



Weekly Newsletter

Friday, 4 May 2012



INFORMATION AND PROCEDURE WITH REGARD TO NOISE NUISANCE COMPLAINTS

Information with regard to noise that **cannot be measured** in accordance with the stipulations of SANS 10103 ("The measurement and rating of environmental noise with respect to annoyance") and are therefore then addressed in terms of Regulation 9 of the Noise Control Regulation of Gauteng 1999

Regulation 9 of the Noise Control Regulations of Gauteng 1999 (Provincial Gazette, Extraordinary no 75 of August 1999) defines a noise nuisance as **any sound which disturbs or impairs or may disturb or impair the convenience or peace of any person.**

The person, whose convenience or peace is disturbed or impaired by any noise, is therefore entitled to lodge a complaint with this Department.

The official of the Department investigating the complaint does not evaluate the noise or take sound level measurements (Objective Assessment) in the case of noise nuisances (sound that cannot be measured in accordance with the stipulations of SANS 10103 and SANS 10328) but issue a statutory notice on the person causing the noise nuisance, or allow it to be caused, on strength of the information provided by the complainant/s, in his/her official complaint supported by sworn statements, only. (Subjective Assessment)

The complainant/s will be notified in writing that a notice had been served and the complainant shall diarise and keep evidence, if and when the noise nuisance reoccurs.

If the person on whom the Statutory Notice has been served, does not comply with the instructions set out in the notice and the noise nuisance continues, the investigating official must take the matter

up with the Control State Prosecutor in order for a J175 (Notice to Appear in Court) to be issued. The only information the Control State Prosecutor will have to evaluate whether the State will be able to successfully bring the matter to it's conclusion in Court, will be the statement of the Complainant that initiated the matter and support statements of subsequent reoccurrences after the Statutory Notice had been served.

Although the Statutory Notice served on the person causing the noise nuisance or allowing it to be caused, is strongly worded and have, in most cases, the desired effect to resolve the matter, it remains the first step in instituting legal action. The complainant must therefore be prepared, once the process is set in motion by the issuing of the Statutory Notice, to avail him/herself as State Witness as he/she will be subpoenaed as such. In fact the complainant will be the only person that can prove the case in front of the magistrate. The investigating official handling (investigating) the complaint will be only part of the system to bring the parties, complainant and accused, in front of the Magistrate. (Subjective assessment) The Magistrate, as presiding officer, will assess whether the sound emanating from the alleged transgressor's premises constitutes a noise nuisance or not, on strength of evidence presented to him during the hearing. The case of the complainant presented by the State by the Prosecutor, using the information from the statement of the complainant, and the counter arguments of the accused represented by his/her legal counsel will therefore apply.

Seeing that the Court Roll is congested, the Control State Prosecutor is obliged to only issue J175 Notices to Appear in Court and place cases on the Court Roll that have a reasonable chance for successful prosecution.

Audio visual material (videos) will be accepted as court evidence if it can be authenticated and submitted with the initial statement, as well as with the statements of recurrences of the Noise Nuisance after the Statutory Notice was served. This will

greatly enhance the case and in some cases the Control State Prosecutor will insist on it, as in cases of dogs barking, prior to issuing J175 Notices to Appear in Court.

It must be emphasised that if, for some reason or another, the case is lost in Court and the accused is acquitted, he/she will assume that he/she was in the right and can continue causing the noise nuisance, which will not necessarily be the case, but it will be extremely difficult to bring the same matter to court again.

Note that transgressions of the stipulations of this legislation is a criminal offence and the accused can be fined up to R20 000 or imprisoned for up to 2 years, or both, if found guilty or admit guilt and will then have a criminal record.

It is therefore critical for the complainant to keep all the above in mind prior the lodging of a complaint and in compiling his/her statement. The investigating official and the State Prosecutor will assist during the Court proceedings, but to have the matter placed on the Court Roll, bring it to a successful conclusion in Court, have the accused found guilty, sentenced and resolve the noise nuisance in this manner, are largely dependent on the complainant him/herself.

