



LIMPOPO PROVINCE
LIMPOPO PROVINSIE
XIFUNDZANKULU XA LIMPOPO
PROFENSE YA LIMPOPO
VUNDU LA LIMPOPO
IPHROVINSI YELIMPOPO

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu
Kuranta ya Profense • Gazethe ya Vundu**

*(Registered as a newspaper) • (As 'n nuusblad geregistreer) • (Yi rhijistariwile tanihi Nyuziphepha)
(E ngwadisits'we bjalo ka Kuranta) • (Yo redzhistariwa sa Nyusiphepha)*

Vol. 24

POLOKWANE,
10 NOVEMBER 2017
10 NOVEMBER 2017
10 HUKURI 2017
10 NOFEMBERE 2017
10 LARA 2017

No. 2863

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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Closing times for **ORDINARY WEEKLY** 2017

LIMPOPO PROVINCIAL GAZETTE

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

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

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

NATIONAL AND PROVINCIAL

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

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

EXTRA-ORDINARY

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

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

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

All notices received after the closing time will be rejected.

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

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

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

NOTICE SUBMISSION PROCESS

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES**QUOTATIONS**

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

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

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

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

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

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

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

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

CANCELLATIONS

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

AMENDMENTS TO NOTICES

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

REJECTIONS

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

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

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

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

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

LIABILITY OF ADVERTISER

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

CUSTOMER INQUIRIES

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

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

PROOF OF PUBLICATION

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

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

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

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

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

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 126 OF 2017

NOTICE OF APPLICATION FOR AMENDMENT OF TOWN PLANNING SCHEME IN TERMS OF SECTION 56(1)(b)(i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

POLOKWANE/PERKEBULT AMENDMENT SCHEME 06

I Milton Sebola from **G4 GROUP CONSULTANTS Pty (LTD)** being the authorized owner of Remainder of Erf 200 Annadale hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Township Ordinance, 1986, as well as the provision of SPLUMA, 2013 (Act 16 of 2013) that I have applied to the Polokwane Municipality for the amendment of the town planning scheme known as the Polokwane/Perskebult Town Planning Scheme, 2007 by the rezoning of Remainder of Erf 200, Annadale from "Residential 1" to "Residential 3"

Particulars of the application will lie for inspection during normal office hours at the office of the Manager: Spatial Planning and Land Use Management, First Floor, West Wing, Civic Centre, Landdros Mare Street Polokwane, for a period of 28 days from 28 October 2017

Objections to or representations in respect of the application must be lodged with or made in writing to the Manager: Spatial Planning and Land Use Management, First Floor, West Wing, Civic Centre, Landdros Mare Street Polokwane or P O Box 111, Polokwane, 0700 within a period of 28 days from 03 November 2017

Address of authorized Agent:

G4 GROUP CONSULTANTS Pty (LTD)

P O Box 350, Bochum, 0790: 073 872 5635

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KENNISGEWING 126 VAN 2017

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPS-BEPLANNINGSKEMA INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)

POLOKWANE/PERKEBULT WYSIGINGSKEMA 06

Ek Milton Sebola van **G4 GROUP CONSULTANTS Pty (LTD)** synde die ge-magtigde eienaar van Restant van Erf 200, gee hiermee ingevolge artikel 56(1)(b)(i) van die ordonnansie op Dorpsbeplanning en Dorpe, 1986, sowel as die verskaffing van SPLUMA, 2013 (Wet 16 van 2013) kennis dat ons by die Polokwane Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as die Polokwane / Perskebult Dorpsbeplanningskema, 2007 deur die hersonering van Restant van Erf 200 Annadale vanaf 'Residensieel 1' na 'Residensieel 3'

Besonderhede van die aansoek le te insae gedurende gewone kantoorure by die kantoor van die Bestuurder: Ruimtelike beplanning en Grondegebruik-bestuur, eerste vloer, Burgesentrum, Landdros Marestraat Polokwane vir n tydperk van 28 dae vanaf 28 Oktober 2017

Besware teen of vertoe ten opsigte van die aansoek moet binne n tydperk van 28 dae vanaf 03 Nofemer 2017 skriftelike by of tot die Munisipale bestuurder by bovermelde adres of by Posbus 111, Polokwane, 0700 in gediens of gerig word.

Adres Van Agent

G4 GROUP CONSULTANTS Pty (LTD)

P O Box 350, Bochum, 0790: 073 872 5635

3-10

NOTICE 127 OF 2017**CITY OF POLOKWANE LOCAL MUNICIPALITY****NOTICE OF AN APPLICATION FOR LAND USE RIGHTS IN TERMS OF PROCLAMATION R188 OF 1969**

We, DLC Town Plan (Pty) Ltd, being the authorised agent, of the owner of a portion of the farm Schoonheid 74, Registration Division KS, Limpopo Province hereby give notice that we have applied to the City of Polokwane Local Municipality for land use rights in terms of Proclamation R188 of 1969.

The property is situated at: on the south-eastern corner of the intersection of the R37 and Ga-Maja Road and approximately 200m south of Chuenespoort Dam and 35km south of Polokwane.

The intension of the applicant in this matter is to: obtain the land use rights for a filling station, convenience store, place of refreshment, take-away restaurant, truck stop and carwash.

Any objection(s) and/or comment(s), including the grounds for such objection(s) and/or comment(s) with full contact details, without which the municipality cannot correspond with the person or body submitting the objection(s) and/or comment(s), shall be lodged with, or made in writing to: the Directorate: Planning and Economic Development and Manager: City Planning and Property Management, Cnr Landros Mare and Bodenstein Streets, 2nd Floor, West Wing, Polokwane, 0700 **from 3 November 2017 until 1 December 2017.**

Full particulars and plans (if any) may be inspected during normal office hours at the municipal offices as set out below, for a period of 28 days from the date of first publication of the notice in the Provincial Gazette / Observer newspaper.

Address of municipal offices: Directorate: Planning and Economic Development and Manager: City Planning and Property Management, Cnr Landros Mare and Bodenstein, 2nd Floor, West Wing, Polokwane, 0700

Closing date for any objections and/or comments: 1 December 2017

Address of applicant: DLC Town Plan (Pty) Ltd, P.O. Box 35921, Menlo Park, 0102 or 46 26th Street, Menlo Park, 0081

Telephone No: 012 346 7890

Dates on which notice will be published: 3 November 2017 and 10 November 2017

KENNISGEWING 127 VAN 2017**STAD VAN POLOKWANE PLAASLIKE MUNISIPALITEIT****KENNISGEWING VIR AANSOEK VIR GRONDGEBRUIKREGTE IN TERME VAN PROKLAMASIE R188 VAN 1969**

Ons, DLC Town Plan (Pty) Ltd, die gemagtigde agent, van die eienaar van 'n gedeelte van die plaas Schoonheid 74, Registrasie Afdeling KS, Limpopo Provinsie gee hiermee kennis dat ons aansoek gedoen het by die Stad van Polokwane Plaaslike Munisipaliteit vir grondgebruikregte in terme van Proklamasie R188 van 1969.

Die eiendom is geleë: op die suid-oostelike hoek van die interseksie van die R37 en Ga-Maja Weg, ongeveer 200m suid van Chuenespoort Dam en 35km suid vanaf Polokwane.

Die intensie van die eienaar/applikant in die geval is: om die grondsgebruikregte te verkry vir 'n vulstasie, geriefsgoederwinkel, verversingplek, wegneem ete restaurant, vragmotorstop en karwas.

Enige besware en/of kommentare wat duidelik die gronde van die beswaar en die persoon(ne) se regte uiteensit en aandui hoe hulle belange deur die aansoek geaffekteer gaan word, asook die persoon(ne) se volle kontakbesonderhede, waar sonder die munisipaliteit nie met die persoon(ne) kan korrespondeer nie, moet skriftelik by of tot die Direkteur: Beplanning en Ekonomiese Ontwikkeling en Bestuurder: Stadsbeplanning en Eiendomsbestuur, ingedien of gerig word by die Hoek van Landros Mare en Bodenstein Strate, Polokwane, 0700 **vanaf 3 November 2017 tot en met 1 Desember 2017.**

Volledige besonderhede en planne (as daar is) kan gedurende gewone kantoor ure geïnspekteer word by die munisipale kantore soos hieronder uiteengesit, vir 'n tydperk van 28 dae vanaf die datum van eerste keer van tentoonstelling van hierdie kennisgewing in die Provinsiale Gazette/Observer.

Adres van munisipale kantore: Die Direkteur: Beplanning en Ekonomiese Ontwikkeling en Bestuurder: Stadsbeplanning en Eiendomsbestuur, ingedien of gerig word na die Hoek van Landros Mare en Bodenstein Strate, 2de vloer, Westelike Vleuel, Polokwane, 0700

Sluitingsdatum vir enige beswaar(e) en/of kommentaar(e): 1 Desember 2017.

Adres van agent: DLC Town Plan (Pty) Ltd, PO. Boks 35921, Menlo Park, 0102 of 46 26th Straat, Menlo Park, 0081

Telefoon no: 012 346 7890

Datums wat die kennisgewing geplaas sal word: 3 November 2017 en 10 November 2017

NOTICE 128 OF 2017**NOTICE OF APPLICATION FOR THE SUBDIVISION OF THE REMAINING EXTENT OF THE FARM SWEETHOME, 322-KQ, LIMPOPO PROVINCE SITUATED IN THE JURISDICTION OF THE THABAZIMBI LOCAL MUNICIPALITY IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) (SPLUMA), READ WITH SECTION 16(12)(A)(III) OF THE THABAZIMBI LAND USE MANAGEMENT BY-LAW, 2015**

I, Izel van Rooy from the firm Plan Wize Town and Regional Planners, being the authorized agent of the owners of the under-mentioned property hereby give notice in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), read with Section 16(12)(a)(iii) of the Thabazimbi Land Use Management By-Law, 2015, that I have applied to the Thabazimbi Municipality for the sub-division of the Remaining Extent of the farm Sweethome, 322 - KQ, Limpopo Province.

Particulars of the application will lie for inspection during normal office hours at the office of the Manager: Planning and Economic Development, Thabazimbi Municipality, 7 Rietbok Street, Thabazimbi for a period of 30 days from 10 November 2017.

Objections to or representations in respect of the application must be lodged with or made in writing to the Manager: Planning and Economic Development, Thabazimbi Municipality, at the above-mentioned address or at Private Bag X530, Thabazimbi, 0380 within a period of 30 days from 10 November 2017.

ADDRESS OF AGENT: PLAN WIZE TOWN AND REGIONAL PLANNERS, P.O. BOX 2445, THABAZIMBI, 0380, TEL: 0824497626 [T0508]

10-17

KENNISGEWING 128 VAN 2017**KENNISGEWING VAN AANSOEK OM DIE ONDERVERDELING VAN DIE RESTERENDE GEDEELTE VAN DIE PLAAS SWEETHOME, 322 - KQ, LIMPOPO PROVINSIE GELEë IN DIE REGSGEBIED VAN DIE THABAZIMBI PLAASLIKE MUNISIPALITEIT, INGEVOLGE DIE WET OP RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR, 2013 (WET 16 VAN 2013) (SPLUMA), SAAMGELEES MET ARTIKEL 16(12)(A)(III) VAN DIE THABAZIMBI BYWET OP GRONDGEBRUIKBESTUUR, 2015**

Ek, Izel van Rooy van die firma Plan Wize Stads-en Streekbeplanners, synde die gemagtigde agent van die eienaars van die ondergenoemd eiendom, gee hiermee ingevolge die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet 16 van 2013) (SPLUMA), saamgelees met Artikel 16(12)(a)(iii) van die Thabazimbi Bywet op Grondgebruikbestuur, 2015, kennis dat ek by die Thabazimbi Munisipaliteit aansoek gedoen het vir die onderverdeling van die Resterende Gedeelte van die plaas Sweethome, 322 - KQ, Limpopo Provinsie.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Bestuurder: Beplanning en Ekonomiese Ontwikkeling, Thabazimbi Munisipaliteit, 7 Rietbokstraat, Thabazimbi vir 'n tydperk van 30 dae vanaf 10 November 2017.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf 10 November 2017 skriftelik by of tot die Bestuurder: Beplanning en Ekonomiese Ontwikkeling, Thabazimbi Munisipaliteit, by bovermelde adres of by Privaat Sak X530, Thabazimbi, 0380 ingedien of gerig word.

ADRES VAN AGENT: PLAN WIZE STADS- EN STREEKBEPLANNERS, POSBUS 2445, THABAZIMBI, 0380, TEL: 0824497626 [T0508]

10-17

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 105 OF 2017**POLOKWANE/PERSKEBULT AMENDMENT SCHEME 613, 614, 632 & 633**

T3 Consulting Engineers cc, hereby give notice in terms of section 56(1) (b) (i) of the Town Planning and Township Ordinance, 1986 (Ordinance 15 of 1986), read together with the relevant provision of the Spatial Planning and Land Use Management Act, Act 16 Of 2013 that, we have applied to the Polokwane Municipality for the amendment of the Polokwane /Perskebult Town Planning Scheme ,2007 by rezoning from "Residential 1" to "Residential 3" with simultaneously application for a special consent in terms of clause 22 of the Polokwane/Perskebult Town Planning Scheme, 2007 to increase the density from 44 dwelling units/ha to 64 dwelling units /ha on the following properties:

1. Remaining extent of Erf 165 Annadale, located at 79 Doornkraal Street (as an agent). **Amendment Scheme 613**
2. Remaining extent of Erf 153 Annadale, located at 55 Doornkraal Street (as an agent). **Amendment Scheme 614**
3. Portion 1 of Erf 353 Annadale, located at 66A Spoorweg street (as an agent). **Amendment Scheme 632**
4. Portion 1 of Erf 109 Annadale, located at 94 Doornkraal Street (as the owner). **Amendment Scheme 633**

Particulars of the application will lie for inspection during normal office hours at the office of the manager City Planning, first floor, west wing, civic centre, landdros mare street, polokwane for a period of 28 days from 03 November 2017. Objections to or representations in respect of the application must be lodged with or made in writing at the above address of at: p.o. box 111, polokwane, 0700 within a period of 28 days from 03 November 2017. Address of agent: T3 consulting engineers cc, P.O. Box 1108, Fauna park, 0787, cell: 0824827425/ 015 291 5301 fax: 086 538 4825, email:t3cecc@gmail.com.

