality –Amended Rates Policy – 2015

March 2015

- (a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
- (d) public service infrastructure;

“property register” means a register of properties referred to in section 23 of the Act;

“protected area” means an area that is or has to be listed in the register referred to in section 10 of the Protected Areas Act;

“Protected Areas Act” means the National Environmental Management: Protected Areas Act No. 57 of 2003;

“publicly controlled” means owned by or otherwise under the control of an organ of state, including -

- (a) a public entity listed in the Public Finance Management Act No. 1 of 1999);
- (b) a municipality; or
- (c) a municipal entity as defined in the Municipal Systems Act No. 32 of 2000);

“public service infrastructure” means publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;
- (g) runways or aprons at national or provincial airports;
- (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or

infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;

- (i) any other publicly controlled infrastructure as may be prescribed; or
- (j) a right registered against immovable property in connection with infrastructure mentioned in subparagraphs (a) to (i) above;

“public services purposes: in relation to the use of a property, means property owned and used by an organ of state as—

- (a) hospitals or clinics;
 - (b) schools, pre-schools, early childhood development centres or further education and training colleges;
 - (c) national and provincial libraries and archives;
 - (d) police stations;
 - (e) correctional facilities; or
 - (f) courts of law,
- but excludes property contemplated in the definition of ‘public service Infrastructure’;”;

“rate” means a municipal rate on property envisaged in section 229 (1) (a) of the Constitution;

“rateable property” means property on which the municipality may, in terms of section 2 of the Act, levy a rate, excluding property fully excluded from the levying of rates in terms of section 17 of the Act;

“rebate” in relation to a rate payable on a property, means a discount granted in terms of section 15 of the Act on the amount of the rate payable on a rateable property;

“reduction” in relation to a rate payable on a property, means the lowering in terms of section 15 of the Act of the amount for which such property was valued and the rating of the property concerned at that lower amount;

“residential property” means improved property included in a valuation roll in terms of section 48(2)(b) **[as residential;]** in respect of which the primary use or permitted use is for residential purposes without derogating from section 9;”.

- (a) is used predominantly (60% or more) for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property and any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes;
- (b) is a unit registered in terms of the Sectional Title Act and used predominantly for residential purposes;
- (c) is owned by a share-block company and used solely for residential purposes;
- (d) is a residence used for residential purposes on property used primarily for or related to educational purposes; and

(e) specifically excludes:

- (i) vacant land irrespective of its zoning or intended use;
- (ii) residential property in respect of which the Council has, in terms of applicable town planning legislation, granted approval for such property to be utilized for purposes other than residential.

“Sectional Titles Act” means the Sectional Titles Act No. 95 of 1986;

“sectional title unit” means a unit defined in section 1 of the Sectional Titles Act;

“state trust land” means land owned by the state -

- (a) in trust for persons communally inhabiting the land in terms of a traditional system of land tenure;
- (b) over which land tenure rights were registered or granted; or
- (c) which is earmarked for disposal in terms of the Restitution of Land Rights Act No. 22 of 1994;

“smallholding” means a property which, whether improved or not by the erection of a dwelling thereon, is not large enough to support a commercially viable farming operation, but able to provide a subsistence level of output for the owner thereof provided that this definition shall not preclude the Council, upon the submission of satisfactory and acceptable proof by the owner thereof, from regarding such property as a “farm” or “farm property” for the purpose of granting any rebate or applying any differential rating system in terms of this policy;

“trading services” means services for which the tariffs are fixed to yield a trading profit and includes electricity and water services;

“vacant land” means land on which no immovable improvements have been erected.

3. Purpose of policy

- 3.1 The purpose of this policy is to allow the Council to exercise its power to impose rates within a statutory framework for the purpose of enhancing certainty, uniformity and simplicity, taking into account the historical imbalances within communities, as well as the burden of rates on the poor.

4. Statutory framework

- 4.1 This policy is mandatory in terms of section 3 of the MPRA which specifically provides that the Council of a municipality must adopt a Rates Policy consistent with the provisions of the Act on the levying of rateable property in the municipality.

- 4.2 In terms of section 4 (1) (c) of the Municipal Systems Act No. 32 of 2000 read with

section 229 of the Constitution, the municipality has the right to finance the affairs of the municipality by imposing, inter alia, rates on property.

4.3 In terms of the MPRA, a municipality in accordance with-

- (a) section 2(1) thereof, may levy a rate on property in its area; and
- (b) section 2(3) thereof, must exercise its power to levy a rate on property subject to-
 - (i) section 229 and any other applicable provisions of the Constitution;
 - (ii) the provisions of the Act and any regulations promulgated in terms thereof; and
 - (iii) the rates policy which it must adopt.

4.4 In terms of section 62(1)(f)(ii) of the Municipal Finance Management Act No. 56 of 2003, the municipal manager must ensure that the municipality has and implements a rates policy which must comply with the provisions of the MPRA.

4.5 This policy must be read together with, and is subject to the stipulations of the MPRA, its regulations and any other applicable law.

4.6 This policy shall be applied with due observance of and compliance with the municipality's associated by-laws, policies and directives.

5. Imposition of property rates

5.1. The Council shall, as part of each annual operating budget component, impose a rate in the rand on the value of all rateable property recorded in the municipality's valuation or supplementary valuation roll, provided that properties with a market value below a prescribed valuation level to be determined annually by the Council may be rated at a uniform fixed amount per property, instead of a rate determined on the value thereof as reflected in the applicable valuation roll.