Therefore, if a person wishes to lodge a complaint with this Department with regard to a noise nuisance, it should be in writing and preferably in the form of a statement which must include:

1. Complainants full names and surname.
2. ID number
3. Physical address
4. The exact nature and extent of the complaint with times and dates
5. How the noise negatively impacts on his/her convenience and/or peace
6. The exact physical address of the property from where the noise originates from
7. The contact details of the person causing the noise nuisance or allow it

Important Numbers

Important Numbers



SAPS
SAPS Sector 1 Vehicles -

Sector 1 Commander:
Glen Austin, President Park

JMPD
Flying Squad
Fire and Ambulance
JMPD Call Centre
Midrand JMPD Station

JMPD AARTO
Email: info@jmpdaarto.org.za
Fraud Unit
Crime Intelligence Unit

Family Violence, Child
Protection and Sexual
Offence Unit

Serious and Violent
Crime (Murder and Robbery)

Report unfair conduct by
Police

Numbers
071 675 6108
071 675 6109
079 877 6528

Numbers
10111
10177
(011) 378 5918
(011) 237 5030
(011) 237 5004
(011) 314 2720
(011) 838-5401/5

(011) 932 0040
(011) 986 9498

(011) 982 7774

(011) 986 9000

(012) 320 0431

By-Law Unit
All By-Law related
Complaints

Hawkers & Street Trading

Urban Management

Waste Management

Illegal Signage

Parks Control

Illegal Connections

Numbers

(011) 490 1630
(011) 490 1860
(011) 490 1707
082 559 3855
082 551 5374
(011) 490 1744
(011) 490 1777
082 779 1361
(011) 490 1696/
(011) 490 1509
082 417 5701
(011) 490 1547
(011) 490 1780
082 771 1326
(011) 490 1684
083 399 2835
072-685-8720
(011) 472 6539
082 803 1158
(011) 490 1777
072 156 4783



- Continue from Page 1

to be caused if possible. (This assists to expedite matters)

8. History of the noise nuisance as well as evidence of efforts to resolve the matter prior to lodging the complaint with the Council.

Bringing the matter to Court must be the last resort.

9. As much evidence and collaboration of other affected parties, if any.
10. The complainant must sign and affirm the statement in front of an authorized person, whom must certify that the deponent acknowledges the content of the statement to be accurate and the truth and considers the prescribed oath or affirmation binding to his/her conscience.

Danie Geldenhuis
Environmental Health (Pollution Control)
City of Johannesburg (Region A)
Telephone: (011) 805 7649
Facsimile: (011) 237 1716
Cell: 083 467 6627
E-mail: danieg@joburg.org.za

REMINDER OF BLOCK 4 AND 6 MEETING ON 5TH MAY 2012 AT 1400 HOURS

This is the first public meeting regarding the Gated Community for Block 4 and 6. The small committee are dedicated and need your support. Cresset House at 1400 hours – 141 Hampton Road, Glen Austin.

DAY MOTHER

We have been contacted regarding the services of a Day Mother (not Creche) for a 5 month old. Does anyone in Glen Austin provide such a service?

VISIT TO THE MOSQUE – 22ND MAY

Etiquet states that with women dress code - trousers/long skirts and a top covering arms to the wrist and a scarf for the head. No bright colours or T shirts with words on. No perfume.
Men – long trousers and plainish shirts. Please ensure the wife does not see any holes in the socks as shoes have to be removed!



LONG WEEKEND

So, what did you do with yourselves?

'Him' and I went to Sammy Marks Museum just outside Pretoria. We had to fumigate the old thatch, which means we have to seal the house for 8 hours and go somewhere for the day, and it would have been the last time we would go that way on the highway due to the tolls. That went by the way as we all know, until further notice. Power to the People!

There is a tour of the house in English or Afrikaans for R25 each, with concessions for pensioners. You can walk around the gardens and then take a very nice afternoon tea in the Bertha Marks Rose Garden. They do a selection of salads and gorgeous home made lemonade with mint and ice and deserts to die for, all at reasonable prices, or you can just have a pot of tea or coffee. A lovely setting for a day out.

It is the story of rags to riches for a Lithuanian Jew who saw opportunities to provide services to people from stainless

steel knives to sell when he arrived in South Africa when he was 24, to establishing companies supplying bricks, tiles, brandy, whiskey, gin, glass and a bank.

He was a great friend of Kruger, but remained neutral during the Boar War.

There is only one book written about Sammy Marks and if you can get hold of it, it is worth reading.

On the highway you can also see the sign for the Pioneer Museum and of course Jan Smuts House at Irene. Again, both worth a visit.