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PROVINSIALE KENNISGEWING 105 VAN 2017**POLOKWANE / PERSKEBULT WYSIGINGSKEMA 613, 614, 632 & 633**

T3 Raadgewende Ingenieurs, gee hiermee ingevolge artikel 56 (1) (b) (i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), saamgelees met die toepaslike bepaling van die Ruimtelike Beplanning en Grond Gebruik Bestuurswet, Wet 16 van 2013, dat ons aansoek gedoen het by die Polokwane Munisipaliteit vir die wysiging van die Polokwane / Perskebult Dorpsbeplanningskema, 2007 deur die hersonering van 'Residensieel 1' na 'Residensieel 3' met gelyktydige aansoek om n spesiale toestemming ingevolge klousule 22 van die Polokwane / Perskebult Dorpsbeplanningskema, 2007 om die digtheid te verhoog vanaf 44 wooneenhede per ha na 64 wooneenhede per ha op die volgende eienskappe:

1. Reieningsgebied van Erf 165 Annadale, geleë te Doornkraalstraat 79 (as 'n agent). **Wysigingskema 613**
2. Reieningsgebied van Erf 153 Annadale, geleë te Doornkraalstraat 55 (as 'n agent). **Wysigingskema 614**
3. Portion 1 van Erf 353 Annadale, geleë te Spoorweg 66A (as 'n agent). **Wysigingskema 632**
4. Portion 1 van Erf 109 Annadale, geleë te 94 Doornkraalstraat (as eienaar). **Wysigingskema 633**

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Bestuurder Stadsbeplanning, Eerste Vloer, Wesvleuel, Burgersentrum, Landdros Mare Straat, Polokwane, vir 'n tydperk van 28 dae vanaf 03 November 2017. Besware teen of vertoe ten opsigte van die aansoek moet skriftelik by die bostaande adres of by Posbus boks 111, polokwane, 0700, binne 'n tydperk van 28 dae vanaf 03 November 2017. adres van agent : t3 raadgewende ingenieurs cc, posbus 1108, fauna park, 0787, sel: 082482 7425, tel: 015 291 5301 faks: 086 538 4825,e-pos:t3cecc@gmail.com.

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PROVINCIAL NOTICE 107 OF 2017

**NOTIFICATION OF SUBMISSION OF THE REZONING OF ERF 609
THOHoyANDOU E FROM “RESIDENTIAL 1” TO “RESIDENTIAL 2”
AMENDMENT SCHEME NO: 73**

I, Avhurengwi Stanley Nemufhandani, the owner of Erf 609 Thohoyandou E hereby give notice that I have lodged an application in terms of section 62 (2) of the Thulamela Spatial Planning and Land Use Management By-law 2015 read together with the Spatial Planning and Land Use Management Act, 16 of 2013 for the rezoning of Erf 609 Thohoyandou E from “**Residential 1**” to “**Residential 2**” for the purpose of **Residential buildings**. The relevant plan(s), documents and information are available for inspection at the office of the Senior Manager: Planning and Development, Thulamela Municipality, First Floor, Thohoyandou Old Agriven Building for a period of 30 days from **30 October 2017** and any objection or interest affecting the application property must be submitted in writing to the **Municipal Manager, P.O.Box 5066, Thohoyandou 0950 before the expiry of 30 days or to the offices of Thulamela Municipality during office hours from 07h45 to 16h30. Address of the applicant: 3099/77 Sandpiper Street |Riverlea Ext.3|2093 |Cell: 082 6367 661|**

**NDIVHADZO YA KHUMBELO YA U SHANDUKISA KUSHUMISELE KWA MAVU A
DIVHEAHO SA ERF 609 THOHoyANDOU E
AMENDMENT SCHEME 73**

NNe, Avhurengwi Stanley Nemufhandani wa tshitentsi tshi divheaho sa Erf 609 Thohoyandou E ndi nea ndivhadzo ya uri ndo ita khumbelo uya ngaha khethekanyo 62 (2) ya Thulamela Spatial Planning and Land Use Management By-Law, 2015 I tshi vhaliwa na Spatial Planning and Land Use Management Act, 16 of 2013 ya u shandukisa kushumisele kwa mavu a tshitentsi tsha 609 Thohoyandou E ubva kha “**Residential 1**” ane avha mavu a u dzula uya kha “**Residential 2**” ane avha **mavu a zwa vhubindudzi** hu u itela u fhata nndu dza u hirisa. Pulane na manwalo a yelanaho na khumbelo iyi zwi wanala kha ofisi ya minidzhere muhulwane wa: Kudzudzanyele na mveledziso, kha luta lwa u thoma kha masipala wa Thulamela Thohoyandou lwa tshifhinga tshi edanaho maduvha a furaru (30) ubva nga dzi 30 Tshimedzi 2017. Vha re na mbilaelo malugana na iyi khumbelo vha nwalele minidzhere wa masipala wa Thulamela kha diresi itevhelaho; **P.O.Box 5066, Thohoyandou kana vha ise ofisisni ya zwamvelaphanda nga tshifhinga thsa mushumo vhukahi ha 07h45 na 16h30. Diresi ya mune wa tshetensti malugana na iyi khumbelo: 3099/77 Sandpiper Street |Riverlea Ext.3|2093 |Cell: 082 6367 661|**

PROVINCIAL NOTICE 108 OF 2017



THULAMELA LOCAL MUNICIPALITY

**REFUSE REMOVAL, REFUSE DUMPS AND SOLID WASTE
DISPOSAL BY- LAW**

The Municipal Manager of Thulamela Local Municipality acting in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) hereby publishes the refuse removal, refuse dumps and solid waste disposal by-law for the Municipality as approved by Council as set out hereunder.

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1. Definitions

In this by-law, unless the context indicates otherwise-

“bin” means a standard type of refuse bin with a capacity of 0,1m³ or 85 litre as approved by the Council and which may be supplied by the Council which may be constructed of galvanized iron, rubber or polythene;

“bin liner” means a plastic bag approved by the Council which is placed inside a bin with a maximum capacity of 0,1m³ which must be of a dark color 950mm x 750mm in size of low density minimum thickness 40 micro meter or 20 micrometer high density;

“builders refuse” means refuse generated by demolition, excavation or building activities on premises;

“bulky garden refuse” means such refuse as tree-stumps, branches of trees, shrubs, hedge-stumps and branches of hedges and any other garden refuse of quantities more than 2m³;

“bulky refuse” means refuse which emanates from any premises, excluding industrial refuse, and which cannot by virtue of its mass, shape, size or quantity be conveniently accumulated or removed in a refuse bin with a bin liner;

“business refuse” means refuse generated by the use of premises other than a private dwelling-house used solely as a residence, but shall not include builders refuse, bulky refuse, domestic refuse or industrial refuse;

“container” means a receptacle of larger volume than a bin, and of a structure and material determined by Council;

“council” means the Council of the Thulamela Local Municipality;

“garden refuse” means refuse such as grass cuttings, leaves, plants and flowers which is generated as a result of normal gardening activities;

“infectious waste” means waste capable of producing or transferring an infectious disease;

“isolation waste” means waste generated by hospitalized patients isolated to protect others from communicable diseases;

“IWMP” means Integrated Waste Management Plan;

“licensee” means any person who has obtained a licence in term of the Act;

“municipality” mean Thulamela Local Municipality;

“National Road Traffic Act Regulation” means the regulations made in terms of section 75 of the National Road Traffic Act, 1996 (Act 93 of 1996);

“occupier” means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;

“public place” means such place to which the public has access, with or without the payment of money;

“SANS Codes” means the South African National Standards Codes of Practice or the South African Bureau of Standards Codes of Practice;

“tariff” means the tariff of charges as determined from time-to-time by the Council; and

“the act” means National Environmental Management Waste Act, 2008 (Act 59 of 2008)

2. Purpose

- (1) To regulate the removal and disposal of waste by establishing a system to ensure that the removal and disposal, is done in a manner that would not cause harm to human health or damage to the environment, and in particular, without-
 - (a) risk to water, air, soil, plants or animals;
 - (b) causing nuisance through noise or odours; or
 - (c) adversely affecting rural or urban areas of special interest.
- (2) To provide for procedures, methods and practices to regulate the dumping and removal of refuse.

3. Domestic waste

- (1) The municipality shall provide a service for the removal and disposal of domestic refuse subject to such conditions as it may determine.
- (2) Every occupier of a property shall make use of the service for the removal and disposal of domestic refuse provided by the municipality in respect of all domestic refuse which emanates from such property.
- (3) No person other than the municipality or person authorized thereto by the municipality shall remove domestic refuse from any property dispose of it.
- (4) The municipality may require from every occupier of a property to provide on such property a container with a capacity of not less than 85 litres, constructed of a material approved by the municipality and with a closefitting lid and two handles for the accumulation of domestic refuse.
- (5) If the municipality is of the opinion that more than one container for the accumulation of domestic refuse is essential on a particular property, it may according to the quantity of domestic refuse normally accumulated on such property, require the occupier or occupiers thereof to provide as many containers as it may determine on such property.
- (6) If a container used by an occupier does not comply with the requirements of the municipality, the municipality shall instruct such occupier to obtain and use a suitable container.
- (7) All containers shall be equipped with bin liners, unless the municipality determines otherwise.
- (8) The municipality may, generally or in particular, issue instructions to occupiers on the manner in which or the arrangements according to which refuse or refuse bags shall be placed in containers, be removed therefrom, be tied and thereafter be placed for removal.
- (9) No material by reason of its mass or other property is likely to render such bin liners or containers too difficult for the municipal employees to handle or carry.
- (10) The containers or bin liners or both shall be removed by the municipality as such intervals as the municipality may deem necessary, only if such containers or bin liners or both, have been placed or put at the prescribe places and as provided by the municipality.
- (11) If the municipality supplies the container, such container must be supplied free of charge, or at a price or at a hiring tariff, as the municipality may determine.
- (12) Where a container is supplied at a hiring tariff by the Municipality, such container must remain the property of the municipality and the owner of the premises is liable to the municipality for the loss or damage to such container.
- (13) The municipality is not liable for the loss of or for any damage to the bin or bin-liner.

4. Garden waste

- (1) Garden refuse may be removed from property where it accumulates according to any arrangements which the owner or occupier of such property desires to make, provided that, should any accumulation of garden refuse not be removed and should such accumulation in the opinion of the municipality constitute a nuisance or danger to public health or an unnecessary fire hazard to nearby property, the municipality may order such owner or occupier by written notice to cause such accumulation to be removed within a specified period.
- (2) If the owner or occupier fails to remove the garden refuse as notified in the written notice in subsection 1 and it causes nuisance or health risk, the municipality shall remove them at the owner or occupier's expense.
- (3) If the municipality has sufficient facilities available, the municipality may in its discretion and on application form from the owner or occupier of property remove garden refuse therefrom at the cost of the owner or occupier in which case the municipality may impose certain rules.
- (4) The owner or occupier of premises on which garden waste is generated may compost garden waste on the property, provided such composting does not cause a nuisance or health risk.
- (5) No garden refuse may be dumped, kept or stored on any sidewalk or vacant ground.

5. Builder's waste

- (1) Builder's refuse which may have accumulated in the course of the construction building, alteration, renovation or demolition of any structure or works shall be removed from the property concerned according to suitable arrangements to be made by the owner of such property.
- (2) The owner or occupier of the premises on which building waste is generated, must ensure that:-
 - (a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated;
 - (b) the premises on which the building waste is generated, does not become unsightly or cause a nuisance as a result of accumulated building waste;
 - (c) any building waste which is blow off the premises, is promptly retrieved; and
 - (d) pursuant to any instruction from the Council, any structure necessary to contain the building waste is constructed.
- (3) The Council may determine conditions to place a receptacle for the storage and removal of building waste on a verge.
- (4) Every receptacle used for the storage and removal of building waste must:-
 - (a) be clearly marked on it the name, address and telephone number of the person in control of that receptacle;
 - (b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and
 - (c) be covered at all times other than when actually receiving, or being emptied of, waste so that no displacement of its contents can occur.

- (5) All building refuse must be deposited at the municipality's disposal sites or at a written consent of the municipality be deposited at a place other than the municipality's disposal site but the municipality will have regard to:
- (a) the safety of the public;
 - (b) the environment of the proposed disposal site;
 - (c) the suitability of the area including the drainage thereof;
 - (d) the expected manner and times of depositing of refuse at the site;
 - (e) the levelling of the site;
 - (f) the control of dust; and
 - (g) other relevant factors.

6. Business waste

- (1) The council may by a notice published in the *provincial gazette*, direct that a category of waste be disposed of at a particular waste disposal facility or waste handling facility.
- (2) No person may dispose of a category of waste at a waste disposal facility or waste handling facility, which is not designated for receipt of that category of waste in a notice in terms of subsection (1) or designated by the Council under other empowering legislation prior to the commencement of this by-law.
- (3) The owner or occupier of premises on which business, industrial or recyclable waste is generated, must ensure that until such time as such waste is collected from the premises on which it was generated:-
 - (a) the waste is stored in a bulk container or other approved receptacle; and
 - (b) no nuisance or health risks, including but not limited to dust is caused by the waste in the course of generation, storage or collection.
- (4) The owner or occupier of premises generating business waste must ensure that-
 - (a) the container in which the waste is stored, is not kept in a public place except when so required for collection;
 - (b) the waste is collected within a reasonable time after the generation thereof; and
 - (c) the service rendered is only in respect of that portion of the business.
- (5) The municipality must dispose of business and recyclable waste at an appropriately permitted waste handling facility or waste disposal facility.

