



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Provinsiale Koerant

(Registered as a newspaper) • (As 'n nuusblad geregistreer)

Vol. 25

NELSPRUIT
20 APRIL 2018
20 APRIL 2018

No. 2917

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

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Closing times for **ORDINARY WEEKLY** 2018

MPUMALANGA PROVINCIAL GAZETTE

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

- **28 December 2017**, Thursday for the issue of Friday **05 January 2018**
- **05 January**, Friday for the issue of Friday **12 January 2018**
- **12 January**, Friday for the issue of Friday **19 January 2018**
- **19 January**, Friday for the issue of Friday **26 January 2018**
- **26 January**, Friday for the issue of Friday **02 February 2018**
- **02 February**, Friday for the issue of Friday **09 February 2018**
- **09 February**, Friday for the issue of Friday **16 February 2018**
- **16 February**, Friday for the issue of Friday **23 February 2018**
- **23 February**, Friday for the issue of Friday **02 March 2018**
- **02 March**, Friday for the issue of Friday **09 March 2018**
- **09 March**, Friday for the issue of Friday **16 March 2018**
- **15 March**, Thursday for the issue of Friday **23 March 2018**
- **23 March**, Friday for the issue of Friday **30 March 2018**
- **28 March**, Wednesday for the issue of Friday **06 April 2018**
- **06 April**, Friday for the issue of Friday **13 April 2018**
- **13 April**, Friday for the issue of Friday **20 April 2018**
- **20 April**, Friday for the issue of Friday **27 April 2018**
- **25 April**, Wednesday for the issue of Friday **04 May 2018**
- **04 May**, Friday for the issue of Friday **11 May 2018**
- **11 May**, Friday for the issue of Friday **18 May 2018**
- **18 May**, Friday for the issue of Friday **25 May 2018**
- **25 May**, Friday for the issue of Friday **01 June 2018**
- **01 June**, Friday for the issue of Friday **08 June 2018**
- **08 June**, Friday for the issue of Friday **15 June 2018**
- **15 June**, Thursday for the issue of Friday **22 June 2018**
- **22 June**, Friday for the issue of Friday **29 June 2018**
- **29 June**, Friday for the issue of Friday **06 July 2018**
- **06 July**, Friday for the issue of Friday **13 July 2018**
- **13 July**, Friday for the issue of Friday **20 July 2018**
- **20 July**, Friday for the issue of Friday **27 July 2018**
- **27 July**, Friday for the issue of Friday **03 August 2018**
- **02 August**, Thursday, for the issue of Friday **10 August 2018**
- **10 August**, Friday for the issue of Friday **17 August 2018**
- **17 August**, Friday for the issue of Friday **24 August 2018**
- **24 August**, Friday for the issue of Friday **31 August 2018**
- **31 August**, Friday for the issue of Friday **07 September 2018**
- **07 September**, Friday for the issue of Friday **14 September 2018**
- **14 September**, Friday for the issue of Friday **21 September 2018**
- **20 September**, Thursday for the issue of Friday **28 September 2018**
- **28 September**, Friday for the issue of Friday **05 October 2018**
- **05 October**, Friday for the issue of Friday **12 October 2018**
- **12 October**, Friday for the issue of Friday **19 October 2018**
- **19 October**, Friday for the issue of Friday **26 October 2018**
- **26 October**, Friday for the issue of Friday **02 November 2018**
- **02 November**, Friday for the issue of Friday **09 November 2018**
- **09 November**, Friday for the issue of Friday **16 November 2018**
- **16 November**, Friday for the issue of Friday **23 November 2018**
- **23 November**, Friday for the issue of Friday **30 November 2018**
- **30 November**, Friday for the issue of Friday **07 December 2018**
- **07 December**, Friday for the issue of Friday **14 December 2018**
- **13 December**, Thursday, for the issue of Friday **21 December 2018**
- **19 December**, Wednesday for the issue of Friday **28 December 2018**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

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 R1008.80 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	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

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 **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

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

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

All notices received after the closing time will be rejected.

