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PART 1 OF 2

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PROCLAMATIONS • PROKLAMASIES**PROCLAMATION NOTICE 10 OF 2023**

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**NELSON MANDELA BAY MUNICIPALITY:
SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW**

CHAPTER 1: DEFINITIONS, APPLICABILITY AND CONFLICT OF LAWS

1. DEFINITIONS

In this by-law, unless the context indicates otherwise, a word or expression defined in the Act or provincial legislation has the same meaning in this by-law (and cognate terms or expressions used in relation to defined words in this by-law will have an equivalent meaning and a reference to one gender is a reference to any other gender) and any reference to a statute includes any amendments thereto:

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| “Act” | means the Spatial Planning and Land Use Management Act 2013 (16 of 2013) and any subsidiary legislation, including the Regulations as hereinafter defined, or other legal instruments issued in terms thereof; |
| “appeal authority” | means the body established in terms of Chapter 7 of this by-law to assume the obligations of an appeal authority for purposes of appeals lodged in terms of section 51 of the Act; |
| “application” | means any application brought in terms of this by-law and includes any land use or land development application; |
| “authorised employee” | means an employee to whom any function under this by-law has been delegated; |
| “authorised official” | means an employee who has been given the power by the municipality in terms of the Act to consider and decide those categories of applications assigned to her in Schedule 1; |
| “basic services” | means the core services which local government provides such as clean drinking water, sanitation, electricity, shelter, waste removal and roads, which are basic human rights and essential components of the right to dignity enshrined in the Constitution and the Bill of Rights; |
| “building” | has the meaning given thereto in section 1 of the Building Act; |
| “Building Act” | means National Building Standards and Building Regulations Act, 1977 (103 of 1977); |
| “bulk services” | means all engineering services, including external engineering services as defined in the Act, save for internal engineering services; |
| “bulk services agreement” | means, where appropriate and after any approval of a land use for a land development area, the written agreement which must be entered into by an applicant and the municipality regulating their respective rights and obligations in relation to the provision, installation and maintenance of any bulk services as well as the responsibility for the costs associated therewith; |
| “by-law” | means this by-law and includes the schedules and forms attached hereto or referred to herein; |

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| “cadastral line” | means a line representing the boundary of a land unit as registered in the Deeds Office; |
| “category” | in relation to an application means the categories as set out in Schedule 1 hereto and which are ranked by number from highest to lowest in that schedule; |
| “combined application” | means an application containing more than one application, including those for changes in the use, form or function of land and/or the removal, amendment or suspension of restrictive conditions which may be combined and considered as one application; |
| “communal land” | means land owned or lawfully occupied by a traditional community (as defined in the Traditional Leadership and Governance Framework Act, 2003 (41 of 2003)); |
| “compliance notice” | means a notice delivered by the municipality to an owner in terms of Chapter 9 of this by-law requiring that owner to rectify her non-compliance with the legal framework; |
| “conflict of interest” | for the purposes of Chapters 4 and 7, means any circumstance which may impair the ability of an authorised official, a member of the Tribunal or the appeal authority to adjudicate an application or an appeal (as the case may be) independently and impartially or which may reasonably give rise to the appearance that such ability is impaired; |
| “consent” | means the approval by the municipality of a consent use; |
| “consent use” | means a secondary land use right which is permitted in terms of the land use scheme in a particular zone with the consent of the municipality; |
| “consolidation” | means the merging of two (2) or more contiguous parcels of land; |
| “Council” | means the Council of the municipality; |
| “Deeds Registry” | means a deeds registry as defined in section 102 of the Deeds Registries Act, 1937(47 of 1937); |
| “departure” | for the purposes of Part G of Chapter 5, means a temporary deviation from, or the permanent amendment of, a development parameter; |
| “days” | means a calendar day; |
| “delivery” | means, in relation to the delivery of any notice to the municipality and unless expressly stated to the contrary, such delivery in a manner which accords with sub-section 115(3) of the Municipal Systems Act; |

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| “develop” | in relation to land, means the erection of buildings or structures on land, or the change of use of land, including township establishment, the sub-division or consolidation of land or any deviation from the land use or uses permitted in terms of an applicable land use scheme; |
| “development charge” | means any contribution required to be made in terms of a condition imposed in any approval of the Tribunal, or an authorised official, or appeal authority (as the case may be) of an application for the development of a development area and which contribution has been determined in the manner provided for in sub-sections 24(c)(i) and (ii) of the MFMA; |
| “development parameters” | means the parameters for any land use imposed by the municipality under this by-law or the land use scheme; |
| “Directorate” | means the directorate of the municipality responsible for land use planning, land development and management; |
| “emergency housing” | means temporary indoor accommodation for individuals and families who are homeless or at imminent risk of becoming homeless for a period not exceeding six (6) months: <ol style="list-style-type: none"> (1) as a result of their homes being uninhabitable as a result of a disaster situation caused by rain, flood, wind, fire, earthquake, accident or other circumstance sufficient in nature and scale to result in widespread homelessness and where the damage or threat to the homes cannot be rectified without temporary relocation and the homes cannot be rehoused on site during the rectification; or (2) pending their relocation to permanent adequate housing, where the municipality has an obligation imposed upon it by virtue of sub-section 26(1) and section 152 of the Constitution and where appropriate read with applicable law relating to the eviction of persons from their homes, to provide that permanent housing; |
| “employee” | means an employee of the municipality or a municipal entity controlled by the municipality; |
| “evaluation panel” | means the panel convened by the municipality as required by regulation 3(1)(g) of the Regulations; |
| “High Court” | means the Eastern Cape Division of the High Court sitting in either Makhanda or Gqeberha; |
| “IDP” | means the municipality’s Integrated Development Plan; |
| “land area” | means an identified area of land which may be made up of one or more parcels of land; |

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| "land unit" | means a single parcel of land; |
| "land use" | means the purpose for which land may be used in terms of the Act, this by-law and the land use scheme; |
| "land use right" | means the right to use or improve land in accordance with any applicable law; |
| "legal framework" | means any law, regulation, by-law and/or policy regulating municipal planning within the municipal area; |
| "link services" | means all new services required to connect the internal engineering services to the external engineering services; |
| "local spatial development framework" | <p>means a spatial development framework for an identified area within the municipal area which has as its purpose to:</p> <ol style="list-style-type: none"> (1) provide detailed spatial planning guidelines or plans for a specific area or parts of specific geographical areas and may include precinct plans; (2) provide more detail relating to a proposal provided for in the spatial development framework or to give effect to it; (3) address the specific land use planning needs of a specified area; (4) provide detailed policy and development parameters for land use planning in a specific area; (5) provide detailed priorities in relation to land use planning and, in so far as they are linked to land use planning, biodiversity, and environmental issues; (6) guide decision-making on applications; and (7) identify a funding source and budget for prioritised projects; |
| "material" | <p>means a factor, which:</p> <ol style="list-style-type: none"> (1) is generally sufficiently significant to be determinative of an issue in relation to any matter, or to be one of the factors which is so determinative; (2) constitutes a significant change to the existing circumstances in an area and which has the potential to affect other parties negatively or to have an adverse effect on the amenity of the area; (3) in relation to any change to an approval granted by the municipality or decision taken by it constitutes a substantial deviation from that approval or decision; or |

- (4) in relation to any change to a document or instrument delivered to the municipality or any other organ of state constitutes a substantial deviation from that document or instrument;

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| "member" | means a member of the Tribunal; |
| "MFMA" | means the Local Government: Municipal Finance Management Act, 2003 (56 of 2003); |
| "MPRDA" | means the Mineral and Petroleum Resources Development Act, 2002 (28 of 2002); |
| "municipal directorate" | means any directorate of the municipality other than the Directorate; |
| "municipal manager" | means the person appointed as the municipal manager of the municipality in terms of section 54A of the Local Government: Municipal Systems Act and includes any person acting in that position or to whom authority has been delegated by the municipal manager; |
| "Municipal Systems Act" | means the Local Government: Municipal Systems Act, 2000 (32 of 2000); |
| "municipality" | means the Nelson Mandela Bay Municipality, established in terms of section 12 of the Municipal Structures Act 1998 (117 of 1998) and, where the context so requires, includes any political structure, political office bearer, councillor, duly authorised agent, any of its employees or the Tribunal, acting in connection with this by-law by virtue of a power vested in the municipality and delegated to such political structure, political office bearer, councillor, agent, employee or Tribunal; |
| "newspaper" | means a local newspaper circulating in the municipal area; |
| "notice" | means any written communication, excluding social media, given or required by this by-law; |
| "objector" | means a person who has lodged an objection, comment or representation with the municipality in relation to a draft municipal spatial development framework, draft land use scheme or an application; |
| "owner" | means, in relation to land: <ol style="list-style-type: none"> (1) the person registered in a Deeds Registry as the owner; (2) if the registered owner is: <ol style="list-style-type: none"> (a) deceased and if an executor has not been appointed, an heir; and if there is no heir or if the municipality is unable to determine the identity of |

the heir; the person who is entitled to the benefit of the use of the land or who enjoys such benefit;

- (b) a company or close corporation which has been deregistered, a member of the company or close corporation, as the case may be, at the time of deregistration;
 - (c) is absent from the South Africa or her whereabouts is unknown; a person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other funds in respect of the land or who is responsible therefor; and
- (3) if the municipality is unable to determine the identity of a person otherwise defined as owner; a person who is entitled to the benefit of the use of the land or who enjoys such benefit (which person shall include a developer);

“precinct plan” means a detailed plan for an identified land area which is the subject of particular municipal planning interests or developments and which relates to a smaller geographical component than the spatial development framework;

“prescribed fee” means a fee as prescribed by the municipality;

“process plan” means a plan developed by the municipality, setting out the processes and timeframes to be followed when the spatial development framework is compiled, amended, or reviewed;

“professional planner” means a person who exercises skills and competencies in initiating and managing change in the built and natural environment in order to further human development and environmental sustainability as referred to in section 2(a) of the Planning Profession Act, 2002 (36 of 2002), and who is registered as a professional planner as provided for in section 13 (1)(c) of that Act;

“province” means the Province of the Eastern Cape, which is identified in section 103(1)(b) of the Constitution as one of the provinces making up South Africa;

“provincial legislation” means legislation referred to in section 10 of the Act, promulgated by the province;

“public road” means any road, street or thoroughfare or any other place (whether it is a thoroughfare or not) which is commonly used by the public or any section thereof or to which any member of the public has a right of access, and includes:

- (1) the verge of any such road, street or thoroughfare;
- (2) any bridge traversed by any such road, street or thoroughfare; and

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| | (3) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare, where the naming rights for that road vests in the municipality; |
| “register” | means the register maintained by the municipality, in electronic or other form, in which is recorded all zonings, departures, consent uses, environmental management plans, site development plans and conditions relating to land use rights; |
| “registrar” | for the purposes of Chapter 7 of this by-law means the municipal manager; |
| “Regulations” | means the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters GN R239 promulgated in GG 38594 dated 23 March 2015, as amended from time to time, or any replacement thereof; |
| “regulatory framework” | means in relation to Chapter 9 of this by-law, the Act, this by-law, the Land Use Scheme and any condition of title in a title deed; |
| “rezoning” | means the amendment of a land use scheme in terms of section 28 of the Act to effect a change in the zoning of land; |
| “sectional title scheme” | means a development scheme as defined in section 1 and referred to in section 2 of the Sectional Titles Act, 1986 (95 of 1986); |
| “service provider” | means a person appointed to carry out, manage or implement any service, work, or function on behalf of, or by the direction of, such municipality or organ of state; |
| “site development plan” | means a plan, other than a site plan as defined in the Building Act, on a scale which reflects the details, as prescribed by the municipality, of an intended land development; |
| “site-specific circumstances” | means an individual attribute, or a number of attributes considered collectively, of a land unit or land units in a combined application which cause it to be demonstrably different from adjacent land or the surrounding land area to an extent which causes that land unit to be an exception to the spatial planning norms and standards applicable to the adjacent land or the surrounding land area, and which justifies a departure from the prevailing spatial framework development plan; |
| “spatial development framework” | for the purposes of this by-law includes a local spatial development framework and precinct plan published by the municipality; |
| “special use” | means a land use for which (or for the development parameters of which) provision is not made in a land use scheme; |
| “South Africa” | means the Republic of South Africa |

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| “sub-divide” | in relation to land, means to sub-divide the land into portions which are separately registrable in a Deeds Registry; |
| “Survey Act” | means the Land Survey Act, 1997 (8 of 1997); |
| “temporary use” | means a land use right granted on a temporary basis in terms of the land use scheme; |
| “traditional community” | means a traditional community recognised as such in terms of section 2 of the Traditional Leadership and Governance Framework Act, 2003 (41 of 2003); |
| “traditional leadership” | means traditional leadership recognised in terms of section 1 of the Traditional Leadership and Governance Framework Act, 2003 (41 of 2003) and “traditional authority” has the same meaning; |
| “traditional use” | means a traditional use recognised in terms of Section 3 of the Eastern Cape Traditional Leadership and Governance Act (4 of 2005); |
| “Tribunal” | means the tribunal established by the municipality in terms of section 35 of the Act; |
| “verification process” | means the reasonable steps taken by the municipality to verify and check the accuracy of the information delivered in a nomination for the appointment of a member of the Tribunal; |
| “working day” | means any day which is not a Saturday, Sunday or Public Holiday; |
| “zoning” | when used as a noun, means a category of land use rights regulating the development of land and setting out the purpose for which land may be used and the land use development parameters applicable in respect of the said category of land use rights as determined by a land use scheme; and |
| “zoning map” | means the map approved by the municipality showing the land within the municipal area or any part thereof and the zoning thereof. |

2. APPLICATION OF THIS BY-LAW

- (1) This by-law applies to all land within the municipal area.
- (2) This by-law binds every owner and every user of land within the municipal area.

3. CONFLICT OF LAWS

- (1) The provisions of this by-law are subject to the relevant provisions of the Act and provincial legislation.
- (2) Where a provision of a land use scheme is in conflict with the provisions of this by-law, the provisions of this by-law will prevail.

- (3) Where there is a conflict between this by-law and another by-law of the municipality, this by-law prevails over the conflicting provision of the other by-law in relation to any municipal planning matter.

CHAPTER 2: MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

4. SPATIAL DEVELOPMENT FRAMEWORK

- (1) In terms of sub-sections 25(1) and 26(e) of the Municipal Systems Act, read with sections 6, 7, 12, 20, and 21 of the Act, the Council must compile and adopt a spatial development framework.
- (2) The spatial development framework provides a guideline for land development within the municipal area.

5. CONTENTS OF SPATIAL DEVELOPMENT FRAMEWORK

- (1) The spatial development framework must provide for the matters referred to in sections 12 and 21 of the Act and any provincial legislation. The municipality may for the purposes of achieving the objects set out in section 152 of the Constitution include any matter which it considers necessary for municipal planning.
- (2) In addition to the spatial development framework, the municipality may identify and develop any further plans, policies, and instruments pursuant to which the spatial development framework must be applied, interpreted and implemented.

6. INSTITUTIONAL FRAMEWORK FOR THE REVIEW OF THE SPATIAL DEVELOPMENT FRAMEWORK AND ANY AMENDMENT THEREOF

- (1) The municipality has already adopted a spatial development framework which meets the requirements of the Act.
- (2) For the purposes of the review of the spatial development framework in terms of section 34 of the Municipal Systems Act, the municipality must adopt a process which includes public participation and which complies with the Municipal Systems Act and any applicable law.
- (3) Upon completion of the process contemplated in sub-section 6(2) hereof, the Council must consider a written report from the Executive Mayor containing the report of the Directorate, which must at least:
- (a) assess the review of the spatial development framework;
 - (b) summarise the process of the review of the spatial development framework;
 - (c) summarise the public participation process;
 - (d) set out the municipality's responses to the comments received;
 - (e) describe how the municipality has complied with, is complying with, and intends to comply with the requirements of relevant national and provincial legislation, and relevant provisions of strategies adopted by the Council; and

(f) recommend the adoption of the reviewed spatial development framework.

- (4) A professional planner must approve and sign the report of the Directorate required by sub-section 6(3) above.

7. DECISION ON THE APPROVAL OR AMENDMENT OF THE REVIEWED SPATIAL DEVELOPMENT FRAMEWORK

- (1) The Council may:

- (a) accept the report submitted by the Executive Mayor and adopt the draft spatial development framework prepared under sub-section 6(3); or
- (b) where refused, refer the report back to the Executive Mayor with directions that she attends to the consultations and/or obtain the information specified in the decision of the Council.

- (2) Upon fulfilment of the directions issued by the Council, the provisions of sub-sections 6(4) and 7(1) above, must be repeated until such time as the Council accepts the report and adopts the abovementioned draft spatial development framework.

- (3) The spatial development framework must be reviewed as required by law and at least once every five (5) years.

8. PUBLICATION OF APPROVED OR AMENDMENT OF THE REVIEWED SPATIAL DEVELOPMENT FRAMEWORK

- (1) Within a reasonable time after the Council has adopted an amendment to the reviewed spatial development framework, the municipal manager must, in accordance with sub-section 25(4) of the Municipal Systems Act:

- (a) give notice to the public in the Provincial Gazette, of the approved, or amendment of the review of the spatial development framework;
- (b) publicise a summary thereof.

- (2) Any amendment of the reviewed spatial development framework shall come into operation on the date of publication of the notice.

9. LOCAL SPATIAL DEVELOPMENT FRAMEWORKS AND PRECINCT PLANS

The municipality may compile local spatial development frameworks and/or precinct plans.

10. COMPILATION, AMENDMENT OR REVIEW OF LOCAL SPATIAL DEVELOPMENT FRAMEWORKS AND/OR PRECINCT PLANS

- (1) If the municipality intends to prepare, amend, or review a local spatial development framework and/or precinct plan, the municipality must:

- (a) identify the area concerned; and

- (b) develop and approve a process plan, including provisions for public consultation, adoption, approval amendment or review of the local spatial development frameworks and/or precinct plans.
- (2) After implementation of the process plan, the Directorate must compile a written report, which must be delivered by the Directorate to the Executive Mayor who must deliver it with the necessary comments to the Council, which written report must at least:
 - (a) indicate the rationale for the approach to the preparation of the local spatial development framework and/or precinct plan;
 - (b) summarise the process plan;
 - (c) summarise the public participation process followed;
 - (d) indicate the municipal directorates which were engaged in the preparation of the local spatial development framework and/or precinct plan;
 - (e) identify the alignment thereof with the spatial development framework and/or precinct plan;
 - (f) refer to any sector plans which may have an effect on the local spatial development framework and/or precinct plan;
 - (g) confirm that the local spatial development framework complies with the spatial development framework and/or precinct plan; and
 - (h) recommend the adoption of the local spatial development framework and/or precinct plan.

11. DECISION ON THE APPROVAL OF THE AMENDMENT OF THE REVIEWED LOCAL SPATIAL DEVELOPMENT FRAMEWORK AND/OR PRECINCT PLAN

The Council may:

- (1) accept the report of the Executive Mayor referred to in in sub-section 10(2) of this by-law and adopt the draft local spatial development framework and/or precinct plan; or
- (2) refer the report referred to in sub-section 10(2) of this by-law back to the Executive Mayor. The provisions of sub-section 7(2) of this by-law shall apply to any revision of the local spatial development framework and/or precinct plan before its resubmission to the Council.

12. PUBLICATION OF THE ADOPTED OR AMENDED LOCAL SPATIAL DEVELOPMENT FRAMEWORK AND PRECINCT PLAN

The municipal manager must, within a reasonable time after the adoption of a local spatial development framework and/or precinct plan, or an amendment of it, publish a notice of the decision of the Council in the newspaper and the Provincial Gazette.

13. EFFECT OF LOCAL SPATIAL DEVELOPMENT FRAMEWORKS AND PRECINCT PLANS

- (1) A local spatial development framework and/or precinct plan as well as any amendment thereof shall come into operation on the date of publication of the notice required under section 12 of this by-law.
- (2) A local spatial development framework and/or precinct plan, guides and informs decisions made by the municipality relating to land development as contemplated in the municipal spatial development framework, but it does not confer or take away rights.

14. DEVIATION FROM SPATIAL DEVELOPMENT FRAMEWORKS, LOCAL SPATIAL DEVELOPMENT FRAMEWORKS AND PRECINCT PLANS

- (1) The Tribunal or any other decision-making authority in the municipality may, for purposes of section 22(2) of the Act, approve an application which departs from the provisions of the spatial development framework a local spatial development framework and/or precinct plan only if site-specific circumstances justify such departure.
- (2) If the approval of an application has the effect of changing materially the purpose and intent of the spatial development framework, local spatial development framework and/or precinct plan the municipality may amend the relevant framework in terms of the provisions of this Chapter 2 during the review period scheduled for the spatial development framework, local spatial development framework and/or precinct plan.
- (3) The municipality may issue guidelines for the determination of site-specific circumstances and matters incidental thereto.

15. RECORD OF AND ACCESS TO SPATIAL DEVELOPMENT FRAMEWORKS AND PRECINCT PLANS

- (1) The municipality must keep, maintain, and make accessible to the public, including on the municipality's website, the spatial development framework as well as all local spatial development frameworks and precinct plans.
- (2) Should any person request a copy of the abovementioned frameworks and precinct plans the municipality must provide a copy thereof or any component of it after payment of the prescribed fee.

CHAPTER 3: LAND USE SCHEME**16. APPLICABILITY OF THE ACT**

Sections 24 to 28 of the Act apply to any land use scheme developed, prepared, adopted, and amended by the municipality.

17. PURPOSE OF LAND USE SCHEME

In addition to the purposes of a land use scheme stipulated in sub-section 25(1) of the Act, the municipality in adopting its land use scheme must give effect to and promote:

- (1) co-ordinated, harmonious, and compatible land use patterns;
- (2) considerations of aesthetics, safety, amenity and convenience;
- (3) sustainable development and densification; and
- (4) the accommodation of cultural customs and practices of traditional communities.

18. PREPARATION OF LAND USE SCHEME

- (1) The Council, after public consultation, must adopt a land use scheme for the municipal area within five (5) years from the commencement of the Act or any extension of that period which may be granted.
- (2) Prior to the adoption of the land use scheme referred to in sub-section 18(1) above and before any proposed amendment of the land use scheme, the Municipality must:
 - (a) give notice of the proposed land use scheme in a newspaper;
 - (b) invite the public to deliver written representations in respect of the proposed land use scheme to the municipality within thirty (30) days after the publication of the notice referred to in sub-section 18(2)(a) above; and
 - (c) consider all representations received in respect of the proposed land use scheme.
- (3) A land use scheme may include provisions relating to:
 - (a) specific requirements in order to address the development priorities of the municipality;
 - (b) the variation of conditions of a land use scheme other than a variation which may materially alter or affect conditions relating to the use, size and scale of buildings and the density of land use; and
 - (c) restrictions of development rights.

19. SUBMISSION OF LAND USE SCHEME TO COUNCIL FOR ADOPTION AND APPROVAL

- (1) The Directorate must deliver the draft land use scheme and all relevant supporting documentation for the consideration of the Executive Mayor who shall thereafter report to the Council with a recommendation for adoption.
- (2) The Council must consider and approve or reject the land use scheme. In the event that it declines to approve the land use scheme, it must minute its specific concerns. The Directorate must address these concerns and thereafter the process referred to in sub-section 19(1) above shall be repeated until the land use scheme has been approved by Council.

20. NOTICE OF ADOPTION AND APPROVAL OF LAND USE SCHEME

- (1) The municipal manager must, within a reasonable time after the Council has resolved to adopt the land use scheme give notice of such decision to all persons

who delivered representations, and publish such notice on its website, in a newspaper and the Provincial Gazette.

- (2) The land use scheme shall come into effect on the date of the publication of the notice in the Provincial Gazette unless the notice indicates a different date.

21. RECORDS AND ACCESS TO INFORMATION

- (1) The municipality must maintain a record of the land use rights attaching to each land unit within the municipal area, in hard copy and in electronic format, which record shall be regarded as part of its land use scheme and shall incorporate the register referred to in section 23 of this by law.
- (2) The municipality must at all times make its land use scheme accessible to the public, including on its website.
- (3) Should any person request a copy of the land use scheme, the municipality must provide the land use scheme upon payment of a prescribed fee.
- (4) All documents delivered by a participant in an application are public documents and therefore are not confidential.
- (5) A file must be created by the municipality relating to any application delivered which must be made available by it for inspection by the public during office hours during the processing and consideration of the application as well as any appeal arising therefrom.
- (6) After a decision has been taken in respect of an application or any appeal, copies of the decision and conditions imposed shall be made available to the public after payment of the prescribed fee.

22. CONTENTS OF THE LAND USE SCHEME

The municipality's land use scheme must meet the requirements of Chapter 5 of the Act and be consistent with the spatial development framework, and make provision for:

- (1) the incremental introduction of land use management and regulation in areas under traditional leadership, rural areas, informal settlements, slums and areas not previously subject to a land use scheme;
- (2) the inclusion of specific conditions, limitations, or development parameters relating to the exercise of any land use rights or zoning approved in respect of land; and
- (3) zoning maps as updated from time to time aligned with the land use rights approved or granted or deemed to be approved and transitional arrangements applicable to the introduction of the land use scheme.

23. THE REGISTER

The municipality must keep and maintain the register in hard copy and electronic form and in a format approved by the Council and it must include, but is not limited to, the following:

- (1) the description of the land unit as recorded in its title deed;

- (2) the physical address of the land unit;
- (3) the zoning and development parameters applicable to each land unit; and
- (4) any departures or special consents deviating from the development parameters.

CHAPTER 4: INSTITUTIONAL STRUCTURE FOR LAND USE MANAGEMENT DECISIONS

24. ESTABLISHMENT OF A TRIBUNAL AND DIVISION OF FUNCTIONS BETWEEN THE TRIBUNAL AND AN AUTHORISED OFFICIAL

- (1) The municipality has already established the Tribunal and the promulgation of this by-law will not result in its disestablishment.
- (2) The municipality may appoint an authorised official to consider and decide on the categories of applications as set out in Schedule 1 to this by-law.
- (3) An authorised official may refer an application to the Tribunal for its consideration and decision.
- (4) A combined application will be considered and determined by the decision-making authority which has the authority to determine the application forming part of the combined application which, had it been delivered separately, would have the lowest category of all the applications making up the combined application.

25. COMPOSITION OF TRIBUNAL

The Tribunal must at all times consist of:

- (1) employees in the full-time service of the municipality who collectively have a broad range of appropriate experience and expertise.
- (2) persons appointed by Council who are not municipal officials but who have knowledge of, and at least five (5) years' experience in, municipal planning, land use management and land development and/or the law relating thereto.
- (3) The persons appointed in terms of sub-section 25(2) above may include any category of persons listed in regulation 3(2) of the Regulations, provided that they comply with the requirements of sub-section 25(2) above.

26. NOMINATION PROCEDURE FOR MEMBERS WHO ARE NOT OFFICIALS OF THE MUNICIPALITY

- (1) In the event of any disestablishment of the Tribunal or termination of office of any of its members, the municipality must:
 - (a) call for nominations as contemplated in regulation 3(2) of the Regulations;
or
 - (b) at least three (3) months before the expiry of the term of office of any member, or as may be necessary in the case of an *ad hoc* vacancy or vacancies, call for nominations in the aforesaid manner;

as the case may be.

- (2) The invitation to the organs of state and non-governmental organisations referred to in regulation 3(2)(a) of the Regulations must be:
 - (a) addressed to specific organs of state and non-governmental organisations;
 - (b) in the form provided in Schedule 2 to the Regulations together with any other information which the municipality considers necessary.
- (3) The call for nominations to individuals contemplated in regulation 3(2)(b) of the Regulations must be in the form provided in Schedule 2 to the Regulations and:
 - (a) must be published in a newspaper;
 - (b) may be delivered to professional bodies which register practitioners in the fields of municipal planning, built environment and the law, with a request to distribute the call for nominations to their members and to advertise it on their websites;
 - (c) the call for nominations may be:
 - (i) advertised on the municipal website; and
 - (ii) by means of any other method and medium which the municipal manager considers appropriate.

27. SUBMISSION OF NOMINATION

- (1) Any nomination must be in the format prescribed by the municipality and failure to comply therewith will result in the disqualification of the nomination.
- (2) In addition to the requirements for the call for nominations contemplated in regulation 3(6) of the Regulations, the nomination must include a motivation by the nominator for the appointment of the nominee to the Tribunal, which motivation must contain not fewer than fifty (50) words or more than two-hundred and fifty (250) words.
- (3) Nominations for the positions referred to in sub-sections 26(2) and (3) of this by-law must be in writing and addressed to the municipal manager.

28. INITIAL SCREENING OF NOMINATIONS BY THE MUNICIPALITY

- (1) After the expiry of the period for nominations determined by the municipality, the municipal manager must screen all the nominations to determine whether they comply with the Act, the Regulations, this by-law and any additional requirements required by the municipality.
- (2) Nominations which are incomplete or not in accordance with any of the abovementioned requirements must be rejected.
- (3) All compliant nominations must be subjected to the verification process.

- (4) Any nomination which has been rejected as a consequence of the verification process must not be delivered to the evaluation panel.
- (5) Every nomination which has not been rejected as a consequence of the verification process must be delivered to the evaluation panel for consideration.
- (6) The verification process must be completed within twenty (20) working days from the closing date of the period for nominations.

29. EVALUATION PANEL

- (1) The evaluation panel must consist of at least three (3) employees appointed for this purpose by the municipal manager.
- (2) The evaluation panel must evaluate all nominations delivered to it within twenty (20) working days of such delivery.
- (3) The evaluation panel must prepare and deliver a report containing its recommendations to the municipal manager within the period referred to in sub-section 29(2) above.
- (4) The municipal manager must, within ten (10) working days of the delivery of the report of the evaluation panel to her, deliver the report with any recommendations to the Executive Mayor for consideration and submission to the Council.
- (5) When evaluating nominations, the Council must take into consideration:
 - (a) the knowledge and experience of the nominee;
 - (b) the need to reflect broadly the racial and gender composition of South Africa;
 - (c) the need to achieve the experience and expertise required for the effective functioning of the Tribunal;
 - (d) any other criteria determined by the municipality;
 - (e) the criteria prescribed by the Act; and
 - (f) any actual or potential conflict of interest on the part of any nominee.