5.2 The Council shall, in imposing the rate for each financial year, take cognizance of:

- (a) the aggregate burden of rates and service charges on representative property owners in the various categories of property ownership and of the extent to which this burden is or remains competitive with the comparable burden in other municipalities within the local economic region of the municipality;
- (b) the inflation rate as indicated by the consumer price index;
- (c) the medium term budget growth factor determined by National Treasury guidelines.

5.3 The following principles underpin this policy:

- (a) All ratepayers, in a specific category, as determined by the Council from time to time, shall be treated equitably, as required by Section 3 (3) (a) of the Act and, to

this end:

- (i) ratepayers with similar properties will pay similar levels of rates;
- (ii) the Council shall take into account the ability of ratepayers to pay their rates;
- (b) Subject to section 19 of the Act, the municipality, in terms of the criteria, levy different rates for different categories of rateable property, determined in subsection (2) and (3) of the Act, which must be determined according to the—
 - (a) use of the property;
 - (b) permitted use of the property; or
 - (c) a combination of (a) and (b).
- (c) The municipal manager or his nominee must, subject to the guidelines provided by the National Treasury and the Council, make provision for the following classification of services rendered by the municipality:-
 - (i) trading services;
 - (ii) economic services;
 - (iii) community and subsidised services which shall exclude trading and economic services.
- (d) Trading and economic services referred to in subparagraph (c) must be ring fenced and financed from service charges while community and subsidised services referred to in that subparagraph will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income;
- (e) Unless compelling reasons exist to the contrary, property rates shall not be used to subsidize trading services;
- (f) The exemptions, reductions and rebates which may be granted in terms of this policy should not unreasonably affect the income base of the municipality;
- (g) The determination of a rates tariff must allow the Council to promote local, social and economic development.

5.4 In pursuant of section 3 (3) (b) of the Act, it is the policy of the Council, before:-

5.4.1 levying different rates for different categories of properties;

5.4.2 exempting a specific category of owners of properties or the owners of a specific category of properties from payment of a rate on their properties;

5.4.3 granting rebates; or

5.4.4 increasing rates -to consider and apply the following criteria which shall have a bearing on such action -

- (a) the need to alleviate poverty;

Elundini Municipality –Amended Rates Policy – 2015

March 2015

- (b) the need to stimulate industrial growth;
- (c) the importance of promoting tourism;
- (d) the creation of work opportunities in the municipality;
- (e) the maintenance of agricultural activity;
- (f) the need for assistance by charitable and other public benefit organizations;
- (g) the municipality's budgetary needs;
- (h) the municipality's integrated development plan; and
- (i) surpluses contributed by other services -

5.4.5 provided that the rate on the categories of non residential property listed in the first column of the under-mentioned table may not exceed the ratio to the rate on residential properties listed in the second column of the said table, where:

- (i) the first number in the second column of the table represents the ratio to the rate on residential properties;
- (ii) the second number in the second column of the table represents the maximum ratio to the rate on residential property that may be imposed on the non-residential properties listed in the first column of the table:

Categories	Ratio in relation to residential property
Residential property	1 : 1
Vacant properties	1 : 2
Mixed use residential properties	1 : 1.5
Business & commercial properties	1 : 1.5
Industrial	1 : 2
Agricultural Land for Farming	1 : 0.25
Agricultural land portions used for other purposes than agriculture – commercially, hospitality of guests, purposes of ecotourism, trading or hunting of game.	1 : 1,5
Property with mining permit	1 : 2
Property with mineral rights	1 : 2
Government properties / state owned land	1 : 2
Public service infrastructure	1 : 0.25

Provided further that, for the purpose of the above table, "agricultural property" shall mean farm properties and smallholdings used for agricultural purposes only.

5.5 Compliance with section 3 (3) (c) of the Act.

In terms of Section 3 (3) (c) of the Act, the Council has determined categories as referred to in

paragraph 6 of this policy.

5.6 Compliance with section 3 (3) (d) of the Act.

Pursuant to section 3 (3) (d) of the Act, it is the policy of the Council to exercise its powers in terms of section 9 (1) of the Act in relation to properties used for multiple purposes by assigning a property use for multiple purposes to a category determined in accordance with the provisions of the said section 9 of the Act.

5.7 Compliance with section 3 (3) (e) of the Act.

It is the policy of the Council to identify and provide reasons for the grant of exemptions, rebates and reductions granted in terms of this policy.

5.8 Compliance with section 3 (3) (f) of the Act.

Pursuant to section 3 (3) (f) of the Act, it is the policy of the Council to grant registered indigent property owners and poor and disabled persons a rebate on their rates account in a manner specified in this policy.

5.9 Compliance with section 3 (3) (g) of the Act.

It is the policy of the Council to grant organizations conducting specific public benefit activities and which are registered in terms of the Income Tax Act No. 58 of 1962 for tax reductions because of those activities, exemptions, rebates as provided in this policy in respect of properties owned and used by such organizations for their approved activities.

5.10 Compliance with section 3 (3) (h) of the Act.

Pursuant to section 3 (3) (h) of the Act, it is the policy of the Council not to consider further rebates on public service infrastructure but to apply the exemptions permitted in terms of the Act and National circular.

5.11 Compliance with section 3 (3) (i) of the Act.

Pursuant to section 3 (3) (i) of the Act, it is the policy of the Council to promote the interests of social or economic development or, when competing with other municipalities for investments of a specific nature, to consider providing rates incentives in order to attract such development or investments, provided such development or investments are quantifiably beneficial to the community.

5.12 Compliance with section 3 (3) (j) of the Act.

Pursuant to section 3 (3) (j) of the Act, it is the policy of the Council not to levy rates on property owned by or vested in the municipality, except where such property is leased, and on a right

registered against any property.