7. Special industrial, hazardous or health care risk waste

- (1) No person may carry on an activity which will generate special industrial, hazardous or health care risk waste, without notifying the Council in writing, prior to the generation of such waste, of the composition of such waste, the estimated quantity to be generated, the method of storage, the proposed duration of storage, the manner in which it will be collected and disposed of, and the identity of the licensee who will remove such waste.
- (2) Any person carrying on an activity which generates special industrial, hazardous or health care risk waste, must ensure that such waste generated on the premises is kept and stored thereon until it is collected from the premises.

- (3) Special industrial, hazardous or health care risk waste stored on premises must be stored in such a manner that it does not become a nuisance or cause harm to human health or damage to the environment, and in accordance with the requirements of any applicable legislation relating to buildings.
- (4) Special industrial, hazardous or health care risk waste must be stored in an approved receptacle and for a period not exceeding 90 days or any other maximum period stipulated by the Department of Water and Environmental Affairs, Provincial Government or Council, before collection.
- (5) Only a licensee may transport special industrial, hazardous and health care risk waste and must do so in accordance with the requirements of the conditions of the licence issued to the licensee as well as in the relevant SANS codes, in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness and documentation relating to the source, transportation and disposal of such waste and subject to the requirements of the national legislation.
- (6) A licensee licensed to collect and dispose of special industrial, hazardous or health care risk waste, must inform the Council of each removal of special industrial, hazardous or health care risk waste, the date of such removal, the quantity, the composition of the waste removed and the waste disposal facility at which the waste has been disposed of.
- (7) A licensee must dispose of special industrial, hazardous or health care risk waste at a waste disposal facility designated by the Council as a waste disposal facility for special industrial hazardous and health risk.
- (8) If special industrial refuse is not stored on the premises where it is generated, the municipality may order the owner of the premises to remove such refuse within a reasonable time and if thereafter such refuse is not removed within such time, the municipality may remove it at the owner's expense.

8. General requirements for storage of waste

- (1) Any person who stores waste must ensure that:
 - (a) the containers in which any waste is stored, are intact and not corroded or in any other way rendered unfit for the safe storage of waste;
 - (b) adequate measures are taken to prevent accidental spillage or leaking;
 - (c) the waste cannot be blown away;
 - (d) nuisances such as odour, visual impacts and breeding of vectors do not arise; and
 - (e) pollution of the environment and harm to health are prevented.

9. Storage of general waste

- (1) Any person who generates general waste that is collected by a municipality must place the waste in a container approved, designated or provided by the municipality for that purpose and in a location approved or authorized by the municipality.

- (2) Waste that is re-usable, recyclable or recoverable and that is intended to be reduced, re-used, recycled or recovered in accordance with the act or any applicable by-laws need not be placed in a container contemplated in subsection 1.

10. Storage, separation and collection of recyclable domestic waste

- (1) Any person who is undertaking any activity involving reduction, re-use, recycling or recovery of waste including scrap dealers, buy back centres and formalised recycling groups must before undertaking that activity, make sure that the activity is less harmful to the environment than the disposal of such waste and must notify the municipality of an intention to undertake such an activity in writing.
- (2) Any person undertaking the activities contemplated in subsection (1) must adhere to the requirements set out in the national or provincial legislation.
- (3) The municipality may require any person or owner of premises to separate their waste and use different receptacles provided by the municipality.

11. Integrated Waste Management Plan

- (1) The Municipality must prepare an Integrated Waste Management Plan (IWMP) which should be adopted by the Council, in which the plan must be incorporated in the IWPM in accordance with the provisions of the act.
- (2) The plan contemplated in subsection (1) may include but not limited to the following:
- (a) establishing a means of ensuring that waste is collected, reused, recycled or disposed of without causing harm to human health or damage to the environment and, in particular, without risk to water, air, soil, plants or animals; causing nuisance through noise or odours; or adversely affecting rural or urban areas or areas of special interest.
3. The plan contemplated in subsection (1) must be establishing an integrated network of waste handling and waste disposal facilities to ensure that-
- (a) comprehensive and adequate waste services are rendered within the municipality;
- (b) the disposal of waste occurs at accessible waste disposal facilities;
- (c) the most appropriate methods and technologies are used in order to ensure a high level of protection for and prevention of damage to the environment and harm to human health;
- (d) there is minimisation or reduction of waste;
- (e) they promote the recovery of waste by means of recycling or reuse through proven alternative technology; and
- (f) there is any other object which would enhance sustainable development.

12. Waste collection services

- (1) Waste collection services are subject to:
 - (a) the need for an equitable allocation of such services to all people in a municipal area;
 - (b) the obligation of persons utilizing the service to pay any applicable charges;
 - (c) the right of a municipality to limit the provision of general waste collection services if there is a failure to comply with reasonable conditions set for the provision of such services, but where the municipality takes action to limit the provision of services, the limitation must not pose a risk of health or the environment; and
 - (d) the right of a municipality to differentiate between categories of users and geographical areas when setting service standards and levels of service for the provision of municipal services.
- (2) The municipality must subject to the act and as far as is reasonably possible, provide containers or receptacles for the collection of recyclable waste that are accessible to the public.

13. Collection of waste

- (1) No person may collect waste for removal from premises unless such person is:
 - (a) a municipality or municipal service provider;
 - (b) authorized by law to collect waste, where authorization is required; or
 - (c) not prohibited from collecting waste.

14. Requirements for registration and duties of persons transporting waste

- (1) Any person who transport waste for gain must adhere to the requirements as set out in section 25 of the National Environmental Management Waste Act, 2008 (Act 59 of 2008).
- (2) A municipality may, by notice in the gazette, require any person or category of persons who transports waste for gain to –
 - (a) register with the relevant waste management officer in the department, province or municipality as the case may be; and
 - (b) furnish such information as is specified in that notice or as the waste management officer may require.
- (3) Any person engaged in the transportation of waste must take all reasonable steps to prevent any spillage of waste or littering from a vehicle used to transport waste.
- (4) Where waste is transported for the purpose of disposal, a person transporting waste must, before offloading the waste from the vehicle, ensure that the facility or place to which waste is transported, is authorized to accept such waste.
- (5) Where hazardous waste is transported for purposes other than disposal, a person transporting the waste must before offloading the waste from the vehicle, ensure that the facility or place to which the waste is transported, is authorized to accept such waste and must obtain written confirmation that the waste has been accepted and has complied with the act.
- (6) In the absence of evidence to the contrary which raises a reasonable doubt, a person who is in control of a vehicle or in a position to control the use of a vehicle, that is used to transport waste for the purpose of offloading that waste, is considered to

knowingly cause that waste to be offloaded at the location where the waste is deposited.

15. Prohibition of unauthorized disposal

- (1) No person may-
- (a) dispose of waste, or knowingly or negligently cause or permit waste to be disposed off, in or on any land or at any facility unless the disposal of that waste is authorized by this by-law; or
- (b) dispose waste in a manner that is likely to cause pollution of the environment or harm to health and well-being.

16. Duty to provide facilities for litter

- (1) The municipality or owner of premises in the case of privately owned land, must take reasonable steps to ensure that sufficient and appropriate receptacles are provided for the discarding of litter by the public, in any place to which the public has access.
- (2) The municipality, or owner of privately owned land, must ensure that all receptacles installed on the premises for the collection of litter are:
 - (a) maintained in good condition;
 - (b) suitably weighted and anchored so that they cannot be inadvertently overturned;
 - (c) constructed in such a manner as to ensure that they are weatherproof and animal proof;
 - (d) of suitable size to contain all litter likely to be generated on the premises and by the users thereof;
 - (e) placed in locations convenient for the use by users and occupants of the premises to discourage littering or the unhealthy accumulation of waste; and
 - (f) emptied and cleansed periodically or when full. The emptying and cleansing of receptacles must be done frequently to ensure that no receptacle or its contents may become a nuisance or provide reasonable grounds for complaint.
- (3) In any public where a receptacle has been placed for the depositing of litter, the municipality may put up notices about littering.

17. Prohibition of littering

- (1) No person may-
- (a) throw, drop, deposit, spill or in any other way discard any litter into or onto any public place, land, vacant erf, stream, watercourse, street or road, or on any place to which the general public has access, except in a container or a place specifically provided for that purpose; or
- (b) allow any person under that person's control to do anything contemplated in paragraph (a).
- (2) An owner of privately owned land to which the general public has access, must ensure –
 - (a) that sufficient containers or places are provided to contain litter that is discarded by the public; and

- (b) that the litter is disposed of before it becomes a nuisance, a ground for a complaint or causes a negative impact on the environment.

18. Transportation and disposal of waste

- (1) No person may-

- (a) operate a vehicle for the conveyance of waste upon a public road unless the vehicle has a body of adequate size and construction for the type of waste being transported;
 - (b) fail to maintain a vehicle used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times;
 - (c) fail to cover loose waste on the open vehicle with a tarpaulin or suitable net; and
 - (d) cause or permit any waste being transported in or through the municipal area to become detached, leak or fall from a vehicle transporting it, except at a waste disposal facility.
- (2) Subject to the provisions of subsection (1), all transportation of waste must comply with the National Road Traffic Act, 1996 (Act 93 of 1996).
- (3) Waste generated in the municipal area is disposed of at a waste disposal facility where the council permits such disposal.
- (4) No person may incinerate waste either in a public or private place, for the purpose of disposing of that waste.
- (5) No person may incinerate waste either in a public or private place, except in an incinerator at a place where the relevant national or Limpopo provincial authorities permit such incineration, or at a place designated by the Council for that purpose.
- (6) Every person who enters a waste disposal facility must-
- (a) enter a waste disposal facility at an access point determined by the person in charge of the waste disposal facility; or
 - (b) at the request of the person in charge of a waste disposal facility; comply with any instruction by the person in charge of a waste disposal facility in regard to access to, the actual place where, and the manner in which, waste must be deposited.

19. Charges

- (1) The municipality shall charge for the collection of refuse an amount determined by the council from time to time according to its tariff by-law and policy.

20. Offences and penalties

- (1) Any person who contravenes or fails to comply with any provision of this by-law shall upon conviction if found guilty of an offence be liable on conviction to a fine or to imprisonment for a period not exceeding 12 or to both such fine and imprisonment.

21. Repeal

Mutale Local Municipality Refuse & Sanitary By-law gazetted on 14 January 2005, in the Limpopo Provincial gazette 1070 to an extent that it was applicable to wards which are now falling within Thulamela Local Municipality, Thulamela Local

Municipality Refuse and sanitary by-law published in the Limpopo Provincial gazette 1036 dated 25 August 2004 are hereby repealed.

22. Short title and commencement

This by-law is called Thulamela Local Municipality Refuse Removal, Refuse Dump and Solid Waste Disposal By-law and shall come into operation on the date of publication in the *provincial gazette*.

PROVINCIAL NOTICE 109 OF 2017



THULAMELA LOCAL MUNICIPALITY

STREET TRADING BY-LAW

The Municipal Manager of Thulamela Local Municipality acting in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) hereby publishes the Street Trading By-Law for the Municipality as approved by its Council.

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1. Definitions

In this by-laws, unless the context indicates otherwise:

“authorized official” means an official of the Council authorized to implement the provision of the by-law and “officer” shall have a corresponding meaning;

“council” means Thulamela Local Municipality Council;

“foodstuff” means any article or substances ordinary eaten or drunk by person or purporting to be suitable, or manufactured or sold, for human consumption, and includes any part or ingredient of any such article or substance or any substance used or intended or destined to be used as a part or ingredient at any such article or substance;

“goods” means any waste transferable interest but excludes any living thing and hazardous;

“litter” means any waste material and includes any container or other matter which has been discarded, abandoned or left behind by a person trading or customers;

“pavement” means a sidewalk or that portion of a road reserved for the pedestrians;

“national monuments” means a building declared to be a national monument;

“nuisance” means any action or behavior by anyone which constitutes a disturbance or causes discomfort to anyone;

“perishables” means milk, meat, fish, crustaceans, fruit and vegetables as well as product which require special storage facilities;

“prohibited area” means any place declared or to be declared by resolution of the Council to be an area in which street trading may be prohibited;

“property” means in relation to a person carrying on the business of the street trading, means any article , receptacle , vehicle or structure used or intended to be used in connection with such business , and includes goods in which they trade;

“public building” means a building occupied or sold by the State or the Council or any organs of state;

“public place” means any square, park, recreation ground, sport ground, sanitary lane or open space;

“public road” means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and includes the verge of any such roads , street or thoroughfare, any bridge , ferry or drift traversed by a such road, street or thoroughfare ; and any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

“restricted area” means any place declared or to be declared by resolution of the Council to be an area in which street trading may be restricted;

“sell” means alienation for value and includes supply to and also exchange or hire; store, expose, offer or prepare for sale, and **“sale”** has a corresponding meaning;

“service” means any advantage or gain for consideration or reward;

“street trader” means a person who is mobile or immobile and sells goods for own profit whether such goods are the products of own labour or not; and

“trade or trading” means the lawful sale of goods or services in a public road or public place.

2. Purpose

The purpose of this by-law is to regulate the street trading within Thulamela Local Municipality.