30. APPOINTMENT OF MEMBERS TO TRIBUNAL BY COUNCIL

- (1) The Council must consider the report delivered by the Executive Mayor and, if satisfied with the recommendations, appoint the members to the Tribunal.
- (2) The Council must designate a chairperson and a deputy chairperson from amongst the members so appointed.
- (3) The municipal manager must notify, the successful nominees, the designated chairperson and deputy chairperson in writing, of their respective appointments.
- (4) Within thirty (30) working days of their appointment, the municipal manager must publish in the Provincial Gazette and a newspaper the names of the members of the Tribunal and the date of their appointments.

31. TERM OF OFFICE AND CONDITIONS OF SERVICE OF MEMBERS OF THE TRIBUNAL

- (1) Subject to any disqualification by virtue of section 38 of the Act, the term of office of a member of the Tribunal shall be as prescribed by section 37 of the Act or such shorter period as may be determined by the Council.
- (2) An authorised official may serve as a member of the Tribunal.

32. PROCEEDINGS OF THE TRIBUNAL

- (1) The Tribunal must operate in accordance with the provisions of the Act and the operational procedures prescribed by the municipality.
- (2) Where no arrangements have been made by the Tribunal under sub-section 40(1) of the Act, a quorum of the Tribunal shall be a majority of all of the members thereof.
- (3) Where a number of the members of the Tribunal has been designated by it in terms of sub-section 40(1) of the Act, and subject to sub-section 40(2) and 40(3) thereof, a quorum shall be a majority of such members present provided that at least three (3) of the designated members are present.
- (4) Decisions of the Tribunal are taken by resolution of a majority of all the members present, and in the event of an equality of votes on any matter, the chairperson of the Tribunal or the presiding officer (as the case may be) will have a deciding vote in addition to her deliberative vote as a member of the Tribunal.
- (5) The chairperson of the Tribunal shall determine the time and place of meetings.

33. ADMINISTRATOR OF THE TRIBUNAL

- (1) The municipal manager must designate an employee to be the administrator of the Tribunal and provide the administrator with sufficient administrative support.
- (2) In discharging her functions, the administrator must *inter alia*:
 - (a) at the commencement of each calendar year and in consultation with the chairperson determine the dates for all hearings of the Tribunal in that year;
 - (b) inform the members of the Tribunal of the dates determined in terms of sub-section 33(2)(a) above and obtain confirmation of their availability;
 - (c) where there has been a designation under sub-section 40(1) of the Act, confirm the designation in writing to each of the members so designated;
 - (d) inform the members of the Tribunal, the participants in any application and, where appropriate, other organs of state of the time, date and place of any hearing of an application;
 - (e) arrange venues for sittings of the Tribunal;
 - (f) perform the requisite administrative functions in connection with the proceedings of the Tribunal;

- (g) notify parties of orders and compliance notices issued by the Tribunal;
- (h) keep a record of all applications delivered to the Tribunal and the outcome of each, including:
 - (i) the time, date and place of all hearings of the Tribunal;
 - (ii) decisions of the Tribunal;
 - (iii) on-site inspections and any matter recorded as a result thereof;
 - (iv) reasons for decisions; and
 - (v) proceedings of the Tribunal.

34. COMMENCEMENT DATE OF OPERATION OF TRIBUNAL

The municipality has already complied with sub-sections 37(4) and (5) of the Act.

35. TRIBUNAL RECORD

- (1) The Tribunal is a tribunal of record and all of its proceedings must be recorded electronically.
- (2) The municipality must make the record of any proceedings of the Tribunal available to any person upon payment of any prescribed fee.

36. GENERAL CRITERIA FOR CONSIDERATION AND DETERMINATION OF AN APPLICATION BEFORE THE TRIBUNAL OR AN AUTHORISED OFFICIAL

When considering an application, the Tribunal or an authorised official must:

- (1) have regard to the matters in section 42 of the Act and the development principles and norms and standards set out in sections 7 and 8 of the Act;
- (2) subject to the provisions of sub-section 22(2) of the Act, not make a decision which is inconsistent with the spatial development framework, a local spatial development framework or precinct plan; and
- (3) have regard to:
 - (a) the application delivered;
 - (b) the procedure followed in processing the application;
 - (c) the desirability of the proposed land use/s and any guidelines issued by provincial or national government regarding the desirability of the proposed land use/s;
 - (d) any comments or objections received in response to the application and the comments received from organs of state and municipal directorates;
 - (e) the response by the applicant to the comments or objections referred to in sub-section 36(3)(d) above;

- (f) investigations carried out by the Tribunal or an authorised official (as the case may be) or in terms of other laws relevant to the consideration of the application;
- (g) a written assessment by an employee who is a professional planner recommending the full support, partial support or refusal of the application or any component thereof;
- (h) the IDP;
- (i) the provincial spatial development framework;
- (j) where applicable, the regional spatial development framework;
- (k) the policies, principles, planning and development norms and criteria set by national and provincial government in national or provincial legislation; and
- (l) the relevant provisions of the land use scheme.

37. CONDITIONS OF APPROVAL: TRIBUNAL AND AUTHORISED OFFICIAL

- (1) Where a Tribunal has imposed any conditions, such conditions may regulate:
 - (a) the provision of bulk services (including internal engineering services) and related infrastructure;
 - (b) the transfer of land to the municipality taken up by bulk services (whether internal or external in nature) or the payment of money;
 - (c) the provision of land needed for public places or the payment of money *in lieu* of the provision of land for that purpose in accordance with the land use scheme or a policy adopted by the municipality;
 - (d) the extent of land to be transferred to the municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the municipality;
 - (e) agricultural or heritage resource conservation;
 - (f) biodiversity conservation and management;
 - (g) the provision of housing with the assistance of a state subsidy, social facilities or social infrastructure;
 - (h) energy efficiency;
 - (i) requirements aimed at addressing climate change;
 - (j) the establishment of an owners' association pursuant to the approval of a sub-division;
 - (k) the provision of land needed by other organs of state;

- (l) the endorsement in terms of section 31 of the Deeds Registries Act relating to the vesting of ownership of public places in the municipality; or the registration of transfer of public places to the municipality, and/or the transfer of ownership to the municipality of land needed for other public purposes;
 - (m) the implementation of a sub-division in phases;
 - (n) requirements of other organs of state;
 - (o) the submission of a construction management plan to manage the impact of a new building on the surrounding properties or on the environment;
 - (p) agreements to be entered into in relation to certain conditions;
 - (q) the phasing of a development, including lapsing clauses relating to such phasing;
 - (r) the delimitation of development parameters or land uses set for a particular zoning;
 - (s) the setting of validity periods, if the municipality has determined a shorter validity period than is contemplated in this by-law;
 - (t) the setting of dates by which particular conditions must be met;
 - (u) requirements relating to bulk services referred to in Chapter 8 of this by-law;
 - (v) requirements for an occasional use not falling within the development parameters of a land unit which must specifically include:
 - (i) parking and the number of ablution facilities required;
 - (ii) maximum duration or occurrence of the occasional use; and
 - (iii) parameters relating to the occasional use in terms of the land use scheme.
- (2) If the Tribunal or authorised official imposes a condition referred to in sub-section 37(1)(a) above, a bulk services agreement must be concluded between the municipality and the owner of the land concerned before the construction of infrastructure commences on the land.
- (3) A condition imposed under sub-section 37(1)(b) above may require only a proportional contribution to municipal public expenditure according to the normal need therefor arising from the approval, as determined by the Council.
- (4) Municipal public expenditure contemplated in sub-section 37(3) above includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to:
- (a) community facilities, including play equipment, street furniture, crèches, clinics, sports fields, indoor sports facilities or community halls;

- (b) conservation purposes;
 - (c) energy conservation;
 - (d) climate change; or
 - (e) bulk services and internal engineering services.
- (5) Except for land needed for public places or internal engineering services, any additional land required by the municipality or other organs of state consequent upon an approved sub-division must be acquired subject to applicable laws providing for the acquisition or expropriation of land.
- (6) The Tribunal or authorised official may not approve an application subject to a condition that an approval in terms of other legislation is obtained.
- (7) Conditions which require a standard to be met must specifically refer to an approved or published standard.
- (8) No conditions may be imposed which affect a third party or which are reliant on a third party for fulfilment.
- (9) If the Tribunal or authorised official approves an application subject to conditions, it must specify which conditions must be complied with before the development, sale or transfer of the land.

38. OPPORTUNITY TO MAKE SUBMISSIONS AND INSPECT DOCUMENTS

The administrator of the Tribunal must ensure that every party to a proceeding before the Tribunal is given an opportunity to present her case and in particular, to inspect documents which the Tribunal proposes to consider in reaching its decision in the proceeding, and to make submissions in relation to those documents.

CHAPTER 5: LAND DEVELOPMENT APPLICATIONS

Part A: Applications

39. PARTIES TO AN APPLICATION

- (1) The parties to an application are those referred to in section 45 of the Act.
- (2) The entitlement to intervene in an application is regulated by sub-sections 45(2) to (5) of the Act.
- (3) Where the owner has appointed an agent to bring an application, the agent will be responsible for ensuring that all information furnished to the municipality is accurate. The municipality will communicate with and provide updates to the agent and the municipality shall have no obligation to communicate with the owner other than through the agent.
- (4) Save for an application for the removal of restrictive conditions and those referred to the Tribunal as a result of objections submitted, applications which fall within Category 1 of Schedule 1 to this by-law must be signed by a professional planner.

- (5) Where an application has been lodged by an applicant with the Tribunal or authorised official, an interested person referred to in sub-section 45(2) of the Act and regulation 31(1) of the Regulations may, at any time during the proceedings, but within seven (7) days of becoming aware of the proceedings, petition the Tribunal, or authorised official in writing in the prescribed manner, to be granted intervener status on the grounds that her rights may be affected by the decision of the Tribunal or authorised official.
- (6) The petitioner must deliver, together with the petition to be granted intervener status, an affidavit stating that, she:
 - (a) is not acting in collusion with any of the objectors or other interested parties; and
 - (b) is willing to deal with or act in regard to the application as the Tribunal, authorised official may direct.
- (7) The Tribunal or an authorised official must rule on the right of the petitioner to be granted intervener status and the decision of the Tribunal or an authorised official is final and must be communicated to the petitioner and the parties by the municipality.

40. NATIONAL AND PROVINCIAL INTEREST

- (1) In terms of section 52 of the Act, and subject to that section, an applicant must refer any application which affects national and/or provincial interest to the relevant Minister and/or the Member of the Executive Council for comment,
- (2) If either the Tribunal or an authorised official considers that an application affects national or provincial interest it or she may direct that such application is referred to the Minister and the Member of the Executive Council, for their consideration.

Part B: Sub-division and Consolidation

41. APPLICATION FOR SUB-DIVISION

- (1) No person may sub-divide land without the approval of the Tribunal or an authorised official, unless the sub-division is exempted in terms of section 48 of this by-law.
- (2) No application for approval of a sub-division involving a change of zoning to more than one zone may be considered unless the land is zoned or will be zoned to accommodate all such zones. An applicant may apply for both rezoning and sub-division in a combined application.
- (3) The applicant must give notice of the application in a newspaper, provided that where applicable, the municipality may require the applicant in addition to place a notice on the land which is the subject of the application.
- (4) The Tribunal or an authorised official must, in approving an application for sub-division, set out the conditions of approval.
- (5) The conditions, read with any compliance notice which may be issued by the Registrar of Deeds, must specify:
 - (a) any conditions which must be complied with prior to registration by the Registrar of Deeds;

- (b) the existing conditions which will remain applicable to land units established by the sub-division;
 - (c) the conditions of title which must be incorporated into the title deeds of any land unit established by the sub-division;
 - (d) the conditions applicable to any entity to be established for the purposes of the maintenance or transfer of land units established by the sub-division; and
 - (e) any other conditions applicable to the land units established by the sub-division, which the municipality deems necessary for the proper implementation of land development pursuant to the sub-division.
- (6) On receipt of an application for sub-division in terms of this by-law the municipality must evaluate the application.
- (7) An application for sub-division which has been approved and which contemplates the development of land in phases must be developed in accordance with the manner and within the time period prescribed by the Tribunal or an authorised official or any applicable law.
- (8) Where there has been a sub-division, the municipality may allocate street names and numbers where required.
- (9) The municipality may impose a condition that the land upon which any internal engineering services, public facilities, public places or any other infrastructure is or will be developed shall be transferred to the municipality or that a servitude is registered in its favour for such purpose simultaneously with the transfer of the first land unit in any sub-division or at any time thereafter, at the cost of the owner of the land in question.

42. LODGING OF SUB-DIVISION FOR APPROVAL WITH SURVEYOR-GENERAL

- (1) Upon the approval of any sub-division by the municipality the applicant must comply with all the requirements of the Surveyor-General and the Registrar of Deeds with regard to that approval.
- (2) If the municipality approves an application for sub-division, the applicant must within a period sufficient to give the applicant time to comply with the provisions of 42(6) below, lodge the general plan with the Surveyor-General to enable her to consider its approval.
- (3) The applicant must, within ten (10) working days of having complied with sub-section 42(2) above deliver proof thereof and a copy of the general plan to the municipality.
- (4) If only a portion of the general plan complies with the relevant conditions, the municipality may require the general plan to be withdrawn and the submission by the applicant of a new general plan to the Surveyor-General.
- (5) The municipality may on application approve any amendment to the general plan before the sub-division has lapsed under sub-section 42(6) below or otherwise and provided that where the general plan has already been lodged with the Surveyor-

General, only after she has been notified of the proposed amendment and, in any event, the proposed amendment is not material.

- (6) If the applicant fails to transfer at least one sub-divided land unit within five (5) years of the approval of the sub-division, the approval of the sub-division will lapse.

43. COMPLIANCE WITH CONDITIONS OF APPROVAL

- (1) The applicant must fulfil any condition imposed by the municipality as part of any approval of a sub-division within the time period stipulated in the approval and, in the absence of such stipulation within five (5) years from the date of approval of a sub-division, or such lesser period as the municipality may determine, deliver proof to the municipality that, all conditions of the approval have been complied with.
- (2) If the municipality is satisfied that the conditions referred to in sub-section 43(1) above have been met, it must issue a certificate to that effect.
- (3) The municipality may agree to extend the time period provided in sub-section 43(1) above, upon written application from the applicant delivered prior to the lapsing of that time period, motivating the need for the extension; provided that the initial period for fulfilment and notification of the municipality, as required by sub-section 43(1) above, and any extension thereof shall in the aggregate not exceed five (5) years from the date of the sub-division's approval.
- (4) If an approval of a sub-division lapses the municipality must:
- (a) amend the zoning map and, where applicable, the register; and
 - (b) notify the Surveyor-General thereof.
- (5) A certificate issued by the municipality in terms of sub-section 43(2) above, which is issued in error, does not absolve the applicant from the obligation to comply with the conditions of the sub-division.

44. ABANDONMENT OF AN APPROVAL OF A SUB-DIVISION

- (1) An applicant must notify the municipality of any abandonment by her of the approval of such sub-division.
- (2) Provided that there has been no transfer of any land unit on the approved general plan for the land which is the subject of the sub-division, the municipality must update the register to record the abandonment and notify the Surveyor-General thereof.

45. APPLICATION FOR CONSOLIDATION

- (1) No owner may consolidate land without the approval of the municipality, unless the consolidation is exempted in terms of this by-law.
- (2) No owner may construct a building or structure which extends over the boundaries of two (2) or more properties without the prior written approval of the municipality.
- (3) The municipality may approve a consolidation and impose any condition it may deem necessary.

- (4) If the municipality approves an application for consolidation, the applicant must within a period of five (5) years from the date of such approval, or such lesser period as the municipality may determine:
- (a) obtain the approval of the Surveyor-General of the diagram for the consolidation;
 - (b) provide the municipality with proof that the conditions for the consolidation have been complied with; and
 - (c) obtain registration of the consolidated land by the Registrar of Deeds.
- (5) Upon confirmation of the registration by the Registrar of Deeds, the municipality must amend the register.

46. LAPSING OF CONSOLIDATION AND EXTENSION OF VALIDITY PERIODS

- (1) The approval of a consolidation of land by the municipality shall lapse unless the consolidation has been registered by the Registrar of Deeds within five (5) years of the date of such approval or such lesser period as the municipality may have determined.
- (2) The municipality may agree to extend the time period contemplated in sub-section 46(1) above, upon written application delivered prior to the lapsing of that time period, motivating the need for the extension, from the applicant.
- (3) The municipality may agree to extend the time period provided in sub-section 46(1) above, upon written application from the applicant delivered prior to the lapsing of that time period, motivating the need for the extension, provided that the initial period for fulfilment and notification of the municipality, as required by sub-section 46(1) above, and any extension thereof shall in the aggregate not exceed five (5) years from the date of the consolidation's approval.
- (4) If an approval of a consolidation lapses, the municipality must amend the register and notify the Surveyor-General.

47. SERVICES ARISING FROM SUB-DIVISION

Subsequent to the granting of an application for sub-division the owner of any land unit established by the sub-division must:

- (1) allow without compensation:
- (a) the following services on the land in respect of, or for the benefit of other land:
 - (i) bulk services
 - (ii) gas mains;
 - (iii) electricity cables;
 - (iv) telephone cables;
 - (v) television cables;

- (vi) other electronic infrastructure.
- (b) allow the following on the land:
 - (i) all of the services and other infrastructure mentioned in sub-section 47(1)(a)(i) to (vi) above;
 - (ii) surface installations such as mini-substations;
 - (iii) meter kiosks; and
 - (iv) service pillars.
- (2) allow access to the land at any reasonable time for the purpose of constructing, altering, removing or inspecting any works referred to in sub-section 47(1) above; and
- (3) receive material or permit excavation on the land as may be required to allow use of the full width of an abutting public road and provide a safe and proper slope to its bank necessitated by differences between the level of the public road as finally constructed and the level of the land unit, unless she elects to build retaining walls to the satisfaction of, and within a period to be determined, by the municipality.

48. EXEMPTION OF SUB-DIVISION AND CONSOLIDATIONS

- (1) The sub-division or consolidation of land does not require the approval of the municipality, if the sub-division or consolidation is:
 - (a) necessary to give effect a court order; or
 - (b) necessary for the purposes of an expropriation; or
 - (c) is necessary for the purposes of a minor alteration to the common boundary between two (2) or more land units, which is not material; or
 - (d) consequent upon the registration of a servitude or lease agreement for the provision or installation of:
 - (i) water pipelines, electricity transmission lines, sewer pipelines, gas pipelines or oil and petroleum pipelines by or on behalf of an organ of state or service provider; or
 - (ii) telecommunication lines by or on behalf of a licensed telecommunications operator; or
 - (iii) an encroachment into a road reserve; or
 - (iv) a bulk service; or
 - (v) bore-holes or water pipes; or
 - (e) for the closure of a public place or public road; provided that the purpose of the closure is for the consolidation of the land in question with abutting land; or

- (f) to give effect to the granting of a right of habitation, private right of way or usufruct; or
 - (g) for the construction or alteration of roads or any matter related to the construction or alteration of roads; or
 - (h) to bring about the conveyance of land to an organ of state; or
 - (i) to bring about the conveyance of land from an organ of state excluding land alienated for development; or
 - (j) for the consolidation of land which has the same zoning and is not precluded by any restriction of title.
- (2) An owner must obtain the certification of the municipality that her land is exempted from the requirements of this by-law for sub-division or consolidation.
- (3) The municipality must:
- (a) indicate on the general plan, or on the diagram in respect of the consolidation, that the sub-division or consolidation is exempted from the requirements of this by-law for sub-division or consolidation;
 - (b) certify that the sub-division or consolidation does not require its approval.

49. HOME OWNERS' ASSOCIATIONS

- (1) The municipality may approve an application for sub-division subject to the requirement that the owner establish a home owners' association.
- (2) A home owners' association established pursuant to sub-section 49(1) above shall:
- (a) be a body corporate;
 - (b) have a constitution which:
 - (i) has as its object the control over and the maintenance of buildings, services and amenities developed consequent upon the sub-division concerned;
 - (ii) provides for the implementation of the provisions of sub-section 49(2)(b)(iv) below, and
 - (iii) has been approved by the municipal manager; and
 - (iv) provides that its members are the owners of land units created by the sub-division concerned and that such members shall be jointly liable for expenditure incurred in connection with the home owners' association.
- (3) A home owners' association which exists at the commencement of this by-law, shall be deemed to be a home owners' association established in terms of this by-law.

- (4) If a home owners' association fails to meet any obligation imposed by sub-section 49(2)(b)(i) to (iv) above and the members of such home owners' association are adversely affected thereby, the municipality may upon becoming aware of such non-compliance, itself remedy that failure, and recover from the home owners' association, or failing which its members jointly, the expense incurred by it in relation to such remedial steps.
- (5) Where any such amounts are recovered from the home owners' association (and not its members) it shall be deemed to be expenditure incurred in connection with the home owners' association concerned and be recoverable by the home owners' association from its members jointly.

Part C: Rezoning of Land

50. APPLICATION FOR AMENDMENT OF A LAND USE SCHEME BY REZONING OF LAND

An applicant, who wishes to rezone land, must apply to the municipality for the approval of such rezoning.

51. LAPSING OF A REZONING AND EXTENSION OF VALIDITY PERIODS

- (1) The approval of a rezoning, other than a rezoning to a sub-division, shall lapse after five (5) years from the date of such approval, or such lesser period as the municipality may determine, if, within that period:
 - (a) a site development plan or building plans have not been approved by the municipality; or
 - (b) the land in question has not been used for a purpose provided for in the zoning of that land; or
 - (c) where the land development is required in order to enable the land in question to be used for a purpose permitted by its zoning and construction has not commenced in accordance with applicable law.
- (2) The municipality may agree to extend the time period provided in sub-section 51(1) above, upon written application from the applicant delivered prior to the lapsing of that time period, motivating the need for the extension; provided that the initial period for fulfilment and notification of the municipality, as required by sub-section 51(1) above, and any extension thereof shall in the aggregate not exceed five (5) years from the date of the applications' approval.
- (3) If the approval of a rezoning lapses, the zoning applicable to the land prior to that approval shall apply, or where no zoning existed prior to the approval of the rezoning, such zoning as the municipality determines shall be applicable.

Part D: Title Deed Conditions

52. REQUIREMENTS FOR THE AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

- (1) The municipality may, on its own initiative, or on application by any person whose rights or legitimate expectations may be materially and adversely affected by the restrictive condition in question, and after following the procedure in this section, by

reasonable notice in the Provincial Gazette and in a newspaper, amend, suspend, or remove a restrictive condition.

- (2) The applicant, must give notice of the application in terms of sub-section 52(1) above to be served on:
 - (a) all organs of state which may have an interest in the restrictive condition;
 - (b) every holder of a bond encumbering the land;
 - (c) any other person whose rights or legitimate expectations may be materially and adversely affected by the approval of the application; and
 - (d) all persons for whose benefit the restrictive condition applies.
- (3) The municipality may amend, suspend, or remove a restrictive condition:
 - (a) permanently;
 - (b) for a period specified in the notice; or
 - (c) subject to conditions specified in the notice.
- (4) The owner must together with a motivated application in writing:
 - (a) deliver the original title deed or a certified copy thereof to the municipality; and
 - (b) where applicable, deliver the bondholder's consent to the application.
- (5) When the municipality considers the amendment, suspension or removal of a restrictive condition, the municipality must have regard to the following:
 - (a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;
 - (b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;
 - (c) the personal benefits which will accrue to the person seeking the amendment, suspension, or removal of the restrictive condition, if it is amended, suspended or removed;
 - (d) the social benefit of the restrictive condition remaining in place in its existing form;
 - (e) the social benefit of the amendment, suspension, or removal of the restrictive condition;
 - (f) the public interest; and
 - (g) whether the amendment, suspension, or removal of the restrictive condition will remove all rights enjoyed by the beneficiary or only some of those rights.

- (6) The municipality may not grant an application which would conflict with a restrictive condition or a servitude applicable to the land.
- (7) The municipality may grant an application contemplated in sub-section 52(6) above if it simultaneously grants applications to:
 - (a) amend or remove such condition of approval; and
 - (b) amend, suspend or remove such restrictive condition or servitude.

53. ENDORSEMENTS IN CONNECTION WITH THE AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

An owner at whose instance a restrictive condition is removed, suspended or amended must comply with the provisions of sub-section 47(5) of the Act.

Part E: Closure of Public Places

54. CLOSURE OF PUBLIC PLACES

- (1) The municipality may itself, or upon application by any member of the public, and after public consultation, close a public place or portion thereof permanently.
- (2) Land which is zoned as a public place, and which is closed in terms of this section, shall vest or continue to vest (as the case may be) in the municipality unless it determines otherwise.
- (3) The municipal manager may, without complying with the provisions of this Chapter 5, temporarily close a public place:
 - (a) for the purpose of, or pending the construction, reconstruction, maintenance or repair of the public place;
 - (b) for the purpose of, or pending the construction, erection, laying, extension, maintenance, repair, or demolition of any building, structure, works or service alongside, on, across, through, over, or under, the public place;
 - (c) if the condition of the public place constitutes a danger to the public;
 - (d) by reason of any emergency or public event which requires special measures for the control of traffic or special provision for the accommodation of crowds; or
 - (e) for any other reason which renders the closing of the public place necessary or desirable.

Part F: Consent Use

55. APPLICATION FOR CONSENT USE

- (1) An applicant may apply to the municipality for a consent use provided for in the land use scheme in the manner provided for in this by-law.

- (2) Where the development parameters for the consent use applied for are not defined in the land use scheme, the municipality must determine the development parameters which shall apply to the consent use and impose them as conditions of approval.
- (3) A consent use may be granted permanently or for a specified period imposed by the conditions of approval.
- (4) The grant of a consent use does not prevent the land from being used at any time for the primary uses permitted in terms of its zoning.
- (5) A consent use shall lapse if the conditions of approval are not complied with within the period provided in such conditions or as otherwise prescribed.

56. APPLICATION FOR DEVELOPMENT ON, OR CHANGE TO, LAND USE PURPOSE OF COMMUNAL LAND

An applicant who wishes to develop, or change the land use or purpose of, communal land located in the area of a traditional council and where the municipality considers that such development will make a material difference for the community, or that such change requires approval in terms of the land use scheme, must apply to the municipality in the manner provided for in Chapter 6 of this by-law.

Part G: Departures from Provisions of Land Use Scheme

57. APPLICATION FOR A DEPARTURE

- (1) An applicant may apply for a departure.
- (2) Applications for a permanent departure are those which will result in the permanent amendment of the land use permitted in a zone, such as:
 - (a) the relaxation of development parameters such as building lines, height, coverage, or number of storeys; and
 - (b) a departure from any other provision of a land use scheme which will result in physical development or construction of a permanent nature on land.
- (3) Applications for a temporary departure are those which will not result in an amendment of the land use permitted in a zone, including:
 - (a) prospecting or mining rights granted in terms of the MPRDA; or
 - (b) any other application to use land on a temporary basis for a purpose for which no provision is made in the land use scheme.
- (4) A municipality may grant approval for a departure contemplated in:
 - (a) sub-section 57(3)(a) above, for the period of validity of any prospecting or mining rights granted under MPRDA and
 - (b) sub-section 57(3)(b) above, for a period not more than five (5) years.
- (5) The municipality may grant an extension to the period contemplated in sub-section 57(4)(b) above.

- (6) A temporary departure contemplated in sub-section 57(3) above may be granted more than once.
- (7) In the event that a temporary departure is approved by the municipality, any improvements to the land must be permissible in terms of the land use restrictions which apply to the land in terms of its zoning and all such improvements are undertaken at the risk of the owner.

Part H: Site Development Plans

58. APPLICATIONS FOR APPROVAL OF A SITE DEVELOPMENT PLAN

- (1) Site development plans must be delivered to the municipality for the purposes of obtaining approval of the form and layout of any land development.
- (2) For any development where site development plans are required, no building plan or sub-division plan will be approved other than pursuant to an approved site development plan.
- (3) The erection of a building or commencement of construction work before the approval of a site development plan or otherwise than in accordance with the approved site development plan will be a contravention of this by-law and shall constitute an offence.
- (4) The municipality may, on application, approve an amendment to a site development plan.
- (5) Any approval under this by-law for the approval of the site development plan does not constitute the approval of a site plan under the Building Act.

Part I: General Matters

59. OWNERSHIP OF PUBLIC PLACES AND LAND REQUIRED FOR MUNICIPAL BULK SERVICES, INTERNAL ENGINEERING SERVICES AND SOCIAL FACILITIES

The ownership of land set aside as a public place as shown on a general plan shall vest in the municipality upon confirmation of the sub-division or a part thereof.

60. TRANSFER AND REGISTRATION

Subject to sub-section 37(9) of this by-law and notwithstanding anything contained in this by-law or in any condition imposed in the approval of any application, the owner of the land which is the subject of such application must, at her cost and to the satisfaction of the municipality, survey and register all servitudes required to protect the municipality's rights in relation to the internal engineering services provided, constructed and/or installed.

61. TRANSFER OF LAND TO THE MUNICIPALITY OR HOME OWNERS' ASSOCIATION

Where an owner of land to which an application relates is required to:

- (1) transfer land to the municipality; or

- (2) a home owners' association,

by virtue of a condition imposed by the municipality, the land unit must be transferred at the expense of the applicant within a period of six (6) months from the date on which the land use rights come into effect, or within such further period as the municipality may allow, but in any event prior to any registration of transfer of any land unit or the opening of a sectional title scheme, within the land development.

62. EMERGENCY HOUSING

- (1) The Council may declare land for the purposes of developing emergency housing.
- (2) The Council may approve the declaration of land, which has been identified as land required for the establishment of emergency housing.
- (3) The Council may approve the development of land for emergency housing provided that the provision and installation of basic services can be provided to the land.
- (4) Provided that the municipality is not the owner of the land, the responsibility for the provision and installation of bulk services will be regulated by section 93 below.
- (5) The municipality must advertise its intention to develop emergency housing in accordance with the legal framework.
- (6) The advertisement must contain the following information:
- (a) a description of the land and the location of the proposed land for emergency housing;
 - (b) the reason for declaring the land for the usage as emergency housing;
 - (c) details of where and when particulars of the matter are available for inspection;
 - (d) an invitation to the community to lodge with the municipality written objections, comments or representations with grounds within ten (10) working days from publication of the advertisement;
 - (e) details of the procedure for the delivery of written objections, comments or representations and the date by when it must be delivered;
 - (f) a statement providing that the municipality may not accept an objection, comment, or representation delivered after the closing date;
 - (g) a statement providing that any person who is unable to deliver written objections, comments or representations may come during office hours to a stated place where an authorised official will assist that person by transcribing that person's objection, comment or representation with reasons.
- (7) After consideration of the delivered objections, comments, or representations, the municipality may declare the land to be used for emergency housing and permit the land to be used for that purpose for a period of six (6) months.