6. Categories of rateable properties

6.1 Different rates may be levied in respect of the under-mentioned categories of rateable properties:

- (1) Residential properties;
 - (2) industrial properties;
 - (3) business and commercial properties;
 - (4) agricultural properties;
 - (5) mining properties;
 - (6) properties owned by an organ of state and used for public service purposes;
 - (7) public service infrastructure properties;
 - (8) properties owned by public benefit organisations and used for specified public benefit activities;
 - (9) properties used for multiple purposes, subject to section 9; or
 - (10) any other category of property as may be determined by the Minister, with the concurrence of the Minister of Finance, by notice in the *Gazette*.
- (b)** Public Service Purposes -
- (i)** hospitals and clinics
 - (ii)** schools, pre-schools, early childhood development centres or further education and training colleges;
 - (iii)** national and provincial libraries and archives;
 - (iv)** police stations; correctional facilities; courts of law, but excludes property contemplated in the definition of “public service infrastructure”
- (c)** municipal properties;
- (d)** public service infrastructure;
- (e)** privately owned towns serviced by the owner;
- (f)** formal and informal settlements;
- (g)** communal land as defined in the Communal Land Rights Act, 2004;

-
- (h) state trust land owned by the state-
 - (i) in trust for persons communally inhabiting the land in terms of a traditional system of land tenure;
 - (ii) over which land tenure rights were registered or granted; or
 - (iii) which is earmarked for disposal in terms of the Restitution of Land Rights Act, 1994;
 - (i) properties-
 - (i) acquired through the Provision of Land and Assistance Act, 1993 or the Restitution of Land Rights Act, 1994; or
 - (ii) which is subject to the Communal Property Associations Act, 1996;
 - (j) protected areas as defined in the National Environmental Management: Protected Areas Act, 2003, namely-
 - (i) special nature reserves, nature reserves (including wilderness areas) and protected environments;
 - (ii) world heritage sites;
 - (iii) specially protected forest areas, forest nature reserves and forest wilderness areas declared in terms of the National Forests Act, 1998; and
 - (iv) mountain catchment areas declared in terms of the Mountain Catchment Areas Act, 1970;
 - (k) properties on which national monuments are proclaimed;
 - (l) properties owned by public benefit organisations;
 - (m) properties used for multiple purposes, subject to paragraph 5.6.
 - (n) schools defined in educational laws as -
 - (i) public schools; and
 - (ii) independent schools;
 - (o) sports facilities; and
 - (p) privately owned estates.
- 6.2.** In determining the category of a property referred to in paragraph 6.1, the following criteria or a combination thereof shall be taken into consideration:-
- (a) the formal zoning of the property;
 - (b) township establishment approvals;
 - (c) the actual use of the property;
 - (d) the permitted use of the property;

6.3 In order to create certainty and to ensure consistency, the criteria listed in paragraph 6.2 shall be applied in the following manner:

- (a) properties shall principally be categorised in accordance with their land use in terms of the town planning scheme regulations applicable to the municipality;

6.4 Properties used for multiple purposes shall be categorised and rated on a basis of ratio of land use.

6.5 For purposes of this policy, accommodation establishments shall be regarded as business properties and be categorised as such.

7. Categories of owners

7.1 For the purpose of granting exemptions, and rebates as provided in this policy, the under-mentioned categories of owners of properties are determined with a view to the alleviation of poverty and to decrease the rates burden on the poor:

7.1.1 Those owners who qualify and who are registered as indigents in terms of the indigent policy of the municipality;

7.1.2 Those owners who do not qualify as indigents in terms of the aforesaid indigent policy but whose total monthly income is equal to or less than an amount annually determined by the Council when approving the municipal budget;

8. Exemptions

The following categories of property are exempted from the payment of rates:

8.1 Municipal properties

- (a) Where a municipal property has been sold to a non-profit organisation subject to the right of resumption in favour of the Council on the occurrence of a specified event or upon the lapse of a specified period of time, such property shall be regarded as a municipal property and the owner of such property shall be exempted from the payment of assessed rates thereon.

8.2 Public Benefit/Non-Governmental and Cultural Organizations

The following Public Benefit and Non-Governmental Organizations may be exempted from the payment of rates:

- (a) properties used for public service purposes; and
- (b) properties to which the provisions of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), apply, or an institution that has been declared to be subject to the Cultural Institutions Act, 1998 (Act No. 119 of 1998).”; and
- (c) by the deletion in subsection (3)(b) of subparagraphs (ii) and (iii).

8.2.1 Welfare & Humanitarian Institutions

Properties used exclusively as an orphanage, non-profit retirement village, old age home or other non-profit institution for the benefit of the public or a section thereof, provided that any profits from the use of the property are used entirely for the benefit of the institution concerned and/or for charitable purposes within the municipality.

8.2.2 Animal Welfare

Property registered in the name of and used by institutions/ organizations whose exclusive aim is to protect birds, reptiles and other animals on a non-profit basis.

8.2.3 Cultural

8.2.3.1 Property registered in the name of a declared institution in terms of the Cultural Institutions Act No. 119 of 1998 as amended promoting the cultural aims as defined in section (6)(a) and (b) of the Ninth Schedule to the Income Tax Act and which is applicable to:

- (a) the advancement, promotion or preservation of the arts, culture or customs;
- (b) the promotion, establishment, protection, preservation or maintenance of areas, collections or buildings of historical or cultural interest, national monuments, national heritage sites, museums, art galleries, archives and libraries.

8.2.3.2 Property registered in the name of a cultural organization or any organization which is, in the opinion of the Council, promoting the cultural aims as defined in section (6)(c) of the Ninth Schedule to the Income Tax Act and which is applicable to the provision of youth leadership or development programs.