3. Application and allocation of a permit

- (1) Any person who intends to carry on a business as a street trader or vendor must apply to the Municipal Council in the prescribed manner for the allocation of a stand.
- (2) The council may grant, subject to such conditions or refuse an application.
- (3) If such application is successful, the street trader must, in respect of the allocation of such stand, be given a valid permit which must be produced on the request by an authorized officer.
- (4) If the application is unsuccessful, the municipality must notify the applicant about the disapproval of the application and the applicant's rights in terms of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000) and section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- (5) In respect of the allocation, as well as the lease of a stand, a permit shall be issued to the street trader as proof of the person's right to occupy stand for the purpose of carrying on business.
- (6) A street trader must, while carrying on business on the stand, retain such permit ready for display to any authorized officer who may request it.
- (7) Permits are non-transferable.
- (8) No person may conduct trading on municipal property without a valid permit from the municipality.
- (9) The municipality is entitled to charge a permit holder or applicant-
 - (a) an application fee; and
 - (b) a trading fee;

- (10) An additional fee or tariff shall be determined by the council from time to time in respect of additional costs or services provided where the permit-holder trades within a market.
- (11) In the event that a person qualifies for a permit, but has motivated in writing the inability to pay the fee, the municipality may determine a payment system in terms of which the person may pay the fee over a stipulated period by way of instalments.
- (12) In order to qualify for a permit, the applicant-
- (a) must be intending to be a street trader;
 - (b) must be a South African citizen, failing which, must be in possession of a valid work permit which includes but is not limited to a refugee permit; and
 - (c) must not employ children and actively utilise the services of not more than two persons.
- (13) The municipality must take into account the following factors when considering an application for a permit-
- (a) the need to give preference to applicants that are historically disadvantaged individuals;
 - (b) where there are limited number of trading bays available in the trading area in respect of which a permit is sought, the need to give preference to applicants that would be new entrants to trading within the municipality;
 - (c) the nature of the trading goods which the applicant intends selling, or the services which the applicant intends rendering, bearing in mind the nature of the businesses within that trading area or in its immediate vicinity;
 - (d) the need to give preference to unemployed applicants; or
 - (e) whether the applicant has, in terms of this by-law committed an offence or had a permit revoked or suspended.
- (14) The municipality is entitled to impose such terms and conditions in respect of permits as it deems fit, subject to the provisions of the applicable trading plan; including but not limited to, the right to-
- (a) specify the-
 - (i) trading hours during which the permit-holder may trade;
 - (ii) nature of the goods or services the permit-holder is permitted to trade; and
 - (iii) permit-holder's trading bay number;
 - (b) allocate the street trader an alternative bay in the same trading area;
 - (c) specify the type of structures, if any, which may be erected on a trading bay or in a trading area;
 - (d) impound trading goods in the event of a contravention of this by-law or any other law;
 - (e) afford the relevant street trader an opportunity to make oral or written representations, revoke or suspend a permit in the event of a street trader who-
 - (i) breach any provision of the permit or the by-law;
 - (ii) has been convicted of trading illegal or counterfeit goods or providing a service unlawfully; or

- (iii) wilfully supply incorrect information when required to provide the municipality with information;
- (f) upon reasonable prior notice to the street trader and with no compensation payable by the municipality to the permit holder, temporarily-
 - (i) relocate a permit holder;
 - (ii) suspend the validity of a permit; or
 - (iii) prohibit a permit holder from trading at the relevant trading bay should it be necessary to do so because of the performance of activities which renders the continuation of trading from the relevant trading bay impractical or severely inconvenient and such activities shall include, but not limited to, maintenance or construction of infrastructure or building performed by the municipality, property developments, alterations or refurbishments by any entity, or activities by public entities conducted in terms of their powers and functions.

4. General conduct of street traders

(1) A street trader shall-

- (a) not place property on a verge or public place except for the purpose of commencing to trade;
- (b) ensure that the property does not cover an area of a public road, public place, or pavement which is greater in extent than three square meters (3m²) unless written permission for a greater area is obtained from the Council;
- (c) not trade on pavements narrower than 2,5 m;
- (d) not place or stack property which is likely to injure any person or damage property;
- (e) not erect any structure for the purpose of providing shelter or sleep over night at the place of business without the prior written approval of the council and where approval is given for a shelter to protect goods, the street trader shall not erect an unsightly structure from which to conduct the business;
- (f) not obstruct access to a fire hydrant or area demarcated solely for the use of emergency vehicle or service;
- (g) on concluding business for the day, remove the property, except any permanent structure permitted by the Council, to a place which is not part of a public road or public place;
- (h) on request by an employee or agent of the Council or any supplier of telecommunication or electricity or other services, move the property so as to permit the carrying out of any work in relation to a public road or public place;
- (i) not make an open fire at a place of trading or in circumstances where it could harm a person or damage a building or a vehicle;
- (j) not store the property in manhole or storm water drain, bus shelter, public toilet or trees; and
- (k) not sell goods in a street by using megaphones, radios, loudspeaker, or constantly shouting or singing in a manner which shall constitute a nuisance or disturbance in the area.

5. Cleanliness

(1) A street trader must-

- (a) keep property and the area or site occupied for the purpose of such business in a clean and sanitary condition;

- (b) dispose of litter generated by business in whatever receptacles provided thereof by the Council, including recycling and dumping sites and not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
- (c) ensure that on completion of business for the day the area or site occupied for purposes of the trade is free of litter; and
- (d) take such precaution as may be necessary by the council to prevent the spilling onto a public road or public place any fat, oil, grease or any hazardous substances in the course of conducting business and prevent any smoke, fumes, odour or noise emanating from activities from becoming a nuisance.

6. Obstruction of pedestrians

- (1) No person shall trade at place where such trading-
 - (a) obstruct access to or use of street facilities such a bus passenger bench or shelter or queuing line, refuse disposal bin or other facility intended for the use of the general public;
 - (b) obstruct the visibility of the display window, signboard or premises if the person carrying on business in the premises concerned object thereto;
 - (c) obstruct access to a building in width, automatic bank teller machine, pedestrian crossing or motor vehicle; or
 - (d) leaves less than 1,5m in width of a sidewalk clear for the pedestrian use, or in any manner substantially obstruct pedestrian's in their use of a sidewalk.

7. Obstruction of vehicle traffic

- (1) No person shall trade at a place where such trading-
 - (a) causes an obstruction on a roadway;
 - (b) limits access to parking or loading bays or other facilities for vehicular traffic;
 - (c) obscures any road traffic sign or any marking, notice or sign or any display made in terms of this or any other by-law ;
 - (d) interferes in any way with any vehicle that may be parked alongside such place; or
 - (e) obstruct or impedes the view of any user of the road, any traffic sign or any other road user.

8. Prohibitions

- (1) No person shall trade in any area, prohibited by council being-
 - (a) at a place or an area declared or to be declared as a place or area in which the carrying on of street trading is prohibited;
 - (b) on a verge, contiguous to-
 - (i) a building belonging to or occupied solely by the State or the Council;
 - (ii) a church or other place of worship; or
 - (iii) a building declared by a Provincial or National Legislation as a national monument;

- (c) on a verge contiguous to a building in which business is being carried on by any person who solely or mainly sells goods of the same or similar nature as goods being sold by the street trader concerned, without the consent of that person;
- (d) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control or any occupier of the building objects thereto;
- (e) at a place where it substantially obstructs pedestrians in the use of a sidewalk or take up a position or deposit the property on a sidewalk so as to do so;
- (f) at a place where it causes an obstruction to vehicular traffic;
- (g) at a place where it causes an obstruction in front of-
 - (i) an entrance to or exit from a building; and
 - (ii) a fire hydrant;
- (h) on a stand or in any area if is not in possession of proof that he or she has hired such stand or area from the Council or that it has otherwise been allocated to him or her; or
- (i) in contravention of the terms and conditions of the lease or allocation of a stand or area as outlined by the municipal council.

9. Restrictions

- (1) No person carrying on the business as a street trader shall –
 - (a) if such business is carried on any public road or public place-
 - (i) sleep overnight at the place of such business; or
 - (ii) erect any permanent structure at the business site for the purpose of providing shelter without prior written approval of the Council,
 - (b) carry on such business in such a manner as to-
 - (i) create a nuisance;
 - (ii) damage, deface the surface of any public place or any public or private property, or
 - (iii) create a traffic hazard;
 - (c) other than in a refuse receptacle approved or provided by the council, accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any litter on any land or premises or on any public road or public place;
 - (d) obstruct access to a service or to service works of the Council or of the State or any statutory body;
 - (e) interfere with the ability of persons using a sidewalk to view the goods displayed behind a shop display window or obscure such goods from view;
 - (f) obstruct access to a pedestrian arcade or mall;

- (g) carry on business or take up a position or place property on a portion of a sidewalk or public place in contravention of a notice or sign erected or displayed by the Council for the purpose of this by-law;
 - (h) carry on such business in a place or area in contravention of any restriction imposed by Council resolution;
 - (i) obstruct access to pedestrian crossings, parking or loading bays or other facilities for vehicular or pedestrian traffic;
 - (j) obstruct access to or the use of street furniture such as bus passenger benches or shelters and queuing lines, refuse disposal bins and other facilities designed for the use of the general public; or
 - (k) obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996 (Act 93 of 1996), and regulations made thereunder or any marking, notice or sign displayed or made in terms of this by-law.
- (2) The council shall reserve the right to restrict the number of street traders and street trader associations.

10. Application to lease a kiosk

- (1) Any person who intends to carry on business in a municipal kiosk shall apply to the municipality for the lease of a kiosk at the prescribed tariff.
- (2) If such application is successful –
- (a) the municipality and the applicant shall enter into a lease agreement;
 - (b) the lessee must at all times comply with the terms and conditions determined by Council as indicated in the lease agreement;
 - (c) a certificate will be issued to the lessee as proof of the person's right to occupy such kiosk or designated area for the purpose of carrying on business; and
 - (d) the lessee must while carrying on business at the kiosk, at all times retain such certificate ready to produce same to any authorized officer on request.
- (3) A lessee may use the services of an employee subject thereto that the employee must at all times be in possession of the issued certificate and the provisions of this by-law shall be applicable to such an employee.
- (4) Should a person enter into a lease agreement for the lease of a kiosk and fail to pay the prescribed rental in part or at all on the due date, the Council shall have the right to cancel such agreement after having given such person 14 days written notice to make payment and the person persist in such non-payment and such person shall thereupon immediately return the certificate to the Council.

11. Signs indicating restrictions

- (1) The Council may pass a resolution after consultation with all interested parties prescribing signs, markings or other devices to indicate-
- (a) specified hours, places, goods or services in respect of which street trading is restricted;
 - (b) the location or boundaries of a restricted area;

- (c) the boundaries of a stand or area set apart for the purpose of the carrying on of a business of street trading;
 - (d) the fact that any such stand or an area has been let or otherwise allocated; and
 - (e) any restriction or prohibition against trading in terms of this by-law and the location of boundaries of a prohibited area.
- (2) The municipality may display any such sign, marking or device in such a position and manner that indicate the restrictions or other location or boundaries of the area or stand concerned.

12. Removal and impoundment

- (1) Any authorized officer may remove and impound any goods, articles, receptacle, vehicle or structure which the authorized officer-
- (a) reasonably suspect is being used or has been used in or in connection with street trading ;
 - (b) find at a place where street trading is restricted or prohibited; and
 - (c) reasonably suspects it constitutes an infringement.
- (2) An official may remove and impound such property or goods of the street trader concerned, or arrange for the removal and impoundment of such goods -
- (i) after the content of the instruction for the moving or removing of property or goods have been explained to the street trader;
 - (ii) after the official concerned ensured that the property or goods to be removed and impounded have been reasonably suspected to be used or were intended to be used for the trading which is in contravention of this by-law; and
 - (iii) found by the official concerned at the place where such trading was restricted or prohibited.
- (3) An official who acts in terms of subsections (1) and (2) shall –
- (a) be properly authorized in writing;
 - (b) except where property or goods which have been abandoned are removed and impounded, immediately provide the transgressor concerned with a detailed and itemised receipt of the goods removed and impounded, which receipt shall contain—
 - (i) comprehensive information where the impounded goods shall be stored,
 - (ii) the procedure for the reclaiming of such goods, and
 - (iii) the procedure to make representation and show cause to the municipality why the removal and impoundment was not reasonable; and
 - (c) immediately hand over the goods impounded to the municipality for safekeeping.
- (3) Any goods impounded in terms of this by-law shall–

- (a) be kept by the municipality at a place of safekeeping and in the case of perishable products be stored in cold storage and a proper register shall be kept of all goods which are stored as such;
 - (b) in case of perishable goods impounded by the municipality, be destroyed after 7 days, after written notice to make representation why the goods should not be destroyed has been given to the owner of the products concerned, where the contact particulars of such owner are known, and subject to the provision of subsection (4) of this by-law, the products may be reclaimed by the owner of such products before the disposal thereof –
 - (i) when requested by such owner;
 - (ii) on submission of proof of ownership; and
 - (iii) on payment of the penalties and costs incurred by the municipality for the removal, impounding, storage and safekeeping of such perishable products, and such products shall then be handed over to the owner thereof; and
 - (c) in case of any property other than perishable products impounded by the municipality, after written notice has been given to the owner of the products concerned, where the contact particulars of such owner are known, the property shall be returned to the owner within a period of 30 days, subject to subsection (4), and on condition that the property shall only be returned to the owner, on submission of proof of ownership, payment of the penalties and the costs incurred by the municipality for the removal, impounding, storage and safekeeping of such property or goods.
- (4) The municipality shall be entitled to retain the property or goods impounded in terms of subsection (2) of this by-law, until all the penalties involved and the reasonable costs incurred by the municipality have been paid, and by failure thereof, the municipality may sell the involved property or goods on public auction, or in the case of perishable products destroy it.
- (5) The municipality shall when non-perishable products and other property or goods, have not been claimed by the owner thereof within 30 days after written notices thereof to such owner, or by failure of the owner of such property or goods to pay the required penalties and the costs owed to the municipality for the impoundment of such property or goods, or when the owner cannot be traced, sell the property or goods concerned by means of public auction and recover costs and penalties.
- (6) The municipality shall pay the remainder of the proceeds of an auction to the owner of the impounded property or goods after all penalties and costs of the municipality have been subtracted and when such owner cannot be traced, the proceeds shall be forfeited to the municipality.
- (7) When the costs of the municipality cannot be recovered from the proceeds of an auction, the owner of such property or goods shall remain liable for the payment thereof.

13. Appeals

Any person whose rights are affected by a decision taken by the municipality in terms of this by-law under a duty or power which has been delegated or sub-delegated, may appeal against that decision in terms of section 62 of the Systems Act.

14. Offences and penalties

- (1) Any person who contravenes or fails to comply with any provision of this by-law; shall upon conviction if found guilty, be liable to a fine not exceeding R300-00 or to imprisonment.