- (8) A declaration contemplated in sub-section 62(7) above:
- (a) must be published by the municipality in the Provincial Gazette within forty-eight (48) hours;
 - (a) means that the use of the land for emergency housing will be regarded as consistent with this By-Law; and
 - (b) does not exempt a person using land for emergency housing from their duty to comply with all other applicable law.
- (9) After following a process which complies with the provisions of this section, the municipality may extend the declaration contemplated in sub-section 62(7) above for a further period of up to ninety (90) days.

CHAPTER 6: GENERAL APPLICATION PROCEDURES

63. APPLICATION OF CHAPTER

This Chapter 6 applies to all applications.

64. PROCEDURES FOR APPLICATIONS AND PRE-APPLICATION MEETINGS

- (1) All applicants must comply with the procedures set out in this Chapter 6.
- (2) The municipality may require an owner of land who intends to deliver an application, to meet with any authorised employee and, where applicable, with employees of other relevant organs of state for the purposes of a pre-application consultation, before the submission of the application to the municipality, in order to assist the owner to determine what information and documents must be delivered with the application.
- (3) The municipality may issue guidelines regarding:
- (a) which applications will require a pre-application consultation;
 - (b) the nature of the information and documents which must be delivered with an application;
 - (c) the attendance of authorised employees of the municipality or other organs of state at a pre-application consultation; and
 - (d) the procedures at a pre-application consultation.
- (4) The municipality must keep a record of the proceedings of a pre-application consultation.
- (5) Pre-application consultations are convened only to facilitate the administration of any application. No outcome of a pre-application consultation will be binding on the Tribunal or an authorised official but such outcome may be taken into account as a factor in deciding the application and the Tribunal or authorised official shall determine the weight to be given to such outcome.

65. INFORMATION REQUIRED

- (1) An application, other than an application referred to in section 56 of this by-law, must include the following documents:
- (a) a completed and signed application form and application checklist as prescribed by the municipality, which must be made available on the municipal website;
 - (b) if the applicant is not the owner of the land unit, a power of attorney authorising the applicant to make the application on behalf of the owner;
 - (c) if the owner of the land is a company, close corporation, trust, body corporate or homeowners' association, written proof that the person who has signed the application form is authorised to do so on behalf of the owner;
 - (d) the relevant bondholder's consent;
 - (e) a written motivation of the outcome sought based on the criteria set out in section 42 of the Act;
 - (f) a copy of the proposed general plan or diagram of the land;
 - (g) a locality plan and the proposed site development plan, or a plan showing the proposed use in its cadastral context;
 - (h) in the case of an application for the sub-division of land, copies of the proposed general plan showing the following:
 - (i) the location of the proposed land units;
 - (ii) the intended zoning of each of the proposed land units;
 - (iii) the footprint of all existing structures on the land and those abutting it;
 - (iv) the public places, public roads and the land needed for any public purposes;
 - (v) the existing and proposed access points;
 - (vi) all servitudes;
 - (vii) the contours with an interval of one metre or such other interval as may be required by the municipality;
 - (viii) all bulk services and any other infrastructure;
 - (ix) any significant natural features; and
 - (x) the scale and all distances and areas and requirements as stipulated in the application form;
 - (i) any other documents or information which the municipality may require;

- (j) proof of payment of the application fees;
 - (k) a copy of the current title deed;
 - (l) if required by the municipality, a certificate by a conveyancer certifying that there are no restrictive conditions applicable to the land, which prevent or preclude the land use applied for;
 - (m) any authorisation required in terms of any other applicable law, which is needed in order for the land to be used for the intended land use; and
 - (n) any specific requirements of the municipality with regard to the scope and extent of the service of the application on members of the public.
- (2) An application for a change in land use on communal land must be accompanied by proof of the community approval granted as a result of a community process conducted in terms of customary law and the procedures in terms of the Interim Protection of Informal Land Rights Act 1996 (31 of 1996).

66. APPLICATION FEES

- (1) An applicant must pay the application fees prescribed by the municipality before delivering an application in terms of this by-law.
- (2) Application fees paid to the municipality are not refundable.

67. GROUNDS FOR REFUSING TO ACCEPT AN APPLICATION AND REFUSING TO ADJUDICATE AN APPLICATION

- (1) The municipality may refuse to accept an application if:
- (a) the Tribunal or authorised official has already taken a decision on an application relating to the same land, which is founded upon substantially the same grounds as such application;
 - (b) the applicant has not paid the prescribed fee or provided proof that she has done;
 - (c) the application is not in the prescribed form;
 - (d) the application is incomplete.
- (2) The municipality must refuse to adjudicate an application where:
- (a) a written notice referred to in section 56 of the Criminal Procedures Act 1977 (51 of 1977) and sub-section 107(5) hereof providing for the payment of a fine has been served on the owner by an authorised employee who is a peace officer; or
 - (b) the applicant has submitted an application and upon inspection, an illegal use has been identified and an authorised employee who is a peace officer has thereafter delivered a written notice as referred to in sub-section (2)(a) above.

68. REQUEST FOR FURTHER DOCUMENTATION

- (1) The municipality must:
- (a) record the receipt of an application in writing or by affixing thereto a stamp reflecting the date, on the day of its delivery;
 - (b) verify whether the application complies with sections 65 and 66 of this by-law; and
 - (c) notify the applicant in writing within ten (10) working days of receipt of the application:
 - (i) that the application is ready for the public participation process to commence; or
 - (ii) where the municipality has decided not to refuse to accept the application, of any outstanding information or documents or of the failure to pay the prescribed fee (as the case may be) and affording the applicant twenty (20) working days from the date of notification to rectify such non-compliance.
- (2) The municipality must within ten (10) working days of receipt of the outstanding information, documents or prescribed fee notify the applicant in writing that the application is ready and that the and that the public participation process may commence..
- (3) The municipality may refuse to consider the application if the applicant fails to provide the information or documents or pay the prescribed fee within the period stated in sub-section 68(1)(c)(ii) above.
- (4) The municipality must notify the applicant in writing of its refusal to consider an application under sub-section 68(3) above and that the application is deemed to have been abandoned.
- (5) An applicant has no right to appeal a decision of the municipality to refuse to consider an application in terms of sub-section 68(3) of this by-law.
- (6) Where the municipality has refused to consider an application under section 67 or 68 of this by-law, the applicant is entitled to deliver a new application.

69. POWERS TO CONDUCT INSPECTIONS

- (1) An authorised employee, a member of the Tribunal or the appeal authority (provided they have been authorised by their respective bodies), or an authorised official may enter land or a building for the purpose of an application and/or the preparation of a report.
- (2) When conducting an inspection, the persons mentioned in sub-section 69(1) above may:
- (a) after having given due notice in terms of sub-section 69(5) below of her intention to do so, request the owner to produce any material record,

document or item to enable her to discharge her responsibilities under sub-section 69(1);

- (b) in the discharge of her responsibilities, make copies of, or take extracts from any document produced by the owner;
 - (c) against provision of a receipt therefor, remove a record, document or other item produced by the owner during or as a consequence of an inspection.
- (3) No person may interfere with an authorised employee, Tribunal member, or authorised official in the conduct of an inspection.
- (4) The authorised employee, Tribunal member, or authorised official must, upon request, produce identification and proof of authority to conduct an inspection.
- (5) An inspection must take place at a reasonable time and after reasonable notice has been given to the owner or occupier of the land or building.

70. WITHDRAWAL OF AN APPLICATION OR AUTHORISATION OF AGENT

- (1) An applicant may, at any time before a final decision has been taken thereon, withdraw an application on written notice to the municipality.
- (2) An applicant must inform the municipality in writing of the withdrawal of any authorisation to act on her behalf in an application and provide the municipality with a copy of such withdrawal; provided that where the applicant intends continuing with the application, she must deliver simultaneously any authorisation of the person acting in the stead of the person whose authority has been withdrawn.

71. PUBLICATION OF AN APPLICATION

- (1) Save where Schedule 1 hereto excludes the need for publication, the applicant must give notice of the application within twenty (20) working days from date of the notification given by the municipality in terms of sub-sections 68(1)(c)(i) or (2) of this by-law.
- (2) The notice must contain the following information:
- (a) the full names of the applicant and if an authorised representative is used, the full names of the representative and the organisation represented;
 - (b) the identification of the land unit/s to which the application relates by providing the property description and the physical address of each land unit, for example by providing the street address;
 - (c) the purpose of the application;
 - (d) that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
 - (e) the name and contact details of the person at the municipality to whom comments, objections or representations must be addressed;

- (f) an invitation to members of the public to deliver written comments, objections or representations, together with reasons and stating the basis upon which they have an interest in the outcome of the application, in respect of the application;
 - (g) the manner in which comments, objections or representations may be delivered;
 - (h) the date by which the comments, objections or representations must be delivered, which date may not be less than thirty (30) working days from the date on which the notice was published;
 - (i) that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the municipality will assist such person to record any objections, comments or representations she may have; and
 - (j) that a person who delivers comments, objections, or representations will be notified if a hearing is to be held in respect of the application.
- (3) The notice must be delivered:
- (a) by publication in a newspaper in accordance with the relevant municipal policies;
 - (b) as may have been specified by the municipality;
 - (c) to the municipality;
 - (d) to persons contemplated in sub-section 47(2)(b) of the Act;
 - (e) to the owners of land, whose rights in land, or the amenity of that land may be materially affected by the land use proposed in the application, which shall include adjacent property owners; or
 - (f) in the circumstances identified in section 40 above, the applicable national or provincial department.
- (4) If there is no newspaper a copy of the notice of the application must be posted for at least the duration of the notice period on the land concerned and on any other notice board as may be determined by the municipality.
- (5) Where it is necessary to post a notice on land the land development applicant must do so by:
- (a) displaying and maintaining a notice of at least sixty (60) centimetres by forty-five (45) centimetres in size at the frontage of the land unit concerned or at any other conspicuous and easily accessible place on the land;
 - (b) ensuring that the notice is readable from the adjacent public road, and that it is displayed for a minimum of thirty (30) working days, in the period during which the public may comment on the application.
- (6) The applicant, after publication in terms of sub-section 71(2) or (3) of this by-law must deliver a copy of the notice to the Directorate.

- (7) The applicant must, within fifteen (15) working days from the expiry of any notice period for an application, deliver to the municipality:
- (a) an affidavit to which is attached a copy of the notice given for the application and, where notice could not be published in a newspaper, two (2) photographs of the notice as it appeared on the notice board on the land (as the case may be). The applicant must attest in the affidavit that the notification requirements of this section have been complied with and, where applicable, explain why notice could not be published in a newspaper.
 - (b) proof of the date on which the notice was delivered. Notices of an application, other than by publication in a newspaper shall be deemed to have been delivered on the basis set out hereunder:
 - (i) delivered by hand – on the day of delivery;
 - (ii) sent by electronic mail, excluding social media – within one (1) working day;
 - (iii) sent by registered post – within five (5) working days;
 - (iv) on a notice board on the land - the date on which it was posted at on the land.
 - (c) two (2) copies of the application with all attachments required by the municipality, which must include the following:
 - (i) proof of notification to the ward councillor;
 - (ii) proof of payment of the application fees;
 - (iii) all objections received, if any;
 - (iv) comments on objections by the applicant, if any; and
 - (v) comments received from the ward councillor and any other relevant organ of state, if any;
- (8) If the municipality on its own initiative, or on request, considers any notice to have been ineffective, or if it determines that additional notice of any application is needed, it may require an applicant to give further notice by one of the following means:
- (a) holding an open day or public meeting to notify and inform the affected members of the public of the application and to receive comments on the application;
 - (b) broadcasting information regarding the application on a local radio station in a specified language;
 - (c) publishing the application on the municipality's website for the whole of the period during which the public may comment on the application; and/or

- (d) obtaining letters of consent or objection from interested persons.
- (9) Where an applicant has given additional notice of an application as required by the municipality, the applicant must provide proof to the satisfaction of the municipality that such notice has been given.
- (10) The municipality must within ten (10) working days of receipt of the information referred to in sub-sections 71(7) or 71(8) above notify the applicant in writing that the application is deemed complete and that the administrative phase contemplated in regulation 16(3) of the Regulations has commenced.

72. REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

- (1) A person (including any national or provincial department which has been given notice under sub-section 71(3)(f) above) may object, comment, or make representations regarding an application within thirty (30) working days of the delivery of an application.
- (2) Any objection, comment, or representation delivered must be in writing and delivered to the applicant or the person nominated by the applicant in the notice within the time period stated in the notice and in the manner set out in this section.
- (3) The objection must state the following:
 - (a) the name of the objector or the person delivering it on behalf of the objector;
 - (b) the address or contact details at which the objector will accept notice or delivery of the documents;
 - (c) the interest of the objector in the application; and
 - (d) the grounds for the objection, comment or representation.
- (4) The grounds must include:
 - (a) the facts and circumstances upon which the objection, comment or representation is based;
 - (b) any contended for undesirable impact which the approval of the application will have on the amenity of the area and the public interest;
 - (c) the extent to which it is contended that the approval of the application will be inconsistent with applicable policy as well as sections 7, 8 and where applicable, 47 of the Act.
- (5) An objector may before the expiry of the period referred to in sub-section 72(1) above, apply to the municipality for an extension of that period by a further period of ten (10) working days within which to deliver her response.
- (6) The municipality may not accept an objection, comment, or representation delivered after the closing date for its delivery.

73. AMENDMENTS PRIOR TO APPROVAL

- (1) An applicant may on notice to any person who has delivered an objection, comment or representation referred to in sub-section 73(1)(b) below, amend her application at any time after notice of the application has been given in terms of this by-law and prior to the approval thereof:
 - (a) at the applicant's own initiative;
 - (b) as a result of objections, comments and representations made; or
 - (c) at the request of the municipality.
- (2) If an amendment to an application is material, the municipality may require that the applicant publish the application as amended in accordance with section 71 of this by-law.
- (3) In the circumstances referred to in sub-section 73(1)(b) above, any objector or any intervener to an application shall be given notice thereof within ten (10) working days of delivery of the amended application and thereafter afforded twenty (20) working days after delivery of such notice within which to supplement her objections, comments or representations.

74. FURTHER NOTICE

- (1) The municipality may, at any stage during the processing of the application:
 - (a) with good reason require, the further publication of an application;
 - (b) re-circulate an application amongst its municipal directorates for comment, if new information comes to its attention which is material to the consideration of that application;
 - (c) where the applicant has not given notice to a national or provincial department and if the municipality considers that the application raises issues of national or provincial interest give notice to the appropriate department. Such notice shall be peremptory where the appeal relates to:
 - (i) a development area which extends beyond the municipal area;
 - (ii) an application in respect of land which will change the land use from that of agriculture and which land is subject to the provisions of the Sub-division of Agricultural Land Act, 1970 (70 of 1970), or conservation purposes; or
 - (iii) any notification where such comment may be prescribed by legislation.
- (2) In the event that any process followed under sub-section 74(1) above results in additional objections, comments or representations, the parties and any intervener to a land development application shall be given notice thereof within ten (10) working days of delivery thereof and thereafter afforded twenty (20) working days after delivery of such notice within which to supplement their application, objections, comments or representations (as the case may be).

75. APPLICANT'S RIGHT TO RESPOND

- (1) If, after the delivery to the municipality of objections, comments, or representations, additional information regarding the application is required by the municipality from the applicant, it must be delivered to the municipality and any other party to the application within fifteen (15) working days of the delivery of the municipality's written request therefor. In such event the provisions of sub-section 75(3) of this by-law shall apply *mutatis mutandis*.
- (2) Copies of all objections, comments, or representations delivered to the municipality must be delivered to the applicant within ten (10) working days after the closing date for delivery thereof and informing her of her right to respond thereto.
- (3) The applicant may, within a period of fifteen (15) working days from the closing date for the delivery of any objections, comments or representations (or any such extended period as may apply pursuant to the provisions of sub-section 72(5) or sub-section 75(4) hereof), deliver a written response to the objections, comments, or representations (as may have been supplemented pursuant to section 72(5) of this by-law) to the municipality, and must deliver a copy of the response to persons who have delivered objections, comments or representations.
- (4) The applicant may before the expiry of the period referred to in sub-section 75(3) above, apply to the municipality for an extension of the period within which to deliver her response, by a further period of ten (10) working days.

76. WRITTEN ASSESSMENT OF APPLICATION

- (1) An authorised employee in the Directorate, must, within one-hundred and eighty (180) working days of the closing date for any response delivered under section 75 of this by-law (which period shall be extended by the number of days referred to in sub-section 74(2) above which falls outside of the aforesaid period of one-hundred and eighty (180) days, assess an application and prepare a written report which includes a recommendation as to whether the application should be approved or refused and, if approved, the conditions which the authorised employee considers to be necessary or appropriate.
- (2) Any municipal directorate, other than the Directorate, requested to provide a comment on an application, must, within thirty (30) working days of delivery of a request from the Directorate, make written submissions to the Directorate regarding the application.
- (3) In the event that the Directorate fails to provide the report of the authorised employee within the time periods stipulated in sub-sections 76(1) or (2) above, the applicant may report such failure to the municipal manager who must direct that the report is provided to the Directorate within twenty (20) working days of receipt of such instruction.

77. DETERMINATION OF AN APPLICATION

The Tribunal or an authorised official (as the case may be), may in considering and/or deciding applications, and subject to the provisions of section 42 of the Act:

- (1) approve, in whole or in part, or refuse, an application;

- (2) upon the approval of an application, impose conditions including conditions related to the provision of bulk services and payment of a development charge;
- (3) make a determination regarding all matters required for the performance of its functions in terms of any applicable law and this by-law;
- (4) conduct an investigation; and
- (5) give directions to any municipal directorate, including the Directorate, which may be required in order for the Tribunal or the authorised employee to perform their functions.

78. NOTIFICATION OF DECISION

- (1) The Directorate must, within twenty (20) working days of any decision taken by the Tribunal or an authorised official (as the case may be) notify the parties, including any person granted intervener status, of such decision and of their right to appeal that decision with reference to section 51 of the Act and Chapter 7 of this by-law.
- (2) A notice required in terms of sub-section 78(1) above must inform an applicant that an approval will come into operation only after the expiry of the period for noting an appeal or, in the event, of an appeal, of the determination of the appeal by the appeal authority.

79. ERRORS AND OMISSIONS

The Tribunal or authorised official may at any time:

- (1) prior to the commencement of any hearing or the consideration of an application, and of its own accord, or on application by an applicant or interested party, upon good cause being shown, condone her failure to comply with any procedure provided for herein (save in relation to a prescribed time period), provided that such condonation does not result in a contravention of the Act or constitute unlawful, unreasonable or procedurally unfair administrative action;
- (2) correct an error in the wording of a decision provided that it does not materially affect the substance thereof.

CHAPTER 7: APPEALS AND REVIEWS

80. APPEAL AUTHORITY

- (1) The Executive Mayor, together with two (2) other persons appointed by the Executive Mayor from time to time in writing (one of whom must be a political office bearer and the other an official of at least senior director level), is the appeal authority for appeals in terms of sub-section 51(1) of the Act. In making the aforesaid appointments, the Executive Mayor may appoint alternates to serve in the absence of the principal appointees. The Executive Mayor shall be the presiding officer of the appeal authority.
- (2) In delegating the responsibility afforded in terms of sub-section 80(1) of this by-law and in appointing the additional members of the appeal authority (who together with the Executive Mayor will by majority decision determine the appeal), the Executive

Mayor will do so in terms of section 56 of the Act and regulation 29 of the Regulations.

- (3) The Executive Mayor must chair sittings of the appeal authority and direct its proceedings and in doing so:
 - (a) may make rulings as to the procedure to be followed by it, not inconsistent with the provisions hereof or of the Act and/or the Regulations;
 - (b) may adjourn or postpone sittings of the appeal authority, or the further consideration of a particular appeal serving before it, to a date or dates provided by the registrar.
- (4) The appeal authority may consider an appeal at least on the following grounds:
 - (a) that the actions giving rise to and constituting the decision of the Tribunal or an authorised official appealed against were not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (3 of 2000); or
 - (b) the merits of the decision of the Tribunal or an authorised official on the application which is the subject of the appeal;

81. BIAS AND DISCLOSURE OF INTEREST

- (1) No person may act as the presiding officer or as a member of the appeal authority at the hearing of any appeal, if she was a member of the Tribunal or was an authorised official which took the decision appealed against.
- (2) A presiding officer or member of an appeal authority who has a conflict of interest as defined in sub-sections 81(4) below, must recuse herself from participating in the appeal.
- (3) A party to an appeal may at any time on notice to any other party, deliver a written request to the registrar and for the recusal of the presiding officer or any member of that appeal authority on the ground that she has a conflict of interest. The registrar must immediately deliver such request to the presiding officer who must make a decision thereon after following a fair procedure. After taking a decision, the presiding officer must advise the registrar who, in turn, must inform the parties of the decision (together with the reasons therefor) in writing.
- (4) A conflict of interest arises on the part of a member of the appeal authority in relation to an appeal where:
 - (a) a party to the appeal is a person with whom the member has a personal, familial or professional relationship;
 - (b) the member has previously acted in another capacity, including as an adviser, counsel, expert or witness to, or on behalf of, a party to the appeal;
 - (c) any circumstances are present which would cause an objective observer to conclude that the consideration by a member of the appeal would not be objective and impartial.

82. POWERS AND DUTIES OF THE REGISTRAR

- (1) The registrar shall be responsible for the management of the administrative affairs of the appeal authority.
- (2) The duties of the registrar shall include:
 - (a) the determination of the meeting schedules of the appeal authority and the allocation of venues for such meetings;
 - (b) the circulation of agendas, including all documentation material to appeals to be considered;
 - (c) the formulation and implementation of procedural rules for the efficient administration of appeals including a standard appeal form; the prescription of time periods within which procedural steps are to be taken; the specification of the manner and form in which information is to be delivered (including size, scale, colour, number of copies, and electronic submission); manner and means of communication between the parties to the appeal and the office of the registrar;
 - (d) to accept and acknowledge the delivery of appeals; to respond to all communications and requests delivered by any party to an appeal; the provision of the record of the decision of the Tribunal or an authorised official appealed against to any party to an appeal together with any additional information and documentation to which she may be entitled;
 - (e) the provision and management of secretarial services (including for the recording of all appeal proceedings; the transmission of all documents; and the giving of all notifications);
 - (f) to arrange for the provision of legal advice requested by the appeal authority;
 - (g) to provide advice on any procedural matter which the appeal authority requires;
 - (h) the establishment of a registry file for each appeal which must contain at least:
 - (i) the reference number thereof;
 - (ii) the names and contact details of the parties;
 - (iii) the record of the decision appealed against;
 - (iv) a record of all procedural steps taken in the preparing the appeal for hearing;
 - (v) any document or notification relating to the appeal and the date it was received or sent;
 - (vi) the date of the hearing of the appeal;

- (vii) the record of the proceedings of the appeal and decision of the appeal authority, including its reasons;
 - (viii) any other relevant information.
- (3) Notwithstanding the delegation by the municipal manager of the functions of registrar, the municipal manager must maintain oversight over the management of appeals and must give the registrar such directions regarding the exercise of her powers in terms of this section as may be required, including at the request of the appeal authority.

83. RIGHT TO APPEAL

- (1) A person entitled to appeal by virtue of sub-section 51(1) of the Act may do so by giving notice to the registrar in writing in the prescribed form, together with her reasons, and delivering such appeal to the municipal manager within twenty-one (21) days of notification of the decision, to the applicant and all other interested parties by means of ordinary mail (or such other means, including by electronic communication, as may have been agreed by them).
- (2) An appeal which is not lodged within the prescribed period, is not a valid appeal.
- (3) Subject to sub-section 83(4) below, the approval of an application which is the subject of an appeal is suspended pending the decision of the appeal authority on the appeal and the registrar must inform the applicant and the Directorate accordingly after such appeal has been determined to be valid.
- (4) In the event that an appeal has been lodged by any person other than the applicant, then the period of any approval of an application shall be extended by a period of time equivalent to the period during which the appeal was valid.

84. PARTIES TO APPEAL

The parties to an appeal are:

- (1) the appellant;
- (2) the applicant, if the applicant is not the appellant;
- (3) all parties who objected to, commented on or made representations with regard to the application, or who appeared before the Tribunal, or who had been granted intervener status in the application;
- (4) any person who has been made a party to the proceedings by the appeal authority after a petition to the appeal authority under sub-section 45(2) of the Act to be granted intervener status.

85. NOTICE OF APPEAL

- (1) A notice of appeal must be delivered together with payment of the prescribed fee, on the prescribed form and must state:
 - (a) whether the appeal is against the whole decision or only part of the decision and if only a part, which part;

- (b) the grounds of appeal and whether these relate to any specific findings of fact or conclusions of law;
 - (c) concisely the relief sought on appeal; and
 - (d) any issues which the appellant wishes the appeal authority to consider in making its decision and all documents to which she wishes the appeal authority to have regard.
- (2) Upon receipt of an appeal, the registrar, or her delegate, must within ten (10) working days assess whether the appeal:
 - (a) complies with the prescribed requirements as to form;
 - (b) has been delivered within the prescribed time period;
 - (c) is accompanied by proof of payment of the prescribed fee.
- (3) Should the registrar determine that the appeal was not delivered within the prescribed time period she must inform the appellant in writing within ten (10) working days that the appeal is not valid and will not be considered by the appeal authority.
- (4) Should the registrar have determined that an appeal is valid, she must within fourteen (14) working days thereof deliver notice of the appeal to:
 - (a) the applicant (if not the appellant);
 - (b) any person who objected to, commented upon or made representations, or has intervener status in relation to the application or the appeal;
 - (c) the Directorate.
- (5) Such notice must inform the parties to the appeal of where the appeal may be inspected and invite comments, objections or representations in writing thereon to be delivered within twenty (20) working days from the date of such notice. Upon request by a party to an appeal, the registrar must against payment of the prescribed fee provide a copy of the documents constituting the appeal, to that party.
- (6) The municipality may not accept any comments on an appeal after the closing date for any comments, objections or representations.

86. COMMENTS FROM GOVERNMENT AND OTHER MUNICIPAL DIRECTORATES

- (1) The registrar must within fourteen (14) working days after having determined that an appeal is valid, give notice to any national and/or provincial department and/or municipal directorate which may have an interest in the appeal, and afford it an opportunity to comment within twenty (20) working days of delivery of the notice; and
- (2) The provisions of sub-section 85(6) above shall apply *mutatis mutandis*.

87. APPELLANT'S RESPONSE

- (1) The registrar shall within ten (10) working days of delivery of any comments, objections or representations referred to in sections 85 and/or 86 of this by-law give the appellant notice that the aforementioned comments, objections or representations will be available for inspection by the appellant for a period of ten (10) working days and, against payment of the prescribed fee, make copies thereof available to the appellant.
- (2) The appellant shall within ten (10) working days from the closing date of the date for inspection of any comments, objections or representations, be entitled to deliver a response thereto; provided that such response shall only deal with the issues raised therein.

88. REPORT BY THE REGISTRAR TO THE APPEAL AUTHORITY

- (1) The registrar, who may be assisted by an employee (who may not be an employee in the sub-directorate responsible for preparing any report on an application for consideration by the Tribunal or an authorised official as the case may be) must, within forty (40) working days after the closing date for delivery of a response by the appellant under section 87 of this by-law, draft a report to the appeal authority summarising the application, the grounds of appeal and any comments, objections or representations received and containing such comments she may wish to make on any aspect on the appeal and make a recommendation thereon.
- (2) The registrar must place the record of the appeal and her report before the appeal authority for its consideration within the period referred to in sub-section 88(1) above.

89. WITHDRAWAL OF APPEAL

Any party to an appeal may withdraw her appeal or opposition to the appeal at any time before a decision is taken by the appeal authority, and must give notice of such withdrawal to the registrar and to all other parties to the appeal.

90. HEARINGS OF APPEAL AUTHORITY

- (1) An appeal may be heard by the appeal authority by means of:
 - (a) a hearing based on written submissions; provided that the appeal authority is satisfied that the material issues in the appeal are able to be determined adequately in that manner; or
 - (b) an oral hearing if:
 - (i) it appears to the appeal authority that any material issues cannot be determined adequately without hearing oral submissions or evidence; or
 - (ii) such hearing would assist in the expeditious and fair disposal of the appeal.
- (2) The decision of the presiding official of the appeal authority on whether to grant or decline a request for an oral hearing, subject to the provisions of sub-sections

90(3)(a) and (b) below, must be communicated to all the parties to the appeal by the registrar and is not appealable.

- (3) If the appeal authority has decided that the appeal will be determined on written submissions alone, notify the parties to the appeal that:
 - (a) the appellant's written submissions must be delivered at least ten (10) working days before any date allocated for the hearing;
 - (b) those of the other parties at least five (5) working days before the date so allocated.
- (4) If the appeal authority has decided that the appeal will be determined pursuant to an oral hearing, the registrar must notify the parties of the date, time and place of the oral hearing at least ten (10) working days before the hearing thereof. In the event that a party to an appeal will rely on written submissions at any oral hearing, that party shall ensure that there are copies of those written submissions available to both the appeal authority and the other parties to the appeal prior to the commencement of the hearing.
- (5) If a party notified of an oral hearing fails to appear thereat, the appeal authority may proceed in the absence of such party.
- (6) Any party to an appeal to be determined by means of an oral hearing may appear in person or may be represented.
- (7) Upon application by any party to an appeal or *mero motu*, the presiding officer may determine that an oral hearing will be conducted on a remote platform, if that platform:
 - (a) is accessible to all parties to the appeal;
 - (b) permits all parties participating in the hearing to communicate during the hearing;
 - (c) permits the presiding officer to identify the parties.
- (8) A hearing must be held in a venue determined by the registrar within the municipal area of jurisdiction of the municipality.
- (9) A record must be kept of the proceedings of the appeal authority.

91. DECISION OF APPEAL AUTHORITY

- (1) After having considered the written submissions of the parties where there is no oral hearing, or having afforded the parties an opportunity to be heard, the appeal authority:
 - (a) may for the purposes of considering its decision, request further information from any party to the appeal or conduct any investigation which it considers to be necessary and, if necessary, postpone the hearing to a fixed date for such purposes; or
 - (b) must within thirty (30) working days of the finalisation of the appeal, issue its decision on the appeal together with its reasons therefor.