8.2.4 Conditions applicable to applications

The following conditions apply in respect of an application for exemption in terms of this subparagraph:

- (a) applications for exemption must be submitted annually in writing and on the prescribed form;
- (b) applicants must produce a tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Part 1 of the Ninth Schedule to the Income Tax Act;
- (c) the municipal manager or his nominee must approve all applications;
- (d) the Council retains the right to refuse an application for exemption if the details supplied in the application form are incomplete, incorrect or false;

- (e) if, during the currency of any financial year, any property or portion thereof is used for a purpose other than the purpose in respect of which an exemption in terms of this subparagraph has been granted, the Council shall impose rates on the exempted property or portion thereof so used, at a rate proportionate to the period of such use.

9. Impermissible Rates

In terms of section 17(1) of the Act and subject to the provisions of this sub-section, the municipality may, inter alia, not levy a rate:

- (a) on those parts of a special nature reserve, national park or nature reserve within the meaning of the National Environmental Management: Protected Areas Act No. 57 of 2003, or of a national botanical garden within the meaning of the National Environmental Management: Biodiversity Act, Act No. 10 of 2004, which are not developed or used for commercial, business, agricultural or residential purposes;
- (b) on mineral rights within the meaning of paragraph (b) of the definition of “property” in section 1 of the Act;
- (c) on a property belonging to a land reform beneficiary or his heirs, provided that this exclusion lapses ten years from the date on which such beneficiary’s title was registered in the office of the Registrar of Deeds;
- (d) on a property registered in the name of and used primarily as a place of public worship by a religious community including an official residence registered in the name of that community and which is occupied by an office-bearer thereof who officiates at services at that place of worship.

10. Reductions

- 10.1** Reductions as contemplated in section 15 of the Act will be considered by the Council on an ad-hoc basis on account of the diminished value of a property in the event of the following:

10.1.1 The partial or total destruction of a property;

10.1.2 A disasters as defined in the Disaster Management Act No. 57 of 2002 in circumstances where the Council considers a reduction in the value of affected properties to be just and equitable;

10.1.3 The owners of property situated within an area affected by disaster within the meaning of the Disaster Management Act No. 57 of 2002 or by serious adverse social or economic conditions with a view to alleviating their economic plight and decreasing their rates burden due to circumstances beyond their control.

- 10.2** The following conditions shall be applicable to an application for a reduction in terms of subparagraph 10.1:

10.2.1 The owner of a property referred to in subparagraph 10.1.1 shall apply in writing for a reduction and the onus will rest on such owner to prove to the satisfaction of the Council that the property concerned has been totally or partially destroyed. Such owner must also indicate to what extent the property concerned can still be used and the impact of the partial or total destruction thereof on its value;

10.2.2 Property owners will only qualify for a reduction if the property concerned is affected by a disaster as envisaged in the Disaster Management Act No. 57 of 2002.

10.3 A maximum reduction of 80% of the assessed value of the property as appearing in the valuation roll will be allowed in respect of both events referred to in subparagraphs 10.1.1 and 10.1.2.

10.4 Subject to any further extension as the Council may, in writing, approve, a reduction granted in terms of this subparagraph shall be valid for a period not exceeding 6 months.

10.5 On the first R15 000 of the total market value of a property assigned in the valuation roll or supplementary valuation roll of the Municipality to a category determined by the municipality:

10.5.1 for residential properties

10.5.2 for residential zoned properties used for multipurpose, provided one or more components of the property are used for residential purposes.

11. Rebates

The Council may, in conjunction with the consideration of the municipality's annual budget, grant the following rebates:

11.1 Categories of property

11.1.1 Business, commercial and industrial properties

The Council may grant rebates, in a percentage determined by resolution, to the owners of rateable business, commercial and industrial properties (herein referred to as an "enterprise") which contribute to job creation in the municipal area, the social upliftment of the local community and the creation of infrastructure for the benefit of the community.

For purposes of this subparagraph, the enterprise concerned must be situated on land zoned for the usage thereof and must ordinarily employ at least 25 or more full-time employees.

Rebates in terms of this subparagraph will be phased out within five years from the date they were first granted.

The rebates envisaged in this subparagraph may be granted upon application, subject to:

- (i) the submission to the municipality of an acceptable business plan issued by the authorised representative of the enterprise concerned indicating how it intends meeting the local, social and economic development objectives of the municipality;
- (ii) the submission to the municipality of an acceptable continuation plan issued by the aforesaid authorised representative and certified by the auditors of the enterprise stating that the aforementioned objectives have been met in the first year after the establishment of the enterprise concerned and how such enterprise plans to continue to meet the identified objectives;

- (iii) an assessment by the municipal manager indicating that the relevant enterprise qualifies for the rebate in terms of the Council's requirements; and
- (iv) an authorising Council resolution.

11.1.2 New commercial or industrial developments

In order to stimulate new commercial or industrial development in the municipality, the following rebates may, upon application, be granted by the Council to owners of properties which are being developed for new, approved commercial or industrial developments:

- (a) 100% of the assessed rates payable on the improved value until the development has been completed;
- (b) 75% of the assessed rates on the improved value for the financial year or part thereof immediately following the completion of the development;
- (c) 50% of the assessed rates on the improved value in the second financial year; and
- (d) 25% of the assessed rates on the improved value in the third financial year following the completion of the development.