15. Repeal of by-laws

- (1) The Thulamela Local Municipality Street trading by-law published in the Limpopo Provincial gazette number 917 dated 25 July 2003, Thulamela Local Municipality Street Vending By-Law published in the Limpopo Provincial *Gazette* No. 1032 dated 25 August 2004 and Street and Miscellaneous By-Law published in the Limpopo Provincial *Gazette* number 1034 are hereby repealed.
- (2) The Mutale Local Municipality Street Trading By-Law published in the Limpopo Provincial *Gazette* No. 1070 dated 14 January 2005 to the extent that it was applicable in the Thulamela municipality is hereby repealed.

16. Short title

This by-law is called Thulamela Local Municipality Street Trading By-Law and shall come into effect on the date of publication in the *Provincial Gazette*.

PROVINCIAL NOTICE 110 OF 2017



THULAMELA LOCAL MUNICIPALITY

CEMETRIES AND CREMATORIA BY-LAW

The Municipal Manager of Thulamela Local Municipality acting in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) hereby publishes cemeteries and crematoria by-law for the Municipality as approved by Council as set out hereunder.

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1. Definitions

In this by-law, unless the context otherwise indicates –

“adult” (where the word is used to define a body) means a deceased person whose coffin will fit into the grave opening prescribed for an adult;

“aesthetic section” means a cemetery or section of a cemetery which has been set aside by the Council wherein a headstone may only be erected and strips of garden will be provided by the Council;

“berm” means a concrete base laid by the Council at the head of a grave, in the aesthetic section;

“body” means the remains of a deceased person and includes a still-born child;

“burial” means burial in earth or any other form of sepulture and includes the cremation or any other mode of disposal of a body;

“burial order” means an order issued in terms of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);

“caretaker” means the official whom the Council appoints from time to time in a supervisory capacity with regard to the Cemetery;

“cemetery” means a land or part thereof within the municipality duly set aside by the Council as cemetery;

“child” (where the word is used to define a body) means a deceased person whose coffin will fit into the grave opening prescribed for children;

“columbarium” means a structure containing rows of niches for the purpose of placing receptacles containing the ashes of cremated bodies therein;

“contractor” means the person who has paid or caused any of the charges prescribed in the tariff to be paid or who has obtained any of the rights set out in these by-laws or who has obtained the right to have a memorial work erected or constructed or who has obtained any other rights or interests referred to or mentioned in this by-laws.

2. Purpose

- (1) To make provision for the allocation of land for the purposes of the burial of human remains, to develop and maintain existing cemeteries and to provide space allowing the preservation of the remains of a cremation in a dignified manner.

3. Application for a grave

- (1) A person desiring to have a body interred in a grave must submit to the municipality an application in writing in the form set out in Schedule A and the application must be signed by the nearest surviving relative of the person whose body will be buried in the grave or any family member as the nearest surviving relative may authorize to sign the application on their behalf.
- (2) An application must be submitted to the municipality at least one working day before the time of the interment and two working days in the case where the size of the grave exceeds the standard size.

- (3) The municipality shall upon payment of a prescribed tariffs given, permit the use of a grave in a section of a cemetery.
- (4) Not more than two interments are allowed in a grave in which a corpse had already been entombed, except where application is made and the prescribed tariff has been paid.
- (5) No person may inter a body without an application first having been approved by the municipality and a permit been obtained.
- (6) If the application is unsuccessful the municipality must inform the applicant and notify the applicant about his or her rights as outlined in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).

4. Burial order

- (1) The municipality must appoint an authorized official for each cemetery to control and administer the cemetery.
- (2) The municipality through its authorized official may not allow an interment to take place unless a burial order in terms of section 20 of the Births and Deaths Registration Act, 1992 (Act 51 of 1992) has been issued.
- (3) The municipality must keep a record of all interments and the record must contain:
 - (a) the particulars of the person who requested the interment;
 - (b) the particulars of the body to be interred, such as the name, address, and identification number;
 - (c) the number of the grave in which the body is interred; and
 - (d) the date of the interment.

5. Interment

- (1) No person may dispose of a body or the remains after cremation in any other manner than by interring it in a cemetery.
- (2) The municipality may upon request inter a dead body free of charge if it is a pauper, indigent person or under any other circumstances that are beyond control.

6. Hours of admission or visit for public

- (1) Every cemetery is open to the public 7 days a week during the following hours: 08h00 and 17h00, however the municipality may close to the public a cemetery or part thereof for such periods if it is in the interest of the public.
- (2) No person, excluding authorized officials or persons with permission, may be in or remain in a cemetery or part thereof before or after the hours mentioned in subsection (1) or during a period when it is closed to the public.
- (3) Special permission must be obtained from the municipality for admission to the cemetery during non-official hours.

7. Children

- (1) No child under 12 years of age may enter a cemetery unless the child is under the care or supervision of an adult person.

8. Entrance and exit to cemeteries, office, fenced place or building

- (1) No person may enter or leave a cemetery, except by a gate provided for the purpose.
- (2) No person may enter an office, building or fenced place in a cemetery, except in connection with lawful business.

9. Distribution of tract or advertisement

- (1) No person may solicit any business, order or exhibit, or distribute or leave a tract, business card or advertisement within a cemetery.

10. Disrespect

- (1) No person may treat a grave or memorial work with disrespect, such as climbing or sitting on a grave or memorial work.

11. Prohibited conduct

- (1) No person may –
 - (a) enter or leave a cemetery except by a gate provided;
 - (b) distribute advertisements or solicit any business, order or exhibit in the cemetery;

- (c) commit or cause a nuisance within a cemetery;
- (d) ride an animal or cycle within a cemetery;
- (e) climb or sit on other graves or memorial work;
- (f) bring or allow an animal to wander inside a cemetery;
- (g) plant, cut, pick or remove a tree, plant, shrub or flower without the permission of the municipality;
- (h) hold or take part in a demonstration in a cemetery;
- (i) interrupt authorized officials of the municipality when performing their duties;
- (j) obstruct, resist or oppose or refuse to comply with orders made by authorized official of the municipality;
- (k) use a cemetery for an immoral purpose;
- (l) mark, draw, scribble, erect an advertisement or object on a wall, building, fence, gate, memorial work or other erection within a cemetery;
- (m) use water for any form of gardening without the permission of the municipality;
- (n) plant trees, flowers or shrubs on or between graves;
- (o) leave any rubbish, soil, stone, debris or litter within the cemetery, and
- (p) in any way damage or deface any part of a cemetery or anything therein contained.

12. Alteration of date of interment

- (1) Should any alteration be made in the day or hour previously fixed for an interment, notice of the alteration must be given to the caretaker at the cemetery at least six hours before the time fixed for the interment.

13. Dimensions of grave openings

- (1) The standard dimensions of graves are as follows:
 - (a) adult
 - (i) Single grave: Length: 2200mm; Width: 900mm.
 - (ii) Double grave: Length: 2200mm; Width: 2700mm.
 - (b) child
 - (i) Single grave: Length: 1500mm; Width: 700mm.

- (2) Any person requiring an aperture for an interment in an adult's grave of a size larger than the standard dimensions must, when submitting an application specify the measurements of the coffin and pay the prescribed charges for enlarging the aperture.

14. Depth of grave

- (1) An adult's grave is 1900mm in depth and that of a child 1500mm in depth.
- (2) The lid of the coffin, or where one coffin has been buried on top of another coffin, the lid of the top coffin may not be less than 1200mm from the surface.

15. Reservation of a grave

- (1) Any person desiring to reserve the use of a grave must apply therefore to the municipality.
- (2) A restriction is placed on the reserving of graves and reservations shall only be accepted for adult graves in the monumental section, upon payment of the prescribed tariffs.
- (3) In the event of an interment of a husband or wife in the monumental section, only one additional adjoining grave may be reserved for the survivor.
- (4) In the event of an interment of a husband or wife in the aesthetic section, an additional adjoining grave may not be reserved for the survivors, however the interment of the survivors may be permitted in the same grave.

16. Child's coffin too large

- (1) Should a child's coffin be too large for the dimensions of a child's grave, it must be placed in an adult grave and the usual charges for an adult's interment must be paid by the person submitting an application and in the instance where a child's interred in a section intended for adults the tariff applicable to adults applies.

17. Construction material of coffin

- (1) A coffin interred in a grave must be constructed of wood or bio-degradable material.

18. Number of bodies in a grave

- (1) Only where prior arrangements has been made in terms of section 3 may more than one body be buried in a single grave.

19. Coffin to be covered with soil or concrete

- (1) Every coffin must upon being placed in a grave, be covered with at least 300mm of soil or concrete immediately without delay.

20. Religious ceremony

- (1) The members of a religious denomination may conduct a religious ceremony in connection with an interment or memorial service.

21. Hearse and vehicle at cemetery

- (1) No hearse or other vehicle may enter a cemetery without the permission of the authorized official.
- (2) No hearse or other vehicle may use any other route to enter a cemetery than the routes set aside for the purpose.

22. Exposal of body

- (1) No person may expose a dead body or part thereof in a cemetery.

23. Instructions by authorized official

- (1) A person taking part in a funeral procession or ceremony in a cemetery must follow instructions by the authorized official.

24. Music inside cemetery

- (1) Only sacred singing is allowed in a cemetery, except in the case of a police or military funeral, in which case the prior permission of the municipality must be obtained.

25. Occupation of chapel or shelter

- (1) No person may for the purpose of a funeral occupy a chapel or shelter in a cemetery for more than 1H30 (one hour thirty) minutes.

26. Days and hours of interment

- (1) Interments may take place between 07h00 and 18h00 on week days and between 07h00 and 14h00 during the weekend and also on holidays.

27. Number of grave

- (1) No person may inter a body in a grave on which a peg marked with the number of the grave has not been fixed.

28. Exhumation

- (1) Any person requesting for a corpse to be exhumed or a grave to be opened must provide the municipality with an affidavit certifying the authority to do so and such an affidavit must be accompanied by any supporting documentations that may be required in terms of any Act dealing exhumation of corpses and the approval thereof.
- (2) The prescribed fee for exhumation must be paid to the municipality at least two days before the date fixed for the exhumation or removal of the corpse.
- (3) In the event of a police investigation, a corpse may be exhumed on receipt of a written request from the investigating officer, provided that the provisions of the Inquests Act, 1959 (Act No. 58 of 1959) and any other legislations have been complied with.

29. Shrubs and flowers

- (1) The Council may at any time prune, cut down, dig up or remove any shrub, plant, flower, foliage, wreath or adornment if it becomes unsightly, is damaged or wilted.

30. Care of graves

- (1) The maintenance of a grave is the responsibility of the person who holds a permit.
- (2) The municipality may, on application and upon payment of a fee prescribed by the municipality, undertake to keep any grave in order for any period.

31. Consent of municipality

- (1) No person may bring into a cemetery, erect, alter, paint, clean, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription thereon in a cemetery without the written consent of the municipality.
- (2) When erecting a memorial work, the following must be submitted:
 - (a) a sketch which gives an indication of the measurements and the position;
 - (b) specification of the material of which the memorial work is to be constructed; and
 - (c) the wording of the epitaph.
- (3) The sketch must be submitted 30 days before the erection commences if the memorial work is not done on the day of the funeral and must be accompanied by the charges prescribed.
- (4) If the memorial work is done on the day of the funeral the applicant must reflect it in the application for the grave and show the sketch.

32. Position of memorial work

- (1) No person may erect a memorial work on a grave, before the position in which such memorial work is to be placed has been indicated by the municipality.
- (2) Should the condition of subsection (1) not be complied with the municipality has the right to alter the position of the memorial work and to recover the costs of the alteration from the applicant.

33. Supervision of work

- (1) A person engaged upon any work in a cemetery must effect the work under the supervision of the municipality.

34. Damaging of memorial work

- (1) The municipality under no circumstances accepts responsibility for any damage which may at any time occur to a memorial work and which is not due to the negligence of the employees of the municipality.

35. Bringing material into cemetery

- (1) No person may bring into the cemetery any material for the purpose of constructing therewith any memorial work on any grave unless and until –

- (a) the provisions of section 31 have been complied with;
 - (b) all charges due in respect of such grave have been duly paid; and
 - (c) the municipal written approval of the proposed work has been given to the applicant, which approval is only valid for six months and in the event of the memorial work not being erected within the prescribed time a new application must be submitted.
- (2) The grave number must be neatly indicated in figures 30mm in size.

36. Cleaning of memorial work

- (1) A memorial work placed, built, altered, decorated, painted or otherwise dealt with in a cemetery in such manner that any provisions of this by-laws are contravened thereby, may be removed by the municipality at the cost of the owner after due notice, without payment of any compensation.

37. Requirements for erection of memorial work

- (1) A person erecting a memorial work must comply with the following:
- (a) must be in possession of a plan approved by the Council;
 - (b) all work must be effected according to the provisions laid down by the Council;
 - (c) proceedings must be of such a nature that no damage be caused to any structure or offence given;
 - (d) where a memorial has a pedestal on ground level or on the berm, the pedestal may not be more than 900mm in length, 250 mm in width and 250 mm in height for a single grave and not more than 2700 mm in length, 250 mm in width and 250 mm in height for a double grave;
 - (e) the name of the maker can be displayed on a memorial work, but no address or any other particulars may be added thereto and the space utilized for it may not be larger than 40 x 100 mm; and
 - (f) tiles in the garden of remembrance must be 240 mm x 300 mm large and must be manufactured out of non-corrosive metal.

38. Conveying of memorial work

- (1) No person may convey any stone, brick or memorial work or a portion thereof within a cemetery upon a vehicle or truck, which may cause damage to the paths or grounds or structures of the cemetery.

39. Vehicles and tools

- (1) Every person engaged with work upon a grave or plot must ensure that the vehicles, tools or appliances be of such a kind as not to contravene this by-law and by no means block any road or roads.

40. Complying with council's directions

- (1) A person carrying on work within a cemetery must in all respects comply with the directions of the municipality.

41. Times for bringing in material and doing work

- (1) No person may bring memorial work or material into or do any work, other than the dismantling of memorial work for burial purposes, within a cemetery except between 07h00 to 18h00 from Monday to Friday.
- (2) No person may engage in work, which may be disturbing when a funeral takes place and for the duration of the funeral.