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

EXTRAORDINARY GAZETTES

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

NOTICE SUBMISSION PROCESS

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES**QUOTATIONS**

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

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

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

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

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

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

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

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

CANCELLATIONS

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

AMENDMENTS TO NOTICES

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

REJECTIONS

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

APPROVAL OF NOTICES

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

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

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

LIABILITY OF ADVERTISER

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

CUSTOMER INQUIRIES

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

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

PROOF OF PUBLICATION

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

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

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

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

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

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 23 OF 2018

STEVE TSHWETE AMENDMENT SCHEME No. 738**NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME 2004, IN TERMS OF SECTION 62(1) AND 94(1)(A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016.**

I, **JOHANNES JACOBUS MEIRING, PROFESSIONAL LAND SURVEYOR**, being the authorized agent of the owner of:

***PORTION 69 OF ERF 2415 AERORAND TOWNSHIP
(PREVIOUSLY KNOWN AS REMAINDER OF LPORTION 3 AND PORTION 23)***

hereby give notice in terms of Section 94(1)(A) of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that I have applied to the **STEVE TSHWETE LOCAL MUNICIPALITY** for the amendment of the town planning scheme known as **STEVE TSHWETE TOWN PLANNING SCHEME, 2004**, for the rezoning of the abovementioned properties situated in **KEISKAMMA AND ORANJE STREET**,

- 1) REMAINDER OF PORTION 3 OF ERF 2415 AERORAND TOWNSHIP** from "BUSINESS 2" to "BUSINESS 2" with amended conditions.
- 2) PORTION 23 OF ERF 2415 AERORAND TOWNSHIP** from "SPECIAL" to "BUSINESS 2" with amended conditions.

Any objection/s or comment/s including the grounds for such objection/s or comment/s with full contact details, shall be made in writing to the Municipal Manager, P.O. Box 14, MIDDELBURG, 1050, within 30 days from **20 APRIL 2018**.

Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. of Walter Sisulu-and Wanderers Avenue, MIDDELBURG, 1050, Tel: (013) 249 7000, for a period of 30 days from **20 APRIL 2018**.

Address of agent:

**JOHAN MEIRING PROFESSIONAL LAND SURVEYOR
36A DR. BEYERS NAUDE STREET MIDDELBURG; 1050
TEL: (013) 243 4110**

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PLAASLIKE OWERHEID KENNISGEWING 23 VAN 2018

STEVE TSHWETE WYSIGINGSKEMA No. 738**KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE STEVE TSHWETE DORPSBEPLANNINGSKEMA 2004, INGEVOLGE ARTIKEL 62(1) EN 94(1)(A) VAN DIE STEVE TSHWETE RUIMTELIKE BEPLANNING EN GRONDGEBRUIKSBESTUUR BY-WETTE, 2016.**

Ek, **JOHANNES JACOBUS MEIRING, PROFESSIONELE LANDMETER**, synde die gemagtigde agent van die eienaar van:

***GEDEELTE 69 VAN ERF 2415 VAN DIE DORP AERORAND
(VOORHEEN BESTAANDE UIT RESTANT VAN GEDEELTE 3 EN GEDEELTE 23)***

gee hiermee ingevolge Artikel 94(1)(A) van die Steve Tshwete Ruimtelike Beplanning en Grongebruiksbestuur By-Wette, 2016, kennis dat ek by die **STEVE TSHWETE PLAASLIKE MUNISIPALITEIT** aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as **STEVE TSHWETE DORPSBEPLANNINGSKEMA 2004**, vir die hersonering van die bogenoemde eiendomme geleë in **KEISKAMMA EN ORANJE STRATE**,

- 1) RESTANT VAN GEDEELTE 3 VAN ERF 2415 VAN DIE DORP AERORAND** vanaf "BESIGHEID 2" na "BESIGHEID 2", met gewysigde voorwaardes.
- 2) GEDEELTE 23 VAN ERF 2415 VAN DIE DORP AERORAND** vanaf "SPESIAAL" na "BESIGHEID 2", met gewysigde voorwaardes.

Besware teen of kommentaar, tesame met stawende bewyse, en volledige kontakbesonderhede, moet binne 'n tydperk van 30 dae vanaf **20 APRIL 2018**, skriftelik by die Munisipale Bestuurder, Posbus 14, MIDDELBURG, 1050 ingedien of gerig word.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, h/v Walter Sisulu-en Wanderersrylaan, MIDDELBURG, 1050,
Tel: (013) 249 7000, vir 'n tydperk van 30 dae vanaf **20 APRIL 2018**.