- (2) The appeal authority has the power to confirm, amend or revoke the decision of the Tribunal by majority decision and in doing so, to make any order as to costs which it considers to be reasonable.
- (3) The decision of the appeal authority and its reasons must be in writing and signed by the presiding officer.
- (4) The registrar must provide the decision of the appeal authority and its reasons to the parties to the appeal within fifteen (15) working days of the decision.
- (5) In its decision the appeal authority must give compliance notices to the municipality on the manner in which the decision must be implemented with reference to any provisions of the Act, the Regulations and by-laws to be complied with by the municipality.

92. EXPENDITURE

Expenditure in connection with the administration and functioning of the appeal authority must be defrayed from funds appropriated by the municipality.

CHAPTER 8: BULK SERVICES, ENGINEERING SERVICES AND DEVELOPMENT CHARGES

Part A: Provision and Installation of Bulk Services

93. THE PROVISION OF ENGINEERING SERVICES

- (1) The responsibility for the provision and installation of engineering services is regulated by section 49 of the Act and the applicant shall comply with any conditions imposed in an approval for the land use in question to the satisfaction of the municipality.
- (2) The applicant must lodge with the municipality such reports, drawings, diagrams and specifications as the municipality may require and which comply with any applicable law or standard set by a regulatory authority for any purpose in relation to the provision and installation of the internal engineering services, private spaces, facilities thereon and any private roads.
- (3) Where the internal engineering services will serve land outside of the land development area in question, the municipality and the applicant must enter into a bulk services agreement.
- (4) The municipality must prescribe a time period within which the applicant must provide and install the private roads, private bulk services and private facilities.

94. BULK SERVICES AGREEMENT

- (1) After the approval of an application for a land use in a land development area which requires the installation of bulk services, the applicant and the municipality must enter into a bulk services agreement.
- (2) The bulk services agreement must at least:

- (a) make provision for an applicant, who is not the owner of the land development area, to warrant her authority to conclude the agreement on behalf of the owner. The municipality shall be entitled, but not obliged, to require such applicant to provide security to the satisfaction of the municipality for the owner's obligations, financial or otherwise, under any such bulk services agreement;
- (b) determine which of the bulk services are internal engineering services or external engineering services or bulk services falling outside the scope of the first two (2) mentioned services;
- (c) make provision for which of the applicant and the municipality shall commence the construction of bulk services and a mechanism for determining the works programme;
- (d) provide for the inspection and handing over of internal engineering services to the municipality or the homeowners' association (as the case may be) and when the risk and ownership in respect thereof shall pass;
- (e) require the applicant to take out adequate insurance for any insurable risk for which she is responsible in relation to the provision and installation of the internal engineering services;
- (f) make provision for the assumption of responsibility for the maintenance and replacement of the internal engineering services by the municipality or the home owners association once they have been installed as well as for the responsibility for any rectification of any defects in the aforesaid installation and the recovery of costs associated therewith;
- (g) where either of the parties would ordinarily be responsible for the provision and installation of a bulk service but the other party has agreed to do so for the account of the first, such service must be identified and the means for determining the cost thereof and its recoupment by the party assuming responsibility for its provision and installation;
- (h) where a bulk service falls within the boundaries of a land development area and will serve any other land within the municipal area, the manner in which such bulk service will be provided and installed as well as the responsibility for the costs thereof;
- (i) determine which party is responsible for the installation and provision of service connections to residential, business, industrial, community facility and municipal land and the responsibility for, and the recoverability of, the costs associated with the provision and installation of such connections;
- (j) identify the service connections to be installed which may include all service connections between internal engineering services and the applicable land or portion thereof and these connections include:
 - (i) water-borne sewerage pipes terminating at a sewer connection;
 - (ii) water-pipes terminating at a water meter; and
 - (iii) electricity house connection cables terminating on the relevant erf.

- (k) identify the level and standard of the internal engineering services to be provided and installed including:
 - (i) water reticulation;
 - (ii) sewerage reticulation, sewage treatment facilities and the means of disposal of effluent discharged into that reticulation;
 - (iii) roads and storm-water drainage;
 - (iv) all electricity reticulation;
 - (v) street and road lighting.
- (3) The bulk services agreement may require that performance guarantees be provided by the applicant provided that:
 - (a) the obligations with regard to such guarantees are clearly stated;
 - (b) such guarantee is irrevocable during its period of validity; and
 - (c) such guarantee is transferable by the municipality.
- (4) A bulk service agreement may:
 - (a) make provision for the applicant to be excused either in whole or in part from the payment of a development charge where the applicant assumes the responsibility for providing and installing external engineering services for which it is not responsible under any condition imposed in an approval of an application for the development of a development area; provided that the aforesaid approval does not expressly preclude the aforesaid arrangement. The extent to which the obligation to pay a development charge will be reduced will be determined with reference to the cost to the applicant of providing and installing the aforesaid external engineering services;
 - (b) Where the arrangement referred to in sub-section 94(4)(a) above is available to the applicant, the bulk services agreement must include an estimate of the costs to the applicant of providing and installing the external engineering services;
 - (c) If the cost to the applicant of the installation of the external bulk services exceeds the amount of the applicable development charge, the municipality must refund the amount of such excess to the owner.
- (5) Where only basic services are to be provided initially, the timeframes and the responsibility of the parties for the upgrading of any services must be recorded in the bulk services agreement.

95. ABANDONMENT OR LAPSING OF A BULK SERVICE AGREEMENT

- (1) Where the approval of an application has lapsed in terms of any provision of the Act, provincial legislation, the conditions of approval, or this by-law, the bulk services agreement shall, irrespective of any contrary provision in the bulk service

agreement, be deemed to have lapsed with effect from the date upon which such approval lapsed.

- (2) If an applicant had installed any bulk services prior to the lapsing thereof the applicant will have no claim against the municipality.

Part B: Development Charges

96. PAYMENT OF DEVELOPMENT CHARGE

- (1) The municipality must develop and approve a policy for the imposition, management and collection of development charges.
- (2) If an application is approved by the Tribunal or authorised official subject to, *inter alia*, the payment of a development charge, the applicant must pay the development charge to the municipality in the manner provided for in the policy. The provisions of sub-section 94(2)(a) of this by-law dealing with the provision of a guarantee for the obligations of the applicant shall apply *mutatis mutandis*.
- (3) An applicant required to pay a development charge in terms of this by-law must pay the development charge to the municipality before:
 - (a) a certificate referred to in sub-section 118 (1) of the Municipal Systems Act has been furnished in respect of the land unit/s;
 - (b) a building plan has been approved for any development of the land;
 - (c) the land is used for the purpose approved by the Tribunal or an authorised official.

97. PAYMENT OF DEVELOPMENT CHARGE IN INSTALMENTS

Subject to the municipality's Revenue Management and Customer Care By-law (if applicable) and any condition which the municipality may require, the bulk service agreement may make provision for:

- (1) the payment of the development charge in instalments; provided that the period for such payment shall not exceed three (3) years;
- (2) the postponement of the payment of the development charges for a period not exceeding three (3) months where the applicant has provided security for the payment of the development charge.

98. REFUND OF DEVELOPMENT CHARGE

- (1) Subject to sub-section 98(2) below and save as may otherwise be provided for in this by-law, no development charge paid to the municipality or any portion thereof will be refundable;
- (2) An applicant, who has abandoned any of her development rights granted by the Tribunal or an authorised official, before undertaking any development pursuant to those rights, may apply in writing to the municipality for a refund of any development charge paid by her prior to such abandonment.

- (3) The municipality shall refund the development charge less any reasonable costs it has incurred in processing and administering the development charge.

99. GENERAL MATTERS RELATING TO DEVELOPMENT CHARGES

The municipality shall:

- (1) keep a separate record of development charges paid by an applicant and of the municipality's employment of that expenditure;
- (2) only use development charges paid by an applicant for the improvement and expansion of the bulk services or the provision of open space or parking, as the case may be, within the general area where the development area is located and, in the interest, and for the benefit of a community within that general area.

CHAPTER 9: COMPLIANCE AND ENFORCEMENT

Part A: Introductory Provisions

100. CHOICE OF ENFORCEMENT MEASURE

The municipality may implement any one or more of the enforcement measures stipulated in this Chapter 9, in any order or combination or with one as an alternative to another in the event of a failure to comply, or sequentially.

Part B: Complaint

101. NON-COMPLIANCE WITH THE LEGAL FRAMEWORK

- (1) A person who is affected by an alleged contravention of the legal framework, may in the prescribed form or in a manner determined by a policy, request the municipal manager to investigate the alleged contravention.
- (2) Where the municipality has reasonable grounds for believing that there has been a contravention of the legal framework, it must investigate the alleged contravention as set out in section 103 of this by-law.

Part C: Civil Enforcement

102. RECTIFICATION OF NON-COMPLIANCE

Subject to sub-section 66(2) of this by-law, an applicant who is using or allowing the use of land for a purpose not permitted by the legal framework, may apply under Chapter 6 of this by-law for a land use which will permit the non-compliant use.

103. INVESTIGATION OF COMPLAINT BY ANY PERSON OTHER THAN THE MUNICIPALITY

- (1) The municipality must investigate any complaint relating to a non-compliance with the legal framework received from any person other than the municipality within twenty (20) working days of receipt of the complaint by the municipal manager, and in accordance with the procedure set out in guidelines adopted by the Directorate.

- (2) Within five (5) working days of the completion of the investigation, the municipality must inform the complainant of the outcome of the investigation and, if applicable, the steps which will be taken to rectify the contraventions of the legal framework.
- (3) Where the municipality is satisfied that pursuant to the above-mentioned investigation there are reasonable grounds for believing that the owner is failing to comply with the legal framework it must deliver a compliance notice to the owner.
- (4) The compliance notice must:
 - (a) identify the land in question;
 - (b) describe the conduct constituting the contravention;
 - (c) indicate which regulatory provision has been contravened;
 - (d) if applicable, state that the conduct constitutes an offence and identify the penalties for such a contravention;
 - (e) direct the owner or other person to cease the unlawful conduct and to comply with the regulatory provision contravened within a specified time period;
 - (f) any steps which must be taken in order to remedy the non - compliance;
 - (g) state that, in the event of non-compliance with the compliance notice, the municipality may implement one or more of the following measures:
 - (i) suspend or withdraw the approval of a temporary use;
 - (ii) suspend or withdraw any other approval granted for a specified period;
 - (iii) deliver to the owner a written notice pursuant to section 56 of the Criminal Procedures Act 1977 (51 of 1977) and section 107(5) hereof requiring the owner to pay the fine stipulated therein, or to appear in court to answer to the charge;
 - (iv) apply to a competent court for appropriate relief, including:
 - (aa) restraining that person from continuing the unlawful utilisation of the land;
 - (bb) directing that person, without the payment of compensation to:
 - (aaa) demolish, remove or alter any building, structure or work unlawfully erected or constructed; or
 - (bbb) rehabilitate the land concerned; and/or
 - (v) lodge a criminal complaint with any law enforcement agency.
- (5) The compliance notice may require the owner to inform the municipality of the steps which she is taking to comply with the compliance notice.

- (6) Where applicable, the compliance notice must inform the owner of her right to apply within a specified period for the approval of a land use which, if granted, will rectify the non-compliance.
- (7) No appeal will lie against a decision to issue or not to issue a compliance notice in terms of this section.
- (8) If an owner fails to comply with a compliance notice the municipality may take any of the steps provided for in sub-section 103(4)(g)(i) to (v) above.

104. IDENTIFICATION OF NON-COMPLIANCE BY THE MUNICIPALITY

- (1) Where the municipality has established by means other than consequent upon the delivery of a complaint in terms of sub-section 103(1) of this by-law, read with section 104 hereof, reasonable grounds to believe that an owner is failing to comply with the legal framework, the municipality may deliver a compliance notice:
 - (a) setting out the basis of the non-compliance; and
 - (b) inviting the owner to make written representations in response to the compliance notice within a specified time period and wherein reasons are given as to why the municipality should not direct the owner within a specified time period to:
 - (i) deliver a general plan or diagram to the municipality and/or appoint a consultant in the built environment identified by the municipality to conduct an investigation and to provide a report to the municipality on the nature and extent of the non-compliance;
 - (ii) demolish any building or part thereof which does not comply with the legal framework and to restore the building and/or rehabilitate the land in a manner compliant with the legal framework; and/or
 - (iii) address any other consequence of the non-compliance.
- (2) After considering any representations and reasons delivered, and if it is satisfied that there is a non-compliance with the legal framework, the municipality shall issue a compliance notice. A compliance notice so issued must comply with the requirements of sub-sections 103(4)(a) to (g) and (5) of this by-law and the provisions of sub-sections 103(6) to (8) of this by-law shall apply *mutatis mutandis*.

105. ENFORCEMENT LITIGATION

Notwithstanding that this Chapter 9 may afford the municipality an alternative remedy, the municipality may apply to the High Court for appropriate relief, including for orders compelling the owner or other person to:

- (1) demolish, remove or alter any building, structure or work erected in contravention of this by-law, and to rehabilitate the land concerned; and
- (2) terminate or modify conduct in contravention of the legal framework, in such manner as to ensure compliance with this by-law, or to address any other consequence of the contravention.

106. URGENT MATTERS

If the municipality believes that urgent action is required to ensure the cessation of any contravention; to achieve the modification of any conduct in contravention of the legal framework; to enforce compliance therewith; or to address a consequence of the contravention, the municipality may:

- (1) serve a compliance notice on the owner or other person by electronic mail, or some other form of electronic communication contemplated in the Electronic Communications and Transactions Act 2002, (25 of 2002) or by placing the notice on the land or by a combination of these methods; or
- (2) apply to the High Court for an interdict or other appropriate relief.

Part D: Criminal Enforcement**107. OFFENCES**

- (1) A person is guilty of an offence and is liable on conviction to a fine or imprisonment not exceeding twenty (20) years or to both a fine and such imprisonment if she contravenes or fails to comply with the following provisions of this by-law:
 - (a) utilises land in a manner other than prescribed by the land use scheme or any of its predecessors without the approval of the municipality; or
 - (b) upon registration of the first land unit arising from a sub-division, fails to transfer all common property arising from the sub-division to the home owners' association or the municipality, as the case may be; or
 - (c) supplies particulars, information or answers in an application, or in an appeal against a decision on an application, or in any documentation or representation related to an application or an appeal, knowing it to be false, incorrect or misleading or whilst he, she or it does not reasonably believe them to be correct; or
 - (d) falsely holds him or herself out to be an authorised employee or the assistant of an authorised employee; or
 - (e) contravenes or fails to comply with a compliance notice issued in terms of section 103 of this by-law; or
 - (f) hinders or interferes with an authorised employee, Tribunal member or an authorised official in the exercise of any power or the performance of any duty of that employee; or
 - (g) sub-divides land without the approval of the Tribunal or an authorised official, unless the sub-division is exempted in terms of section 48 of this by-law; or
 - (h) consolidates land without the approval of the Tribunal, or authorised official unless the consolidation is exempted in terms of this by-law; or
 - (i) constructs a building or structure which extends over the boundaries of two (2) or more properties without the prior written approval of the Tribunal or authorised official; or

- (j) erects a building or commence with the construction of work before the approval of the site development plan.
- (2) An owner who permits her land to be used in a manner set out in sub-section 107(1)(a) above and who does not terminate that use or take reasonable steps to ensure that the use is terminated, or who permits a person to contravene the land use scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment not exceeding twenty (20) years or to both a fine and such imprisonment.
- (3) A person convicted of an offence in terms of this by-law who, after conviction, continues with the action or inaction in respect of which he was so convicted, is guilty of a continuing offence and liable upon conviction to imprisonment for a period not exceeding three (3) months or to an equivalent fine or to both such fine and imprisonment, in respect of each day on which he, she or it so continues or has continued with that act or omission.
- (4) An owner:
 - (a) who permits her land to be used, or fails to take reasonable steps to ensure that such land is not used in a manner which constitutes an offence under this by-law is guilty of an offence and upon conviction is liable to the penalties contemplated in sub-section 107(1) above;
 - (b) who is convicted of an offence contemplated in sub-section 107(4)(a) above who, after conviction, continues with the conduct in respect of which he was so convicted, is guilty of a continuing offence and upon conviction is liable to the penalties contemplated in sub-section 107(1) above.
- (5) Subject to the provisions of sub-sections 107(1) to (4) of this section, the municipality may develop a schedule of fines and penalties for infringements to be imposed in terms of sections 56 or 334 of the Criminal Procedures Act 1977 (51 of 1977) in the enforcement of this by-law.

Part E: Investigation and Enforcement Powers of Authorised Employee

108. POWERS AND FUNCTIONS OF AN AUTHORISED EMPLOYEE

- (1) The municipality may authorise an employee or any other appropriately qualified person to act in terms of this section for the purposes of investigating any matter in connection with this by-law.
- (2) An authorised employee may, subject to sub-sections 108(4) and (5) of this by-law, at any reasonable time, and without prior notice, enter and inspect any land, building or premises for the purpose of ensuring compliance with this by-law.
- (3) An authorised employee may at any reasonable time and after reasonable notice has been given to the owner or occupier of the land or building and after obtaining the consent of the owner or lawful occupier or person in control of the building, enter and inspect a private dwelling without a warrant for the purpose of ensuring compliance with this by-law.
- (4) An authorised employee may, if consent is not obtained as contemplated in sub-section 108(3) above, and provided that a warrant authorising entry has been

obtained, enter and inspect a private dwelling for the purpose of ensuring compliance with this by-law.

- (5) An authorised employee is not required to give reasonable or any notice to enter land or a building other than a private dwelling and may conduct an inspection or take enforcement action without the consent of the owner or occupier of such land or building and without a warrant if:
 - (a) she believes on reasonable grounds that a warrant will be issued to him; and
 - (b) the delay in obtaining the warrant would defeat the object of the inspection and enforcement action.
- (6) An authorised employee must be in possession of a certificate signed by the municipal manager stating that she has been designated as an authorised employee for the purposes of this by-law or must show proof that she is a peace officer appointed by the municipality in terms of section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977).
- (7) An authorised employee must produce an appointment certificate referred to in sub-section 108(6) above on the request of an owner or person affected by the exercise of a power in terms of this section.
- (8) An authorised employee may not investigate a matter in which she has a conflict of interest.
- (9) In the course of conducting an investigation in terms of this section, an authorised employee may:
 - (a) if necessary, be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection;
 - (b) question any person who is or was on that land and who may be able to furnish information on a matter to which this by-law relates;
 - (c) question any person about any act or omission in respect of which there is a reasonable suspicion that it might constitute a contravention of this by-law;
 - (d) question a person about any structure, object, document, book or record or inspect any written or electronic information or object which may be relevant for the investigation;
 - (e) examine any book, record or other written or electronic information and make a copy thereof or an extract therefrom and remove such document, book, record or written or electronic information in order to make copies or extracts;
 - (f) require a person to produce, or to deliver to a place specified by the authorised employee, any document, book, record, or any written or electronic information referred to in sub-section 108(9)(e) above for inspection;

- (g) require from such person an explanation of any entry in such document, book, record or written or electronic information;
 - (h) inspect any article, substance, plant or machinery that is, or was, on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
 - (i) seize any book, record or other document, details or any article, substance, plant, or machinery, or a part or sample thereof which may serve as evidence at the trial of any person charged with an offence under this by-law, provided that the user of the article, substance, plant, or machinery concerned, as the case may be, may make copies of such book, record or document before the removal thereof consequent upon such seizure;
 - (j) direct any person to appear before him at such time and place as may be determined by the authorised employee and question such person either alone or in the presence of any other person on any matter to which this by-law relates; and
 - (k) take photographs or make audio-visual recordings or tape recordings of any person or anything for the purpose of her investigation.
- (10) When an authorised employee removes, or seizes any article, substance, plant or machinery, book, record or other document as contemplated above, she must issue a receipt to the owner or person in control thereof and return it as soon as practicable after the purpose for which it was removed or seized has been achieved.
- (11) Where an authorised employee enters any land in terms of sub-section 108(3) of this by-law, a person who controls or manages the land must at all times provide such facilities as are reasonably required by the authorised employee to enable him to perform her functions effectively and safely under this by-law.
- (12) An authorised employee who enters and searches any land or private dwelling under this section, must conduct such search or seizure with strict regard for decency and order, and with regard for each person's right to dignity, freedom, security, and privacy.

CHAPTER 10: TRANSITIONAL PROVISIONS

109. SAVINGS AND TRANSITIONAL PROVISIONS

- (1) Any application made in terms of a town planning scheme, or other matter in terms of any provision of national or provincial legislation dealing with municipal planning, which is pending before the municipality on the date on which this by-law comes into operation, will be dealt with in terms of that scheme or legislation or in the absence of any other provision, in terms of this by-law, read with sub-section 2(2) and section 60 of the Act.
- (2) Where on the date on which a land use scheme becomes effective any land or building is being used for a purpose which is not a purpose for which that land or building has been zoned in terms of that land use scheme but which is otherwise lawful and not subject to any prohibition in terms of this by-law, the aforesaid use may continue after that date.

- (3) Where any land use is permitted in any title deed, deed of grant or registered long-term lease in relation to land but is not provided for in a town planning scheme, such land use shall continue until it has been removed from such title deed, deed of grant or registered long-term lease in accordance with applicable law.
- (4) If the municipal area is demarcated to incorporate land which was previously part of another municipality, then the land use scheme or town planning scheme applicable to that land shall remain in force until the municipality amends, repeals or replaces that land use.

CHAPTER 11: GENERAL PROVISIONS

110. DELEGATIONS

Any power conferred in this by-law on the municipality may be delegated by the municipality subject to section 56 of the Act and section 59 of the Municipal Systems Act.

111. SUSPENSION OF TIME PERIODS

Save for time periods stipulated in any statute the days between 16 December and 15 January, both inclusive shall not be taken into account in the calculation of any time period. Where there is any conflict between the time periods stipulated in any statute and this by-law, the provisions of the statute shall prevail.

112. REPEAL OF BY-LAWS

The provisions of any by-laws previously promulgated by the municipality or by any of its predecessor municipalities are hereby repealed as far as they relate to matters provided for in this by-law.

113. FEES PAYABLE

Any prescribed fee payable to the municipality in terms of this by-law must be determined annually in terms of sub-section 24(2) of the MFMA read with sections 74 and 75A of the Municipal Systems Act.

114. SHORT TITLE AND COMMENCEMENT

This by-law is the Nelson Mandela Bay Metropolitan Municipality Spatial Planning and Land Use Management By-law, 2023 and comes into operation on the date of publication in the Provincial Gazette.

SCHEDULE 1: CATEGORY OF APPLICATIONS AND AUTHORISED OFFICIALS

| CATEGORY 1 | CATEGORY 2 | CATEGORY 3 | CATEGORY 4 | CATEGORY 5 |
|--|--|--|---|---|
| Municipal Planning Tribunal | Authorized Official (Senior Director Land Planning & Management) | Authorized Official (Director Land Use) | Authorized Official (Building Control Officer) | Authorized Official (Senior Town Planner - Registered Professional Planner) |
| <ol style="list-style-type: none"> 1. Sub-division (Township establishment - creating new areas) or the extension of the boundaries of a township. 2. Amendment of the existing land use scheme by the rezoning outside of, or inconsistent with the Spatial Development Framework (SDF), Local Spatial Development Framework (LSDF) or precinct plan provisions. 3. Consolidation of land units outside the urban edge inconsistent with the SDF, LSDF or precinct plan. 4. Closure of public places (roads, open spaces etc.) inconsistent with the SDF, LSDF or precinct plan. 5. Any special consent for land development or land use rights inconsistent with the SDF, LSDF or precinct plan. 6. Any consent or approval in terms of any other legislation inconsistent with the SDF, LSDF or precinct plan. 7. All applications inconsistent with proposals of the SDF, LSDF or precinct plan. 8. Amendment of the existing land use scheme by departing from the zoning parameters inconsistent with the SDF, LSDF or precinct plan. 9. Removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title deed, not regulated by the land use scheme (LUS). 10. All "opposed" category 2 & 3 applications. | <ol style="list-style-type: none"> 1. Sub-division of land consistent with SDF, LSDF or precinct plan. 2. Any consent or approval in terms of another legislation consistent with the SDF, LSDF or precinct plan. 3. Closure of Public Places consistent with the SDF, LSDF or precinct plan. 4. Adjustment of cadastral boundaries of an approved layout plan that do not bring about material change.* 5. Consolidation of land inside the urban edge consistent with the SDF, LSDF or precinct plan.* 6. Extension of validity of a land development application, for sub-division or consolidation.* 7. Amendment or cancellation in whole or part of a general plan of a township. | <ol style="list-style-type: none"> 1. Special consent (Secondary Uses) for land use and development use rights consistent with the SDF, LSDF or precinct plan. 2. Removal, amendment or suspension of a restrictive title deed condition regulated by the LUS. 3. Amendment of the land use scheme by departing from the zoning parameters consistent with the SDF, LSDF or precinct plan.* 4. Amendment of the land use scheme by the rezoning consistent with the SDF, LSDF or precinct plan. 5. Amendment of the conditions of approval imposed as a result of an amendment to the LUS, consistent with the SDF, LSDF or precinct plan. 6. All "opposed" category 4 & 5 applications. | <ol style="list-style-type: none"> 1. Relaxation of building lines on residential zoned erven, which do not consist of building lines imposed as a condition of approval through the amendment of the land use scheme, for the erection of non-habitable structures.* 2. Erection of a second dwelling unit.* | <ol style="list-style-type: none"> 1. Site development plans.* 2. Extension of validity of a land development application, which does not constitute a sub-division or consolidation.* 3. Practise of profession or occupation from home.* 4. Special consent (Additional Uses) for land use and development use rights consistent with the SDF, LSDF or precinct plan.* 5. Any other Consent of the Municipality related to land use right that does not require the publication of an application in terms of Section 71 (1) consistent with the SDF, LSDF or precinct plan. |

Conditions

1. Any unopposed application not listed in the Schedule 1 of this Bylaw must be under Category 2.
2. Category 1 Applications Numbers 1 – 8 must be signed off by a registered planner.
3. Save for notice specified or required by the municipality under section 71(3) (b) and/or (c) of the by-law, applications marked with asterisks (*) do not need to be published in terms of Section 71(1) of the by-law.
4. Site Development Plans, Extension of Validity referred to in category 5.1(2) hereof are exempted from the provisions of Section 71 (1) of the by-law.
5. Category 4 Applications are exempted from provisions of Section 36 (3) (g) of the by-law.
6. Opposed Category 4 & 5 applications do not need to be considered by the Tribunal.

SCHEDULE 2
STANDARD CALL FOR NOMINATIONS FOR PERSONS TO BE APPOINTED
AS MEMBERS TO THE MUNICIPAL PLANNING TRIBUNAL

CALL FOR NOMINATIONS FOR PERSONS TO BE APPOINTED AS MEMBERS TO
THE NELSON MANDELA BAY MUNICIPAL PLANNING TRIBUNAL

CLOSING DATE: [INSERT DATE]

In terms of the Spatial Planning and Land Use Management Act, 2013 (16 of 2013), the Nelson Mandela Bay Municipality hereby invites nominations for members of the public to be appointed to the Tribunal for its first term office.

The period of office of members will be five (5) years calculated from the date of appointment of such members by the Nelson Mandela Bay Municipality.

Nominees must be persons with leadership qualities and must have knowledge and experience of spatial planning, land use management and land development or the law related thereto.

Each nomination must be in writing and must contain the following information:

- (a) the name and address of the nominator, who must be a natural person and a person may nominate herself;
- (b) the name, address and identity number of the nominee;
- (c) motivation by the nominator for the appointment of the nominee to the Tribunal, the motivation page must contain not fewer than fifty (50) words or not more than two-hundred and fifty (250) words
- (d) a short curriculum vitae of the nominee, such curriculum vitae not exceeding two (2) pages; and
- (e) certified copies of qualifications and registration certificates indicating registration with the relevant professional body or voluntary associate.

- KINDLY NOTE THAT THE FAILURE TO COMPLY WITH THE AFOREMENTIONED REQUIREMENTS MAY RESULT IN THE DISQUALIFICATION OF THE NOMINATION.

I _____ (full names of
nominee) with identity number _____ hereby
declare that:

- (a) I am available to serve on the Tribunal.
- (b) There is no conflict of interest nor have I the any interests which may conflict with the Tribunal.
- (c) I am not disqualified in terms of section 38 of the Spatial Planning and Land Use Management Act, 2013 (16 of 2013) to serve on the Tribunal and I

authorise the Municipality to verify any record in relation to such disqualification or requirement.

- (d) I undertake to sign, to commit to and uphold the Code of Conduct applicable to members of the Tribunal.

SIGNATURE OF NOMINEE:

Nominations must be delivered to:

THE MUNICIPAL MANAGER OF THE NELSON MANDELA BAY MUNICIPALITY
CITY HALL, VUYISILE MINI SQUARE
GOVAN MBEKI AVENUE
NELSON MANDELA BAY MUNICIPALITY
PO BOX 116 GQEBERHA
6000

For enquires, contact:

Name: [INSERT]
Email: [INSERT]
Tel: [INSERT]

APPEAL FORM

In terms of Chapter 7 of the Nelson Mandela Bay Municipality Spatial Planning and Land Use Management By-Law, 2023

| PART A: APPEAL | | | |
|---|---|----------------------------------|---|
| Are you appealing against the decision made by the authorised employee or Tribunal? | Y | N | If yes, indicate in Part D if the appeal is lodged against the whole decision or part thereof. If the latter applies provide a description of the part. |
| Are you appealing against the condition(s) of approval imposed by the authorised official or Tribunal? | Y | N | If yes, list relevant condition(s) and provide a description in Part D. |
| Is your appeal based on and primarily concerned with the process followed prior to the authorised official or Tribunal decision? | Y | N | If yes, specify in Part D. |
| Is your appeal based on and primarily concerned with the merits of the land development or land use application on which it is believed that the authorised official or Tribunal erred in coming to the conclusion? | Y | N | If yes, specify in Part D. |
| Date of decision: | | Date received notice of decision | |

| PART B: APPELLANT'S DETAILS | |
|------------------------------------|--|
| First name(s): | |

| | | | | | |
|---|--|------|--|--------------|--|
| Surname: | | | | | |
| Company or legal person's name: (if applicable) | | | | | |
| Postal address: | | | | Postal Code: | |
| Email: | | | | | |
| Tel: | | Fax: | | Cell: | |

PART C: APPELLANT'S PROPERTY DESCRIPTION

(Property that is affected by proposed development)

| | | | |
|---|--|-----------|--|
| Number(s) of erf/erven/portions/farms or allotment area | | | |
| Physical Address | | | |
| GPS Coordination's | | Town/City | |

PART D: APPEAL MOTIVATION AND REASONS

| |
|--|
| |
|--|

| | |
|--|--|
| | |
|--|--|

PART E: APPEAL FEE (for completion and use by official)

| | |
|---|----------|
| Appeal | R |
| TOTAL APPEAL FEES | R |
| * Appeal fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany the application. | |

PART F: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION

Complete the following checklist and attach all the information and documentation relevant to the appeal.

| | | | | | | |
|----------|----------|---|--|----------|----------|--|
| Y | N | Proof of payment of appeal fees (applicant) | | Y | N | Proof of delivery notice of appeal (applicant) |
| Y | N | Copy of decision and proof of notification | | Y | N | Copy of conditions of approval |

| | | | | | | |
|----------|----------|-----------------------------------|--|----------|----------|-----------------|
| Y | N | Motivation and reasons for appeal | | Y | N | Other (specify) |
|----------|----------|-----------------------------------|--|----------|----------|-----------------|

PART G: DECLARATION

I hereby wish to confirm the following:

1. That the information contained in this appeal form and accompanying documentation is complete and correct.
2. I'm aware that it is an offence in terms of section 107 of the By-Law to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.