11.1.3 Small, very small and micro business enterprises

For purpose of this subparagraph, a small business enterprise means a separate and distinct business entity, together with its branches or subsidiaries, if any, including co-operative enterprises, managed by one or more owners and predominantly carried on in any sector or sub-sector of the economy mentioned in column 1 of the Schedule to the National Small Business Act No. 102 of 1996 (the Act) and classified as a micro-, a very small, a small or a medium enterprise by satisfying the criteria mentioned in columns 3, 4 and 5 of the said schedule.

The Council may, upon application, grant a rebate, in a percentage determined by resolution, to the owner of rateable property lawfully used for a small, very small and micro business enterprise, subject to the following conditions:

- (a) the property in respect of which the rebate is sought must be owned and utilized by the owner(s) concerned; and

the owners concerned:-

- (b) providing proof to the satisfaction of the Council, of the enterprise's registration with a responsible authority, if applicable;
- (c) if applicable, being in possession of a business licence or licences issued by the municipality or responsible authority authorising the relevant business;
- (d) providing proof that the business meets all the requirements (relating to sector, size or class, total employment, total annual turnover and total gross asset value (fixed property excluded)) referred to in the aforesaid Act and the schedules thereto;
- (e) being in a position to submit audited financial statements in respect of the business.

Elundini Municipality –Amended Rates Policy – 2015

March 2015

11.1.4 Privately owned estates serviced by the owner

The Council may, upon application and on an ad hoc basis, grant a rebate to the owner of a private estate serviced by that owner in consideration of his contribution to the infrastructure in the municipality and the financial benefit the municipality will derive from such development.

For purposes of this subparagraph “privately owned estates serviced by the owner” shall mean single properties situated in an area not ordinarily serviced by the municipality and divided through subdivision or township establishment into 10 (ten) or more full title stands and/ or sectional title units and where all rates related services inclusive of installation and maintenance of streets, roads, sidewalks, lighting, storm water drainage facilities, parks and recreational facilities are installed at the full cost of the developer and maintained and rendered by the residents of such estate.

11.1.5 Agricultural property rebate

- (i) In terms of section 84 of the Act, the Minister for local government with the concurrence with the Minister of Finance as required by section 19 of the Act, may determine that a rate levied by the Council on a category of non residential property may not exceed the ratio to the rate on residential property. For the 2009/2010 financial year, the Minister concerned determined a ratio of 1:0.25 in respect of agricultural property comprising farms and qualifying smallholdings. This had the effect that the rates rebate in respect of such properties was 75% of the rate levied on residential properties.

In the application of this policy and the grant of rebates in respect of qualifying agricultural property, the Council shall continue to apply the rates ratio determined by the said Minister from time to time.

11.1.6 Public and private schools, universities and colleges

The Council may, upon application and by resolution, grant a rebate to the owners of the under-mentioned categories of property :

- (a) Private schools which are not State funded in terms of section 34 of the South African Schools Act No. 84 of 1996 and are registered as independent schools in terms of the South African Schools Act No. 84 of 1996;
- (b) Universities;
- (c) Technical and other colleges.

11.1.7 Sporting bodies

The Council may, upon application and by resolution, grant a rebate on assessed rates in respect of property used by an organisation for sporting purposes on a non-professional basis.

The Council may, at its own discretion, grant a rebate on assessed rates in respect of property owned by and used by professional sporting organisations provided that such rebate may be lower than the rebate that may be granted to amateur sporting organisations.

An application for a rebate in terms of this subparagraph shall be submitted in writing to the municipality and be accompanied by such documents as the municipality may require including a tax exemption certificate issued by SARS as contemplated in Part 1 of the Ninth Schedule to the Income Tax Act.

11.1.8 Cemeteries and crematoriums

The Council may, by resolution, grant a rebate on assessed rates in respect of property registered in the name of a church organisation, any organisation established not for gain or any private person and used exclusively for burials and cremations.

11.1.9 Welfare institutions

The Council may, by resolution, grant rebates on assessed rates in respect of properties used exclusively as orphanages, non-profit retirement villages, old age homes or benevolent/charitable institutions, including workshops used by the inmates, laundry or cafeteria facilities, provided that any profits from the occupation and/or use of such properties are utilized entirely for the benefit of the institutions concerned and/or to charitable purposes within the municipality.

11.1.10 Charitable institutions

The Council may, by resolution, grant a rebate on assessed rates in respect of property owned or used by institutions or organisations whose aim is to perform charitable work on a not-for-gain basis and provided such institutions or organisations are registered in terms of the Nonprofit Organizations Act No. 71 of 1997.

11.2 Categories of owners

11.2.1 Indigent owners and State Pensioners

- (a) Indigent households meeting the requirements of this subparagraph shall be granted a rebate equal to 100% of the assessed rates on the property they own.

For purpose of this subparagraph, an “indigent household” means a debtor which is registered on the municipality’s data base of indigent debtors and which is a poor private household:

- (i) in circumstances where the total gross monthly income of all the members of such household does not exceed an amount equal to double an old age pension payable by the State, provided further that, in determining such income, child support grants shall not be included: and
- (ii) where the head of the household as well as any other member of such household does not own fixed property other than the one in which they reside; and
- (iii) the improved municipal value of the property in which the household resides does not exceed a value as determined by Council from time to time.

- (b) Pensioners qualify for a rebate equal to 100% of the assessed rates on the property they own according to their monthly household income.

In order to qualify for a rebate in terms of this subparagraph, the applicant must:

- (a) occupy the property as his normal residence;
- (b) must be at least 60 years of age upon application, provided that where couples are married in community of property and the property is registered in both their names, the age of the eldest will be the qualifying factor;
- (c) be in receipt of a total monthly income from all sources (including income of spouse of owner and the pension) not exceeding an amount annually determined by the Council which amount shall not be more than an amount equal to double an old age pension payable by the State as per the approved indigent policy
- (d) not be the owner of more than one property provided that, where the owner is unable to occupy the property due to no fault of his own, the spouse or minor children may satisfy the occupancy requirement.