Adres van agent:

**JOHAN MEIRING PROFESSIONELE LANDMETER
36A DR. BEYERS NAUDESTRAAT MIDDELBURG; 1050
TEL: (013) 243 4110**

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LOCAL AUTHORITY NOTICE 24 OF 2018



MUNICIPAL MANAGEMENT AND CONTROL OF INFORMAL SETTLEMENT BYLAWS

MUNICIPAL MANAGER AND CONTROL OF INFORMAL SETTLEMENT BYLAWS**NOTICE**

Notice is hereby given in terms of Section 13 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, read with Section 156 and 162 of the Constitution of the Republic of South Africa Act, 108 of 1996, as amended, that the eMalahleni Local Municipality resolved to adopt the following Municipal Management and Control of Informal Settlement By-laws.

1. DEFINITIONS

In these by-laws, unless the context otherwise indicates-

"authorized informal settlement" means any informal settlement which is recognized by the Municipality as an authorized informal settlement and which is regarded as a transit camp to house landless people who will be ultimately relocated to a formally established township;

"consent" means the express or implied permission/ approval of the owner or person in charge to the occupation of land by resident of a shack irrespective of whether such permission/ approval was given in writing or otherwise;

"court" means any division of the High Court or the Magistrate's Court in whose area of jurisdiction the land is situated;

"eviction" means the permanent removal, in accordance with the provision of a court order, of a person and his or her property from occupation of a shack or the land on which the shack is constructed, and includes a demolition and removal from the land of any building materials used to construct the shack, and "evict" has a corresponding meaning;

"head of the household" means-

- a) The father in a household, where the father and mother of the household are legally married;
- b) The single parent, where the household has only one parent with dependants living permanently with him or her in the household; and
- c) Any person in the household who has legal capacity to act and is recognized by the majority of the other persons in the household as the person responsible for the maintenance of the welfare and discipline within the household;

“informal settlement” means one shack or more constructed on land with or irrespective of whether such land belongs to the National Government, the Provincial government, the Municipality or a private individual, company or other legal entity;

“land invasion” means the illegal occupation of land or any settlement or occupation of people on land without the express or tacit consent of the owner of the land or the person in charge of the land, or without any other right to settle on or occupy such land;

“Land Invasion Reaction Unit” means a group of officers or workers consisting of any combination of one or more of the following components:

- a) Members of the South African Police Services;
- b) Members of the staff of the bailiff, sheriff or messenger of the court with jurisdiction in the area;
- c) Members of a private security company contractually engaged by the Municipality to perform certain duties on its behalf; and
- d) Any combination of employees of the Municipality,
Which group is designated by the Municipality to assist the Senior Manager: Housing in the execution of his/her duties and to execute any eviction order contemplated by Section 4 to terminate only unauthorized informal settlement;

“Municipal Manager or his/her representative” means the official assigned in terms of Section 2;

“Municipality” means the eMalahleni Local Municipality established in terms of Section 12 of the Municipal Structure Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorized agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“owner” means the registered owner of land, irrespective of whether such owner is the National Government, the Provincial Government, the Municipal or Private individual, company or other legal entity;

“person in charge” in relation to land, means a person who has the legal authority to give permission to other person to enter or reside on that land;

“shack” means any temporary shelter, building, hut, tent, dwelling or similar structure which does not comply with the provisions of the National Building Regulations and building Standards Act, 1977 (Act 103 of 1977) and the Regulations promulgated under that Act and which is primarily used for residential purposes; and

“unauthorized informal settlement” means any settlement which is not recognized by the Municipality as an authorized informal settlement which will be demolished and removed in terms of these by-laws.

2. ASSIGNING OFFICIALS TO PERFORM FUNCTIONS RELATING TO INFORMAL SETTLEMENT

The municipality may assign one of its officials from Housing Division to manage and control all the informal settlements in accordance with the provision of these by-laws, as executed by the Municipal Manager or his representative.