Appellant's signature:

Full Name:

Date

FOR OFFICIAL USE ONLY:

Date received:

Received by:

APPLICATION FEES STRUCTURE

The following fees are applicable in terms of section 66 of the Nelson Mandela Bay Municipality Spatial Planning and Land Use Management By-Law 2023

| Application Type | Application Category (in terms of the By-law and the Land Use Scheme Regulations) | Fee (including VAT) | By-Law Chapter or Section |
|---------------------------------------|---|----------------------------|----------------------------------|
| Rezoning of land | Erven 0 - 2500 m ² | R | Section 50 |
| | Erven 2501 - 5000 m ² | R | |
| | Erven 5001 - 10 000 m ² | R | |
| | Erven 1 ha - 5 ha | R | |
| | Erven over 5 ha | R | |
| | Advertising Fees | R | |
| Permanent departure | Relaxation of development parameters, such as building lines, height, coverage, or numbers of storeys | R | Section 57(2) |
| | Departure from any other provision of a land use scheme which will result in physical development or construction of a permanent nature of land | R | |
| Temporary departure | Prospecting or mining rights granted in terms of MPRDA | R | Section 57(3) |
| | Any other application to use land on a temporary basis for a purpose which no provision is made in the land use | | |
| Sub-division of land | Basic Fee | R | Section 41 |
| | Subdivision fee for the first 2 erven is R____ and thereafter R____ per erf/unit or portion | R | |
| Amendment of an approved general plan | All | R | Section 42(5) |

| | | | |
|---|--|---|-------------------------|
| Consolidation of land | All | R | Section 45 |
| Amendment, suspension or removal of restrictive title condition | All | R | Section 52 |
| Extension of the validity of an approval | The lapsing of consolidation and extension of validity periods | R | Section 46(2) and 51(2) |
| | The lapsing of a rezoning and extension of validity periods | R | |
| Determination of zoning | All | R | Part C of Chapter 5 |
| Closure of public places | Closure of public place or portion thereof | | Section 54 |
| Deviation from the spatial development framework and/or precinct plan | All (Application fee covered under the main application) | R | Chapter 2 |
| Application for Special Consent (Secondary Uses) | All | R | Section 55 |
| Application for Special Consent (Additional Uses) | All | R | |
| Appeals | All | R | Chapter 7 |

COMMENTS AND OBJECTIONS FORM

In terms of the provisions of the Nelson Mandela Bay Municipality Spatial Planning and Land Use Management By-Law, 2023

All complaints must be submitted in writing on the attached form and emailed to the below email address. Anonymous complaints will not be investigated. Further information may be requested in the form of a sworn affidavit in relation to the activities witnessed on site. This may lead to evidence being given in court.

| PART A: COMMENTOR AND/OR OBJECTOR INFORMATION | | | |
|---|--|--------------------|--|
| First Name(s): | | | |
| Surname: | | | |
| Erf number: | | | |
| Street address: | | | |
| Email address: | | | |
| Telephone number: | | Cell phone number: | |

| PART B: COMMENT AND OBJECTION | |
|--|--|
| Nature of Application | |
| Subject erf number: | |
| Subject street address: | |
| Interest in application: | |
| Comment and/or objection: (please attach additional pages, if needed) | |

| | |
|--|--|
| | |
|--|--|

PART C: DECLARATION

I, the undersigned, hereby declare that I am familiar with the contents of the provided information and other document(s) to the application presented on the subject listed in Parts A and B of this form

| | | | |
|-----------------------------|--|--------------|--|
| Name(s) and Surname: | | | |
| Signature: | | Date: | |

FOR OFFICIAL USE ONLY:

| | |
|--------------------------------------|-----------------|
| Date received: | |
| Received by: | |
| Email address deliverable to: | [please insert] |

COMPLIANCE NOTICE

This notice is delivered to the below mentioned person in terms of Chapter 9 of the Nelson Mandela Bay Municipality Spatial Planning and Land Use Management By-Law, 2023

| | |
|--------------------|--|
| TO: | |
| Name: | |
| Address: | |
| Erf number: | |

| THE ALLEGED CONTRAVENTION | | | |
|--|--|------------------|---|
| Description of the conduct constituting the contravention: | The section and/or regulatory provision contravened: | Penalty imposed: | Steps to be taken to remedy the non-compliance: |
| | | | |

PLEASE NOTE:

- You have been found to be in contravention of the aforesaid section and in respect of the aforesaid conduct.
- You are directed to cease the unlawful conduct and to comply with the regulatory provision contravened within twenty-one (21) working days.
- Should you fail to comply with this notice compliance, the municipality may impose one or more of the below mentioned measures:
 - suspend or withdraw the approval of a temporary use;

- suspend or withdraw any other approval granted for a specified period;
- deliver a written notice pursuant to section 56 of the Criminal Procedure Act 1977 (51 of 1977) and section 107(5) of the by-law, requiring the owner to pay the fine stipulated therein, or to appear in court to answer the charge;
- apply to a competent court for appropriate relief, including:
 - restraining that person from continuing the unlawful utilisation of the land;
 - directing that person, without the payment of compensation to:
 - demolish, remove or alter any building, structure or work unlawfully erected or constructed; or
 - rehabilitate the land concerned; and/or
 - lodge a criminal complaint with any enforcement agency.
- Your right to apply within the aforesaid twenty-one (21) working days period for the approval of a land use which, if granted, will rectify the non-compliance, subject to the termination of non-compliance.
- Please submit in writing to the municipality explaining the steps you have or are taking to cure the non-compliance.

| THE NELSON MANDELA BAY MUNICIPALITY CONTACT DETAILS: | | | |
|---|-----------------|-----------------------|---------------|
| Name of authorised official, authorised employee: | Address: | Telephone no.: | Email: |
| | | | |
| ISSUED BY THE NELSON MANDELA BAY MUNICIPALITY ON [INSERT DATE] | | | |

DECLARATION BY AFFECTED PARTY(IES) / PROPERTY OWNER(S)

Dear Sir / Madam

This letter serves to notify potentially affected parties of the application set out hereunder.

| APPLICATION DETAILS | | | | |
|--|-------------------------|--|---------------------------------|-------------------------|
| Erf / Farm No. | | | Area | |
| Applicant / consultant | | | Contact No. | |
| Application type in terms of applicable planning legislation | Building Line Departure | | Other Departures | Amendment of Conditions |
| | Consent Use | | Other (<i>please specify</i>) | |
| Detailed description of application | | | | |
| | | | | |
| | | | | |
| | | | | |

Note to applicant:

Should the affected party / property owner not be prepared to sign this letter of no objection, you are advised to submit the application without their agreement so that the applicant can formally advertise the matter via email or post.

DECLARATION BY AFFECTED PARTY(IES) / PROPERTY OWNER(S)

1. If signing on behalf of a company / trust, please attach written proof of authorisation to do so. If affected premises owned by more than one person (i.e. both husband and wife), all parties to sign.
2. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.
3. Ensure the application detail section above is properly completed.
4. Ensure the plan specified below corresponds with the plan shown to and signed by you.

I / We, registered owner(s) of the under-mentioned premises, having been shown the subdivision / layout plan / building plans / proposal in respect of the aforementioned application and having signed, confirm that I / we understand the proposal as set out above and confirm that I / we **(please tick)**

| | | | |
|---------------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | have no objection | <input type="checkbox"/> | object for the reasons listed hereunder |
| Reasons for objection | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| Owner signature | | | Date |
| Full name (capitals) | | | |
| Company name | | | |
| Erf / Farm No. | | | |
| Street address / Postal address | | | Postal code |
| Contact No. | Office / Home | | Cell |

LAND USE APPLICATION FORM

In terms of the provisions of the Nelson Mandela Bay Municipality Spatial Planning and Land Use Management By-Law, 2023.

PART A: APPLICANT'S DETAILS

| | |
|--|--|
| First Name(s): | |
| Surname: | |
| South African Council of Planners (SACPLAN) Registration Number (if applicable): | |
| Company Name: | |
| Postal Address: | |
| Postal Code: | |
| Email Address: | |
| Telephone Number: | |
| Cell Phone Number: | |

PART B: REGISTERED OWNER'S DETAILS

Only complete if owner is not applicant

| | |
|-----------------------------|--|
| Registered Owner(s): | |
| Registered Owner's Address: | |
| Postal Code: | |
| Email Address: | |
| Telephone Number: | |
| Cell Phone Number: | |

PART C: PROPERTY DETAILS

| | |
|---|--|
| Property Description: (Erf Number, Farm Description & Allotment Area) | |
| Physical Address: | |
| Town/Area: | |
| Current Zoning: | |
| Property Extent: | |
| Current Land Use (s): | |

| | | | |
|--|--|------------------|----|
| Are there existing buildings on the property? | | YES | NO |
| Title Deed Number: | | Date Registered: | |
| Title Deed Number: | | Date Registered: | |
| Title Deed Number: | | Date Registered: | |
| Title Deed Number: | | Date Registered: | |
| Title Deed Number: | | Date Registered: | |
| Title Deed Number: | | Date Registered: | |
| Are there any restrictive conditions applicable? | | YES | NO |

| | | |
|--|-----|----|
| If yes, list the conditions: | | |
| Are the restrictive conditions in favour of a third party (ies)? | YES | NO |
| If yes, list the party (ies): | | |
| Is the property encumbered by a bond? | YES | NO |
| If yes, list the bondholder(s): | | |
| Are there any existing unauthorised buildings and/or land use on the subject property(ies): | YES | NO |
| If yes, is this application to legalise the building / land use? | | |
| Are there any pending court case(s) and/or orders in relation to the subject property (ies)? | YES | NO |
| Are there any land claim(s) registered on the subject property (ies)? | YES | NO |

PART D: LAND USE PLANNING APPLICATION TYPE

In terms of Chapter 5 of the Nelson Mandela Bay Municipality By-Law application is made for the following:

| | |
|--|--|
| A rezoning of land including rezoning to the sub-division of land | |
| Rezoning (which does not include sub-division of land) of land | |
| A permanent departure from the development parameters of the Zoning Scheme | |
| Temporary departure | |
| A temporary use departure | |
| Subdivision of land | |
| Consolidation of land | |
| Amendment, suspension or deletion of a restrictive title condition | |
| A permission required in terms of the Zoning Scheme | |
| Special Consent | |
| An extension of the validity of an approval | |
| Amendment or cancellation of an approved general plan | |
| A determination of zoning | |
| Closure of a public place or part thereof | |
| Disestablishment of a homeowner's association | |
| Other (Specify) | |

PART E: PREVIOUS LAND USE PLANNING APPLICATION TYPE

| | | |
|--|---|---|
| Has there been any previous related application? | Y | N |
| A rezoning of land including rezoning to the sub-division of land | | |
| Rezoning (which does not include sub-division of land) of land | | |
| A permanent departure from the development parameters of the Zoning Scheme | | |
| Temporary departure | | |
| A temporary use departure | | |
| Subdivision of land | | |
| Consolidation of land | | |
| Amendment, suspension or deletion of a restrictive title condition | | |
| A permission required in terms of the Zoning Scheme | | |
| Special Consent | | |
| An extension of the validity of an approval | | |
| Amendment or cancellation of an approved general plan | | |
| A determination of zoning | | |
| Closure of a public place or part thereof | | |
| Disestablishment of a homeowner's association | | |
| Other (Specify) | | |

PART F: ATTACHMENTS AND SUPPORTING DOCUMENTS

Information and documentation required in terms of Chapter 5 of the Nelson Mandela Bay Municipality

| | | | |
|--|---|---|-----|
| Power of attorney | Y | N | N/A |
| Company resolution or other proof that applicant is authorised to act on behalf of juristic person | Y | N | N/A |
| Written motivation and proposal statement | Y | N | N/A |
| Locality plan | Y | N | N/A |
| Proposed general plan | Y | N | N/A |
| Proof of payment of application fees | Y | N | N/A |
| Conveyancer's certificate | Y | N | N/A |
| Bondholder's consent | Y | N | N/A |
| Proof of registered ownership or any other relevant right held in the land concerned | Y | N | N/A |
| SG diagram and/or general plan | Y | N | N/A |
| Site development plan or conceptual layout plan | Y | N | N/A |
| Proof of agreement or permission for required servitude | Y | N | N/A |
| Full copy of the title deed | Y | N | N/A |

Supporting documentation and information:

| | | | |
|--|---|---|-----|
| Consolidation Plan | Y | N | N/A |
| Street Name and numbering plan | Y | N | N/A |
| Landscaping and/or tree plan | Y | N | N/A |
| Abutting landowner's consent | Y | N | N/A |
| Environmental impact assessment (EIA)/ Heritage Impact (HIA)/ Traffic Impact (TIA) / Hazard Impact (HIA) | Y | N | N/A |
| Copy of original approval and conditions of approval | Y | N | N/A |
| Proof of lawful use right | Y | N | N/A |
| Land use plan and/or zoning plan | Y | N | N/A |
| Flood line determination and/or report | Y | N | N/A |
| Homeowner's Association consent | Y | N | N/A |
| Services report or indication of all municipal services and/or registered servitudes | Y | N | N/A |
| Proof of failure of Homeowner's Association | Y | N | N/A |

PART G: AUTHORISATION IN TERMS OF OTHER LEGISLATION

| | | | |
|---|---|---|-----|
| National Heritage Resources Act, 1999 (25 of 1999) | Y | N | N/A |
| National Environmental Management Act, 1998 (107 of 1998) | Y | N | N/A |
| Sub-division of Agricultural Land Act, 1970 (70 of 1970) | Y | N | N/A |
| Spatial Planning and Land Use Management Act, 2013 (16 of 2013) | Y | N | N/A |
| Specific Environmental Management Act(s) | Y | N | N/A |

PART H: EXTENT OF DEPARTURE

| | | | | | |
|--------------------------|---|------|--|----|--|
| <input type="checkbox"/> | Building line encroachment | From | | To | |
| <input type="checkbox"/> | Street | From | | To | |
| <input type="checkbox"/> | Street | From | | To | |
| <input type="checkbox"/> | Lateral | From | | To | |
| <input type="checkbox"/> | Lateral | From | | To | |
| <input type="checkbox"/> | Rear | From | | To | |
| <input type="checkbox"/> | Permissible site coverage | From | | To | |
| <input type="checkbox"/> | Maximum permissible floor area | From | | To | |
| <input type="checkbox"/> | Maximum permissible floor factor ratio | From | | To | |
| <input type="checkbox"/> | Height restriction measured from natural ground level | From | | To | |
| <input type="checkbox"/> | On-site parking/ loading bay requirements | from | | To | |
| <input type="checkbox"/> | Other (please specify) | | | | |

NB: All applications for a departure must be accompanied by a site development plan at a scale of not less than 1 in 200 or, if the development proposed is so extensive as to require a smaller scale, to a scale of 1 in 5000).

PART I: WRITTEN MOTIVATION AND PROPOSAL STATEMENT

Motivation Report MUST address the following but not limited to:

1. development principles and norms & standards as contemplated in sections 7 and 8 of the Act;
2. consistency with the Spatial Development Framework Plan(s) and/or precinct plan(s);
3. the public interest and the rights of all those affected;
4. constitutional transformation imperatives and the related duties of the state;
5. the facts and circumstances relevant to the application;
6. the respective rights and obligations of all affected;
7. the state and impact of engineering services, social infrastructure and open space requirements;
8. environmental impact (where applicable);
9. if the proposal is in accordance with the existing planning and the surrounding land uses of the area;
10. the influence of the proposal on the surrounding area;
11. the impact of the proposal in terms of heritage conservation;
12. the influence of the proposal on the traffic and/or parking of the area;
13. the influence of the proposal on surrounding facilities such as schools, open spaces and other community facilities if the application leads to an increase in the residents of the area;
14. the influence of the proposal on the existing character of the area and the rights of residents with regard to privacy, view, etc and the provision of services.

PART J: DECLARATION

I hereby wish to confirm the following:

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I am aware that it is an offence in terms of section 107 of the by-law to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorised to make this application on behalf of the owner and (where applicable) that a copy of the relevant power of attorney or consent are attached hereto.
4. Where an agent is appointed to submit this application on the owners' behalf, it is accepted that correspondence from and notifications by the municipality in terms of this by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. That this submission includes all necessary land use planning applications required to enable the development proposed herein.
6. In confirm that the relevant title deed(s) have been read or attached conveyancer's certificate, and that there are no restrictive conditions which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
7. I am aware that by lodging an application, the information in the application and obtained during the process, may be made available to the public.
8. I am aware that development charges to the municipality in respect of the provision and installation of bulk services are payable by the applicant as a result of the proposed development.

Applicant's
signature
Applicant's name

| |
|--|
| |
| |
| |

Date

| |
|--|
| |
|--|

Professional
capacity

SACPLAN
Registration No.:

| |
|--|
| |
|--|

FOR OFFICIAL USE ONLY

Date received:
Received by:

| |
|--|
| |
| |

LAND USE COMPLAINT FORM

All complaints must be submitted in writing on the attached form, with or without annexures, and emailed to the below email address. Anonymous complaints will not be investigated. Further information may be requested in the form of a sworn affidavit in relation to the activities witnessed on site. This may lead to evidence being given in at court.

COMPLAINANT'S INFORMATION (Complete to the best of your ability)

| | | | | | |
|--|--|---------------|--------------------|---------------|-------------|
| Name & Surname | Compulsory | | | | |
| Address | Compulsory | | Postal Code | | |
| | | | | | |
| Contact Details | Cell | Compulsory | Home | Code - Number | |
| | Work | Code - Number | | | |
| Email Address | | | | | |
| <i>All correspondence regarding any progress of your complaint will be sent via email (preferred) or registered post. Provide at least one telephone number on which the municipality will be able to contact you.</i> | | | | | |
| ALLEGED CONTRAVENTION INFORMATION (S) | | | | | |
| Name/Surname of Offending Party | Not Compulsory | | | | |
| Address where activity is taking place | Compulsory – Street number, Street name, Suburb & Postal Code | | | | |
| Erf or Farm Number (if known) | Not Compulsory | | | | |
| Nature of Alleged Contravention | Activity on site, i.e. Student Accommodation, Offices, Mechanical Workshop, etc. | | | | |
| Frequency of Activity | Daily, Weekends, Certain Days | | | | |
| Impact of Activity on you/surroundings | Parking, Property Values, etc. | | | | |
| Are further information such as photos, letters and/or petitions attached to this complaint form? | YES | NO | Signature | | Date |

LAND USE PRE-APPLICATION CONSULTATION FORM

Kindly note that in terms of section 64(5) of the Nelson Mandela Bay Municipality Spatial Land Planning and Land Use Management By-Law, 2023, no outcome of a pre-application consultation will be binding on the Tribunal or an authorised official but such outcome may be taken into account as a factor in deciding the application and the Tribunal or authorised official shall determine the weight to be given to such outcome.

| Applicant Details | |
|--|--|
| Name | |
| E-Mail Address | |
| Proposal Details | |
| Property Description (Erf / Farm Number) | |
| Physical / Street Address or Business Name / Known as | |
| <p><u>Details of the Proposal:</u> (Brief description of development proposal. List expected land use activities. Provide details of previous land use approvals, if any.)</p> <div style="height: 100px;"></div> | |
| <p><u>List documents provided for discussion at the meeting:</u> (Attach copies of relevant documents.)</p> <div style="height: 150px;"></div> | |
| <p>Applicant's signature: _____</p> <p>Date: _____</p> | |

Has a pre-application consultation been undertaken for a land development application in terms of section 64(5) of the Nelson Mandela Bay Municipality Land Spatial Planning and Land Use Management By-Law, 2023 and regulation? (Provide details and attach a copy of the Minutes)

| Attendees Required | | |
|---------------------------|----------------|----------------|
| Organisation / Department | Name & Surname | E-mail Address |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Date, Time & Venue | | |
| | | |
| | | |
| | | |

FOR OFFICIAL USE ONLY:

Name of Authorise Employee:

Authorised Employee Signature:

Date received:

| ZONING CERTIFICATE APPLICATION FORM | | | | Date | |
|---|--|--------------|--|--------------------------------------|----|
| <i>A request for a zoning certificate will only be processed after payment has been received. Please ensure that the correct property descriptions are indicated.</i> | | | | | |
| Erf No | | Town | | Suburb | |
| Farm No | | Farm Portion | | Nearest Town | |
| Physical or Street Address of Property | | | | Property / Business Name or Known as | |
| Applicant Name | | | | Applicant Contact Number | |
| Applicant Email Address | | | | | |
| Is the zoning certificate required for a business licence | | | | YES | NO |
| Is the zoning certificate required for a liquor licence | | | | YES | NO |
| If yes, please attach: (a) completed business licence application form, indicating the purpose of the licence; (b) layout plan of premises (where applicable) | | | | | |
| If no, please provide reason why a zoning certificate is required | | | | | |
| INDICATE WHICH OF THE FOLLOWING DOCUMENTATION IS ATTACHED TO THIS ZONING CERTIFICATE APPLICATION | | | | APPLICANT TO INDICATE | |
| | | | | YES | NO |
| 1. Completed business licence application form, indicating the purpose of the licence (where applicable) | | | | | |
| 2. Layout plan for premises (where applicable) | | | | | |
| 3. Proof of payment/Payment of application fee | | | | | |
| 4. Power of Attorney (if not the owner) | | | | | |
| SIGNED BY APPLICANT | | | | | |
| VERIFIED & SIGNED BY AUTHORISED EMPLOYEE | | | | | |



Verification only of the documentation attached and not the completeness or correctness of that documentation.



Please confirm required payment amount with the department or verify on the Municipal Tariffs for the subject financial year.

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 588 OF 2023



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

Provincial Gazette / Igazethi Yephondo / Provinsiale Koerant

BHISHO/KING WILLIAM'S TOWN

PROCLAMATION

by the MEC for Economic Development, Environmental Affairs and Tourism
January 2020

1. I, Mlungisi Mvoko, Member of the Executive Council (MEC) for Economic Development, Environmental Affairs and Tourism (DEDEAT), acting in terms of Sections 78 and 79 of the Nature and Environmental Conservation Ordinance, 1974 (Ordinance No. 19 of 1974), and Section 18 of the Problem Animal Control Ordinance, 1957 (Ordinance 26 of 1957) hereby determine for the year 2020 the hunting season and the daily bag limits, as set out in the second and third columns, respectively, of Schedule 1, hereto in the Magisterial Districts of the Province of the Eastern Cape of the former Province of the Cape of Good Hope and in respect of wild animals mentioned in the first column of the said Schedule 1, and I hereby suspend and set conditions pertaining to the enforcement of Sections 29 and 33 of the said Ordinance to the extent specified in the fourth column of the said Schedule 1, in the district and in respect of the species of wild animals and for the periods of the year 2020 indicated opposite any such suspension and/or condition, of the said Schedule 1.
2. In terms of Section 29 (e), *[during the period between one hour after sunset on any day and one hour before sunrise on the following day]*, subject to the provisions of this ordinance, I prohibit hunting at night under the following proviso, that anyone intending to hunt at night for management purposes by culling any of the Alien and Invasive listed species, Hares, specified species, Rodents, Porcupine, Springhare or hunting Black-backed jackal, Bushpig and Caracal, in accordance with the Ordinance, must apply to DEDEAT for a provincial permit and must further notify the relevant DEDEAT office, and where applicable the SAPS Stock Theft Unit, during office hours, prior to such intended hunt. Proof of membership of a registered culling team is a requirement for an annual permit. In the absence of such proof of membership or ownership applications will be dealt with per hunt.
3. The EC Predation Management Forum has indicated that there is a need for a coordinated approach with the issuing of permits to qualified night hunters. The DEDEAT and Agri EC together with their Farmer's Associations have agreed to work together with the EC Predation Management Forum on this matter. Each agricultural regional manager will nominate hunters, who they will allow to conduct their night shooting of black-backed jackal and caracal, in their respective areas of jurisdiction. Permits will only be issued to these nominated night shooting hunters to hunt black-backed jackal and caracal.
4. In terms of Section 29 (i), *[by means of a bow-and-arrow]*, subject to the provisions of this ordinance, I prohibit any natural person from hunting with a bow and arrow under the following proviso, that anyone intending to hunt with a bow and arrow must be in possession of a bow hunting certificate of competency, obtained from a recognized training institution, and must apply to DEDEAT for a provincial permit. Any other hunter, who is escorted by a professional hunter, may hunt without proof of a bow hunting certificate of competency. This applies to all bow hunting and includes properties with a Certificate of Adequate Enclosure (CAE).
5. In terms of Section 33 (1), no person shall without a provincial permit, use any motor vehicle or aircraft (includes a drone) to hunt any wild animal or to hunt, disturb, drive or stampede any wild animal or animals for the purpose of filming or photographing such hunt, disturbance, drive or stampede or for any other purpose whatsoever. This also applies to a property with a CAE.
6. In terms of Section 79 (f), subject to the provisions of this Ordinance, I restrict the live transport of any wild animal/s, excluding birds and reptiles, to the period 01 March to 31 October 2020.
7. In terms of Section 82 (1) (b), subject to the provisions of this proclamation, I suspend by proclamation under Section 79 (b), the operation of Section 29 (l) *[by the use of a dog]* only for properties larger than 300ha. For properties smaller than 300ha a permit must be obtained from the nearest DEDEAT office. Dogs used in the hunting of birds are excluded from this clause.
8. Should any person, for any reason whatsoever, hunt any wild animal/s in contravention to the provisions of this proclamation, such person must notify the nearest DEDEAT office, in the form of a sworn affidavit, within 24 hours of such contravention having taken place.
9. Protected species NOT listed in this proclamation, may only be hunted by means of a provincial permit or, if it is a Threatened or Protected Species (ToPS), by means of a ToPS ordinary hunting permit. An EC Provincial hunting licence is mandatory.
10. Please note further that a permit is NOT required to hunt, during the day, any of the species listed in the Alien and Invasive Species Regulations (AIS), promulgated in terms of Section 97(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004). An AIS permit is, however, required by the landowner to possess live specimens.
11. This Proclamation remains effective until a new Proclamation has been gazetted. In the absence of a new Proclamation, the year shall be deemed to be the present year.

Mlungisi Mvoko
MEC for Economic Development, Environmental Affairs and Tourism

Date: 04/02/2021

Any comments or suggestions on the content of the Hunting Proclamation, must be made in writing to organized agriculture via Agri Eastern Cape Natasja.Barkhuizen@agriec.co.za before, or no later than, 30 September of the preceding year, to be taken into consideration for the following years hunting proclamation. The consolidated document will be forwarded to DEDEAT to peruse and discuss the information and to compile the proclamation after taking all biodiversity principles into account.

SCHEDULE 1

| SPECIES AND MAGISTERIAL DISTRICT | HUNTING SEASON | DAILY BAG LIMIT (PER PERSON PER DAY) | CONDITIONS AND SUSPENSION OF LISTED SECTIONS |
|--|---------------------|--|---|
| <p>THE HUNTING OF KUDU IS PROHIBITED ON LANDS SUCH AS, BUT NOT LIMITED TO, LUCERNE, MAIZE, OATS AND WHEAT.</p> <p>THE USE OF BAIT, SUCH AS FRUIT, VEGETABLES, AND SO ON, TO CREATE FEEDING SITES FOR KUDU IS PROHIBITED.</p> <p>SHOULD ANY PROPERTY FALL WITHIN THE JURISDICTION OF MORE THAN ONE PROVINCE, THE RELEVANT HUNTING SEASON, AS DETERMINED BY THAT PROVINCE FOR THAT SPECIFIC PORTION, WILL BE APPLICABLE.</p> | | | |
| Kudu (<i>Tragelaphus strepsiceros</i>) | | | |
| Aberdeen Adelaide Alexandria Bedford Cradock Fort Beaufort Graaff-Reinet Grahamstown Hofmeyr Joubertina Kirkwood Paterson Pearston Port Elizabeth Somerset East Steynsburg Willowmore | 01 June - 31 August | 1 | CONDITION - may only hunt kudu bulls in June; may hunt kudu bulls & kudu cows in July & August |
| Aliwal North Burgersdorp Cathcart Hankey Jansenville Molteno Uitenhage Venterstad | 01 June - 31 July | 1 | CONDITION - may only hunt kudu bulls in <u>June</u> ; may hunt kudu bulls & kudu cows in <u>July</u> |
| Berlin Kei Road King Williams Town | 01 June - 31 July | See condition | CONDITION – total of 2 kudu bulls <u>per season</u> , for farms larger than 1000 hectares; 1 kudu bull <u>per season</u> , for farms smaller than 1000 hectares; NO kudu cows may be hunted Requests to hunt kudu bulls must be submitted, in writing, to the Chairperson of the Kei Road Agricultural Association, for consideration. The result of the kudu hunt must also be reported, in writing, to the said Chairperson. |
| Dordrecht | 01 July - 31 July | 1 | CONDITION - may only hunt kudu bulls |
| East London | CLOSED | NIL | NIL |
| Klipplaat | 01 June - 31 July | See condition | CONDITION - total of 3 kudu per 1000 hectares or 1 kudu per 333 hectares; may only hunt kudu bulls in <u>June</u> ; may hunt kudu bulls & kudu cows in <u>July</u> |

NOTE: The Chairpersons of the Bolo AA [Ross Flannegan waterfallfarm@gmail.com/Terence Bartlett bolofarmer@gmail.com], Kei Road AA [Ian Burden lowlandsnursery@gmail.com/Glenda Victor keiroadfa@gmail.com], Sterkstroom AA Sidney Moorcroft penhoek@gmail.com/Megan Moorcroft penhoek@gmail.com, Komga AA [Coert Jordaan coertandcolleen@hotmail.com/Helen Compton comptonhelen8@gmail.com], Macleantown AA Neil Ristow nristow@sainet.co.za] must provide AgriEC with a copy of their kudu hunt reports by 30 September.