FOUR LEGGED VISITORS

Wednesdays I have a gardener and opening the gate for him at 0800, I received two other visitors, a small pony and a donkey. It seems Block 5 is having its fair share of wondering horses. Luckily I knew the owner and gave her a ring. They safely went home but there was me waving motorists down who were well over the speed limit on Donovan, so that they were not frightened walking back to their paddock.



WEBSITE

The website has been revamped and we request that all members reregister so you can log onto the section of the site not available to the general public. Please give us feedback what you think about it.



FOR ART LOVERS – MANOR GALLERY GRAND PRIX EXHIBITION – NORSCOT MANOR, SATURDAY 5TH MAY 10.30 AM – FOUR WAYS

This Grand Prix Exhibition is only held every 4 years. Manor Gallery is in Norscot Manor, Fourways, in Penguin Drive, which is off William Nicol – take Lesley Road West and then left into Penguin Road. 10.30am to 2pm. Snacks will be served. A

must for all art lovers. Norscot Manor is host to the Watercolour Society and Art Society of Africa and there are many exhibitions throughout the year but this is a big one. Tel. 011 465 7934 or email gallery@wsa.org.za

Q UAD BIKES ON PUBLIC ROADS

GARA received a report of a nasty accident last Saturday night on Rosies Place Street between a quad bike and a vehicle. It must have been serious as an ambulance and fire engine was present. The driver of the quad bike was receiving attention from the paramedics and we understand that he sustained a broken leg and is now recovering. He was wearing a helmet.



It has been noticed that quad bikes seem to be on the increase on the roads within Glen Austin. According to the website 'Arrive Alive', quad bikes are not allowed on public roads. Two were seen this week riding side by side on Donovan Road with an adult driving and small children on the back. None of the riders or passengers were wearing helmets.

To those people we ask "Are your children precious to you?" It only takes one of the speeding motorists in the area to lose control avoiding an animal or a dog to run out of a driveway. **You swerve** **the rest will be history.**

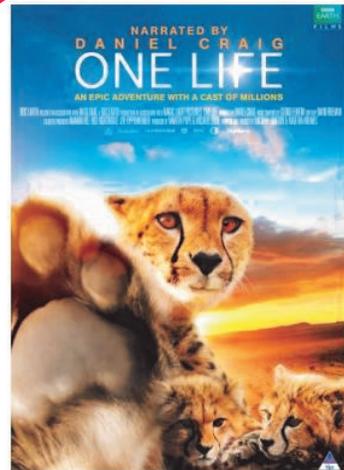
GOODBYE TO SASHA

I have mentioned in previous Newsletters the antics of my dog Sasha (SPCA Special) especially with moles in the garden - nose into the mole hole, down on her front elbows with her bum up in the air and tail wagging furiously.

Sad to say Sasha although only 5 years old was diagnosed with Cancer 7 weeks ago and on Wednesday, it was obvious that it was time to say goodbye before she began to suffer. She was put to sleep in a very dignified way and now Sasha is buried in our garden under the trees.

Well, there are a few things to keep you quiet this weekend and.....

Remember: A weed is a plant that has mastered every survival skill except for learning how to grow in rows.



BBC Earth Films in association with Magic Light Pictures present an extraordinary film - **ONE LIFE** - about the greatest force on Earth. In celebrating life's challenges, triumphs and beauty, **ONE LIFE** reveals how we are all connected; reminding us we all share one planet, one future.

ONE LIFE!
This film is suitable for children



The **Glen Austin Conservancy Committee** invites you and your friends to the screening of the film **"One Life"** at the **Rosebank Cinema Nouveau** on **Saturday 12 May at 8PM**. The screening of the film will be preceded by a superb **Cheese and Wine** tasting starting at 6:30PM. Tickets including the Cheese and Wine are **R70 per seat**. All proceeds will go towards supporting your Glen Austin Conservancy projects. To book your tickets contact or sms either:
Rob 082 459 4902 / Trevor 082 880 9477
Elisabeth 082 253 3960 / Linda 082 851 5920
Angie 074 204 8588 or Shirley 082 804 5348
Seats are limited to 133 so please do book early!

Information provided by:
Christine Robinson, GARA Secretary



Glen Austin Residents Association

Tel: 071 054 6362 – Monday to Friday Office Hours
Fax: +27 (0)86 540 5923
eMail: info@glenaustrin.co.za
URL: www.glenaustrin.co.za