3. DUTIES IN RESPECT OF INFORMAL SETTLEMENTS

The Municipal Manager or his/her representative must-

- 1) Conduct regular survey to determine the location, origin and extent of and the conditions prevailing in each informal settlement,
- 2) Monitor and control all informal settlements and take the necessary steps to prevent land invasion within the area of jurisdiction of the Municipality.
- 3) Undertake and promote liaison and communication with local communities with a view to obtaining their understanding and cooperation regarding the prevention of land invasion in the area of jurisdiction of the municipality;
- 4) Keep a register of all the residents who are entitled to reside in each authorized informal settlement, and in such register the following details must be entered in respect of each shack in each authorized informal settlement;
 - a) The number allocated to the stand or site on which the shack is constructed;
 - b) The names, and identity number of the head of the household who is entitled to occupy the shack;
 - c) The names, identity numbers and relationships to the head of the household of each and every other person occupying the shack as a member of the household;
 - d) The reference number of the municipal file that contains a copy of the contractual agreement in respect of the shack;
 - e) The number of the shack's rental account;
 - f) The number of the shack's municipal services account;
 - g) The previous address of the household that is entitled to occupy the shack; and

- h) The names, address and telephone numbers, if any, of at least two family members of the head of household who do not live at the same address as the household that is entitled to occupy the shack;
- 5) Ensure that all residents living in an authorized informal settlement are registered in the Municipality's Housing Demand Data Base;
- 6) Submit written report on the control and management of any informal settlement, or the conditions prevailing in the informal settlement, if and when required to do so by the Council;
- 7) For the purpose of informing residents of informal settlement and all other persons visiting informal settlements, ensure that-
 - a) The contents of these by-laws are communicated to all residents of every informal settlement; and
 - b) A copy of these by-laws is posted and maintained in every informal settlement in a prominent place at the venue where the residents' committee contemplated in section 6 usually holds its meeting;
- 8) Allocated to each site or stand in an authorized informal settlement an individual number as the temporary address of the site or stand and must ensure that such number is legibly painted or inscribed in a prominent place on the site or stand;
- 9) Perform any other duty or function which may be necessary to ensure the proper management and control of an informal settlement.

4. INCIDENTS OF LAND INVASION

- 1) The Municipal Manager or his/her representative must, within a period of 24 hours after he or she becomes aware of an incident of land invasion or the existence of a newly established informal settlement, irrespective of whether such informal settlement was established as a consequence of an incident of land invasion or not-
 - a) Make a determination of the status of the informal settlement as an authorized or an unauthorized informal settlement; and
 - b) Inform the residents of the informal settlement of the status of the informal settlement in accordance with Section 5 or Section 7, whichever is applicable in the circumstances.

- 2) In the event of the status of an informal settlement contemplated in subsection (1) being determined as an authorized informal settlement, the Municipal Manager or his/her representative must deal with the matter in accordance with the provisions of Section 5.
- 3) In the event of the status of an unauthorized informal settlement, the Municipal Manager or his/her representative must deal with the matter in accordance with provisions of Section 7.

5. PROCEDURES RELATING TO THE MANAGEMENT AND CONTROL OF AUTHORIZED INFORMAL SETTLEMENT

- 1) As soon as a determination of the status of an authorized informal settlement has been made and within the period contemplated in Section 4 (1), the Municipal Manager or his/her representative must, personally or through any other Council official designated by the Municipal Manager to assist him or her for that purpose and or elected representative of the Council, visit the informal settlement and notify the residents of the status of the authorized informal settlement in the manner contemplated in Section 6(2) or by means of a letter delivered in the circumstances.
- 2) The Municipal Manager or his/her representative must compile a comprehensive register of all the residents who are entitled to reside in the authorized informal settlement contemplated in subsection (1), and the following details must be entered in respect of each shack in the authorized informal settlement.
 - a) The number allocated to the stand or site on which the shack is constructed;
 - b) The names, and identity number of the head of the household who is entitled to occupy the shack;
 - c) The names, identity numbers and relationships to the head of the household of each and every other person occupying the shack as a member of the household;
 - d) The reference number of the file of the Municipal Manager or his representative that contains a copy of the contractual agreement in respect of the shack;
 - e) The number of the shack's rental account;
 - f) The number of the shack's municipal services account;
 - g) The previous address of the household that is entitled to occupy the shack; and