42. Inclement weather

- (1) No person may fix or place any memorial work during inclement weather or while the soil is in an unsuitable condition.

43. Production of written permission

- (1) A person charged with a work to or from work within the cemetery, must upon demand from the municipality or its authorized official, produce the written consent issued for the work.

44. Memorial section

- (1) Memorial work may be erected upon the whole surface of the grave subject thereto that the provisions of section 37 must be complied with and that the following measurements may not be exceeded:
 - (a) height: 2000 mm.
 - (b) width: 900 mm in case of a single grave, and 2700 mm in case of a double grave; and
 - (c) thickness: 250 mm
- (2) The Council may in the course of time, level all graves and plant grass thereon.
- (3) Flowers, foliage, wreaths or any adornment may be placed upon the berm only of graves, except in the case of graves which have not yet been leveled.

45. Garden of remembrance

- (1) This section contains only the columbarium with niches and the containers may not exceed 300mm x 150mm x 150mm.
- (2) Plaques may be erected and must be of non-corrodible metal or masonry only and must be 150mm by 150mm in size.
- (3) Flowers and wreaths may be placed on the places provided therefore only.

46. Authentication and service of order, notice or other document

- (1) An order, notice or other document requiring authentication by the municipality must be sufficiently signed by the Municipal Manager or by a duly authorized officer of the municipality, such authority being conferred by resolution of the Council or by a by-law and when issued by the Council in terms of this by-law shall be deemed to be duly issued if it is signed by an officer authorized by the Council.
- (2) Any notice or other document that is served on a person in terms of this by-law, is regarded as having been served –
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;

- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates; or
 - (f) in the event of a body corporate, when it has been delivered at the registered office or the business premises of such body corporate.
- (3) Service of a copy shall be deemed to be service of the original.
- (4) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

47. Complaint

- (1) A person wishing to lodge a complaint must lodge the complaint in writing with the Municipal Manager.

48. Notice of compliance and representations

- (1) A notice of compliance must state –
- (a) the name, residential and postal address, if either or both of these be known, of the affected person;
 - (b) the nature of the state of disrepair;
 - (c) the measures required to remedy the memorial work;
 - (d) within a specified time period, state the measures to comply with the notice, to diligently continue with the measures and to complete the measures before a specific date; and
 - (e) written representations, as contemplated in subsection (3), within the time period stipulated under paragraph (d) above, be made to municipality at a specified place.

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- (2) Council, when considering any measure or time period envisaged in subsection (1) (d) must have regard to –
- (a) the purpose of this by-law;
 - (b) the state of disrepair;
 - (c) any measures proposed by the person on whom measures are to be imposed; and
 - (d) any other relevant factors.
- (3) A person may within the time period contemplated in paragraph (1) (e) make representations:
- (a) in the form of a sworn statement or affirmation to Council at the place specified in a notice;
 - (b) not lodged within the time period will not be considered, except where the person has shown good cause and municipality condones the late lodging of the representations.
- (4) Council may, on its own volition, conduct any further investigation to verify the facts if necessary and the results of the investigation must be made available to the person, who must be given an opportunity of making a further response if so wishes and Council must also consider the further response.
- (5) Council must, after consideration of the representations and response, if there be such a response, make an order in writing and serve a copy of it on the person.
- (6) The order must–
- (a) set out the findings of Council;
 - (b) confirm, alter or set aside in whole or in part, the notice of compliance; and
 - (c) specify a period within which the person must comply with the order made by Council.
- (7) If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, Council will inform the person that the person –
- (a) must discharge the obligations set out in the notice; or
 - (b) may elect to be tried in court.
- (8) If the person elects to be tried in court the person must, within seven calendar days, notify municipality.
- (9) If the person does not elect to be tried in court, the person must, within the prescribed manner and time discharge the obligations under the order.

- (10) Where there has been no compliance with the requirements of a notice, the Council may take such steps as it deems necessary to repair the memorial work and the cost thereof must be paid to the Council.

49. Costs

- (1) Should a person fail to take the measures required by notice, the municipality may recover from such person all costs incurred.

50. Charges

- (1) The charges set forth in respect of the various items therein contained, must be paid to the municipality.
- (2) Should a person fail to pay a tariff as prescribed in this by-law, Council may act in accordance with the provisions of the Credit Control and Debt Collection By-laws.

51. Notice of contravention

- (1) The municipality may serve a notice of contravention on a person who has committed an offence in terms of this by-law.
- (2) A notice of contravention must –
- (a) specify at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served
 - (b) state the particulars of the contravention;
 - (c) specify the amount of the penalty payable in respect of that contravention and the place where the penalty may be paid; and
 - (d) inform the person that the person may, within 28 calendar days of the date of service of the notice –
 - (i) pay the penalty; or
 - (ii) inform municipality in writing if the person elects to be tried in court on a charge.
- (3) If a person elects to be tried in a court the person must, within seven calendar days, notify the municipality.

52. Appeal

- (1) A person whose rights are affected by a decision of an official, may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must consider the appeal and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) The municipal manager must commence with an appeal within six weeks and decide the appeal within a reasonable time.
- (4) The appeal must be in line with section 62 of the Local Government: Municipal Systems Act, 2000.

53. Offences and penalties

- (1) A person who contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall upon conviction if found guilty be liable to a fine or imprisonment.

54. Repeal of by-laws

Thulamela Local Municipality Cemeteries and crematoria by-laws published in the Limpopo *provincial gazette* number 2517 dated 08 June 2015, Thulamela cemetery and crematoria by-law published in gazette number 917 dated 25 July 2003 and Mutale Local Municipality Cemeteries and crematoria by-law published in the Limpopo *Provincial gazette* number 1070 on the 14 June 2005 to an extend that it was applicable to wards which are now falling within Thulamela Local Municipality are hereby repealed.

56. Short title and commencement

This by-law is called Thulamela Local Municipality Cemetery and Crematoria By-law and shall come into operation on the date of publication in the *provincial gazette*.

SCHEDULE 1**THULAMELA LOCAL MUNICIPALITY
APPLICATION FOR RESERVATION OF A GRAVE**

Certificate of reservation no.....

This serve to certify that Identity number of

.....having paid the prescribed fees of R....., is entitled
to use the site(s) described below for the:Purpose of burial of:..... Identity
number.....

Grave plot no:.....section.....

Measuring.....

Cemetery

Date of burial:

Time of burial:.....

MUNICIPAL MANAGER

DATE

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 137 OF 2017

POLOKWANE/PERSKEBULT TOWN PLANNING SCHEME, 2016 AMENDMENT SCHEME 05

NOTICE FOR REZONING OF THE REMAINDER OF ERF 148 ANNADALE FROM "RESIDENTIAL 1" TO "RESIDENTIAL 3" FOR RESIDENTIAL BUILDING FOR FLATS.

I, Azwifaneli Nemanashi of Nash Planning & Civil Consultants (PTY) LTD, being the authorized agent of the registered owner of the Remainder of Erf 148 Annadale Township Registration Division LS, Limpopo Province, hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance (Ordinance 15 of 1986) read together with Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), that I have made an application to the Polokwane Local Municipality for the amendment of the Polokwane/Perskebult Town Planning Scheme, 2016, by rezoning of the property described above from "Residential 1" to "Residential 3" Residential Building for the purpose of erecting flats.

The application and the relevant documents are open for inspection during normal office hours at the Planning Assists offices, Second Floor, Civic Center and Polokwane municipality for the period of 28 days from the 3rd of November 2017.

Objections and/or comments or representation in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O.BOX 111, Polokwane, 0700 within 28 days from the 3rd November 2017.

Address of Authorized Agent: Nash Planning & Civil Consultants (PTY) LTD, 11 Oakwood Manor Bendor, 0699, Cell: 072 642 9415/ 071 541 3227.

3-10

PLAASLIKE OWERHEID KENNISGEWING 137 VAN 2017

POLOKWANE / PERSKEBULT DORPSBEPLANNINGSKEMA, 2016 WYSIGINGSKEMA 05

KENNISGEWING VIR HERSONERING VAN DIE RESTANT VAN ERF 148 ANNADALE VAN "RESIDENSIEEL 1" TOT "RESIDENSIEEL 3" VIR RESIDENSIEËLE GEBOUE VIR APPARTEMENTEN.

Ek, Azwifaneli Nemanashi van Nash Planning & Civil Consultants (Edms) BPK, synde die gemagtigde agent van die geregistreerde eienaar van die Restant van Erf 148, Annadale Dorpsgebied Registrasie Afdeling LS, Limpopo Provinsie, gee hiermee ingevolge Artikel 56 (1) b) (i) van die Ordonnansie op Dorpsbeplanning en Dorpe (Ordonnansie 15 van 1986) saamgelees met die Wet op Ruimtelike Beplanning en Grondgebruikbestuur 16 van 2013 (SPLUMA), dat ek 'n aansoek by die Polokwane Plaaslike Munisipaliteit gedoen het vir die wysiging van Polokwane / Perskebult Dorpsbeplanningskema, 2016, deur die hersonering van die eiendom hierbo beskryf vanaf "Residensieel 1" na "Residensieel 3" Residensieële geboue vir die oprigting van woonstelle.

Die aansoek en die betrokke dokumente is gedurende gewone kantoorure by die Planning Assists kantore, Tweede Verdieping, Burgersentrum en Polokwane Munisipaliteit ter insae vir 'n tydperk van 28 dae vanaf 3 November 2017.

Besware en / of kommentaar of vertoe ten opsigte van die aansoek moet binne 28 dae vanaf 3 November 2017 skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by P.O.BOX 111, Polokwane, 0700 ingedien of gerig word.

Adres van gemagtigde agent: Nash Planning & Civil Consultants (EDMS) BPK, 11 Oakwood Manor Bendor, 0699, Sel: 072 642 9415/071 541 3227.

3-10

LOCAL AUTHORITY NOTICE 138 OF 2017

POLOKWANE/PERSKEBULT TOWN PLANNING SCHEME, 2016 AMENDMENT SCHEME 03

NOTICE FOR REZONING OF PORTION 8 OF ERF 718 PIETERSBURG FROM "RESIDENTIAL 1" TO "RESIDENTIAL 2" FOR 5 DWELLING UNITS.

I, Azwifaneli Nemanashi of Nash Planning & Civil Consultants (PTY) LTD, being the authorized agent of the registered owner of Portion 8 of Erf 718 Pietersburg Township Registration Division LS, Limpopo Province, hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance (Ordinance 15 of 1986) read together with Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), that I have made an application to the Polokwane Local Municipality for the amendment of the Polokwane/Perskebult Town Planning Scheme, 2016, by rezoning of the property described above from "Residential 1" to "Residential 2" for the purpose of 5 dwelling units.

The application and the relevant documents are open for inspection during normal office hours at the Planning Assists offices, Second Floor, Civic Center and Polokwane municipality for the period of 28 days from the 3rd of November 2017.

Objections and/or comments or representation in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O.BOX 111, Polokwane, 0700 within 28 days from the 3rd of November 2017.

Address of Authorized Agent: Nash Planning & Civil Consultants (PTY) LTD, 11 Oakwood Manor Bendor, 0699, Cell: 072 642 9415/ 071 541 3227.

3-10

PLAASLIKE OWERHEID KENNISGEWING 138 VAN 2017**POLOKWANE / PERSKEBULT DORPSBEPLANNINGSKEMA, 2016****WYSIGINGSKEMA 03****KENNISGEWING VIR HERSONERING VAN GEDEELTE 8 VAN ERF 718 PIETERSBURG VAN "RESIDENSIEEL 1" TOT "RESIDENSIEEL 2" VIR 5 WOONHUISE.**

Ek, Azwifaneli Nemanashi van Nash Planning & Civil Consultants (Pty) LTD, synde die gemagtigde agent van die geregistreerde eienaar van Gedeelte 8 van Erf 718, Pietersburg Dorpsgebied Registrasieafdeling LS, Limpopo Provinsie, gee hiermee ingevolge Artikel 56 (1) b) (i) van die Ordonnansie op Dorpsbeplanning en Dorpe (Ordonnansie 15 van 1986) saamgelees met die Wet op Ruimtelike Beplanning en Grondgebruikbestuur 16 van 2013 (SPLUMA), dat ek 'n aansoek by die Polokwane Plaaslike Munisipaliteit gedoen het vir die wysiging van Polokwane / Perskebult Dorpsbeplanningskema, 2016, deur die hersonering van die eiendom hierbo beskryf vanaf "Residensieel 1" na "Residensieel 2" vir die doeleindes van 5 wooneenhede.

Die aansoek en die betrokke dokumente is gedurende gewone kantoorure by die Planning Assists kantore, Tweede Verdieping, Burgersentrum en Polokwane Munisipaliteit ter insae vir 'n tydperk van 28 dae vanaf 3 November 2017.

Besware en / of kommentaar of vertoe ten opsigte van die aansoek moet binne 28 dae vanaf 3 November 2017 skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by P.O.BOX 111, Polokwane, 0700, ingedien of gerig word.

Adres van gemagtigde agent: Nash Planning & Civil Consultants (EDMS) BPK, 11 Oakwood Manor Bendor, 0699, Sel: 072 642 9415/071 541 3227.

3-10

LOCAL AUTHORITY NOTICE 139 OF 2017**POLOKWANE/PERSKEBULT TOWN PLANNING SCHEME, 2016****AMENDMENT SCHEME 04****NOTICE FOR REZONING OF PORTION 2 OF ERF 96 PIETERSBURG FROM "RESIDENTIAL 1" TO "BUSINESS 4" FOR OFFICES.**

I, Azwifaneli Nemanashi from Nash Planning and Civil Consultants as an authorized agent of the registered owners of Portion 2 of Erf 96 Pietersburg Township Registration Division LS, Limpopo Province, hereby giving a notice for rezoning of Portion 2 of Erf 96 Pietersburg from "Residential 1" to "Business 4" for the purpose of offices in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance (Ordinance 15 of 1986) read together with Spatial Planning and Land Use Management Act 16 of 2013, for the amendment of the Polokwane/Perskebult Town Planning Scheme, 2016.