Any comments or suggestions on the content of the Hunting Proclamation, must be made in writing to organized agriculture via Agri Eastern Cape Natasja.Barkhuizen@agriec.co.za before, or no later than, 30 September of the preceding year, to be taken into consideration for the following years hunting proclamation. The consolidated document will be forwarded to DEDEAT to peruse and discuss the information and to compile the proclamation after taking all biodiversity principles into account.

| SPECIES AND MAGISTERIAL DISTRICT | HUNTING SEASON | DAILY BAG LIMIT (per person per day) | CONDITIONS AND SUSPENSION OF LISTED SECTIONS |
|--|---------------------|--|--|
| <p>THE HUNTING OF KUDU IS PROHIBITED ON LANDS SUCH AS, BUT NOT LIMITED TO, LUCERNE, MAIZE, OATS AND WHEAT.</p> <p>THE USE OF BAIT, SUCH AS FRUIT, VEGETABLES, AND SO ON, TO CREATE FEEDING SITES FOR KUDU IS PROHIBITED.</p> <p>SHOULD ANY PROPERTY FALL WITHIN THE JURISDICTION OF MORE THAN ONE PROVINCE, THE RELEVANT HUNTING SEASON, AS DETERMINED BY THAT PROVINCE FOR THAT SPECIFIC PORTION, WILL BE APPLICABLE.</p> | | | |
| Kudu (<i>Tragelaphus strepsiceros</i>) | | | |
| Khomgha, including Kei Mouth | 01 June - 31 July | See condition | <p>CONDITION - 2 kudu (bull or cow) <u>per season</u> per 1000 hectares for farms bigger than 1000 hectares (for example 3000ha = 6 kudu); farms smaller than 1000 hectares 1 kudu (bull or cow) <u>per season</u>.</p> <p>Requests to hunt kudu must be submitted in writing to the Chairperson of the Komga Farmers Association. The result of the kudu hunt must also be reported in writing to the said Chairperson.</p> <p>Any permits applications made to hunt on DRDAR, or Land Affairs properties, must be channelled through the Chairperson of the Komga Farmers Association before any permits are issued.</p> |
| Maclean town | 01 June - 31 July | 1 | <p>Requests to hunt kudu (bull or cow) must be submitted, in writing, to the Chairperson of the Maclean town Farmers Association. The result of the kudu hunt must also be reported, in writing, immediately after the hunt to the said Chairperson, indicating the number & sex hunted.</p> |
| Middelburg | 1 May - 31 August | 1 | <p>CONDITION - may only hunt kudu bulls in May & June; may hunt kudu bulls & kudu cows in July & August</p> <p>Before any hunting may take place Captain Bennie Kitching of the SAPS Stock Theft Unit must be informed of such hunt by contacting him on 0823199161. If he is not available, then contact Detective Warrant Officer Anton Mostert on 0795203419.</p> |
| Queenstown | 01 June - 31 August | See condition | <p>CONDITION - 3 kudu (bull or cow) <u>per season</u> per 1000 hectares for farms bigger than 1000 hectares (for example 3000ha = 9 kudu); farms smaller than 1000 hectares 2 kudu (bull or cow) <u>per season</u>.</p> |
| Sterkstroom | 01 June - 31 August | 1 | <p>CONDITION - may only hunt kudu bulls in June; may hunt kudu bulls & kudu cows in July and August</p> |
| Steytlerville | 01 July - 31 July | See condition | <p>CONDITION - 1 kudu bull per season per 500ha (for example 1000ha = 2 kudu bulls)</p> |
| Stutterheim | 01 June - 31 July | See condition | <p>CONDITION - 1 kudu bull per owner per week (see definition of owner); may not hunt kudu cows</p> <p>Requests to hunt kudu bulls must be submitted, in writing, to the Chairperson of the Bolo Farmers Association. The result of the kudu hunt must also be reported, in writing, immediately after the hunt to the said Chairperson, indicating the number & sex hunted.</p> |

Any comments or suggestions on the content of the Hunting Proclamation, must be made in writing to organized agriculture via Agri Eastern Cape Natasja.Barkhuizen@agriec.co.za before, or no later than, 30 September of the preceding year, to be taken into consideration for the following years hunting proclamation. The consolidated document will be forwarded to DEDEAT to peruse and discuss the information and to compile the proclamation after taking all biodiversity principles into account.

| SPECIES AND MAGISTERIAL DISTRICT | HUNTING SEASON | DAILY BAG LIMIT (per person per day) | CONDITIONS AND SUSPENSION OF LISTED SECTIONS |
|--|---------------------|---|---|
| <p>THE HUNTING OF KUDU IS PROHIBITED ON LANDS SUCH AS, BUT NOT LIMITED TO, LUCERNE, MAIZE, OATS AND WHEAT.</p> <p>THE USE OF BAIT, SUCH AS FRUIT, VEGETABLES, AND SO ON, TO CREATE FEEDING SITES FOR KUDU IS PROHIBITED.</p> <p>SHOULD ANY PROPERTY FALL WITHIN THE JURISDICTION OF MORE THAN ONE PROVINCE, THE RELEVANT HUNTING SEASON, AS DETERMINED BY THAT PROVINCE FOR THAT SPECIFIC PORTION, WILL BE APPLICABLE.</p> | | | |
| Kudu (<i>Tragelaphus strepsiceros</i>) | | | |
| Tarkastad | 01 June - 31 July | 1 | CONDITION - may only hunt kudu bulls in <u>June</u> ; may hunt kudu bulls & kudu cows in <u>July</u> |
| Tylden | 01 June - 31 August | See condition | CONDITION - 3 kudu (bull or cow) <u>per season</u> per 1000 hectares for farms bigger than 1000 hectares (for example 3000ha = 9 kudu); farms smaller than 1000 hectares 2 kudu (bull or cow) <u>per season</u> . |

NOTE: The Chairpersons of the Bolo AA [Ross Flannegan waterfallfarm@gmail.com/Terence Bartlett bolofarmer@gmail.com], Kei Road AA [Ian Burden lowlandsnursery@gmail.com/Glenda Victor keiroadfa@gmail.com], Sterkstroom AA Sidney Moorcroft penhoek@gmail.com/Megan Moorcroft penhoek@gmail.com, Komga AA [Coert Jordaan coertandcolleen@hotmail.com/Helen Compton comptonhelen8@gmail.com], Macleantown AA Neil Ristow nristow@sainet.co.za] must provide AgriEC with a copy of their kudu hunt reports by **30 September**.

| SPECIES AND MAGISTERIAL DISTRICT | HUNTING SEASON | DAILY BAG LIMIT (PER PERSON PER DAY) | CONDITIONS AND SUSPENSION OF LISTED SECTIONS |
|--|---------------------|---|--|
| Applicable to ALL DISTRICTS in the Eastern Cape portion of the former Cape of Good Hope. | | | |
| Bushbuck (<i>Tragelaphus scriptus</i>) All Districts. Restricted to the hunting of <u>rams only</u> in ALL Districts | 01 June - 31 July | 1 | SUSPENSION - Section 29 (l) [<i>dogs - are not to be used to attack or kill</i>] only for properties larger than 300ha. CONDITION - for properties smaller than 300ha a permit must be obtained from the nearest DEDEAT office. Restricted to the hunting of <u>rams only</u> in ALL Districts |
| Common duiker (<i>Sylvicapra grimmia</i>) All Districts, except Hankey, which is closed. Restricted to <u>rams only</u> in Humansdorp Grey rhebuck (<i>Pelea capreolus</i>) Steenbok (<i>Raphicerus campestris</i>) All Districts: except Humansdorp, which is closed | 01 June - 31 July | 1 | NIL |
| Blue duiker (<i>Philantomba monticola</i>) All Districts Common eland (<i>Tragelaphus oryx</i>) All Districts Grysbok (<i>Raphicerus melanotis</i>) All Districts Klipspringer (<i>Oreotragus oreotragus</i>) All Districts | As per permit | As per permit | CONDITION - a permit is required to hunt Blue duiker, Common eland, Grysbok and Klipspringer Applications to hunt these species must be supported, in writing, by the Chairperson of the relevant farmers association/union. |
| Mountain reedbuck (<i>Redunca fulvorufula</i>) All Districts, except Kirkwood, which is <u>closed</u> and Cradock (different season) | 01 June - 31 July | 1 | NIL |
| Mountain reedbuck (<i>Redunca fulvorufula</i>) Cradock | 01 June - 31 August | 1 | NIL |

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| SPECIES AND MAGISTERIAL DISTRICT | HUNTING SEASON | DAILY BAG LIMIT (PER PERSON PER DAY) | CONDITIONS AND SUSPENSION OF LISTED SECTIONS |
|--|--------------------------|--|---|
| SPECIFIED SPECIES - applicable to ALL DISTRICTS in the Eastern Cape portion of the former Cape of Good Hope. | | | |
| Blesbuck (<i>Damaliscus pygargus phillipsi</i>) Blue wildebeest (<i>Connochaetes taurinus</i>) Burchell's zebra (<i>Equus burchellii</i>) Gemsbok (<i>Oryx gazella</i>) Red hartebeest (<i>Alcelaphus buselaphus caama</i>) Springbuck (<i>Antidorcas marsupialis</i>) Impala (<i>Aepyceros melampus</i>) Nyala (<i>Tragelaphus angasii</i>) Waterbuck (<i>Kobus ellipsiprymnus</i>) | 01 January - 31 December | Unrestricted | SUSPENSION - Section 33(1) - use of a motor vehicle <u>only for culling</u> CONDITION - <u>aircraft</u> requires a permit Note Paragraph 2 on first page |

| SPECIES AND MAGISTERIAL DISTRICT | HUNTING SEASON | DAILY BAG LIMIT (per person per day) | CONDITIONS AND SUSPENSION OF LISTED SECTIONS |
|--|--------------------------|--|--|
| Applicable to ALL DISTRICTS in the Eastern Cape portion of the former Cape of Good Hope. | | | |
| Black-backed jackal (<i>Canis mesomelas</i>) Caracal (<i>Caracal caracal</i>) | 01 January - 31 December | Unrestricted | SUSPENSION - Section 29 (a) [<i>poison</i>] - only poison registered specifically for these species may be used, (d) [<i>trap</i>] - it excludes wire snares & any gin trap without an offset & a set screw, (g) [<i>calibre less than five comma six</i> <i>millimetres</i>], (h) [<i>automatic</i>] & (l) [<i>dog</i>] - dogs not to be used to attack or kill CONDITION - Section 33(1) - use of a motor vehicle only Note Paragraph 2 on first page |
| Bushpig (<i>Potamochoerus larvatus</i>) | 01 January - 31 December | Unrestricted | SUSPENSION - Section 29 (d) [<i>trap</i>] - confined only to the use of a cage & excludes any other illegal method such as wire snares & any gin trap; (h) [<i>automatic</i>]; (l) [<i>dog</i>] - dogs not to be used to attack or kill CONDITION - Section 33(1) - use of a motor vehicle only Note Paragraph 2 on first page |
| Chacma baboon (<i>Papio ursinus</i>) | 01 January - 31 December | Unrestricted | SUSPENSION - Section 29 (d) [<i>trap</i>] - confined only to the use of a <u>cage</u> and excludes any other illegal method such as wire snares and any gin trap |
| Rodents (excluding porcupines, springhare and cane rats) | 01 January - 31 December | Unrestricted | SUSPENSION - Section 29 (a) [<i>poison</i>] - ONLY poison registered as a <u>rodenticide</u> under Act No. 36 of 1947 and that has been approved by the SA Pest Control Association (SAPCA) may be used; (d) [<i>trap</i>] - confined only to the use of a cage & excludes any other illegal method such as wire snares & any gin trap & (g) [<i>calibre less than five</i> <i>comma six millimetres</i>]. |

Any comments or suggestions on the content of the Hunting Proclamation, must be made in writing to organized agriculture via Agri Eastern Cape Natasia.Barkhuizen@agrie.co.za before, or no later than, **30 September** of the preceding year, to be taken into consideration for the following years hunting proclamation. The consolidated document will be forwarded to DEDEAT to peruse and discuss the information and to compile the proclamation after taking all biodiversity principles into account.

| SPECIES AND MAGISTERIAL DISTRICT | HUNTING SEASON | DAILY BAG LIMIT (per person per day) | CONDITIONS AND SUSPENSION OF LISTED SECTIONS |
|--|--------------------------|--|---|
| Applicable to ALL DISTRICTS in the Eastern Cape portion of the former Cape of Good Hope. | | | |
| Cape hare (<i>Lepus capensis</i>) Scrub hare (<i>Lepus saxatilis</i>) Porcupine (<i>Hystrix africaeaustralis</i>) Rock hyrax (<i>Procavia capensis</i>) Springhare (<i>Pedetes capensis</i>) | 01 January - 31 December | Unrestricted | SUSPENSION - Section 29 (d) [trap] - confined only to the use of a cage and excludes any gin trap and any illegal method such as wire snares, (g) [calibre less than five comma six millimetres] and (l) [dog] - dogs not to be used to attack or kill Note Paragraph 2 on first page |
| Vervet monkey (<i>Chlorocebus pygerythrus</i>) | 01 January - 31 December | Unrestricted | SUSPENSION - Section 29 (d) [trap] - confined only to the use of a cage and excludes any other illegal method such as wire snares and any gin trap, and (g) [calibre less than five comma six millimetres]. |
| Warthog (<i>Phacochoerus africanus</i>) | 01 January - 31 December | Unrestricted | SUSPENSION - Section 29 (d) [trap] - it excludes wire snares and any gin trap without an offset and a set screw; (h) [automatic] & (l) [dog] - dogs not to be used to attack or kill. CONDITION - Section 33(1) - use of a motor vehicle only |

| SPECIES AND MAGISTERIAL DISTRICT | HUNTING SEASON | DAILY BAG LIMIT (PER PERSON PER DAY) | CONDITIONS AND SUSPENSION OF SECTION 29 |
|--|---------------------------|--|---|
| Applicable to ALL DISTRICTS in the Eastern Cape portion of the former Cape of Good Hope. | | | |
| South African shelduck (<i>Tadorna cana</i>) | 1 January - 31 March | 4 | SUSPENSION - (g) [calibre less than five comma six millimetres] CONDITION - NON-BREEDING South African shelduck IN LARGE FLOCKS may also be utilised during the period 1 May - 31 August by applying for a permit based on the DEDEAT Operational Guideline for the Issuing of Permits to Hunt Wild Animals Causing Crop Damage. |
| Egyptian goose (<i>Alopochen aegyptiacus</i>) | 1 February - 30 September | 15 | (g) [calibre less than five comma six millimetres] |
| Hadedda ibis (<i>Bostrychia hagedash</i>) | 1 February - 30 September | 5 | (g) [calibre less than five comma six millimetres] |
| Spur-winged goose (<i>Plectropterus gambensis</i>) | 1 March - 30 September | 5 | (g) [calibre less than five comma six millimetres] |
| Cape shoveller (<i>Anas smithii</i>) Cape teal (<i>Anas capensis</i>) Southern pochard (<i>Netta erythrophthalma</i>) White-faced duck (<i>Dendrocygna viduata</i>) | 1 May - 31 August | 2 | (g) [calibre less than five comma six millimetres] |
| Redbilled teal (<i>Anas erythrorhyncha</i>) Yellowbilled duck (<i>Anas undulata</i>) | 1 May - 31 August | 3 | (g) [calibre less than five comma six millimetres] |
| Red-wing francolin (<i>Scleroptila levaillantii</i>) | 1 May - 31 July | 2 | (g) [calibre less than five comma six millimetres] |

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2020

HUNTING SEASON: FORMER CISKEI**Ciskei Nature Conservation Act (Act 10 of 1987)**

It is hereby confirmed for general information that -

1. the Member of the Executive Council responsible for Economic Development, Environmental Affairs and Tourism (DEDEAT) has, in terms of Section 12 of the Nature Conservation Act, 1987 (Act 10 of 1987) (Ciskei), determined that for the year 2020, the hunting season in the territory of the former Republic of Ciskei in respect of all species listed in Schedule 2 of the above Act shall be as listed below.
2. in terms of Section 3(1)(d) of the Nature Conservation Act the Member of the Executive Council, subject to the provisions of the Act, restricts the live transport of any wild animal, excluding birds, to the period 01 March to 31 October 2020.
3. Please note that the N6 - Province of the Eastern Cape HUNTING LICENCE is not valid in the territory of the Former Ciskei.
4. In terms of the Ciskei Nature Conservation Act (Act 10 of 1987) Schedule 14, Part 1 the price of a licence to hunt birds only is R5.00 and a licence to hunt any huntable wild animal is R10.00.
5. Ciskei hunting licences are only available from the DEDEAT Amathole office in East London at the following contact details:

DEDEAT Amathole Regional Office
Alderwood House
Palm Square Business Park
Bonza Bay Road
Beacon Bay
East London

Tel: 043 707 4068

E-mail: Permits-Amathole@dedea.gov.za

DAILY BAG LIMITS IN FORMER CISKEI

It is hereby confirmed for general information that -

- (1) in terms of Section 10, as set out in Schedule 2, of the Nature Conservation Act, 1987 (Act No. 10 of 1987) (Ciskei), the daily bag limits for huntable wild animals in the territory of the former Republic of Ciskei, are as set out in the under-mentioned Schedule hereto.



Mlungisi Mvoko

MEC for Economic Development, Environmental Affairs and Tourism

Date: 04/12/2019

Any comments or suggestions on the content of the Hunting Proclamation, must be made in writing to organized agriculture via Agri Eastern Cape Natasja.Barkhuizen@agriec.co.za before, or no later than, 30 September of the preceding year, to be taken into consideration for the following years hunting proclamation. The consolidated document will be forwarded to DEDEAT to peruse and discuss the information and to compile the proclamation after taking all biodiversity principles into account.

DAILY BAG LIMITS IN FORMER CISKEI (*continued*)

SCHEDULE 2

| MAMMALS | HUNTING SEASON | DAILY BAG LIMIT (PER PERSON PER DAY) |
|---|----------------------------|---|
| Cape hare (<i>Lepus capensis</i>) Scrub hare (<i>Lepus saxatilis</i>) | 01 April - 30 September | 1 |
| Bushbuck (<i>Tragelaphus scriptus</i>) Common duiker (<i>Sylvicapra grimmia</i>) Steenbok (<i>Raphicerus campestris</i>) | 01 June - 31 July | 1 |
| Kudu (<i>Tragelaphus strepsiceros</i>) Please note: may only hunt kudu bulls in <u>June</u> - may hunt kudu bulls and kudu cows in <u>July and August</u> | 01 June - 31 August | 1 |
| Black-backed jackal (<i>Canis mesomelas</i>) Blesbuck (<i>Damaliscus pygargus phillipsi</i>) Bushpig (<i>Potamochoerus larvatus</i>) Caracal (<i>Caracal caracal</i>) Chacma Baboon (<i>Papio ursinus</i>) Springbuck (<i>Antidorcas marsupialis</i>) Vervet monkey (<i>Chlorocebus pygerythrus</i>) Warthog (<i>Phacochoerus africanus</i>) | 01 January - 31 December | Unrestricted |
| BIRDS | HUNTING SEASON | DAILY BAG LIMIT (PER PERSON PER DAY) |
| South African shelduck (<i>Tadorna cana</i>) | 01 January - 31 March | 4 |
| Egyptian goose (<i>Alopochen aegyptiaca</i>) | 01 February - 30 September | 15 |
| Hadedda ibis (<i>Bostrychia hagedash</i>) | 01 February - 30 September | 5 |
| Spur-winged goose (<i>Plectropterus gambensis</i>) | 01 March - 30 September | 5 |
| Cape shoveller (<i>Anas smithii</i>) Cape teal (<i>Anas capensis</i>) Southern pochard (<i>Netta erythrophthalma</i>) White-faced duck (<i>Dendrocygna viduata</i>) | 01 May - 31 August | 2 |
| Redbilled teal (<i>Anas erythrorhynchos</i>) Yellowbilled duck (<i>Anas undulata</i>) | 01 May - 31 August | 3 |
| Red-wing francolin (<i>Scleroptila levaillantii</i>) | 01 May - 31 August | 2 |
| Grey-wing francolin (<i>Scleroptila afra</i>) | 01 May - 31 July | 2 |
| Red-necked spurfowl (<i>Pternistis afer</i>) Orange River francolin (<i>Scleroptila levaillantoides</i>) | 01 May - 31 August | 4 |
| Helmeted guineafowl (<i>Numida meleagris</i>) | 01 May - 30 September | 5 |
| African olive-pigeon (<i>Columba arquatrix</i>) | 01 June - 31 August | 5 |
| Common quail (<i>Coturnix coturnix</i>) | 15 September - 31 October | 10 |
| Cape turtle dove (<i>Streptopelia capicola</i>) Laughing dove (<i>Streptopelia senegalensis</i>) Red-eyed dove (<i>Streptopelia semitorquata</i>) Speckled pigeon (<i>Columba guinea</i>) | 01 January - 31 December | Unrestricted |

2020

HUNTING SEASON: FORMER TRANSKEI

Transkei Decree No. 9 (Environmental Conservation) of 1992

1. There is NO Hunting Season in the territory of the former Republic of Transkei.
2. There is NO hunting licence applicable in the territory of the former Republic of Transkei.
3. However, the Transkei Decree No. 9 (Environmental Conservation) of 1992 Section 14(1)(a) states that "no person shall without a permit hunt any protected game".
4. Hunting may thus only take place with a valid hunting permit issued by DEDEAT.



Mlungisi Mvoko

MEC for Economic Development, Environmental Affairs and Tourism

Date: 04/12/2019

Any comments or suggestions on the content of the Hunting Proclamation, must be made in writing to organized agriculture via Agri Eastern Cape Natasia.Barkhuizen@agriec.co.za before, or no later than, 30 September of the preceding year, to be taken into consideration for the following years hunting proclamation. The consolidated document will be forwarded to DEDEAT to peruse and discuss the information and to compile the proclamation after taking all biodiversity principles into account.

ADDENDUM**HUNTING PROCLAMATION: 2020****EXTRACTS FROM THE NATURE AND ENVIRONMENTAL CONSERVATION ORDINANCE 19 OF 1974****HUNTING SEASON FOR WILD ANIMALS**

78. The MEC may by proclamation in respect of the province or any area therein specified in such proclamation
- (a) each year determine the period in such year during which a species of protected wild animal specified in such proclamation may be hunted under the authority of a permit or license referred to in Section 27(1)(a).
79. The MEC may by proclamation in respect of the province or any area therein specified in such Proclamation and either indefinitely or for a specified period -
- (a) determine the number of any species of protected wild animal specified in such proclamation which may subject to the provisions of this Ordinance be killed, captured or caught;
 - (b) if in his opinion it is necessary or desirable in the interests of nature and environmental conservation and subject to such conditions as he may deem fit suspend the operation of any provision of Section 29 or of any other provision of this Ordinance in so far as such provision relates to any species of fauna or flora specified in such Proclamation;
 - (c) notwithstanding anything to the contrary contained in this Ordinance, prohibit, control or restrict the hunting of wild animals or any species of wild animal; and
 - (f) prohibit, restrict or regulate the transport of any wild animal specified in such Proclamation.
82. (1) (b) The MEC may make regulations regulating and restricting the **use of dogs** in the hunting of any wild animal/s in any area in respect of which the operation of Section 29 (l) has been suspended by proclamation under Section 79 (b),

Section 42 of the Regulations (Provincial Notice No. 955 of 1975) state:

No owner of land in an area in which the application of Section 29 (l) of the ordinance has been suspended by proclamation under Section 79 (b) of the Ordinance may permit the use of more than **eight dogs over the age of one year and four dogs under the age of one year** in any particular hunt on such land.

HUNTING OF PROTECTED WILD ANIMALS

27. (1) Subject to the provisions (2) and (3) no person shall hunt any protected wild animal -
- (a) during any hunting season, unless he is the holder of a licence in the prescribed form issued to him by the Director on payment of the prescribed fee, or;
 - (b) at any other time unless he is the holder of a permit to do so.
27. (2) The provisions of Subsection (1) (a) shall not apply to any owner of land, any relative of such owner or any full-time employee of such owner acting under the authority of such owner, in respect of any protected wild animal found on the land of such owner.

PROHIBITION ON KILLING OR CAPTURING OF WILD ANIMALS IN EXCESS OF DAILY BAG LIMIT

28. No person authorized by any provision of this Ordinance to hunt any wild animal shall at any time kill or capture a greater number of any species of protected wild animal than the daily bag limit determined in respect of such species by Proclamation under Section 79 (a).

PROHIBITED WAYS OF HUNTING

29. No person shall, unless he is the holder of a permit authorizing him or her to do so, hunt any wild animal -
- (a) by means of fire or poison;
 - (b) with the aid of artificial light;
 - (c) on or from a public road;
 - (d) by means of any trap;
 - (e) during the period between one hour after sunset on any day and one hour before sunrise on the following day;
 - (f) by means of any weapon in a public place within the jurisdiction of a local authority;
 - (g) by means of a fire-arm which discharges a rim-fire cartridge of a calibre less than five comma six millimetres;
 - (h) by means of a firearm that discharges more than two shots without being manually reloaded;
 - (i) by means of a bow-and-arrow;
 - (j) by means of a set gun or any other similar contrivance;
 - (k) by means of any device that injects an intoxicating or a narcotic agent or poison into such animal;
 - (l) by the use of a dog, except for the hunting of birds or for the purpose of following or searching for any such animal which has been wounded;
 - (m) in the case of birds in or upon inland waters, by the use of a boat for the purpose of chasing or killing such birds;

Any comments or suggestions on the content of the Hunting Proclamation, must be made in writing to organized agriculture via Agri Eastern Cape Natasia.Barkhuizen@agriec.co.za before, or no later than, **30 September** of the preceding year, to be taken into consideration for the following years hunting proclamation. The consolidated document will be forwarded to DEDEAT to peruse and discuss the information and to compile the proclamation after taking all biodiversity principles into account.

Provided that in respect of the hunting of -

- (i) rodents, the provision of paragraphs (a), (b), (d), (e) and (l) [in terms of (b) of the Proclamation a permit is required];
- (ii) any bird or other wild animal which is not an endangered or a protected wild animal, the provisions of paragraph (g), or;
- (iii) any such wild animal by a registered veterinary surgeon in the practice of his profession, the provisions of paragraph (k), shall not apply.

- 33 (1) No person shall without a permit, use any motor vehicle or aircraft (drone) to HUNT any wild animal or to hunt, disturb, drive or stampede any wild animal or animals for the purpose of filming or photographing such hunt, disturbance, drive or stampede or for any other purpose whatsoever.

PLEASE NOTE THE FOLLOWING:

1. Definitions:

“**hunt**” in relation to any wild animal means by any means whatsoever to hunt or search for, to kill, capture or attempt to kill or capture, or to pursue, follow or drive with intent to kill or capture, or to shoot at, poison, lie in wait for or wilfully disturb

“**weapon**” means (a) a fire-arm having a barrel exceeding one hundred millimetres in length and includes ammunition for any such fire-arm, or (b) any other instrument which is capable of propelling a projectile (for example an air rifle) or which can itself be propelled or used in such a way that a wild animal may be killed, injured or immobilized thereby, and includes a spear, assegai, bow-and-arrow, axe, bush-knife, knife or similar object and any narcotic whatsoever

“**poison**” means any poison, preparation or chemical substance used to catch, immobilize, sterilize, kill or physically harm a wild animal

- i. The South African Pest Control Association (SAPCA) is charged by the Government in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947) to serve and protect the safety and health of the public by establishing and maintaining minimum standards of practice, knowledge and skills of registered pest management applicators in the country as well as to establish and maintain standards of professional ethics among them. Telephone - 012 654 8038 Fax – 086 556 1943 E-mail – simone@sapca.org.za;
- ii. Griffon Poison Information Centre. Gerhard Verdoorn: Telephone - 082 446 8946 E-mail - nesher@tiscali.co.za; and
- iii. Wildlife Poisoning Prevention and Conflict Resolution. Tim Snow: Telephone - 082 802 6223 E-mail – snowman@bundunet.com

“**trap**” means any trap, springtrap, snare, gin, cage, net, pitfall or birdlime and any other device or method whatsoever which can be used or adapted for the capture of wild animals;

“**wild animal**” means any live vertebrate or invertebrate animal (the egg or spawn of any such animal but excluding any ostrich used for farming purposes and the egg thereof) belonging to a non-domestic species and includes any such animal which is kept or has been born in captivity;

“**owner**” means, in relation to land, the person in whom is vested the legal title thereto; where the legal title thereto is vested in an association of persons, whether corporate or unincorporated, the person designated in writing as the owner thereof by such association;

- 2. No Threatened or Protected Species (TOPS), (**Black wildebeest, Bontebok, and so on**) as listed in Section 57 (1) of the regulations related to the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), have been listed in this Hunting Proclamation, and may therefore only be hunted, captured or any other restricted activity may only be carried out, if you are in possession of a specific TOPS permit to perform such a restricted activity.
- 3. No Alien and Invasive Species (AIS), (**Fallow deer, Kafue lechwe, Red lechwe, and so on**) as listed in the regulations related to the National Environmental Management: Biodiversity Act (NEMBA), 2004 (Act No. 10 of 2004), have been listed in this Hunting Proclamation. These species may be hunted without a permit BUT permits are required for any other restricted activity, as specified in Section 1 (b) of the National Environmental Management: Biodiversity Act (NEMBA), 2004 (Act No. 10 of 2004). However, please note that the provincial hunting license remains mandatory.
- 4. It is illegal to use an aircraft (for example a helicopter or a drone) for any purpose whatsoever over public or private land, whether you have a Certificate of Adequate Enclosure (CAE) or not, for the purposes as listed in Regulation 33 (1) above without a permit.
 - (a) Please note that even if you own your own aircraft (helicopter and/or drone) and are flying over your own property and you are HUNTING as per the definition of “hunt” you require a permit.
- 5. No person may hunt on any land, of which he/she is not the owner, without the written permission of the owner - Section 39 (1) and (2). Such written permission must reflect, the following:
 - (a) the full names and address of the owner concerned and of the person to whom it is granted; and
 - (b) the number and the species of wild animal, the date or dates and the land in respect of which it is granted, and is signed and dated by such owner.