Property owners must apply on a prescribed application form for a rebate as determined by the municipality.

Applications for a rebate in terms of this subparagraph must be accompanied by-

- (i) a certified copy of the identity document or any other proof of the owner's age which is acceptable to the municipality;
- (ii) sufficient proof of income of the owner and his spouse;
- (iii) an affidavit from the owner.

Applications for a rebate in terms of this subparagraph must reach the municipality by not later than 31 August in the financial year in which the rebate is sought.

The municipality reserves the right to refuse applications for rebates if the details supplied on the application form are incomplete, incorrect or false.

The rebate granted in terms of this subparagraph lapses:

- (a) on the death of the applicant;
- (b) on the alienation of the property; and
- (c) when the applicant ceases to reside permanently on the property concerned.

For purposes of this subparagraph a "pensioner" shall include a disabled person who in receipt of a State disability grant.

11.2.2 Pensioners and disabled (other sources)

Retired and disabled persons in receipt of a monthly household income from all sources in excess of double the amount of an old age pension payable by the State but not exceeding R10 000 per month qualify for a rebate to a maximum of 50% on the rates assessed on their properties, as determined by council on an annual basis.

INCOME BRACKETS	MAXIMUM PERCENTAGE REBATE
Double state pension amount - R3000	50%
R3001 – R4000	25%
R4001 – R5000	17,5%
R5001 – R10 000	10%
R 10 000>	5%

In order to qualify for a rebate in terms of this subparagraph, the applicant must::

- (a) occupy the property in respect of which the rebate is sought as his normal residence;
- (b) be the owner of the property concerned;
- (c) produce a bar-coded identity document;
- (d) be at least 60 years of age on 1 July of the financial year in which the rebate is sought;
- (e) be in receipt of a total monthly income from all sources (including the income of the spouse of the owner) not exceeding R10 000 per month; and
- (f) not be in receipt of an indigent subsidy from the municipality.

The grant of a rebate in terms of this subparagraph is subject to the following conditions:

- (i) An owner must annually submit an application for a rebate on the prescribed form which shall be accompanied by such documentary proof (including proof of monthly household income) as may be required;
- (ii) The aforesaid application must be submitted to the municipality by not later than 31 August of the financial year in which the rebate is sought, failing which the rebate will not be granted;
- (iii) Any owner who, during a financial year, for the first time, meets all the qualifying criteria, may apply to receive the rebate from the date of receipt by the municipality of the application and for the remainder of that financial year.

A rebate granted in terms of this subparagraph will lapse:

- (a) on the death of the applicant;

Elundini Municipality –Amended Rates Policy – 2015

March 2015

- (b) on the alienation of the property; and
- (c) when the applicant ceases to reside permanently on the property concerned.

11.2.3 Child-headed households

Households headed by children qualify for a special rebate according to monthly household income.

To qualify for the rebate, the head of the household must:-

- (a) apply annually;
- (b) occupy the property together with members of his household as his normal place of residence;
- (c) not be older than 18 years of age;
- (d) submit proof of the death of both parents;
- (e) still be a scholar or be jobless; and
- (f) be in receipt of a total monthly income from all sources not exceeding an amount as annually determined by the Council provided that, in determining such amount, child support grants received by the applicant shall be included.

The household head must apply on a prescribed application form for a rebate and must be assisted by the municipality with the completion of this form.

Applications must be accompanied by:-

- (a) a certified copy of the identity document or any other proof of the applicant's age acceptable to the municipality;
- (b) sufficient proof of total household income;
- (c) an affidavit from the applicant stating that he is the head of child- headed household and confirming such information as the municipality may require.

The application must be lodged with the municipality not later than 31 August of the year in which the rebate is sought.

Applications made in terms of this subparagraph shall be evaluated by the municipality on the same basis as applications for indigent relief.

12. Special rating areas

- 12.1** The Council may, by resolution and subject to subparagraph 13.3, determine an area within the municipality as a special rating area with a view to levying an additional rate on property in that area for the purpose of raising funds for improving or upgrading the area

concerned.

- 12.2** When levying additional rates in terms of subparagraph 13.1, the Council may differentiate between categories of properties.
- 12.3** Before determining a special rating area envisaged in subparagraph 13.1, the Council must-
- (i) consult the local community, including on the following matters:
 - (a) the proposed boundaries of the area; and
 - (b) the proposed improvement or upgrading of such area; and
 - (ii) obtain the consent of the majority of the members of the local community in the proposed special rating area who will be liable for the payment of the additional rate.
- 12.4** When the Council determines a special rating area it must:
- (i) determine the boundaries of such area;
 - (ii) indicate how the area concerned is to be improved or upgraded by funds derived from the additional rate referred to in subparagraph 13.1;
 - (iii) establish separate accounting and other record-keeping systems complying with GRAP regarding-
 - (a) the revenue generated by the additional rate; and
 - (b) the improvement and upgrading of the area concerned.
- 12.5** For the purpose of consulting the community as envisaged in subparagraph 13.3, the Council may, through a transparent process and with due regard to especially gender representivity, appoint a committee composed of persons representing the community in the proposed special rating area to act as a consultative and advisory forum on the intended improvement and upgrading thereof.
- 12.6** The committee referred to in subparagraph 13.5 shall perform its functions as a sub-committee of the ward committee or committees elected for the ward in which the proposed special rating area is situated.
- 12.7** The Council may not establish a special rating area in order to reinforce existing inequities in the development of the municipality and any determination of a special rating area in terms of this paragraph must be consistent with the objectives of the municipality's integrated development plan.