The relevant documents and the application are open for inspection during office hours at the planning offices, second Floor Civic Center, Polokwane municipality for the period of 28 working days from the 3rd of November 2017.

Objections and/or comments or representation in respect of the application must be lodged in writing to the Municipal Manager at the above address or at P.O.BOX 111, Polokwane, 0700 within 28 days from the 3rd November 2017.

Authorized Agent: Nash Planning and Civil Consultants, 11 Oakwood, Thornhill, Bendor, 0699, email: faninemanashi@gmail.com, Cell: 072 642 9415/ 071 541 3227.

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PLAASLIKE OWERHEID KENNISGEWING 139 VAN 2017**POLOKWANE / PERSKEBULT DORPSBEPLANNINGSKEMA, 2016****WYSIGINGSKEMA 04****KENNISGEWING VIR HERSONERING VAN GEDEELTE 2 VAN ERF 96 PIETERSBURG VAN "RESIDENSIEEL 1" TOT "BESIGHEID 4" VIR KANTORE.**

Ek, Azwifaneli Nemanashi van Nash Planning and Civil Consultants, as gemagtigde agent van die geregistreerde eienaars van Gedeelte 2 van Erf 96, Pietersburg Dorpsgebied Registrasieafdeling LS, Limpopo Provinsie, gee hiermee n kennisgewing vir die hersonering van Gedeelte 2 van Erf 96 Pietersburg vanaf "Residensieel 1" Tot "Besigheid 4" vir die doeleindes van kantore ingevolge artikel 56 (1) (b) (i) van die Ordonnansie op Dorpsbeplanning en Dorpe (Ordonnansie 15 van 1986) saamgelees met die Wet op Ruimtelike Beplanning en Grondgebruiksbeheer 16 van 2013, vir die wysiging van die Polokwane / Perskebult Dorpsbeplanningskema, 2016.

Die betrokke dokumente en die aansoek is ter insae gedurende kantoorure by die beplanningskantore, die tweede Vloer Burgersentrum, Polokwane Munisipaliteit vir 'n tydperk van 28 werksdae vanaf 3 November 2017.

Besware en / of kommentaar of vertoe ten opsigte van die aansoek moet binne 28 dae vanaf 3 November 2017 skriftelik by die Munisipale Bestuurder by bovermelde adres of by P.O.BOX 111, Polokwane, 0700 ingedien word.

Gemagtigde Agent: Nash Beplanning en Siviele Konsultante, 11 Oakwood, Thornhill, Bendor, 0699, e-pos: faninemanashi@gmail.com, Sel: 072 642 9415/071 541 3227

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LOCAL AUTHORITY NOTICE 140 OF 2017**POLOKWANE/PERSKEBULT TOWN PLANNING SCHEME, 2016****AMENDMENT SCHEME 02****NOTICE FOR REZONING OF PORTION 1 OF ERF 668 PIETERSBURG FROM "RESIDENTIAL 3" TO "SPECIAL " FOR FILLING STATION SUBJECT TO CONDITIONS ON ANNEXURE 01**

I, Timothy Tshilidzi Mudzielwana of Fulwana Planning Consultants cc, being the authorized agent of the registered owners of Portion 1 of erf 668 Erf Pietersburg Township Registration Division LS, Limpopo Province, hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance (Ordinance 15 of 1986) read together with Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), that I have made an application to the Polokwane Local Municipality for the amendment of the Town Planning Scheme, known as the Polokwane/Perskebult Town Planning Scheme, 2016, by rezoning of the property described above from "Residential 3" to "Special" for filling station subject to conditions on Annexure 01.

The application and the relevant documents are open for inspection during normal office hours at the Planning Assists offices, Second Floor, Civic Center and Polokwane municipality for the period of 28 days from the 3rd of November 2017. Objections and/or comments or representation in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O.BOX 111, Polokwane, 0700 within 28 days from the 3rd of November 2017.

Address of Authorized Agent: Fulwana Planning Consultants cc, P.O. Box 55980, Polokwane, 0700, Tel: 015 297 6060, Fax: 015 297 4040/0866635119, Cell: 072 426 6537.

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PLAASLIKE OWERHEID KENNISGEWING 140 VAN 2017**POLOKWANE / PERSKEBULT DORPSBEPLANNINGSKEMA, 2016****WYSIGINGSKEMA 02****KENNISGEWING VIR HERSONERING VAN GEDEELTE 1 VAN ERF 668 PIETERSBURG VAN "RESIDENSIEEL 3" TOT "SPESIALE" OM DIE STATION TE VOLDOEN ONDER VOORWAARDES OP BYLAE 01**

Ek, Timothy Tshilidzi Mudzielwana van Fulwana Planning Consultants, synde die gemagtigde agent van die geregistreerde eienaars van Gedeelte 1 van Erf 668, Erf Pietersburg Dorpsgebied Registrasieafdeling LS, Limpopo Provinsie, gee hiermee ingevolge Artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe (Ordonnansie 15 van 1986) saamgelees met die Wet op Ruimtelike Beplanning en Grondgebruikbestuur 16 van 2013 (SPLUMA), dat ek 'n aansoek by die Polokwane Plaaslike Munisipaliteit gedoen het vir die wysiging van die Stadsbeplanning Skema bekend as die Polokwane / Perskebult Dorpsbeplanningskema, 2016, deur die hersonering van die eiendom hierbo beskryf vanaf "Residensieel 3" na "Spesiaal" vir vulstasie onderworpe aan voorwaardes op Annexure 01.

Die aansoek en die betrokke dokumente lê ter insae gedurende gewone kantoorure by die Planning Assists kantore, Tweede Vloer, Burgersentrum en Polokwane Munisipaliteit vir 'n tydperk van 28 dae vanaf 3 November 2017. Besware en / of kommentaar of vertoe ten opsigte van die aansoek moet binne 28 dae vanaf 3 November 2017 skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by P.O.BOX 111, Polokwane, 0700, ingedien of gerig word.

Adres van gemagtigde agent: Fulwana Planning Consultants cc, P. O.Box 55980, Polokwane, 0700, Tel: 015 297 6060, Faks: 015 297 4040/0866635119, Sel: 072 426 6537.

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LOCAL AUTHORITY NOTICE 142 OF 2017



LIM 345 LOCAL MUNICIPALITY

Private Bag X9271
Malamulele
0982
Tel (015) 851 0110
Fax (015) 851 0097

**PUBLIC NOTICE OF THE AGREEMENT FOR LIM 345 LOCAL MUNICIPALITY
TO JOIN VHEMBE DISTRICT MUNICIPAL PLANNING AND APPEAL TRIBUNAL**

Notice is hereby given in terms of Section 34(2) of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) that Lim 345 Municipal Council in its meeting on the 31 May 2017 resolved as per **Council Resolution OC 02/05/2017** to join Vhembe District Municipal Planning and Appeal Tribunal.

Lim 345 Local Municipality hereby makes public notice for the joint Municipal Planning Tribunal and Appeal Authority with the Vhembe District Municipality

All enquiries in this regard can be directed to the following Officials;

- Lim 345 Municipality, Acting Director Planning and Development, Ms B. Louw at 015 851 0110
- Vhembe District Municipality, Acting General Manager Development Planning Mr. S.R Matloga at 015 960 3503 or Manager Spatial Planning and Land Use Management Mrs. C.N Mapholi at 015 960 3528.

Yours faithfully

MS T.C NGOBENI

MUNICIPAL MANAGER

AGREEMENT ON THE MODALITY FOR THE ESTABLISHMENT OF THE INTERIM DISTRICT MUNICIPAL PLANNING TRIBUNAL

Concluded by and amongst:

VHEMBE DISTRICT MUNICIPALITY

(Council Resolution Number OCM 05: 17: 08: 06)

(Demarcation Code DC 34)

(Herein represented by Rambado Mugivhela Reuben, in his/her capacity as District
Municipal Manager of Vhembe District Local Municipalities)

AND

MUNICIPALITY 1: LIM 345 MUNICIPALITY

(Council Resolution Item Number OC 02/05/2017)

(Demarcation Code LIM 345)

(Herein represented by Ngobeni in his/her capacity as Municipal Manager of Thulamela
Local Municipality)

AND

WHEREAS the Spatial Planning and Land Use Management Act, 16 of 2013 makes provision in section 34(2) for the establishment of a District Municipal Planning Tribunal to determine land development and land use applications;

AND WHEREAS the Parties have undertaken an assessment as contemplated in regulation 2 of the Regulations;

AND WHEREAS the Parties are desirous to conclude an agreement to establish a District Municipal Planning Tribunal to jointly consider and decide the land development and land use applications submitted to their respective municipalities;

M.R

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:**1. DEFINITIONS AND INTERPRETATION**

The headings of the clauses in this Agreement are for the purposes of convenience and reference only and shall not be used in the interpretation of nor modify nor amplify the terms of this Agreement nor any clause hereof.

In this Agreement, unless a contrary intention clearly appears:

1.1 Words importing -

1.1.1 any one gender includes the other gender;

1.1.2 the singular includes the plural and vice versa; and

1.1.3 natural persons include created entities (corporate or non-corporate) and vice versa.

1.2 If any provision in a definition is a substantive provision conferring rights or imposing obligations on any party, effect shall be given to it as if it were a substantive clause in the body of the Agreement, notwithstanding that it is only contained in the interpretation clause.

1.3 When any number of days is prescribed in this Agreement, it shall be reckoned exclusively of the first and inclusively of the last day.

1.4 The following terms shall have the meanings assigned to them hereunder and cognate expressions shall have a corresponding meaning, namely:

1.4.1 **"commencement date"** means the date of publication of the notice referred to in clause 4.8 irrespective of the date of signature hereof;

1.4.2 **"notice"** means a written notice on the Provincial Gazette and local circulating newspapers;

1.4.3 **"Parties"** mean the parties to this Agreement identified herein;

1.4.5 **"the Act"** means the Spatial Planning and Land Use Management Act, 16 of 2013 and the Regulations issued thereunder;

1.4.6 **"the Regulations"** means the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015.

2. FUNDING

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- 2.1 The Parties shall make provision in their respective budgets to jointly fund the cost of proceedings of the District Municipal Planning Tribunal, the remuneration of members appointed to it and any other necessary operational costs, on an annual basis.
- 2.2 There will be no transfer of funds between the parties.
- 2.3 Each Party shall be responsible to fund the extent of considering and deciding those categories of applications that shall be heard by the District Municipal Planning Tribunal.
- 2.4 All funding is subject to the approval of the municipal councils of the parties.

3. DURATION

- 3.1 This Agreement commences on the 01 October 2017 and continues for a period of not less than 2 years and not more than 4 years.
- 3.2 This Agreement shall terminate –
 - (a) on the date that the term of office of the members of the District Municipal Planning Tribunal expires as referred to in clause 4.7;
 - (c) when one of the parties terminates the Agreement by giving six months' notice of its intention to withdraw from this Agreement.

4. ESTABLISHMENT OF THE DISTRICT MUNICIPAL PLANNING TRIBUNAL

4.1 Composition of the District Municipal Planning Tribunal

- 4.1.1 The District Municipal Planning Tribunal shall consist of at least 14 members made up as follows:
 - (a) One official in the full-time service of Municipality 1; Thulamela Local Municipality
 - (b) One official in the full-time service of Municipality 2; Musina Local Municipality
 - (c) One official in the full-time service of Municipality 3; Lim 345
 - (d) two persons registered as a professional with the South African Council for the Planning Profession in terms of the Planning Profession Act, 36 of 2002;
 - (e) two persons registered as a professional with the Engineering Council of South Africa in terms of the Engineering Profession Act, 46 of 2000;
 - (f) two Land Development Economists registered with a voluntary association;
 - (g) two persons either admitted as an attorney in terms of the Attorneys Act, 53 of 1979 or admitted as advocate of the Supreme Court in terms of the Admission of Advocates Act, 74 of 1964; and
 - (h) an environmental practitioner registered with a voluntary association;
 - (i) any other person who has knowledge and experience of spatial planning, land use management and land development or the law related thereto.

M. R.

- 4.1.2 In addition to the criteria determined in sub clause 4.1.1 the persons referred to in paragraphs (c) to (g) must have knowledge and experience of spatial planning, land use management and land development or the law related thereto.
- 4.1.3 A District Municipal Planning Tribunal may designate at least the following members of the tribunal to hear, consider and decide a matter which comes before it:
- (a) All officials from the municipalities which are part of these agreements.
 - (b) One person registered as a professional with the South African Council for the Planning Profession in terms of the Planning Profession Act, 36 of 2002;
 - (c) One person registered as a professional with the Engineering Council of South Africa in terms of the Engineering Profession Act, 46 of 2000;
 - (d) One Land Development Economist recognized with any voluntary association;
 - (e) One person either admitted as an attorney in terms of the Attorneys Act, 53 of 1979 or admitted as advocate of the Supreme Court in terms of the Admission of Advocates Act, 74 of 1964;
 - (f) an environmental assessment practitioner registered with a voluntary association; and
 - (g) any other person who has knowledge and experience of spatial planning, land use management and land development or the law related thereto.

4.2 Invitations and nominations to serve on the District Municipal Planning Tribunal

The District Municipality has in 2016 on behalf of the participating municipalities issued an invitation and a call for nominations for persons referred to in clause 4.1.1(a) – (j) to serve on the District Municipal Planning Tribunal in the manner and form provided for in the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015.

4.3 District evaluation panel

- 4.3.1 The District Municipality, Limpopo Office of the Premier and Thulamela, Musina and by then Mutale Local municipalities constituted a District evaluation panel from employees in the full time service of the Parties to evaluate all nominations received, whether due to an invitation or call for nominations.
- 4.3.2 The District evaluation panel of the Parties evaluated all nominations received and makes recommendations to the municipal councils of the Parties including a recommendation with regard to the chairperson and deputy chairperson for the District Municipal planning Tribunal.

4.4 Appointment of members

- 4.4.1 Each municipal council has evaluated and approved the recommendations of the District evaluation panel referred to in clause 4.3.