(3) The provisions of Subsection (2) shall not apply in respect of permission granted in terms of Subsection (1) to any relative or full-time employee of any owner of land.
- 6. Section 40 - no person shall on land of which he is not the owner hunt any wild animal or remove any such animal or the carcass of such animal from such land without the permission of the owner of such land granted in terms of Section 39.
- 7. DEDEAT office hours are as follows: **Mondays-Thursdays 08:00 to 13:00; 13:45 to 16:30 and Fridays 08:00 to 13:00; 13: 30 to 16:00.**

Any comments or suggestions on the content of the Hunting Proclamation, must be made in writing to organized agriculture via Agri Eastern Cape Natasja.Barkhuizen@agries.co.za before, or no later than, 30 September of the preceding year, to be taken into consideration for the following years hunting proclamation. The consolidated document will be forwarded to DEDEAT to peruse and discuss the information and to compile the proclamation after taking all biodiversity principles into account.

| SPECIES AND MAGISTERIAL DISTRICT | HUNTING SEASON | DAILY BAG LIMIT (PER PERSON PER DAY) | CONDITIONS AND SUSPENSION OF SECTION 29 |
|--|-------------------------|--|---|
| Applicable to ALL DISTRICTS in the Eastern Cape portion of the former Cape of Good Hope. | | | |
| Grey-wing francolin (<i>Scleroptila afra</i>) All Districts, except Queenstown (different hunting season and bag limit) | 1 May - 31 July | 4 | (g) [calibre less than five comma six millimetres] |
| Grey-wing francolin (<i>Scleroptila afra</i>) Queenstown | 1 May - 31 July | 2 | (g) [calibre less than five comma six millimetres] |
| Red-necked spurfowl (<i>Pternistis afer</i>) Orange River francolin (<i>Scleroptila levaillantoides</i>) | 1 May - 31 July | 4 | (g) [calibre less than five comma six millimetres] |
| Helmeted guineafowl (<i>Numida meleagris</i>) | 1 May - 30 September | 5 | (g) [calibre less than five comma six millimetres] |
| African olive-pigeon (<i>Columba arquatrix</i>) | 1 June - 31 July | 5 | (g) [calibre less than five comma six millimetres] |
| Common quail (<i>Coturnix coturnix</i>) | 1 October - 30 November | 10 | Prerequisite: the innards of all quail shot between 15-30 November be kept frozen for sampling. At the end of the season hunters must contact their closest regional or satellite office, of the EC Wingshooters Forum, with the address and contact details of the people that have the frozen innards. Tim van Heerden (0829295373) will then facilitate the collection and analysing of the samples by a state veterinarian to determine the breeding status of the birds hunted. This will be determined by measuring the gonads of the male and female birds. This research will assist with determining a sustainable hunting season for the future. |
| Cape turtle dove (<i>Streptopelia capicola</i>) Laughing dove (<i>Streptopelia senegalensis</i>) Red-eyed dove (<i>Streptopelia semitorquata</i>) Speckled pigeon (<i>Columba guinea</i>) | 1 January - 31 December | Unrestricted | (g) [calibre less than five comma six millimetres] |
| Exotic Anseriformes (Ducks, geese, swans & screamers) | 1 January - 31 December | Unrestricted | |

Any comments or suggestions on the content of the Hunting Proclamation, must be made in writing to organized agriculture via Agri Eastern Cape Natasja.Barkhuizen@agriec.co.za before, or no later than, 30 September of the preceding year, to be taken into consideration for the following years hunting proclamation. The consolidated document will be forwarded to DEDEAT to peruse and discuss the information and to compile the proclamation after taking all biodiversity principles into account.

PROVINCIAL NOTICE 589 OF 2023



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

Provincial Gazette / Igazethi Yephondo / Provinsiale Koerant

BHISHO

PROCLAMATION

by the MEC for Economic Development, Environmental Affairs and Tourism
Date

1. I, Mlungisi Mvoko, Member of the Executive Council (MEC) for Economic Development, Environmental Affairs and Tourism (hereinafter referred to as the department), acting in terms of Sections 78 and 79 of the Nature and Environmental Conservation Ordinance, 1974 (Ordinance No. 19 of 1974), and Section 18 of the Problem Animal Control Ordinance, 1957 (Ordinance 26 of 1957) hereby determine the hunting season and the daily bag limits, as set out in the second and third columns, respectively, of Schedule 1, hereto in the Magisterial Districts of the Province of the Eastern Cape of the former Province of the Cape of Good Hope and in respect of wild animals mentioned in the first column of the said Schedule 1, and I hereby suspend and set conditions pertaining to the enforcement of Sections 29 and 33 of the said Ordinance to the extent specified in the fourth column of the said Schedule 1, in the district and in respect of the species of wild animals indicated opposite any such suspension and/or condition, of the said Schedule 1.
2. In terms of Section 29 (b) *[with the aid of artificial light]* and (e) *[during the period between one hour after sunset on any day and one hour before sunrise on the following day]*, subject to the provisions of this ordinance, I prohibit hunting at night under the following proviso, that anyone intending to hunt at night for management purposes by culling any of the **Alien and Invasive listed species [AIS]**, **Bushpig**, **Hares**, **Specified Species [Blesbuck, Blue wildebeest, Burchell's zebra, Gemsbok, Red hartebeest, Springbuck, Impala, Nyala, Waterbuck]**, **Rodents**, **Porcupine** and **Springhare**, must apply to the department for a provincial permit. Proof of membership or ownership of a registered culling team is a requirement for an annual permit. In the absence of such proof of membership or ownership, applications will be dealt with per hunt.
3. In terms of Section 29 (b) *[with the aid of artificial light]* and (e) *[during the period between one hour after sunset on any day and one hour before sunrise on the following day]*, subject to the provisions of this ordinance, I prohibit hunting at night under the following proviso, that anyone intending to hunt at night for management purposes, by using the call-and-shoot method, of **Black-backed jackal** and **Caracal**, must apply to the department for a provincial permit. Proof of being a certified Call-and-Shoot Operator is a requirement for a permit. Please note that landowners require a provincial permit to call-and-shoot on their own property but are exempted from providing proof of certification.
4. In terms of Section 29 (i), *[by means of a bow-and-arrow]*, subject to the provisions of this ordinance, I prohibit any natural person from hunting with a bow and arrow under the following proviso, that anyone intending to hunt with a bow and arrow on land not covered by a valid Certificate of Adequate Enclosure (CAE), must be in possession of a bow hunting certificate of competency, obtained from a recognized training institution, or must be authorized in writing by a recognized hunting association, and must apply to the department for a permit. Any other hunter, who is escorted by a professional hunter, may hunt without proof of a bow hunting certificate of competency or written authorization by a recognized hunting association.
5. In terms of Section 33 (1), no person shall without a provincial permit, use any motor vehicle or aircraft (includes a drone) to hunt any wild animal or to hunt, disturb, drive or stampede any wild animal or animals for the purpose of filming or photographing such hunt, disturbance, drive or stampede or for any other purpose whatsoever. This also applies to a property with a CAE.
6. In terms of Section 79 (f), subject to the provisions of this Ordinance, I restrict the live transport of any wild animal/s, excluding birds and reptiles, to the period 01 March to 31 October.
7. In terms of Section 82 (1) (b), subject to the provisions of this proclamation, I suspend by proclamation under Section 79 (b), the operation of Section 29 (i) *[by the use of a dog]* only for properties larger than 300 hectares. For properties smaller than 300 hectares a provincial permit must be obtained from the relevant departmental office. The use of dogs is limited to the flushing of animals and for the tracking of wounded animals. Dogs are not to be used to attack or kill. Dogs used in the hunting of birds are excluded from this clause.
8. Should any person, for any reason whatsoever, hunt any wild animal/s in contravention to the provisions of this proclamation, such person must notify the relevant departmental office, in the form of a sworn affidavit, within 24 hours of such contravention having taken place.
9. Protected species NOT listed in this proclamation, may only be hunted by means of a provincial permit or, if it is a **Threatened or Protected Species [TOPS]**, by means of a TOPS ordinary hunting permit. An EC Provincial hunting licence is mandatory.
10. Please note further that a permit is NOT required to hunt, during the day, any of the species listed in the **Alien and Invasive Species Regulations [AIS]**, promulgated in terms of Section 97(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004). An AIS permit is, however, required by the landowner to possess live specimens.

11. PLEASE NOTE that a **provincial hunting licence** IS NOT A PERMIT and does not authorize any hunting, by the holder thereof, UNLESS all permit requirements contained in legislation and in this proclamation have been adhered to.
12. Applications to hunt on **state land** –

Any permit applications made to hunt on any state land, for example, Department: Rural Development and Land Reform [DRLAR], Land Affairs and Public Works properties must be channelled to the relevant official at the relevant offices of DRLAR, Land Affairs and Public Works who will then forward the authorization to the relevant departmental District Office. Once this authorization has been given, the department must forward the application and the authorization to the relevant Agricultural Association for comment before any permits may be issued. The Agricultural Association's comment must be provided within 72 hours, failing which it will be regarded by the department that there are no objections or comments.
13. This Proclamation remains effective until a new Proclamation has been gazetted. In the absence of a new Proclamation, the year shall be deemed to be the present year.



Mlungisi Mvoko
MEC for Economic Development, Environmental Affairs and Tourism
Date: 10/03/2023

SCHEDULE 1

| SPECIES, MAGISTERIAL DISTRICT | HUNTING SEASON | DAILY BAG LIMIT (PER PERSON PER DAY) | CONDITIONS AND SUSPENSION OF LISTED SECTIONS |
|--|---------------------|--|--|
| <p>THE HUNTING OF KUDU IS PROHIBITED ON LANDS SUCH AS, BUT NOT LIMITED TO, LUCERNE, MAIZE, OATS AND WHEAT.</p> <p>THE USE OF BAIT, SUCH AS FRUIT, VEGETABLES, AND SO ON, TO CREATE FEEDING SITES FOR KUDU IS PROHIBITED.</p> <p>SHOULD ANY PROPERTY FALL WITHIN THE JURISDICTION OF MORE THAN ONE PROVINCE, THE RELEVANT HUNTING SEASON, AS DETERMINED BY THAT PROVINCE FOR THAT SPECIFIC PORTION, WILL BE APPLICABLE.</p> | | | |
| Kudu (<i>Tragelaphus strepsiceros</i>) | | | |
| ABERDEEN | 01 June – 31 July | 1 | CONDITION - may only hunt kudu bulls in June; may hunt kudu bulls and kudu cows in July |
| ADELAIDE Post Retief | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| GRAHAMSTOWN/MAKHANDA Carlisle Bridge Koonap Central Albany Belton Salem Lower Albany and Bathurst Border | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| BURGERSDORP Burgersdorp Knapdaar | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| ALEXANDRIA Paterson | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| ALIWAL NORTH Floukraal | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| BARKLY EAST New England Voorspoed Cullenswood Rhodes | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| BATHURST Coombs Eastern border Bathurst West | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| BEDFORD | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| BERLIN | 01 June – 31 July | See condition | CONDITION – total of 2 kudu bulls <u>per season</u> , for farms larger than 1000 hectares; 1 kudu bull <u>per season</u> , for farms smaller than 1000 hectares; NO kudu cows may be hunted. |
| CATHCART Upper-Cathcart Thomas-River Henderson | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| CRADOCK Fish River Bo-Vlekpoort Tarka-Wyk Agter-Sneeuberg Samekomst Bo-Swaershoek | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| DORDRECHT | 01 July – 31 July | 1 | CONDITION - may only hunt kudu bulls |
| EAST LONDON | CLOSED | NIL | NIL |

| | | | |
|---|---------------------|---------------|---|
| ELLIOT Ryno Ida | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| FORT BEAUFORT | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| GRAAFF-REINET Sneeuberg Camdeboo Graaff-Reinet Woolgrowers | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| HANKEY Gamtoos Thornhill Van Stadens River | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| HOFMEYR | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| HUMANSDORP Zuurans Agri Tsitsikamma-Oos | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| JAMESTOWN Clanville Jamestown Swempoor | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June; may hunt kudu bulls and kudu cows in July and August |
| JANSENVILLE Klipplaat Waterford | 01 June – 31 July | See condition | CONDITION – total of 3 kudu per 1000 hectares or 1 kudu per 333 hectares, may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July |
| JOUBERTINA Langkloof-Boerevereniging | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| KING WILLIAMS TOWN Kei Road | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August. |
| KIRKWOOD Agri Sondagsrivier | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| KLIPLAAT | 01 June – 31 July | See condition | CONDITION - total of 3 kudu per 1000 hectares or 1 kudu per 333 hectares; may only hunt kudu bulls in <u>June</u> ; may hunt kudu bulls & kudu cows in <u>July</u> . |
| KOMGA | 01 June – 31 August | See condition | CONDITION - 4 kudu (bull or cow) per season per 1000 hectares of land (<i>for example 3000ha = 12 kudu</i>). Farms smaller than 1000 hectares 1 kudu (bull or cow) per 250 ha of land per season. Requests to hunt kudu must be submitted in writing to the Chairperson of the Komga Agricultural Association (KAA). The result of the kudu hunt must also be reported in writing to the said Chairperson. |
| LADY GREY Swempoor | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| MACLEANTOWN | 01 June – 31 July | 1 | NIL |
| MACLEAR Maclear Tentkop | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| MIDDELBURG Nooitgedacht Bo-Suurberg Schoombee Rooihoogte | 01 June – 31 August | See condition | CONDITION – 2 kudu bulls per 1000 hectares per month; may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |

| | | | |
|---|---------------------|---------------|--|
| MOLTENO Loperberg Sandfontein | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| PATERSON | 01 June – 31 August | 1 | CONDITION - may only hunt kudu bulls in June; may hunt kudu bulls & kudu cows in July & August |
| PEARSTON Buffelshoek | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| PORT ELIZABETH Van Stadens | 01 June – 31 August | 1 | CONDITION - may only hunt kudu bulls in June; may hunt kudu bulls & kudu cows in July & August |
| QUEENSTOWN Tylden Klaassmits Queenstown and District | 01 June – 31 August | See condition | CONDITION – 5 kudu per season per landowner per 1 000 hectares; 3 kudu per season per landowner LESS than 1 000 hectares May hunt kudu bulls and kudu cows |
| SOMERSET EAST Swaershoek Paddafontein Zuurberg | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| STERKSTROOM Birds-River | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| STEYNSBURG | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| STEYTLERVILLE | 01 June – 31 July | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July. |
| STUTTERHEIM Bolo | 01 June – 31 August | See condition | CONDITION - 4 kudu (bull or cow) per season per 1000 hectares of land (<i>for example 3000ha = 12 kudu</i>). Farms smaller than 1000 hectares 1 kudu (bull or cow) per 250 ha of land per season. Requests to hunt kudu must be submitted in writing to the Chairperson of the Bolo Agricultural Association (BAA). The result of the kudu hunt must also be reported in writing to the said Chairperson. |
| TARKASTAD Tarkastad Winterberg Swartkei | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| UITENHAGE Cockscomb Glenconnor Agri Winterhoek Elandsrivier | 01 June – 31 August | See condition | CONDITION – 1 kudu per 500 hectares; may only hunt kudu bulls in June, may hunt kudu bulls and kudu cows in July and August |
| VENTERSTAD | 01 June – 31 August | 1 | CONDITION – may only hunt kudu bulls in June; may hunt kudu bulls and kudu cows in July and August |
| WILLOWMORE Traka Rietbron Fullarton-Miller Winterhoek Baviaanskloof | 01 June – 31 July | 1 | CONDITION - may only hunt kudu bulls in June; may hunt kudu bulls and kudu cows in July |

NOTE:

1. A PERMIT IS REQUIRED TO HUNT A KUDU ON PROPERTIES **SMALLER THAN 300 HECTARES**.
2. The department will NOT issue any permit to hunt kudu out of season, except for Crop Damage after following the procedures and meeting all the requirements as set out in the department's OPERATIONAL GUIDELINE FOR THE ISSUING OF PERMITS TO HUNT ANIMALS CAUSING CROP DAMAGE. All hunting of kudu must be done during the allocated dates as set out in the proclamation.

| SPECIES AND MAGISTERIAL DISTRICT | HUNTING SEASON | DAILY BAG LIMIT (PER PERSON PER DAY) | CONDITIONS AND SUSPENSION OF LISTED SECTIONS |
|--|---------------------|---|--|
| Applicable to ALL DISTRICTS in the Eastern Cape portion of the former Cape of Good Hope. | | | |
| Bushbuck (<i>Tragelaphus scriptus</i>) ALL Magisterial Districts | 01 June – 31 July | 1 | Restricted to the hunting of <u>rams only</u> in ALL Districts SUSPENSION - Section 29 (l) [<i>dogs - are not to be used to attack or kill</i>] only for properties larger than 300ha. CONDITION - for properties smaller than 300ha a permit must be obtained from the relevant departmental district office. |
| Common duiker (<i>Sylvicapra grimmia</i>) All Districts, except Hankey, which is closed. Restricted to <u>rams only</u> in Humansdorp Grey rhebuck (<i>Pelea capreolus</i>) Steenbok (<i>Raphicerus campestris</i>) All Districts, except Humansdorp and Joubertina, which is closed | 01 June – 31 July | 1 | NIL |
| Common eland (<i>Tragelaphus oryx</i>) <u>specific to</u> Queenstown and District Agricultural Association area | 01 June – 31 August | See condition | CONDITION – may only hunt 2 eland per season; may hunt eland bulls in June, July and August; may hunt eland cows in August |
| Common eland (<i>Tragelaphus oryx</i>) All Districts, except Queenstown Grysbok (<i>Raphicerus melanotis</i>) All Districts Klipspringer (<i>Oreotragus oreotragus</i>) All Districts | As per permit | As per permit | CONDITION - a permit is required to hunt Common eland, Grysbok and Klipspringer |
| Mountain reedbuck (<i>Redunca fulvorufula</i>) All Districts, except Kirkwood, which is <u>closed</u> and Cradock and Queenstown (different season) | 01 June – 31 July | 1 | NIL |
| Mountain reedbuck (<i>Redunca fulvorufula</i>) Cradock | 01 June – 31 August | 1 | NIL |
| Mountain reedbuck (<i>Redunca fulvorufula</i>) Queenstown | 01 June – 31 August | See condition | CONDITION - 3 mountain reedbuck per season per 1000 hectares |

NOTE: Where hunting applications have been forwarded to an Agricultural Association by the department for comment, such comment must be provided within 72 hours. Failing which it will be regarded by the department that there are no objections or comments.

| SPECIES AND MAGISTERIAL DISTRICT | HUNTING SEASON | DAILY BAG LIMIT (PER PERSON PER DAY) | CONDITIONS AND SUSPENSION OF LISTED SECTIONS |
|--|--------------------------|---|---|
| SPECIFIED SPECIES - applicable to ALL DISTRICTS in the Eastern Cape portion of the former Cape of Good Hope. | | | |
| Blesbuck (<i>Damaliscus pygargus phillipsi</i>) Blue wildebeest (<i>Connochaetes taurinus</i>) Burchell's zebra (<i>Equus burchellii</i>) Gemsbok (<i>Oryx gazella</i>) Red hartebeest (<i>Alcelaphus buselaphus caama</i>) Springbuck (<i>Antidorcas marsupialis</i>) Impala (<i>Aepyceros melampus</i>) | 01 January – 31 December | Unrestricted | SUSPENSION - Section 33(1) - use of a motor vehicle <u>only for culling</u> CONDITION - <u>aircraft</u> requires a permit Note Paragraph 2 on first page |

| SPECIES AND MAGISTERIAL DISTRICT | HUNTING SEASON | DAILY BAG LIMIT (PER PERSON PER DAY) | CONDITIONS AND SUSPENSION OF LISTED SECTIONS |
|---|--------------------------|---|---|
| SPECIFIED SPECIES - applicable to ALL DISTRICTS in the Eastern Cape portion of the former Cape of Good Hope. | | | |
| Waterbuck (<i>Kobus ellipsiprymnus</i>) | 01 January – 31 December | Unrestricted | SUSPENSION - Section 33(1) - use of a motor vehicle <u>only for culling</u> CONDITION - <u>aircraft</u> requires a permit Note Paragraph 2 on first page |
| SPECIES AND MAGISTERIAL DISTRICT | HUNTING SEASON | DAILY BAG LIMIT (per person per day) | CONDITIONS AND SUSPENSION OF LISTED SECTIONS |
| Applicable to ALL DISTRICTS in the Eastern Cape portion of the former Cape of Good Hope. | | | |
| Black-backed jackal (<i>Canis mesomelas</i>) Caracal (<i>Caracal caracal</i>) | 01 January – 31 December | Unrestricted | SUSPENSION - Section 29 (a) [<i>poison</i>] - only poison registered specifically for these species may be used, (d) [<i>trap</i>] - it excludes wire snares and any gin trap without an offset and a set screw, (g) [<i>calibre less than five comma six millimetres</i>], (h) [<i>automatic</i>] and (l) [<i>dog</i>] - dogs not to be used to attack or kill CONDITION - Section 33(1) - use of a motor vehicle only Note Paragraph 3 on first page |
| Bushpig (<i>Potamochoerus larvatus</i>) | 01 January – 31 December | Unrestricted | SUSPENSION - Section 29 (d) [<i>trap</i>] - confined only to the use of a cage and excludes any other illegal method such as wire snares and any gin trap; (h) [<i>automatic</i>]; (l) [<i>dog</i>] - dogs not to be used to attack or kill CONDITION - Section 33(1) - use of a motor vehicle only Note Paragraph 2 on first page |
| Chacma baboon (<i>Papio ursinus</i>) | 01 January – 31 December | Unrestricted | SUSPENSION - Section 29 (d) [<i>trap</i>] - confined only to the use of a <u>cage</u> and excludes any other illegal method such as wire snares and any gin trap |
| Cape hare (<i>Lepus capensis</i>) Scrub hare (<i>Lepus saxatilis</i>) Porcupine (<i>Hystrix africaeaustralis</i>) Rock hyrax (<i>Procavia capensis</i>) Springhare (<i>Pedetes capensis</i>) | 01 January – 31 December | Unrestricted | SUSPENSION - Section 29 (d) [<i>trap</i>] - confined only to the use of a cage and excludes any gin trap and any illegal method such as wire snares, (g) [<i>calibre less than five comma six millimetres</i>] and (l) [<i>dog</i>] - dogs not to be used to attack or kill Note Paragraph 2 on first page |
| Rodents (excluding Porcupines, Springhare and Cane rats) | 01 January – 31 December | Unrestricted | SUSPENSION - Section 29 (a) [<i>poison</i>] - ONLY poison registered as a <u>rodenticide</u> under Act No. 36 of 1947 and that has been approved by the <u>SA Pest Control Association</u> (SAPCA) may be used; (d) [<i>trap</i>] - confined only to the use of a cage and excludes any other illegal method such as wire snares and any gin trap and (g) [<i>calibre less than five comma six millimetres</i>]. |
| Vervet monkey (<i>Chlorocebus pygerythrus</i>) | 01 January – 31 December | Unrestricted | SUSPENSION - Section 29 (d) [<i>trap</i>] - confined only to the use of a cage and excludes any other illegal method such as wire snares and any gin trap, and (g) [<i>calibre less than five comma six millimetres</i>]. |
| Warthog (<i>Phacochoerus africanus</i>) | 01 January – 31 December | Unrestricted | SUSPENSION - Section 29 (d) [<i>trap</i>] - it excludes wire snares and any gin trap without an offset and a set screw; (h) [<i>automatic</i>] and (l) [<i>dog</i>] - dogs <u>not</u> to be used to attack or kill. CONDITION - Section 33(1) - use of a motor vehicle only |

| SPECIES AND MAGISTERIAL DISTRICT | HUNTING SEASON | DAILY BAG LIMIT (PER PERSON PER DAY) | CONDITIONS AND SUSPENSION OF SECTION 29 |
|--|----------------------------|--|---|
| Applicable to ALL DISTRICTS in the Eastern Cape portion of the former Cape of Good Hope. | | | |
| African olive-pigeon (<i>Columba arquatrix</i>) | 01 June – 31 July | 5 | (g) [calibre less than five comma six millimetres] |
| Cape turtle dove (<i>Streptopelia capicola</i>) Laughing dove (<i>Streptopelia senegalensis</i>) Red-eyed dove (<i>Streptopelia semitorquata</i>) Speckled pigeon (<i>Columba guinea</i>) | 01 January – 31 December | Unrestricted | (g) [calibre less than five comma six millimetres] |
| Cape shoveller (<i>Anas smithii</i>) Cape teal (<i>Anas capensis</i>) Southern pochard (<i>Netta erythrophthalma</i>) White-faced duck (<i>Dendrocygna viduata</i>) | 01 May – 31 August | 2 | (g) [calibre less than five comma six millimetres] |
| Common quail (<i>Coturnix coturnix</i>) | 01 October – 30 November | 10 | <u>Prerequisite:</u> the innards of all quail shot between 15-30 November must be kept frozen for sampling. At the end of the season hunters must contact their closest regional or satellite office, of the EC Wingshooters Forum, with the address and contact details of the people that have the frozen innards. Tim van Heerden (0829295373) will then facilitate the collection and analysing of the samples by a state veterinarian to determine the breeding status of the birds hunted. This will be determined by measuring the gonads of the male and female birds. This research will assist with determining a sustainable hunting season for the future. |
| Egyptian goose (<i>Alopochen aegyptiacus</i>) | 01 February – 30 September | 15 | (g) [calibre less than five comma six millimetres] |
| Grey-wing francolin (<i>Scleroptila afra</i>) All Districts, except Queenstown (different hunting season and bag limit) | 01 May – 31 July | 4 | (g) [calibre less than five comma six millimetres] |
| Grey-wing francolin (<i>Scleroptila afra</i>) Queenstown | 01 May – 31 July | 2 | (g) [calibre less than five comma six millimetres] |
| Hadedda ibis (<i>Bostrychia hagedash</i>) | 01 February – 30 September | 5 | (g) [calibre less than five comma six millimetres] |
| Helmeted guineafowl (<i>Numida meleagris</i>) | 01 May – 30 September | 5 | (g) [calibre less than five comma six millimetres] |
| Redbilled teal (<i>Anas erythrorhyncha</i>) Yellowbilled duck (<i>Anas undulata</i>) | 01 May – 31 August | 3 | (g) [calibre less than five comma six millimetres] |
| Red-wing francolin (<i>Scleroptila levaillantii</i>) | 01 May – 31 July | 2 | (g) [calibre less than five comma six millimetres] |
| Red-necked spurfowl (<i>Pternistis afer</i>) Orange River francolin (<i>Scleroptila levaillantoides</i>) | 01 May – 31 July | 4 | (g) [calibre less than five comma six millimetres] |

| SPECIES AND MAGISTERIAL DISTRICT | HUNTING SEASON | DAILY BAG LIMIT (per person per day) | CONDITIONS AND SUSPENSION OF SECTION 29 |
|--|--------------------------|---|---|
| Applicable to ALL DISTRICTS in the Eastern Cape portion of the former Cape of Good Hope. | | | |
| South African shelduck (<i>Tadorna cana</i>) | 01 January - 31 March | 4 | SUSPENSION - (g) [calibre less than five comma six millimetres] CONDITION - NON-BREEDING South African shelduck IN LARGE FLOCKS may also be utilised during the period 1 May - 31 August by applying for a permit based on the Departmental Operational Guideline for the Issuing of Permits to Hunt Wild Animals Causing Crop Damage. |
| Spur-winged goose (<i>Plectropterus gambensis</i>) | 01 March - 30 September | 5 | (g) [calibre less than five comma six millimetres] |
| Exotic Anseriformes (Ducks, geese, swans and screamers) | 01 January - 31 December | Unrestricted | |

HUNTING SEASON: FORMER CISKEI

Ciskei Nature Conservation Act (Act 10 of 1987)

It is hereby confirmed for general information that -

- the Member of the Executive Council responsible for Economic Development, Environmental Affairs and Tourism (hereinafter referred to as the department) has, in terms of Section 12 of the Nature Conservation Act, 1987 (Act 10 of 1987) (Ciskei), determined that the hunting season in the territory of the former Republic of Ciskei in respect of all species listed in Schedule 2 of the above Act shall be as listed below.
- in terms of Section 3(1)(d) of the Nature Conservation Act the Member of the Executive Council, subject to the provisions of the Act, restricts the live transport of any wild animal, excluding birds, to the period 01 March to 31 October.
- Please note that the N6 - Province of the Eastern Cape HUNTING LICENCE - is not valid in the territory of the Former Ciskei.
- In terms of the Ciskei Nature Conservation Act (Act 10 of 1987) Schedule 14, Part 1 the price of a licence to hunt birds is R5.00 and a licence to hunt any huntable wild animal is R10.00.
- Ciskei hunting licences are only available from the department's Amathole office in East London at the following contact details:

Economic Development, Environmental Affairs and Tourism
Amathole Regional Office
Alderwood House
Palm Square Business Park
Bonza Bay Road
Beacon Bay
East London

Tel: 043 707 4000 / 060 976 8367
E-mail: ricky.hannan@dedea.gov.za

DAILY BAG LIMITS IN FORMER CISKEI

It is hereby confirmed for general information that -

- (1) in terms of Section 10, as set out in Schedule 2, of the Nature Conservation Act, 1987 (Act No. 10 of 1987) (Ciskei), the daily bag limits for huntable wild animals in the territory of the former Republic of Ciskei, are as set out in the under-mentioned Schedule hereto.