13. Phasing-out of rates

13.1 Certain categories of Public Service Infrastructure (PSI) will become non-rateable. These include the following:

- (a) Roads, Water infrastructure, Rail infrastructure, airports, breakwaters, quays.

Phasing-out period and percentages for the aobe mentioned categories: refer to table below:

Year	% Rateble after the impermissible deduction
1	80%
2	60%
3	40%
4	20%
5	10%

Other categories of PSI will be subject the impermissible provision, which is the first 30% of the market value of the property is not rateble. These catecores of PSI are: Electrical infrastructure, communications, gas and feul plants, pipelines and refineries.

14. Promulgation of resolutions levying rates

Section 14 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

- (a) A resolution levying rates in a municipality must be annually promulgated, within 60 days of the date of the resolution, by publishing the resolution in the *Provincial Gazette*.
- (b) The resolution must—
- (i) contain the date on which the resolution levying rates was passed;
 - (ii) differentiate between categories of properties; and
 - (iii) reflect the cent amount in the Rand rate for each category of property.”.

15. Payment of rates

15.1 The rates levied on the properties shall be payable:-

- (a) on a monthly basis; or
- (b) annually and by agreement with the ratepayer concerned, before 30 September each year.

15.2 The municipal manager shall determine the due date for the payment of monthly instalments and the single annual payment referred to in subparagraph 16.1 and this date shall appear on the accounts for assessed rates forwarded to the owner of the property or his duly authorised representative.

15.3 Unless the Council, by resolution, exempts all ratepayers from the payment of interest in

terms of section 64 (2) (g) of the Municipal Finance Management Act, interest on arrear rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the prescribed rate which shall be applied from time to time.

15.4 If a property owner responsible for the payment of rates fails to pay such rates by due date, they will be recovered from him in accordance with the provisions of the Credit Control and Debt Collection Policy of the Council.

15.5 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act as follows:-

15.5.1 If an amount due for rates levied on a property is not paid by the owner by the due date reflected on his account and no response is forthcoming from him after two written reminders to effect payment have been sent to him, the municipality shall recover the amount due in full or partially as follows:-

(a) from the agent who is lawfully responsible to collect commission or rental in respect of the property concerned;

(b) from a tenant or occupier of the property but only after an attempt was made to collect the amount concerned from the agent referred to in subparagraph (a) and such attempt was unsuccessful or if no such agent exists or if only a part of the outstanding amount could successfully be recovered from the agent concerned.

15.5.2 The amount recoverable is limited to the amount stipulated in the Act and such amount may only be recovered after written notice has been served on the tenant, occupier or agent as the case may be, of the rates due and payable, but not yet paid by owner of the property.

15.5.3 The notice referred to in subparagraph 15.5.2 shall afford the party concerned at least 14 calendar days in which to pay the outstanding rates.

15.6 Rates levied on property in sectional title schemes, shall be payable by the owner of each unit.

15.7 Rates levied on property in sectional title schemes, where the Body Corporate is the owner of any specific sectional title unit, shall be payable by the Body Corporate.

15.8 Lessee of municipal properties accept where the rental is inclusive of rates.

16. Accounts to be furnished

16.1 The municipality will furnish each person liable for the payment of rates with a written account, which shall specify:

(a) the description of the property including its erf or farm number and physical address where known and provided that the insertion of this information on an account is feasible in terms of the billing system of the municipality;

(b) the amount due for rates payable;

- (c) the date on or before which the amount due is payable;
- (d) how the amount due was calculated;
- (e) the market value of the property;
- (f) if the property is subject to any compulsory phasing-in discount, the amount of such discount; and
- (g) if the property is subject to any additional rate in terms of section 22 of the Act, the amount due for additional rates.

17. Liability for and recovery of rates

- 17.1** The owner of a property shall be liable for the payment of the rates levied on his property.
- 17.2** Joint owners of a property shall be jointly and severally liable for payment of the rates levied on their property.
- 17.3** A person liable for payment of rates remains liable for such payment, whether or not he has received a written account from the municipality. If the person concerned has not received a written account, he must make the necessary enquiries at the municipality.
- 17.4** In the case of joint ownership, the municipality shall, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that such action shall take place with the prior consent of all the owners concerned.
- 17.5** In the case where an agricultural property is owned by more than one owner in undivided shares and these undivided shares were allowed before the commencement date of the Subdivision of Agricultural Land Act No. 70 of 1970, the municipality shall hold any joint owner liable for all rates levied in respect of the agricultural property concerned or hold any joint owner only liable for that portion of rates levied on the property that represents his undivided share therein.
- 17.6** In the event of a property being transferred to a new owner during the period when an interim valuation takes place, the immediate predecessor in title as well as the new owner of the property concerned will be jointly and severally responsible for paying any rates raised as a result of such interim valuation.
- 17.7** Properties which vest in the municipality in terms of the conditions of establishment of a township or the conditions of approval applicable to the subdivision of land comprising a private development, including open spaces and roads, will be rateable and the developer shall be responsible for the payment of assessed rates thereon until such properties are transferred to the municipality.

18. General valuation of rateable property

- 18.1** The first valuation roll prepared in terms of the Act, shall take effect from the start of the financial year following completion of the prescribed public inspection period.
- 18.2** The municipality shall prepare a new valuation roll every 4 (four) years but may, with the

approval of the MEC for local government, extend the validity of the valuation roll to 5 (five) years.

- 18.3** Supplementary valuations will be undertaken on an annual basis to ensure that the valuation roll is properly maintained.