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4.4.2 The District Municipality has on behalf of the participating municipalities appointed persons who qualify for appointment as members of the District Municipal Planning Tribunal subject to all the terms and conditions of appointment to and serving on the District Municipal Planning Tribunal referred to in the Act and the Regulations.

4.4.2 The District Municipality has on behalf of the participating municipalities inform the successful nominees of their appointment to the District Municipal Planning Tribunal.

4.5 Officials in the full-time employ of the Parties to serve on District Municipal Planning Tribunal

4.5.1 The Party shall designate one official each to serve on the District Municipal Planning Tribunal and shall delegate the necessary authority to these officials.

4.5.2 The Party shall review and amend the contracts of service of the officials designated to serve on the District Municipal Planning Tribunal.

4.5.3 Officials from the Provincial government will not be subject to any remuneration, whether it be for transport or whatever.

4.6 Appointment of the chairperson and deputy chairperson

4.6.1 The chairperson and the deputy chairperson of the District Municipal Planning Tribunal has been appointed by the Parties from the ranks of the officials referred to in clause 4.1(a) to (e).

4.7 Term of office

The term of office of members of the District Municipal Planning Tribunal is 2 years calculated from the commencement of the operationalization date of the MPT which is the 1 June 2016.

4.8 Publication of notice

The District Municipal Planning Tribunal commenced its operations on the 1st of June 2016 in which a notice was published referred to in section 37(4) of Act.

5. APPLICATIONS TO BE CONSIDERED AND DECIDED BY THE DISTRICT MUNICIPAL PLANNING TRIBUNAL

5.1 The Parties shall, in accordance with the criteria determined in the Regulations, categorize land development and land use applications in a corresponding manner or shall adopt the categorization in the regulations.

5.2 The Parties shall refer such categories of applications determined by them to the District Municipal Planning Tribunal.

5.3 The District Municipal Planning Tribunal shall exercise and perform the powers, duties and functions of a Municipal Planning Tribunal referred to in the Act, the relevant provincial legislation and the by-laws of the Parties.

M. P.

6. SEAT OF THE DISTRICT MUNICIPAL PLANNING TRIBUNAL

- 6.1 The meetings of the District Municipal Planning Tribunal shall be held at the offices of the District Municipality and participating municipalities. The District Municipality will be responsible for secretariat while participating party will be responsible for administrative and other logistical arrangement.

7. SUBMISSION OF APPLICATIONS

- 7.1 A land development and land use application referred to in clause 5,2 shall be submitted by an applicant to the municipality in whose municipal area the land to which the application relates, is located.
- 7.2 The municipality in whose municipal area the land to which the application relates, is located, shall undertake all the required internal procedures.
- 7.3 The municipality shall refer the relevant category of application to the District Municipal Planning Tribunal for consideration. The designated municipal official shall lead the application with motivational report before the District Municipal Planning Tribunal.

8. DESIGNATION OF MEMBERS TO CONSIDER AND DETERMINE AN APPLICATION

- 8.1 On receipt of an application referred to in clause 7.3, the District Municipal Planning Tribunal shall evaluate the application and decide on the knowledge and skills required to consider and determine the application and designate the necessary members to so consider and determine that application, including the presiding officer.
- 8.2 The District Municipal Planning Tribunal shall nominate no less than five members to consider and decide an application.

9. APPOINTMENT OF TECHNICAL AND OTHER ADVISERS

- 9.1 The Parties shall establish and maintain-

- (a) a database of public sector technical and other advisers; and
- (b) a database of private sector technical and other advisers.

- 9.2 The Parties shall before publication of the notice referred to in clause 4.8 –

- (a) in writing request the employer of an official or employee referred to in regulation 11(2)(a) to make that official or employee available on an *ad hoc* basis for technical and other support before that official or employee is placed on the database of public sector technical and other advisers; and
- (b) publish an invitation in one newspaper circulating in the municipal areas of the Parties for persons referred to in regulation 11(2) to be registered on the database

M.E.

of private sector technical and other advisers and may determine conditions for incorporation into that database.

- 9.3 The chairperson in consultation with Tribunal Members shall appoint technical and other advisers to assist the District Municipal Planning Tribunal per application that it has to consider and determine, if necessary.
- 9.4 The chairperson shall first consider appointing an adviser from the database of public sector technical and other advisers and only if there is no such adviser available or no adviser available with the requisite knowledge and skill, shall the chairperson consider an adviser from the database of private sector technical and other advisers.
- 9.5 The municipality in whose application needs technical advisor, shall therefore be responsible to remunerate that technical or other adviser for services rendered to the District Municipal Planning Tribunal, if that adviser is not a public service official.

10 ASSETS

- 10.1 The District Municipal Planning Tribunal shall not acquire any assets or incur liabilities and shall not employ any staff.
- 10.2 The District Municipality shall provide the necessary assets and designate staff to assist the District Municipal Planning Tribunal and shall be responsible for any other operational requirements of the District Municipal Planning Tribunal.

11. LIAISON BETWEEN THE PARTIES

The Parties agree to liaise through the following persons or their successors, duly authorized by the Parties:

For Municipality 1: The Municipal Manager

Phone number:

Fax number:

12. DISPUTES

- 12.1 Any dispute which arises between the Parties in connection with the interpretation of or giving effect to this Agreement shall be resolved amicably through consultation and negotiation.
- 12.2 Should a dispute remain unresolved, the provisions of the Intergovernmental Relations Framework Act, 13 of 2005 shall apply in the absence of specific dispute resolution measures prescribed by the Act.

13. LIMITATION OF LIABILITY

M.R.

Notwithstanding anything contained in this Agreement, the Parties' maximum liability shall be limited to –

- (a) an act or omission of the authorised official referred to in section 35(2) of the Act; and
- (b) the act or omission of a member of the District Municipal Planning Tribunal in the year that the Party is responsible for the operational expenses of the District Municipal Planning Tribunal as contemplated in clause 10.2.

OR IN THE ALTERNATIVE

Notwithstanding anything contained in this Agreement, the liability of Municipality 1 shall be limited to –

- (a) an act or omission of the authorised official referred to in section 35(2) of the Act; and
- (b) an act or omission of a member of the District Municipal Planning Tribunal.

14. ENTIRE AGREEMENT

14.1.1 This Agreement constitutes the entire agreement and supersedes any and all previous agreements regarding this subject matter that may exist between the parties.

14.1.2 No representations, either verbal or written, made by either party during the tenure of this Agreement shall be of any force or effect unless agreed to by both parties, reduced to writing, and annexed hereto, as an addendum.

15. NO WAIVER

The failure of either Party to insist upon the strict performance of any provision of this Agreement or to exercise any right, power or remedy consequent upon a breach hereof shall not constitute a waiver by such Party to require strict and punctual compliance with each and every provision of this Agreement.

16. NOTICES AND DOMICILIUM

16.1. The parties choose as their *domicilia citandi et executandi* the following addresses:-

The Municipality

For the Municipality

Vhembe District Municipality

M.R.

Private Bag x 5006

Thohoyandou

0950

THE MUNICIPALITY

For the Municipality

Musina Local Municipality

Private Bag x 611

Musina

0900

THE MUNICIPALITY

For the Municipality

LIM 345 LOCAL MUNICIPALITY

POST BOX 9271

MALAMULELE

0982

For the Municipality

Thulamela Local Municipality

Private Bag x 5066

Thohoyandou

0950

16.2 Either party hereto shall be entitled from time to time by written notice to the other party, to vary its *domicilium* to any other physical address.

M. K.

- 16.3 Any notice required or permitted to be given in terms of this Agreement shall be valid and effective only if in writing and if received or deemed to have been received by the addressee.
- 16.4 Any notice given by one party to the other "the addressee" which –
- (a) is delivered by hand during the normal business hours of the addressee at the addressee's *domicilium* for the time being shall be presumed, until the contrary is proved, to have been received by the addressee at the time of delivery;
 - (b) is posted by prepaid registered post from an address to the addressee at the addressee's *domicilium* for the time being, shall be presumed, until the contrary is proved, to have been received by the addressee on the day after the date of posting;

17. AUTHORITY

The Parties confirm that they have the necessary authorisation to sign this Agreement on behalf of the applicable Party.


M.R.

18. SIGNATURES

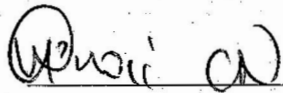
THUS DONE AND SIGNED BY MUNICIPALITY 1 AT Uthmaniyah ON THIS
19th DAY OF September 2017.

FOR MUNICIPALITY 1

WITNESS FOR MUNICIPALITY 1



SIGNATURE



SIGNATURE

Mugwhele Reuben Rombado Mapholi Constance Ngaledzani

FULL NAME OF SIGNATORY

FULL NAME OF SIGNATORY


THUS DONE AND SIGNED BY MUNICIPALITY 2 AT Mabmulele ON THIS
20 DAY OF October 2017.

FOR MUNICIPALITY 2

WITNESS FOR MUNICIPALITY 2



SIGNATURE



SIGNATURE

T.C. Ngobeni

FULL NAME OF SIGNATORY

Brenda Law

FULL NAME OF SIGNATORY

SCHEDULE 5**Standard Categories of Land Development and Land Use Applications**

- (1) Category 1 Applications are -
- (a) the establishment of a township or the extension of the boundaries of a township;
 - (b) the amendment of an existing scheme or land use scheme by the rezoning of land;
 - (c) subject to sub item (3), the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - (d) the amendment or cancellation in whole or in part of a general plan of a township;
 - (e) the subdivision and consolidation of any land other than a subdivision and consolidation which is provided for as a Category 2 application;
 - (f) permanent closure of any public place;
 - (g) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
 - (h) any consent or approval provided for in any law referred to in sub item (3).
- (2) Category 2 Applications are:
- (a) the subdivision of any land where such subdivision is expressly provided for in a land use scheme;
 - (b) the consolidation of any land;
 - (c) the simultaneous subdivision, under circumstances contemplated in paragraph (a) and consolidation of land;
 - (d) the consent of the municipality for any land use purpose or departure or deviation in terms of a land use scheme or existing scheme which does not constitute a land development application;
 - (e) the removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential density is regulated by a land use scheme in operation.
 - (f) All applications in terms of R45 of 1990, proclamation R293 of 1962
- (3) A consent or approval referred to in subitem (1)(c) only applies in respect of a condition that was imposed in terms of:
- (a) The Agricultural Holdings (Transvaal) Registration Act, 22 of 1919;
 - (b) the Removal of Restrictions Act, Act 84 of 1967 or a provincial Act with similar provisions;
 - (c) the Less Formal Township Establishment Act, Act 113 of 1991;
 - (d) the Black Communities Development Act, Act 4 of 1984;

M.R.

- (e) Physical Planning Act, Act 125 of 1991;
- (f) the Development Facilitation Act, 67 of 1995; or
- (g) any applicable town planning and townships ordinance.

(4) The division of functions between an authorised official and a Municipal Planning Tribunal can be made as follows:

- (a) All category 1 applications and all opposed category 2 applications must be referred to the Municipal Planning Tribunal.
- (b) All category 2 applications that are not opposed must be considered and determined by the authorised official.

(5) For the purposes of this Schedule -

- (a) "consent" means a land use right that may be obtained by way of consent from the municipality and is specified as such in the land use scheme;
- (b) "consolidation" means the joining of two or more pieces of land into a single entity; and
- (c) "subdivision" means the division of a piece of land into two or more portions.

M.R.

LOCAL AUTHORITY NOTICE 143 OF 2017**Musina Local Municipality Land Use Management Scheme, 2010
Amendment Scheme No: 369**

I, **Tshivhombela T**, being the authorized agent by the owner of the undermentioned properties, hereby give notice in terms of Provision of Section 36 of Musina Local Municipality Spatial Planning and Land Use Management By-Laws, 2016, that I am applying to Musina Municipality for Amendment of Musina Land Use Management Scheme, 2010. Amendment Scheme Number: 369 for Rezoning and Consolidation of Erf 4911 and 4925 Messina Nancefield Ext 11 from "Residential 1" to "Business 1" for "Guest House". The Particulars of the applications will lie for inspection during normal office hours at the office to town planner, 21 Irwin Street; Musina Local Municipality for the period of 28 days from the first day of the notice. Objections and/or comments or representation in respect of the applications must be lodged with or made in writing to the Municipal Manager at this address: Private Bag X 611; Musina; 0900; within 28 days from the date of first publication (10 November 2017). Address of the Agent: P.O. Box 206, Tshaulu, 0987 Cell: (060) 752 0756

**Musina Local Municipality Land Use Management Scheme, 2010
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Nne, **Tshivhombela T** muimeleli o tendelwaho nga vhane vha ndaka dzo bulwaho a fho fhasi, ndi khou divhadza hu tshi tevhelwa Tshitenwa tsha Section 36 of Musina Local Municipality Spatial Planning and Land Use Management By-Laws, 2016 nga ndila I tevhelaho: (a) **Nomboro ya u shandukisa Tshikimu ya vhu 369** nga u shandukisa ku shumiselwe kwa tshitandwe tsha 4911 na 4925 Messina nancefield Extension 11, ubva kha "Residential 1" uya kha "Business 1" hu tshi itelwa Guest House. Zwidombedzwa zwa khumbelo idzo zwi do lugelwa u tolwa nga tshifhinga tsho tiwaho tsha awara dza ofisi kha ofisi ya muhulwane wa Mveledziso na Vhupulani, tshifhatoni tsha Muhasho wa Mveledziso na Vhupulani, 21 Irwin Street; Masipala wa Musina lwa tshifhinga tsha maduvha a fumbili malo (28) ubva nga duvha la vhufumi (10) Lara 2017. Khanedzo kana nyimelelwa kha khumbelo edzo dzi rumelwe kana dzi itiwe nga u to nwaleta kha Mucipal Manager, Private Bag x611; Musina; 0900 nga ngomu ha maduvha a fumbili malo (28) ubva nga duvha la vhufumi (10) Lara 2017, Adiresi ya Muimeleli: P.O. Box 206, Tshaulu, 0987. Cell: (060) 752 0756

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