Mlungisi Mvoko
MEC for Economic Development, Environmental Affairs and Tourism
Date:

DAILY BAG LIMITS IN FORMER CISKEI (*continued*)

SCHEDULE 2

| MAMMALS | HUNTING SEASON | DAILY BAG LIMIT (PER PERSON PER DAY) |
|---|----------------------------|---|
| Cape hare (<i>Lepus capensis</i>) Scrub hare (<i>Lepus saxatilis</i>) | 01 April – 30 September | 1 |
| Bushbuck (<i>Tragelaphus scriptus</i>) Common duiker (<i>Sylvicapra grimmia</i>) Steenbok (<i>Raphicerus campestris</i>) | 01 June – 31 July | 1 |
| Kudu (<i>Tragelaphus strepsiceros</i>) Please note: may only hunt kudu bulls in <u>June</u> - may hunt kudu bulls and kudu cows in <u>July and August</u> | 01 June – 31 August | 1 |
| Black-backed jackal (<i>Canis mesomelas</i>) Blesbuck (<i>Damaliscus pygargus phillipsi</i>) Bushpig (<i>Potamochoerus larvatus</i>) Caracal (<i>Caracal caracal</i>) Chacma Baboon (<i>Papio ursinus</i>) Springbuck (<i>Antidorcas marsupialis</i>) Vervet monkey (<i>Chlorocebus pygerythrus</i>) Warthog (<i>Phacochoerus africanus</i>) | 01 January – 31 December | Unrestricted |
| BIRDS | HUNTING SEASON | DAILY BAG LIMIT (PER PERSON PER DAY) |
| South African shelduck (<i>Tadorna cana</i>) | 01 January – 31 March | 4 |
| Egyptian goose (<i>Alopochen aegyptiacus</i>) | 01 February – 30 September | 15 |
| Hadedda ibis (<i>Bostrychia hagedash</i>) | 01 February – 30 September | 5 |
| Spur-winged goose (<i>Plectropterus gambensis</i>) | 01 March – 30 September | 5 |
| Cape shoveller (<i>Anas smithii</i>) Cape teal (<i>Anas capensis</i>) Southern pochard (<i>Netta erythrophthalma</i>) White-faced duck (<i>Dendrocygna viduata</i>) | 01 May – 31 August | 2 |
| Redbilled teal (<i>Anas erythrorhynchos</i>) Yellowbilled duck (<i>Anas undulata</i>) | 01 May – 31 August | 3 |
| Red-wing francolin (<i>Scleroptila levaillantii</i>) | 01 May – 31 August | 2 |
| Grey-wing francolin (<i>Scleroptila afra</i>) | 01 May – 31 July | 2 |
| Red-necked spurfowl (<i>Pternistis afer</i>) Orange River francolin (<i>Scleroptila levaillantoides</i>) | 01 May – 31 August | 4 |
| Helmeted guineafowl (<i>Numida meleagris</i>) | 01 May – 30 September | 5 |
| African olive-pigeon (<i>Columba arquatrix</i>) | 01 June – 31 August | 5 |
| Common quail (<i>Coturnix coturnix</i>) | 15 September – 31 October | 10 |
| Cape turtle dove (<i>Streptopelia capicola</i>) Laughing dove (<i>Streptopelia senegalensis</i>) Red-eyed dove (<i>Streptopelia semitorquata</i>) Speckled pigeon (<i>Columba guinea</i>) | 01 January – 31 December | Unrestricted |

HUNTING SEASON: FORMER TRANSKEI

Transkei Decree No. 9 (Environmental Conservation) of 1992

1. There is NO Hunting Season in the territory of the former Republic of Transkei.
2. There is NO hunting licence applicable in the territory of the former Republic of Transkei.
3. However, the Transkei Decree No. 9 (Environmental Conservation) of 1992 Section 14(1)(a) states that "no person shall without a permit hunt any protected game".
4. Hunting may thus only take place with a valid hunting permit issued by the department.



Mlungisi Mvoko

MEC for Economic Development, Environmental Affairs and Tourism

Date:

ADDENDUM

HUNTING PROCLAMATION

PLEASE NOTE THE FOLLOWING:

1. Definitions -

“**call-and-shoot**” in relation to Black-backed jackal and Caracal, means the use of specialized equipment to call these damage-causing predators during the night and to manage them

“**Call-and-Shoot Operator**” in relation to Black-backed jackal and Caracal, means a person who has attended a special training course/s and has been awarded a certificate of competency and has been nominated by the relevant Agricultural Association to conduct business in a specific area/district

| |
|---|
| EXTRACTS FROM THE NATURE AND ENVIRONMENTAL CONSERVATION ORDINANCE 19 OF 1974 |
|---|

PROHIBITED WAYS OF HUNTING

29. No person shall, unless he is the holder of a permit authorizing him or her to do so, hunt any wild animal -

- (a) by means of fire or poison;
- (b) with the aid of artificial light;
- (c) on or from a public road;
- (d) by means of any trap;
- (e) during the period between one hour after sunset on any day and one hour before sunrise on the following day;
- (f) by means of any weapon in a public place within the jurisdiction of a local authority;
- (g) by means of a firearm which discharges a rim-fire cartridge of a calibre less than five comma six millimetres;
- (h) by means of a firearm that discharges more than two shots without being manually reloaded;
- (i) by means of a bow-and-arrow;
- (j) by means of a set gun or any other similar contrivance;
- (k) by means of any device that injects an intoxicating or a narcotic agent or poison into such animal;
- (l) by the use of a dog, except for the hunting of birds or for the purpose of following or searching for any such animal which has been wounded;
- (m) in the case of birds in or upon inland waters, by the use of a boat for the purpose of chasing or killing such birds;

Provided that in respect of the hunting of -

- (i) rodents, the provision of paragraphs (a), (b), (d), (e) and (l) **[in terms of (b) of the Proclamation a permit is required]**;
- (ii) any bird or other wild animal which is not an endangered or a protected wild animal, the provisions of paragraph (g), or;
- (iii) any such wild animal by a registered veterinary surgeon in the practice of his profession, the provisions of paragraph (k), shall not apply.

33 (1) No person shall without a permit, use any motor vehicle or aircraft [drone] to HUNT any wild animal or to hunt, disturb, drive or stampede any wild animal or animals for the purpose of filming or photographing such hunt, disturbance, drive or stampede or for any other purpose whatsoever.

PLEASE NOTE THE FOLLOWING:

1. Definitions -

“**hunt**” in relation to any wild animal means by any means whatsoever to hunt or search for, to kill, capture or attempt to kill or capture, or to pursue, follow or drive with intent to kill or capture, or to shoot at, poison, lie in wait for or wilfully disturb

“**relative**” in relation to the owner of any land means the spouse, parent, step parent, adoptive parent, son-in-law, child, step-child, adopted child, brother, sister, or grandchild of such owner provided that in relation to an owner of land which is an unincorporated association of persons, “relative” means the relative as hereinbefore defined of every member of such association

“**weapon**” means (a) a fire-arm having a barrel exceeding one hundred millimetres in length and includes ammunition for any such fire-arm, or (b) any other instrument which is capable of propelling a projectile (for example an air rifle) or which can itself be propelled or used in such a way that a wild animal may be killed, injured or immobilized thereby, and includes a spear, assegai, bow-and-arrow, axe, bush-knife, knife or similar object and any narcotic whatsoever

“poison” means any poison, preparation or chemical substance used to catch, immobilize, sterilize, kill or physically harm a wild animal

- i. The South African Pest Control Association [SAPCA] is charged by the Government in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947) to serve and protect the safety and health of the public by establishing and maintaining minimum standards of practice, knowledge and skills of registered pest management applicators in the country as well as to establish and maintain standards of professional ethics among them. Telephone - 012 654 8038 Fax – 086 556 1943 E-mail – simone@sapca.org.za;
- ii. Griffon Poison Information Centre. Gerhard Verdoorn: Telephone - 082 446 8946 E-mail - neshier@tiscali.co.za; and
- iii. Wildlife Poisoning Prevention and Conflict Resolution. Tim Snow: Telephone - 082 802 6223 E-mail – snowman@bundunet.com

“trap” means any trap, springtrap, snare, gin, cage, net, pitfall or birdlime and any other device or method whatsoever which can be used or adapted for the capture of wild animals;

“owner” means, in relation to land, the person in whom is vested the legal title thereto; where the legal title thereto is vested in an Association of persons, whether corporate or unincorporated, the person designated in writing as the owner thereof by such Association;

2. No Threatened or Protected Species [TOPS], [**Black wildebeest, Bontebok, Mountain Zebra and so on**] as listed in Section 57 (1) of the regulations related to the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), have been listed in this Hunting Proclamation, and may therefore only be hunted, captured or any other restricted activity may only be carried out, if you are in possession of a specific TOPS permit to perform such a restricted activity.
3. No Alien and Invasive Species (AIS), (**Barbary sheep, Fallow and Red deer, Kafue lechwe, Red lechwe, and so on**) as listed in the regulations related to the National Environmental Management: Biodiversity Act (NEMBA), 2004 (Act No. 10 of 2004), have been listed in this Hunting Proclamation. These species may be hunted without a permit BUT permits are required for any other restricted activity, as specified in Section 1 (b) of the National Environmental Management: Biodiversity Act (NEMBA), 2004 (Act No. 10 of 2004). However, please note that the provincial hunting license remains mandatory.
4. It is illegal to use an aircraft (for example a helicopter or a drone) for any purpose whatsoever over public or private land, whether you have a Certificate of Adequate Enclosure [CAE] or not, for the purposes as listed in Regulation 33 (1) above without a permit.
 - (a) Please note that even if you own your own aircraft [helicopter and/or drone] and are flying over your own property and you are HUNTING as per the definition of “hunt” you require a permit.
5. No person may hunt on any land, of which he/she is not the owner, without the written permission of the owner - Section 39 (1) and (2). Such written permission must reflect, the following:
 - (a) the full names and address of the owner concerned and of the person to whom it is granted; and
 - (b) the number and the species of wild animal, the date or dates and the land in respect of which it is granted and is signed and dated by such owner.
- (3) The provisions of Subsection (2) shall not apply in respect of permission granted in terms of Subsection (1) to any relative or full-time employee of any owner of land.
6. Section 40 - no person shall on land of which he is not the owner hunt any wild animal or remove any such animal or the carcass of such animal from such land without the permission of the owner of such land granted in terms of Section 39.
7. The department's office hours are as follows: **Mondays-Thursdays 08:00 to 13:00; 13:45 to 16:30** and **Fridays 08:00 to 13:00; 13:30 to 16:00**.
8. **BIODIVERSITY OFFICIALS** contact details:

| | | | |
|---|------------------------------|-----------------------------------|------------------------------|
| Sarah Baartman District - Gqeberha | 041 508 5803 | Amathole District - East London | 043 707 4000 060 976 8367 |
| Sarah Baartman District - Jeffreys Bay | 066 430 3837 | Joe Gqabi District - Aliwal North | 051 633 2901 071 609 8003 |
| Sarah Baartman District - Graaff-Reinet | 049 892 3755 066 430 3866 | OR Tambo District - Mthatha | 047 531 1191 078 206 7502 |
| Sarah Baartman District - Makhanda | 046 622 7216 066 430 3864 | Alfred Nzo District - Matatiele | 039 256 3200 060 532 4302 |
| | | Chris Hani District - Komani | 045 808 4016 060 980 7082 |

9. **COMPLIANCE AND ENFORCEMENT MANAGERS** contact details to report contraventions:

| | | | |
|---|--------------|--|--------------|
| Sarah Baartman District - Port Elizabeth Control Officer - Compliance | 041 508 5811 | Joe Gqabi District - Aliwal North Control Officer - Compliance | 051 633 2901 |
| Sarah Baartman District - Jeffreys Bay Control Officer - Compliance | 042 292 0339 | OR Tambo District - Mthatha Control Officer - Compliance | 047 531 1191 |
| Sarah Baartman District - Graaff-Reinet Control Officer - Compliance | 049 892 3755 | Alfred Nzo District - Matatiele Control Officer - Compliance | 039 256 3200 |
| Sarah Baartman District - Grahamstown Control Officer - Compliance | 046 622 7216 | Chris Hani District – Queenstown Control Officer - Compliance | 045 808 4016 |
| Amathole District - East London Control Officer - Compliance | 043 707 4068 | Senior Manager: Compliance Manager: Compliance | 082 417 0155 |

10. **PLEASE NOTE:**

- 10.1. ALL permit applications for hunting, must be submitted on the prescribed **PROVINCIAL PERMIT APPLICATION** form and submitted to the relevant departmental office **PERMIT ADMINISTRATION**.
- 10.2. All other permit applications, for example CAE's, Captivity, Capture with a helicopter, Export, Import and Transport and Threatened or Protected Species [TOPS] must be done via the department's Electronic Permit System, namely the ePermit System, by logging into www.eservices.gov.za and registering.
- 10.3. A provincial hunting licence IS NOT A PERMIT and does not authorize any hunting, by the holder thereof, **UNLESS** all permit requirements contained in legislation and in this proclamation have been adhered to.
- 10.4. If this proclamation contradicts the applicable legislation, the applicable legislation applies.

11. **PERMIT ADMINISTRATION** contact details:

| | | | |
|---|------------------------------|---|--|
| Sarah Baartman District - Port Elizabeth Permits-SarahBaartman@dedea.gov.za | 041 508 5803 066 430 3773 | Amathole District - East London ricky.hannan@dedea.gov.za | 043 707 4000 060 976 8367 |
| Sarah Baartman District - Jeffreys Bay Permits-Seekoei@dedea.gov.za | 066 430 3837 | Joe Gqabi District - Aliwal North Permits-JoeGqabi@dedea.gov.za | 051 633 2901 073 258 7254 |
| Sarah Baartman District - Graaff-Reinet Permits-GraaffReinet@dedea.gov.za | 049 892 3755 066 430 3866 | OR Tambo District - Mthatha Permits-ORTambo@dedea.gov.za | 047 531 1191 078 206 7502 |
| Sarah Baartman District - Grahamstown Permits-Grahamstown@dedea.gov.za | 046 622 7216 | Alfred Nzo District - Matatiele Permits-AlfredNzo@dedea.gov.za | 039 256 3200 060 532 4302 |
| | | Chris Hani District - Queenstown Permits-ChrisHani@dedea.gov.za | 045 808 4016 066 470 2350 045 808 4017 066 486 8293 |

COMMENTS:

This provincial gazette deals with the hunting of huntable wild animal species on land which does not have a Certificate of Adequate Enclosure [CAE]. It enables landowners to utilize these *res nullius* [literally means nobody's property or a thing which has no owner] huntable wild animal species which occur on their land. In ensuring that all landowners rights are entertained the department has an agreement to cooperate with organized agriculture and as such all landowner comments must be directed via your local Agricultural Association/Union to Agri Eastern Cape, Natasja Barkhuizen, via e-mail to Natasja.Barkhuizen@agriec.co.za.

**WRITTEN PERMISSION GRANTED BY LANDOWNER TO OTHER PERSONS TO HUNT WILD ANIMALS ON HIS/HER PROPERTY *AND/OR
PERMISSION FOR REMOVAL OF CARCASS/ES**

In terms of articles 39 and 41 of the Nature and Environmental Conservation Ordinance 19 / 1974 (Ord. 19/1974) as amended.

1. I the undersigned *landowner / full time employee acting on the authority of the landowner of which my details are as follows:

Full Names and Surname: _____

Permanent Address (Physical): _____

Tel / Cell No: _____

I am *in possession / not in possession of a valid Certificate of Adequate Enclosure (CAE) regarding the wild animals listed in this document:

CAE No. _____ Expiry date: _____

Hereby grant permission to -

2. Full Names and Surname: _____

Address (Physical): _____

Tel / Cell No.: _____

Vehicle/s Registration: _____

Period for which Permission to Hunt is valid: From _____ to _____

To hunt the following wild animals on my property:

| SPECIES | SEX | NUMBER | REMOVE *CARCASS/ES |
|---------|-----|--------|--------------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |

I (*landowner / full time employee acting on the authority of the landowner, name and surname) _____

hereby declare that I have *sold / donated the carcass/es as listed above or part thereof to the person whose details appear in point 2 on this form and that he/she may remove it from the said property.

Signed

Date

*delete whichever is not applicable

Note: This letter, your license and permit (if required) must always be in your possession during the hunt and when transporting carcass/es

PROVINCIAL NOTICE 590 OF 2023**BUFFALO CITY METROPOLITAN MUNICIPALITY (EASTERN CAPE)**

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

ERF 6672 EAST LONDON, EASTERN CAPE

Approval is granted under Section 47(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management Bylaw of 2016, for the removal of restrictive title deed conditions C.(a); (b); (c) and (d) from Deed of Transfer No. T2812/1987 pertaining to Erf 6672 East London.

CONTINUES ON PAGE 130 OF BOOK 2

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Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Also available at the Legal Advisory Services, **Province of the Eastern Cape**, Private Bag X0047, Bisho, 5605.
Tel. (040) 635-0052.



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

Provincial Gazette Igazethi Yephondo Provinsiale Koerant

Vol: 30

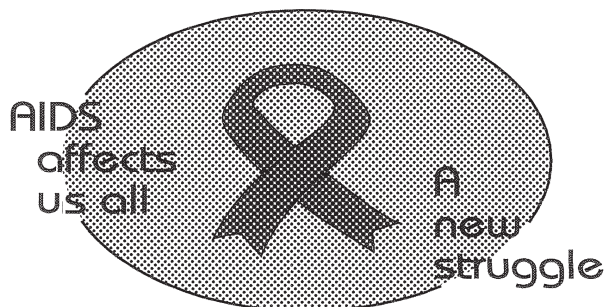
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15 May 2023
15 Mei 2023

No: 4924

PART 2 OF 2

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PROVINCIAL NOTICE 591 OF 2023

**PROPOSED IMPLEMENTATION OF FEES FOR APPLICATIONS MADE TO EASTERN CAPE PROVINCIAL HERITAGE RESOURCES AUTHORITY (ECPHRA)**

In terms of Section 25(2)(l) of the National Heritage Resources Act, No. 25 of 1999 (NHRA), applications for the services listed below must, as of **16 June 2023**, be accompanied by appropriate payment of fees as indicated. The proposed Guideline and Schedule is listed below.

Any comments should reach the ECPHRA Office: no later than **31 May 2023**.

Email: info@ecphra.org.za

or

No. 16 Commissioner Street,

Old ELCO Building,

2nd Floor, East London,

5201

Guideline to ECPHRA Fees for Services

Applications for provision of services submitted to the Eastern Cape Provincial Heritage Resources Authority (ECPHRA), in terms of the National Heritage Resources Act, No. 25 of 1999 (NHRA) must be accompanied by a payment of the appropriate fee. This will take effect from **16 June 2023** for the following applications:

| SECTION OF NHRA of 1999 | TYPE | PROPOSED AMOUNT |
|-------------------------|--|---------------------|
| Section 27 & 35 | Carry out filming/capture photographs for a commercial production at an archaeological or palaeontological site. Reproduce for a commercial production any Provincial Heritage Site. | R 1 000 |
| Section 34 | Construct, alter, demolish, remove, or change the use of a structure or place | R 1 000 |
| Section 35 | Sample, excavate, alter, deface, or otherwise disturb archaeological or palaeontological material or sites, objects, or meteorites for research, mitigation, or proposed development purposes | R 1 200 |
| Section 34, 35, 36 & 38 | Incomplete Documentation | 35% of Proposed Fee |
| Section 36 | Disturb, alter, remove, relocate, or exhume a grave or burial ground | R 1 200 |
| Section 38 (1) | Submission of Notification of Intent to Develop (NID) | R 500 |
| Section 38 (4)(8) | Review of an impact assessment report related to an application for a proposed development. Review of Impact Assessment Reports related to applications for Environmental Authorisation made in terms of legislation other than NHRA. | R1 500 |
| Section 49 | Lodgement of an Appeal against ECPHRA decisions | R 1 000 |

***Charges may be waived, at the discretion of ECPHRA Manager / Council, for certain permit applications.**

FAILURE TO COMPLY WITH THE NATIONAL HERITAGE RESOURCES ACT (NHRA) OF 1999

| Unlawful Activities on Heritage Sites / Buildings (developments, alterations, excavations, violation of permits, etc.) & Contravention of Sections of the NHRA of 1999 | R4 000 – R 10 000 (dependant on the nature of damage) |
|---|--|

PAYMENT may be made by depositing the relevant amount into the ECPHRA bank account and producing the proof of payment (stamped deposit slip, internet banking confirmation, etc.) to be emailed to accounts@ecphra.org.za / Uploaded on SAHRIS.

PLEASE TAKE NOTE THAT APPLICATIONS NOT ACCOMPANIED BY PROOF OF PAYMENT MAY NOT BE PROCESSED UNLESS ACCOMPANIED BY A WAIVER FROM THE MANAGER / COUNCIL.

ECPHRA banking details:

| | |
|---------------------|--|
| Account Name | Eastern Cape Provincial Heritage Resources Authority |
| Type of Account: | Public Sector Business Account |
| FNB Account Number: | 62705406248 |
| Branch: | Vincent Park |
| Branch Code: | 211021 |

- Reference for BE (Section 34) applications - Project ERF No.
- Reference for APM (Section 35, 36, 38) applications - SAHRIS Case ID

NOTE: Should you have any queries please contact:

Tel: +27 43 492 1942/1/0

Email: info@ecphra.org.za / manager@ecphra.org.za

BE (Section 34) : sinazom@ecphra.org.za APM (Section 35, 36, 38): lungiswam@ecphra.org.za

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 738 OF 2023****LOCAL AUTHORITY NOTICE 5436 OF 2023****MUNICIPAL PLANNING TRIBUNAL MEMBERSHIP****BUFFALO CITY METROPOLITAN MUNICIPALITY**

Notice is hereby given in terms of section 37 (4) of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA), read with Regulation 3(1)(j) and in terms of Section 41 (3,4,5) of the Buffalo City Metropolitan Municipality Spatial Planning and Land Use Management By-Law 2016, that the Buffalo City Metropolitan Municipality has constituted its second Municipal Planning Tribunal with the appointment of the following members as approved by Council on 31 January 2023. The following members appointed are published for information.

| Name of member (Municipal) | Designation |
|-----------------------------------|--|
| Ms N. Mbulawa | General Manager: Development Planning (Chairperson) |
| Ms N. Mbali-Majeng | Head of Directorate: Spatial Planning and Development (Deputy Chairperson) |
| Mr H. Schlüter | Senior Manager: City and Regional Planning |
| Mr A. Xoseka | General Manager: Expenditure and Financial Reporting |
| Mr M. Zenzile | Head: Legal Services and Municipal Courts |
| Mr L. Fikizolo | Senior Manager: Geomatics |
| Mr B. Gqweta | General Manager: Water, Wastewater and Scientific Services |
| Dr N. Stemele | General Manager: Public Safety and Protection Services |
| Mr S. Booi | General Manager: Transport Planning and Operations |

| Name of member (Provincial) | Designation |
|------------------------------------|---|
| Mr C. Williams-Wynn | Eastern Cape Surveyor-General |
| Mr A. Makhanya | Director: Spatial Planning – Eastern Cape Department of Co-operative Governance and Traditional Affairs |
| Mr S. Gqalangile | Manager: Environmental Impact Management: Eastern Cape Department of Economic Development, Environmental and Tourism |

The above-mentioned members are appointed for a five-year term of office to the Municipal Planning Tribunal from the date of this provincial gazette.

The Municipal Planning Tribunal members are subject to the terms and conditions and the code of conduct as prescribed by SPLUMA. Disqualification of membership is subject to the provisions of section 38 of SPLUMA. Membership of the Tribunal is subject to review as and when it will become necessary.

All the above members have the necessary knowledge and experience of spatial planning, land use management and land development or the law related thereto.

The Municipal Planning Tribunal commences its operations after the publication of this notice in terms of Section 37(5) of SPLUMA

MXOLISI YAWA

CITY MANAGER

BUFFALO CITY METROPOLITAN MUNICIPALITY

LOCAL AUTHORITY NOTICE 739 OF 2023**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 203, SUNRIDGE PARK, 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 C. 4. and 5. (a-d). contained in Deed of Transfer No. T15695/2004 and any subsequent deed applicable to Erf 203, Sunridge Park is hereby removed.

LOCAL AUTHORITY NOTICE 740 OF 2023**KOUGA MUNICIPALITY (EC108)****NOTICE NUMBER:93/2023****NOTICE OF APPOINTMENT OF THE MEMBERS OF THE
KOUGA MUNICIPALITY APPEAL AUTHORITY AND TECHNICAL
ADVISERS TO THE KOUGA MUNICIPALITY APPEAL AUTHORITY.**

Notice is hereby given in terms Section 127(1)(g) of the Kouga Municipality Spatial Planning and Land Use Management By-Law, 2016, that the Kouga Municipality Council through Council Resolution 22/06/PDT12; has appointed the Executive Mayor, as the Appeal Authority and Members of the Mayoral Committee to serve as internal advisors, and shall consider all internal appeals relating to land development in terms of Section 51(1)/51(3) of the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013). The Council further resolved that technical advisors be appointed to provide professional expertise and advice to the Appeal Authority.

The Appeal Authority, Internal Advisors, and Technical Advisors shall serve for a period of Five Years (5) until a new Council is elected.

Appeal Authority

1. Cllr. A. H Hendricks: Executive Mayor:

Internal Advisers (MAYCO)

1. CLLR. H Bornman: MMC: Finance
2. Cllr. L Maree: MMC Infrastructure & Engineering
3. Cllr. Alderman D Benson: MMC Community Services
4. Cllr. T Jantjies: MMC Corporate Services
5. Cllr. S Ruth: MMC Planning, Dev & Tourism
6. Cllr. W Gertenbach: MMC: Monitoring & Evaluation

Technical Advisers

1. Mr. P.H Songo (External Legal Advisor)
2. Mr. M. Coleman (Expert on Appeal Matters)

That it **BE NOTED**, that in terms of Section 134 of Kouga Spatial Planning and Land Use Management By-Law, 2016, the Municipal Manager is the Registrar of the Appeal Authority.

Enquiries may be directed to the Municipal Manager of Kouga Municipality, at reed@kouga.gov.za or 042 220 200 (ext. 2046).

NOTICE NUMBER :93/2023

**C DU PLESSIS
MUNICIPAL MANAGER**

LOCAL AUTHORITY NOTICE 741 OF 2023**BUFFALO CITY METROPOLITAN MUNICIPALITY****SPLUMA Act No. 16 of 2013: ERF 219, GONUBIE:
REMOVAL OF RESTRICTIONS**

Under Section 47 (1) of the Spatial Planning and Land Use Management Act, No. 16 of 2013 and upon instruction from the abovementioned Municipality, notice is hereby given that Conditions B.4 and B.5 (a), (b), (c) & (d) found in the Deed of Transfer No. T2288/2013 pertaining to Erf 219, Gonubie, are hereby removed.

LOCAL AUTHORITY NOTICE 742 OF 2023**BUFFALO CITY METROPOLITAN MUNICIPALITY****SPLUMA Act No. 16 of 2013: ERF 1877, GONUBIE:
REMOVAL OF RESTRICTIONS**

Under Section 47 (1) of the Spatial Planning and Land Use Management Act, No. 16 of 2013 and upon instruction from the abovementioned Municipality, notice is hereby given that Conditions C.1 and C.2 found in the Deed of Transfer No. T11133/2020 pertaining to Erf 1877, Gonubie, are hereby removed.

LOCAL AUTHORITY NOTICE 743 OF 2023**BUFFALO CITY METROPOLITAN MUNICIPALITY****SPLUMA, ACT 16 of 2013 : ERF 1711 BEACON BAY : REMOVAL OF RESTRICTIONS**

Under Section 47 (1) of the Spatial Planning and Land Use Management Act, No. 16 of 2013, read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning & Land Use Management By-law of 2016, and upon instruction from the abovementioned municipality, notice is hereby given that, following application by the owner of Erf 1711 Beacon Bay, conditions C.1.4.5.6.7.8.9., found in Deed of Transfer No. T 0994/2017, pertaining to Erf 1711 Beacon Bay, are approved for removal.

Closing times for **ORDINARY WEEKLY** **2023** **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 2023**
- **30 December**, Friday for the issue of Monday **09 January 2023**
- **09 January**, Monday for the issue of Monday **16 January 2023**
- **16 January**, Monday for the issue of Monday **23 January 2023**
- **23 January**, Monday for the issue of Monday **30 January 2023**
- **30 January**, Monday for the issue of Monday **06 February 2023**
- **06 February**, Monday for the issue of Monday **13 February 2023**
- **13 February**, Monday for the issue of Monday **20 February 2023**
- **20 February**, Monday for the issue of Monday **27 February 2023**
- **27 February**, Monday for the issue of Monday **06 March 2023**
- **06 March**, Monday for the issue of Monday **13 March 2023**
- **13 March**, Monday for the issue of Monday **20 March 2023**
- **17 March**, Friday for the issue of Monday **27 March 2023**
- **27 March**, Monday for the issue of Monday **03 April 2023**
- **31 March**, Friday for the issue of Monday **10 April 2023**
- **06 April**, Thursday for the issue of Monday **17 April 2023**
- **17 April**, Monday for the issue of Monday **24 April 2023**
- **21 April**, Friday for the issue of Monday **01 May 2023**
- **28 April**, Friday for the issue of Monday **08 May 2023**
- **08 May**, Monday for the issue of Monday **15 May 2023**
- **15 May**, Monday for the issue of Monday **22 May 2023**
- **22 May**, Monday for the issue of Monday **29 May 2023**
- **29 May**, Monday for the issue of Monday **05 June 2023**
- **05 June**, Monday for the issue of Monday **12 June 2023**
- **09 June**, Friday for the issue of Monday **19 June 2023**
- **19 June**, Monday for the issue of Monday **26 June 2023**
- **26 June**, Monday for the issue of Monday **03 July 2023**
- **03 July**, Monday for the issue of Monday **10 July 2023**
- **10 July**, Monday for the issue of Monday **17 July 2023**
- **17 July**, Monday, for the issue of Monday **24 July 2023**
- **24 July**, Monday for the issue of Monday **31 July 2023**
- **31 July**, Monday for the issue of Monday **07 August 2023**
- **04 August**, Friday for the issue of Monday **14 August 2023**
- **14 August**, Monday for the issue of Monday **21 August 2023**
- **21 August**, Monday for the issue of Monday **28 August 2023**
- **28 August**, Monday for the issue of Monday **04 September 2023**
- **04 September**, Monday for the issue of Monday **11 September 2023**
- **11 September**, Monday for the issue of Monday **18 September 2023**
- **18 September**, Monday for the issue of Monday **25 September 2023**
- **22 September**, Friday for the issue of Monday **02 October 2023**
- **02 October**, Monday for the issue of Monday **09 October 2023**
- **09 October**, Monday for the issue of Monday **16 October 2023**
- **16 October**, Monday for the issue of Monday **23 October 2023**
- **23 October**, Monday for the issue of Monday **30 October 2023**
- **30 October**, Monday for the issue of Monday **06 November 2023**
- **06 November**, Monday for the issue of Monday **13 November 2023**
- **13 November**, Monday for the issue of Monday **20 November 2023**
- **20 November**, Monday for the issue of Monday **27 November 2023**
- **27 November**, Monday for the issue of Monday **04 December 2022**
- **04 December**, Monday for the issue of Monday **11 December 2023**
- **11 December**, Monday for the issue of Monday **18 December 2023**
- **18 December**, Monday for the issue of Monday **25 December 2023**

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 Also available at the Legal Advisory Services, **Province of the Eastern Cape**, Private Bag X0047, Bisho, 5605.
 Tel. (040) 635-0052.