19. Correction of errors and omissions

- 19.1** Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or because of incorrect, false or misleading information provided by the property owner concerned or because of a contravention of the permitted use to which such property may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission was first detected back to the date on which rates were first raised in terms of the current valuation roll.

- 19.2** In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum prescribed rate.

20. Cost of exemptions, rebates, reductions and phasing-in discounts of rates

- 20.1** The municipal manager must annually table in the Council:

- (a) a list of all exemptions, rebates and reductions granted by the Council in terms of this policy and/or the Act during the previous financial year; and
- (b) a statement reflecting the income for the municipality foregone during the previous financial year by way of-
 - (i) such exemptions, rebates and reductions;
 - (ii) exclusions as referred to in section 17(1)(a), (e), (g), (h) and (i) of the Act; and
 - (iii) the phasing-in discount granted in terms of this policy and/or the Act.

- 20.2** All exemptions, rebates and reductions projected for a financial year must be reflected in the municipality's annual budget for that year as-

- (a) income on the revenue side; and
- (b) expenditure on the expenditure side.

21. Budget related policy

- 21.1** This policy constitutes a budget-related policy as defined in the Municipal Finance Management Act.

- 21.2** The Council must annually, after following a community consultation process as part of

Elundini Municipality –Amended Rates Policy – 2015March 2015

the Council's annual budget process in terms of sections 22 and 23 of the Municipal Finance Management Act, review, and if necessary, amend this policy.

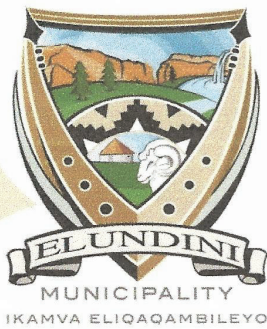
- 21.3** Any amendments to this policy must accompany the municipality's annual budget when it is tabled in the Council in terms of section 16 (2) of the Municipal Finance Management Act.

22. By-laws to give effect to this rates policy

The Council shall adopt by-laws to give effect to the implementation of this policy and such by-laws may differentiate between different categories of properties and different categories of owners of properties liable for the payment of rates.

23. Adoption of policy

This amended policy was adopted by the Council in terms of resolution _____ dated _____ and shall apply with effect 1 July 2015.



Elundini Local Municipality

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17th MAY 2017

EXTRACT FROM THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD ON THE 10TH JUNE 2016 AT 11H00, JAMANGILE S.S.S, NGCELE A/A, MACLEAR

CON/100/16: Annual Budget 2016/2017.

Resolved:

1. The annual budget of the Elundini Municipality for the financial year 2016/17, and indicative allocations for the two projected outer years 2017/2018 and 2018/2019, and the multi-year and single year capital appropriations be approved as set out in the following tables:
 - a. Budgeted Financial Performance
 - b. Budgeted Financial Performance
 - c. Budgeted Financial Performance
 - d. Multi-year and single year capital appropriations by municipal vote and standard classification and associated funding by source.
2. That the financial position, cashflow, cash backed reserves/accumulated surplus, asset management and basic service delivery targets be adopted as set out in the following tables:
 - a. Budgeted Financial Position;
 - b. Budgeted Cash Flows;
 - c. Cash Backed Reserves and accumulated surplus reconciliation;
 - d. Asset Management; and
 - e. *Basic Service Delivery Measurement.*

If you are aware of any instances of fraud and/or corruption within the municipality, these matters may be reported, anonymously, to:

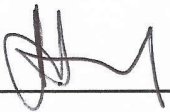
Freecall: 0800 117 844 • Freefax: 0800 007 788 • SMS: 32840 • Email: elundini@tip-offs.com

Freepost: Freepost KZN138, Umhlanga Rocks, 4320

All correspondence must be addressed to the Municipal Manager

3. That in terms of section 24(2) (c) (i) and (ii) of the Municipal Finance Management Act, Act 56 of 2003 and sections 74 and 75 A of the Local Government Municipal Systems Act, Act 32 of 2000 as amended, the tariffs for the supply of electricity, waste services, sundry services and property rates as set out in the tariff book (ANNEXURE "A"), that were used to prepare the estimates of revenue by source, are approved effective from 1st July 2016.

I hereby certify the above as a true and correct extract of a council resolution taken on the 10th June 2016.

A handwritten signature in black ink, appearing to be 'Kayaletu Gashi', is written over a horizontal line.

KAYALETHU GASHI

MUNICIPAL MANAGER

LOCAL AUTHORITY NOTICE 88 OF 2017
BUFFALO CITY METROPOLITAN MUNICIPALITY

LAND USE REGULATION ACT 15 of 1987 (Former Ciskei areas)

It is hereby notified in terms of the above-mentioned act that the undermentioned application(s) has been received and is open for inspection at the town planning enquiry counter, first floor, City Planning Engineering Centre, 26 Oxford Street, East London, on weekdays from 8:00 to 13:00.

Any objections with full reasons thereof, must be lodged in writing with the Municipal Manager at P. O. Box 81, East London, 5201 within 30 days of this notice, quoting the above act and the objector's property details.

Nature of application:

1. Removal of Title Deed condition B. (2) (a) up to and including subsection (b), from Title Deed No. T5551/2014 relevant to the property described as Erf 9282 NU3 Mdantsane so that the property owner (s) may be placed in a position to transfer the property if required and that the development and land use controls with regard to the property will solely vest in the Municipality as authority of first instance.
2. Subdivision of Erf 9282, NU3 Mdantsane to create a Portion and a Remainder to be used for Single Residential purposes.

Applicant:

SETPLAN East London

12-19

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Tel. (040) 635-0052.