- h) The names, address and telephone numbers, if any, of at least two family members of the head of the household that is entitled to occupy the shack.
- 3) The Municipal Manager or his/her representative must ensure that the names, addresses and other relevant details of all residents living in an authorized informal settlement contemplated in subsection (1) are registered in the Municipality's Housing Demand Data Base.
- 4) The Municipal Manager or his representative must allocate to each site or stand in an authorized informal settlement contemplated in subsection (1) a unique number as the temporary address of the site or stand and must ensure that the number is legible painted or inscribed in a prominent place on the site or stand.
- 5) The Municipal Manager or his/her representative must ensure that no new unauthorized shacks are constructed in the authorized informal settlement contemplated in subsection (1) and that no new unauthorized residents take up residence in the authorized informal settlement by implementing appropriate measure to manage monitor and control the occupancy of residents in the authorized informal settlement in general.
- 6) Any unauthorized occupancy in an authorized informal settlement contemplated in subsection (1) must be dealt with in accordance with the provisions of Section 7.
- 7) In respect of an authorized informal settlement contemplated in subsection (1), the Municipal Manager or his representative must ensure that-
 - a) The Municipality's Finance Department institutes, operates and maintains an appropriate account for services rendered by the Municipality to each registered shack in the authorized informal settlement and for any charges levied for the right of occupation of particular site or stand in the authorised informal settlement; and
 - b) Such an account is supplied to the head of the household of each registered shack in the authorized informal settlement.

6. WARD COMMITTEES

- 1) The Ward Committee and the Manager or his representative, must meet on a regular monthly basis, and at such meetings the Municipality must consult the resident's committee on all matters relating to the **authorized informal settlement and communicate matters of general concern to the residents of an informal settlement on a collective basis.**

- After such meetings, it is the sole responsibility of the Ward Committee to inform the individual residents of matters discussed at the meetings.
- 2) Specified meetings of residents may be convened from time to time by the Ward Committee to communicate with and inform the individual residents of matters relating to the authorized informal settlement.
 - 3) The Ward Committee must give notice of a meeting of the residents of the authorized informal settlement by placing the notice prominently at a venue whose location has been determined by the Ward Committee and communicated to the residents at an official meeting of the residents.

7. PROCEDURES RELATING TO THE TERMINATION OF UNAUTHORIZED INFORMAL SETTLEMENT

- 1) As soon as a determination of the status of an unauthorized informal settlement has been made and within the period contemplated in Section 4(1), the Municipal Manager or his/her representative must, personally or through any official designated:
 - a) Inform residents of a shack in the unauthorized informal settlement that their occupation of the shack and the site or stand on which it is situated is illegal; and
 - b) Request the Municipal Manager to assist him or her for that purpose, visit the informal settlement and notify the residents of the status of the unauthorized settlement by means of a written notice hand-delivered to each shack in the informal settlement.
- 2) The written notice contemplated in subsection (1) must instruct the residents to vacate the shack and remove any building materials and other personal property from the unauthorized informal settlement within a period of 24 hours after receipt of the written notice.
- 3) If the residents notified in terms of subsection (1) cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorized informal settlement, the Municipal Manager or his/her representative must take such steps as he or she may deem appropriate to prevent a recurrence of any incident of land invasion or illegal land occupation on that site, stand or unauthorized informal settlement and must regularly monitor the situation to ensure the non-recurrence of such land invasion or illegal land occupation.
- 4) If the residents notified in terms of subsection (1) fail to cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorized informal settlement, the Municipal Manager or his/her representative must

immediately institute the necessary legal procedures to obtain an eviction order contemplated in subsection (5).

- 5) Within a period of 24 hours after the expiry of the period stipulated in the written notice contemplated in subsection (1), the Municipal Manager or his/her representative must lodge an application in a competent court to obtain an Eviction Order contemplated in Section 4,5 or 6 of the prevention of illegal Evection from and Unlawful Occupation of Land Act, 1998 (Act 19 of 1998), against any person or persons jointly or severally, occupying or residing in a shack or on a site or stand in the unauthorized informal settlement.
- 6) The Municipal Manager or his/her representative must, within a period of 24 hours after obtaining the eviction order referred to in subsection (5), deploy the Land Invasion Reaction Unit to execute the eviction order and to terminate the unauthorized informal settlement.
- 7) Any cost incurred by the Municipal Manager or his representative for the purposes of executing the provision of these by-laws be borne by the municipality in accordance with its approved budget.

8. DISPOSAL OF BUILDING MATERIALS AND PERSONAL PROPERTY

- 1) In the execution of the provisions of Section 7(6), any building materials and other personal property belonging to a resident or occupier of a shack in an unauthorized informal settlement must be removed and stored in a safe place by the Municipal Manager or his/her representative.
- 2) If the building materials and other personal property contemplated in subsection (1) are not claimed by their owner within a period of three months after the date of the removal and storage, the building materials and personal property must be sold to the best advantage by the Municipal Manager or his/her representative or a person designated by the Municipal Manager who must after deducting the amount of any charges due or any expenses incurred, deposit the net proceeds into the Municipality's Revenue Account, provided that-
 - a) Subject to the laws governing the administration and distribution of estate, nothing in this subsection contained may deprive the heir of any deceased person of his or her right to the balance of the proceeds of the property; and
 - b) Any building materials or other personal property which is, in the opinion of the Municipal Manager or his/her representatives, valueless and unable to realize any meaningful amount may be

destroyed, abandoned, dumped or otherwise disposed of by the Municipal Manager or his/her representative.

- 3) The Municipal Manager or his/her representative must compile and maintain a register in which is recorded and appears-
 - a) Particulars of all buildings material or other personal property removed and stored in terms of these by-laws;
 - b) The date of the removal and storage of building materials or other personal property in terms of subsection (1) and the name and site or stand number of the owner of the building materials or personal property; and
 - c) the signature or right thumb print of the person who is claiming ownership and to whom delivery of building materials or other personal property has been made; or
 - ii. full details of the amount realized on the sale of the building materials or other personal property in terms of subsection (2) and the date of the sale; and
 - iii. if building materials or other personal property has been destroyed, abandoned, dumped or otherwise disposed of in terms of subsection (2) a certificate by the Municipal Manager or his/her representative to the effect that the building materials or personal property was valueless.
- 4) Neither the Municipality nor any of its officials acting within the reasonable scope of their authority are liable for any loss of or damage to property or injury to any resident or occupier of a shack in an unauthorized informal settlement or any other person for any reason whatsoever.

9. PROHIBITION OF RECEIPT OR SOLICITATION OF CONSIDERATION IN RESPECT OF UNLAWFUL OCCUPATION OF LAND

- 1) No person may directly or indirectly receive or solicit payment of any money or other consideration as a fee or charge for arranging or organizing or permitting a person to occupy land without the consent of the owner or person in charge of that land.
- 2) Any person who contravenes the provisions of subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding R5 000.00 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.
- 3) The court that convicts any person of a contravention of this section must **order any money or other consideration which was received by that person**

and which has been seized to be forfeited, and the money and the proceeds of the consideration was received, and where such person or persons cannot be positively identified, such money or proceeds of the consideration must be paid into the Municipality's Revenue Account.

- 4) If any money or other consideration has been received in contravention of subsection (1), but has not been seized or made available for purposes of confiscation, the court that convicts a person of a contravention of this section may order the amount proved to the satisfaction of the court to have been received by such person to be paid to the person or persons from whom the money or consideration was received, and where such person or persons cannot be positively identified, the money or proceeds of the consideration must be paid into the Municipality's Revenue Account. Such order has the effect of a civil judgement and may be executed against such person who received or consideration as if it were a civil judgement in favour of the person or persons from whom the money or other consideration was received or in favour of the Municipality.

10. APPLICATION OF BY-LAWS

This by-law applies to all informal settlement within the area of jurisdiction of the Emalahleni Local Municipality.

11. DATE OF COMMENCEMENT

This by-law will take effect on the day of publication.

12. SHORT TITLE

This By-law shall be called the Municipal Management and Control of Informal Settlements By-law.

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